

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

**January 7, 1998**

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson and Commissioner Kent Petersen, County Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 9:00 a.m.

(1)

MIKE MCCANDLESS, EMERY TELEPHONE, INTRODUCTION OF NEW PROGRAM FOR INVOLVEMENT IN COMMUNITY ISSUES.

Mike McCandless, Emery Telephone, gave an overview of their new community involvement program. As a member owned organization within the county they have come to an awareness of how important their involvement can be in the community. They have made some positive impacts in the last couple of years and would like to find some ways to distribute those impacts more effectively. They would like to start out by becoming more involved in issues such as community/county issues. They will have a representative at commission meeting as well as other organizations meetings throughout the county. They want to find out if there are other ways they can be of more assistance. Emery Telephone Board of Directors feels this is a first step to becoming a positive influence in the county. Commission Chairman Randy Johnson suggested reporting on a quarterly basis. Pacificorp, Forest Service, DWR and other agencies report every quarter and Emery Telephone is welcome to do the same. Mr. McCandless expressed his appreciation to the commission and thanked them for the invitation to report quarterly. He will report back in next Commission meeting on Emery Telephone's response to the quarterly report.

(2)

REQUEST FOR DONATION TO GREEN RIVER HIGH STUDENT PARTICIPATING IN THE CLOSE-UP PROGRAM.

Commission Chairman Randy Johnson explained that the Close-up Program is a program for taking seniors to Washington D.C. for an educational experience on how government works.

Green River has been utilizing this program for several years. In the past they approached the Emery County School Board for a donation. The school board has changed their policy to exclude small donations on a request basis. Emery County gave a donation to this program last year. Commissioner Bevan Wilson made a motion to donate \$250.00 to the Close-up Program. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

REQUEST FOR DONATION TO MISS PANORAMALAND PAGEANT.

Sabrina Ungerman and Loretta Beagley are Directors of the Miss Panoramaland Scholarship Pageant. This pageant is a franchise of the Miss America Organization. It covers eight counties in the south central region of the state. Emery County will be hosting the pageant this year. They hope, with the proper funding to hold it at the high school. If not Huntington Elementary has donated the use of their facility. As an open pageant they have no main source of income. They are here to ask for a donation to help finance this pageant. Emery County has five young ladies trying out in this pageant, with many others from the other counties. In order to maintain the Miss America franchise the pageant must be held before February 1. The date for the Miss Panoramaland Scholarship Pageant is January 31, 1998. They are hoping to get to each of the counties involved to ask for some kind of a donation. Commissioner Johnson commented that he has worked with young ladies at these pageants and has seen the growth and benefit to the young ladies as a result of these types of pageants. Commissioner Johnson supports some form of donation to this cause. Commissioner Kent Petersen made a motion to donate \$200.00 to the Miss Panoramaland Scholarship Pageant. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

REQUEST FOR DONATION TO WESTERN RURAL COUNTY POLICY INSTITUTE.

Commissioner Bevan Wilson made a motion to donate \$250.00 to Western Rural County Policy Institute. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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(5)

CITIZENS CONCERNS

There were no citizens concerns at this time.

(6)

CONSIDERATION AND APPROVAL OF NECESSARY ACTION TO ESTABLISH  
ESCROW ACCOUNT FOR LANDFILL ASSURANCE TRUST FUND.

In 1994 Resolution 10-05-94C established a Financial Assurance Trust Fund in the amount of \$133,000.00 to fulfill requirements for eventual closure of the Emery County Landfill. The Board of Commissioners has determined that establishing an escrow agreement and fund is a more efficient and practical method for fulfilling the requirements as established by the Utah Division of Solid & Hazardous Waste. It was determined that an escrow account in the amount of \$146,000.00 with additional annual payments of \$10,500.00 for a period of five years beginning January 1998 will fulfill the required financial assurance. It is necessary to sign Resolution 01-07-98 to close the Financial Assurance Trust Fund created by Resolution 10-05-94C and transfer \$146,000.00 from the Emery County General Fund to an Escrow account to fulfill Emery County's Financial obligation for closure of the Emery County Landfill. The annual payment of \$10,500.00 is a budgeted amount and will be addressed each year until fulfilled. County Attorney David Blackwell has looked over the document and recommended signing the resolution. Commissioner Bevan Wilson made a motion to sign Resolution 01-07-98 closing out the Financial Assurance Trust Fund, establishing an escrow account and to authorize the annual payment to the escrow account. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

DISCUSSION AND APPROVAL OF COMMISSIONER RESPONSIBILITIES AND 1998  
CHAIRMAN.

Commissioner Kent Petersen made a motion to carry on with the same responsibilities and chairman as in 1997. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

**1998  
COMMISSIONER RESPONSIBILITIES**

Bevan K. Wilson

Airport  
Assessor  
Attorney  
BLM  
COG  
Carbon/Emery  
Conservation LWG  
Extension  
GR County Complex  
GR Medical Center  
JTPA  
Landfill  
Planning/Zoning  
R.S.V.P.  
Road Department  
Senior Citizens  
Travel Councils  
Weed/Mosquito

Animal Control  
Ambulance  
Chamber of Commerce  
Civil Defense  
Clerk/Auditor  
Fair  
Fire Control  
Fire District  
Justice Court  
Library  
Mental Health  
Public Health  
Personnel  
Sheriff  
TV/Communication  
USFS

Courthouse  
Data Processing  
DWR  
Economic Development  
GIS  
Housing Authority  
Workforce Service  
Museum/History  
Nursing Home  
Public Lands  
RC&D  
Recreation District  
Recorder  
Treasurer

Kent R. Petersen

Randy G. Johnson  
Chairman

AOG  
Canyon Country Part.

(8)

DISCUSSION OF 1998 COMMISSION MEETING AND HOLIDAY SCHEDULE.

Commissioner Kent Petersen made a request to change Commission Meeting days to Mondays due to the demands on their schedules during the week. Layne Miller, Emery County Progress, expressed that it would not be a good day for the paper. Bruce Funk expressed his concerns for his office in preparing the claims for the check edit list. After some discussion the request was withdrawn. There was some discussion on having the day after Thanksgiving as a holiday. The Board of Commissioners is willing to look at this possibility maybe as a trade for another holiday (possibly Columbus Day) or an extra holiday. This item of discussion will be on the agenda for next week to allow for time to look at the cost effectiveness of this proposed action.

(9)

ROAD DEPARTMENT/LANDFILL ITEMS

Road Supervisor, Rex Funk, requested approval to purchase two used semi-tractors. The money is in place for the purchase from Class B Roads. He suggested that this is the best time of the year for this kind of purchase as the selection is peaked in the winter. He also requested purchase of a loader for the landfill. Commissioner Bevan Wilson made a motion to approve the purchase of the two semi-tractors for Class B and the loader for landfill. The motion was seconded by Commissioner Kent Petersen and approved by all members present. Rex Funk indicated he may be using items from the Class B fleet for trade in on the purchase of the semi-tractors.

The Goblin Valley Project/Phase II site showing was January 6, 1998. It will go out for bid by SSD#1 around January 20, 1998. The project will be advertised and SSD#1 will be under permit with Emery County Road Department.

(10)

APPROVAL TO FILL FAIR BOARD DIRECTOR POSITION.

Commission Chairman Randy Johnson, after taking applications, requested approval to appoint Kathy Justice to fill the position of Fair Board Director. Mrs. Justice has been very successful in the last seventeen years as the Heritage Days Director. She is very excited to do this. According to the contract she will be paid in two phases. The contract will be renewed each year

pending approval from the Board of Commissioners. Commissioner Kent Petersen made a motion to approve Kathy Justice as Fair Board Director. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

UPDATE AND DISCUSSION OF HOUSING MANDATES APPROVED BY LEGISLATURE.

According to HB 295, counties and cities will be required to make a survey of their housing conditions and determine if the moderate income person (someone making eighty percent of the median gross income for the community) is able to find housing. One of the requirements is to see what the value of housing has done for your community in the last few years. The master plan will have to be updated by December 31, 1998 to include a statement on moderate income housing. The AOG staff will be assisting in this effort.

(12)

APPROVAL OF APPOINTMENTS TO PLANNING & ZONING BOARD.

Mack Huntington, Chairman of Planning & Zoning Commission, requested the reappointment of Doyle Jensen and Glenys Sitterud to their board as their term ends December 1997. This will be a four year term ending in 2001. Commissioner Bevan Wilson made a motion to approve the reappointment of Doyle Jensen and Glenys Sitterud for the four year term ending December 2001. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

DISCUSSION AND ADOPTION OF PROPOSED EMPLOYEE SALARY SCHEDULE

Pat Snowball, Personnel Director, suggested postponing this item until after the Compensation Committee meets. Commissioner Kent Petersen made a motion to table this item. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk, presented to the Board of Commissioners for their consideration and approval the Warrant Check Edit List #106723 through and including #106925 for payment. The following requisitions were presented for approval:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
1-98	Pentium 233 Computer Planning & Zoning	\$ 1,466.25	Approved
2-98	Pentium 233 Computer (2) Treasurer	2,932.50	Approved
2-98	Pentium 233 Computer Assessor	1,466.25	Approved
3-98	Pentium 233 Computer (2) Class B Roads	2,932.50	Approved
4-98	Pentium 233 Computer (3) H P Color Laser Printer Clerk/Auditor	4,398.75 450.00	Approved Approved

Commissioner Kent Petersen made a motion to approve the warrant check edit list and requisitions for payment. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

There was no personnel action taken at this time.

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(16)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to approve the minutes dated December 15, 1997 as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

COMMISSION REPORTS

**BEVAN WILSON**

Concerning the Planning & Zoning Ordinance Review, they are ready to submit Phase I of their revision plan. This will bring the ordinance into compliance with state statutes. The Public Hearing for this change will be set possibly during next Commission Meeting.

Senator Mike Dmitrich and Representative Brad King will hold their town community meeting Saturday, February, 7, 1998 at 10:00 a.m. in the courthouse. Watch the paper for more details.

**RANDY JOHNSON**

Commissioner Johnson read a letter from Kathy Petersen, Principal of Ferron Elementary, thanking the Board of Commissioners for their donation to help send representatives from their school to Washington D.C. for the National Blue Ribbon School Conference.

Commissioner Johnson reminded everyone that Congressman Hansen intends to introduce Emery County's Heritage NCA Plan in congress this session. It should be of interest to everybody to follow the course of that bill. We may have a bill passed in congress that relates strictly to Emery County and our San Rafael. He encouraged everyone to keep track of the progress of that bill.

(18)



EXECUTIVE SESSION TO DISCUSS PERSONNEL AND POSSIBLE LITIGATION.

Executive session was not necessary at this time.

(19)

OTHER BUSINESS

It was necessary to reorganize the Carpet Committee. The Committee consists of Leslie Bolinder, Dixie Swasey, JoAnn Behling and Randy Johnson. The original carpet sample chosen to replace the courthouse carpet is no longer available. Another choice will have to be made. There was discussion on whether to include the moving of the furniture as part of the bid or make that a separate bid. Bruce Funk will advise on the details of the bids from the first go round. The request for bids needs to go out as soon as possible.

(20)

ADJOURNMENT

Commissioner Kent Petersen made a motion to adjourn the meeting at 10:15 A.M. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

January 21, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson and Commissioner Kent Petersen, County Attorney David Blackwell and Deputy Clerk/Auditor, Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 4:00 p.m.

(1)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk, explained that his office is in the process of closing out 1997 and are not able to enter invoices for payment in 1998, therefore, a check edit list was not available for Commission consideration at this time. The following requisitions and dispositions were presented for consideration:

REQUISITIONS

<u>Requisition #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
5-98	Arcview Software/Assessor Sheriff/Misc. Depts (3)	\$ 2,625.00	Approved
6-98	Pentium 233 Computer Printer/ Weed & Mosq	1,992.25	Hold for now

DISPOSITIONS

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<u>Disposition</u>	<u>Description</u>	<u>Method of Disposition</u>	<u>Action</u>
230-5063	Washer, Crosley/Sheriff	Junked	Approved
143-4655	Calculator, Toshiba/Treasurer	Junked	Approved
143-3595	Calculator, Toshiba/Treasurer	Junked	Approved
143-3594	Calculator, Toshiba/Treasurer	Junked	Approved
410-4616	Calculator, Toshiba/Highway	Junked	Approved
141-5187	Computer, /Clerk/Auditor	Junked	Approved
N/A	Computer, /Treasurer	Junked	Approved
142-5412	Computer,/Clerk/Auditor	Junked	Approved
143-5357	Computer,/Treasurer	Transferred	Approved
142-6148	Computer,/Clerk/Auditor	Transferred	Approved
141-4980	Computer,/Clerk/Auditor	Transferred	Approved
141-6267	Computer,/Clerk/Auditor	Transfer/RSVP	Approved
142-5190	Computer,/Clerk/Auditor	Junked	Approved
142-5809	Monitor,/Clerk/Auditor	Junked	Approved
142-1268	Storage Unit,/Clerk	Transfer/Sheriff	Approved
142-1269	Storage Unit,/Clerk	Transfer/Sheriff	Approved
142-1247	File, 4drw,/Clerk	Transfer/Treasurer	Approved
142-1246	Cabinet, file 2drw/Clerk	Transfer/Treasurer	Approved

Senior Deputy Clerk/Auditor, Brenda Dugmore, requested approval of the adjustments made line item by line item, department to department to the 1997 budget.

Commissioner Kent Petersen made a motion to approved the requisition and dispositions as presented as well as the adjustments to the 1997 budget. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Assessor

Annette Allen has requested leave of absence without pay to begin February 16, 1998 and to end March 16, 1998.

Commissioner Bevan Wilson made a motion to approve leave of absence without pay for Annette Allen for the requested period of time. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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Road

Request is made to bring Duston Tucker back on a temporary nine-month assignment beginning February 2, 1998 through October 30, 1998, at a rate of \$10.06/hr.

Commissioner Bevan Wilson made a motion to approve the temporary nine-month assignment for Duston Tucker for the requested period of time. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

CONSIDERATION AND APPROVAL OF RESOLUTION 1-21-98A AMENDING THE PERSONNEL POLICY.

It is proposed to amend the personnel policy in the following manner:

A new employee will serve under a six-month orientation. During that time there will be no wage increases, sick and vacation leave will be accrued; sick leave will be available for use during the six-month orientation, but vacation leave will not be available for use during that time.

Commissioner Kent Petersen made a motion to approve Resolution 1-21-98A with further refinement. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

CITIZENS CONCERNS

Pam Hansen and Sharon Ward made a request on behalf of Cleveland Elementary. Their school is in the process of putting together their second annual arts fair and exhibit. It will be held on February 6 & 7, 1998. This is a celebration for an artist in residence who will be coming to the school from Kansas. He is a Native American. A group of Native American dancers from Provo will be there. Through this they hope to be able to expose the students to various cultures and art. Last year they had a Hispanic dancer and artist come into the school for two weeks. Cleveland Elementary wants to do this to improve the students learning through the arts. As the School District and the school is on a tight budget, Cleveland Elementary is seeking assistance. They have acquired a grant from the Utah Arts Council to help with the artist in residence which the school will need matching funds of \$702.00 plus the cost of the added artists from the surrounding areas. Last years arts fair was attended by approximately six hundred people. They charge a minimal amount for the events to cover the costs. Commission Chairman Randy Johnson suggested that since this is an annual event, the school should put in a request for the 1999 budget. Commissioner Bevan Wilson made a motion to contribute \$200.00 for the Cleveland Elementary School Arts Fair. The motion was seconded by Commissioner Kent

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Petersen and approved by all members present.

(4)

MILES MORETTI, DWR, QUARTERLY UPDATE AND PILT PAYMENT

Miles Moretti, Division of Wildlife Resources, presented to the Commission, a check for payment in lieu of taxes in the amount of \$2,751.31. DWR activity report included an update of conditions at Joe's Valley Reservoir concerning the increase in chubs. They are considering a regulation on the size of Splake left in the lake to allow them a chance to eat the chubs. The long term forecast is not good. He reported on the poaching incident involving several Emery High School students and former students. There were approximately eleven to as much as eighteen deer poached. This is not an isolated incident. It has happened before and in other areas. Nothing has happened yet other than the investigation is going forward. As the DWR has had many questions on where the \$5.00 Habitat Authorization fee goes, he explained that the money goes to different projects throughout the State and provided a calender which outlines these projects. Commissioner Wilson asked the process for soliciting funds for projects. Mr. Moretti explained that proposals should be submitted a month in advance and are based on percentage of licenses sold, i.e 60% of funded projects are aquatic projects because 60% of the licenses sold are fishing licenses.

(5)

CHARLIE JANKIEWICZ, FOREST SERVICE, QUARTERLY UPDATE

Charlie Jankiewicz, Forest Service, provided an update of ongoing activities. Many items are under proposal and analysis at this time. One project being proposed is the Bear Creek Stream Rehabilitation. Two mineral leases are going through the scoping process in the next thirty days. These are the Cottonwood and Pines tracts. Millcreek tract was appealed and withdrawn. The fee proposal demonstration was well attended and they received good input and will be coming back with an alternative proposal. The public meeting for presenting the alternative proposal is set for February 4, 1998 where they will address the issues of concern. Commissioner Petersen asked about the roadless areas in the forest that have been focused in the newspapers. "Roadless" will need to be defined. Much opposition is expected.

(6)

TOM RASMUSSEN, BLM, QUARTERLY UPDATE

Tom Rasmussen, BLM, provided an update of quarterly activities. Kate Kitchel has taken a position in Idaho. She will be the Lower Snake River District Manager. Dick Manus is filling in at the Moab office. Tom Rasmussen will be over lands, minerals and support services and Mark Bailey will manage the office as well as recreation, range, wildlife and hydrology. Regarding the OHV plan Representative Jim Hansen requested an extension until February 2<sup>nd</sup>. They received approximately 500 comments on the OHV proposal. Dick Manus is meeting with Congressman Canon regarding the OHV plan and other issues of this area. Tom Gnojck is writing an Environmental Analysis (EA) to cover the OHV plan to be completed by March 15, 1998. The Americorp Grant is up and running. They are in the process of setting up office in Cleveland. The River Gas Environmental Impact Study (EIS) to this date has had 48 Applications for Permit to Drill (APD's) submitted, none of which have been approved. There are still archeological problems surrounding those APDs. Raptors have become a problem also. Ferron Natural Gas EIS is being written now. Western Clay has met with South Eastern Utah Wilderness Alliance (SUWA) and reduced the size of operation. It has not been appealed. US Gypsum will have an EIS done as per request from Pat Shea. Regarding minerals, they received a proposal for 32 test pits(sand and gravel) at Bull Hollow. They anticipate archeological and paleontology problems. Regarding coal, they have begun a maximum economic study to look at the differences between long wall mining and continuous mining. Division of Oil, Gas & Minerals (DOG M), Forest Service and Bureau of Land Management (BLM) will have a Coal Industry Conference on March 19, 1998.

(7)

ROGER SCOVILL, QUESTAR GAS, INFORMATION REGARDING RE-ORFICING  
PROJECT IN EMERY COUNTY.

Commission Chairman Randy Johnson explained that the Commission has received a number of calls from the people in the community concerning a fairly drastic jump in their monthly gas bill in this last billing cycle. Commissioner Johnson called the Public Service Commission and was informed that Questar Gas was granted an increase to adjust for last years difference in rates and what they were granted to cover those rates. An increase of 20% and up to 35% for commercial was slowly going into effect over the last year. So at the request of the Emery County Commission, Questar Gas, formerly known as Mountain Fuel, is here to explain what they have been through, their connection with the new gas source and how that might impact the billing cycle as well as address the concerns of the citizens.

Addressing the Commission and public in attendance was Allen Allred, Questar Gas. Mr. Allred works in the regulation area and it is his job to look at the cost of gas and put into effect rates that will recover that cost. He explained that these jumps are statewide not just in this area. He gave an overview of the up and down gas prices in the field. He explained the process by which the rate is based. He also explained the need for the re-orficing project, the volume and quality of gas going through meters. Mr. Allred as well as other representatives from Questar Gas,

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made themselves available to address questions. Many of the questions were concerning furnaces not running efficiently, more volume of gas going through meters, but less heat coming out. There were questions concerning the local gas wells and how they impact the available gas in the fields. Many people reported increases of approximately 50% in their bill but their homes are colder because their furnaces weren't running efficiently. Many feel the BTU value of the gas has changed. Many saw an increase in their power bill because their furnace motors were turning on more. Mr. Allred and the other representatives answered the questions and addressed the comments. A suggestion was made to coordinate the gas bills and the power bills of individual homes to see if there has been a significant impact. Because of the time and continuing concern of this issue Commissioner Johnson asked if Questar Gas would mind continuing to address these concerns with the attending concerned citizens in the next room so Commission meeting could resume. Questar Gas was glad to do that and continued in the next room.

The Commission will continue to monitor and pursue this matter on behalf of the citizens. Questar Gas will report back on their findings.

(8)

VAL PAYNE, PUBLIC LANDS DIRECTOR, UPDATE ON PUBLIC LANDS ISSUES.

Val Payne, Public Lands Director, provided a report of activities for the quarter. With regard to the San Rafael Swell National Heritage Conservation Area Plan, they have presented that concept in eleven separate meetings from Ferron to Elmo in the past two weeks. It was received very favorably. He has accepted an invitation from Miles Moretti, DWR, to present the concept at their RAC meeting in Green River on February 3, 1998. Senator Dmitrich's resolution urging the creation of the San Rafael Swell National Heritage Conservation Area comes up in the Senate Energy and Natural Resources Agricultural Committee on January 22, 1998 at 8:00 A.M. Regarding the MOU between the County Commissioners and State Institutional Trust Lands Administration, they are working on the language and formalization of that draft.

(9)

CONSIDERATION OF 1998 HOLIDAY SCHEDULE CHANGE

Commissioner Kent Petersen made a motion to table this item of discussion. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

DISCUSSION AND APPROVAL OF SPONSORSHIP RENEWAL WITH CASTLELAND RC&D COUNCIL.

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Economic Development Director, Rosann Fillmore explained that Emery County has been a sponsor of CastleLand RC&D Council for five years and it is now time to renew that sponsorship. Commissioner Kent Petersen made a motion to approve the renewal of sponsorship of CastleLand RC&D Council and to pay the \$250.00 dues. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

APPROVAL OF APPOINTMENTS TO EMERY COUNTY TRAVEL BUREAU.

Economic Development Director, Rosann Fillmore requested this item be tabled until the next meeting. Commissioner Bevan Wilson made a motion to table this matter until the next meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(12)

CONSIDERATION AN APPROVAL OF AGREEMENTS PERTAINING TO CLEVELAND/LLOYD DINOSAUR QUARRY AMERICORPS PROJECT.

Rosann Fillmore, Economic Development Director, reviewed the agreements to be considered. The first one was for the Cleveland-Lloyd Dinosaur Quarry AmeriCorps project director, Karen B. Bedont. Commissioner Kent Petersen made a motion to approve the agreement pertaining to the director services for Karen B. Bedont. The motion was seconded by Commissioner Bevan Wilson and approved by all members present. The other agreement is between Emery County on behalf of Cleveland-Lloyd Dinosaur Quarry and CastleLand RC&D Council, Inc. in support of 1998 AmeriCorps Program. In going over the agreement, a rewording of paragraph 5 and 6 was requested. Commissioner Bevan Wilson made a motion to approve the agreement subject to the rewording of paragraph 5 and 6. The motion was seconded by Commissioner Kent Petersen and approved by all members present. AmeriCorps has requested the use a of a computer if possible. The Commission will check with Jim Fauver to see if any of the computers disposed of today will suit this purpose. Also part of the in-kind matching funds for this project included transportation. It was agreed to use the old Dodge Ram that was being used by Bryant Anderson for Planning & Zoning. Sheriff Guymon agreed to take the assignment of tracking the vehicles use.

(13)

CONSIDERATION AND APPROVAL OF OIL AND GAS LEASE AGREEMENT WITH TEXACO EXPLORATION AND PRODUCTION INC.



Texaco Exploration and Production Inc. would once again like to lease some land from Emery County for oil and gas. Emery County appears to own a 100% interest in the lands. Texaco is paying \$50.00 per Net Mineral Acre for a five year term, with 1/8 Royalty. They have struck the warranty clause as in the past leases with the County. A check for \$531.50 for the oil and gas lease was presented. County Attorney, David Blackwell, has conferred with Recorder, Dixie Swasey and confirmed that the properties are clear. Commissioner Kent Petersen made a motion to approve the oil and gas lease agreement with Texaco Exploration and Production Inc. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

SETTING OF PUBLIC HEARING DATE TO DISCUSS PROPOSED REVISIONS TO ARTICLES I, III, IV, AND V OF THE EMERY COUNTY ZONING ORDINANCE.

Mack Huntington proposed February 18, 1998 at 6:00 P.M. for a Public Hearing to consider proposed revisions I, III, IV and V of the Emery County Zoning Ordinance. Commissioner Kent Petersen made a motion to set a Public Hearing date for February 18, 1998 at 6:00 P.M. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

ROAD DEPARTMENT/LANDFILL ITEMS.

Rex Funk, Road Department/Landfill, has done some checking with other counties, on proposed charges at the landfill for demolition and construction waste for non-residential. The Emery County Municipal Landfill handles only residential waste and is not in the business of receiving commercial waste. He reviewed with the Commissioners these proposed rates. He recommends generating some kind of revenue by charging to receive rubble. Commissioner Wilson suggested Rex Funk put together a proposal for consideration. Concerning the DesBee Dove Crossover Road, DOGM wants an agreement in place by the 30<sup>th</sup> of January, 1998. Val Payne, Howard Tuttle and Rex Funk met with Energy West to go over the transfer agreement. The wording of some portions of the agreement are questionable. They will be reviewing the questions and the document wording some more. There is no problem with the draft just the language of the line regarding the permits. They will respond appropriately and get on with it.

(16)

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF EMERY COUNTY, UTAH TAX AND REVENUE ANTICIPATION NOTES, SERIES 1998B IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,600,000; AWARDED AND CONFIRMING

SALE OF THE NOTES, AND ENTERING INTO CERTAIN COVENANTS AND MAKING CERTAIN REPRESENTATIONS IN CONNECTION THEREWITH; APPROVING THE FORM OF THE NOTES; AND RELATED MATTERS.

Clerk/Auditor, Bruce Funk, explained the purpose of the issuance of tax anticipation notes. Prior to the collection of new 1998 taxes, we run short of working capital so we do a Tax Anticipation Note. We borrow money and reinvest it until the time it is needed. The amount of the note is \$1,600,000.00. The interest rate is 4.07%. Commissioner Kent Petersen made a motion to approve resolution 1-21-98A authorizing the issuance and sale of Emery County, Utah Tax and Revenue Anticipation Notes, series 1998B in the amount of \$1,600,000.00. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to approve the minutes dated January 7, 1998 with corrections. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The Clerk/Auditor's office has received word from Kelli Ann Kirk, Habitat for Humanity of Castle Country, requesting a correction of the minutes dated October 15, 1997, regarding the public hearing to receive public comment for projects (Habitat for Humanity of Castle Country) for which may be applied under the CDBG Small Cities Program for FY 1998-99. The minutes should have reflected that Ms. Kirk requested that the meeting be opened to receive suggestions for any other ways to utilize the housing set aside portion of a Community Development Block Grant other than a Habitat for Humanity Project. After checking the Clerk/Auditor's notes of the meeting's minutes it was determined that this addition to the minute entry was warranted. Commissioner Kent Petersen made a motion to amend the minutes dated October 15, 1997 to reflect the addition to the minute entry. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(18)

COMMISSION REPORTS

**RANDY JOHNSON**

10  
Commission Meeting  
January 21, 1998

Commissioner Johnson reminded everyone of the CPR Certification for Emery County Employees on January 26, 1998 at 10:00 A.M. and 2:00 P.M. in the Commission Chambers.

**KENT PETERSEN**

Commissioner Petersen reported on the meeting sponsored by the Public Lands Sub-Committee on Coalbed Methane Gas. The meeting was equally attended by State Trust Lands, BLM, and DOGM. In the old days the rules surrounding oil and gas were established by the State to make sure that all the resources were recovered and the State got their share. There has not been any rules to protect local citizens. The rules now aren't for our real benefit and don't deal with surface rights. In the meeting they discussed State Trust Land assets and how they have grown. It was a very good meeting and was well attended by Carbon and Emery County.

(20)  
ADJOURNMENT

Commissioner Kent Petersen made a motion to adjourn the meeting. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

February 4, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson and Commissioner Kent Petersen, County Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor, Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 9:00 A.M.

(1)  
MAX FENN AND MELVIN GILBERT, DISCUSSION OF COUNTY ROAD CONVEYANCE.

The plat description has a road easement going through the middle of the house. Commissioner Bevan Wilson made a motion to have this turned over to County Attorney, David Blackwell and have removed from the plat any easement that has not been in use as a roadway. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)  
MIKE TRUMAN, REQUEST DONATION FOR JUNIOR AMBASSADOR TO WINTER OLYMPICS.

Lori Ann Anderson came before the Commission to request financial assistance for her son Mike Truman. Mike was chosen as one of the top 28 out of 5000 applicants from an essay contest to become a Junior Ambassador for the Winter Olympics in Nagano, Japan. He will be in Japan from February 16, through February 26, 1998. The Junior Ambassadors for the Winter Olympics will have a tight schedule while in Japan. Activities will include a party with the sister city to the Salt Lake City, a home study day with a family in Japan, attending a church of their choice, attending school and touring Tokyo. The most eventful part of the trip will be attending the closing ceremony where the Olympic flag will be passed to Salt Lake City for the 2002 Winter Olympics. This is an honor for Mike to be chosen for this and he is very excited about going to Japan. The trip is funded by many sponsors. The family of the Junior Ambassador must fund approximately \$800.00 to \$1000.00. Commissioner Kent Petersen made a motion to contribute \$100.00 for this very worthy cause. The motion was seconded by Commissioner

Bevan Wilson and approved by all members present.

(3)

JOHN SEHESTEDT, EMERY COUNTY HOUSING DIRECTOR, INFORMATIONAL DISCUSSION OF LOW INCOME HOUSING PROGRAM IN EMERY COUNTY.

John Sehestedt, Director, Emery County Housing Authority, gave an informative overview of the low income housing program. There are two programs for providing housing subsidy. These programs are public housing and Section 8 rent subsidy. Public housing currently has twelve units in Ferron and twelve units in Castle Dale. These are two and three bedroom apartments with two handicap accessible units. Currently the waiting list to enter this program is two to four months. The Section 8 rent subsidy program allows the applicant to find their own housing and based on their income, be subsidized for a portion of their rent. The waiting list for Section 8 rent subsidy program is eighteen months. A family currently in the program may apply for a portability certificate in order to move (anywhere in the U.S.) to a more economically advantaged area or for the betterment of the family and take their housing subsidy active status with them. Mr. Sehestedt explained that this could be advantageous on both ends of spectrum as the current workforce program allows an individual to be in that program for only a short time. There are currently sixty-eight Section 8 certificates available in Emery County including the twenty-four units in public housing. The program is funded by the Federal Government and administered by a local board of directors. Emery County provides a financial donation to the program.

(4)

CHARLIE JANKIEWICZ, FOREST SERVICE, PRESENTATION OF FEE SCHEDULE REVISIONS.

Charlie Jankiewicz, Forest Service, reported in his quarterly report in January that he hoped he would have the fee demo revisions for the Commission to view during this meeting. He did not have the proposal at this time. The meeting that is scheduled for today, February 4, 1998, to present that revision to the public will be used for discussion on what the original proposal was and gather more ideas for addressing the issues of concern. They wanted to provide an opportunity to gather more suggestions and he thanked the Commission for providing the forum. He wanted to make the point that Emery County has not put a stamp of approval on the fee schedule. A misunderstanding may have been conveyed to the communities. Commissioner Johnson thanked the Forest Service for providing the opportunity for the citizens to provide input. Commissioner Wilson asked if the Forest Service had any plans to provide specific details on what the money will be used for which will in turn justify the need to collect the money. Mr. Jankiewicz explained that the revision will provide an outline of proposed projects and the use of the money. There needs to be an obvious connection to what is collected and what was spent on implementation of projects. Next winter they want to be able to hold a meeting to report on the money collected and the use of the money. They also will provide a prioritized list of proposed

projects for the next year with a projected cost and provide an opportunity for the public to be involved in prioritizing those projects. Commissioner Wilson asked if the time frame was such that they would be implementing the fee this year. Mr. Jankiewicz explained that they are having the same kind of meetings as the one they are having tonight in Carbon and Sanpete Counties. Carbon, Emery and Sanpete are the three counties that the Forest Service says has personal ownership in the Manti La Sal Mountains. They are projecting March 1998 for the revised proposal and possibly July 1, 1998 to be implementing the fees. Emery County has provided the most response at the meetings. Meetings in the other counties did not provide as much participation. Participation from the public demonstrates interest in the mountains.

(5)

CITIZENS CONCERNS

There were no citizen concerns at this time.

(6)

APPROVAL OF APPOINTMENT TO THE EMERY COUNTY RECREATION BOARD.

Shannon Hiatt, Recreation Director, recommended appointing Cassi Lake to replace Glenys Sitterud, who has submitted her resignation. He also recommended Joel Dorsch to replace James Jewkes who has submitted his resignation. Both terms will expire January 2000. Mr. Hiatt thanked Glenys Sitterud and James Jewkes for their faithful years of service. Commissioner Kent Petersen made a motion to approve the appointment of Joel Dorsch and Cassi Lake to the Recreation Board. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

APPROVAL OF APPOINTMENT TO THE EMERY COUNTY TRAVEL BUREAU.

The Board of Commissioners received a letter from the Emery County Travel Bureau informing them that two directors have resigned their positions on the Emery County Travel Board. The two board members are Barbara Funk and Shep Burrage. The Travel Bureau board has met and it is their recommendation that Jon Crawford from Ferron replace Barbara Funk filling a four year term ending December 2001 and Norma Dean Hawkinson from Green River to replace Shep Burrage filling a four year term ending December 2001. For your information Valerie Newman was nominated chairwoman and Rosann Fillmore was nominated vice -chairwoman. Commissioner Bevan Wilson made a motion to approve the appointment of Jon Crawford and Norma Dean Hawkinson to the Emery County Travel Board. The motion was seconded by Commissioner Kent Petersen and approved by all members present. The Board of Commissioners expressed their appreciation to Barbara Funk and Shep Burrage for their years of faithful service and to the new board members for their willingness to serve.

(8)

CONSIDERATION FOR APPROVAL OF MERIT RESEARCH CONTRACT.

Rosann Fillmore, Economic Development Director, explained that she received several bids from different entities, mostly colleges, to research and compile the data brought in from the tourism surveys. As Merit Research had the lowest bid and very good credentials, Mrs. Fillmore recommends the bid be awarded to them. It will take approximately one month for them to compile the data. This is being paid for with a Forest Service Grant. County Attorney, David Blackwell, has looked over the contract and recommends approval. Commissioner Kent Petersen made a motion to approve the contract with Merit Research. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

In other business, Mrs. Fillmore introduced Anna Prawl, Coordinator for the AmeriCorps Projects in Emery and San Juan County. Ms. Prawl introduced the AmeriCorps workers hired for the projects and reported on what they have been doing. Bonita Jarvis, Wendi Kobe and Jake Lott have been hired to do the work for the next eleven months. Karen Bedont has been hired as the Emery County project supervisor. They have been busy getting the office ready in Cleveland as well as working on the new brochures for the quarry and putting up signs. They will be setting up programs at the schools and looking for youth volunteers to help out at the quarry. They will be receiving paleontology training as they will be guides for the quarry during the summer. Rosann Fillmore suggested having the group come and report to the Commission on a quarterly basis. The Board of Commissioners invited them to report and added they would be looking forward to the report.

(9)

CONSIDERATION OF 1998 HOLIDAY SCHEDULE CHANGE.

There has been some discussion on the Friday after Thanksgiving as a holiday. Discussed was the possibility of trading Columbus Day for the Friday. A survey was done two years ago to get a feeling for doing this trade. At that time it was the consensus to make the trade. It was suggested to put out a notice to let the employees know we are again thinking of doing the trade and get some feedback before making this decision. Jim Fauver, Assessor, explained that the State would have to be informed in writing because of Motor Vehicle. The Courts would probably have to do the same. They would probably have to advertise at least thirty days before. Commissioner Kent Petersen made a motion to send out a notice to employees asking if they are in favor of trading Columbus Day for the Friday after Thanksgiving and providing a space for comment. After receiving feedback we will consider the trade in the next Commission meeting and at that time meet any legal requirements as needed. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

ROAD DEPARTMENT/LANDFILL ITEMS.

Rex Funk, Road Supervisor, in a previous meeting had provided the Board of Commissioners, for their consideration, a proposed list of rates for receiving demolition and construction debris at the landfill. He was instructed to make a recommendation at the next Commission meeting. At this time he recommends charging \$15.00 a ton for a mixed load (including rebar, asphalt and rubble mixed together) of demolition or \$7.50 a ton for a straight load of rubble (without rebar) or straight asphalt. This would be commercial rates only (not residential rates). There will need to be a resolution drafted. Since this met with the Commissioners approval Rex Funk will have a resolution prepared for the February 18, 1998 meeting.

In the previous meeting permission was given to pursue looking for a loader for the landfill. After some extensive looking he has found a loader at Pacific Tri-Star Company in Ogden. They had a Cat 966 F II Wheel Loader in excellent shape with only 5200 hours of use. He has had it tested out and recommends that this is the best buy. Landfill has budgeted \$125,000.00 for this purchase but the cost of the loader is \$145,000.00. Pacific Tri-Star Company is willing to take some older equipment in trade, however, the equipment being considered is Class B Road assets. Pacific Tri-Star made a lump sum offer of \$55,000.00 for the older equipment which has a fair market value of \$52,000.00. With the trade-in the loader will cost \$90,000.00. If the landfill pays the \$90,000.00 cash for the loader, that leaves only \$35,000.00 in the budget to pay back Class B Roads for the trade-in equipment value leaving a deficit of \$15,000.00. There was some discussion on the procedures and the legal requirements for disposing of Class B equipment in trade for general fund(landfill) assets. Kimball & Roberts, Independent Auditor for Emery County, has been contacted for counsel on this matter. Rex Funk suggested having an interlocal agreement between Landfill and Class B Roads to purchase gravel for \$15,000.00 so as to have the amount needed in Landfill to reimburse Class B Roads for the \$55,000.00 trade-in amount. The Commission discussed some possibilities for future options to avoid this problem coming up again. Commissioner Kent Petersen made a motion to approve the purchase of the loader with the trade-in with the minimum of \$15,000.00 gravel purchased by Class B Road to Landfill and to look at possible ways to make it work with the proper bookkeeping. Commissioner Bevan Wilson seconded the motion and added that he will work on the best possible way to compensate the \$15,000.00 that will be in the best interest for Emery County. The motion was approved by all members present.

Commissioner Bevan Wilson explained that the Commissioners needed a ratification of the agreement between Emery County and Emery County Special Service District #1 on the Goblin Valley Road Project-Phase II. This is the supporting document for the funding match that Emery County Special Service District #1 is providing on the State Parks Access Grant program. This is a transaction document which gives ECSSD#1 authorization to proceed. Commissioner Bevan Wilson made a motion to ratify the signing of the agreement. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

CONSIDERATION AND APPROVAL OF CASELLE AGREEMENT FOR UPGRADE ON



PAYROLL SOFTWARE.

Senior Deputy Clerk/Auditor Brenda Dugmore reported that in updating our payroll software we have come up with an agreement with Caselle, Inc. where they will allow us to be a beta site. This means we will run test on the program before it actually becomes in use and let them know the results. This will give us the software at a 50% discount which is a \$4,100.00 savings for the county. Commissioner Kent Petersen made a motion to approve the beta test site agreement. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

NOTIFICATION OF REDUCTION IN TAX VALUE OF BURLINGTON NORTHERN AND DENVER RIO GRANDE.

Treasurer, JoAnn Behling reported on the reduction of tax value of Burlington Northern and Denver Rio Grande. Burlington Northern won their appeal in the amount of \$5,602.08 for all taxing entities. Denver and Rio Grande won their appeal in the amount of \$64,494.61 for all taxing entities. Emery County's share including interest was \$26,790.15. This is for the years 1994, 1995 and 1996. They have also appealed 1997 taxes in the amount of \$106,000.00. Mrs. Behling prepared a list of centrally assessed properties paying 1997 property taxes under protest.

(13)

DISCUSSION OF SAFETY IMPROVEMENTS AT THE EMERY COUNTY GUN RANGE.

Based on a letter from Utah Association of Counties Insurance Mutual, Commission Chairman Randy Johnson suggested meeting with the risk management team to come up with proposal before anything is decided. Pat Snowball will arrange the meeting.

(14)

CONSIDERATION AND APPROVAL OF AMENDMENT TO EXISTING LEASE AGREEMENT WITH THE STATE COURTS.

Clerk/Auditor, Bruce Funk, reported that in January 1997 the State took over the old County Clerk office for administration of the court. Emery County entered into an agreement with the State to provide office facilities for the court with the understanding that they would renegotiate the lease agreement. Tim Simmons, Court Administrator, and Bruce Funk Clerk/Auditor have a new recommended agreement with a \$200.00 increase. Commissioner Kent Petersen made a motion to sign the agreement. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

CONSIDERATION AND APPROVAL OF WILDLAND FIRE SUPPRESSION FUND.

Clerk/Auditor Bruce Funk explained that the Wildlife Fire Suppression Fund is the fund set up by the State to help rural communities with wildland fires. With this fund the State would pay for 75% of the cost a fire in the County. The cost to participate is based on the amount of private land and its assessed value. Emery County has 171,000 acres of private land so the cost for us to participate in the fund is \$3,008.00. After some discussion on this matter Commissioner Kent Petersen made a motion to participate in the Wildlife Fire Suppression Fund. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

RATIFICATION OF 1997 BUDGET AMENDMENTS.

Senior Deputy Clerk/Auditor, Brenda Dugmore, requested ratification of the 1997 Budget Amendments. Commissioner Bevan Wilson made a motion to ratify the 1997 Budget Amendments. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(17)

APPROVAL AND RATIFICATION OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk, presented to the Board of Commissioners for their approval the Warrant Check Edit List #107517 through and including #107687 dated January 21, 1998 for payment. He also presented the Warrant Check Edit List #107693 through and including #107834 dated February 4, 1998 for payment.

The following requisitions and dispositions were presented for approval:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
6-98	Pentium 233 Computer	1,592.25	Approved
	Printer	400.00	Approved
	Weed & Mosquito Dept.		
7-98	Computer & Monitor	2,288.00	Approved
	Recorder		
8-98	18X18 HP Plotter	2,107.00	Approved
	Recorder		

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February 4, 1998

9-98	10 ton floor jack/GR Highway	600.00	Approved
10-98	Windows upgrade/cash receipting Treasurer	3,800.00	Approved
11-98	Software upgrade/Payroll Clerk/Auditor	4,100.00	Approved
12-98	Software upgrade/Check on demand Clerk/Auditor	2,500.00	Approved
13-98	Utility Trailer for Snowcat Communications/Sheriff	4,100.00	Approved
14-98	Central Dispatching Console Communications/Sheriff	63,016.80	Approved

<u>DISPOSITION</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>	<u>ACTION</u>
410-4702	1986 JD 772 B Grader	Traded for loader	Approved
410-4861	1982 Fiat Allis FD20 Dozer	Traded for loader	Approved
410-1542	1979 JD 310A Backhoe	Traded for loader	Approved
431-4213	1982 JD 844A Loader	Traded for loader	Approved

In other claims to be considered, back in June of 1997 R&B Computer Services was hired by Data Processing to do repairs on the line printer. In Commission meeting dated July 16, 1997 item #24 Clerk/Auditor, Bruce Funk was advised to contact R&B Computer Services and inform them that the county would be paying half of the labor and mileage(\$1,825.00) which was \$3,650.00 while the part was \$1,063.50. Randy Clem, R&B Computers, has submitted a proposal that would wipe the account clean. What he would like to do is take possession of the old Motorola equipment. Much of the equipment is from the old PMSI system. There are terminals, key boards and file servers. The Commissioners discussed contacting PMSI to see if they want them. If we do not hear from them then we can dispose of them. Mr. Clem would take the old equipment in value up to the \$1,800.00 we still owe him and the account would be cleared up.

There are excess office chairs in the courthouse. Jerilyn Mathis has requested them for the Library to replace some damaged chairs. The Sheriff's Department and the Road Department said they could always use chairs. They will be left in the general fund and transferred where needed. If there are any left over they can be transferred to the Library.

Commissioner Kent Petersen made a motion to approve the Check Edit Lists for January 21, 1998 and February 4, 1998 for payment and the requisition and dispositions. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(18)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director, asked for approval of the following personnel action:

Sheriff's Office

It is recommended Greg Funk's wage be raised from 12B \$11.08/hr. to 12C \$11.29/hr., retroactive from December 31, 1997 to his date of July 5, 1997. This is a wage adjustment based on his being corrections certified when he was hired. Commissioner Kent Petersen made a motion to approve the wage adjustment for Greg Funk. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Consideration and approval of Resolution amending the Emery County Personnel and procedures.

In April 1997, the County undertook a wage survey. A committee was formed (compensation committee) to approve and oversee that process. The committee was selected to represent all aspects of employment by the county. Those on the committee were Sheriff LaMar Guymon, Road Supervisor, Rex Funk, Clerk/Auditor, Bruce Funk, Treasurer, JoAnn Behling, County Attorney David Blackwell and Commissioner Randy Johnson. Recommendations have come back from the committee to amend the policy. The amendment covers the six month orientation period and how it will be managed. Sick time would be available for use during the orientation period. The committee recommends that wages, salary and compensation for new hires coming into the workforce be managed differently. Mrs. Snowball recommends amending the policy today based on the fact that there has been representation from the compensation committee. Commission Chairman Randy Johnson suggested giving the department heads two weeks to review the policy. This will be placed on the agenda on February 18, 1998. Any concerns will be addressed at department head meeting at 3:00 p.m. before the Commission meeting.

The Board of Commissioners asked Pat Snowball to address the Tenant User Liability Program

which allows coverage of a user of county owned facilities. Utah Association of Counties does not cover districts so therefore the Huntington Ball Complex is not covered under UAC because even though it is owned by the county it is under the jurisdiction of the Recreation District. The question Pat Snowball asked UAC is, since the county owns the Huntington Ball Complex and the Recreation District manages it, is the Recreation District considered a tenant? Can the Recreation District purchase tenant insurance? UAC did not have an answer for now. County Attorney David Blackwell explained why he felt the answer would be no. There was some discussion on the list of county sponsored activities that are questionable under UAC's insurance coverage. Pat Snowball expressed the importance of any entity having general liability insurance.

(19)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to defer until next meeting the minutes dated January 21, 1998. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(20)

COMMISSION REPORTS.**Kent Petersen**

Commissioner Petersen attended a Bureau of Land Management Resource Advisory Council meeting in Washington County. The direction the BLM is taking towards things like the tortoise and habitat plants is looking better. The BLM is working closely with Washington County and St. George City and other communities to provide open space that is not tied up. Dick Manus talked about the BLM OHV Plan for the San Rafael. The next BLM RAC meeting will be at the Price Office with possibly an overnight stay at the San Rafael Swell with an ATV trail ride the next day.

**Bevan Wilson**

Commissioner Wilson attended a Farm Bureau Land Management meeting in St. George where he received an update on private property rights and public lands management. There was an update on the Staircase Escalante Monument issues. He attended a Public Lands staff meeting where he participated in a discussion on the Heritage National Conservation Area. It was suggested that Carbon County Commissioners and Emery County Commissioners meet together

and discuss some ways that a MOU could be worked between the two counties to deal with some of the management issues of the plan. They could also discuss some of the heritage promotion and management of the heritage concept of the plan. He was asked to see if it was possible to put that meeting together at some future date.

Commissioner Wilson has been appointed to the Utah Association of Counties Transportation Committee.

He reported on the Sikes Bill regarding the redistribution of mineral lease funds. The bill seems to be back on track and moving along. There is still some concern on who monitors the mineral lease tracking on a state level.

He reported that the Community Impact Board will be here on Monday, February 9, 1998 at 11:A.M..

**Randy Johnson**

Commissioner Johnson reported that the Heritage National Conservation Area Resolution of Support has passed the Senate and is on its way to the House. It is getting a lot of support everywhere it goes.

He thanked Maurice Anderson and Dean Behling for their hard work in getting the Neighborhood Watch signs put back up in the communities.

(21)

ADJOURNMENT

Commissioner Kent Petersen made a motion to adjourn the meeting. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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Commission Meeting Minutes  
February 4, 1998

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

February 18, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson and Commissioner Kent Petersen, Sheriff LaMar Guymon, County Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 4:00 p.m.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk, presented to the Board of Commissioners for their approval the Warrant Check Edit list #108036 through and including #108205 for payment.

The following requisitions were presented for consideration:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
14-98 Amended	Central Dispatching Console Sheriff	69,714.40	Approved
15-98	166MHz Laptop Computer ½ paid by Rd Dept/Class B and Sheriff Dept	3,199.00	Approved
16-98	Whirlpool Dishwasher Corrections	429.00	Approved
17-98	Roper 20.4 Cu Ft Refrigerator Corrections	599.00	Approved



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18-98	Gibson 18 Cu Ft Refrigerator Corrections	549.00	Approved
19-98	GPS Real Time Positioning service fee GIS	800.00	Approved
20-98	Computer Attorney	2,781.00	Approved
21-98	6 Drawer Double Card File Sheriff	1,108.82	Approved
22-98	(2) 4 Drawer Lateral Files Sheriff	1,002.00	Approved

Commissioner Bevan Wilson made a motion to approve the Warrant Check Edit List and requisitions for payment. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Consideration and approval of resolution amending the Emery County Personnel Policy and Procedures.

Personnel Director, Pat Snowball, presented Resolution 2-18-98B which would amend the personnel policy. Notice of policy changes will be mailed out to all employees. The Commissioners reviewed the Resolution suggesting some changes. Commissioner Bevan Wilson made a motion to approve the signing of Resolution 2-18-98B with the minor corrections. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

CITIZENS CONCERNS

Gary Fox representing Brock Fox and Benny Grimm requested assistance in attending the Down Under Bowl in Australia on June 21, 1998. Commissioner Kent Petersen made a motion to donate \$50.00 each to Brock Fox and Benny Grimm. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Commissioner Kent Petersen has received a request for a four way stop in Lawrence where the Wilberg Wash Road connects with Highway 10. The Commissioners discussed the engineering traffic problems a four way stop would create. Sheriff Guymon has provided close monitoring of the intersection in the past and will continue to do so.

(4)

CAROLYN PRUITT, DISCUSSION OF ANIMAL CONTROL POLICIES AND LIABILITY OF STRAY ANIMALS.

Carolyn Pruitt reported on past incidents involving a stray dog around her home in Orangeville. The incidents ultimately led to her dog being attacked by the stray dog. She had veterinarian bills that have mounted from the wounds caused by the stray dog. Her complaint was that her numerous calls for an animal control officer to pick up the dog were unsuccessful. The Commissioners suggested she contact Orangeville City as she lives in the city limits and the matter should have been handled by the city dog catcher.

(5)

APPROVAL OF APPOINTMENT TO THE EMERY COUNTY RECREATION BOARD.

Emery County Recreation Special Service District Director, Shannon Hiatt, reported that Ferron City's representative Don Petersen has completed his term of appointment and has submitted his resignation. Don Petersen has done an outstanding job in meeting the recreation needs of the citizens of Emery County. The Recreation Board requested the appointment of Kent Larsen of Ferron to serve a term of two years on the Recreation Board until January 2000. The Recreation Board also voted unanimously to request the reappointments of Dan Whiteleather and Bruce Wilson as at large members for four years until January 2002. Commissioner Kent Petersen shall continue to serve his present term until January 2002. Commissioner Kent Petersen made a motion to appoint Kent Larsen to the Recreation Board until January 2000. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

In other Recreation District business Mr. Hiatt reported on the heating bill for the swimming pool since having it open for the winter.

(6)

CONSIDERATION AND APPROVAL OF DONATION TO WAR ON DRUGS.

The Board of Commissioners has received a letter from Mr. J.D. Seely requesting a donation to the War on Drugs Program. Sheriff LaMar Guymon will provide a donation of \$250.00 through Drug Forfeiture Fees.

(7)

CONSIDERATION AND APPROVAL OF DONATION TO MECCA FOR THE SAN RAFAEL MOUNTAIN BIKE FESTIVAL.

The Board of Commissioner has received a written request for a donation to Mostly Emery County Cycling Association (MECCA) for their 12<sup>th</sup> Annual San Rafael Mountain Bike Festival on March 15, 16 & 17, 1998. Commissioner Kent Petersen made a motion to contribute \$250.00 from dues and contributions to the 12<sup>th</sup> Annual San Rafael Mountain Bike Festival. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

CONSIDERATION AND ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND CONFIRMING THE SALE OF \$790,000 GENERAL OBLIGATION PUBLIC PURPOSE BONDS, SERIES 1998A OF CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH; AND RELATED MATTERS.

Darrell Leamaster, Castle Valley Special Service District, requested consideration and adoption of Resolution 2-18-98A authorizing the issuance and confirming the sale of \$790,000.00 general obligation public purpose bonds, series 1998A. This is the money they will be using for construction projects such as roads, drainage, curb and gutter. The money is divided among the eight towns in the county. This year CVSSD received from the Community Impact Board a grant for \$790,000.00. They also received a loan for \$790,000.00 at 3% interest in the form of general obligation public purpose bonds. Kent Michie, Vice President, Zions First National Bank, explained that these are 1994 voter approved bonds. Repayment will be short, payable during the year 2000 till 2004. The Community Impact Board of the State is the actual purchaser of the bonds. The bonds do not start accruing interest until December 1, 1998. Emery County acts as the issuing authority under Utah law. Kent Michie recommends adopting the resolution. March 27, 1998 is the closing date allowing for the thirty day notice in the paper. Commissioner Bevan Wilson made a motion to adopt Resolution 2-18-98A authorizing the issuance and confirming the sale of \$790,000.00 General Obligation Public Purpose Bonds, Series 1998A. The motion was seconded by Commissioner Kent Petersen and approved by all members

present.

(9)

CONSIDERATION AND APPROVAL OF GRANT APPLICATION FOR 1999  
AMERICORPS PROJECT.

Economic Development Director, Rosann Fillmore reported that the grant application for the 1999 AmeriCorps Project was not prepared for the Commission's consideration and approval today. She shared some interesting information with the Commissioners. President Clinton has changed the purpose of the AmeriCorps Project from environmental issues to literacy and health youth projects. In order to keep these grants we are going to have to incorporate some kind of youth literacy component to the projects which she doesn't see as a real concern. The issue of concern is availability of matching funds. They were able to match funds fairly easily this year thanks to the Utah Travel Council and the Castle Country Travel Council. The fees raised at the quarry will also go towards reimbursement of matching funds. In the coming year the money from the Utah Travel Council will go to Carbon County for their work on Nine Mile because it is their turn. The fees collected at the quarry should be used for scholarships to fulfill the youth literacy section of the AmeriCorps Project. Mrs. Fillmore informed the Commissioners that she is looking at an option for acquiring the matching funds for projects in 1999 which will be the continuing work on the quarry. The 1999 AmeriCorps grant application will be ready within the next two weeks and needs to be submitted at the next Commission Meeting. Commissioner Kent Petersen made a motion to proceed with the application pending final approval. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

DISCUSSION AND APPROVAL OF LEASE PURCHASE OF FIRE TRUCKS BY FIRE  
DISTRICT

Sheriff Guymon explained that Emery County Fire Protection Special Service District has received a bid for the purchase of five fire trucks from Becker Fire Equipment Company at a cost of \$135,000.00 per unit. Becker Fire Equipment Company requires approval to begin construction of the units. Commission Chairman Randy Johnson explained that the intent was to fund one truck this year and to go the Community Impact Board for matching funds on a second truck, however the trucks throughout the county are so old and almost impossible to get parts for. We have already been forced into a situation where we had to replace the truck in Green River as that truck literally fell apart while on a run on I-70. Entering into a lease purchase agreement with Becker Fire Equipment on five trucks would not require any payment until January 1999. This will provide time to budget and prepare for the purchase. It allows us to get five trucks at a time. There is no pre-payment penalty, giving us the opportunity to find a way to fund the Fire

District or other ways to finance the purchase so we're not stuck with the higher lease. The lease payment would be \$156,000.00 per year at 6.5 % interest. We still have the option of changing the lease and purchasing up front. This will also allow us the opportunity to approach CIB for funding. The potential for mineral lease bills in the legislature bringing money into the district may change the availability of money. There is also the option of bidding out the financing of the lease purchase to get a lower interest rate. The problem is availability in getting the chassis and transmissions. This has to be done quickly. They need to go ahead now to start purchasing the chassis and transmissions to construct the vehicles as the company that builds these parts has a large military contract and they only allocate so many of the parts per month for the construction of trucks and buses. Delivery should be in August but with the situation escalating in the Persian Gulf delivery could take longer. We will not sign anything until we take delivery of the trucks. The Board of Commissioners pledged their support for helping to get the much needed trucks. They thanked the Fire Protection District for all they do for the citizens of Emery County.

(11)

ROAD DEPARTMENT/LANDFILL ITEMS

Discussion and approval of Interlocal Agreement with Sevier County allowing each county to maintain certain roads in the other county.

Road Supervisor, Rex Funk, reviewed with the Commissioners an interlocal agreement with Sevier County regarding jurisdictional transfer of some road authorities allowing each county to maintain certain roads in the other county. This will allow the county closest to the road needing maintenance to do the work and received the funding for that maintenance. Both counties are in agreement that it is good thing to do. County Attorney, David Blackwell, has reviewed the document and recommends signing the agreement. Commissioner Bevan Wilson made a motion to approve the interlocal agreement with Sevier County and Emery County allowing each county to maintain certain roads. The motion was seconded by Commissioner Kent Petersen and approved by all members present. Rex Funk requested permission to pursue this same kind of interlocal agreement with the other bordering counties. The Board of Commissioners gave their permission.

(12)

**6:00 P.M.- PUBLIC HEARING- To receive public comment on proposed amendments to the Emery County Zoning Ordinance.**

Commission Chairman Randy Johnson opened the Public Hearing and turned the time over to

Mack Huntington, Planning Commission Chairman.

Some time ago the Planning Commission which has the responsibility for proposing amendments to the general plan and promotes proposing amendments to the Zoning ordinance, realized that the Zoning Ordinance needed some work. They realized this by Statute and State law which mandated that the Planning Commission review the Zoning Ordinance. Over time they have realized some structural and organizational problems with the ordinance. To undertake such a massive project the Planning Commission developed a plan to follow. One of the things they did was to make use a consulting firm, Niel Lindberg & Associates, who they contracted to work on the project with them. They also utilized the county's legal department with Deputy Attorney Allen Thorpe. Utilizing this help and with the resources of the Planning Commission staff, they broke the project down into phases, Phase I, II and III. They have completed the work on Phase I which is to put in the Zoning Ordinance what is required by State Law that is not presently there. These amendments are being proposed to the Board of Commissioners at this Public Hearing and for which the Planning Commission is soliciting public comment. They will in due time work on the other phases of the project. The Planning Commission asked that comments be confined to the text being considered in this Public Hearing. If time permits they will offer comments on the other phases. The text being considered at this time was drafted by Allen Thorpe and Neal Lindberg. The time was turned over to Mr. Thorpe who went through the ordinance and outlined his observations and suggested changes. One item of concern to the Board of Commissioners was the State Law dealing with entry on private property. They felt the law was too broad and needed to be defined. Mr. Lindberg offered comments. The Board of Commissioners thanked the Planning Commission and Allen Thorpe for their work thus far on the Zoning Ordinance. Commissioner Bevan Wilson made a motion to close the Public Hearing. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

DISCUSSION AND ADOPTION OF AMENDMENTS TO THE EMERY COUNTY ZONING ORDINANCE.

It was the decision of the Emery County Board of Commissioners that the amendments to the ordinance be adopted subject to a resolution to be created dealing with the accessing of private property. Commissioner Bevan Wilson made a motion to adopt the amendments to the ordinance subject to the creation of a resolution dealing with accessing of private property. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(14)

APPROVAL OF 1/21/98 AND 2/4/98 COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to approve the minutes dated January 21, 1998 with

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corrections and to table the minutes dated February 4, 1998. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

COMMISSION REPORTS

**Bevan Wilson**

Commissioner Wilson reported on the recent Huntington Airport State inspection. The inspection required only minimal repairs which have been done with the help of Rex Funk and the Road Department. Keven Robison, Airport Maintenance Operator, will provide the Commissioners with a copy of the inspection report for their review.

Commissioner Wilson attended a meeting with PacifiCorp where he received an update on a proposal for acquiring an England based firm. Things look favorable for that transaction.

**Kent Petersen**

Commissioner Petersen reported on legislative issues. The resolution in support of the Heritage National Conservation Area has now passed the Senate and the House. The Dinosaur Diamond Bill has passed. These are two resolutions which have a direct effect on Emery County. The Sikes Bill dealing with mineral lease funds and some Property Tax bills being proposed that could have an effect on our county. He suggested we closely track the progress of these bills.

**Randy Johnson**

Commissioner Johnson reported that he has received numerous calls, requests and concerns regarding the changes on Questar bills. He has contacted the Public Service Commission who has requested that the Board of Commissioners gather as much documentation as possible. The Public Service Commission will determine if it is something they need to pursue. If the Board of Commissioners see a legitimate concern they can file a request for a formal hearing with the Public Service Commission. After the Board of Commissioners have gathered all the information they will determine whether they want to file such a formal complaint. This is something the Commissioners will continue to work on.

(16)

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EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL  
MATTERS

Executive Session was not necessary at this time.

(17)

ADJOURNMENT

Commissioner Bevan Wilson made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_



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

March 4, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson and Commissioner Kent Petersen, Sheriff La Mar Guymon, County Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 9:00 a.m.

(1)  
TOM ALEXANDER, UTAH POWER, QUARTERLY UPDATE.

Tom Alexander, Utah Power, provided an informative quarterly update of local and corporate activity.

(2)  
MAUGHN GUYMON, CONSIDERATION AND APPROVAL OF SENIOR CENTER RENTAL AND USE POLICY.

Maughn Guymon, Emery County Aging Program Director, presented to the Board of Commissioners a proposal for a Senior Center rental and use policy. The proposal has been approved by the Area Agency on Aging Council and has been reviewed by County Attorney David Blackwell. Mr. Guymon felt it was fair and equitable to everyone. The Board of Commissioners suggested adding clauses to cover termination of use and no alcoholic beverages on the premises. The deposit and fee required is satisfactory for now however when the new Senior Centers are on line for use the fee will need to be amended. Commissioner Bevan Wilson made a motion to approve the rental and use policy for the Senior Centers with the suggested changes. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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(3)

BEN LUCE, REQUEST FOR DONATION TO ATTEND HOOPSMART U.S.A.

Commission Chairman Randy Johnson read a letter from Ben Luce, Ferron. Ben, a Junior at Emery High School, has been nominated and selected to represent the state of Utah at Hoopsmart, USA, an Allstar Basketball Tournament in Hawaii. He is requesting assistance in raising the funds to finance the trip. Commissioner Kent Petersen made a motion to donate \$50.00 to Ben Luce to attend the tournament. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

CITIZEN CONCERNS

There were no citizens concerns at this time.

(5)

APPROVAL OF APPOINTMENT TO THE EMERY COUNTY NURSING HOME BOARD.

The Emery County Nursing Home Board of Directors recommends Michael Williams of Emery to replace Boyd Jacobsen. Commissioner Kent Petersen made a motion to approve the appointment of Michael Williams to the Nursing Home Board. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

CONSIDERATION AND APPROVAL OF PARTICIPATION IN CENSUS 2000: A PARTNERSHIP AND ADDRESS LIST REVIEW.

There was some discussion on prior participation in such a program. As a result of the discussion the Board of Commissioners decided this was a program which we should be participating in. The papers will be filled out and we will proceed with this matter.

(7)

APPROVAL OF EMERY COUNTY FAIR DIRECTOR AGREEMENT.

Commissioner Bevan Wilson made a motion to approve the agreement with the changes suggested. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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(8)

DISCUSSION OF RESOLUTION ESTABLISHING COUNTY POLICY WITH REGARD TO ENTRY BY COUNTY ZONING OFFICIALS ON PRIVATE PROPERTY.

Deputy Attorney, Allen Thorpe, provided clarification of State Law dealing with entry by zoning officials onto private property. Mr. Thorpe referred to the criminal trespass statute. After some discussion Commissioner Bevan Wilson made a motion to approve Resolution 3-04-98 establishing county policy with regard to entry by zoning officials on private property. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Planning & Zoning Director, Bryant Anderson expressed his use of discretion and consideration of citizens rights when entering private property.

(9)

ROAD DEPARTMENT/LANDFILL ITEMS

Rex Funk, Road Supervisor, explained that the road department has budgeted \$175,000.00 this year in Class B Road for grader replacement. He explained the advantages of having the 140G reconditioned by Wheeler Machinery. The cost to rebuild the grader would be \$101,000.00 with an extended warranty. The grader would be 100% renewed with Caterpillar parts. He would also like to look at having the 772 BH John Deere grader reconditioned. He is confident he can stay within the budgeted amount. He recommends reconditioning two graders rather than replacing one. The Board of Commissioners approved of his recommendation.

Howard Tuttle, Johansen & Tuttle Engineering, submitted bid proposals for the Grange Spur Reconstruction Project. The low bidder was Nielson Construction for \$24,182.00. J&T recommended awarding the bid to the low bidder. Commissioner Bevan Wilson made a motion to award the bid for the Grange Spur Reconstruction Project to Nielson Construction and to authorize Commissioner Wilson to provide the necessary signatures to expedite the work.. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

In other road/landfill business, Commissioner Bevan Wilson made a motion to approve the metals contract that has been reviewed and approved by County Attorney David Blackwell. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Commissioner Wilson reported on the water load out facility near the San Rafael Bridge. The dips are nearly complete. The Road Department worked on the permitting for the load out for nearly ten years. Within the last year they have acquired the necessary permit from BLM.

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(10)  
DISCUSSION AND APPROVAL OF PARAPET WALL PROPOSAL FOR COURTHOUSE.

During the winter the roof accumulated a build up of snow on the edge of the roof causing dangerous conditions on the sidewalks. It was proposed to construct a parapet wall along the edge of the roof of the building to hold back the snow and rain. There are still leaks in the courthouse even after having the roof repairs done last summer. There was discussion on the procedures that need to be followed to keep from voiding the guarantee on the roof. Commissioner Kent Petersen recommended we continue to follow up on these repairs. The Board of Commissioners agreed these problems need to be addressed as soon as possible.

(11)  
DISCUSSION OF AFFORDABLE HOUSING SURVEY.

The State has sent a survey of compliance with Public Law 17-27-307 which is in relationship to the Utah Legislature's passage of House Bill 295 requiring cities, towns and counties to plan for and provide affordable housing. Planning & Zoning Director, Bryant Anderson reported he had received a packet of information on the survey of compliance. Commissioner Randy Johnson suggested Bryant Anderson be the contact person on this project.

(12)  
APPROVAL AND RATIFICATION OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Senior Deputy Clerk/Auditor, Brenda Dugmore, presented to the Board of Commissioners for their approval the Warrant Check Edit List #108477 through and including #108636 for payment.

The following requisitions were presented for consideration:

<u>REQUISITION#</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
23-98	1994 966 F II Loader Landfill/Class B****	\$ 90,000.00	Approved
24-98	HP LaserJet Printer Sheriff	399.95	Approved
25-98	Hydraulic Truck Crane		

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	Class B	,500.00	Approved
26-98	Dodge Chassis/Spray Truck Weed & Mosquito	22,491.20	Approved

\*\*\*Landfill will have 65% ownership in the Loader, Requisition #23-98. Class B Roads will have 35% ownership. This was decided after consulting with Kimball & Roberts on joint ownership of equipment.

The following dispositions were presented for approval:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
146-4963	Printer, Computer Assessor	Transferred to AmeriCorps	Approved
663-5457	Computer, RSVP	Junked	Approved
140-5987	Printer, Epson RSVP	Junked	Approved
410-4780	Radio, Class B	Junked	Approved
410-4809	Radio, Class B	Junked	Approved

Commissioner Kent Petersen made a motion to approved the warrant check edit list, requisitions and dispositions for payment. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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Miss Dugmore advised the Board of Commissioners that the mileage reimbursement rate has been changed to \$ .32.5 a mile and the charitable rate to \$.14 a mile.

(13)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

There were no personnel items for consideration at this time.

(14)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to approve the minutes dated February 4, 1998 and February 18, 1998 with the corrections outlined. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

COMMISSION REPORTS

***BEVAN WILSON***

In the legislature the Sikes Bill dealing with mineral lease funds has passed the Senate and the House and upon signature from Governor Leavitt will become law. This will give us an additional 5% per year for three years. The Board of Commissioners along with legal council and other council is looking at ways we can broaden the distribution of this mineral lease revenue to legal recipients such as the Fire Protection District, the Recreation District and other Special Service Districts. It was their desire to look at uses other than road uses.

Another bill that passed the legislature deals with jurisdictional transfer of State Roads back to cities and counties. There have been many studies done on this and it has been the hot item of discussion in many meetings for a few years. This next year the impacted entities will have the opportunity to review this process. There is an ongoing study being done this year. A list of impacts as a result of the proposed transfer is being compiled by the impacted entities. This will include fencing, rights-of-way, ownership, current conditions of the roads, who will bring the roads up to an acceptable standard. There are many issues to be considered. There is no end to the concerns on this proposal by the legislature. With the coal haul traffic on the roads we can't maintain the roads in Carbon and Emery County with just an average cost per mile maintenance. There are a lot of issues that need to be addressed in a short period of time.

***KENT PETERSEN***

Commissioner Petersen directed his comments to the jurisdictional transfer of State roads back to the cities and counties. He felt this changeover may be an advantage as we may be able to get funding easier than the State. He expressed his concerns for funding improvements to Highway 6. He reported that the State assessed intangible issue has passed. It more narrowly defines what intangible properties are regarding the WilTel decision. It is not everything we had hoped for but it will be better than what we had.

He had a visit with Scott Banasky who informed him of a local sportsman club, Sportsman for Equality Wildlife, which is looking at a gun range for use in Carbon and Emery County. Since Sheriff Guymon is looking into putting a gun range in Emery County, Commissioner Petersen wondered if it wouldn't be productive to meet with this sportsman club to combine their efforts.

***RANDY JOHNSON***

Commissioner Johnson has received a letter from Falcon Cable regarding franchise fees. Falcon was informing the county of franchise fees on franchise fees. County Attorney David Blackwell will review the issue and make a recommendation. He has received a letter from the Regional Water Management Plan for Emery County, stating that the Commission should designate a person to attend planning meetings. The state has a fund for helping the counties meet state planning requirements. We will know more about this after the AOG meeting on March 18, 1998 and there will be a proposal after that.

The delegation has decided to pull Jim Hansen's bill and not put that up for discussion at this time. Emery County can breathe a little easier in not having to deal with that this year. The other part of that good news is that the delegation has adopted Emery County's plan as their Public Lands issue of the year. That bill will be introduced as soon as the language is perfected. It will be pushed along as quickly as it can be and is supported fully and enthusiastically by all members of our delegation. Commissioner Johnson thanked the Public Lands Council and the others who have worked on this plan for their diligent work in bringing this issue to the forefront. It has great potential.

While in Washington D.C. he attended a meeting of the Public Lands Committee of NACO. The topic of discussion was the forest road moratorium. There is a great deal of concern for this issue. This is something we need to keep an eye on. He met with Chris Cannon about the digital television transfer. The real emergency has passed. The process will take as long as fifteen years and they will leave the old systems available during that time. There are still reasons to be concerned and we will continue to follow this and work with our delegation members to be sure that we are not suddenly put in an emergency situation and left without

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television coverage.

(16)  
EXECUTIVE SESSION TO DISCUSS PERSONNEL AND POSSIBLE LITIGATION.

Executive session was not necessary at this time.

(17)  
ADJOURNMENT.

Commissioner Bevan Wilson made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_



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

March 18, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson and Commissioner Kent Petersen, County Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 4:00 p.m.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented to the Board of Commissioners the Warrant Check Edit List #108797 through and including #108972 for payment.

The following requisitions were presented for approval:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
27-98	System 500 Visit Phones For Corrections	\$ 370.00	Approved
28-98	Trailer for hauling ATVs For Weed & Mosquito	2,385.00	Approved
28-98	Truck Bed for new Dodge Chassis For Weed & Mosquito	795.00	Approved
29-98	Pentium 233 Computer For Personnel	1,396.00	Approved

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The following Dispositions were presented for approval:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
410-5643	Latham Time Clock	Transfer to Landfill	Approved
410-4822	Radio, PSX 200	Junked	Approved

Commissioner Bevan Wilson made a motion to approve the Warrant Check Edit List for payment, the requisitions and dispositions. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

In other Clerk/Auditor business, Bruce Funk reported on Douglas Light an indigent burial from 1996. Apparently he had a checking account with approximately \$455.00. The family is not interested in taking possession of the money as they would have to file with probate. The county could try to take possession of the money in an effort to recoup some of the cost of the burial. County Attorney David Blackwell pointed out the time and cost involved and indicated that it would not be cost effective considering the small amount of money. If no one pursues the money it will go to the State pool of unclaimed property. It was the consensus of the Commissioners to let it go to the State pool.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Road Department

Randall Stilson has been on medical leave. He may not be able to return to work before his sick and vacation runs out. Pat Snowball requests approval to begin the process of allowing employees to contribute time to Randall Stilson. Commissioner Bevan Wilson made a motion to approve the process of allowing employees to contribute time for Randall Stilson. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

The compensation classification appeal is the process for appealing the decision regarding the salary grade and step resulting from the salary/wage survey recently completed. Based on an appeal filed by Zen Majors, Pat Snowball requests moving Zen from 15-H \$13.60/hr to 15-O \$15.45/hr. This would more closely move him into a wage that's comparative with other crew leaders. In accordance with the prior policy Zen was placed at step 15A while the other crew leaders were up the salary plan. Commissioner Petersen was not comfortable with raising an individual six steps on the salary scale. When the salary plan was adopted it was agreed there would not be any changes. Commissioner Wilson expressed his concern that Zen is doing the same work as the other crew leaders and has had to certify in special fields because of his

3

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March 18, 1998

position. This was an oversight and should have been taken care of before now. Pat Snowball explained that the appeal process is for those special attention, unique situations. Commission Chairman Randy Johnson said he doesn't have a problem getting him up where he belongs but he is not comfortable redoing work that the county paid a lot of money for. Commissioners Johnson and Wilson were in support of this particular salary change. Commissioner Bevan Wilson made a motion to approve the salary adjustment request for Zen Majors. Commissioner Randy Johnson stepped down to second the motion and Commissioner Kent Petersen abstained.

(3)

EMERY HIGH RODEO TEAM REQUEST SPONSOR OF EMERY HIGH RODEO.

Will Payne representing Emery High's Rodeo Team requested a donation to the Emery High Rodeo on April 17 & 18. Commissioner Kent Petersen made a motion to contribute \$100.00. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

DELENA FISH, WORKFORCE SERVICE, UPDATE ON ACTIVITIES.

Delena Fish, Workforce Services, provided an informative overview of activities since the combining of the many offices that make up the Workforce Services Department. Workforce Services was created by the Legislature and implemented in July of 1997. Departments combined to make up Workforce Services are the Department of Family Support, Job Service, Child Care Licensing, JTPA and Turning Point.

(5)

CITIZENS CONCERNS

Commissioner Kent Petersen reported that UAC Management Conference is April 15, 1998 which is a regularly scheduled Commission Meeting. He suggested changing that Commission Meeting to Tuesday, April 14, 1998. Commissioner Kent Petersen made a motion to change the date of the Commission Meeting to April 14, 1998. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Sheriff LaMar Guymon reported that Veterinarian, Glen Jensen is ready to begin construction of his clinic. Mr. Jensen is seeking a tentative agreement with the county regarding the use of his facility to house animals collected by County Animal Control. Mr. Jensen had approached the Commissioners in June of 1997 with a proposal for a veterinary facility providing housing for animal control currently handled by the county. At that time the details were sketchy and a decision was put off for review. A proposal was presented later in the year but a decision was

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not made at that time. The current facility in Orangeville is inadequate and potential concerns are increasing. Building a new facility would be very costly and each of the towns are not able to build their own facility. Sheriff Guymon suggested going ahead with the contract with Dr. Jensen which will save the county hundreds of thousands of dollars in building a new facility. We could then assess each city to help subsidize the cost of housing the animals. The county cannot put any money into a new facility at this time and is willing to consider a cost effective proposal. Sheriff Guymon will meet with Dr. Jensen to put together a package for consideration at the next meeting.

(6)

APPROVAL OF BUSINESS LICENSE

Clerk/Auditor Bruce Funk presented business licenses for the following businesses:

- a. Management transfer for Sportsman Lodge for Blaine Luke.
- b. EAO Services for Dale and Angie Fillmore, a premise occupation in Lawrence.
- c. Desert Rose Outfitting for Juanita Jensen.

Commissioner Bevan Wilson made a motion to approve the business licenses. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

DISCUSSION OF PETITION ON COUNTY ANNEXATION ELECTION IN GREEN RIVER INCLUDING ATTORNEY COSTS.

Commissioner Kent Petersen made a motion to table this for now to gather more information. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

DISCUSSION AND APPROVAL OF FALCON CABLEVISION FRANCHISE FEES AND RESOLUTION.

Commissioner Kent Petersen made a motion to approve Resolution 3-18-98 adopting the Falcon Cablevision Franchise Fee Ordinance. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

CONSIDERATION FOR APPROVAL OF ANNUAL OPERATING PLAN AND FINANCIAL REIMBURSEMENT PLAN BETWEEN EMERY COUNTY SHERIFF'S DEPARTMENT AND FOREST SERVICE.

Commissioner Kent Petersen made a motion to approve the annual operating plan and financial reimbursement plan between Emery County Sheriff's Department and Forest Service. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

DISCUSSION OF 1998 REGIONAL WATER MANAGEMENT PLAN FOR EMERY COUNTY.

Commissioner Kent Petersen read a letter informing of a requirement for all counties to prepare a water plan for drinking water. The State has provided a pool of money in the amount of \$128,000.00 for preparing the plan. San Juan County has qualified under another program and will not get any of the distribution. Grand County will receive \$40,000.00. This leaves \$88,000.00 to be divided between Carbon and Emery Counties. It was suggested to save money we could combine the plans and use one engineer, Ben Grimes of Hansen, Allan & Luce, to do the two counties. The Board of Commissioners agreed with the concept of developing a plan and using one engineer to save money. Commissioner Kent Petersen made a motion to approve of the concept and proceed as suggested. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

ROAD DEPARTMENT/LANDFILL ITEMS.

Discussion and approval of Des Bee Dove Crossover Road R-O-W transfer agreement.

The agreement for the transfer of the Des Bee Dove Crossover Road and related Right-of-Ways back into Emery County Road system has been reviewed by Val Payne, Rex Funk, County Attorney David Blackwell and other council members as well as John Kirkham, Stowel Rives and Scott Child, Interwest Mining Company. They have made the relevant changes and at this time recommend signing the agreement. The closing of the transfer contemplated by the signing of this agreement would take place within fifteen days following the receipt of the last of the approvals from the three agencies identified in Section 5 of the transfer document, those being BLM, Forest Service and State Lands. The document has been signed by John A. Bohling, Sr. Vice President of PacifiCorp. Commissioner Bevan Wilson reported meeting with all parties concerned and made a motion to sign the agreement for the transfer of the Des Bee Dove Crossover Road and related right-of-ways accepting the road back into the Emery County Road system. The motion was second by Commissioner Kent Petersen and approved by all members

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present.

Discussion and approval of road maintenance agreement between Emery County and Forest Service.

It was time once again to consider the standard agreement for road maintenance between Emery County and Forest Service. Rex Funk recommended signing the agreement. Commissioner Bevan Wilson made a motion to sign the agreement. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(12)

CONSIDERATION AND APPROVAL OF OFFICE OF ENERGY SERVICES GRANT PROPOSAL.

In 1997 when the County did the HVAC renovation the Commissioners were approached by the State Office of Energy Services to do a survey summary of the light fixtures in the courthouse with no obligation or cost to the County. As a result of that summary Emery County was awarded a grant for \$10,000.00 to be used towards replacing 372 ballast and 301 fixtures in the courthouse at a cost of \$20,451.00. The project must be completed by June 30, 1999 and the County must file a post grant report within ninety days of completion. The State estimates the payback through energy savings within 3.8 years to be \$452.00 per month. After discussion it was decided to table this matter to gather more information.

(13)

APPROVAL OF APPOINTMENT TO EMERY COUNTY TRAVEL BUREAU.

The Emery County Travel Bureau recommends replacing LaRae Majors with LaMar Guymon for the unexpired term. Commissioner Kent Petersen made a motion to approve the appointment. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Kent Petersen made a motion to approve the minutes dated March 4, 1998. The

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motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

#### COMMISSION REPORTS

##### ***BEVAN WILSON***

Commissioner Wilson, Val Payne and Sheriff Guymon attended a program introducing Governor Leavitt's program "GIFT" Governor's Initiative on Families Today. This was a video presentation on family values and fighting crime. The purpose of the program is to push to get safe children and neighborhoods. Sheriff Guymon added that Emery County is already implementing many of the crime prevention programs discussed in the presentation. What we need to do now is to unite and organize those programs already in existence as well as issue a call to the citizens to get involved.

##### ***KENT PETERSEN***

Commissioner Petersen reported on the activity at the legislature. The mineral lease bill which will generate more money for Emery County passed without a dissenting vote. The intangible assets bill passed which will help us some on the WilTel decision. The vehicle registration bill passed which eliminates property tax on vehicle registrations. The bill to study the jurisdictional transfer of roads went through. The Resolution of Support for the National Heritage Conservation Area Plan was passed and is just waiting for Governor Leavitt's signature. He felt the legislature was fairly successful this year.

##### ***RANDY JOHNSON***

Commissioner Johnson reported on the Monument lawsuit. The Tenth Circuit Court ruled against the Wilderness Reinventory Lawsuit. They met with the State attorneys and the Governor's representatives to determine what the next steps would be. They will request where a three judge panel ruled against and did not consider the amended complaint that they will file for an onbonk which would allow for a full judge panel. They expect a different out come with a full judge panel if they get that privilage. In the meantime, there has been an offer by the government to sit down and settle and they are going to ask the governor to pursue that settlement.

(16)

#### ADJOURNMENT

Commissioner Kent Petersen made a motion to adjourn. The motion was seconded by

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Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_



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

April 1, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson and Commissioner Kent Petersen, Deputy County Attorney Allen Thorpe and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 9:00 a.m.

(1)  
APPROVAL OF BUSINESS LICENSE.

Clerk/Auditor Bruce Funk presented a business license for Millsite Pro Shop. This is a change in management for an existing business license. The new manager is Steve Burke. Commissioner Kent Petersen made a motion to approve the business license for Millsite Pro Shop. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)  
APPROVAL OF PROPERTY TAX EXEMPTION LIST.

Clerk/Auditor Bruce Funk reviewed the 1998 Property Tax Exemption list with the Commission. Commissioner Kent Petersen made a motion to approve the list of exempt properties for 1998. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)  
BEVAN WILSON, DISCUSSION OF TREE PROGRAM.

During the 1998 budget meetings it was decided to drop the \$12,000.00 line item for the tree program. Pat Jones, Coast to Coast had received word that the program was to be dropped and expressed his concern to Commissioner Wilson. Mr. Jones pointed out that the tree program encouraged people to shop in Emery County. It also encouraged our citizens to beautify their yards and improve their communities. Commissioner Wilson in meeting with Economic Development Director, Rosann Fillmore suggested cutting the tree program in half by dropping the shrub part of the program. Mrs.Fillmore agreed that the program could run on \$6,000.00 allowing a \$10.00 per family allowance for trees only. Commissioner Kent Petersen made a motion to reinstate the tree program and then to address the money when the budget is opened up for adjustments later this year and to get a memo out to Rosann Fillmore advising her of the

decision. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

JAMES NIELSEN, DISCUSSION OF RUSSIAN OLIVE CONTROL PROGRAM AND FUNDING RECEIVED FROM OUTSIDE AGENCIES.

James Nielsen, Weed & Mosquito Supervisor, was asked by Commissioner Wilson to come to Commission Meeting and discuss the work that Emery County Weed & Mosquito does for the Bureau of Land Management by authorization of a MOU that we have with them. The amount of money that was allocated by BLM compared to work done by Emery County was the focus of the discussion. From 1987 through 1993 less money was allocated than work that was done. Since 1994 more money was allocated by BLM than we were able to collect because W/M was unable to take that much time away from their regular work to do the work on BLM. Mr. Nielsen stated that this is a good program, however, any work that W/M does for BLM hurts the W/M program but benefits Emery County because the money comes into the county's general fund and not back into W/M's working funds. W/M uses chemicals that has been purchased for use on projects in the county when they do work for BLM. Therefore, any work that W/M does for BLM takes money away from where they could use it for noxious weed control on county properties. The money is available to do good for the county but W/M can't take advantage of it. Mr. Nielsen pointed out that this hurts his program in man hours and chemical purchases. This year BLM has allocated \$10,000.00 which is the highest amount ever allocated. He requested finding a way W/M can more productively take advantage of the allocated funds. Commissioner Petersen suggested putting the \$10,000.00 in W/M's budget so they could hire a temporary employee and purchase additional chemicals. James Nielsen was in favor of this suggestion and requested developing a plan. Commissioner Wilson explained the problem of budgeting for BLM allocated funds stems from not having that figure amount during the budgeting process so its not included in W/M's budget. The 1998 budget would have to be reopened to include the allocated funds so they could be used. Clerk/Auditor Bruce Funk reported the need to reopen the budget for other adjustments around June. Commissioner Bevan Wilson made a motion to approve the request, develop a plan and for Commissioner Wilson to coordinate with James Nielsen to work out the final details and return with recommendations for a temporary employee. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

James Nielsen also reported on the Russian Olive Control Program. We have around 1,493 acres that are signed up for control of Russian Olives plus about four hundred additional trees. Russian Olive Trees don't take much chemical to control. There is still chemical left and applications are available at the County Agent office or from any of the Weed board members in the towns. Commissioner Petersen has seen a difference already from people in Ferron getting

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rid of the Russian Olive Trees. Mr. Nielsen has met with all the irrigation companies and explained that as a county we would control all the Russian Olives on the drainage above the point where the highest canal forks off the drainage. The Russian Olive Control Program is strictly a volunteer program which has been accepted well by the people. James Nielsen will put an article in the paper advertising who to contact for this program.

(5)

CONSIDERATION AND APPROVAL OF UTAH ENERGY GRANT.

While in the process of the HVAC renovation the Commissioners were approached by the Office of Energy Services to do a survey summary of the light fixtures in the courthouse with no obligation or cost to the county. As a result of that summary Emery County was awarded a grant for \$10,000.00 to be used towards replacing 372 ballast and 301 fixtures in the courthouse. The total cost for project would be \$20,451.00 and must be completed by June 30, 1999. It was estimated the savings to the county would be \$452.00 a month, thus repaying the amount spent within 3.8 years. Since the deadline for project completion is in 1999 the Board of Commissioners decided to delay this for now to allow for it in the 1999 budget.

(6)

DISCUSSION OF SETTING DATES FOR EMERY COUNTY 1998 MAY TAX SALE AND BOARD OF EQUALIZATION.

Commissioner Bevan Wilson made a motion to set the date for the 1998 May Tax Sale for May 28, 1998 at 10:00 A.M. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Commissioner Kent Petersen made a motion to set the dates for 1998 Board of Equalization for August 18, 1998 from 10:00 A.M. til 3:00 P.M. in Castle Dale and August 19, 1998 from 12:30 P.M. til 3:30 P.M. in Green River. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

ROAD DEPARTMENT/LANDFILL ITEMS

Road Supervisor, Rex Funk reported on the ongoing activity of the Road Department. The permitting for the Landfill is in process. They had a methane gas check done at the landfill and passed. The addition to the road shop is in process. They will begin chipping projects in June on the north end of the county. The Goblin Valley Project is moving along well. Brown

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Brothers Construction is ahead of schedule.

(8)

CITIZENS CONCERNS

Commission Chairman Randy Johnson inquired of the HVAC in the courthouse. He wondered why we have the problems with temperature control. The system should be working perfectly. Commissioner Petersen is working with the contractors to resolve the problems.

(9)

APPROVAL AND RATIFICATION OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented to the board of Commissioners the Warrant Check Edit List #109204 through and including #19325 for payment.

The following requisitions were presented for approval:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
30-98	Storage for 8 Libraries	\$ 499.90	Approved
31-98	Tables Saw/Maintenance	399.99	Approved

One disposition was presented for approval:

<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
Asset# 142-6148      486 Computer/Clerk/Auditor	Transferred to Chamber of Commerce	Approved

Commissioner Kent Petersen made a motion to approve the Warrant Check Edit List requisitions and dispositions. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

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PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

There were no personnel items for consideration at this time.

(11)  
APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Kent Petersen made a motion to table the minutes dated March 18, 1998. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)  
COMMISSION REPORTS

***RANDY JOHNSON***

Commissioner Johnson reported that the Emery County National Heritage Conservation Area Bill has been filed as a bill in the House. It will be heard by the House Committee in Washington D.C. on April 23, 1998.

***KENT PETERSEN***

Commissioner Petersen reported on a State Parks Planning meeting he attended in Green River. The focus of the meeting was the Goblin Valley Park. The BLM RAC meeting will be holding their meeting in Price on Friday, April 3, 1998. The focus of their meeting will be fees on Public Lands.

***BEVAN WILSON***

Commissioner Wilson made a motion to nominate Val Payne and LaMar Guymon to be on the Planning Committee for Goblin Valley Park. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

The Forest Service has put together a proposal for implementing the roadless area. Commissioner Wilson would like to have the Public Lands Council review the proposal. The comment period is coming up quickly on that proposal and Emery County needs to be ready to respond. Imposing roadless areas in our forests could hamper development of our coal reserves as it would put an eighteen month moratorium on building roads in the forest.

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Commissioner Kent Petersen made a motion to recess at 10:30 a.m. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Commissioner Kent Petersen made a motion to reconvene the meeting at 11:00 a.m. and to move into Executive Session. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

EXECUTIVE SESSION TO DISCUSS PERSONNEL AND POSSIBLE LITIGATION.

Those in attendance at Executive Session were Commissioner Kent Petersen, Commissioner Bevan Wilson, Commission Chairman Randy Johnson, Emery County Assessor Jim Fauver, Eckhardt Prawitt, Bill Peters, Jim Matheson, Robert Malko, Ph.D. and Deputy Clerk/Auditor Carol Cox. The focus of the meeting was Utah's centrally assessed valuations and how a proposal by Utah State Tax Commission to lower those assessments will affect Emery County. Also discussed was the Wiltel decision and intangibles.

Commissioner Bevan Wilson asked to be excused at 11:40 a.m. for a prior commitment.

Commissioner Kent Petersen made a motion to come out of Executive Session. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

OTHER

As a result of Executive Session Commissioner Kent Petersen made a motion to authorize Bill Peters and the Matheson group to proceed with proposed action to offset potential tax appeals by PacifiCorp. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

ADJOURNMENT

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Motion to adjourn at 12:30 p.m. was made by Commissioner Kent Petersen. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

April 14, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Kent Petersen and Commissioner Bevan Wilson, County Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 4:00 p.m.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk Auditor, Bruce Funk presented to the Board of Commissioners the Warrant Check Edit list #109524 through and including #109709 for payment.

The following requisitions were presented for approval:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
32-98	1998 Voyager ATV Trailer Used asset#212-6707 as a Trade-in / Drug Enforcement	\$1,398.00 (Original cost) \$809.00 After trade-in	Approved
33-98	LP 500 Defibrillator Huntington Ambulance	\$3,465.00 (½ paid by StateGrant)	Approved
33-98	LP 500 Defibrillator Green River Ambulance	\$3,151.59	Approved
34-98	Panasonic PTC 592-U Multi-media Projector W/carry bag/ Public Lands	\$3,995.00	Approved (Ratified)
35-98	(2) Copiers Huntington/Green River Libraries	\$3,576.00	Approved



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36-98	Replacement of bathroom vinyl in 5 libraries	\$3,938.00	Approved
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The following dispositions were presented for approval:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
318-6102	Computer-486 Nursing Home	Stripped and used for parts	Approved
111-6508	Answer machine Commission	Junked/not working	Approved
212-6707	ATV trailer Drug Enforcement	Traded for bigger one See R#32-98	Approved

Commissioner Bevan Wilson made a motion to approve the Warrant Check Edit List, requisitions and dispositions. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)  
PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball presented the following personnel actions for approval:

The following employees were hired under the previous policy and have now either successfully completed the new policy's six month orientation period or the previous policy's one year orientation period.. Please accept for consideration for wage increases, per policy, the following employees:

Sharon Boyle, Deputy Recorder, was hired September 15, 1997. She has completed her six month orientation and will go from 4B \$7.59/hr. To 5A \$7.75/hr., effective March 15, 1998.

Meridith Slavensky, RSVP Coordinator, who is stationed in Moab, Was hired March 7, 1997. She has completed her one year orientation under the previous policy and will go from 4B

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\$7.59/hr. To 5A \$7.75/hr., effective March 7, 1998.

Shanna Davis, RSVP Coordinator, was hired September 8, 1997. She has completed her six month orientation and will go from 4B \$7.75/hr., effective March 8, 1998.

Commissioner Kent Petersen made a motion to approve the personnel actions as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

ROSANN FILLMORE, DISCUSSION AND SETTING OF PUBLIC HEARING ON ENTERPRISE ZONE DESIGNATION IN THE COUNTY.

Economic Development Director, Rosann Fillmore explained that an Enterprise Zone is any area wherein a locating company receives corporate or franchise income tax credit for new job creation. There is a limit on how many jobs they get credit for. The State of Utah has had Enterprise Zone designations for some time but Emery County was not eligible to be an Enterprise Zone because our poverty rate was too low. In 1997 they changed the law which makes us eligible now. Under the old law the Enterprise Zone only applied to companies coming into the areas from out of the state. The new law allows any companies coming into the area to from within the State to receive Enterprise Zone Tax Credit. The whole county cannot be an Enterprise Zone so areas will have to be designated. Each community needs a separate application. Emery County will have to apply for any unincorporated areas. The area that is most urgent for us now is a piece of property at the Hunter Power Plant where the green house is expected to locate. We need to have a Public Hearing. Commissioner Kent Petersen made a motion to establish a Public Hearing for receiving public input on Enterprise Zone designation in an unincorporated area of Emery County for June 17, 1998 at 6:00 p.m. at the Emery County Courthouse. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

KURT KILLIAN, REQUEST DONATION TO SAN RAFAEL SWELL AUTO ASSOCIATION CAR SHOW.

Kurt Killian, San Rafael Swell Auto Association requested a donation for their two annual car shows. In the past the Emery County Fair has donated to this event. Fair Director, Kathy Justice had indicated to Mr. Killian that one of the objectives of the Fair was to have the exhibits and events be self-sufficient. Mr. Killian explained to the Commissioner that they do not charge for their shows and that people come from far away to display their vehicles. These people buy gas here, stay in our motels and spend money while in the county. The club has expenses when they put on a show but no way to raise revenue to cover expenses. One show is held at the Huntington State Park and they have to reserve and pay for the entire park for a day.

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Commissioner Randy Johnson explained that the County has the Fair Director on a tight budget and it is not her intent to eliminate any exhibitors or events from the Fair. The Car Show is such a favorite event of the Emery County Fair and because of the circumstances involved Commissioner Johnson will readdress this issue with the Fair Director. If it is not workable with the Fair Director then the club is welcome to come back and approach the Commission again. The other Commissioners agreed and they thanked Mr. Killian and his club for their efforts to provide such a vital part to our County Fair.

(5)

CAMILLE HUNTSMAN, REQUEST FOR DONATION TO MISS EMERY COUNTY.

Amanda Huntsman, Miss Emery County requested financial assistance in providing the professional items needed to perform at the Miss Utah Pageant. She will be participating the pageant June 15-20, 1998. Commissioner Randy Johnson thanked her for her dedication to participating in the many events in the county throughout the year. Commissioner Kent Petersen made a motion to contribute \$100.00 to Miss Amanda Huntsman. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

MILES MORIETTI, DWR, UPDATE ON AGENCY ACTIVITIES.

Miles Morietti, DWR provided an informative update of agency activities. The agency is currently in the planning stages. They have received a directive to formulate a strategic plan for the next five to ten years. Therefore they are conducting an internal and external assessment of the agency in order to compile the details needed for the plan. The animal population came through the winter in good shape. The poaching incident has been resolved. They are in the process of setting the antler-less hunts and are receiving public input on that process. Mr. Morietti explained habitat fees and the process for applying for habitat projects.

(7)

CHARLES JANKIEWICZ, FOREST SERVICE, UPDATE ON AGENCY ACTIVITIES.

Charles Jankiewicz, Forest Service provided an informative update on agency activities. He reported on some organizational changes which will not affect us much and may take up to four years to complete. The local OHV club under the direction of Mark H. Williams met with the BLM to discuss two trails that they would like to see upgraded through the State motorized grant funding system. The two trails being considered are the Dry Fork Canyon Trail and the Rock Canyon Trail. BLM has these trails categorized on their travel plan as motorized trails. There is some concern from the cattleman permittees for how this will impact them during any moving of animals on and off the mountain. The group representing the Horn Mountain

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allotment would like see trails improved there. There needs to be some things worked out with DWR before any improvements can be done on Horn Mountain trails. Regarding the gravel source at Reeder Canyon permits are being worked out. Completion dates for the Scenic By-way and Stuart Guard Station in Huntington Canyon is mid July. Joe's Valley Campground will be open for Memorial Day weekend.

(8)

RICHARD MANUS, BLM, UPDATE ON AGENCY ACTIVITIES.

Richard Manus, BLM, provided an informative update on agency activities. Moab office manager, Kate Kittchel is leaving to accept a position as the Lower Snake River District Manager in Boise, Idaho. There is no word yet on what will take place in the Moab office. With regard to HR3625 the BLM requested using the data that has already been put together by Johansen & Tuttle for the map making. The Commissioners did not have a problem with that request. BLM had a light Easter visitation on the desert this year with the highest numbers located around the Swell area. Due to the weather most people stayed in camp. The State Resource Advisory Council (RAC) meeting was held in Price. The focus of the meeting was fees and fee demonstration projects. BLM provided a tour of the San Rafael Swell and the proposed OHV Implementation Plan. They had an opportunity to show the RAC the work done by the OHV club at the old ZCMI mine. The weather held out and the day went well. It was a perfect opportunity to introduce the National Heritage Conservation Area Plan. BLM is working with the local OHV club to help people become aware of currently closed road areas. Regarding coal bed methane activity for River Gas, to date BLM has issued twenty-two APD's (Application for Permit to Drill), at least two right-of-ways and two access requests to work on federal land. The Ferron Natural Gas Environmental Impact Statement is coming along on schedule.

(9)

KAREN BEDONT, AMERICORPS, UPDATE ON ACTIVITIES.

Karen Bedont, Americorps provided an informative update on activities at Cleveland-Lloyd Dinosaur Quarry and gave an overview of the grant objectives. April 21, 1998 is National Volunteer Day.

(10)

MIKES JAMES AND KEN MAYNE, DISCUSSION OF LOCAL SKILLED WORKER'S OPPORTUNITIES.

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Mike James, Ken Mayne, Carey Griffiths and Ronald Willis representing local skilled workers from Carbon and Emery County addressed concerns from lack of out of state construction companies hiring local workers. These workers are pipe fitters, boiler makers, carpenters and laborers. Mike James relayed that they were especially concerned about the recent two million dollar scrubber overhaul at the Huntington Power Plant. When inquiries were made for being hired by Erwin Industries, the company contracted for the overhaul, they were informed they would have to go to California to get an application. The workers come from New Mexico and Arizona. They come here, make the money and leave with it. While local workers live here, pay their taxes here and the money stays here. These local workers are men that helped build the power plants and were laid off. Another scrubber overhaul is scheduled to begin in two weeks at the Hunter Power Plant. The same company is contracted to do the work. Ken Mayne, representing the Carpenter's Union stated that there is a viable work force in this area. He stated that this is not a union/non-union issue this is a Utah workers/Utah jobs issue. Their group feels that the workers who live closest to the projects should have first priority. In the past they have been able to supply the skilled manpower to handle these shutdowns. With unemployment in this area being about 6.8% ( double what the rest of the state is) they feel this is a very serious problem. There are some companies that come in and hire a certain percentage of locals. They are concerned with people being able to stay in the area. There is no incentive for young people to stay in the area and learn these skills if there isn't a market here for them. They are here today to express their concerns and solicit the Commission to use any influence that they may have with Pacific Power or the contractors to use local workers. Their concern on this particular issue is that the opportunity to get a job on these projects is not there for them. The Commission thanked them for bringing this concern to their awareness and expressed their commitment to pursue any avenue that may be of help.

(11)

REQUEST FOR DONATION TO HABITAT FOR HUMANITY'S GOLF TOURNAMENT.

The Commission received a letter from Lin Wood, Chairperson for the Habitat for Humanities golf tournament seeking donations for prizes for their annual golf tournament. Sheriff Guymon will donate mugs and t-shirts.

(12)

DISCUSSION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND STATE TRUST LANDS ADMINISTRATION.

Public Lands Director, Val Payne explained that this MOU is patterned after others that have

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been entered into between the Commission and BLM, Forest Service and Department of Natural Resources. It is the recommendation of the Public Lands Council that the Commission enter into this MOU with State Trust Lands Administration. This obligates State Trust Lands to work with us. Commissioner Kent Petersen made a motion to sign the MOU between Emery County and State Trust Lands Administration. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

RATIFY APPROVAL OF NEW E911 SYSTEM.

Commission Chairman Randy Johnson explained that he had received a phone call from Emery Telephone informing the Commission that they needed to make the orders for the new E-911 system. Deputy Clerk/Auditor Brenda Dugmore met with Steven Barton, Emery Telephone to pursue the financial structure of the E-911 fund. This is a \$50,000.00 project of which we have identified approximately \$47,000.00 in the fund. The go ahead was given to do the project with the funds that have already been accumulated. Mike McCandless, Emery Telephone explained the update and the expected improvements. Since the E-911 fund will be short about \$3,000.00 to \$4,000.00 this fund will run in a deficit for a few months until enough revenue has been deposited to cover the project. Commissioner Bevan Wilson made a motion to approve the new E-911 system and financial structure as outlined. The motion was second by Commissioner Kent Petersen and approved by all members present.

(14)

ROAD DEPARTMENT/LANDFILL ITEMS

A. Open chip hauling bids.

The bids were opened for the annual chip hauling process. The bids were as follows:

Sinbad Construction - \$37,114.00  
Kerwin Jensen Trucking- \$36,478.60  
Nielson Construction- \$47,470.33

Commissioner Kent Petersen made a motion to award the bid to Kerwin Jensen Trucking for \$36,478.60 contingent to approval from Johansen & Tuttle Engineering and Rex Funk and authorize Commissioner Bevan Wilson to sign the necessary document upon approval. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

CONSIDERATION AND APPROVAL OF OFFICE OF ENERGY SERVICES GRANT

PROPOSAL.

In last Commission meeting it was decided that since the deadline for project completion was in 1999 that they could delay this decision until budget hearings for 1999. Since then Leslie Bolinder has done some research and found out that the Office of Energy Services needs a commitment right away so that they can budget for it even though we do not have to put any money into it until 1999. Our signature on this does not obligate us to do the project. Commissioner Bevan Wilson made a motion to sign the grant proposal. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(16)

DISCUSSION AND APPROVAL OF MATHESON GROUP PROPOSAL.

Jim Fauver, Assessor explained that the Matheson Group met with the Commissioners on April 1, 1998 and presented a proposal for taking action to offset potential tax appeals by PacifiCorp. They presented the proposal in three phases. The first phase is monitoring the available data and determining the value of PacifiCorp. If PacifiCorp appeals the State Tax Values then the Matheson Group will step in and begin negotiations. The Matheson Group estimates their cost to be around \$15,000.00 for the first two phases. If it goes into a third phase we will go to court and the cost will be unknown. This does not include Bill Peters cost. Commissioner Kent Petersen made a motion to approve the Matheson Group's proposal for the first phase and to authorize Jim Fauver to use the Multi-County Appraisal Trust Fund to pay the cost of hiring the Matheson Group. The motion was seconded by Commissioner Bevan Wilson and approved by all members present. Since the Matheson Group will be working for Bill Peters then the next step is to send a letter to Bill Peters advising him of Commission approval. Phase two and three are contingent on the success of Phase one. The Commission expects a cost breakdown and itemized billing.

(17)

CITIZENS CONCERNS

Carol Ware reported on the Take Pride in Utah. All the communities in Emery County have agreed to do a project. Leslie Bolinder has arranged for Kaaron Jorgen's MBTI Staff Team Building Workshop to be held on May 7, 1998. There will be two sessions, one at 9:00 a.m. to noon and another at 1:00 p.m. to 4:00 p.m.

(18)

APPROVAL OF COMMISSION MEETING MINUTES.

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Commissioner Bevan Wilson made a motion to approve the meeting minutes dated April 1, 1998 with corrections and to table the minutes dated March 18, 1998. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(19)

COMMISSION REPORTS

***BEVAN WILSON***

Commissioner Wilson reported on the April 4, 1998 visit from BLM national director Pat Shea, Congressman Chris Cannon, Congressman Jim Hansen, Senator Mike Dmitrich and BLM state director Bill Lamb. The Emery County Commission and Emery County Public Lands Council were able to meet with these men to go over the National Heritage and Conservation Area Plan. There were many favorable comments.

***RANDY JOHNSON***

Commissioner Johnson reported that the carpet committee has sent out for bids on replacing the carpet in the courthouse. County Attorney David Blackwell helped set up the standards and requirements.

(20)

OTHER

Treasurer, JoAnn Behling reported on a concern involving a piece of property up for May Tax Sale this year. The property has a federal lien against it and should have reverted back to the county last year. The county did not want the liability involved in having it revert back. County

Attorney David Blackwell will do some checking into this.

(21)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Commissioner Kent Petersen made a motion to move into Executive Session to discuss possible



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April 14, 1998

litigation and personnel matters. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Those in attendance during Executive Session were: Commissioner Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson, County Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

(22)  
ADJOURNMENT

Upon returning to regular meeting Commissioner Bevan Wilson made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**May 6, 1998**

Present at the meeting were Commissioners Kent Petersen, Commissioner Bevan Wilson, County Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox. Commission Chairman Randy Johnson was excused from the meeting to attend a meeting in Provo with Governor Leavitt on proposed state trust lands. Commissioner Kent Petersen will be acting chairman during this meeting and will step down as acting chairman to second any motions.

Commissioner Kent Petersen called the meeting to order at 9:00 a.m.

(1)

ACCEPT AND REVIEW BIDS FOR COURTHOUSE CARPET PROJECT.

Abbey Carpets (Kevin's Carpets) and Carpet Max (Dennis Jones) submitted bids for the courthouse carpet project. Abbey Carpets had their bid broken down to each individual aspect of the project with no total cost listed. Carpet Max had a total bid of \$54,080.00 for the project. There was some discussion on the bid package and the amount budgeted for the project. To allow time to calculate the total bid from Abbey Carpets, Commissioner Bevan Wilson made a motion to turn this process over to the carpet committee and the architect for review to determine the low bid. The committee is to return to commission meeting on May 20, 1998 with a recommendation for awarding the bid. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)

CONSIDERATION AND APPROVAL OF SERVICE AGREEMENT BETWEEN EMERY COUNTY AND GLEN L. JENSEN, EMERY ANIMAL HEALTH SERVICES.

Dr. Glen Jensen reviewed with Commissioner Petersen, Commissioner Wilson and County Attorney David Blackwell the service agreement for animal health services. They discussed several clauses that needed to be added, refined and reworded. In the absence of Sheriff Guymon and Animal Control Officer, Martin Wilson it was decided to turn the agreement back over to Attorney, David Blackwell to make the discussed changes. The agreement will be reviewed for consideration on May 20, 1998.

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Commission Meeting  
May 6, 1998

(3)

DISCUSSION AND APPROVAL OF RESIDENTIAL ANTI-DISPLACEMENT PLAN AND CERTIFICATION.

This plan was developed by Association of Local Governments and presented for Commission approval. This certification puts us in line with the law. Commissioner Bevan Wilson made a motion to approve of the Residential Anti-Displacement Plan and Certification upon review and approval of County Attorney. Commissioner Kent Petersen seconded the motion and it was approved by all members present.

(4)

WANDA VAUGHN, NEIGHBORHOOD WATCH.

Emery County Neighborhood Watch Coordinator, Judy Lang and assistant Wanda Vaughn gave an informative overview of the Neighborhood Watch Program. Judy Lang acknowledged and thanked Officer Martin Wilson, Officer Les Wilberg and Sheriff LaMar Guymon for their help in training and assistance in getting this program off and running. They acknowledged the persistence of Maurice Anderson and Representative Brad Johnson in the fight to get the signs up in the cities. National Night Out will be on August 4, 1998 and they encouraged everyone to get out and get to know their neighbors. Many neighborhood blocks will be having picnics, get-togethers or whatever they may choose that will help bring neighborhoods closer together. The Commissioners thanked them for all their hard work and concern for the citizens of Emery County and pledged their support for the program.

(5)

CITIZEN CONCERNS.

There were no citizen concerns at this time.

(6)

CONSIDERATION AND APPROVAL OF BEER LICENSE FOR MILLSITE RESTAURANT.

Clerk/Auditor Bruce Funk presented for consideration and approval renewal of beer license for Millsite Restaurant. Commissioner Bevan Wilson made a motion to approve the renewal of beer license for Millsite Restaurant. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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Commission Meeting  
May 6, 1998

(7)

CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.

Clerk/Auditor Bruce Funk presented for consideration business licenses for Cliff Elliot (logging) and Dana Guymon (renewal, business moved into her home). Commissioner Bevan Wilson made a motion to approve the business licenses. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

ROAD DEPARTMENT/LANDFILL ITEMS

A. Project acceptance of North Huntington Bus Loop, Airport Road, Joe Oveson Bus Loop, and Emery to U-10.

Rex Funk was absent, Carol Ware presented in his absence. There were four road projects completed and certified by Johansen & Tuttle Engineering as ready to accept back into the county road system. The roads ready to be accepted back into the system were the North Huntington Bus Loop, Airport Road, Joe Oveson Bus Loop (Sagebrush) and Emery to U-10. Commissioner Bevan Wilson made a motion to sign the acceptance agreement to accept the roads discussed back into the county road system. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

DISCUSSION OF SUPPORT FOR UTAHNS FOR WILDLIFE HERITAGE AND CONSERVATION CAMPAIGN.

Utahns for Wildlife Heritage and Conservation have proposed constitutional amendments which will require two-thirds vote for changes to wildlife laws. This proposal says that they want to keep wildlife management in the hands of professionals. There have been several groups proposing referendums for changes which sometimes causes hysteria and chaos. The group is asking for a letter of support from the Commission. Commissioner Bevan Wilson made a motion to have Commission Chairman Randy Johnson draft a letter and each Commissioner will sign their support for the campaign. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

4

Commission Meeting  
May 6, 1998

CONSIDERATION AND APPROVAL OF RSVP GRANT.

Commissioner Bevan Wilson made a motion to approve sending a letter requesting the funds to be released to Emery County and authorize Commissioner Wilson to sign the letter. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

CONSIDERATION AND APPROVAL OF WILDLIFE FIRE SUPPRESSION FUND.

This item was tabled.

(12)

APPROVAL OF JUDGES OF ELECTION AND SATELLITE REGISTRARS.

Clerk/Auditor Bruce Funk explained that under law judges of elections must be approved by the governing body of county. He asked to keep the same policy of not using family members of candidates for election for judges of election and satellite registrars. The judges of election are as follows: Emery, Jane Manchester, Betty Bunderson and Hazel Cox. Ferron So., Katherin Singleton, Evelyn Huntsman and Mary Lue Bentley. Ferron No., Bertha Blackburn ViAnn Niebergall and Paula Lucas. Clawson, Carey Bloomer, Bobbi Justice and Aleen Riley. Orangeville, Sandra Oman, Lynett Tuttle. Castle Dale W., Zora Rowley, Pat Sanders and Elaine Wilberg. Castle Dale E., Eileen Lofthouse, Eleanor Blackham, Marianne Day and Ina Lee Magnuson. Huntington E., Loyette Myerhoff, Francy Handley, and Beverly Nielson. Huntington W., Connie Gilbert, JoAnn Shannon and Michelle Anderson. Cleveland, Karen Nielsen, Lisa Sherman and Lorraine Jensen. Elmo, Georgena Hansen, Eva Tucker and Lucille Willson. Green River, Rea Dawn Rowley, Olive Anderson and Vicki Bayles. The satellite registrars are as follows: Huntington, JoAnn Shannon, Castle Dale, Colleen Bott, Ferron, Dana Behling and Green River, JoAnn Ekker. The pay for judges of election and satellite registrars is \$50.00 a day. Commissioner Bevan Wilson made a motion to approve the judges of election and satellite registrars and payment of \$50.00 per day. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

DISCUSSION OF NURSING HOME LIABILITY INSURANCE.

There was a question on whether or not this was needed so it was turned over to Pat Snowball, Personnel to get with Utah Association of Counties and do some research on this item of business.

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Commission Meeting  
May 6, 1998

(14)  
APPROVAL AND RATIFICATION OF CHECK EDIT LIST, ADDITIONAL CLAIMS,  
REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List #110215 through and including #110413 for payment.

The following requisitions were presented for approval:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
37-98	Storage/filing cabinets Clerk/Auditor	\$ 6,698.11	Approved
38-98	Scanner Economic Dev	310.00	Approved

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
140-6027	Leading Edge computer Personnel	Transferred to Gun Range	Approved
140-5990	Computer table Personnel	Transferred to Gun Range	Approved
140-6141	Executive Chair Personnel	Transferred to Gun Range	Approved

Commissioner Bevan Wilson made a motion to approve the Warrant Check Edit List, requisitions and dispositions for payment. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Deputy Clerk/Auditor, Brenda Dugmore requested permission to transfer \$175,000.00 from Dues and Contributions to Municipal Building Authority of Emery County as this is the amount that was allocated in the budget to be transferred. Commissioner Bevan Wilson made a motion to transfer the allocated amount to the MBA. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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Commission Meeting  
May 6, 1998

(15)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

There were no items for discussion at this time.

(16)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Bevan Wilson made a motion to approve the minutes dated March 18, 1998 and April 14, 1998 with corrections. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(17)

OTHER

Craig Johansen, Johansen & Tuttle Engineering, discussed Mounds Bridge. This bridge is a historical bridge in Elmo near the county line which has been removed from the abutment and is now in the way of an ongoing construction project. A Mr. Cannon from Moab was interested in preserving the bridge and relocating it to Moab, however, he did not sign the protective covenants agreement to take possession of it. Kit Anderson from Elmo has shown interest in acquiring the bridge also. It was determined that UDOT does not own the bridge. Nothing can be done until Emery County Commission reaffirms that they want to give the bridge to Mr. Cannon. It was the recommendation of Johansen & Tuttle Engineering to write a letter to UDOT reaffirming that Emery County is willing to give the bridge to Mr. Cannon so UDOT will get back on track. Commissioner Bevan Wilson made a motion to advise Mr. Anderson of the estimated cost to bring the bridge up to required standards as a historical bridge. If Mr. Anderson is no longer interested, because of cost involved, then authorize Kent Petersen to sign letter to UDOT to proceed with giving the bridge to Mr. Cannon. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

In other business, Leslie Bolinder asked to confirm dates for the Senior Appreciation Dinner for November 17, 1998 and Employee Appreciation Dinner in December 3, 1998. She will reserve the San Rafael Museum for these dates.

(18)

COMMISSION REPORTS

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May 6, 1998

### **KENT PETERSEN**

Commissioner Petersen reported on his trip to Washington DC to testify before Congress on the proposal to create a National Conservation Area in the San Rafael Swell. He believes it still has a chance for passage this year.

He reminded everyone of the Karron Jorgen team building training.

### **BEVAN WILSON**

Commissioner Wilson provided a report on the jurisdictional transfer of State roads back to counties and cities. Emery County is evaluating state roads in the county to determine long term cost of maintenance and impacts to our county. He suggested inviting the interm committee to visit Emery County for a tour of state roads and receive input on the survey being conducted on the impacts and costs.

A public Hearing was set for May 20, 1998 at 4:00P.M. to receive public comment on State Department of Health issuing Emery County's Landfill permit. There will be a 30 day comment period. The next step will be to issue the permit which will be good for five years. Commissioner Wilson noted that Emery County is fortunate compared to other areas as far as our dollar investment in landfill.

While in Washington DC they also had the opportunity to lobby for increases in PILT payments and black lung efforts.

(19)

### **EXECUTIVE SESSION TO DISCUSS PERSONNEL AND POSSIBLE LITIGATION.**

There were no items for discussion at this time.

(20)

### **ADJOURNMENT**

Commissioner Bevan Wilson made a motion to adjourn at 11:15 a.m.



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The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**May 20, 1998**

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Kent Petersen and Commissioner Bevan Wilson, County Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 4:00P.M.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit list #110664 through and including #110850 for payment.

The following requisitions were presented for approval:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
39-98	Pentium II Computer System Sheriff	\$ 821.00	Approved
40-98	Storage Cabinet Personnel	403.00	Approved

There were no dispositions for consideration at this time.

Commissioner Kent Petersen made a motion to approve the Warrant Check Edit list and requisitions for payment. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Treasurer, JoAnn Behling requested removing Bruce and Loyette Myerhoff from the May Tax Sale. The loan they have acquired will permit them to pay the taxes by June 1, 1998.

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Commission Meeting  
May 20, 1998

Commissioner Kent Petersen made a motion to approve removing Bruce and Loyette Myerhoff from the May Tax Sale. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel actions for approval:

Weed and Mosquito

Approval is requested to hire four temporary, up to 90 day individuals as Weed and Mosquito Control Technicians to begin May 28, 1998, at a rate of \$8.25/hr. Dennis Dooley will be returning for his fifteenth season. This will be the third season for Jerel Lofley. Two other individuals will be hired, however the names were not available at this time. Commissioner Bevan Wilson made a motion to approve hiring four temporary, up to 90 day individuals for Weed and Mosquito Control Maintenance at the requested rate and hire date. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

RSVP

Meredith McElhaney, the RSVP Coordinator stationed in Grand County has submitted her letter of resignation. Approval is requested to begin recruitment for a replacement at 4A \$7.43/hr. for a part time-less than 20 hours/week, no benefit position.

Commissioner Kent Petersen expressed his concern for hiring a replacement for this position as Emery County was to be responsible for one half of the year and Grand County for the other half. Emery County will be finished with their obligation on July 1, 1998. Grand County should be the one recruiting for the position as it will be their responsibility at that time. There was a question as to whether the funds are there to pay for another six months. After some discussion on this issue Commissioner Bevan Wilson made a motion to proceed with the recruiting process provided the grant which pays for this position has been approved and is in place.

Commissioner Kent Petersen did not agree with recruiting another person for this position.

Commissioner Randy Johnson stepped down and seconded the motion provided Commissioner Wilson would get with RSVP Coordinator Carolyn Randall and Senior Clerk/Auditor Brenda Dugmore to make sure the funds are in place. The motion was not approved by all.

AmeriCorps

Anna Prawl, AmeriCorps Director explained the process used for hiring the part time summer workers for the Cleveland Lloyd Dinosaur Quarry. Out of the forty-three applicants, five will be hired for four hundred fifty hours of service. Weston Lemon, Amy Giles, Ted Jensen, Cameron Smith and Casey Potter (Gavin Anderson will be an alternate). The part time nine hundred hours worker moved out of the area and had to be replaced. The replacement was made from the pool of applicants for the summer workers. Shawn Ory has accepted that position. Commitment was the key to filling these positions as the pay is not high and are strictly service oriented jobs. Work will begin on June 1, 1998. Commissioner Bevan Wilson made a motion to approve the names as presented for summer employment at the Dinosaur Quarry. The motion was seconded by Commissioner Kent Petersen and approved by all members present. There was discussion on whom to call for repairs on the vehicle assigned to AmeriCorps. Service is to be directed to the Road Department. There was discussion on a second vehicle request which the County had not agreed to in the original plan. Anna Prawl also reported that Bonita Jarvis has broken her ankle as she was giving a tour. Bonita will be serving at the visitors center until her ankle heals and she can get back out in the field. The accident is covered under Emery County's Workmans Comp. policy.

(3)

PRESENTATION OF PHOTO RECORD OF EMERY COUNTY BY JOHN NIEBERGALL.

John Healy on behalf of the Economic Development Council and the Environmental Sub Committee presented the County with a photographic record of environmental town changes in Emery County. In 1995 when the county was developing their economic diversification plan and the county plan, the Commissioners encouraged the group to develop a photographic record that would show changes within the county. They wanted to be able to show that people in Emery County do care about the land by the changes and improvements taking place. This record addresses land issues only. The record was done by John Niebergall who has retired from the Forest Service. Copies of the record will be distributed out to each of the libraries, each of the Commissioners and Public Lands Director, Val Payne. As an overview Mr. Healy reported that the record shows that we *have* learned to use the land responsibly.

(4)

RSVP BOARDMEMBERS SEEKING FUNDING FOR COMMUNITY NEEDS ASSESSMENT.

RSVP Board members Teri Rushton and Tyler Sinclair came before the Board of Commissioners to request funding for a community needs assessment. They represent the Volunteer Advisory Committee which is a sub committee of the RSVP board. The committee felt that there was a need to survey the citizens of Emery County on volunteerism and how it can help the community as a whole. This needs assessment includes a mission statement and an explanation of the

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survey, what it will be used for and locations for turning in the surveys. Tyler Sinclair will tabulate the results from the survey to see where in the community volunteerism is needed and what people are interested in volunteering in. At this time the Committee is seeking funding for sending out the surveys. San Rafael Printing has given them a bid of \$500.00 to copy the surveys. The mailing will cost another \$500.00. Therefore the total they are requesting is \$1,000.00. They would like the mailings to go out by June 5, 1998 with returns to the drop off locations on June 19, 1998. Commissioner Bevan Wilson made a motion to approve the request for \$1,000.00 to be taken from Dues & Contributions to assist in sending out the needs assessments for RSVP. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Throughout this process of putting together the needs assessments they have received assistance from Jeanie Housekeeper of United Way. Mrs. Housekeeper runs the Volunteer Action Center in Carbon County which is one of ten Volunteer Action Centers throughout the State established by Governor Leavitt. There will be a satellite of that Volunteer Action Center established in Emery County with the contact center at the RSVP office in Huntington under the direction of Carolyn Randall. There is \$5,000.00 funding available from the State for that program.

(5)

JEFF KELSEY, INTERMOUNTAIN BENEFIT ADMINISTRATORS, PRESENT INFORMATION ON COUNTY'S HEALTH INSURANCE PLAN.

Jeff Kelsey, Intermountain Benefit Administrator, presented information on the current status of Emery County's health plan as well as offering suggestions for managing rising cost to the plan.

(6)

ANN KING, FOREST SERVICE, PRESENTATION OF AWARDS.

Ann King, Forest Service presented plaques to Public Lands Council members Wes Curtis, Tracy Jeffs, Bevan Wilson, Randy Johnson, Kent Petersen, Rosann Fillmore, Val Payne and Charlie Jankiewicz. The Rural Community Assistance Program which the Forest Service operates was awarded for their outstanding accomplishment through leadership, collaborative partnership, risk taking and vision for planning the future of Emery County and surrounding land. They were formally recognized in November 1997 however the plaques were not available for presentation at that time.

(7)

CONSIDERATION AND APPROVAL OF THE RETIREMENT CONTRIBUTION RATE

INCREASES.

Senior Deputy Clerk/Auditor Brenda Dugmore explained that this is the annual increase in the retirement contribution rate. The increase is .23% for the general payroll and .33% for the Sheriff's Department. The total impact to the payroll is \$4,900.00 for the year.

Commissioner Bevan Wilson made a motion to approve the annual increase in the retirement contribution rate. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

BLAINE LUKE, CONSIDERATION AND APPROVAL OF BEER LICENSE FOR SPORTSMAN LODGE.

Commissioner Kent Petersen made a motion to approve a Class A Beer License for Blaine Luke, Trail Mountain Resort in Joe's Valley. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

CONSIDERATION AND APPROVAL OF AGREEMENT WITH EMERY ANIMAL HEALTH.

Dr. Glen Jensen was present to review the final draft of the contract between Emery County and Emery Animal Health for animal services. Attorney, David Blackwell, Sheriff LaMar Guymon Animal Control Officer Martin Wilson and the Commissioners reviewed the contract and made a few suggestions for changes, after which, Commissioner Kent Petersen made a motion to approve the contract with Dr. Jensen, Emery Animal Health with changes as specified. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

CONSIDERATION AND APPROVAL OF WILDLAND FIRE SUPPRESSION FUND.

The budgeted amount for this fund is \$3,008.00 for this year. Emery County has to maintain a \$5,000.00 suppression fund account in order to be a part of this fund. This year we can achieve that amount by moving line items in our wildland fire budget. Next year we can raise that budgeted amount to meet that required amount. This year however we can rearrange line items when we open the budget for other adjustments. If we do not have a fire the fund just builds up. 75% of the premium that is put in the fund can be used for fire suppression activity prevention. Commissioner Kent Petersen made a motion to correctly move over line items within the wildland fire budget to meet the \$5,000.00 required to participate in the program. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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Commission Meeting  
May 20, 1998

(11)

GARTH LARSEN, FERRON CITY MAYOR, DISCUSSION OF CANYON ROAD SAFETY CONCERNS.

Ferron City Mayor, Garth Larsen addressed some concerns expressed by citizens of Ferron. The complaints that come before Ferron City are mostly concerning the excessive speed on the canyon road and the width of the road makes it unsafe for pedestrian or bicycle traffic. The roads location is a natural for those who like to get out and walk or enjoy a bike ride. The city is trying to respond to the safety concerns expressed but needed some assistance for addressing the problems. The area of greatest concern lies within the boundaries of the Castle Valley Special Service District. Mayor Larsen has come before the Commission because he sees this as potentially an item that can be addressed as a group. He has looked into the possibility of a walking/bike trail. Rex Funk, Road Supervisor offered some suggestions and criteria for meeting regulations for available funding programs. Mayor Larsen was provided with some options for connecting him with the correct people to get Ferron City started in the right direction. Sheriff LaMar Guymon addressed the speed issue.

(12)

RECOMMENDATION TO AWARD BID FOR COURTHOUSE CARPET PROJECT AND DISCUSSION OF PROJECT.

The Courthouse Carpet Committee had reviewed the bids for courthouse carpet project and made a recommendation to award the bid to Carpet Max (Dennis Jones) for \$54,080.00. Commissioner Kent Petersen made a motion to award the bid for courthouse carpet project to Carpet Max (Dennis Jones) and authorizes Attorney David Blackwell to proceed with drafting the contract. The motion was seconded by Commissioner Bevan Wilson and approved by all members present. Mr. Jones anticipates beginning the second week in June after the carpet arrives. Most of the work will be done on the weekends so as to not disrupt service to the public. Mr. Jones will be paid as per invoice every two weeks as work is completed and claims are submitted. Leslie Bolinder will act as the liaison for scheduling when offices will be done.

(13)

VAL PAYNE, PUBLIC LANDS UPDATE.

Val Payne, Public Lands Director provided an informative update of Public Lands activity. Most of his report focused on the proposed changes for the National Heritage Conservation Area

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May 20, 1998

Proposal and what to expect. The trails committee formed by OHV users group as well as BLM and Forest Service people are working on addressing OHV use on the forest. Some of the Global Positioning System work that was done by Lee Rasmussen and Lee Swasey on documenting those trails that are considered for part of that plan was extremely accurate. It was very helpful in plotting trails and accurately locating and documenting roads.

Mr. Payne was encouraged by reports received from the State Institutional Trust Lands Representative and Governor Leavitt's comments regarding State Lands Exchange.

The Public Lands Council is reviewing PacifiCorps proposed mine plan change for the Deer Creek Mine which involves undermining the north slope of Rilda Canyon and will be making any comments which are appropriate in regards to that.

Sheriff Guymon and Val Payne have been involved as members of the Goblin Valley Management team. They expect increased visitation from the notoriety of the Heritage Conservation Area as well as the improvements made to the access road to Goblin Valley. The numbers of visitations indicate that this is the time to address the management plan for Goblin Valley to insure that it fits in with increased activity.

(14)

ROAD DEPARTMENT/LANDFILL ITEMS

Jeff Emmons, State Licensing Director reviewed the permitting process. All the proper applications have been received and reviewed. Today, May 20, 1998 was the day for the Public Hearing and Comment period of which there were no comments. That comment period will remain open until June 4, 1998. At the conclusion of the comment period the State Licensing office will act upon it and most likely approve the permit. He anticipates mid June for the permitting process to be complete.

(15)

CONSIDERATION AND DISCUSSION OF RELOCATING MOUNDS BRIDGE TO CASTLE DALE YARD.

Rex Funk, Road Supervisor reported on the status of relocating the Mounds Bridge. There are currently two bridge removal projects in process. The Mounds Bridge (Price River Bridge in



Elmo) has been moved off the abutment and is currently in the way of an ongoing project. The fully qualified individual who had shown an interest in taking ownership of the bridge failed to show up to do so. The bridge has been identified as a historical bridge and as such caution must be taken to preserve it. Emery County as owner of the bridge is accountable for its protection. It is not safe where it is. Emery County Road Department recommends a marketing process to find someone to take ownership of the bridge. They recommend moving the bridge to the county yard on the Des Bee Dove road until such time as to find a suitable recipient for the bridge can be found. Intermountain Rigging and Heavy Haul has agreed to move the bridge for \$15,000.00. Commissioner Kent Petersen made a motion to approve hiring Intermountain Rigging and Heavy Haul to move the bridge to the Des Bee Dove location. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

DISCUSSION OF THE NEED FOR WATER AND IMPROVED ROAD INTO LAWRENCE CEMETERY AND OWNERSHIP OF THE MOLEN CEMETERY.

A small delegation of residents from Lawrence approached the Commission for upgrading of Lawrence's cemetery. Utahna Wilson representing the delegation requested Emery County purchase a water connection from North Emery Water Users at a cost of \$2,250.00 and \$20.00 a month water fee for the cemetery. In the past the residents have tried to do this on their own but were unable to accomplish this. Since Emery County owns the cemetery they would appreciate any help they could possibly give. It was discussed possibly asking NEWU to reduce the cost of the hook-up. Commissioner Wilson explained some of the problems associated with Lawrence and the proposed improvements by the Special Service District #1 to roads in Lawrence including the road leading to the cemetery. Commissioner Bevan Wilson made a motion to approve the request for a water connection to the Lawrence Cemetery and to make every effort to negotiate with NEWU on the cost. The motion was seconded by Commissioner Kent Petersen and approved by all members present. The funds will be addressed when the budget is reopened in July. Commissioner Johnson suggested looking at Dues & Contributions.

James Nielson discussed with the Commission the ownership of Molen Cemetery. The LDS Church has notified the county concerning the property which was originally owned by the Christensen family and was given to the church to be used as a cemetery. The LDS church would like to have some other entity take possession of the (cemetery) property by July 29, 1998. The Commission discussed several options and will gather facts in order to make a decision by then if possible. They will address this issue again at the July 1, 1998 meeting.

(17)

APPROVAL OF RESOLUTION FOR MODIFICATION OF FUNDING ON THE UAC BUILDING.

Commissioner Johnson explained the reason for the Resolution of Modification of Funding on the UAC Building. In 1997 UAC issued \$1,710,000.00 in Lease Certificates of Participation to finance construction of a new UAC building. The Certificates also financed a debt service reserve account in the amount of \$171,000.00. These reserve accounts are usually required on this type of debt issue to act as a buffer against unforeseen payment problems. UAC is attempting to replace the existing debt service reserve fund with a letter of credit from Zions First National Bank. Doing so would free up the \$171,000.00 in reserve for use in construction of the building. Zions Bank is willing to supply the letter of credit at no charge. The Resolution authorizes UAC to execute amendments to the existing legal documents which will allow the letter of credit to be substituted for the reserve fund. Adopting this Resolution in no way obligates the County on the debt or the letter of credit. UAC is still the only party responsible for this debt. UAC, however, does not have the legal authority to execute the amendments unless all of the Counties in the State grant it authority. Commissioner Bevan Wilson made a motion to approve the Resolution for Modification of Funding on the UAC building. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(18)

DISCUSSION OF PLANNING ASSISTANCE FOR ORANGEVILLE AND HUNTINGTON.

Tyler Sinclair, UAC has been helping communities with their planning process. Orangeville and Huntington City have asked for assistance which will probably be more than Tyler can provide. They are asking the County to be a spokesman as they apply for assistance from other sources. Commissioner Kent Petersen made a motion to be a spokesman for Orangeville and Huntington Cities in their effort to receive assistance during their planning process. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(19)

CITIZEN CONCERNS

The Commission received a donation request from San Rafael Jr. High to assist in their 9<sup>th</sup> Grade Achievement Day. Commissioner Kent Petersen made a motion to contribute \$50.00 to this worthy cause. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(20)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to approve the minutes dated May 6, 1998 with corrections. The motion was seconded by Commissioner Bevan Wilson and approved by all

10  
Commission Meeting  
May 20, 1998

members present.

(21)  
COMMISSION REPORTS

### **KENT PETERSEN**

Commissioner Petersen reported on his meeting with CIB officials. He reported on the funding possibilities for the Sr. Citizen Centers and fire trucks and equipment. He was very encouraged by what he heard.

Scott Theurer has resigned as Nursing Home administrator. He will be staying during the transition to a new administrator. Candidates for the position will be interviewed soon. A letter will be drafted thanking Mr. Theurer for a job well done.

### **BEVAN WILSON**

Commissioner Wilson and Val Payne attended the farewell for BLM Field Office Manager, Kate Kitchell. She extended her thanks via Commissioner Wilson to Emery County Commissioners for all their help over the years. While at this function Dick Manis reported on the Heritage Area. He suggested doing an inventory of the Heritage Area sites locations and setting up criteria and dialog on 'what is a heritage location'.

He received a letter from Gary Kofford on Joe's Valley Water Subdivision Users advising the Commission of their desire to create a water district for the Reeder Subdivision and Olsen Subdivision. Commissioner Wilson will provide more details as they become available.

### **RANDY JOHNSON**

Commissioner Johnson testified before the Sub Committee on National Parks and Public Lands with Governor Leavitt and Bruce Babbitt. All the testimony was favorable towards that land exchange. Emery County's Heritage Plan did come up. The proposal is still receiving a lot of support and favorable comments.

(22)

11  
Commission Meeting  
May 20, 1998

ADJOURNMENT

Commissioner Bevan Wilson made a motion to adjourn the meeting at 7:15 p.m. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**June 3, 1998**

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson, Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 9:00 a.m.

(1)

TOM ALEXANDER, UTAH POWER, UPDATE ON LOCAL ISSUES, PROJECTS, AND CONCERNS.

Tom Alexander, Utah Power provided an informative update of local and corporate activities. Commission Chairman Randy Johnson conveyed the concerns expressed by local workers regarding local workers not being hired by contractors for local work at the plants.

(2)

MARY IREY, HERITAGE INTERMOUNTAIN THEATRE, PRESENTATION DISCUSSING 1998 SUMMER SEASON AND ORGANIZATIONAL GOALS.

Mary Irely and her husband have worked in and have moved to Carbon County from New York and Seattle to bring Broadway to our rural area. They have helped to raise nearly a million dollars to renovate a building for the theatre in Helper. The theatre will be tied to economic development for the two county area. Their goal is to provide Broadway quality theatre at an economical price for everyone. This was an informational visit.

(3)

CITIZEN CONCERNS.

Karen Bedont, AmeriCorps Project Director for the Cleveland-Lloyd Dinosaur Quarry Project introduced the recently hired summer workers. The workers are: Wes Lemmon from Ferron, Shawn Ory from Price, Amy Giles from Castle Dale, and Casey Potter from Huntington. Ted Jensen and Cameron Smith were also hired but had school obligations this day. Ms. Bedont thanked the Commission and Sheriff Guymon for providing AmeriCorps with a second vehicle for transporting the youth to the quarry each day.

(4)

CONSIDERATION AND APPROVAL OF RESOLUTION OF SUPPORT FOR GUNNISON BUTTE MUTUAL IRRIGATION COMPANY.

Attorney David Blackwell discussed with the Commission Resolution 6-3-98. This is a Resolution of Support for Gunnison Butte Mutual Irrigation Company which is a standard resolution of support for application for Flaming Gorge water rights. The resolution states that the Commission finds that it is in the best interest of the citizens in the Green River Valley and Emery County to acquire additional water rights enabling development of increased agricultural areas, sustaining current areas and securing the future of the Green River Valley, establishing a substantial foundation for future generations, positively affecting the public health, safety and welfare of the citizens of Green River Valley and Emery County. Commissioner Kent Petersen made a motion to approve Resolution 6-3-98 in Support of Gunnison Butte Mutual Irrigation's application for Flaming Gorge water rights. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

ROAD DEPARTMENT/LANDFILL ITEMS.

Road Supervisor, Rex Funk discussed a pit permit with the U.S. Forest Service for Joe's Valley by the Reeder Subdivision area. Rex Funk, Bevan Wilson, Craig Johansen and Howard Tuttle of Johansen & Tuttle Engineering, have reviewed the document and have no problems with the permit or the conditions therein. It is a good site with mostly limestone product. The nature of the area requires some drilling and dynamiting which exceeds the Road Departments capabilities. Therefore, because of the difficulty involved with opening up the pit, Rex Funk recommends contracting out the development of the pit and the crushing of the product for stockpiling. The Forest Service needs 15,000 cubic yards and the County needs 10,000 cubic yards making a total of 25,000 cubic yards of crushed product. The contract would require fencing to secure the stockpile with a locked gate. The Forest Service is working on terms of an agreement where they would pay for their 15,000 cubic yards on that contract. At that time the project agreement will be submitted to the Commission for approval. Commissioner Wilson added that the Forest Service has received a grant for approximately \$100,000.00 for road improvements. They plan to do about three to four miles of drainage work and gravel surface on the road going into Upper Joe's Valley. They are going to bid that contract out around August 1998. The pit project will help in the Forest Service's road project as well as maintenance on county roads.

Commissioner Bevan Wilson made a motion to approve the pit permit with the U.S. Forest Service. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Commissioner Bevan Wilson made a motion to authorize Rex Funk to proceed with advertising

for bids to open and develop the pit, crush the determined amounts of gravel and authorize Commissioner Bevan Wilson to sign any required documents. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

FOLLOW-UP DISCUSSION CONCERNING OWNERSHIP OF MOLEN CEMETERY.

Commission Chairman Randy Johnson discussed the Molen Cemetery issue that was discussed in last commission meeting. Apparently there are several historic cemeteries in the area. However, Emery County is not ready to take on a historic cemetery and the responsibilities that come along with it at this time. After some discussion on this matter Commissioner Kent Petersen made a motion to write a letter to Ferron City and pursue having them take over the Molen Cemetery. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

DISCUSSION AND APPROVAL OF ALLRED SIGN CONTRACT.

Economic Development Director, Rosann Fillmore reported on the contract with Jack and Hazel Allred of Spring Glen for the annual rent of property for the maintenance of one billboard sign in Huntington, Utah. This is a five year renewable lease. The rent is \$800.00 for a year.

Commissioner Bevan Wilson made a motion to approve the Allred sign contract for \$800.00 a year. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #111013 through and including #111155 for payment.

The following requisitions were presented for approval:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
41-98	(2) PSX Handheld Radios Class B Roads	\$1,768.00	Approved
42-98	S & W Sigma 40c Semi-Auto Pistol Sheriff	381.00	Approved

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43-98	(2) Adam Training Torso Ambulance (½ State EMS Grant)	690.00	Approved
44-98	(4) 1998 Dodge Durango 4 Dr 4WD Sheriff	113,512.00	**Approved
44-98	(1) 1998 Crown Victoria Police Interceptor Sheriff	20,899.00	**Approved
45-98	(1) 1998 Crown Victoria Police Interceptor Traffic Enforcement	20,899.00	**Approved

The following Dispositions were presented for approval:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
233-1815	Toastwell Toaster Corrections	Junked	Approved
233-1814	Refrigerator Corrections	Junked	Approved
-5062	Dishwasher Corrections	Junked	Approved
233-1810	Refrigerator/freezer Corrections	Junked	Approved
N/A	Television/Teknika Sheriff	Junked	Approved
N/A	Washing machine,Crosley Corrections	Junked	Approved
N/A	Adding Machine Sheriff	Junked	Approved

Sheriff Guymon requested disposing of several unclaimed items that have been stored in jail property for some time. They will be taken to Deseret Industries.

The parapet project done on the courthouse by Royce Stilson is complete. Mr. Stilson will be paid from courthouse funds.



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Commissioner Kent Petersen made a motion to approve the Warrant Check Edit List, Requisitions and dispositions as presented and to have Sheriff Guymon coordinate with Bruce Funk to get the best possible price for the vehicle purchase.(\*\*) The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Assessor Jim Fauver informed the Commission of a problem regarding the payment for the laying of the fiber optic cable for the libraries and Sheriff's Department. Bottom line was the work was done by Paul Harvey, Peak Cablevision. Mr. Harvey requested to have the county purchase three tool boxes for his pay for the laying the fiber optic cable. Commissioner Kent Petersen made a motion to approve the purchase of the toolboxes for Paul Harvey with the purchase to come from Communication funds. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Clerk/Auditor, Bruce Funk requested assistance from the Sheriff's Department in picking up the ballot boxes from the Election polls after the polls close on election night. Sheriff Guymon indicated his department would be glad to help in any way.

(9)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel actions for approval:

Road Department

Road Department requests hiring two temporary, up to 90 day flaggers, Nancy Whimpy and Carisa Huntington, beginning June 1, 1998 at \$7.00/hr. They request hiring one laborer Brandon Conover beginning June 1, 1998 at \$8.00/hr. These people will be working during the chipping project.

According to policy, workers can be hired and ratified within thirty days of hire, therefore, at this time Pat Snowball request ratifying the hiring of these workers at the road department.

Commissioner Bevan Wilson made a motion to ratify the hiring of the temporary flaggers and laborer at the road department. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

APPROVAL OF COMMISSION MEETING MINUTES.

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Commission Meeting Minutes  
June 3, 1998

Commissioner Bevan Wilson made a motion to approve the minutes dated May 20, 1998 with corrections. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

OTHER BUSINESS

Layne Miller, Emery County Progress thanked the Sheriff's Department and Sheriff's Possee for their help on the Friendship Cruise. He commended Brett Mills for his organization and coordination of communications. Everything went well.

(12)

COMMISSION REPORTS.

***KENT PETERSEN***

Commissioner Petersen reported that Scott Theurer has resigned as administrator of the Emery County Nursing Home. The Nursing Home board has interviewed perspective candidates for replacement and have hired Bryan Erickson. He will begin as administrator on June 1, 1998. As a final note he added that the final inspection of the Nursing Home expansion will be on Friday, June 5, 1998 at 11:00 a.m.

***BEVAN WILSON***

Commissioner Wilson's report included information about the Legislative Interim Committee on Transportation. In their last meeting they voted to make recommendations back to the legislature that they abandon the jurisdictional transfer of roads back to counties and cities. The recommendation included some exceptions for certain counties and cities. For example an exception in Emery County's case would be Goblin Valley Road, Millsite Road and Horse Canyon Road.

Commissioner Wilson thanked Sheriff Guymon for the extra vehicle for the AmeriCorps group for transporting the youth to the quarry.

***RANDY JOHNSON***

Commissioner Johnson had just returned from Washington, D.C. where he along with Dennis Worwood and Val Payne met with representatives from the Southern Utah Wilderness Alliance

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and Democratic Representatives from the Department of Resources to discuss problems that have come up in Committee concerning the Heritage National Conservation Area Plan. They also addressed concerns expressed by the Bureau of Land Management. Overall, Commissioner Johnson felt good about the outcome of the discussions. The changes suggested were not too drastic. There is reason for hope.

(13)

EXECUTIVE SESSION TO DISCUSS PERSONNEL AND POSSIBLE LITIGATION.

Commissioner Bevan Wilson made a motion to move into executive session. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Present at executive session was Attorney David Blackwell, Commissioner Kent Petersen, Commissioner Randy Johnson, Commissioner Bevan Wilson and Deputy Clerk/Auditor Carol Cox.

(14)

ADJOURNMENT

Upon return to regular meeting Commissioner Kent Petersen made a motion to adjourn the meeting at 11:05 a.m. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

**MINUTES OF EXECUTIVE SESSION  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE**

**June 16, 1998**

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson, Attorney David Blackwell, Sheriff LaMar Guymon, Personnel Director Pat Snowball and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 12:00 p.m.

Commissioner Bevan Wilson made a motion to move into executive session. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

This special meeting was called to discuss pending litigation and personnel items.

Upon coming out of executive session Commissioner Kent Petersen made a motion to adjourn the meeting at 1:25p.m. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**June 17, 1998**

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson, Commissioner Kent Petersen, Sheriff LaMar Guymon, Deputy Attorney Allen Thorpe and Deputy Clerk/Auditor Carol Cox.

(1)  
APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #111419 through and including #111604 for payment.

One Requisition (#46-98) was presented from the Library for seven computers at a cost of \$11,844.00. No dispositions were presented at this time.

Commissioner Bevan Wilson made a motion to approve the Warrant Check Edit List and requisition for payment. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)  
PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director, presented the following personnel actions for approval:

Orientation Increases

In keeping with the January 1, 1998, change in personnel policy, the following employees are eligible for orientation increases:

Road Department: Travis Winn, from 12A \$10.36/hr to 12B \$10.60/hr  
effective June 30, 1998.  
Road Department: Terry Seager, from 12A \$10.36/hr to 12B \$10.60/hr  
effective June 30, 1998.  
Justice Court: Kristie Nelson, from 4B \$7.59/hr to 5A \$7.75/hr  
effective June 15, 1998.

Commissioner Kent Petersen made a motion to approve the orientation increases for Travis

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Winn, Terry Seager and Kristie Nelson. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

#### Assessor's Office

Julie Truman submitted her resignation effective June 8, 1998. In order to staff the State Tax Office in a timely manner, Jim Fauver sought commission approval to advertise the weeks of June 16 and 23, 1998. The job closes June 26, 1998. Action of this item is ratification of the approval to advertise. The job is Title and Registration Technician, part time-up to 3/4 time, eligible for benefits, at a wage of \$7.43/hr. Commissioner Bevan Wilson made a motion to approve ratification of the approval to advertise for a Title and Registration Technician. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

#### Temporary Up to 90 Day Assignments

Extension Office: Cassie Jones, clerical,	\$7.00/hr effective June 15, 1998
Extension Office: Darlene Ernie, clerical	\$7.43/hr effective June 15, 1998
Road Office: Hugh Christiansen, laborer	\$8.00/hr effective June 11, 1998

Commissioner Bevan Wilson made a motion to approve the up to 90 day assignments for the Extension office and Road office. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

#### Health Insurance

Renewal of the health insurance is July 1, 1998. Intermountain Benefit Administrators Regional Manager, Jeff Kelsey, was unable to be here, therefore, he is sending the documents by overnight mail for the commission to review. Pat Snowball requested to have the documents reviewed and upon commission approval have Commissioner Johnson sign them for a timely return so that payment of claims will not experience an interruption. Mrs. Snowball asked to have the action ratified in Commission Meeting on July 1, 1998. Commissioner Bevan Wilson made a motion to review the health insurance documents and approve Commissioner Johnson to sign the documents upon approval of the commission and to ratify the signature in the July 1, 1998 Commission Meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

PRESENTATION OF RESULTS FROM TOURISM SURVEY BY EARLENE BIGGS.

Economic Development Director, Rosann Fillmore introduced Earlene Biggs, Merit Research who provided a presentation of the results from the tourism survey. Overall, residents of Emery County can see the benefits of tourism but don't want it to affect the quality of life they have come to expect living in a rural community. The Commission was pleased with the large amount of response from the survey.

(4)

6:00 P.M. - PUBLIC HEARING- TO RECEIVE PUBLIC COMMENTS CONCERNING ENTERPRISE ZONE IN EMERY COUNTY.

Economic Development Director, Rosann Fillmore explained that an Enterprise Zone is a business recruitment incentive designated by the state. Application for designation is required. In years past the entire county was designated as an Enterprise Zone but with changes in the laws that designation no longer qualifies. State Department of Economic Development has determined Emery County will need to designate areas and decide the type of development desired in those areas. Businesses in those areas receive Corporate Income Tax Credit. They would receive \$750.00 credit for each full time equivalency employee for up to thirty positions a year with an extra \$500.00 credit if they are 125% of the average county wage. Businesses could receive another \$750.00 if the position is in value added agriculture areas and another \$200.00 for another two years if health insurance is provided for the employee. The Economic Development council has looked at the unincorporated areas of Emery County to determine some areas that would meet the criteria for an Enterprise Zone. Currently there are several locations in the I-Zone (Industrial Zone). Hunter Power Plant is one location being looked at because of the interest in locating industries that would add value such as industry using the waste products from the power plant. Other areas discussed were: the area by the training center near the Huntington Airport, an area near the landfill and another by Emery Recycling. Potential areas discussed that are not industrial were areas near the central warehouse (west of Orangeville) and Rock Canyon (south of Orangeville).

Bryant Anderson, Planning & Zoning questioned whether the property near central warehouse (west of Orangeville) should be designated in the I-Zone. He suggested another potential place is across from Huntington State Park where Savage Industries is located.

Commissioner Wilson wanted to know how you would deal with a request to build outside the designated Enterprise Zone. Mrs. Fillmore stated that they can apply to amend the Zone.

Tom Alexander, Utah Power relayed he had several request from companies looking to locate here but were discouraged by researching a site and available infrastructure. The positive side of using the Enterprise Zone is the sites and location of infrastructure will already be available providing an enticement for companies to locate here.

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Bruce Funk, Clerk/Auditor expressed concern that the only one who will benefit from this is Utah Power because of their site analysis/ feasibility study.

Mack Huntington, Planning Council explained that a site analysis may show to attract industry. A feasibility study would show where it would be the most expensive to locate. Emery County has a policy that the developer pays the way. How are we going to attract a developer here if it is going to cost them a million dollars to put in water and sewer. Mr. Huntington likes idea of planning these things.

Mrs. Fillmore explained that this Public Hearing is part of the planning process. The next step now is to get legal descriptions for the proposed areas.

Commissioner Bevan Wilson made a motion to close the Public Hering. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(5)

CONSIDERATION OF RELOCATION OF EMERY COUNTY FOOD BANK AND CLOTHING EXCHANGE.

Cheryl Peck, Manager of Emery County Food Bank and Clothing Exchange presented a request to relocate at the Senior Citizens Center in Castle Dale when the new Senior Citizen Center is completed and the present center is vacated. The group has out grown their current facility which is in poor condition and not handicap accessible. The group has taken on new responsibilities recently and is just not capable of conducting their programs from such a small facility. They were aware that the new Senior Citizens Center will not begin construction until spring of 1999. They wanted to put in an early request to be considered to use the facility when it is vacated. The Board of Commissioners will give consideration to their request at that time.

(6)

DELENA FISH, WORKFORCE SERVICES UPDATE.

Delena Fish, Workforce Services provided an informative update of current activities.

(7)

LT. STEVE RAPICH, UTAH HIGHWAY PATROL, DISCUSSION OF UHP AND DEPARTMENT OF PUBLIC SAFETY ISSUES.



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Commission Meeting  
June 17, 1998

Lt. Steve Rapich, Utah Highway Patrol offered the help and resources of his department to South Eastern Utah. He pledged his support to Sheriff Guymon and the Emery County Sheriff's Department asking to have an open dialog between the two departments.

(8)

KIMBALL AND ROBERTS, PRESENTATION OF 1997 INDEPENDENT AUDIT AND RECOMMENDATIONS.

Senior Deputy Clerk/Auditor, Brenda Dugmore presented the 1997 Independent Audit by Kimball and Roberts. She reported that the findings were very minor and recommended accepting the audit report. Commissioner Bevan Wilson made a motion to accept the 1997 Independent Audit. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

EMERY COUNTY MUSEUM BOARD TO DISCUSS PROPOSED LABORATORY FOR ARCHAEOLOGICAL, PALEONTOLOGY RESEARCH AT THE MUSEUM OF THE SAN RAFAEL.

Museum Director, Dixon Peacock provided an activity update of the Museum of the San Rafael. The museum board has presented a proposal to Castle Dale City wherein the board proposed building a laboratory for archaeological and paleontology research on the south east corner of the museum lot. The board has an opportunity to obtain grant money for the building. At this time they are asking the Board of Emery County Commissioners for their support and assistance from Economic Development Director, Rosann Fillmore in writing and obtaining the grant. Mr. Peacock reported the board has been looking into adding a curator at the museum who would live here year round. This would make it possible for the museum to become accredited which in turn would open windows of opportunity for other funding sources. Commissioner Kent Petersen made a motion to lend the support of the Board of Commissioners and Rosann Fillmore in helping the Museum of the San Rafael to obtain a grant for the purpose of building a laboratory. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

DISCUSSION AND CONSIDERATION OF APPROVAL OF SALE INTENTION OF COUNTY OWNED PROPERTY 1-13-27 (WHERE OLD PROFESSIONAL BUILDING WAS TORN DOWN).

Jay Mark Humphrey, Emery Water Conservancy District discussed the possible sale of the county owned property where the old professional building used to be located. This property was struck back to the county as a result of the 1996 May Tax Sale. The old professional building was demolished in 1997. Emery Water Conservancy District is looking to secure more ground to build a new office building in the future. The property of discussion is adjacent to their present location and would be an ideal place put an office building. EWCD requested to purchase the property or have the property transferred from one taxing entity to another. Deputy Attorney Allan Thorpe addressed the County Disposition Ordinance. Once the county decides to sell the property they will be bound by that ordinance and it will have to go out to bid. The Commissioners discussed possibly recouping the money already invested in the property such as the asbestos removal, demolition and tax loss. They discussed the importance of doing what is in the best interest of the tax payer. Mr. Humphrey reminded the Commissioners that if EWCD has to purchase the property the cost will be passed on to the tax payer since EWCD is also a taxing entity.

(11)

MATT NELSON AND RYDALE LOFLEY- REQUEST FOR DONATION.

The Board of Commissioners received two letters of request for sponsors. One letter was from Matt Nelson who requested donation for trip to Hoops Classic in Australia. Another letter was from Rydale Lofley who requested donation to Research and Design Convention in Pittsburgh, Pennsylvania. Commissioner Kent Petersen made a motion to contribute \$50.00 each to Matt Nelson and Rydale Lofley. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

DISCUSSION OF CREATING A JOE'S VALLEY CULINARY WATER COMPANY  
SPECIAL SERVICES DISTRICT.

Gary Kofford, President, Joe's Valley Culinary Water Company opened discussion on creating a Special Service District to provide culinary water to property owners in Joe's Valley Reeder Creek sub-division. The company is looking for ways to finance water projects and is before the commission at this time to request assistance in researching the creation of a special service district. If a district was formed they could then tax the property owners to provide the funds needed to install a culinary water system for the sub-division. He discussed some of the water problems they have had in the past and asked for some suggestions. Deputy Attorney Allen Thorpe explained the two types of special service districts, independent and dependent. Commissioner Bevan Wilson suggested the group make a decision as to the type of district they would like to create. The Attorney's office will assist them in providing the necessary steps for creating a district. The company indicated they would like to be as independent as possible.

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Commissioner Johnson commented that for now he was comfortable with pursuing the groups request to the point of assisting them in researching the creation of a district.

(13)

CONSIDERATION AND APPROVAL OF CONTRACT AGREEMENT FOR CDBG FUNDS FOR HABITAT FOR HUMANITY PROJECT.

Commissioner Kent Petersen made a motion to approve the contract agreement for CDBG funds for Habitat for Humanity Project. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

CITIZEN CONCERNS.

Julie Johansen came before the commission for consideration of a recommendation to create a right to agriculture ordinance. She presented a copy of an ordinance from Kamas City. She suggested that as the county talks about economic development that they also talk about preserving the agricultural community, livestock and water rights.

Bonnie Swenson, Emery County Community Foundation outlined their purpose and mission statement. They will be expanding the food vendors during the Emery County Fair. As they will need to purchase event insurance, they are requesting the county help with the cost. Commissioner Johnson suggested they approach the pageant committee first to see if possibly they could split the cost of the insurance since the food concession will be during the pageant. The Commission will discuss this again at July 1, 1998 Commission Meeting.

(15)

DISCUSSION AND APPROVAL OF LEASE AGREEMENT BETWEEN EMERY COUNTY AND STATE OF UTAH, DIV. OF FACILITIES CONSTRUCTION MANAGEMENT.

The Commissioners discussed the lease agreement between Emery County and the State of Utah for the Adult Probation office space in the courthouse. This is two year contract at the same rate as the court space. Commissioner Kent Petersen made a motion to approve the lease agreement between Emery County and State of Utah, Division of Facilities Construction Management. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

CONSIDERATION AND APPROVAL OF EMERY COUNTY 1998 PROPOSED TAX RATES.

Senior Deputy Clerk/Auditor, Brenda Dugmore reviewed the proposed tax rates for 1998. The

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June 17, 1998

proposed rate for the general fund is .0003237, library .000375, flood .000188 for a total of .0003800. Commissioner Bevan Wilson made a motion to approve the proposed 1998 tax rates. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(17)

CONSIDERATION AND APPROVAL OF CASTLE VALLEY SPECIAL SERVICE DISTRICT 1998 PROPOSED TAX RATES.

Senior Deputy Clerk/Auditor, Brenda Dugmore reviewed the 1998 proposed tax rate for Castle Valley Special Service District. The proposed rate for the general fund is .000800 ( voter imposed ) resulting in \$45,000.00 drop in revenue. The debt service rate is .0001116 which is half of the prior years. Commissioner Kent Petersen made a motion to approve the 1998 proposed tax rate for Castle Valley Special Service District. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(18)

ROAD DEPARTMENT/LANDFILL ITEMS.

Road Supervisor, Rex Funk reported on the Des Bee Dove Crossover decision by BLM and Forest Service.

Romanian engineers have been in the area reviewing the enzyme application to county roads. The Russians will be here next to do the same.

(19)

CONSIDERATION AND APPROVAL OF ADDENDUM TO THE COOPERATIVE WILDLAND FIRE PROTECTION AGREEMENT BETWEEN EMERY COUNTY AND THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS, ALSO KNOWN AS THE WILDLAND FIRE SUPPRESSION FUND AGREEMENT.

It was necessary to ratify the agreement for the Wildland Fire Suppression Fund. Commissioner Bevan Wilson made a motion to ratify the agreement for the Wildland Fire Suppression Fund. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(20)

PLANNING AND ZONING BOARD REQUEST SETTING OF PUBLIC HEARING FOR ORDINANCE CHANGE.

The board has had several requests to upgrade non-conforming building lots in unincorporated areas of Emery County. Therefore, the board recommends amending the zoning ordinance to

re-define the concept of non-conforming use. This allows people to upgrade and improve their homes on non-conforming lots. Deputy Attorney Allen Thorpe has reviewed the proposed amendments and didn't see any negative effects on our present zoning ordinance. Mr. Thorpe presented Resolution 6-17-98 creating a Public Hearing to be held on July 15, 1998 at 6:00 P.M. to receive public input on amending the zoning ordinance. Commissioner Kent Petersen made a motion to approve Resolution 6-17-98 setting a Public Hearing for July 15, 1998 at 6:00 P.M. to receive public comment on amending the zoning ordinance. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(21)

APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Kent Petersen made a motion to approve the minutes dated June 3, 1998 and June 16, 1998 with corrections. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(22)

COMMISSION REPORTS

***KENT PETERSEN***

Commissioner Petersen reported that the final test on the Nursing Home should be completed soon, after which they will begin occupying the completed section.

***BEVAN WILSON***

Commissioner Wilson recognized the receipt of a letter of resignation from Anne Curtis as secretary for Economic Development. She and her husband Wes Curtis are moving to Cedar City where he will be working. Commissioner Wilson expressed the appreciation of the Emery County Commission for her years of service to the county.

***RANDY JOHNSON***

Commissioner Johnson inquired as to the county's intern program. He questioned whether there was a need for an internship this summer and if there were any projects or even funds for the program.

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(23)  
EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL  
MATTERS.

There were no items for discussion at this time.

(24)  
ADJOURNMENT

Commissioner Bevan Wilson made a motion to adjourn the meeting at 7:40 P.M. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**June 17, 1998**

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson, Commissioner Kent Petersen, Sheriff LaMar Guymon, Deputy Attorney Allen Thorpe and Deputy Clerk/Auditor Carol Cox.

(1)  
APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #111419 through and including #111604 for payment.

One Requisition (#46-98) was presented from the Library for seven computers at a cost of \$11,844.00. No dispositions were presented at this time.

Commissioner Bevan Wilson made a motion to approve the Warrant Check Edit List and requisition for payment. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)  
PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director, presented the following personnel actions for approval: In keeping with the January 1, 1998, change in personnel policy, the following employees are eligible for orientation increases:

MINUTES OF THE MEETING  
OF THE BOARD OF EMERY COUNTY CANVASSERS  
HELD IN THE EMERY COUNTY COURTHOUSE

June 29, 1998

Those present were as follows: Commissioners Randy Johnson, Kent Petersen, Bevan Wilson; Sr. Deputy Clerk/Auditor Brenda Dugmore.

Commission Chairman Randy Johnson convened the Board of Canvassers at 10:00 a.m. for the purpose of canvassing the Emery County Primary Election held June 23, 1998, as prescribed under the Utah Code with proper notice having been posted. The results of the Primary Election following the canvass, including all corrections and absentee ballots are as per the attached sheets.

Whereupon, the motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to accept the results of the official canvass of the Primary Election as determined. Motion was approved by all members present.

Motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to adjourn the meeting. Motion was approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_



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

**July 1, 1998**

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson, Commissioner Kent Petersen, Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 9:00 A.M.

(1)

MECCA REPRESENTATIVES REQUESTING DONATION FOR 100K BIKE RIDE

Sheriff LaMar Guymon representing Mostly Emery County Cycling Association presented a request for a donation to their annual 100 K (65 miles) bike ride associated with the Emery County Fair. Because the Board of Commissioners preferred the donation come from the fair budget, Commissioner Johnson will discuss this with Fair Director, Kathy Justice.

(2)

DISCUSSION AND APPROVAL OF EVENT INSURANCE FOR EMERY COUNTY COMMUNITY FOUNDATION.

In the previous Commission Meeting the Emery County Community Foundation had requested assistance in purchasing event insurance. Because the pageant runs eight days and fair only three the Community Foundation has offered to fill in and serve dinner in the park the second week of the pageant. There was discussion on who's responsibility it is to assist the group. Commissioner Johnson had previously asked the Community Foundation to check with the pageant committee to see if they would split the cost of the insurance. The pageant committee indicated they would split the cost with the county. Because Community Foundation is a service organization and not related to the fair, the county was approached for assistance. Commissioner Johnson indicated the Commission needed facts and figures (cost of insurance) and to meet with the pageant committee before making a decision.

(3)

CITIZENS CONCERNS

There were no citizens concerns at this time.

(4)

DISCUSSION AND APPROVAL OF INDIGENT DEFENSE FUND.

County Attorney, David Blackwell explained that the Indigent Defense Fund was created by the legislature in a effort to assist counties in dealing with the excessive expenses for indigent criminal, legal defense in capital cases and also in some felony cases. These two funds the Indigent Capital Defense Fund and the Indigent Felony Defense Fund requires at least fifteen counties to activate. A board of directors will be established made up of mostly county officials who will administer these funds. Counties wishing to participate must do so no later than August 1, 1998. To participate, a county must adopt a resolution of participation for each fund. County Attorney David Blackwell expressed his feeling that participating in these funds will save money in the long run. The cost to participate will be approximately \$10,000.00 if only rural counties participate, \$12, 000.00 if counties from the Wasatch front participate. Mr. Blackwell recommended adopting Resolution 7-1-98 A and 7-1-98B to participate in the two funds. Commissioner Kent Petersen made a motion to adopt Resolution 7-1-98A (Indigent Capital Defense Fund) and 7-1-98B (Indigent Felony Defense Fund). The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

ROAD DEPARTMENT/LANDFILL ITEMS.

Road Supervisor, Rex Funk reviewed Road Department and Landfill activities. The Road Department has been involved in an effort to obtain the required permit and development of a gravel pit from the U.S. Forest Service. Rex Funk provided an abstract of bids for the development of the Reederview material souce. There were two bids from Hales Sand & Gravel for \$11.86 per yard for 25,000 cubic yard and Nielson Construction for \$13.44 per yard for the same. The Forest Service felt the bids were a little high. Rex Funk recommended having Commissioner Wilson meet with Johansen & Tuttle and discuss some other alternatives and come back with some recommendations later.

Commissioner Petersen mentioned receiving several complaints from citizens concerning weeds on the right-of-way near the Emery County Nursing Home. Rex Funk discussed the concerns of his department in spraying the weeds on the road-side. Care must be taken to avoid run-off going onto pastures. The Road Department is mounting an aggressive program to curtail the growth of weeds along the road-sides.

The thirty mile Hadden Draw Reconstruction Project (road chipping) under the direction of the Emery County Special Service District #1 and is 99% complete.

(6)

CONSIDERATION AND APPROVAL OF EARNEST MONEY AGREEMENT FOR INDUSTRIAL PARK LAND PURCHASE.

Economic Development Director, Rosann Fillmore discussed an offer from Rod and Lori Diamond to purchase a piece of land at the Industrial Park in Huntington. The acre lots sell for \$7,000.00 a lot. They will be putting in a restaurant and would like to break ground by August 1, 1998. The sale will still need to be approved by Huntington City. Contingent upon approval of Huntington City Commissioner Kent Petersen made a motion to accept the earnest money from Rod and Lori Diamond and to proceed with the sale. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

CONSIDERATION AND APPROVAL OF AMENDMENT #1 TO THE FY98 CONTRACT BETWEEN EMERY COUNTY AND THE SOUTHEASTERN UTAH AREA AGENCY ON AGING.

Commissioner Bevan Wilson made motion to approve Amendment #1 to the Fiscal Year 1998 Contract between Emery County and the Southeastern Utah Area Agency on Aging revenue which updates the budget with income actually received. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

RATIFICATION OF BRAND INSPECTION AGREEMENT.

This is an amendment to the existing contract which extends the period of the contract from July 1, 1998 to June 30, 1999. The total of the contract for this period is \$6,000.00 bringing the total funding for the contract to \$21,000.00. All other conditions and terms in the original contract remain the same. Commissioner Kent Petersen made a motion to ratify the signature on the Brand Inspection Agreement. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

CONSIDERATION AND APPROVAL OF BAILIFF CONTRACT.

County Attorney, David Blackwell explained that the contract is in the same form as past years and recommends approval. Commissioner Bevan Wilson made a motion to approve the Bailiff Contract. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

CONSIDERATION AND APPROVAL OF EMERY WATER CONSERVANCY DISTRICT LAND ACQUISITION.

The Board of Commissioners discussed a request from Emery Water Conservancy District

to purchase the land where the professional building used to be located. Commissioner Petersen desired to sell to the private individual that could be added to the tax roll. He was aware that the commercial interest is just not there. Commissioner Wilson's concern was in trying to recoup the cost put into the land such as the cost of asbestos removal, demolition, engineering, ground clearing and back taxes. He felt it would be best to work with whoever would apply the best use of the land. Commissioner Johnson was also concerned about recovering the actual cost put into the land. Commissioner Petersen expressed a concern that a large number of buildings in Castle Dale are occupied by government offices. There was discussion on transferring or selling the property to another taxing entity. Commissioner Wilson doesn't have a problem with transferring to another taxing entity, however, the dilemma is should we give a private individual a chance to purchase the property. After considerable discussion, Commissioner Bevan Wilson made a motion to advertise to sell the property at the actual cost invested. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

DISCUSSION AND APPROVAL OF COMMISSION MEETING CHANGE.

Because of a conflict in schedules due to UAC Commissioner's Conference, Commissioner Kent Petersen made a motion to change the regularly scheduled September 16, 1998 meeting to September 23, 1998 at the regularly scheduled time of 4:00 P.M.. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

APPROVAL OF BUSINESS LICENSE.

Commissioner Bevan Wilson made a motion to approve the business license for Windows West DBA: Staci L. Moss. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

CONSIDERATION AND APPROVAL OF RSVP GRANT.

Commissioner Wilson explained that the RSVP grant is in the amount of \$11,400.00 to pay for volunteers for reading aid of underprivileged students in the Jr. Highs. Emery County RSVP is one of only two Retired Senior Citizens programs in the state to receive one of these grants. Commissioner Bevan Wilson made a motion to approve and sign the RSVP grant. The motion was seconded by Commissioner Kent Petersen and approved by all members present. This grant will be in the form of an increase of their base line funding.

(14)

DISCUSSION AND APPROVAL OF PROFESSIONAL SERVICES OF ROBERT K. WEIDNER.

Robert K. Weidner is the professional lobbyist under contract with Emery County to represent our county in Washington, D.C. The contracted amount is \$11, 000.00 for the

year. Because of all the extra work on the HR 3625 San Rafael National Heritage Conservation Plan Mr. Weidner is requesting an extra \$5,000.00 for his services. Commissioner Kent Petersen made a motion to approve the extra \$5,000.00 for Robert K. Weidner. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

CONSIDERATION AND APPROVAL OF COURTHOUSE CARPET PROJECT AGREEMENT.

Commissioner Kent Petersen made a motion to approve the courthouse carpet project agreement with Carpet Max (Dennis Jones). The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

RATIFICATION OF EMERY COUNTY'S APPLICATION FOR FUNDING FROM THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING PROJECT.

In a previous meeting the Board of Commissioners had approved a request for support in applying for funding to pay for an intern to help in the planning process for Huntington and Orangeville. Commissioner Kent Petersen made a motion to ratify the application for funding from the Local Government Comprehensive Planning Project for Huntington and Orangeville. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

APPROVAL AND RATIFICATION OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Senior Deputy Clerk/Auditor, Brenda Dugmore presented for consideration and approval the Warrant Check Edit List #111808 through and including #111971 for payment. There were no requisitions or dispositions. Commissioner Kent Petersen made a motion to approve the Warrant Check Edit List. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(18)

RATIFICATION OF HEALTH INSURANCE CONTRACT.

The health insurance contract was approved in a previous meeting. Commissioner Kent Petersen made a motion to ratify the signatures for the health insurance contract. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(19)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel actions for approval:

Weed and Mosquito

Weed and Mosquito requested approval to hire Clifford Kemple, temporary for up to 90 days as a Weed and Mosquito Control Technician at \$8.25 hr. effective June 29, 1998. Commissioner Kent Petersen made a motion to approve the temporary hire of Clifford Kemple as outlined. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Road Department

The Road Department requested approval to hire Randy Okerlund, temporary up to 90 days as Equipment Operator/Driver at \$10.06 hr. effective June 15, 1998. Commissioner Bevan Wilson made a motion to approve the temporary hire of Randy Okerlund as outlined. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Assessor's Office

The Assessor's Office requested approval to hire Shelly Gilpin, regular part time 20 to 39 hours, eligible for benefits, as a Title and Registration Technician for the Department of Motor Vehicles, grade 4 step A \$7.58 hr. effective July 6, 1998. Commissioner Bevan Wilson made a motion to approve the hire of Shelly Gilpin as Title and Registration Technician for the Department of Motor Vehicles as outlined. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(20)

APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Kent Petersen made a motion to approve the minutes dated June 17, 1998 as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(21)

COMMISSION REPORTS

***BEVAN WILSON***

Commissioner Wilson commented on receiving the long awaited permit for the landfill. He commended Rex Funk for the expert way he has worked through the cumbersome five year process.

Commissioner Wilson received information from UDOT on the jurisdictional transfer of roads. Some legislative leadership was not comfortable with the request of the counties to set this to the side for now. Other legislative leaders are still checking with cities and counties to see if there are roads they can accept back. Sheriff Guymon and Commissioner Wilson were contacted by the cattle owners concerned with the speed and inconsideration of coal trucks in the canyons. Many cattlemen have an ongoing program of moving cattle up to the mountains in the spring and moving them back down in the fall. They are concerned for their safety as well as the safety of the cattle. Commissioner Wilson spoke with Lt. Steve Rapich, Utah Highway Patrol regarding the matter as the canyon road is a state highway. Commissioner Wilson also talked with Cox Trucking Safety Advisor on the matter and was told to have the Highway Patrol write tickets to the offenders.

***RANDY JOHNSON***

Commissioner Johnson reported on his trip to Washington, D.C. to testify on the State Lands trade-out. He also commented on Mike Mengie, Committee Staffer on the State Parks Committee. Mr. Mengie has an extensive knowledge of public lands issues and in his perspective Emery County's National Heritage Conservation Plan is the future of how to deal with public lands issues.

(22)

ADJOURNMENT

Commissioner Kent Petersen made a motion to adjourn the meeting. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_





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

**July 15, 1998**

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson, Commissioner Kent Petersen, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #112238 through and including #112426 for payment.

The following requisitions and dispositions were presented for approval:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>COST</u>	<u>ACTION</u>
47-98	1999 Ford F350 Diesel Ambulance	\$82,300.00	Approved
48-98	Election equipment Software, support And printer	\$ 4,000.00	Approved

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>METHOD OF DISPOSAL</u>	<u>ACTION</u>
146-1132	Typewriter	Transfer to museum	Approved
146-1156	Camera	Junked	Approved
146-1302	Printer stand	Sent to auction	Approved
146-1280	Lamp	Junked	Approved
136-5340	Printer	Sent to auction	Approved

Commissioner Kent Petersen made a motion to approve the Warrant Check Edit List, requisitions and dispositions. The motion was seconded by Commissioner

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Bevan Wilson and approved by all members present.

In other business Bruce Funk discussed with the Commission preparing an amendment to the agreement with Keven Robison ( K.& A. Airport Service) for the balance of the fuel cost owed to Emery County to include the use of his vehicle for snow removal for the 1998-1999 season.

Commissioner Bevan Wilson made a motion to approve amending the contract with Keven Robison to include the use of his vehicle for snow removal for the 1998-1999 season. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTIONS.

Pat Snowball, Personnel Director presented the following personnel action:

Weed and Mosquito requested approval to ratify the appointment of two temporary up to 90 day employees performing the duties of Weed and Mosquito Control Technicians:

Matthew James, started working July 7, 1998 at a rate of \$8.25/hr.

Patrick Parrish, started working July 8, 1998 at a rate of \$8.25/hr.

Commissioner Bevan Wilson made a motion to approve the appointment of Matthew James and Patrick Parrish for up to 90 day employees. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

KENDRA GUNTER, REQUEST DONATION FOR NATIONAL HIGH SCHOOL RODEO FINALS.

Kendra Gunter requested donation to attend the National High School Rodeo Finals in Gillette, Wyoming. Commissioner Kent Petersen made a motion to donate \$50.00 to Kendra Gunter for assistance in attending the National High School Rodeo Finals. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

MILES MORETTI, DWR, QUARTERLY UPDATE.

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*July 15, 1998*

Miles Moretti provided an informative report of DWR activity for the 2<sup>nd</sup> Quarter of 1998. They are working with the Bureau of Reclamation in getting together projects for a Price/San Rafael Salinity Study.

(5)

CHARLIE JANKIEWICZ, FOREST SERVICE, QUARTERLY UPDATE.

Charlie Jankiewicz was not able to attend the meeting.

(6)

RICHARD MANUS, BLM, QUARTERLY UPDATE.

Richard Manus is acting District Manager in Moab and was not able to attend the meeting. Tom Rasmussen provided an informative report of BLM activity for the 2<sup>nd</sup> quarter of 1998. He reported that they have issued permits for seven wells for River Gas. The preliminary drafts will be out soon for the Ferron Natural Gas EIS. The Gypsum EIS is just beginning. That process will take anywhere from eighteen to twenty months to complete. Tom Gnojek is working on the OHV plan for the San Rafael.

(7)

KAREN BEDONT, AMERICORPS, QUARTERLY UPDATE.

Karen Bedont was not able to attend the meeting.

(8)

CITIZENS CONCERNS

There were no citizens concerns at this time.

(9)

PUBLIC HEARING—To receive public comment of amendments to the Emery County Zoning Ordinance.

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*Commission Meeting  
July 15, 1998*

Commission Chairman Randy Johnson opened the public hearing to receive public comment on amending the Emery County Zoning Ordinance. Planning Chairman Mack Huntington addressed those in attendance and explained the purpose of the amendment. The current ordinance did not allow a property owner in the unincorporated areas who is not in compliance with current zoning ordinance to remove a mobile home and replace it with an updated home. The amendment being considered today will allow the same property owner to upgrade and improve their property. Mr. Huntington expressed that this is a necessary amendment which is short in language but broad in benefits to the county and its citizens. He recognized the presence of Neil Lindberg, Lindberg and Company, (consultants) Tyler Sinclair, Association of Local Governments (planner/adviser) and Allen Thorpe, Deputy Attorney for Emery County (legal council). Neil Lindberg commented that this ordinance accomplishes the immediate objective and gave his support for the amendment. Deputy Attorney Allen Thorpe reviewed the ordinance pointing out the wording changes, additions and deletions.

Commissioner Johnson asked for any comments.

Kirk Perkins, Ferron commented that this amendment will allow him to build a new home on his property where he was previously not able to obtain a building permit.

Commissioner Wilson commented that this is a productive approach to the problem.

Being no more comments Commissioner Kent Petersen made a motion to come out of the Public Hearing. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

APPROVAL OF AMENDMENTS TO THE EMERY COUNTY ZONING ORDINANCE.

Commissioner Bevan Wilson made a motion to approve Resolution 7-15-98B amending the Emery County Zoning Ordinance. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Deputy Attorney Allen Thorpe expressed the urgency of this amendment's effectiveness. These amendments are necessary for the immediate preservation of the peace, health or safety of the county and the inhabitants thereof and shall take effect immediately upon publication in the Emery County Progress, July 21, 1998.

(11)

APPOINTMENT TO THE ECONOMIC DEVELOPMENT COUNCIL.

Economic Development Director, Rosann Fillmore reported on new appointments to the Economic Development Council. John Garrett will replace Blain Evans for the remainder of his term ending December 31, 1998. Stan Colby will replace Makae Potter as the chairman of the Chamber of Commerce for the remainder of his term ending December 31, 1998.

Commissioner Kent Petersen made a motion to approve the appointments made by the Economic Development Council. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

DISCUSSION AND APPROVAL OF AGREEMENT WITH NORTH EMERY WATER USERS ASSOCIATION FOR MONTHLY WATER FEE AT THE LAWRENCE CEMETERY AND OTHER ITEMS.

The Board of Commissioners received a proposal from North Emery Water Users Association for consideration. NEWUA proposed a trade which consists of NEWUA giving a water connection to the county for the Lawrence Cemetery. In return the county agrees to install and turn over to NEWUA at completion a four inch water line from Lawrence to the cemetery with a tee at Wade Niensens and move Wade's existing meter to the location by his home. The county also agrees to have Johansen and Tuttle do a survey from South Cleveland to Lawrence for a possible future water line. The county also agrees to pay to NEWUA the monthly water fee of \$20.00 for this connection. After some discussion on this matter Commissioner Bevan Wilson made a motion to accept the terms set out by NEWUA for the Lawrence Cemetery water hook-up. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

VAL PAYNE, PUBLIC LANDS DIRECTOR, QUARTERLY UPDATE.

Val Payne, Public Lands Director provided an informative update of 2<sup>nd</sup> quarter activity for 1998. HR3625 is scheduled for mark up at the Natural Resources Committee. He expects it to pass favorably and be placed on the floor of the House. The bill has been modified, refined and improved, yet the criticism for the bill has remained the same. There will be a team of representatives from the county traveling to Washington D.C. next week to testify on the National Heritage Conservation Area Plan. He has been involved in the Resource Management Plan for the Goblin Valley State Park. Public Lands has received a preliminary plan of operation and environmental document regarding the U.S. Gypsum Resource Proposal (San Rafael Quarry). He has attended a Utah Wilderness Coalition open house regarding the citizens reinventory proposal. UWC proposes designating 1.38 million acres of land in Emery County as wilderness. This amounts to 48.6 % of the total acreage of Emery County and 58% of the total federal land in the county. Val Payne feels that this extreme position on the part of the UWC can be used to educate the people in Congress. Maps showing BLM's proposal, HR1500 and the

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latest citizen's reinventory proposal can be used to show the movement of that group toward wilderness debate.

(14)

CONSIDERATION AND APPROVAL OF RESOLUTION 7-15-98A TO AMEND THE 1998 BUDGET DEPARTMENT BY DEPARTMENT.

Senior Deputy Clerk/Auditor, Brenda Dugmore reviewed the departments to be adjusted. Commissioner Kent Petersen made a motion to approve Resolution 7-15-98A amending the 1998 budget to allow for adjustments from department to department. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

APPOINTMENT OF MEMBERS TO DRINKING WATER OVERSIGHT COMMITTEE.

The Drinking Water Oversight Committee is a screening committee set up by the State to study and evaluate drinking water. The committee will work in conjunction with Carbon County and the Association of Local Governments. Those persons proposed to be on this committee are Darrell Leamaster, Bevan Wilson, Jay Mark Humphrey and Kent Petersen. Commissioner Kent Petersen made a motion to approve the appointment of Darrell Leamaster, Bevan Wilson, Jay Mark Humphrey and Kent Petersen to the Drinking Water Oversight Committee. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

DISCUSSION OF EMERY COUNTY'S PLAN FOR HANDLING APPEALS BY CENTRALLY ASSESSED TAXPAYERS.

The major problem we are dealing with is centrally assessed property values are going down while local taxpayers values are going up. The Board of Commissioners feel that this is inappropriate and needs to be changed. They have met with Bill Peters and Jim Matheson to discuss some options. Of main discussion was PacifiCorp's appeal of centrally assessed property values depreciation state wide. The centrally assessed values have depreciated by 30% not including refunds. The next step is mediation.

(17)

ROAD DEPARTMENT/LANDFILL ITEMS.

There were no items of business at this time.

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(18)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to approve the minutes dated July 1, 1998 as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(19)

COMMISSION REPORTS

**KENT PETERSEN**

Commissioner Petersen met with Bill Lamb, State BLM Director. BLM has \$30,000.00 to help with doing a survey to identify potential heritage sites on federal, state and private land. Martin Wilson from State History will be overseeing the project. Instead of activating the advisory committee they have opted to set up a steering committee comprised of various people in attendance at that meeting to get things going. Commissioner Petersen attended a meeting held by the UAC Mutual Advisory Group. One point that was brought out was that we need to be sure to update the value of county facilities on our insurance. In addition to keeping up the value of the buildings we need to keep up the value of the furnishings inside.

**RANDY JOHNSON**

Commissioner Johnson met with Congressman Cook's full staff to discuss his statement about not supporting Emery County's bill. Commissioner Johnson expects that in the near future Congressman Cook will be supporting that bill. He now recognizes the merit of the bill.

**BEVAN WILSON**

Commissioner Wilson reported on the proposed jurisdictional transfer of roads back to cities and counties. After receiving a letter from the Legislative Interim Committee it was felt this issue would be put to the side for a while. We have now received a letter from the Joint Highway Subcommittee, UAC and League of Cities and Towns informing us of their plans to continue looking at this issue and fulfill the goals and objectives of the sub-committee. It appears that the leadership in the House and the Senate is not going to let this go to the side. The sub-committee has asked that the county get with the cities that would be involved and appoint a spokesperson for all the county. The spokesperson will attend a meeting in Provo with other affected counties.

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*Commission Meeting*  
*July 15, 1998*

Commissioner Wilson will be meeting with Kleston Laws, UDOT to receive information he has researched on the cost of road maintenance.

(20)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Commissioner Kent Petersen made a motion to move into executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(21)

ADJOURNMENT

Upon return to regular meeting Commissioner Kent Petersen made a motion to adjourn the meeting. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_



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

August 5, 1998

Those present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson, Commissioner Kent Petersen, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

(1)

MECCA REPRESENTATIVES REQUESTING DONATION FOR 100K BIKE RIDE.

The Board of Commissioners determined this was not necessary as it was taken care of in the previous meeting.

(2)

RAY GRANGE, REPRESENTING BSA, DISCUSSION OF LITTLE BEAR CAMPGROUND.

Ray Grange, representing the Boy Scouts of America, entered in a discussion on revitalizing an old established Boy Scout campsite near Little Bear Campground. In regards to the Order of Arrow which is a camping fraternity that is part of the BSA program. The boys that are involved in the program are considered the 'Best of the Best'. It is customary when boys are inducted into the Order of Arrow that they go through an 'Ordeal'. Part of that 'Ordeal' is a major service project. Our area hasn't had an 'Ordeal' for many years. They have now been granted an 'Ordeal'. In researching possible projects Mr. Grange recalled a campsite established a few years back, since abandoned and forgotten. In researching the boundaries of the campsite it was determined that Emery County owns some of the property, however, a portion of the campsite is on BLM land. Howard Tuttle, Johansen & Tuttle has surveyed the site, reported his findings and recommendations. There are tables, flag poles and such on the BLM lands. The amphitheater is located on the BLM side. Mr. Grange would like to move the items that are currently on the BLM side to the county side and reestablish the campsite making the necessary improvements. The Board of Commissioners were concerned that caution be taken to avoid an encroachment onto BLM land. BLM must be notified prior to going onto the land and assurance that no improvements be made on the BLM side. There was discussion on possibly negotiating with BLM to acquire or lease the property. Commissioner Wilson will be coordinating with Mr. Grange and Howard Tuttle in working out the details with the BLM on this project. Howard Tuttle will contact BLM to arrange a meeting. Commissioner Kent Petersen made a motion to authorize BSA to use the

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Commission Meeting  
August 5, 1998

county property to reestablish a campsite on the property near Little Bear Campground as outlined. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

SHANNON HIATT, RECREATION SPECIAL SERVICE DISTRICT, CONSIDERATION  
FUNDING OF PROJECTS AT LITTLE BEAR CAMPGROUND AND HUNTINGTON  
SOFTBALL COMPLEX.

Shannon Hiatt reported on the remaining Recreation Special Service District improvement projects previously approved and committed for completion. The funding for these projects was missed in the budgeting process. Commissioner Kent Petersen made a motion to authorize the completion of the projects up to \$10,000.00 . The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

In other business Mr. Hiatt asked to have representation from the Emery County Sheriff's Department at the Fair Softball Tournament to help with crowd control as a large amount of people are expected.

(4)

CITIZENS CONCERNS

The Board of Commissioners addressed concerns regarding the resignation of Emery County Progress Editor Layne Miller. The concern was that the paper continue in Emery County and that it continues to be a good service to the communities. The new editor Doris Quinn asked the Commission for their support in her efforts to continue to serve the communities in her new capacity. She asked to be contacted and made aware of anything news worthy.

(5)

ROAD DEPARTMENT/LANDFILL ITEMS.

There were no Road Department or Landfill items for discussion.

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(6)

CONSIDERATION AND APPROVAL OF CONTRACT AGREEMENT BETWEEN THE SEUALG/AREA AGING/EMERY-GRAND COUNTY RSVP.

Carolyn Randall, RSVP Director explained that this would be the last time for this agreement as Grand County will separate from Emery County July of 1999. It was expected they would separate this year and provide funding to their own program. However Grand County failed to budget for the cost of the program in their 1998 budget. They will budget for it in 1999. This is the \$5,200.00 operating funds for the volunteer travel reimbursements which is split between Emery and Grand County. Commissioner Bevan Wilson made a motion to approve signing the contract agreement between SEUALG/Area Agency/Emery-Grand County RSVP. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

CONSIDERATION AND APPROVAL OF CONTRACT AGREEMENT BETWEEN CARBON/EMERY COUNTIES FOR ROAD MAINTENANCE ON THE MOHRLAND ROAD AND THE FARNUM ROAD.

Rex Funk, Road Supervisor presented the Road Maintenance Agreement with Carbon County. This is an existing agreement. Carbon County will provide required road maintenance and snow removal on Farnum Road. Emery County will provide required road maintenance and snow removal on Mohrland Road. Attorney David Blackwell and Rex Funk have reviewed the contract and recommend signing it. Commissioner Bevan Wilson made a motion to approve the road maintenance agreement with Carbon County. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

TAHOMA COMPANY AND JEFF EMMONS, DEPT. ENVIRONMENTAL QUALITY, ACKNOWLEDGMENT OF LANDFILL PERMIT.

Rex Funk publicly acknowledged the efforts of Tahoma Companies, environmental engineer consultants and Jeff Emmons, Utah Department of Environmental Quality in securing the required permits to operate a Class I Landfill. The process is complete and Emery County now has one of the most efficiently ran Class I Landfills in the state. Commissioner Wilson commended Rex Funk for the team effort of Tahoma Companies, the UDEQ, Johansen & Tuttle Engineering and Rex Funk in working together to efficiently and economically bring this to a completion.

(9)

DISCUSS DEVELOPMENT OF EMERY COUNTY FOREST PRACTICES ORDINANCE.

Commissioner Kent Petersen discussed the poor logging practices on private land in Emery County. Concern was expressed for protecting the water shed. There is no regulation on logging on private land at this time. It was suggested working on a county focused ordinance to protect the water shed. Since Carbon County has a big problem with this also it was suggested meeting with them to discuss developing an ordinance to regulate logging on private land. Meeting with State Legislative representative Brad Johnson would be a good place to start.

(10)

DISCUSS OFFER BY SITLA ON LANDS SUITABLE FOR USE BY EMERY COUNTY.

Commissioner Kent Petersen discussed an offer from State Institutional Trust Lands Agency during a recent Canyon Country Partnership meeting. The offer was to allow the counties to acquire desirable trust land property. The Commission will look at the Heritage Plan to find some trust land that could be put to some good use.

(9)

APPROVAL AND RATIFICATION OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Deputy Clerk/Auditor, Terry Williams presented for consideration and approval the Warrant Check Edit List #112608 through and including #112799 for payment.

Requisitions were presented for the following:

<u>REQUISITION#</u>	<u>DESCRIPTION</u>	<u>COST</u>	<u>ACTION</u>
49-98	Software, Safe & Sound (100) Cap. Pjts.	\$ 1,500.00	Approved
50-98	1995 Kenworth Tractor Class B Roads	\$42,400.00	Approved

One disposition for a 1986 International Tractor from Class B Roads was presented. It will be traded on another tractor. This was budgeted for in Class B Road's budget for 1998.

In other Clerk/Auditor business, the budgeted \$250,000.00 for the Municipal Building Authority of Emery County needs to be transferred at this time.

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Commission Meeting  
August 5, 1998

Commissioner Kent Petersen made a motion to approve the Warrant Check Edit List, requisitions and dispositions for payment as well as the transfer of \$250,000.00 from the General Fund for the MBAEC. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Sheriff's Office

David Harrison completed POST training and is qualified to perform the duties of a Patrol Deputy, duties which he is currently performing. Request was made to approve moving David from Corrections Office 12E \$12.03/hr to Patrol Deputy 15B \$12.79/hr., effective May 13, 1998 which is when he completed his training.

Commissioner Kent Petersen made a motion to approve the change for David Harrison as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

In other business Pat Snowball discussed the possibility of the county acquiring a breathalyser in order to conduct drug test. In order to comply with Federal Department of Transportation legal requirements for drug and alcohol testing, pre-employment testing, reasonable suspicion, after accident and random testing must be performed. It requires 50% of those with CDL's to be tested for drug use and 25% to be tested for alcohol use. Emery County has 25 employees required to hold CDL's which means we would have to test approximately 18 employees each year. Because the clinic does not have a breathalyser and appear not to intend to purchase one this causes us to have to use the hospital facilities in Price at some point in the process. The uses of either facility causes problems in reliability and/or inconvenience. Pat Snowball suggested EC collect the specimens and conduct the breathalyser test and send the specimens to the lab. She discussed the convenience and cost savings to the county as well as the time spent by the employee sitting at the hospital or clinic waiting to be tested. After some discussion on this subject it was decided to table this matter to gather more details.

Pat Snowball also discussed the interest expressed in a defensive driving course. She discussed the cost involved and benefits to the county. Commission Chairman Randy Johnson suggested looking for a good instructor, the type of instruction available and report back to the Commission for further discussion.

(11)

APPROVAL OF COMMISSION MEETING MINUTES.

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Commission Meeting  
August 5, 1998

Commissioner Kent Petersen made a motion to approved the minutes dated July 15, 1998 as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

OTHER BUSINESS.

The Board of Commissioners wished to clarify that Emery County has been in negotiations with PacifiCorp in terms of their appeal of centrally assessed property values. Commissioner Kent Petersen made a motion to authorize the Matteson Group to continue negotiations. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

COMMISSION REPORTS.

**BEVAN WILSON**

Commissioner Wilson attended the recent Emery Town Celebration where he met with some citizen concerns for inability to get advertizing on Channel 26 for smaller community activities. Many felt advertising for their city celebration was not offered to the citizens of the county. Commissioner Wilson met with Castle Broadcasting(Joel Dorsch) who has expressed a desire to discontinue the franchise contract with the county. Commissioner Wilson expressed a concern that we keep that franchise in the county.

He received a letter from Tom Rasmussen, BLM thanking Emery County Road Department for their efforts on the road work done to the Cleveland-Lloyd Dinosaur Quarry road.

**KENT PETERSEN**

Commissioner Petersen announced that Marty Ott is the new Department of Natural Resources Deputy Director. He toured River Gas Coal Bed Methane Process. River Gas is providing almost all of the gas for the Wasatch front.

**RANDY JOHNSON**

Commissioner Johnson reported that Congressman Eni Faleomavaega, American Samoa, ranking Democrat on the House Natural Resource Committee toured parts of the San Rafael to

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gather information. Accompanying him on the tour were Val Payne, Public Lands Council and Keith Nash of Congressman Cannon's staff. While here he attended the pageant and met with the Commissioners and members of the Public Lands Council members. His intent was to convince the group to change some things on the National Heritage Conservation Plan to soften it so the administration would accept it. He left here convinced to work on our behalf and soften the administration on the plan. Commissioner Johnson felt it was a productive, beneficial meeting.

(14)

ADJOURNMENT.

Commissioner Bevan Wilson made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY SHERIFF'S COMPLEX, GREEN RIVER, UTAH

August 19, 1998

Those present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson, Commissioner Kent Petersen, Attorney David Blackwell and Sr. Deputy Clerk/Auditor Brenda Dugmore.

(1)  
APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS,  
DISPOSITIONS

Clerk/Auditor Bruce Funk presented for consideration and approval the warrant check edit list #113065 through and including #113268 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>COST</u>	<u>ACTION</u>
51-98	(2) Motorola 110 Watt Radios (Ambulance)	\$5,500.00	Approved
52-98	42" Hon File Cabinet (Highway)	\$ 549.99	Approved

  

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
142-6147	Computer System Clerk/Auditor	Junked	Approved
142-5128	Scanner, 2020 Clerk/Auditor	Junked	Approved
1288	Stand, Printer Clerk/Auditor	Junked	Approved
141-4817	Check Register/Stand Clerk/Auditor	Junked	Approved



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141-4120	Check Signer/Burroughs Man Clerk/Auditor	Junked	Approved
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Commissioner Kent Petersen made a motion to approve the warrant check edit list, requisitions and dispositions for payment. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION

Economic Development

Rosann Fillmore, Economic Development Director, has requested approval to recruit for a replacement in her office. The position would be a Grade 4 Step A \$7.58/hour, less than 20 hours a week without benefits.

Commissioner Bevan Wilson made a motion to begin the recruitment process for a part-time less than 20 hours a week employee for Economic Development. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Public Lands

Jordan Hansen has been appointed as a temporary employee, up to 90 day capacity at the rate of \$7.58/hour effective August 17, 1998.

Commissioner Kent Petersen made a motion to approve the hiring of Jordan Hansen as a temporary employee. Commissioner Bevan Wilson seconded the motion and it was approved by all members present.

RSVP

Carolyn Randall, RSVP Director, has requested approval to hire Katheryn Thompson as an RSVP Coordinator. Katheryn will replace Meridith Slavensky. This is a part time position, less than 20 hours per week, no benefits, at Grade 4 Step A \$7.58/hr, effective August 20, 1998. This is a limited time position and has been offered to Katheryn on that basis. Effective June 30, 1999, the need for this position will end. Grand County will separate from the Emery County RSVP program to operate independently and Emery County will no longer be responsible for an employee performing duties in Grand County.

Commissioner Bevan Wilson made a motion to approve the hiring of Katheryn Thompson with

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August 19, 1998

the above stipulations. Commissioner Kent Petersen seconded the motion and it was approved by all members present.

#### Channel 26

A temporary employee is needed to operate Channel 26. Commissioner Bevan Wilson made a motion to hire Susan Dorsch to operate Channel 26. This is a temporary, up to 90 days less than 20 hours per week position at a rate of \$8.25/hour. The motion was seconded by Commissioner Kent Petersen and approved by all members present. This item will be charged to the television department.

(3)

#### CITIZEN CONCERNS

##### Emery Telephone

Mike McCandless, Emery Telephone was present at the meeting to give the Commission an update of projects that Emery Telephone is working on in Emery County. The installation of their new switch should be complete by October 4, 1998. This will enable Emery Telephone to offer such services as caller ID, last number redial, voice mail and many other services. Representatives will also be present at a Utah League of Cities and Towns internet seminar to answer any questions the public may have. Emery Telephone is continuing with their Emery County Education Initiative. They have allocated \$30,000.00 for educational purposes this year.

(4)

#### RENEE SPRAGUE, CONSIDERATION OF USING INFORMATION COMPILED FOR EMERY COUNTY WEB SITE

Renee Sprague completed an assignment through CEU to create a web page for Emery County. She has contacted the Commission concerning payment for using some of the information contained on the web page. Commissioner Bevan Wilson expressed concern that contributing money would result in more problems in the future. The Commission agreed that since Emery County already has a web page they would not make a financial contribution to this project.

(5)

#### DISCUSSION OF EAST RIM ELECTRONICS SITE. CONSIDERATION AND APPROVAL OF NEW GENERATOR BUILDING

A need exists to build a cinder block building to house the generator on the mountain. Lance Farmer, Maintenance Department, would come up with a cost estimate on the building. The building would be 12x16 feet.

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August 19, 1998

Commissioner Kent Petersen made a motion to approve the project of building a new generator building and authorized Commissioner Bevan Wilson to get with Lance Farmer and move forward with the project. The motion was seconded by Commissioner Bevan Wilson.

This item is to be charged to the television department.

(6)

UPDATE ON COURTHOUSE CARPET PROJECT AND DISCUSSION OF DISPOSITION OF OLD CARPET

Commissioner Randy Johnson gave the update on the new carpet. When the new carpet arrived every roll had a flaw in it. In order to get exactly the same carpet it would take six weeks. It was decided to order the second choice color which should only take seven days. The flawed carpet will be shipped back.

The old carpet needs to be disposed of. Several County facilities have expressed interest in being able to utilize the old carpet. It was decided that Leslie Bolinder, Commission Administrative Assistant, should coordinate the requests for the old carpet and the Commission will then evaluate and prioritize the requests.

(7)

CONSIDERATION AND APPROVAL OF LAND SWAP WITH CASTLE DALE CITY

County Attorney David Blackwell stated that a survey didn't need to be done. The lot will be split evenly. The only reason a survey would need to be done would be to create a new line which will be done by dividing the property in half.

Commissioner Kent Petersen made a motion to approve the trading of county property located by the Castle Dale water plant to Castle Dale City for the west half, northeast quarter of Block 19 (next to the museum) for the building of the Castle Dale Senior Citizens Center. The property will then be donated to the Municipal Building Authority of Emery County for the purpose of building a senior center. County Attorney David Blackwell is authorized to proceed with the necessary paper work for the transfers. The motion was seconded by Commissioner Bevan Wilson and seconded by all members present.

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(8)

CONSIDERATION AND APPROVAL OF FY99 CONTRACT BETWEEN EMERY COUNTY  
AND THE ASSOCIATION OF LOCAL GOVERNMENTS AREA AGENCY ON AGING  
(ALGAAA)

County Attorney David Blackwell stated that he had reviewed the contract and it appears to be in line with the contracts that we sign yearly. The numbers are in line with the County budgeted amounts.

Commissioner Bevan Wilson made a motion to approve the contract with ALGAAA. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

DISCUSSION AND APPROVAL TO REAPPLY FOR GRANT APPLICATION/GIS  
INTERNS

Commissioner Kent Petersen informed the Commission that grant money was established this year in the state legislature for GIS programs. The legislature has authorized up to \$25,000 per county. This request is to allow Emery County to apply for their share.

Commissioner Kent Petersen made a motion to approve the application for grant money. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

ROAD DEPARTMENT/LANDFILL ITEMS

Road Department Supervisor Rex Funk informed the Commission that the land swap with Nielsen Construction is moving forward. They should begin working on an access road next week. The road department is busy striping lanes and trimming trees.

Commissioner Kent Petersen had received a request to fix some holes in the deck of the San Rafael Swinging Bridge. Rex Funk thought there were some planks from other bridges that they could use to fix the bridge.

Commissioner Bevan Wilson brought up some concerns from the property owners at the Joe's Valley Area. There have been requests for more snow removal and grading of the roads at other times during the year. Commissioner Kent Petersen stated the County needs to look at possibilities where they could help with services at Joe's Valley.

6

Commission Meeting  
August 19, 1998

(11)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to approved the minutes dated August 5, 1998 as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

COMMISSION REPORTS

**BEVAN WILSON**

Commissioner Bevan Wilson informed the Commission that he and Craig Johansen, Johansen & Tuttle Engineering, had attended a meeting of the jurisdictional transfer of roads to the counties. The Emery County Council of Governments reviewed the proposal of road transfers. Very few people in attendance at the meeting were in favor of accepting any of the roads. Emery County would consider accepting three roads if they were brought up to standard and sufficient funding was available. Those three roads are Horse Canyon, Goblin Valley State Park and Millsite State Park. The total of these roads amounts to around two miles. The Legislative Interim Committee is meeting today with concerns about the State just transferring the roads over to the counties without addressing our concerns.

**KENT PETERSEN**

Commissioner Kent Petersen reported that the Canyon Country Partnership has revised its bylaws. Commissioner Petersen made a motion authorizing him to sign the new bylaws for Canyon Country Partnership. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

**RANDY JOHNSON**

Commissioner Randy Johnson did not have anything to report to the Commission at this time.

(13)

7

Commission Meeting  
August 19, 1998

EXECUTIVE SESSION

Commissioner Kent Petersen made a motion to move into executive session. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Present at executive session were Attorney David Blackwell, Commissioner Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson and Sr. Deputy Clerk/Auditor Brenda Dugmore.

(14)

ADJOURNMENT.

Upon returning to regular meeting, Commissioner Kent Petersen made a motion to approve Attorney David Blackwell to file an appeal in the Green River annexation lawsuit, with or without Green River City.

Commissioner Bevan Wilson made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

September 2, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson, Commissioner Kent Petersen, Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 9:00 A.M.

(1)  
PRESENTATION OF CHECK TO EMERY COUNTY SHERIFF BY REPRESENTATIVES OF THE U.S. ATTORNEY'S OFFICE AND THE DEA.

Melodie Rydalch representing the U.S. Attorney's Office presented to Kyle Ekker, Emery County Sheriff's Office a check in the amount of \$17,280.77 representing the county's share of assets forfeited to the federal government following a traffic stop made by Emery County Deputy Sheriff Richard Graham of March 1997.

(2)  
VALERIE JAMES, DISCUSSION OF COUNTY SUPPORT FOR KEEPING THE CASTLE DALE SWIMMING POOL OPEN YEAR-ROUND.

Castle Dale Swimming Aquasize Instructor, Valerie James entered into a discussion with the Board of Commissioners regarding keeping the pool open year-round. Mrs. James presented a proposal for raising the estimated \$3,500.00 a month needed to maintain the pool. She cited the health benefits to the citizens of Emery County as the main reason for keeping the pool open. She thanked the Emery County Recreation District for the funds that have already been donated this year to the swimming pool. She cited the increase in pool usage, the health benefits and possible future use of the pool as further reasons for keeping the pool open. On behalf of Swimming Pool Manager LaMont Gordon, Mrs. James thanked the Board of Commissioners and invited everyone to visit the pool and try an aquasize class. The Board of Commissioners thanked Mrs. James for her presentation and willingness to serve the community in this capacity.

(3)

REPRESENTATIVES OF HUNTINGTON/CLEVELAND IRRIGATION COMPANY,  
DISCUSSION OF DISBURSEMENT OF FLOOD TAX REVENUE.

Huntington/Cleveland Irrigation Company representatives, Kay Jensen, Lee McElprang and Dennis Ward were present to discuss the disbursement of flood tax revenue. Kay Jensen addressed the Board of Commissioners regarding the Huntington River run-off which flows through private land. He stated that the land may be private but the river is not. He spoke of the need for preventative measures to protect the water shed. Flood tax revenues are collected for this purpose and requested some preventative work be done to fix the problem areas before the problems start. Commission Chairman Randy Johnson commented that the common good of the county is always the top priority for using taxpayers money. Mr. Jensen also expressed concern for drainages which supply water for municipalities. He and his company were concerned that cabins being built on mountain properties were not following guidelines for sewage containment on water sheds. Commissioner Wilson reported on the Forestry Practice Act which was created two years ago (but was defeated in the legislature) to address the building permits and timber harvesting which affect the water shed. With the increased number of timber sales and cabins being built in the three counties affected by the water shed Emery, Carbon and Sanpete it is time once again to get this issue back on the agenda for passage. There is a need to educate the public on these problems. Commissioner Wilson also reviewed the ongoing process for revisions of the existing zoning ordinance.

(4)

FERRON PTA, REQUEST FOR COUNTY DONATION TO FERRON ELEMENTARY  
PLAYGROUND EQUIPMENT.

Ferron Elementary Principal, Kathy Petersen, PTA President Shannon Jewkes and PTA Spokesperson Gayleen Conder were present to request a donation to help in the effort to raise funds to purchase playground equipment for Ferron Elementary. Because of new product safety guidelines the schools have three years to comply and replace the existing playground equipment with new safety approved equipment. They will be having fund raisers to raise the expected \$40,000.00 needed to purchase and install the equipment. It was not clear at the time of this meeting what the Emery County School Board has in mind for meeting with this compliance. It was the consensus of the Board of Commissioners to wait and see what the EC School Board is going to do before making any commitment. Commissioner Johnson complimented Ferron Elementary for their forward thinking approach to matters and pledged the commissioner's support in every way possible. It was the Board of Commissioner's hope that the EC School Board will address this issue.

(5)



CITIZEN CONCERNS

Lee McElprang expressed concerns for road closures in Emery County. He reported finding a road closed by DWR, Forest Service and the Dedicated Sportsman Club on Gentry Ridge that had been there since the turn of the century. He also reported on other roads closed by the Forest Service. The Board of Commissioners assured him that this issue will be addressed in meetings with Public Lands Council.

Kay Jensen expressed concern that the Forest Service Office in Emery County has been closed and all operations are being run from the Carbon County Office. His concern was the fact that the majority of the Manti LaSal Forest is in Emery County.

Dennis Ward expressed concern in the sewer lagoon facility.

Dennis Ward also expressed his opinion on locking up land and making areas unavailable to the handicapped and elderly. There is a federal law against discrimination and locking up land and making it unavailable to certain groups of people is discrimination.

The Board of Commissioners received a request from Green River Miss Melon Days Pageant requesting a donation. It was the consensus of the Board of Commissioners that Emery County had already donated \$250.00 to the city for their city celebration. Commissioner Kent Petersen made a motion to deny the request for a donation on the basis that funds had already been donated for that purpose. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

CONSIDERATION AND APPROVAL OF CONTRACT AGREEMENT, #84-0144,  
BETWEEN THE OFFICE OF THE COURT ADMINISTRATOR AND EMERY COUNTY  
FOR FY 1998-99.

Clerk/Auditor, Bruce Funk reported that this is the space reimbursement contract. It has been reviewed and Bruce Funk recommends signing the agreement. Commissioner Bevan Wilson made a motion to approve the contract agreement between the Office of the Court Administrator and Emery County for FY 1998-99. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

CONSIDERATION AND APPROVAL OF RESOLUTIONS OF INTENT TO EXPAND

SERVICES OF THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT  
AND THE SPECIAL SERVICE DISTRICT#1. SETTING OF PUBLIC HEARING TO  
RECEIVE PUBLIC COMMENT.

Chairman Randy Johnson explained that Emery County worked to get a mineral lease bill passed that will get a larger amount (40% up from 25%) of mineral lease money to come back the county. The county is able to set the percentages for distribution however the funds cannot come to the county they must go to the special service districts. There are currently eleven legalized uses of mineral lease money. The Board of Commissioners propose readdressing the distribution of those funds in order to release considerable pressure from the General Fund in lieu of raising taxes. The purpose of the public hearing would be to raise those percentages and broaden the authority of the districts. Commissioner Kent Petersen made a motion to set a Public Hearing for September 23, 1998 at 5:30 P.M. to consider Resolutions 9-2-98A and 9-2-98B related to increasing the distribution of funds and broaden the authority of the Emery County Recreation Special Service District and the Special Service District #1. The motion was seconded by Commissioner Bevan Wilson and approved by all members present. The redistribution of those funds creates a stronger case for keeping the programs in force.

(8)

ROAD DEPARTMENT/LANDFILL ITEMS

Road Supervisor, Rex Funk was out of town on family business. Commissioner Bevan Wilson reported on his behalf. The Forest Service has made a proposal to Emery County to have the jurisdiction of road right-of-way for Reeder/Swasey Subdivisions turned over to the county. It would simplify the maintenance of the Reeder Creek Bridge and the roads leading into the subdivisions if the county had permanent right-of-way for those roads. Road Department General Foreman, Ray Petersen reported that due to the recent rains causing heavy run-off the bridge is in urgent need of repair possibly within the year. Commissioner Bevan Wilson made a motion to initiate the process to negotiate and consummate the jurisdictional exchange of road right-of way for the Reeder/Swasey Subdivision. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

In other Road business, the Forest Service has acquired the necessary permit for the gravel pit in Reeder Canyon. They will have the bid opening for that work in Salt Lake City on September 3, 1998. The Forest Service is requesting quotes for crushing the gravel from that pit.

Brent Farrer, Landfill operator passed away in his sleep on September 1, 1998. The Board Of Commissioners wished to send their condolences to the family. He was a good worker and will be sorely missed. In Rex Funk's behalf, Commissioner Wilson asked to begin the recruitment process to replace Brent Farrer. Commissioner Bevan Wilson made a motion to begin the recruitment process for Landfill operator. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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(9)  
DISCUSSION OF COUNTY-WIDE CURFEW ORDINANCE.

County Attorney, David Blackwell had been approached by Neighborhood Watch Coordinator, Judy Lang requesting setting a county-wide curfew that would coordinate with the city curfews. Sheriff LaMar Guymon reported that from his departments perspective a county-wide curfew would be more uniform. At this time each town has their own curfew while the county does not have a curfew. The Board of Commissioners would be willing to look at this again after the cities have met in their Council of Governments meeting this month and set a unified city curfew.

(10)  
DISCUSSION OF COUNTY HOLIDAY SCHEDULE

The Board of Commissioners have received requests from several employees and elected officials to exchange Columbus Day for the day after Thanksgiving. Other government offices throughout the state have gone to having the day after Thanksgiving as a holiday. After discussion on this matter Commissioner Kent Petersen made a motion to make the trade this year and to reevaluate when we set the 1999 Holiday Schedule. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)  
APPROVAL AND RATIFICATION OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the warrant check edit list # 113440-113474 and 113597 through and including #113719 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
53-98	Laser Printer/Commission	\$ 999.00	Approved *pending review of compatibility with existing system.
54-98	Mini-tower case/ multimedia kit to upgrade		

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	Huntington substation	817.00	Approved
55-98	Radio/Huntington Substation	354.00	Approved
56-98	Radio/off road ambulance	1,509.80	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
N/A	File cabinet	Transfer to Sheriff	Approved
N/A	Credenza	Transfer to Sheriff	Approved
141-2905	File cabinet	Transfer to Weed/Mosquito	Approved
141-2530	File cabinet	Transfer to Sheriff	Approved
210-5058	1992 Ford Crown Victoria	Transfer to Nursing Home	Approved

Commissioner Kent Petersen made a motion to approve the Check Edit List for payment, requisitions and dispositions as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel action:

Recorder

Sharon Boyle has reached another plateau in her progression to grade 8, the working level for her position. This action will take her from 5A \$7.91/hr to 6A \$8.23/hr., effective September 15, 1998. Dixie Swasey, Recorder approves of this increase. Commissioner Kent Petersen made a motion to approve progression process for Sharon Boyle. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

RSVP

Shanna Davis has reached the final plateau in her progression to grade 6, the working level for

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her position. This action will take her from 5A \$7.91/hr to 6A \$8.23/hr., effective September 8, 1998. Carolyn Randall, RSVP Director approves of this increase. Commissioner Bevan Wilson made a motion to approve progression process for Shanna Davis. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

#### Drug and Alcohol Testing

The Board of Commissioners had asked earlier for Pat Snowball to do some cost comparison and report back with a recommendation. Pat Snowball requested changing drug and alcohol consulting agencies from DFW Enterprises to ABI Consulting. ABI provides the same type of services as DFW but will do on-sight testing. Their cost is \$60.00 for each drug screen and \$25.00 for each alcohol screen. The cost is somewhat higher than the current \$52.50 per test, but the on-sight testing saves time off work for those tested which will outweigh the increased cost per test. Commissioner Bevan Wilson made a motion to move from DFW Enterprises to ABI Consulting as soon as the contract can be reviewed. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

#### Extension Office

Lynda Nelson has requested leave of absence without pay as provided in Section 9.4g Leaves of Absence in the Emery County Personnel Policy and Procedure. The purpose of her request is to attend a semester on campus at Utah State University which is a requirement of the university. This will enable her to obtain her Bachelor's Degree. She will return to work at the end of the semester in December 1998. Dennis Worwood, Extension Department Head approves of this action and is willing to help Lynda achieve her goal by making arrangements for the job to be covered in Lynda's absence. Commissioner Bevan Wilson made a motion to approve the leave of absence for Lynda Nelson. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

#### APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Bevan Wilson made a motion to approve the minutes dated August 19, 1998 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(14)

#### COMMISSION REPORTS

**Commissioner Wilson**

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Commissioner Wilson along with LaMar Guymon, Bret Mills, Lance Farmer, Ray Petersen and LeLand Matheson reviewed the special use permit with the Forest Service regarding constructing a building to house the back-up power generator for the East Rim TV (Horn Mountain) Communication site. Formal application for that permit has been completed. Everything will be approved as submitted.

Commissioner Wilson had received requests from Weed/Mosquito and Communications to use the vacated Road Shop buildings. Weed/Mosquito requested to use the old tire shop and Communications requested to use the lube bay and parts area. Commissioner Bevan Wilson made a motion to grant the request from Weed/Mosquito and Communications to immediately occupy the vacated Road Shop buildings as described. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Commissioner Wilson reported that the National Association of Counties is sponsoring a satellite broadcast from Washington, D.C. on the new Federal Transportation Law TEA-21 (formerly known as ISTEA) and its implications for all counties. The broadcast will be September 23, 1998 from 1 to 3 P.M. EST.

### **Commissioner Petersen**

Commissioner Petersen reported that residents are now in the new wing of the Nursing Home. Work has begun on the Sr. Center in Ferron. He is hopeful they can have the building closed in before winter.

### **Commissioner Johnson**

The National Heritage bill is still moving along. It did get a Senate hearing. Emery County has given up no roads nor have we made any concessions. The bill has found a lot of allies because the bill sells itself.

(15)

### **OTHER BUSINESS**

Chairman Randy Johnson has had the opportunity to speak with several people concerned about the TV channel. He wondered about the possibility of the county owning a television station. Sheriff Guymon suggested checking with Bret Mills, Communications to review the franchise and by-laws. The Board of Commissioners will do some looking into this and discuss again at the October 7, 1998 meeting when they have more information.

Jim Fauver, Assessor requested a change order on the carpet project to include tile in front of the State Tax Commission/ Licencing Department. Commissioner Kent Petersen made a motion to approve the change order for the carpet project to include tile in front of the Licensing

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Department. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

EXECUTIVE SESSION TO DISCUSS PERSONNEL AND POSSIBLE LITIGATION.

Commissioner Kent Petersen made a motion to move into Executive Session to discuss personnel and possible litigation. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Those present at Executive Session were Commission Chairman Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

(17)

ADJOURNMENT

Upon returning to regular meeting Commissioner Bevan Wilson made a motion to adjourn. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

September 23, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Kent Petersen and Commissioner Bevan Wilson, Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 4:00 P.M.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the check edit list #114142 through and including #114330 for payment.

Requisitions were presented for the following:

<u>REQUISITION#</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
57-98	(10) M4/M16A2E Automatic Rifles Sheriff	\$ 7,372.00	Approved
58-98	190 Remington Sniper Rifle 190 Thundertrap Suppressor for Rifle Sheriff	2,100.00 799.00	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
142-1241	File, vertical 5drw	Transfer to sheriff	Approved
142-1249	File, vertical 5drw	Transfer to sheriff	Approved
142-1248	File, vertical 3drw	Transfer to sheriff	Approved
142-1243	File, vertical 4drw	Transfer to sheriff	Approved
142-1242	File, vertical 5drw	Transfer to sheriff	Approved
142-1244	File, vertical 2drw	Transfer to sheriff	Approved
142-1239	File, vertical 4drw	Transfer to sheriff	Approved
142-1229	File, vertical 4drw	Transfer to sheriff	Approved



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142-2904	File, vertical 3drw	Transfer to sheriff	Approved
142-2903	File, vertical 3drw	Transfer to sheriff	Approved
170-4559	File, vertical	Transfer to sheriff	Approved
143-3395	Desk Arm, Oak	Transfer to sheriff	Approved
142-1253	File, vertical 5drw	Transfer to W/M	Approved
142-1252	File, vertical 5drw	Transfer to W/M	Approved
142-1251	File, vertical 5drw	Transfer to W/M	Approved
142-1250	File, vertical 5drw	Transfer to W/M	Approved
111-4985	Printer, Laser 7000	Transfer to Road	Approved
142-1238	File, vertical 4drw	Transfer to SR Museum	Approved
144-4124	Microfiche Reader	Going to auction	Approved
160-5111	Microfiche stand	Going to auction	Approved
136-4554	Burster w/Cart	Going to auction	Approved
111-6037	Cell phone, w/charger	Going to auction	Approved
160-3354	Chair, orange exec.	Junked	Approved
610-3425	Chair, orange w/arms	Junked	Approved

Commissioner Kent Petersen made a motion to approve the check edit list for payment, requisitions and dispositions for payment. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

APPROVAL OF 1998 FINAL APPROVED TAX RATES.

Senior Deputy Clerk/Auditor, Brenda Dugmore presented the final certified tax rate for approval by the Commission. The final rates were as follows:

For Emery County General Fund	0.003228
Library	0.000374
Flood Control	0.000188
Assessing & Coll-State	0.000228
Assessing & Coll-Loc	0.000203
 For Castle Valley Special Service District	
General Fund	0.000800
Debt Service	0.001116

Commissioner Kent Petersen made a motion to approve the final tax rate. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel action for approval:

Lisa Winn, janitor at the Elmo Library has submitted her resignation effective September 25, 1998. Request is made for approval to begin recruitment. This is a part time position of 10 hrs/wk at \$5.15/hr. No benefits provided. Commissioner Bevan Wilson made a motion to approve the recruitment process for a part time janitor at the Elmo Library. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

There will be a meeting on October 8, 1998 with representatives from the county health insurance company. The Commissioners, Clerk/Auditor Bruce Funk, Senior Deputy Clerk/Auditor Brenda Dugmore, Treasurer JoAnn Behling and Pat Snowball will meet to discuss options for changes in controlling the increasing rates of health insurance. The purpose of the meeting is to involve the commissioners in helping to make wise decisions that affect health insurance.

(4)

CITIZEN CONCERNS

Larry LaFrentz, Orangeville, expressed concern for road closures on Gentry Mountain. He reported finding the south Gentry access blocked off. When he inquired with the Forest Service he received no response. His other concerns were for the posting of public land and surface clean-up of mining related materials.

Lori Ann Anderson, Huntington, also expressed concern for road closures on Gentry Mountain and Bear Canyon. She reported being shut out of areas where her family had been camping for over thirty years.

At commissioners request Val Payne, Public Lands Director continues to look into this matter.

Kresha Eastman, Canyon Country Partnership informed the Board of Commissioners of the completion of the AmeriCorp Project. She passed on some information regarding another opportunity to bring human resources to the county in the form of volunteers to be used as the county sees fit. The volunteers may be used in the areas of community and neighborhood revitalization, education/child risk issues and health and public safety issues. She asked the commission to think about it and get with Economic Development Director, Rosann Fillmore if they are interested in participating in this program.

Sharon Earl, Chamber of Commerce representative informed the Board of Commissioners of the upcoming Meet Your Candidate night on October 15, 1998 at 7:30 P.M. at the Museum of the San Rafael.

(5)

D&R SALVAGE REQUEST PERMISSION TO BE CONNECTED TO COUNTY POWER LINE.

Ron Barney, D&R Salvage came before the Board of Commissioners to request hook-up to the power line adjacent to D&R Salvage. Commission Chairman Randy Johnson informed Mr. Barney that Emery County is the owner of that power line but they are not permitted to sell power to another entity.

(6)

ROSANN FILLMORE, PRESENTATION OF RURAL SUMMIT AWARD TO CAROLYN EHLER.

Economic Development Director, Rosann Fillmore explained that the Rural Summit Award is presented to community leaders who have given great service to a community. This year this award was presented to Carolyn Ehler who had worked for 22 years serving the citizens of Emery County as a registered nurse for the Emery Medical Center. She served the communities health needs during the influx of new families into the area throughout the booming times of power plant construction.

(7)

DISCUSSION AND APPROVAL OF INDUSTRIAL PARK CONTRACT WITH ROD DIAMOND.

Commissioner Kent Petersen made a motion to approve the contract between Emery County, Huntington City and Rod and Lori Diamond for the purchase of property in the Industrial Park in Huntington. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

UPDATE ON COURTHOUSE CARPET PROJECT.

The upstairs carpet is complete except for a couple of storage rooms. Downstairs offices will begin next week as coordinated by Leslie Bolinder.

(9)

DISCUSSION OF PAY PHONE IN COURTHOUSE.

Mike McCandless, Emery Telephone reported that over a year ago Emery Telephone sold the

pay phone service to PhoneTel with the option to open or keep any area that Emery Telephone deems important to keep open. Mr. McCandless had contacted PhoneTel regarding their recent decision to discontinue pay phone service in the courthouse. PhoneTel may decided to continue to pay the slightly under \$35.00 a month service fee. Emery Telephone needs Commission approval to have the County pay the fee if PhoneTel chooses not to pay the fee. This is necessary in order to keep the pay phone service available in the courthouse which is sorely needed by those people conducting business in the building. Commissioner Bevan Wilson made a motion to authorize paying the slightly under \$35.00 a month service to keep the pay phone service in the Courthouse should it become necessary. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Mr. McCandless also announced Emery Telephone's 3<sup>rd</sup> Annual BBQ on Friday September 25, 1998 and some of the features of the event.

(10)

DISCUSSION OF COUNTY GIFT FOR UAC CONVENTION.

There was discussion on a possible county gift for Utah Association of Counties Convention. There is a \$50.00 minimum for the gift. At the request of the Commission Leslie Bolinder will find an appropriate gift.

(11)

DISCUSSION OF CONDITIONS AT EMERY COUNTY DETENTION CENTER.

Sheriff LaMar Guymon reported on an attempted escape at the Detention Center. Conditions at the Detention Center are deteriorating. Population at the center has doubled in the last year and they are now at capacity. Sheriff Guymon requested building a storage shed to house the storage items currently being stored in one of the holding cells. The holding cell is now needed to replace the one damaged during the attempted escape. Sheriff Guymon has received bids and will look at obtaining the best price. Commissioner Bevan Wilson made a motion to approve Sheriff Guymon's request to build a storage shed at the Detention Center. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(12)

ROAD DEPARTMENT/LANDFILL ITEMS.

There were no items for consideration at this time.

**5:30 P.M.-PUBLIC HEARING- TO ACCEPT PUBLIC COMMENT CONCERNING THE INTENTION TO ADD SERVICES TO THE EMERY COUNTY SPECIAL SERVICE DISTRICT #1 AND THE EMERY COUNTY RECREATION SPECIAL SERVICE**

**DISTRICT.**

Commission Chairman Randy Johnson opened the public hearing to accept public comment concerning the intention to add services to the Emery County Special Service District #1 and the Emery County Recreation Special Service District. Statements were made by each Commissioner in regards to the purpose for this public hearing and what the Commission was trying to achieve. Commissioner Johnson: In the last several years Emery County has addressed the issue of mineral lease monies. Emery County is one of five top producing counties in Utah and one of three counties in the state that produce the largest percentage of mineral lease funds. Through the community impact board and the application of those mineral lease funds some going to the state and some back to the county all of the counties benefit from the production of those mineral lease funds. We feel that there are many counties that do not produce that receive a lot of those funds while sometimes counties like Emery County have a difficult time getting projects approved. Emery County has tried to get a bill passed that would increase the amount that directly comes back to the producing counties. That bill was passed last year. Over a three year process that money will increase from 25% to 40% coming directly back to the county. There are certain legal restrictions as to how that money can be used. Right now those monies cannot come directly to the county's general fund. This is another issue the County is trying to address. These funds must go to special service districts that qualify to receive those funds under law. There are eleven uses that are allowable by law. What the Commission is looking to do is to identify those uses, to expand the ability of the three existing service districts to cover all these uses. And to apply the new mineral lease funds in such a way that we not only enhance services to the citizens of this county but that we take pressure off the general fund. The general fund has received a lot of pressure in the last few years largely because of the declining rates that centrally assessed taxpayers pay. The rates have decreased about 5% to 7% per year while the demands for services do not go down at all.

Commissioner Wilson: Commissioner Wilson thanked the people in attendance for being there. The reason we have public hearings is to get comments, opinions and ideas from the people on various projects, concepts and proposals. The proposal as it stands and is presented tonight proposes no boundary changes on either the Recreation District or the Special Service District #1. The Recreation District covers recreation needs throughout the whole county while the Special Service District #1 is a road district which covers roads in the areas outside of city incorporated boundaries. What we have been doing under the Road District since 1988 when distribution of these mineral lease fund first came about is to improve county roads. We started with coal haul roads on a 50/50 split with the coal companies. In recent years we have been working with the school district on prioritized roads for school bus routes.

Emery County is quite unique and fortunate that back in the 1970's Castle Valley Special Service District was created to provide water, sewer, roads and drainage service within the city boundaries and within their district boundaries on the west end of the county. We are not proposing any boundary changes in the CVSSD. The PCIFB is encouraging city/county

governments districts to consolidate as much as they can and come up with long range plans so that they may work better together to provide for the needs of the people. The proposal in these two resolutions being presented tonight will consolidate the authorized uses of the mineral lease monies with the existing districts. There are currently four special service districts in place that are authorized to receive these mineral lease monies those being the Castle Valley Special Service District, Emery County Special Service District #1, Emery County Recreation Special Service District and Emery County Fire Protection District. As Commissioner Johnson mentioned over the past few years we have been studying this concept of expanding the authority of the districts. About two years ago we asked County Attorney, David Blackwell to research this concept and see how we could make a redistribution of some of these mineral lease monies to other authorized uses within the county. About a year ago Mr. Blackwell spent some time during a Commission Meeting going over some of the problems. He feels comfortable that this process is legal, doable and workable in broadening the authority of the existing special districts. Resolution 9-2-98B which deals with Special Service District # would include transportation, flood control, water, sewer, drainage, garbage and street lighting services. Resolution 9-2-98A which deals with Emery County Recreation Special Service District would include recreation facilities, including museums and public health-related facilities and activities within Emery County. These are all authorized uses of the mineral lease monies under the current state statute that created this distribution of mineral lease monies. Water, sewer and drainage would not be done through this road district (if this is adopted) inside the city limits which are the boundaries of the Castle Valley Special Service District because you cannot overlap boundaries providing the same service. There have been other public meetings on mineral lease monies and it has always been the feeling of the people, in the input that Commissioner Wilson has received, that these mineral lease monies should not be used for annual operation and management costs. These funds can decrease and end. We have been told that the length of some of the current coal mineable reserves under the current market is fifteen to twenty years. We have had one large producer into this fund, Cyprus Plateau, shut their mine down and move into Carbon County. We now seeing a reduction in the amount of money coming into the current program because of the loss on that one coal mine. We have other coal leases pending. There are problems associated with each of these pending tracts. These mineral lease funds are given to us by the state legislature by creation of state laws. We can lose these just as quickly as we receive them. We are at the mercy of the law makers of the state of Utah. It is not wise to become dependent for operation and management cost on these funds. This proposal we are here to present tonight is strictly to broaden the existing authority of these two districts. Commissioner Wilson feels it is wise for the people of Emery County to look down the road and see what they could do about putting a few of these dollars away in a rainy day fund. These proposals would allow that to happen at least up to the amount of one years revenue so that when we do see further depletion of these mineral lease monies that we have a little bit of a fund we can stretch out a little longer.

Commissioner Wilson also commented that just because the eleven authorized uses are proposed to be included in the two districts does not mean that we would be using these funds for all

eleven authorized uses. There might only be various authorized uses that the commission and the people operating these districts would opt to put these monies out to. There is no big plan to open up every one of these uses. If they are in the district and there becomes a need for it then it is authorized and on the books to begin using the funds for that use.

Commissioner Petersen: Commissioner Petersen cited problems with the centrally assessed property values of the mines and coal mines decreasing dramatically for nearly ten years. There have been some decisions made by the tax commission that have contributed to that decrease. The value of our homes and our local businesses have been increasing. The tax commission has been making sure they keep those values up as high as they can just because things have been good. Houses are now worth more in Emery County than they were ten years ago so our local property values go up. If we keep the same amount of county government then our taxes are going to go up and the power company is going to pay less of those taxes. A year ago we were told that the amount of mineral lease monies going back to the county was going to increase. We wanted to find a way to put some of the mineral lease money to use in such a way that would reduce the pressure on the county general fund. This was the overall purpose for this public hearing tonight. The Emery County Recreation Special District and the Emery County Fire Protection District were established about six years ago. At the time they were established their main function was to get CIB money. The Fire District was able to get funds for nine small fire trucks most of which were purchased with a grant from CIB. The Recreation District was able to help Green River City build a golf course with a grant from CIB along with a loan that Green River City took out. It is now apparent that the CIB board will not be giving a lot of grants and that the entities were going to have to have money to pay off loans if they were going to get money from the CIB board. This meant the Fire District was not going to be able to go directly to the CIB and get a big grant to buy fire trucks. Our fire trucks are in bad shape in Emery County. If you talk to the fire chiefs in each town they will tell you that some of them can barely make it. Some trucks are so old they can't get parts for them. One truck in Green River a year ago literally fell apart on the freeway while it was responding to a fire. Luckily it happened just a few weeks before the CIB met here in the Emery County Courthouse where we made a pitch for money to get a new fire truck for Green River which were successful in getting. This proposal as presented tonight will allow us to get mineral lease money coming direct to Fire District to begin buying new fire trucks for the county. It will allow the Recreation District to continue to do some of the things they are trying to do while alleviating the pressure on other areas like the landfill. Landfill costs have gone up dramatically primarily because of requirements by the federal government. This proposal will allow some of those expenditures to be done with mineral lease monies instead of directly by tax money. This is an attempt to development the special districts that we have so that we can cover all the uses designated by law for mineral lease money and get the most benefit out of it for the citizens of the county while releasing some pressure on the general fund.

Commissioner Johnson expanded briefly on the Fire District. We have just recently ordered five new fire trucks. We have some serious needs in the Fire District. This purchase would be a

significant impact to the general fund if we were obligated to pay that from the general fund. The fire trucks are \$137,000.00 each which will still need to be enhanced with other equipment to the tune of \$25,000.00 for each truck once we get them here. Anticipating the passage of the bill, Emery County entered into a lease agreement to get these five trucks here. Along with the passage of this bill and what we are trying to achieve here tonight we would go to the CIB to try to get half of what those trucks will cost in grant and the other part in a low interest loan which would then be paid off with these mineral lease funds. We would like to accomplish an ongoing program where we are replacing those trucks on a regular basis so we don't come to a ten year wall of every truck in the county being run down and unusable every ten or twelve years and being faced with that huge expense of replacing so many trucks at once. We are trying to accomplish a system with financing that we would have available in the Fire District where they are able to have trucks that work, training and equipment capabilities but not be faced with such a dramatic need every few years.

Commissioner Wilson reported that Garth Childs, Chairman, Fire District has filed an application with CIB. It is on the agenda and will be heard on October 1, 1998 in Salt Lake City. The Fire District Board is pursuing all options they have in covering the needs for fire protection.

As a part of that application to the CIB the Fire District is required to hold a public hearing which will be on October 5, 1998 at 5:30 P.M. here in the courthouse.

Attorney David Blackwell: Mr. Blackwell added that from a legal standpoint we started out trying to make a mini CIB work but through the years found that this was not workable under the current law. What we have come up with has kind of evolved. What he has found out is that we do not have to worry so much about the lawyers approving as much as the auditors approving the cash flow. Through several discussions with the state auditor as well as our independent auditor we have come up with the best concept we can do and still be within the law and that is to expand the services to the existing special districts. We have looked at other ideas one being to combine all the existing districts into one big district. What we are proposing tonight appears to be the best option.

Commissioner Johnson added that the Commission can not dictate to the special service districts how they use their day to day funds and operate on a daily basis. We do have the authority to set the percentages of this incoming mineral lease money as to how it is directed for each of these purposes. So this is what we are trying to achieve is to direct that money in such a way that it accomplishes the thing that we have discussed here today.

Commissioner Wilson reported that in the last meeting of the Special Service District # 1 the board reviewed and pledged their support for the two resolutions being presented.

Commission Chairman Randy Johnson opened the meeting up to the public for questions and comments.



Sharon Earl: Could you please clarify the proposals? Commissioner Johnson responded: The proposal is using the mineral lease funding, both old and new funding, enhancing the authority of the Recreation District to cover some areas that they now can not spend money on because they do not have that defined authority in their by-laws at this time. The resolution that created the Recreation District has stipulated authority given to them and in order to change that authority a legal process must be followed. What we attempting to do here tonight is part of that legal process necessary to change the authorized function of that district. The Commission has to adopt a resolution that would make any changes to special districts. The boards of the special service districts must approve of any changes made by resolution. As was pointed out earlier broadening the authority of the Recreation District to include the museum would then authorize mineral lease funds to be used for museum expenditures which at this time are paid by a donation from the county general fund to the museum. We are trying to creatively use these funds while abiding by the law so as to not lose the funds.

Sharon Earl: Where would these funds go if you do not do this? Commissioner Johnson: They would go straight to the Special Service District #1 and Castle Valley Special District. Commissioner Wilson: This meeting is not for coming up with a new distribution formula but rather to re-authorize the Recreation Special Service to expand their authority from recreation only to include museums and health related facilities. The Special Service District# 1 currently receives 85% of the total revenue and Castle Valley Special Service District receives 15%. SSD#1 currently can only function on county road reconstruction and snow removal. This would broaden their authority to include flood control, water, sewer, garbage, drainage and street lighting. With what is proposed to be broadened in these two districts, the Emery County Recreation Special Service and the Special Service District #1 along with what we already have in the Castle Valley Special Service District and the Emery County Fire Protection District we would cover all eleven of the authorized uses of this mineral lease monies. At this time we may not need to use all of the authorized uses but they would be in place to use if the need arises.

Sharon Earl: You say SSD#1 receives 85% of the total revenue. Who is going to take the money from the Special Service District #1 and give it to the other districts. Commissioner Wilson: The Commission. That would be the next step in this process. Commissioner Johnson: After we go through the process of addressing the expansion of services then we will look at the budgeting needs and assess what percentage of the funds will go to what areas. This will be phase II of the process.

Attorney David Blackwell explained the distribution of the mineral lease monies as it stands now. UDOT issues one check to a special service district. At this time our check comes to Special Service District #1 which is the means for funneling through the funds to the other special districts. Using the chalkboard Mr. Blackwell drew an outline of the special districts and the eleven authorized uses.

Rosann Fillmore: Will the auditors allow us to provide for a rainy day account? According to

the auditors we could retain an amount of up to one year of anticipated revenue to be kept in a special account within each individual special district.

Jim Fauver: An elected commission decides how that money is distributed not an appointed special district board. The distribution happens once and it would take another public hearing to re-allocate that distribution.

Attorney David Blackwell: This gives the Recreation District and the Fire District some money that they would otherwise not be able to get. They have some definite needs there.

Commissioner Wilson: It is a way to get them the money they need without raising taxes.

Recreation District Chairman, Dan Whiteleather: This money could become extinct at anytime. If you use this mineral lease money for funding the landfill and other vital needs of the county, should we lose this money wouldn't you need to re-look at some of these things?

Commissioner Wilson: This money will not be used for operation and management but for one time only purchases and capital improvement projects.

Commissioner Petersen: Anything funded by mineral lease monies is subject to loss at anytime. We are losing funding from loss in taxes anyway. What ever we do with this money it is going to be something that is good for the county.

Dan Whiteleather: The only Special District with taxing ability is Castle Valley Special Service district. With this resolution will there be taxing ability?

Attorney David Blackwell: This would not change any taxing ability.

Jim Fauver: The authority to tax is there. During the creation of the district there was a promise made to the public that we would not tax.

Dan Whiteleather: It is my understanding that there will be a budget process the districts will go through and our responsibilities will be much more defined than they have thus far.

Commissioner Johnson: Yes.

Brenda Dugmore: Is it determined then that once the money reaches the SSD#1 that you will have the authority to decide where it goes?

Commissioner Petersen: The distribution is determined before it gets here.

Sharon Earl: Is this being done because of the passing of this bill and the raising of the amount

of money coming back to the county?

Commissioner Wilson: This process was started two years ago and the bill was not passed until last January. This was in the making whether the bill passed or not. This new bill may not increase the overall money that Emery County receives because of the shutting down of Cyprus Mine. We could wind up with a new bill giving us a 5% increase per year and still end up with less money than we got last year. This is from year to year.

Bruce Funk presented two protest letters submitted by Ira Hatch which were read by Commissioner Petersen.

Commissioner Wilson: If we get to phase II details will be worked out for putting money where needed. As a way to track money MOU's or Interlocal Agreements would be used between two entities such as Recreation District contributing money to the Nursing Home Board for an emergency need.

Bruce Funk: comments on Ira Hatch letters. We have established districts with focused responsibilities and interests. The boards of these districts are filled with people who have interests in those particular areas. With the expansion of the districts, does this focus stay in that same direction, are the expanded areas going to receive equal treatment.

Clerk/Auditor, Bruce Funk expressed concerns for how and when the funding will come down. How will these districts prepare a budget? Will they know how much money to anticipate?

Dan Whiteleather: The Recreation Board has a meeting coming up where we will be outlining our budget needs for 1999. These same questions are going to come up. What is the Recreation District going to be responsible for? What do we need to budget for?

Commissioner Petersen: The funding will start in October and the first check will come in January. These are legitimate questions for which we do not have an answer at this time. We have a Fire District that will have obligations for loans, we hope, at that time. If we do not get the loans and CIB money then we are going to be responsible for lease payments. They have some responsibilities that they will have to budget for. They should be able to estimate based on previous years approximately what they will get.

Commissioner Wilson: Not only will the special districts need to budget accordingly so will Emery County. This is why something needs to be addressed and the reason for starting this process.

Bruce Funk, Clerk/Auditor: I have received several comments on equating the boards and board members. One district board receives a stipend. Another district receives no stipend, many of which put their lives on the line. There needs to be some standards set.

Attorney, David Blackwell: We can not dictate to them how they run their program.

Commissioner Petersen: We can appoint members to the board and we can tell the board how much money they get. Those are about our limits.

Bruce Funk, Clerk/Auditor: You talk about these districts not becoming dependent upon these funds, however the Fire Protection District has no funds and is totally dependent upon these funds to pay loans. They do not have enough funds to pay their board members. Why can't we put off reconstructing a road for a year and make a one time initial purchase of these fire trucks so that district is not dependent upon that payment each year? These are some things that need to be looked at. Mr. Funk also expressed concern that in the future his office be included in any planning that may be involved since it is his office that is responsible for the financial end of these special districts.

Commissioner Johnson: We are trying to look at the law that requires us to have these mineral lease funds go to the special service districts. The commissioners are elected for a specific purpose and that is to set policy and deal with funding in this county. When you create a special service district, under the laws that governs those districts we have to step out of the picture once we address how much money goes to them. Yes, we can dissolve it and yes, we can have some influence sometimes as to the appointment of certain members of the board and their by-laws. You have one step away from the public with this special service district. I have always been uncomfortable with that. Our Special Service Districts function very well. When the Commissioners do not do things the way you want them to, in four years you elect a new commissioner. But under these special service districts they only answer in certain ways to the public. Personally, as a Commissioner, I am not comfortable with that. One of the things we do not want to do is create a whole bunch of new special service districts if we did not have to. That just compounds the problem. Down the road if we have to have a different one for health or something like that we will look at that then. I would rather function under what we have and re-assign funds so that we are doing a better job with the funds that we have.

Sharon Earl: Where did the funds come from to fund the special service districts originally?

Commissioner Petersen: Special Service Districts were created to receive these mineral lease monies.

Sheriff Guymon explained how the Fire Protection District was created and where the funds came from before its creation.

Sharon Earl: Where are these mineral lease monies coming from? Do we get them because we produce minerals?

We get 40% of what we produce in coal, gas and oil in Emery County.

Roann Fillmore: Last Year the Department of Energy told us that the last marketable mineral reserves were in Carbon and Emery County. Everything is tied up with environmental issues or other issues. This is where the last of Utah's coal is. This coal is projected to last another 20 to 25 years.

Commissioner Johnson: And yet our President Clinton locked up six billion tons of mineable coal in the Kaparowitz Plateau in an area where a 20 acre portal, hardly noticeable, could have been placed and mined for many years to come.

Ron Barney: Mr. Barney commented that the Special Service District #1 has a commissioner on their board. It is Mr. Barney's feeling that a commissioner has no business being on that board. He feels that the landfill is wasteful spending.

Mark H. Williams: Concerning the water and sewer that is proposed to be added to the Special Service District #1, what affect will this have on the North Emery Water Users?

There are no projected projects for those uses at this time. There are no plans to take over or interfere with any of the water and sewer companies.

Mark H. Williams: What about the flood control? We are taxed on the flood control. Are you going to take over the flood control and cancel our tax on that?

Commissioner Johnson: That is something we are looking at. We would not double dip. We are not going to continue to tax the citizens if we are covering that with mineral lease monies.

Mark H. Williams: Commented on the board members, how they are picked and how long they stay. He feels people are being denied the opportunity to serve on these boards because they are continually re-appointed.

Commissioner Johnson: Those who serve are those who are willing to serve. It is difficult to find individuals who have the time and willingness to serve on these boards. It has been a constant concern by citizens and will be addressed in the future with the individual boards.

Sharon Earl: Is it correct that this mineral lease money is to be used for special projects or emergencies?

Commissioner Johnson: Largely what the Fire District needs is that kind of funding. They need the ability to get the equipment, training supplies to outfit the fire trucks and buy trucks on a rotating basis. We feel it wise to not become so dependent upon these funds by using them for operation and maintenance. We are going to ask the Fire Protection District and the Recreation District to put together their wish list for operating funds and what they would like to achieve in the next few years. We will then assess the percentages based on what we get from them. Part of

that will be taking what we give to them and then leveraging that to go to the CIB and do more with it.

Dan Whiteleather: What might help explain, what you would like to see these districts such as the Recreation District on the health care side it, you would like to see us as a pass through board. In other words, health care needs the money, we have the means for getting the money, come through and get the money.

Commissioner Johnson: At least for now, in an effort to not create more districts.

Commissioner Wilson: If the Federal Government and the State of Utah would ever get together on this mineral lease money and leave our PILT money alone and not reduce it if we receive mineral lease money that would simplify this whole process.

Commissioner Johnson: We have a request for a ruling with the general council of the United States. We are asking them to determine if when the State of Utah receives these mineral lease funds back from the government (because they go first the government and are then distributed back in a share with the state, who then shares them with the counties as per how much they produce) that the auditing stop there. The State of Utah shouldn't impact anything else as to how those funds are used. If that ruling is in our favor then we would persue having them come directly to our general fund and we would not have to have such a dance through to use the money the way we want to use it.

Jim Fauver: There have been a lot of good points brought out tonight and there is a need for a lot more public input on how that money is diversified. It is important to recognize that right now 85% out of the close to three million dollars is being spent on roads outside of cities in rural areas that benefit a few people. If you can find a way to diversify this money that we can all agree on, this could be used to benefit the county as a whole instead of just on those small bus routes and other places that the money is being spent right now.

Kay Jensen: Mr. Jensen directed his questions and comments in regards to those services being added to the two special districts. His concern was for how this would affect the water companies in the county. He asked if there would be another chance to talk about this. There were good questions and concerns expressed this night and would like to have another opportunity for the public to provide input.

Sharon Earl: Could these water companies go to these special service districts and request funds for projects?

Commissioner Wilson: No, the water companies are private, non-profit corporations. They are owned by the water users.

Rue Ware: When you shift items from the General Fund to the appropriate special districts, you will you say will be relieving pressure that is now on the General Fund. How much pressure will be relieved ? As a result, how much will you be able to reduce taxes? He highly suggested that in the future, the County hold a public hearing in one commission meeting and consider it in passing in the next meeting.

Commissioner Johnson: It is unfortunate that No# 13 is on the agenda, however, there is a fifteen day waiting period. We will not be approving anything on this tonight. In response to your first question, our goal and effort would be to reduce taxes. At this time however, our fund balance is being depleted because of that pressure and therefore our immediate results from doing this would be to replenish the fund balance to the status that we would like it to be maintained while continuing those services that the public has become accustomed to. Over a period of years we would look at being able to reduce taxes. But at this time we need to replenish the General Fund.

Rue Ware: Are you going to continue to spend the fund balance right to 0. In a few years down the road, these things may have to come to a halt because the coal mines have closed. The mineral lease money will come to a halt. If the fund balance is down what then?

Commissioner Johnson: It is not our intention to spend the entire fund balance. We are very concerned that the fund be replenished and kept at least at five million dollars. We can not by law touch our contingency fund which is seven and a quarter million dollars. Only by a vote of the people can we ever touch that fund. We are anxious to replenish the fund balance which at this time is between three and a half to four million dollars. We want this back up to five million where we have tried to maintain that.

Commissioner Wilson: It is our wish that we would not have to raise taxes to provide these services.

Commissioner Petersen: Without this we are rapidly getting to the point where we would be cutting services drastically or raising taxes.

Commissioner Johnson: We will just have to evaluate how it is all working. It is impossible to give you a concrete answer on taxes until we see how it is going to all come together. The intent is to save any diminished capacity to provide services. The intent is to prevent any necessity of either cutting those services or raising taxes.

Commissioner Bevan Wilson made a motion to close the public hearing. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

CONSIDERATION AND APPROVAL OF RESOLUTIONS ADDING SERVICES TO BOTH

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September 23, 1998

THE EMERY COUNTY SPECIAL SERVICE DISTRICT #1 AND THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.

It was determined that this item will need to be place on a future agenda.

(14)

FINAL APPROVAL AND CLOSURE OF BOARD OF EQUALIZATION.

Assessor, Jim Fauver reported that there was one abatement left for Great American Airlines. The penalty was \$10.00, interest was \$23.60 making a total abatement amount of \$158.40. Commissioner Kent Petersen made a motion to approve the abatement for Great American Airlines. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The total of all Board of Equalization adjustments came to \$55,6649 in value amounting to approximately \$5,000.00 in taxes. Commissioner Bevan Wilson made a motion to approve closure of Board of Equalization for 1998. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to approve the minutes dated September 2, 1998 as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

COMMISSION REPORTS.

There were no reports at this time.

(17)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

There were no matters for discussion at this time.

(18)

ADJOURNMENT.

Commissioner Bevan Wilson made a motion to adjourn the meeting.



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Commission Meeting Minutes  
September 23, 1998

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

October 7, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson, Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 9:00 A.M.

(1)

CITIZENS OF LAWRENCE, REQUEST COMMISSION SUPPORT INSTALLING STOP SIGNS AND ENFORCING SPEED LIMITS IN RESIDENTIAL AREAS.

Citizens from Lawrence were present to express concerns for public safety resulting from noncompliance to speed regulations and stop signs. The speed is posted at 30 mph but is being ignored on a regular basis mostly by students late for school. The stop sign is ignored causing a public endangerment. There is concern for the frequent speeding and reckless driving on the Lawrence Road where there is poor visibility for pedestrians and other drivers. This is causing a definite concern for public safety. Lawrence citizens Bob Wilson, Angie Fillmore and Dean Wilstead provided comments and stated concerns. Many suggestions were shared. Sheriff Guymon expressed his concerns and the problems his department had been facing in trying to enforce the traffic laws especially in Lawrence. The Sheriff's Department is spread thin of deputies to monitor every town for driving offenses. With permission from the Commissioners for overtime the Sheriff's Department will make an effort to more earnestly monitor the area at the most offended time of the day which is between 8:15 A.M. and 8:40 A.M. The key to this problem is training the public to obey the law. It means hitting them where it counts, in the pocket. Citizens have the right to file complaints for driving offenses. We need citizens to take down license plate numbers and not be shy about filing complaints. Sugges

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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2

Commission Meeting  
October 7, 1998

(2)

REPRESENTATIVES FROM THE DOMESTIC VIOLENCE COALITION TO ADDRESS THE COMMISSION.

Mary Manley, member representative of the Domestic Violence Coalition provided the commission with an informative overview of the coalitions mission and goals. The coalition made a request of the Board of Commissioners to place five crosses symbolizing the five domestic violence related deaths in 1997 on the front lawn of the courthouse. Compared to the twenty-five domestic violence related deaths in 1995 and ten in 1996 they are optimistic of the progress being made in the effort to stop domestic violence. Commissioner Randy Johnson commended the coalition for their efforts and the progress made by the organization on behalf of victims of domestic violence. Commissioner Bevan Wilson made a motion to approve the placement of five crosses on the courthouse front lawn through the month of October. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

CONSIDERATION OF PROPOSALS FOR CHANNEL 26 OPERATIONS.

Channel 26 has been a public service station operated by Joel Dorsch out of an agreement with the county. Through Castle Broadcasting he has used a license owned by the company to run this television station. A few weeks ago Mr. Dorsch decided he could not for many reasons continue to operate the station. The county implemented a temporary running of the station by utilizing his wife Susan. The Board of Commissioners has received proposal letters for the operation of Channel 26 from Lake Electronics, Emery Telephone, Willie Frisbie and Susan Dorsch. We still have an agreement in place that will need to be looked at. As the Board of Commissioners they acknowledged the receipt of these bids and will work through them as quickly as possible. The commission needs to determine the counties role in keeping this service available to the community.

(4)

CITIZEN CONCERNS

Commissioner Kent Petersen expressed concern for the anticipated Y2K problems. These are problems regarding computers and the year 2000. We think we have everything solved, however there are things we may have not even thought of yet. Commissioner Wilson made a motion to establish a Y2K computer committee headed up by Commissioner Petersen. The motion was seconded by Commissioner Kent Petersen and approved by all members present. Senator Bennett has expressed concern for the problems that may come in banking and government throughout the world.

(5)

CONSIDERATION AND APPROVAL OF INDIGENT TAX ABATEMENTS.

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Senior Deputy Clerk/Auditor, Brenda Dugmore presented for consideration the 1998 Indigent Abatement applicants. All of the indigent abatement applications for consideration qualify for low income credit because they are under sixty-five, disabled, widow/widower or are under extreme hardship. A letter stating the extent of hardship is required with each application. This is a commission decision as to whether to grant the 50% tax credit. The state does not reimburse us for this. A letter of extreme hardship has not been received as of this date for two applicants (\*). The Clerk/Auditor's office requests approval pending receipt of letter. The following is a summary of indigent tax abatement applications that were received in the Clerk/Auditor's office:

Pat Huntington	\$539.91
Mary Ann Rizzuto	239.13
Coleen Thompson	90.34
Dennis & Ellen Russell	94.96
Carolyn Moore	152.12
*Harriet Bishop	207.23
*JoAnn Blanchard	44.56
	\$1,422.25

Commissioner Bevan Wilson made a motion to approve the indigent tax abatements as presented pending receipt of extreme hardship letters from the two indicated as missing letters. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

DISCUSSION OF COMMISSION AUTHORITY TO DELEGATE MINERAL LEASE MONIES TO SPECIAL SERVICE DISTRICTS.

The Board of Commissioners in last commission meeting instructed Attorney David Blackwell to research the authority of the Commission to delegate mineral lease monies to special service districts. Mr. Blackwell reported finding no statute that says the commission has no legal right to delegate property owned by Emery County.

(7)

SETTING OF 1999 BUDGET WORK SESSIONS.

4

Commission Meeting  
October 7, 1998

Commissioner Kent Petersen made a motion to set a Public Hearing date of December 15, 1998 at 5:30 P.M. for approving the 1999 final budget. Commissioner Bevan Wilson seconded the motion and it was approved by all members present. Senior Deputy Clerk/Auditor, Brenda Dugmore reminded the Commissioners of the 1999 budget workshop sessions set for October 15, 1998 at 9:00 A.M.

(8)

ROAD DEPARTMENT/LANDFILL ITEMS.

Road Department Supervisor, Rex Funk reported on current activity of the Road Department and Landfill. There was discussion on the four year Statewide Transportation Improvement Program List. The Commission expressed disappointment in finding none of the pressing projects listed by Emery County on the STIP List. Emery County is making an all out aggressive effort to get projects from the county's wish list back on the STIP List.

(9)

DISCUSSION AND APPROVAL OF AMERICORPS PROGRAM FOR 1999.

Commissioner Bevan Wilson made a motion to table this item for now. The motion was seconded by Commissioner Kent Petesen and approved by all members present.

(10)

CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT BETWEEN THE STATE OF UTAH, DIVISION OF BUSINESS AND ECONOMIC DEVELOPMENT AND EMERY COUNTY.

Commissioner Kent Petersen made a motion to authorize Commissioner Johnson to sign the contract amendment between the State of Utah, Division of Business and Economic Development and Emery County extending the time of the grant. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

DISCUSSION OF FRANCHISE FEE ON THE FRANCHISE FEE FOR FALCON CABLE.

In response to a letter received by the Board of Commissioners, Commissioner Kent Petersen made a motion to object to a franchise fee on the franchise fee. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

4H MEMBERS HONORING COMMISSION FOR SUPPORT OF THE 4H PROGRAM

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October 7, 1998

4-H members Kobi Erni, Jaycie Porter and Cassie Jones presented the Board of Commissioners with fresh baked cookies in appreciation for their continuing support of the 4-H program.

(13)  
APPROVAL AND RATIFICATION OF CHECK EDIT LIST, ADDITIONAL CLAIMS,  
REQUISITIONS AND DISPOSITIONS.

Senior Deputy Clerk/Auditor, Brenda Dugmore presented for consideration and approval the Warrant Check Edit List # 114598 through and including #114725 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
59-98	Rotor Island video display Library/(8)	\$ 3,679.60	Approved
60-98	Shelving Library	15,569.95	Approved
61-98	Transcriber/Microphone Planning/Zoning	581.50	Approved
62-98	Shed 8X24 Sheriff	1,995.00	Approved

There were no dispositions for consideration at this time.

Commissioner Kent Petersen made a motion to approve the Warrant Check Edit List and requisitions pending a verification that the requisitioned items from the Library were budgeted for in 1998. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)  
PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel action for approval:

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### Road Department

Bruce Pierce, Road Department Equipment Operator/Driver, has been selected to fill the vacancy at the landfill. Both the Equipment Operator/Driver and Solid Waste Technician positions are grade 12. Bruce began working at the landfill September 30, 1998 with no change in wage. His wage is currently \$10.81/hr. Commissioner Bevan Wilson made a motion to approve Bruce Pierce to fill the position of Solid Waste Technician as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Request is made to recruit "in-house", only, to fill the vacancy of Equipment Operator/Driver left by Bruce Pierce. The entry wage for this position is grade 12 \$10.26.

Commissioner Bevan Wilson made a motion to approve the "in-house" recruitment process. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

### Economic Development

Interviews were conducted Monday, October 5, 1998, for the Economic Development Office Specialist. Vickie Wilbanks is the successful applicant. She will begin at the entry level of grade 4, Step A \$7.58/hr., part time, less than twenty hours per week, no benefits. Commissioner Kent Petersen made a motion to approve hiring Vickie Wilbanks as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

### APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Kent Petersen made a motion to table the minutes dated September 23, 1998. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

### COMMISSION REPORTS

#### **Commissioner Petersen**

Commissioner Petersen reported on the successful week at Community Impact Board. We will be



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receiving \$178,000.00 supplemental grant to help with the Nursing Home addition. Castle Valley Special Service District was put on the December 3, 1998 priority list for funding. It appears that Emery County Fire Protection Special Service District may have received a no interest loan and grant to purchase the five desperately needed fire trucks.

### **Commissioner Wilson**

Commissioner Wilson reported on the County Maintenance Program Site approval through the Forest Service. We were able to construct a building to house back up power generator at Horn Mountain TV tower.

Gene Talbot has requested to have the photos in the lobby identified somehow with a plaque to identify the place and who took the photo. Mr. Talbot donated a photo to the county but made a request to be compensated \$50.00 for the frame. Commissioner Bevan Wilson made a motion to accept the photo from Mr. Talbot and pay the \$50.00 from dues and contributions. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

### **Commissioner Johnson**

Commissioner Johnson commended Doris Quinn for fine job she is doing as editor of the Emery County Progress.

(17)

### **EXECUTIVE SESSION TO DISCUSS PERSONNEL AND POSSIBLE LITIGATION.**

Executive session was not necessary at this time.

(18)

### **OTHER BUSINESS**

Commissioner Kent Petersen made a motion to authorize Commissioner Johnson to sign the Communications agreement pending approval from Attorney David Blackwell and Communications Director, Bret Mills. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(19)

### **ADJOURNMENT**

Commissioner Bevan Wilson made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

October 21, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 4:00P.M.

(1)  
APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #114888 through and including #115080 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
63-98	Megavox pkg w/collar mic Sheriff/Gun range/Commission	\$ 810.00	Approved
64-98	Custom welded buck	600.00	Approved
	Custom welded doe	600.00	Approved
	Custom welded fawn Courthouse	400.00	Approved

There were no dispositions presented at this time.

Commissioner Kent Petersen made a motion to approve the Warrant Check Edit list for payment and requisitions as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)  
PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director requested the following personnel action:

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### Road Department

Randy Okerlund has been appointed to serve an up-to-90-day temporary term of employment as an equipment operator/driver effective October 5, 1998 at a rate of \$10.26/hr. This term will end on December 31, 1998 with the budget year. Commissioner Bevan Wilson made a motion to approve hiring Randy Okerlund for the up-to-90-day temporary term of employment. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Cody Oman has been appointed to serve an up-to-90-day temporary term of employment as a helper for Lance Farmer, Repair/Maintenance Technician effective October 6, 1998 at a rate of \$8.50/hr. This term will end on December 31, 1998 with the budget year. Commissioner Bevan Wilson made a motion to approve hiring Cody Oman for the up-to-90-day temporary term of employment. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

It is recommended that Dustin Tucker be hired as Equipment Operator/Driver, regular full time position with benefits at Grade 12 (entry) \$10.26/hr effective October 22, 1998. Dustin is currently serving in an up-to-9-month temporary term employed with the department as equipment operator/driver. He is filling the vacancy left by Bruce Pierce when Bruce was hired as solid waste technician at the landfill. Commissioner Kent Petersen made a motion to approve the hire of Dustin Tucker as regular full time employee as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

### Library

It is recommended that Deanna Hansen be hired as Elmo Library janitor. This is a part time, 10hrs/wk position at \$5.15/hr effective October 22, 1998. Commissioner Bevan Wilson made a motion to approve hiring Deanna Hansen as Elmo Library janitor as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

### Assessor

Nadine Thompson has completed her certification as personal property appraiser. It is recommended that she progress from Deputy Assessor 8B \$9.14/hr to Personal Property Appraiser 10A \$9.41/hr effective the next payroll period. Commissioner Bevan Wilson made a motion to approve progressing Nadine Thompson from Deputy Assessor to Personal Property Appraiser as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Emery County was advised by the carrier for the \$100,000.00 Accidental Death and Dismemberment insurance benefit that the company would no longer carry that line of insurance and Emery County's coverage is canceled effective October 31, 1998.

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Comparable coverage at the same price of \$90.00 a year per employee has been located. This is a new policy which will begin on November 1, 1998 and will require the premium of \$10,890 to be paid to start the coverage. Pat Snowball requested the commission approve continuing this benefit and allow Commissioner Johnson to review and sign the final documentation. Commissioner Kent Petersen made a motion to approve continuing this benefit and allow Commissioner Johnson to review and sign the documents. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

MILES MORETTI, DWR, QUARTERLY UPDATE.

Miles Moretti, DWR was unable to attend the meeting.

(4)

CHARLIE JANKIEWICZ, FOREST SERVICE, QUARTERLY UPDATE

Charlie Jankiewicz, Forest Service was unable to attend the meeting.

(5)

SYLVIA NELSON, EMERY COUNTY HISTORICAL SOCIETY, PRESENTATION OF CHECK FOR REPAYMENT OF LOAN FOR EMERY COUNTY HISTORY BOOK.

Sylvia Nelson, Emery County Historical Society presented the Board of Commissioners with a check in the amount of \$2,000.00 in repayment of the loan for the Emery County History Books. The Historical Society had originally borrowed \$22,000.00 for the publication of the history books and have in three years paid back all but \$1,000.00.

(6)

VALERIE NEWLAND, DISCUSSION OF CITIZEN COMMITTEE TO DESIGN AN EMERY COUNTY BROCHURE.

Emery County Travel Council Chairman, Valerie Newland requested assistance from the Board of Commissioners in organizing a citizen committee to design a county brochure. The Travel Council would like to have the brochures by February 1999 as this is when the travel shows begin. Commissioner Bevan Wilson offered some helpful information regarding grants that are available through the Utah Humanities Council for funding these kind of projects. The Board of Commissioners offered to help in organizing a committee made up of individuals from various organizations throughout the county. Rosann Fillmore will assist the Travel Council in pursuing possible grants for funding the project.

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(7)

LEROY BATES, DISCUSSION OF PROVIDING SUPPLEMENTAL INSURANCE TO COUNTY EMPLOYEES.

LeRoy Bates, Capital American Insurance provided an overview programs available through the company. Mr. Bates requested an opportunity to present the programs to the employees. Commissioner Johnson informed him of the terms for allowing other supplemental insurance companies to present their programs. He will need to contact the Commission Assistant Leslie Bolinder to schedule a room and Personnel Director Pat Snowball to schedule a time to be available in the courthouse for employees to visit with him. Senior Deputy Clerk/Auditor Brenda Dugmore informed him there will need to be at least fifteen employees that want to purchase the premiums before it can be a payroll deduction.

(8)

MARK H. WILLIAMS, DISCUSSION OF RESTORATION OF COUNTY BRIDGE IN CASTLE DALE.

Mark H. Williams, President of the South Eastern Utah Off Highway Vehicle Association has been helping Castle Dale City apply for grant monies from the Utah Division of Parks and Recreation to build a Kiosk at the rodeo grounds in Castle Dale. The Division received T21 Funds from the federal government which were earmarked for grants to provide for the planning, acquisition, construction, or improvement of off road vehicle opportunities and associated facilities in Utah. Mr. Williams rewrote the grant application to include the restoration of the old Castle Dale bridge with the intent to redeck the bridge for use by walkers, horseback riders, bikes and OHV's. The bridge would not be open for automobiles. Mr. Williams received confirmation that the grant had been approved. The grant will also cover the construction of the Kiosk at the rodeo grounds. Mr. Williams approached local Boys Scouts and asked for help with the restoration of the bridge with the intent to provide criteria necessary for scouts to gain Eagle rank. Several local scout groups have already been busy removing the deck of the bridge. Mr. Williams has run into a snag. It has been determined that the county owns the bridge and not Castle Dale. Mr. Williams requested to have the county abandon the bridge back to Castle Dale City so he can proceed with the project. After some discussion on this issue it was the consensus of the Board of Commissioners to do some checking to the liability implications. This will be discussed at a later date after some review.

(9)

CITIZEN CONCERNS

**Rue Ware** reported on his findings in a one and a half year investigation into the transient room tax difference in what was allocated to Emery County and what was actually sent to us.

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Everything is all straightened out now. Emery County profited about \$20,000.00 by efforts of the Emery County Travel Council's investigations.

**Varian Allen** informed the Commission of the upcoming Sheriffs Posse's State Search and Rescue Banquet on November 14, 1998 at the Museum of the San Rafael. There will be approximately eighty people in Emery County for this banquet including posse members from every county in the state. This will be a great time to showcase the county for those people visiting our area for the first time. If weather permits they hope to make available a tour of the wedge or I-70. It is the hope of the Emery County Sheriff Posse to put their best foot forward and welcome the visitors to our area so they will want to return to Emery County. On behalf of the Emery County Sheriff's Posse, Mr. Allen thanked the Emery County Commission and Sheriff Guymon for their support. Commissioner Johnson thanked Mr. Allen and the Sheriff's Posse for all they do for the citizens of Emery County.

Treasurer, JoAnn Behling reported that as a result of the property trade between Emery County and Wayne Nielson the Treasurer's Office found a property tax amount of \$4.21 was left owing for 1998. Mrs. Behling recommended abating the \$4.21 property tax. The Treasurer's Office also found a tax amount for \$155.92 as a result of testing in the Recorder's Office. In an effort to clean-up the Treasurer's books, Mrs. Behling recommended abating this tax also. Commissioner Kent Petersen made a motion to abate the property tax as recommended by the Treasurer. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

**Karen Bedont**, AmeriCorps provided the Board of Commissioners with a survey and summary report of their program. The project is complete. The Cleveland-Lloyd Dinosaur Quarry has been greatly improved by this project and the efforts of those people who provided their time and talents to improving the quarry.

(10)

VAL PAYNE, UPDATE ON PUBLIC LANDS ISSUES AND ACTIVITIES.

Val Payne, Public Lands Director provided an informative overview of public lands issues and activities for the third quarter. Mr. Payne complemented the AmeriCorps group for their work at the quarry.

(11)

UPDATE ON COURTHOUSE CARPET PROJECT.

The courthouse carpet project is scheduled for completion October 30, 1998. Everything has gone well. Just a few things left to finish up. Commissioner Petersen suggested the departments

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consider budgeting in 1999 for recovering the chairs in the offices to better coordinate with the color of the carpet.

(12)

DISCUSSION AND APPROVAL OF 1999 TENTATIVE BUDGET.

Senior Deputy Clerk/Auditor, Brenda Dugmore explained that the tentative budget is the same budget as last year minus the major projects from last year. The tentative budget does not reflect any department wish lists. Commissioner Kent Petersen made a motion to approve the 1999 tentative budget. The motion was seconded by Commissioner Bevan Wilson and approved by all members present. Commissioner Kent Petersen made a motion to set budget work sessions for Wednesday, October 28, 1998 at 9:00 A.M. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

APPROVAL OF INDIGENT TAX ABATEMENT.

Senior Deputy Clerk/Auditor Brenda Dugmore explained that Harriet Bishop was missing a letter of hardship at the time the indigent abatements were presented for approval at last Commission Meeting. The Clerk/Auditor's office has now received the required letter. Request is made to approve the indigent abatement for Harriet Bishop. The amount of the abatement is \$207.22. Commissioner Kent Petersen made a motion to approve the indigent abatement for Harriet Bishop. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

ROAD DEPARTMENT/LANDFILL ITEMS

Road Supervisor, Rex Funk reported on conditions at the Lawrence intersection regarding noncompliance to traffic signs and speeding. The concern was brought to the attention of the Commission during the last Commission Meeting. A counter was placed at the intersection to monitor the amount of traffic flow which was determined to be considerably high. The Sheriff's Department has been monitoring the road for possible offenders. Commissioner Wilson suggested that an immediate fix would be to place a street light at the intersection for better visibility. After discussion on this matter Commissioner Bevan Wilson made a motion to place a street light at the intersection and assign Rex Funk to look into the specifics and make arrangements with Utah Power and Light. The motion was seconded by Commissioner Kent Petersen and approved by all members present. The fee will be the same as the street light on Bott Lane and will be paid out of non-departmental.

(15)



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DISCUSSION OF RESOLUTION IN SUPPORT OF ENLIBRA

The Board of Commissioners received a letter from Utah Association Of Counties asking for support of Resolution 10-21-98 a resolution in support of "ENLIBRA" a balanced environmental concept for the new millennium sponsored by Governor Leavitt and the Western Governors Association. Commissioner Kent Petersen made a motion to adopt and approve Resolution 10-21-98 in support of "ENLIBRA". The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

DISCUSSION OF LOCAL BASIN PLANNING ADVISORY GROUP AND  
RECOMMENDATION OF NAMES TO BE CONSIDERED AS MEMBERS OF BOARD.

Commissioner Kent Petersen made a motion to approve Paul Crawford, Darrell Leamaster, Clyde Magnuson and Bevan Wilson as board members for the Local Basin Planning Advisory Group. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

DISPOSITION OF COKE MACHINE

Commissioner Kent Petersen made a motion to transfer the upstairs county owned Coke machine to the Road Department. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(18)

DISCUSSION AND FIRST READING OF RESOLUTIONS ADDING SERVICES TO BOTH  
THE EMERY COUNTY SPECIAL SERVICE DISTRICT #1 AND THE EMERY COUNTY  
RECREATION SPECIAL SERVICE DISTRICT.

Commissioner Bevan Wilson made a motion to table this matter to allow time to review the new documents. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(19)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Bevan Wilson made a motion to table the minutes dated September 23, 1998 and approve the minutes dated October 7, 1998 as corrected. The motion was seconded by

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Commissioner Kent Petersen and approved by all members present.

(20)

COMMISSION REPORTS

**Bevan Wilson**

Commissioner Wilson provided an update of current projects he is overseeing. The work being done at the Scout Camp near Bear Canyon Campground. A development plan is in the process of being put together. The Scouts are proposing extending the road up to the proposed campsite area east of Bear Canyon Campground. Nielson Construction will do the road work for free as a donation to the Scouts. BLM will be notified of changes made on the land. Commissioner Wilson requested approval to proceed with this project.

**Kent Petersen**

Commissioner Petersen reported on the Y2K problems being worked through.

(21)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

There were no items for discussion at this time.

(22)

OTHER BUSINESS

Commissioner Bevan Wilson made a motion to authorize the Scouts to extend the road up to the proposed campsite area east of Bear Canyon Campground subject to BLM approval. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(23)

ADJOURNMENT

Commissioner Kent Petersen made a motion to adjourn the meeting. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

November 4, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson, Commissioner Kent Petersen, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 9:00 A.M.

(1)  
SABRINA UNGERMAN, REQUEST DONATION FOR SCHOLARSHIP PAGEANT.

The Mountain Country Scholarship Pageant will be located in Emery County this year. Several young ladies from our area will be trying for this scholarship. The pageant's only funding avenue is the counties they represent, therefore Mrs. Ungerman is requesting a donation from Emery County to help fund the scholarship. Commissioner Bevan Wilson made a motion to donate \$200.00 to the Mountain Country Scholarship Pageant. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)  
ROY POGUE, DISCUSSION OF WOODSIDE BUSINESS AND HIS CONCERNS.

Mr. Pogue was not able to attend the meeting.

(3)  
TOM RASMUSSEN, BLM QUARTERLY UPDATE.

Tom Rasmussen provided an informative overview of BLM activity for the third quarter.

(4)  
CHARLIE JANKIEWICZ, FOREST SERVICE QUARTERLY UPDATE.

Charlie Jankiewicz provided an informative overview of Forest Service activity for the third quarter. Charlie has accepted a position in New Mexico and this was his last report to the Commission. He expressed his thanks to the Commission and the people of Emery County for the favorable working relationship he has experienced while serving in our area.

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(5)

CITIZEN CONCERNS

There were no citizen concerns at this time.

(6)

CONSIDERATION AND APPROVAL OF RESOLUTION REQUESTING  
RECERTIFICATION OF EMERY COUNTY JUSTICE COURT, FIRST AND SECOND  
PRECINCT.

Attorney David Blackwell recommended signing Resolution 11-4-98 which is a recertification of Emery County Justice Court, First and Second Precinct that is required to be renewed every four years. Commissioner Kent Petersen made a motion to sign Resolution 11-4-98. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

SETTING OF 1999 BUDGET WORK SESSIONS.

Commissioner Bevan Wilson made a motion to set the dates of November 16, 18, 25, 30 and December 1, 1998 at 9:00 A.M. for 1999 budget work sessions. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

ROAD DEPARTMENT/LANDFILL ITEMS.

Road Department Supervisor, Rex Funk requested approval to crack seal the Des-Bee-Dove Crossover Road. Mr. Funk was concerned with going into another winter with the cracks in the road. Money was set aside in a trust account for rehabilitation of the road at the time the road was transferred from Energy West to Emery County. The engineer's estimate for crack seal was \$30,000.00. Mr. Funk received bids from Hales Sand & Gravel for \$26,927.50 and M&M Construction for \$43,467.90. Commissioner Kent Petersen made a motion to award the bid to Hales Sand & Gravel. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

On September 2, 1998 the Commission approved pursuing the necessary permits from the Forest Service for jurisdictional transfer of roads accessing Swasey Subdivision and Reeder Subdivision. The two roads approved for permitting were Reeder Subdivision Road from Forest Service Road #104 to Reeder Subdivision, length 0.26 miles and Swasey Shore Road from Forest Road #170 to Swasey Shore Subdivision, length 0.27 miles. After further review of these two roads approved for permitting Rex Funk recommended pursuing additional permits for a right-of way easements for Swasey Subdivision at Forest Road #170 (North Dragon Road) from

SR-29 to the intersection of Forest Road #014, length 2.77 miles and Forest Road #014 (Lowry Water Road) from SR-29 to Reeder Subdivision Road, length 1.08 miles. These four roads provide access to private property and are currently being maintained by Emery County under a road maintenance agreement with the Forest Service. Commissioner Bevan Wilson made a motion to approve pursuing the permanent right-of-way easements from the Forest Service for Swasey Subdivision and Reeder Subdivision and to send a letter to the Forest Service requesting consideration of a jurisdictional transfer of these roads as described from the Forest Service to the county. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Rex submitted a requisition for a grader to replace the one damaged by bullets in the homicide of Charles Watterson in Green River. The grader is being held as evidence by the Sheriff's Department until the investigation is over and will not be available for snow removal in Green River this winter. As the county heads into the budget sessions Mr. Funk asked that they look for funds to purchase a replacement grader. Commissioner Bevan Wilson made a motion to approve the requisition, that Rex Funk search out all of the options for acquiring a replacement grader and submit his findings back to the Commission for final approval. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Rex Funk discussed with the Commission a proposal from Utah American Energy Incorporated. Jay Marshall, UAEI Chief Engineer revealed a proposal to open up a new portal in the Lila Canyon area to mine the Horse Canyon lease tract. UAEI requested Emery County participate with them to improve and upgrade the roads leading to this new mine site in the Lila Canyon area and requested Emery County acquire the permits and right-of-ways necessary to construct a coal haul road from the portal to Highway 6 and a mine supply road from the portal to Horse Canyon.

Rex Funk requested permission to pursue application for the permitting process. Commissioner Bevan Wilson made a motion to authorize Bevan Wilson to work with UAEI and BLM to pursue application for the necessary permits and right-of-ways to construct and upgrade the roads as requested. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

#### DISCUSSION OF OWNERSHIP OF CASTLE DALE BRIDGE.

As reported in last Commission Meeting the Castle Dale Bridge is in the process of being restored through a grant provided by the Utah Division of Parks and Recreation. Mark H. Williams had received the grant through Castle Dale City in order to redeck the bridge for use by walkers, horseback riders, bikes and OHV riders. Mr. Williams later learned that the bridge belonged to Emery County and not Castle Dale City. In the last meeting Mr. Williams had requested to have the county abandon the bridge back to Castle Dale City so that the work on the

bridge could continue. Mr. Williams met with Castle Dale City officials who informed him that they did not want the responsibility of bridge. After much discussion on this matter it was decided that the bridge is the responsibility of Emery County. Since the deck of the bridge has been removed by Mark H. Williams and the Scout group the immediate thing to do is get the deck back on the bridge to minimize the liability to the county. Commissioner Bevan Wilson made a motion to ask Rex Funk, Bevan Wilson and Johansen & Tuttle to work with Mark H. Williams and the Scout group to come up an agreed design for resurfacing the bridge, installing the necessary guard rails and other necessary structures to minimize the exposure of liability to the county. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

CONSIDERATION OF PROPOSALS FOR CHANNEL 26 OPERATIONS.

Commissioner Kent Petersen made a motion to inform Emery Telephone that Emery County would like to work an agreement with them if they could work out an agreement with Joel and Susan Dorsch to buy out their contract, equipment and whatever else is included in their business. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

CONSIDERATION OF PARTICIPATION IN DUN & BRADSTREET BUSINESS INFORMATION REPORT.

It was determined that the bond rating was not needed for 1999. The Board of Commissioners may consider looking at it near the end of 1999 for the year 2000.

(12)

CONSIDERATION OF EMERY COUNTY'S PARTICIPATION IN UAC LAWSUITS ON WILDERNESS REINVENTORY AND THE ESCALANTE GRAND STAIRCASE NATIONAL MONUMENT.

Chairman Randy Johnson is the Chairman of the Public Lands Oversight Committee for the Utah Association of Counties. As a group of Commissioners representing other counties in the state they will soon be making decisions as to the role they will be playing in the UAC lawsuits on Wilderness Reinventory and the Escalante Grand Staircase National Monument. There is an outstanding lawyers fee bill amounting to \$35,000.00 for work done thus far on the lawsuits for which UAC is obligated to pay. Each of the counties will be asked to participate in contributing what they can to help pay this expense. Commissioner Kent Petersen made a motion to contribute \$1000.00 but to check the budget to be sure we are able to pay that much for now. The motion was seconded by Commissioner Bevan Wilson and approved by all members

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November 4, 1998

present.

(13)  
DISCUSSION OF PARTICIPATION WITH DEPARTMENT OF HUMAN RESOURCE  
MANAGEMENT IN LOCAL GOVERNMENT SALARY SURVEY.

It was decided that any information we can get or give is always good.

(14)  
CONSIDERATION OF NOMINATIONS TO UACIM BOARD.

It was decided that this was not necessary as Kent Petersen had already been nominated to the UACIM Board.

(15)  
DISCUSSION OF SERVICE OF LEGAL DOCUMENTS PERTAINING TO TAX APPEALS  
BEFORE THE UTAH STATE TAX COMMISSION.

Jim Fauver requested receiving copies of the Tax Appeals before the Utah State Tax Commission. A hard copy of each appeal is delivered to Clerk/Auditor's after which a copy is given to the Treasurer and Assessor. The Commission office requested to have a copy sent to their office also.

(16)  
DISCUSSION OF LOCAL UPDATE CENSUS ADDRESSES PROGRAM.

The updated census addresses program was directed to Clerk/Auditor, Bruce Funk.

(17)  
DISCUSSION AND CONSIDERATION OF SETTLEMENT OF HERITAGE  
MANAGEMENT, INC. LAWSUIT.

Attorney David Blackwell along with Attorneys Brent Armstrong and Peter Stirba who are handling the lawsuit recommended settlement of the suit with Heritage Management, Inc. Heritage would then hold the county harmless for any lawsuits that may have been filed by employees of Heritage Management. Chairman Randy Johnson explained that had we not filed a counter lawsuit we would have been facing a substantive amount of money to Heritage or they would have stayed in management at the Nursing Home which was not an option as far as Emery County was concerned. Heritage has a history of these kinds of things. Heritage underestimated Emery County. Emery County decided it was better to pay the lawyers and countersue than to pay Heritage and keep them at the nursing home. Commissioner Kent Petersen made a motion to agree to settlement of Heritage Management, Inc. lawsuit. The



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November 4, 1998

motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(18)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director requested the following personnel action:

Road Department

Jerry Cline has requested Family Leave beginning September 14, 1998 which is twelve weeks of job protected leave. Additionally, he applied for long term disability on September 23, 1998. He received a paycheck for this pay period, but will not have enough hours for a full pay check next pay period. Request is made to approve Family Leave and the contribution of time. Commissioner Bevan Wilson made a motion to approve Family Leave and the contribution of time for Jerry Cline. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(19)

DISCUSSION OF BOY SCOUT CAMP NEAR BEAR CANYON CAMPGROUND

Under the conditional deed from the Bureau of Land Management in order to access the Boy Scout Campsite near Bear Canyon Campground Emery County will need to submit a plan to the BLM. An archeological search will need to be done on the site. Montgomery Archeological Consultants had been contacted and could do the search for \$1,385.00. Bevan Wilson recommended getting this work done before the snow flies. Commissioner Bevan Wilson made a motion to approve finding the funds to have the archeological search done in order to expedite the work at the Boy Scout Campsite. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(20)

DISCUSSION OF PLANNING/ZONING ISSUE IN LAWRENCE.

Commissioner Wilson received a letter from a citizen requesting an issue be discussed in Commission Meeting. The concern addressed was for a home up for sale in Lawrence that was a non-conforming lot. The lot was only two acres with insufficient water shares. The citizen was concerned that the buyer of this property would not be informed of the problems associated with the non-conforming status. Bryant Anderson, Planning & Zoning Director reported that this was an illegal, non-conforming lot which may cause financing problems for anyone wishing to purchase the lot. No other action was taken.

(21)

Commission Meeting  
November 4, 1998

APPROVAL AND RATIFICATION OF CHECK EDIT LIST, ADDITIONAL CLAIMS,  
REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #115319 through and including #115498 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
65-98	Typewriter/Justice Court GR	440.00	Approved
66-98	Computer upgrade system/Commission	1,590.00	Approved
67-98	Road grader/Class B Roads	165,000.00	* Approved

\*approved to search out all of our options for obtaining a grader.

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
610-4134	Hayes Modem/Extension	Junked/parts	Approved
410-4858	Teleconcepts telephone/Highway	Sold/auction	Approved
N/A	Teleconcepts telephone/Highway	Sold/auction	Approved
N/A	Computer parts/Extension	Junked/parts	Approved
610-3809	Dot Matrix Printer/Extension	Sold/auction	Approved
610-1449	Slide Projector/Extension	Sold/auction	Approved
N/A	Mita Copier/Extension	Sold/auction	Approved
143-5357	386 sx Computer/Treasurer	Sold/auction	Approved

Commissioner Kent Petersen made a motion to approve the Warrant Check Edit List for payment and requisitions and dispositions as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(22)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to table the minutes dated October 21, 1998. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

8

Commission Meeting  
November 4, 1998

(23)

COMMISSION REPORTS

There were no reports at this time.

(24)

EXECUTIVE SESSION TO DISCUSS PERSONNEL AND POSSIBLE LITIGATION.

Commissioner Kent Petersen made a motion to adjourn to executive session to discuss personnel and possible litigation.

After returning to regular meeting Commissioner Kent Petersen made a motion to continue Cobra Insurance payments for Mrs. Watterson for at least sixty days and to look into the county policy within that sixty days. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(25)

OTHER BUSINESS

Commissioner Kent Petersen made a motion to authorize Commission Chairman Randy Johnson to sign the \$5,000.00 reimbursement of the Local Economic Development Initiatives (LEDI) Grant for Economic Development. The motion was seconded by Bevan Wilson and approved by all members present.

(26)

ADJOURNMENT

Commissioner Kent Petersen made a motion to adjourn the meeting. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

MINUTES OF THE MEETING  
OF THE BOARD OF EMERY COUNTY CANVASSERS  
HELD IN THE EMERY COUNTY COURTHOUSE

November 9, 1998

Those present were as follows: Commissioners Randy Johnson and Bevan Wilson, Treasurer, JoAnn Behling, Clerk/Auditor, Bruce C. Funk and Sr. Deputy Clerk/Auditor, Brenda Dugmore.

Commission Chairman Randy Johnson convened the Board of Canvassers at 10:00 a.m. for the purpose of canvassing the Emery County General Election held November 3, 1998, as prescribed under the Utah Code with proper notice having been posted. The results of the General Election following the canvass, including all corrections and absentee ballots as per the attached sheets.

Whereupon, the motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to accept the results of the official canvass of the General Election as determined. Motion was approved by all members present.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to adjourn the meeting. Motion was approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

November 18, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 4:00 P.M.

(1)  
APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List # 115695 through and including #115870 for payment.

A requisition was presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
68-98	(2)Attache(bag) phones w/3 yr warranty	450.00	
	(2)Macro taclite XL pocket size phones	299.90	
	(2)32 hr batteries For Class B Roads	110.00	Approved

There were no dispositions presented at this time.

Commissioner Bevan Wilson made a motion to approve the Check Edit List and requisition for payment. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

“In reference to the minutes dated November 4, 1998 the decision to contribute \$1000.00 to UAC to participate in contributing to the UAC lawsuit has been postponed and will be included in the 1999 budget.”

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel action:

Sheriff's Office

Greg Funk completed POST training and is certified to perform the duties of a Patrol Deputy. Approval is requested to move Greg from Corrections Officer 12D \$11.77/hr. to Patrol Deputy 15A \$12.53/hr., effective September 3, 1998. Commissioner Kent Petersen made a motion to approve the request to move Greg Funk to Patrol Deputy at the rate outlined. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The Sheriff's Department has been successful in receiving a grant from the Utah Department of Public Safety in the amount of \$26,300.00. The grant provides \$8,000. with a county contribution of \$6,300. for hiring personnel. Judy Lang has been the volunteer safe communities coordinator for several years. The grant now provides a wage for that service. Since the grant runs from October 1, 1998 to September 30, 1999 and Judy is the "subgrantee" contracted with the Utah Highway Safety Office, it appears it is a time limited position established for the purpose of conducting a special project and not covered under the Emery County Personnel Policy and Procedures. She would not be subject to the personnel policy. Pat Snowball interpreted this to mean that when the grant expires in September of 1999, Judy will no longer have a job. However, if it is determined that the program should continue under county funding, It is expected that a position would be budgeted, created, and recruited subject to personnel policy procedures. The Board of Commissioners expressed concern for the way the grant was written and as to whom assumes responsibility. It was decided that Commission Chairman Randy Johnson, Personnel Director, Pat Snowball and Clerk/Auditor, Bruce Funk will meet with Sheriff LaMar Guymon to discuss the details. Commissioner Kent Petersen made a motion to table this item of discussion. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Road Department

The Road Department requested approval to begin recruiting for a regular full time equipment operator/driver at Grade 12 Entry \$10.26/hr. This would cover the vacancy left by Terry Seager when he relocated to Green River to fill the vacancy left by Charles Watterson's death. The recruitment would be publically advertised as well as posted "in-house". Commissioner Bevan Wilson made a motion to approve beginning the recruiting process for a regular full time equipment operator/driver. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Library

Geraldine Mortensen has recently had back surgery and has suffered some complications. It is not clear when she will be back to work. She has requested Family Leave. It is likely she will not return before her vacation and sick time run out so approval is requested to ask for contributions of time. Commissioner Bevan Wilson made a motion to approve requesting for contributions of time for Geraldine Mortensen. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Further, request is made to temporarily allow Charlene Oviatt, Assistant Branch Librarian, who works part time, less than 20 hours per week to temporarily work more hours to fill in some time while Geraldine is off. The request would be effective only until December 31<sup>st</sup> with the end of this budget year. That will give time to Geraldine for her recovery. Commissioner Kent Petersen made the motion to allow Charlene Oviatt to temporarily fill in some time while Geraldine is off. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

#### Work Experience and Training

Pat Snowball reviewed with the Commissioners the Work Experience and Training (WEAT) program and the benefits the program could provide to the county. This program is available through Workforce Services.

(3)

#### MIKE MCCANDLES, EMERY TELEPHONE UPDATE.

Mike McCandles, Emery Telephone provided an update of activities. They have completed their system upgrade. Caller ID is on line and available to customers. Over the next year they will be marketing other products available with the upgrade. The company has decided to stay with the Emery Telephone name. They will be attending the Carbon County Internet & Technology Expo held in Price on November 19<sup>th</sup> where they will announce plans to begin competing with US West to supply phone service to Carbon County.

(4)

#### CITIZEN CONCERNS

Treasurer, JoAnn Behling requested abatement of taxes for TBI Exploration in the amount of \$16.33. Commissioner Kent Petersen made a motion to abate the \$16.33 in taxes for TBI Exploration. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Abatement was requested for Inez Stock, Green River in the amount of \$418.93. With Mrs. Stock's limited income she would have qualified for the circuit breaker, abating all of the taxes. Had she filed in time, Emery County would have been reimbursed by the state for the abatement.

Persons who qualify but miss the application deadline of September 1 may pay the taxes then file with the State Tax Commission for a refund dependent upon their income. Mrs. Stock is not able to pay the taxes and apply for a refund. Commissioner Bevan Wilson made a motion to abate the \$418.93 in taxes for Inez Stock. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(5)

ACCEPTANCE OF SERVICE AND DISCUSSION OF PROCESS AND DISCLAIMER LAW VS HOUSEKEEPER QUIET TITLE ACTION.

County Attorney, David Blackwell explained that this overlapping, noninclusive property next to Ruane Law's property in Orangeville. A few years ago Mr. Law inquired with Johansen & Tuttle as to how to acquire the land since it is land locked and has been within his fence line for nearly 40 years. He was told to begin paying the taxes on the land which he has been doing for six or seven years now. Mr. Law's request of the Commission was for them to sign a disclaimer which allows the property to go probate court. Attorney David Blackwell has looked over the document and recommends signing the disclaimer. Commissioner Bevan Wilson made a motion to sign the disclaimer for Law vs Housekeeper Quite Title Action. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

DISCUSSION OF CHANNEL 26 ACTION

The Board of Commissioners have met with all the people involved with the proposals, however there is more to be discussed and looked into. Commissioner Bevan Wilson made a motion to table this discussion for now. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

CONSIDERATION AND APPROVAL OF A BUSINESS LICENSE.

Clerk/Auditor, Bruce Funk presented for consideration and approval a business license for Mark Minchey for storage rental units one mile north of Huntington on Highway 155. Zoning Administrator, Bryant Anderson has approved this license for conditional use. Commissioner Kent Petersen made a motion to approve the business license for Mark Minchey. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

CONSIDERATION AND APPROVAL OF TAX ADJUSTMENT FOR WAYNE/KRISTY MAXFIELD.



Senior Appraiser, Carol Riddle requested tax adjustment for Wayne and Kristy Maxfield who lost their home to a fire earlier in the year. The request is to abate \$184.82. The Maxfields will pay \$258.76. The amount of the abatement is based on the length of time they were in the home during the year. Commissioner Kent Petersen made a motion to abate \$184.82 for Wayne and Kristy Maxfield. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

DISCUSSION OF HEARING BEFORE THE UTAH STATE TAX COMMISSION.

Commissioner Bevan Wilson made a motion to table this discussion for now. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

DISCUSSION AND APPROVAL OF LEASE AGREEMENT WITH CASTLE DALE CITY FOR WATER SHARES.

Commissioner Bevan Wilson made a motion to approve the lease agreement with Castle Dale City for water shares for the length of one year. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

SETTING OF BUDGET HEARINGS

Commissioner Bevan Wilson made a motion to set additional budget hearing dates for Monday December 7, 1998 and Thursday December 10, 1998 at 9:00 A.M. The motion was seconded by Commissioner Kent Petersen and approved by all members present. The regular Commission meeting will be held on Tuesday December 15, 1998 with a Public Hearing set for 5:30 P.M.

(12)

DISCUSSION AND APPROVAL OF DEED TO LAWRENCE CEMETERY.

An error in tract description was found in the original deed to the Lawrence Cemetery. In an effort to correct the mistake Commissioner Bevan Wilson made a motion to deed the property received from Edna Cullum to Emery County for the purpose of a cemetery in Lawrence to John and Carol Oliver who will in turn deed the property back to Emery County showing the correct description for the actual location of the Lawrence Cemetery. Attorney David Blackwell will assist in getting the documents signed and notarized so that both documents are done at the same time. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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Commission Meeting Minutes  
November 18, 1998

(13)

ROAD DEPARTMENT/LANDFILL ITEMS

Rex Funk, Road Supervisor reported the right-of-way for the Goblin Valley Phase III reconstruction project needs to be signed. The contractor for the project, Brown Brothers will begin work on the project by December 1, 1998. The project is anticipated to take 120 days for completion.

Rex is keeping a watchful eye on the graders that may be available for sale from the I-15 reconstruction project.

(14)

CONSIDERATION AND APPROVAL OF RESOLUTIONS ADDING SERVICES TO BOTH THE EMERY COUNTY SPECIAL SERVICE DISTRICT #1 AND THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.

Having held all the legal meetings and Public Hearings regarding this matter and having received no written comments or protest Commissioner Bevan Wilson made a motion to approve Resolution 11-18-98A adding services to the Emery County Special Service District #1 and Resolution 11-18-98B adding services to the Emery County Recreation Special Service District. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to approved the minutes dated September 23, 1998 and November 4, 1998 as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

COMMISSION REPORTS.

*Commissioner Wilson*

Commissioner Wilson reported that the staff from UDOT and the Federal Highway Administration will hold a seminar sponsored by the Emery County Road Department in the courthouse on November 19, 1998 at 10:00 A.M. regarding the TEA-Transportation Bill. The purpose of the seminar is to receive briefings on the different funds available under this bill and how to qualify for them.

### ***Commissioner Petersen***

Commissioner Petersen reported on several Public Lands Sub-Committee meetings held recently.

Water Users Sub-Committee of Public Lands Council held a meeting on November 16, 1998 which involved the state engineer, officials from several state and federal agencies as well as many local people regarding water issues. This Water Users Sub-Committee has been helpful in resolving several local water issues that relate to mining.

Commissioner Petersen also announced that Commission Chairman Randy Johnson was voted Outstanding Commissioner at Utah Association Counties Convention.

### ***Commissioner Johnson***

Commissioner Johnson reported that Commissioner Kent Petersen was elected for a second year as Chairman of the Commissioners at UAC Convention. Also at the Utah Association of Counties Convention the Board of Commissioners voted unanimously to continue with the Wilderness Reinventory Lawsuit and the Monument Lawsuit.

Randy Johnson is working on a contract proposal between Grand County and Emery County to provide emergency services to those citizens of Grand County who live within the city limits of Green River City.

(17)

### **EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

There were no items for discussion at this time.

(18)

### **ADJOURNMENT**

8

Commission Meeting Minutes  
November 18, 1998

Commissioner Kent Petersen made a motion to adjourn the meeting. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

December 2, 1998

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson, Commissioner Kent Petersen, Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor.

Commission Chairman Randy Johnson called the meeting to order at 9:00 A.M.

(1)  
TOM ALEXANDER, UTAH POWER, QUARTERLY UPDATE.

Tom Alexander, Utah Power provided an informative update of local and corporate activity.

(2)  
MAUGHAN GUYMON, DISCUSSION OF ACQUISITION OF NEW VEHICLES.

Maughan Guymon, Director of Area Agency on Aging requested formalizing the process discussed in his department's 1999 budget process with regards to replacing the passenger van and two nutrition vans. The passenger van will be replaced with state pool vehicle through a lease purchase option. The application has already been signed and sent. Pending approval purchase of the nutrition vans would be made early January 1999. The vehicle replacement is being made without increasing the budgeted amount his department receives from Emery County but rather by using fund balance his department has accumulated over the years. Commissioner Bevan Wilson made a motion to authorize Maughan Guymon to proceed with the van lease and work with Bruce Funk for replacement of the nutrition vans to expedite purchase. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)  
JOAN BRINKERHOFF, REQUEST FOR DONATION TO MAKE QUILTS FOR COMMUNITY NEEDS.

The Board of Commissioners received a letter from Joan Brinkerhoff, Deputy Juvenile Probation Officer requesting donation for a winter youth community service project. Joan proposed making quilts for ambulance and sheriff deputy vehicles as well as other community needs. The Commissioners expressed acknowledgment of the juvenile probation program's effectiveness. Commissioner Kent Petersen made a motion to donate \$200.00 for the juvenile probation quilting project. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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Commission Meeting  
December 2, 1998

(4)

CITIZEN CONCERNS

Commissioner Kent Petersen made a motion to notify UAC of Emery County's plan to participate in their bond issuance in 1999 for 2 million dollars. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

DISCUSSION OF CHANNEL 26 PROPOSALS.

The Board of Commissioners discussed the proposals for the maintenance of Channel 26. Many concerns were discussed. Emery Telephone expressed concern for licensing. The original concept for the frequency license was for a rebroadcast station for broadcasting high school ball games and for an emergency system. Bret Mills, Communications discussed the problems associated with the licensing permits and his concerns for the way the license is being used. Commissioner Randy Johnson will meet with Sheriff Guymon and Bret Mills to reevaluate the use of the system. They will make a determination as to the use of the license so as to remain legal. The community has come to rely on the channel for public service announcements and it is the Commissions desire to have it stay in the county.

(6)

SETTING OF 1999 BUDGET WORK SESSIONS.

It was determined that this was not necessary as the sessions already set up may be extended.

(7)

SETTING OF PUBLIC HEARING TO AMEND THE 1998 BUDGET.

Commissioner Bevan Wilson made a motion to set a public hearing for December 15, 1998 at 5:15 for the purpose of amending the 1998 budget for all departments, Castle Valley Special Service District and Municipal Building Authority of Emery County. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

ROAD DEPARTMENT/LANDFILL ITEMS

Discussion of Clawson Moto-cross.

Commissioner Wilson explained that Emery County had an agreement with BLM to use land in Clawson/Molen/Ferron area for Moto-cross. Because of changes made in fence lines Emery County has been encroaching on Pacificorp land. Emery County began negotiations with Utah Power to acquire the land. Utah Power has accepted Emery County's bid of \$2,000.00.

Commissioner Bevan Wilson made a motion to authorize Commission chairman to sign the documents as soon as they have been received and reviewed by Attorney David Blackwell. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Discussion of Des Bee Dove right-of-way acquisition.

While Howard Tuttle, Johansen & Tuttle Engineering was doing a survey of land for the LDS Church he inquired as to widening Emery County's right-of way deed on Des Bee Dove road. The LDS Church was agreeable to this and offered to move the fence to accommodate the deed. Emery County has been communicating with the LDS Church regarding placing a septic tank/recreational vehicle dump site with a grinder in this area due to the accessibility to sewer, water and power lines thus needing to negotiate widening the right-of -way to the desired parcel. The LDS Church is not favorable to do that at this time. The church has implied that if they were to give Emery County a widened right-of-way for that portion desired it would interfere with the sale of the property that they are negotiating with at this time. Emery County is looking at another option further north of the canal. Commissioner Bevan Wilson made a motion to accept the deeded right-of way for Des Bee Dove road from the LDS Church and to continue to negotiate for a widened area on right-of-way to accommodate for a future sanitation dump site. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Discussion of grader replacement for Green River.

Rex Funk presented pricing structure for a replacement grader for Green River. Wheeler Machinery and Scott Machinery offer a six month 0 percent lease, 100 percent towards the purchase price.

Other

Some time ago the Forest Service proposed Emery County assist in the development of a pit in Joe's Valley , however the initial development exceeds the ability of the county with the way they are set up with their crusher operation. Emery County was desirous to have availability to crushed product also and agreed to commit 10,000 cubic yards of crushed product from the Forest Service. The Forest Service bid the project which is development of the site, crushing of material and stockpile of crushed product with Emery County as a possible option. The Forest Service now needs to know if we want to go on with the project and commit for approximately

\$51,900.00 and come to terms with them on some kind of an agreement where we can pay as they go with the crushing. A fence would have to be put up to provide security as this is not part of the bid. There would be two stockpiles, one for Emery County and one for the Forest Service. This will assist the Forest Service in their contract to do road improvements on the six miles from Lower Joe's Valley to Upper Joe's Valley. The Forest Service has received funds for this project and needs to get going on it before they lose the funds. Rex Funk explained that funds for Emery County's portion of this project will have to come from Class B Roads.

Commissioner Bevan Wilson made a motion to authorize Commission chairman to sign the MOU with the Forest Service for 10,000 cubic yds of crushed product as soon as the document has been cleared by Rex Funk, engineers for the project and County Attorney David Blackwell. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Rex Funk also discussed the seats vacated by Bevan Wilson to Joint Highway Committee and UAC Transportation Committee. Bevan Wilson will draft a letter of thanks and resignation from those committees and offer recommendations for replacements to these committee seats. It is important that Emery County stay involved in these committees.

(9)

DISCUSSION OF HEARING BEFORE THE UTAH STATE TAX COMMISSION.

Assessor, Jim Fauver has received a factor order from State Tax Commission. The State Tax Commission said Emery County values were too low. Mr. Fauver met in an informal hearing with Blaine Willis, Ross Bartholomew and Kale Rogers who are over sales ratio. They did not come to an agreement at that point. Mr. Fauver felt like the factor order was unjust and the tax commission felt like it was not enough. Mr. Fauver subsequently sent the tax commission a proposal which would allow him to continue his reappraisal project which is on a five year reappraisal cycle. This year Castle Dale, Elmo and Cleveland are scheduled for reappraisals. This would raise the values in those areas similar to the way it raised values out in the county this year. They subsequently wanted to know how we are going to address those towns that have not been reappraised in the last two years. Mr. Fauver sent graphs showing the areas he has reappraised showing them right at 90%. The tax commission believes Jim Fauver is intentionally pegging the values at 90%. Mr. Fauver sent a stipulation to the tax commission stating his proposal to allow him to continue on his reappraisal cycle and raise the factor that would bring those towns previously reappraised in line with the towns that he is reappraising this year. First they wanted a formal hearing but have had a second thought and have accepted his stipulation. The stipulation is signed and in the mail for our review and signatures. This is the best scenario for Emery County. Mr. Fauver will get the stipulation to the Commissioners and Attorney, David Blackwell for their review as soon as they have arrived.



(10)

JEFF KELSEY, PRESENTATION OF WAYS TO MANAGE COUNTY HEALTH CARE COSTS.

Jeff Kelsey, Regional Manager, Intermountain Benefit Administrators proposed ways to manage rising costs of health care by using a network of preferred providers. Mr. Kelsey recommended using I.H.C. PPO Network and explained the benefits provided as well as the options for using doctors and hospitals not under the network. Using mail order prescription option was discussed as well as a three tier payment plan for a single employee at \$267.10, two people at \$400.00 or a family at 634.34. The Board of Commissioners expressed desire to have the local physicians and hospital be included in the package. Commissioner Bevan Wilson made a motion to adopt the three tier payment plan. The motion was seconded by Commissioner Kent Petersen and approved by all members present. Commissioner Kent Petersen made a motion to approve the mail order prescriptions option. The motion was seconded by Commissioner Bevan Wilson and approved by all members present. Decision on the carrier will be made on December 15, 1998 after review of options and provisions. The new plan will become effective January 1, 1999.

(11)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel action:

Justice Court

Kristi Morgan has approached the time to make the move to the next level in her progression to the working level in her classification. She will go from 5A \$7.91/hr to 6A \$8.23/hr. Effective December 15, 1998. Per policy, Judge Truman has approved this movement. Commissioner Bevan Wilson made a motion to approve the move for Kristi Morgan as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Extension

Cassie Jones has served a temporary up-to-90 day term which ended October 30, 1998. With Lynda Nelson being temporarily away, the office finds it necessary to depend on temporary help. Because of this, Cassie has been hired to serve another "up-to-90 day" term at a rate of \$7.00/hr., effective November 16, 1998. The term will end December 31, 1998 with the budget year. Commissioner Bevan Wilson made a motion to approve the up-to-90 day assignment for Cassie Jones. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

6

Commission Meeting  
December 2, 1998

GIS

Mick Jay Robinson has been hired to serve an up-to-90 day temporary term beginning October 21, 1998 at a rate of \$8.50/hr. The term will end December 31, 1998 with the budget year. Commissioner Kent Petersen made a motion to approve the up-to-90 day assignment for Mick Jay Robinson as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

APPROVAL AND RATIFICATION OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #116110 through and including #116254 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
69-98	Office chair Justice Court	550.00	Approved
70-98	Drop-in Stove Class B Road	329.00	Approved

There were no dispositions at this time.

Commissioner Kent Petersen made a motion to approve the Warrant Check Edit List for payment and requisitions as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Bevan Wilson made a motion to approve the minutes dated October 21, 1998 and November 18, 1998 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

7

Commission Meeting  
December 2, 1998

(14)

COMMISSION REPORTS

***Commissioner Kent Petersen***

Commissioner Petersen reported that December 3, 1998 is the date set for the December Prioritization/Funding Meeting of the Community Impact Board. Application from Emery County Fire Protection Special Service District for \$872,000.00(loan) funding of five fire trucks is on the agenda. We are hoping for a no interest loan.

***Commissioner Bevan Wilson***

Commissioner Wilson reported receiving a call from representative Brad Johnson. Rep. Johnson would like to visit with the Commissioners and elected officials regarding the upcoming legislative session. The Board of Commissioners will invite Rep. Johnson to visit during the budget hearings being held on December 7 and 10.

(15)

OTHER

Attorney, David Blackwell reported that advertising will begin for the sale of the Professional Building lot. The minimum bid acceptable is \$38,000.00. Bid opening will be January 6, 1999.

(16)

EXECUTIVE SESSION TO DISCUSS PERSONNEL AND POSSIBLE LITIGATION

Commissioner Kent Petersen made a motion to move into executive session to discuss personnel and possible litigation. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Upon returning to regular meeting Commissioner Kent Petersen made a motion to subsidize for the month of December the difference in the family insurance rate and the newly approved three tier rate of \$400.00 for two people scheduled to become effective on January 1, 1999 for Jerry Cline. Jerry has been approved for long term disability effective December 1, 1998 and will be eligible for Cobra Insurance benefits for eighteen months. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Commissioner Petersen recommended advising Castle Valley Special Service District and the Nursing Home of the new insurance rate changes that go into effect on January 1, 1999.

8  
Commission Meeting  
December 2, 1998

(17)  
ADJOURNMENT

Commissioner Kent Petersen made a motion to adjourn the meeting. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**December 15, 1998**

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson, Commissioner Kent Petersen, Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 4:00 p.m.

This was Commissioner Wilson's last official meeting. A parting gift was presented as well as expressions of appreciation for four years of dedicated service to citizens of Emery County in the capacity of commissioner.

(1)  
APPROVALS OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #116299 through and including #116521 for payment.

Requisitions were presented for the following:

<u>Requisition</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
71-98	Computer system Green River Substation/Sheriff	\$1,785.00	Not Approved
72-98	Flatbed for 1996 Dodge Weed/Mosquito	850.00	Approved
73-98	Cameras & Monitors Corrections/Sheriff	1,298.00	Approved
74-98	Fax machine Capital Replacement	1,477.00	Approved
75-98	Dispatch Consol. furniture Communications/Sheriff	5,735.00	Approved

One disposition was presented for the following:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
136-1058	Small Western Media Desk Data Processing	Given to Cleveland City	Approved

Commissioner Kent Petersen made a motion to approve the Warrant Check Edit List and additional claims for payment as well as the requisitions and dispositions as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel action for approval:

Consideration and approval of Resolution 12-15-98A amending the personnel policy on death benefit for employees' beneficiary.

Request was made to amend the Emery County Personnel Policy to include the following:

Section 9 Fringe Benefits

9.4.c Holiday Leave, paragraph 9.4.c.a. adds the day after Thanksgiving as a designated County holiday.

Section 9.2 Death Benefit

9.2.a In the event a county employee dies while on the job and that employee is covered by the county's health insurance benefit at the time of his/her death, the county will pay the premium for coverage under COBRA for a period not to exceed six (6) months from the date of death. COBRA requirements will prevail.

9.2.b. In the event a county employee dies while off duty and that employee is covered by the county's health insurance benefit at the time of his/her death, the county will pay the premium for coverage under COBRA for a period not to exceed six (6) months from the date of death. COBRA requirements will prevail.

That paragraph 9.4.h.a.d. is divided as follows:

9.4.h.a.d. Hours over 960 shall accrue without limit and shall be reimbursed upon termination at 100%.

9.4.h.a.e. The beneficiary of an employee shall be reimbursed at 100% of the employee's sick bank if the employee dies while actively employed by the County.

9.4.h.a.f. For the purpose of this section, leaves of absence without pay will not be treated

3

Commission Meeting  
December 15, 1998

as termination.

That the entire Section 9 be renumbered consecutively.

Commissioner Kent Petersen made a motion to approve the amendments to the Emery County Personnel Policy as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

### Road Department

Interviews for the requested replacement Equipment Operator/Driver have been completed. Applicants screened for interviews were from the entire county. Selected for interviews were five individuals from the western area of the county and two from Green River.

The interview panel, consisting of Rex Funk, Ray Petersen, and Pat Snowball selected Randy Okerlund as the successful applicant who would be stationed in Castle Dale. Randy Okerlund would begin regular full time employment at the beginning of the next payroll period at a rate of \$10.26/hr eligible for benefits.

Commissioner Bevan Wilson made a motion to approve hiring Randy Okerlund to fill the position of full time Equipment Operator/Driver at the rate proposed beginning with the next payroll. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Additionally, Jerry Cline has been accepted on Long Term Disability. It is unlikely that he will be able to return to work. Since the recruitment took place in such close proximity of this advisement and because Green River applicants were considered in the recruitment, the department asks approval to hire Robert Davies as Equipment Operator/Driver to be stationed in Green River, effective at the beginning of the next payroll period at a rate of \$10.26/hr. This would be a regular full time position eligible for benefits.

Commissioner Bevan Wilson made a motion to approve hiring Robert Davies to fill the position of full time Equipment Operator/Driver at the rate proposed beginning with the next payroll. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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(3)

**5:15 P.M. PUBLIC HEARING-To receive public comment on opening and amending the 1998 budgets for the Emery County General Fund and other funds as noticed.**

Commission Chairman Randy Johnson opened the Public Hearing to receive comment on opening and amending the 1998 budgets for the Emery County General Fund and other funds as noticed.

Senior Deputy Clerk/Auditor, Brenda Dugmore explained that the amended budget reflects an increase to the General Fund of \$68,760.00 over the 1998 adopted budget. This includes a transfer of an additional \$200,000.00 to the insurance fund. Having been no comment regarding opening and amending the 1998 budget Commissioner Bevan Wilson made a motion to come out of the public hearing. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(4)

**5:30 P.M. PUBLIC HEARING- To receive public comment on the 1999 budgets of the Emery County General Fund and other funds as noticed.**

Commission Chairman Randy Johnson opened the public hearing to receive comment on the 1999 budgets for the Emery County General Fund and other funds as noticed. Clerk/Auditor Bruce Funk presented the 1999 budget for comment as follows:

General Fund Revenue:	\$8,981,346.00
General Fund Expenditures:	\$8,981,346.00
Class B Road Fund:	
Revenue:	\$1,270,000.00
Expenditures:	\$1,270,000.00
Emergency 911:	
Revenue:	\$ 14,700.00
Expenditures:	\$ 14,700.00
RSVP:	
Revenue:	\$ 64,778.00
Expenditures:	\$ 64,778.00
Transient Room Tax:	
Revenue:	\$ 33,625.00
Expenditures:	\$ 33,625.00



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Commission Meeting  
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Emery County Economic Development:

Revenue:	\$ 99,528.00
Expenditures:	\$ 99,528.00

Industrial Park:

Revenue:	\$ 15,472.00
Expenditures:	\$ 15,472.00

Library:

Revenue:	\$ 630,000.00
Expenditures:	\$ 630,000.00

Capital Projects:

Revenue:	\$ 104,600.00
Expenditures:	\$ 104,600.00

Capital Replacement:

Revenue:	\$ 87,250.00
Expenditures:	\$ 87,250.00

Bruce Funk noted that the General Fund and other funds as noticed have been impacted by a decrease in centrally assessed property values. He recognized Brenda Dugmore for her diligence and hard work on preparing the 1999 budget as presented today.

Municipal Building Authority of Emery County which has a separate governing board has also been impacted by decrease in centrally assessed property values. The proposed 1999 budget is \$552,500.00 in revenue and expenditures.

Castle Valley Special Service District Manager, Darrell Leamaster presented the 1999 budget of the CVSSD for the General Fund, Capital Projects Account and Debt Service. Total revenue and expenditures for 1999 are \$1,222,500.00.

Jim Whear, Four Corners Mental Health will be leaving his office after twenty years of service. He thanked the Commissioners for their past support and asked for continued support for his replacement.

Commissioner Kent Petersen made a motion to come out of the public hearing. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

CITIZENS CONCERNS

Darrell Leamaster, Emery County Project Review Board presented the 1999 Project List. The Community Impact Board requires all entities to prepare a project list for immediate, midterm and long term projects which must be on file by January 1<sup>st</sup>. Request was made to approve the project list and forward onto CIB. Commissioner Kent Petersen made a motion to approve the 1999 Project List and to forward the list to CIB in Salt Lake City. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Richard Snowball, a member of the Weed Board thanked the Commission for support of the temporary workers for the Weed/Mosquito Department. The temporary workers are a great asset to the Weed and Mosquito Abatement efforts.

Maughan Guymon, provided insight on a recent special study group's findings regarding the Emery Senior Citizen Center. Dave Harrison, Design West, Jerry Mangum, Merlin Christiansen, Ken Stilson and Lance Farmer found the building to be unsafe for occupancy. Because the building is in such bad shape Maughan and Commissioner Wilson recommended Emery County vacate the building and the lease. Emery town officials have offered to allow the Senior Citizens to use Emery Town Hall building for their meal day. Maughan and Commissioner Wilson proposed to the Municipal Building Authority of Emery County building a new Senior Citizens/Community Center. Emery Town has offered to provide the land, sewer and water connection as in-kind match for a possible CIB loan. Maughan Guymon was hopeful that Emery County Commission would be supportive of that proposal. Commissioner Kent Petersen expressed agreement with the proposal to have the Sr. Citizens move to Emery Town Hall and to work with the MBA to submit to CIB for a loan to build a new Sr. Citizen/Community Center in Emery.

(6)

VARDEN WILSON, HUNTINGTON/CLEVELAND IRRIGATION COMPANY, REQUEST FOR ASSISTANCE WITH CEDAR CREEK PROBLEM.

Kay Jensen, Huntington/Cleveland Irrigation Company discussed with the Commission concern for depletion of funds needed to appeal a decision by the courts regarding Cedar Creek water. Their request is for any assistance in financing that appeal to the Utah State Supreme Court at a cost of approximately \$10,000.00 to \$15,000.00. The Board of Commissioners encouraged them to look into other funding possibilities.

(7)

CONSIDERATION OF RESOLUTION FOR DISTRIBUTION OF MINERAL LEASE

REVENUES.

The Board of Commissioners discussed the distribution of mineral lease revenues received by special service districts in Emery County. Currently mineral lease funds can be received by only one district. Therefore, the funds are received by Special Service District #1. The Special Service District was directed to establish a liability account to receive all mineral lease funds on behalf of special service districts established in Emery County as paid through the Utah Department of Transportation. The Emery County Commission has determined that the best use of the mineral lease and State PILT funds would be to disburse the funds among the several special service districts as follows:

Emery County Special Service District #1	68%
Castle Valley Special Service District	15%
Emery County Recreation Special Service District	11%
Emery County Fire Protection Special Service District	6%

As the Emery County Fire Protection Special Service District and Emery County have committed to purchase five new fire trucks, the Clerk/Auditor's office is directed to transfer upon receipt all State PILT Funds to the Fire Protection District to guarantee contracted lease and loan payments. The resolution may be amended from time to time to allow for changing needs of each district and the increase or decrease of available funds, however, the Fire Protection District shall be irrevocably guaranteed a minimum of \$235,000.00 each year for the next six years.

Commissioner Bevan Wilson made a motion to approve Resolution 12-15-98C, a resolution to establish a liability account within Emery County Special Service District #1 to receive Mineral Lease Funds and State Payment-in-Lieu of Taxes and disburse said funds to various special service districts in Emery County. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING THE 1998 BUDGETS FOR THE EMERY COUNTY GENERAL FUND AND OTHER FUNDS AS NOTICED.

Commissioner Bevan Wilson made a motion to approve Resolution 12-15-98B opening and amending the 1998 budget with the proposed adjustments. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

CONSIDERATION AND APPROVAL OF RESOLUTION ADOPTING THE 1999 EMERY

COUNTY GENERAL FUND BUDGET AND OTHERS AS NOTICED.

Commissioner Bevan Wilson made a motion to approve Resolution 12-15-98D adopting the 1999 budgets for the Emery County General Fund, Class B Road Fund, E911 Fund, Library Fund, Economic Development Fund, Industrial Park Fund, RSVP Fund, Transient Room Tax Fund, Americorps Fund, Capital Projects Fund, Capital Replacements Fund, and Municipal Building Authority of Emery County. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Commissioner Bevan Wilson made a motion to approve Resolution 12-15-98D adopting the 1999 budget for Castle Valley Special Service District General Fund, Capital Projects Account and Debt Service. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Commissioner Kent Petersen made a motion to approve Resolution 12-15-98E authorizing the Budget Officer of the County to open and amend the 1998 budget and adjust the budget from department to department and from line item to line item where necessary. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

AUTHORIZATION OF TRANSFER OF \$200,000.00 TO INSURANCE FUND.

Senior Clerk/Auditor, Brenda Dugmore explained that the insurance fund is in a deficit for 1998. \$200,000.00 has been included in the amended 1998 budget. Commissioner Kent Petersen made a motion to approve the transfer of \$200,000.00 to the insurance fund. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

CONSIDERATION AND APPROVAL OF WEED/MOSQUITO AGREEMENT WITH GRAND COUNTY.

Commissioner Bevan Wilson made a motion to approve the Weed & Mosquito Agreement with Grand County for \$13,037.96 which is \$3,259.49 per year for four (4) years. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(12)

CONSIDERATION AND APPROVAL OF DEFENSE ATTORNEY CONTRACT.

Earlier in the year Emery County Commission voted to participate in the Capital Defense Fund which is a fund created by the legislature to assist counties in dealing with the excessive expenses for indigent criminal, legal defense in capital cases. Because Emery County is a participant in that fund, we are eligible for assistance with an upcoming capital trial. Attorney David Blackwell presented to the Commission for consideration and approval a Defense Attorney Contract. Mr. Blackwell has reviewed the document and recommends signing the contract. Commissioner Kent Petersen made a motion to approve the Defense Attorney Contract. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

CONSIDERATION AND APPROVAL OF LAND PURCHASE FOR CLAWSON  
MOTO-CROSS.

Approval was given on December 2, 1998 to authorize the Commission Chairman to sign the documents after review by Attorney David Blackwell regarding the acquisition of land from Pacificorp for land in the Clawson/Molen/Ferron area for the purpose of a moto-cross. The papers have been received, reviewed, signed and finalized on that purchase.

(14)

APPROVAL OF APPOINTMENTS TO NURSING HOME BOARD.

Emery County Nursing Board recommended appointing Randy Jensen to fill the seat vacated by Freida Fillmore. Commissioner Bevan Wilson made a motion to approve the appointment of Randy Jensen to the Nursing Home Board. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

APPROVAL OF APPOINTMENTS TO EMERY COUNTY SPECIAL SERVICE  
DISTRICT #1.

Emery County Special Service District #1 voted unanimously to submit Mervin Duncan, Dean King and Bevan Wilson for reappointment. There were questions asked by people attending the meeting as to term limits and advertising for filling vacated seats on boards so the same people are not continually reappointed. SSD#1 Chairman, Merrill Swasey explained that the articles of incorporation for the SSD#1 states that board members must live within the district's boundaries. This means members must live in the county and not in the incorporated parts of the county. Advertising to fill vacated seats has been done in the past. However, the applications received were from individuals outside the boundaries of the district. After discussion on this issue

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Commissioner Kent Petersen made a motion to approve the reappointment request for Mervin Duncan, Dean King and Bevan Wilson to the SSD#1 board. Commission Chairman Randy Johnson stepped down to second the motion and it was approved by all members present.

(16)

APPROVAL OF APPOINTMENTS TO THE PUBLIC LANDS COUNCIL.

The Public Lands Council recommended reappointing Eugene Johansen, Wes Curtis and Dennis Worwood for two year terms beginning January 1, 1999. The council further recommended reappointing Perry Bunderson, Craig Johansen Tracy Jeffs and Ira Hatch to three year terms beginning January 1, 1999. The council also recommended that Bevan Wilson be appointed to fill the position that will be left by Ira Hatch when he begins his term as county commissioner in January. Ira Hatch will then take the position of Commission Board Member on the council. Commissioner Kent Petersen made a motion to approve appointment of Ira Hatch as Commission Board Member and Bevan Wilson as Board Member as well as the reappointing of council members as indicated beginning January 1, 1999. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

APPROVAL OF APPOINTMENTS TO CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Castle Valley Special Service District recommended reappointment of Dorr Hansen to serve on that board beginning January 1, 1999. Commissioner Bevan Wilson made a motion to approve the reappointment of Dorr Hansen to the Castle Valley Special Service District Board beginning January 1, 1999. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(18)

ROAD DEPARTMENT/LANDFILL ITEMS.

Discussion to renew present contract for metal salvage.

Commissioner Kent Petersen made a motion to table this item until further review. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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Commission Meeting  
December 15, 1998

(19)  
APPROVAL OF 1999 COMMISSION MEETING SCHEDULE.

Commissioner Kent Petersen made a motion to adopt the following 1999 Commission Meeting Schedule. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

January 5, 1999	9:00 a.m.
January 19, 1999	4:00 p.m.
February 2, 1999	9:00 a.m.
February 16, 1999	4:00 p.m.
March 2, 1999	9:00 a.m.
March 16, 1999	4:00 p.m.
April 6, 1999	9:00 a.m.
April 20, 1999	4:00 p.m.
May 4, 1999	9:00 a.m.
May 18, 1999	4:00 p.m.
June 1, 1999	9:00 a.m.
June 15, 1999	4:00 p.m.
July 6, 1999	9:00 a.m.
July 20, 1999	4:00 p.m.
August 3, 1999	9:00 a.m.
August 17, 1999	4:00 p.m. * to follow Board of Equalization at the County/Sheriff Complex at 45 East Farrer Street in Green River, Utah.
September 7, 1999	9:00 a.m.
September 21, 1999	4:00 p.m.
October 5, 1999	9:00 a.m.
October 19, 1999	4:00 p.m.
November 2, 1999	9:00 a.m.
November 16, 1999	4:00 p.m.
November 30, 1999	9:00 a.m.
December 14, 1999	4:00 p.m.

(20)  
APPROVAL OF 1999 HOLIDAY SCHEDULE.

Commissioner Bevan Wilson made a motion to approve the following 1999 Holiday Schedule.

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The motion was seconded by Commissioner Kent Petersen and approved by all members present.

1999 HOLIDAY SCHEDULE

New Year's Day	Friday	01-01-99
Human Rights Day	Monday	01-18-99
President's Day	Monday	02-15-99
Memorial Day	Monday	05-31-99
Independence Day	Monday	07-05-99
Pioneer Day	Friday	07-23-99
Labor Day	Monday	09-06-99
Columbus Day	Monday	10-11-99
Veterans Day	Thursday	11-11-99
Thanksgiving Day	Thursday	11-25-99
Thanksgiving Day	Friday	11-26-99
Christmas Eve	Thursday	12-23-99 (½ day)
Christmas Day	Friday	12-24-99

(21)  
AUTHORIZATION OF ASSISTANCE FOR CENTRALLY ASSESSED TAX APPEALS.

Commissioner Kent Petersen made a motion to authorize Attorney Bill Peters to work with the



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Commission Meeting  
December 15, 1998

Matheson Group on the centrally assessed tax appeals. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(22)  
APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Bevan Wilson made a motion to approve the minutes dated December 2, 1998 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(23)  
OTHER

Commissioner Kent Petersen made a motion to reappoint Mack Huntington and Ken Stilson to the Planning Commission Board. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(24)  
COMMISSION REPORTS.

*Commissioner Wilson*

Commissioner Wilson reported on a meeting he attended with Jay Mark Humphrey, Hal Guymon, representatives from Emery Water Conservancy District and Miles Moretti, DWR regarding elk problems in the Huntington South Flat area. They were looking for possible solutions to the problems caused by elk movements through fields and canals, damaging fences, lines in canals as well as crop loss. They are considering a depredation hunt as a method of controlling the situation.

(25)  
EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

An executive session was not necessary at this time.

(26)  
ADJOURNMENT.

Commissioner Kent Petersen made a motion to adjourn the meeting. The motion was seconded

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by Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

MINUTES OF THE EMERGENCY MEETING  
OF THE EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

December 21, 1998

Those present at the meeting were Commissioners Randy Johnson, Bevan Wilson, Kent Petersen, Attorney David Blackwell, Assessor James Fauver, Deputy Treasurer Jo Ann Taylor and Clerk/Auditor Bruce Funk.

The meeting convened at 11:30 AM in the commission office conference room.

(1)  
DESERT GENERATION & TRANSMISSION TAX REFUND.

Emery County Treasurer JoAnn Behling had been advised by Desert Generation & Transmission (DG&T) in their letter of November 16, 1998 that a tax refund was due DG&T in the amount of \$349,351.14 (total for all county taxing entities) for years 1995 to 1997. This resulted from a settlement agreement dated on or about March 17, 1998. It was noted that Emery County had not received prior notification of the order or settlement agreement and was unaware that payment had to be made on or before December 21, 1998 or accrued interest of \$81,266.86 would also become due and payable.

Discussion and unanimous consent of the Commission was that Emery County should make every effort to pay the tax refund to D G & T to avoid the additional interest and to seek a judgement levy in 1999 to recover Emery County's share of the tax refund and associated costs. Other county taxing entities included in this refund would then make their share of the refund payment directly to Emery County.

Tax refund for each taxing entity as follows:

Emery County	\$96,673.16
Library	\$ 9,308.57
Water Consv. Dist.	\$ 8,101.72
Castle Valley SSD	\$72,677.41
Emery Co. School	<u>\$162,590.28</u>
TOTAL	\$349,351.14

Mr. Bill Peters, who served as legal council for the effected counties in the original agreement, is to be contacted for his recommendation and to negotiate any extension of time on the due date.

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Emergency Commission Meeting Minutes  
December 21, 1998

(2)

SETTING OF MEETING DATE AND TIME FOR CONSIDERATION OF INTERLOCAL  
AGREEMENT AND RESOLUTION WHEREIN EMERY COUNTY WOULD SHARE  
REVENUES WITH EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

Motion was made by Commissioner Kent Petersen seconded by Commissioner Bevan Wilson to call a Special/Emergency meeting of the Emery County Commission for Tuesday, December 22, 1998 at 1:00 PM in the commission chambers to consider an interlocal agreement and resolution wherein Emery County would share revenues with Emery County Fire Protection Special Service District (District) for the purchase of fire protection equipment. The District will transfer funds back to Emery County upon receipt of loan monies from the Utah Community Impact Board.

Motion was approved by all members present.

Meeting adjourned at 12:45 PM

Attest: \_\_\_\_\_ Chairman: \_\_\_\_\_

MINUTES OF THE SPECIAL/EMERGENCY MEETING  
OF THE EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

December 22, 1998

Those present at the meeting were Commissioners Randy Johnson, Bevan Wilson, Kent Petersen, Attorney David Blackwell, Treasurer JoAnn Behling and Clerk/Auditor Bruce Funk.

The meeting called to order by Commission Chairman Randy Johnson at 1:00 PM in the commission chambers.

(1)

CONSIDERATION OF INTERLOCAL AGREEMENT AND RESOLUTION # 12-22-98  
WHEREIN EMERY COUNTY WOULD SHARE REVENUES WITH EMERY COUNTY  
FIRE PROTECTION SPECIAL SERVICE DISTRICT.

County Attorney David Blackwell presented to the commission the Interlocal Agreement and Resolution # 12-22-98 for their consideration and approval. The Agreement and Resolution # 12-22-98 outlines the conditions under which Emery County will share revenues with the Emery County Fire Protection Special Service District (District). These will provide for the transfer of \$682,051.00 from the Emery County General Fund unappropriated fund balance to the District for the purchase of fire protection equipment. Payment is due by the District on the equipment on or before December 28, 1998. The District will transfer funds back to Emery County upon receipt of loan monies from the Utah Community Impact Board.

Motion was made by Commissioner Bevan Wilson seconded by Commissioner Kent Petersen to approve the Interlocal Agreement and Resolution # 12-22-98 authorizing the transfer of funds from Emery County to the District as outlined in both documents. Motion was approved by all members present. **(Note: see minutes of December 23, 1998 where payment will be delivered on January 4, 1999)**

(2)

OPEN AND AMEND THE 1998 EMERY COUNTY BUDGETS.

Because of the significant impact on the 1998 Emery County Budget due to transfer of funds to the Emery County Fire Protection Special Service District Motion was made by Commissioner Kent Petersen seconded by Commissioner Bevan Wilson to authorize the Clerk/Auditors office to open and amend the 1998 Emery County budgets and set a Public Hearing on January 5, 1999 at 9:00AM in the commission chambers for the purpose of ratifying the opening and amending of the 1998 Emery County budgets. The Clerk/Auditors office is to prepare the necessary resolution for ratification at that time and have published necessary notices in the paper. **( Note: No action required on this item, at this time - see minutes of December 23, 1998)**

(3)

USDA FOREST SERVICE PAYMENT FOR CRUSHED AGGREGATE MATERIAL.

Commissioner Bevan Wilson presented to the commission a claim from the Road Department for the purchase of 10,000 cubic yards of crushed aggregate material for a total cost of \$72,000 to be paid from Class B Road Funds. This was previously discussed and the agreement approved in the commission meeting of December 2, 1998. The anticipated cost amount shown in the December 2 meeting were based on costs per ton rather than per cubic yard.

Motion was made by Commissioner Bevan Wilson seconded by Commissioner Kent Petersen to approve the immediate payment to the USDA Forest Service in the amount of \$72,000.00 for the crushed aggregate material. Motion was approved by all members present. The Clerk/Auditors office is to make any adjustments as a result while amending the 1998 Emery County Budgets. **( Note: Payment deferred until 1999 - see minutes of December 23, 1998)**

Motion to adjourn the meeting at 1:30PM was made by Commissioner Kent Petersen seconded by Commissioner Bevan Wilson and approved by all members present.

Attest: \_\_\_\_\_ Chairman: \_\_\_\_\_

MINUTES OF THE SPECIAL/EMERGENCY MEETING  
OF THE EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

December 23, 1998

Those present at the meeting were Commissioners Randy Johnson, Bevan Wilson, Kent Petersen, Attorney David Blackwell and Clerk/Auditor Bruce Funk.

The meeting called to order by Commission Chairman Randy Johnson at 12:00 Noon in the commission chambers.

(1)

ADOPTION OF RESOLUTION # 12-23-98 AUTHORIZING THE EXECUTION, ISSUANCE, AND DELIVERY BY THE COUNTY OF ITS FEDERALLY TAXABLE STAND-BY TAX & REVENUE ANTICIPATION NOTE AGREEMENT AND NOTE, SERIES 1998 IN THE APPROXIMATE AMOUNT OF \$350,000.

Emery County Attorney David Blackwell presented to the commission Resolution # 12-23-98 authorizing Emery County to execute, issue, sell, and deliver Federally Taxable Stand-By Tax and Revenue anticipation Note Agreement and Note to Zions First National Bank with a cumulative aggregate principle amount not to exceed \$352,351.14. Zions Bank would then on December 28, 1998 make payment to Desert Generation & Transmission the tax refund payment in behalf of Emery County. Emery County will then pay off the note in 1999 and make necessary budget adjustments.

Motion was made by Commissioner Kent Petersen to approve and adopt Resolution # 12-23-98 for the issuance and sale of Stand-By Tax Notes in the amount of \$352,351.14 as discussed. (Payment to Deseret Generation & Transmission is \$349,351.14 the balance of \$3,000.00 is credited to Zions Bank as a transaction fee.) Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

USDA FOREST SERVICE PAYMENT FOR CRUSHED AGGREGATE MATERIAL - POSTPONED UNTIL 1999.

Emery County Clerk/Auditor Bruce Funk recommended to the commission that the claim from the Road Department, for crushed aggregate material from the Forest Service, presented and approved for immediate payment in the Special/Emergency meeting of the commission on December 22, 1998 be postponed for payment until the materials and invoice are received. The cost of the materials was not included in the 1998 "Class B" budget.

After discussion motion was made by Commissioner Kent Petersen to accept the recommendation of the Clerk/Auditor and make payment for the crushed aggregate material during the year 1999. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

EMERY COUNTY SHARES REVENUE WITH EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT - PAYMENT AND TRANSFER TO TAKE PLACE IN 1999 BUDGETS.

The Fire Protection District will pick up the fire equipment on January 4, 1999. This will allow all financial transactions to be covered in the 1999 year and eliminate the need to open and amend the 1998 budgets. Motion was made by Commissioner Kent Petersen to approve the transfer of funds to the Fire Protection District on January 4, 1999. Seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

EXTENDED HEALTH INSURANCE FOR TERMINATED AND RETIRED EMPLOYEES AND ELECTED OFFICIALS.

Commissioner Bevan Wilson reviewed with the Commission the need to take action in implementing extended health insurance benefits for terminated and retired employees. The proposal would allow terminated or retiring employees to remain on the health insurance by using accumulated sick leave and/or paying for the premium with cash. He felt that this might be an incentive for employees who want to retire, but can't because of lack of insurance. A replacement employee could then be hired providing some savings to the county. Elected officials after serving four years or more would also be covered.

Motion was made by Commissioner Kent Petersen to approve "in concept" the proposal with the understanding that the details will be worked out later. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Attest: \_\_\_\_\_ Chairman: \_\_\_\_\_



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

January 5, 1999

Those present at the meeting were Commissioners Randy Johnson, Ira Hatch, Kent Petersen, Attorney David Blackwell, Deputy Clerk/Auditor Terry Williams other elected officials and citizens.

The meeting was called to order by Commission Chairman Randy Johnson at 9:00 AM in the commission chambers. Commissioner Johnson welcomed incoming Commissioner Ira Hatch.

(1)

APPOINTMENT OF CHAIRMAN TO THE BOARD OF EMERY COUNTY COMMISSIONERS FOR 1999

Motion was made by Commissioner Ira Hatch to appoint Commissioner Kent Petersen as Chairman of the Board of Emery County Commission for the year 1999. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)

APPROVAL OF COMMISSION RESPONSIBILITIES FOR 1999

Presented for Commission review was the prior year commission responsibilities. Commissioners Randy Johnson and Kent Petersen would basically keep most of the responsibilities they had last year with Commissioner Hatch assuming those responsibilities of former Commissioner Bevan Wilson. Commissioner Kent Petersen stated that he would like to have the Road Department as one of his responsibilities. Commissioner Randy Johnson noted that he would like to continue with the Fair for another year. Bruce Funk, speaking as a citizen, spoke in support for Commissioner Ira Hatch to be over the Road Department. After further discussion motion was made by Commissioner Randy Johnson to approve the 1999 Commissioner Responsibilities as follows:

Ira W. Hatch

Airport  
Attorney  
BLM  
COG  
Conservation LWG  
Extension  
GR County Complex  
GR Medical Center  
Landfill

Randy G. Johnson

Animal Control  
Ambulance  
Chamber of Commerce  
Civil Defense  
Clerk/Auditor  
Fair  
Fire Control  
Fire District  
Justice Court

Kent R. Petersen

Assessor  
AOG  
Canyon Country Part.  
Courthouse  
DWR  
Economic Development  
GIS  
Housing Authority  
Museum/History

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Ira W. Hatch (cont..)

Personnel  
R.S.V.P.  
Senior Citizens  
Travel Councils  
Treasurer  
Weed/Mosquito  
Workforce Services

Randy G. Johnson (cont..)

Library  
Mental Health  
Planning/Zoning  
Public Health  
Sheriff  
TV/Communications  
USFS

Kent R. Petersen (cont..)

Nursing Home  
Public Lands  
RC&D  
Recreation District  
Recorder  
Road Department

(3)

BID OPENING ON PROFESSIONAL BUILDING

Commission Chairman Kent Petersen noted that this matter needs to be postponed until the commission meeting on January 19, 1999. The notice in the paper requires bids to be received on January 18, 1999 which is also a holiday therefore the Commission will extend the deadline until the 19<sup>th</sup>.

(4)

APPOINTMENTS TO PUBLIC LANDS COUNCIL

Commission Chairman Kent Petersen discussed briefly the terms and the staggering of terms for the Public Lands Council members. It was the Public Lands Council recommendation that all the members be reappointed with Ira Hatch appointed as the commission representative and Bevan Wilson appointed as a citizen representative as approved in the commission minutes of December 15, 1998. Commissioner Randy Johnson noted for the record that in the last Public Lands meeting, where this was considered, one member voted in opposition to the entire process and he has a problem reappointing that person. Commissioner Johnson felt that this might be one area where we can start advertising future vacancies. Commissioner Johnson suggested that this start next year when several board members terms are up. Kay Jensen, recognized the importance of many of the boards to all of us and that groups such as irrigation, cattlemen and others ought to have the opportunity to make recommendations to those boards and that advertizing these positions would help. It was suggested that members be limited to two terms and off at least one term. Commissioner Hatch suggested that notices be timely and specific as to the board positions being considered. Public Lands Administrator Val Payne further suggested that notices go out to specific groups that might have interests in a specific board.

Motion was made By Commissioner Randy Johnson to ratify the appointment of the members to the Public Lands Council in the commission meeting of December 15, 1998. Motion seconded by Commissioner Ira Hatch and approved by all members present.

(5)

RATIFY APPOINTMENTS TO THE PLANNING/ZONING BOARD

Commission Chairman Kent Petersen pointed out this matter was on the agenda for ratification of action taken in the commission meeting of December 15, 1998 wherein Mac Huntington and Ken Stilson were reappointed to the Planning/Zoning Board. The agenda at that time did not show this matter of business. Motion was made by Commissioner Randy Johnson to ratify the action taken in the December 15, 1998 meeting reappointing Mac Huntington and Ken Stilson to the Planning/Zoning Board. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

CONSIDERATION OF RESOLUTION # 1-5-99A AUTHORIZING EMERY COUNTY TO EXECUTE AND DELIVER ITS FEDERALLY TAXABLE STAND-BY TAX AND REVENUE ANTICIPATION NOTE AGREEMENT AND NOTE AND REPLACE THE PRIOR AGREEMENT - DESERET GENERATION & TRANSMISSION TAX REFUND

County attorney David Blackwell presented to the Commission Resolution # 1-5-99A which authorizes Emery County to execute and deliver its Federally Taxable Stand-by Tax and Revenue Anticipation Note Agreement and Note in the principal amount of \$352,830.73. This Resolution will replace the prior Agreement and Note approved in the meeting of December 23, 1998 as well as pay off that Zions First National Bank Note. Motion was made by Commissioner Ira Hatch to approve Resolution # 1-5-99A which authorizes Emery County to execute and deliver its Federally Taxable Stand-by Tax and Revenue Anticipation Note Agreement and Note in the principal amount of \$352,830.73. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

DISCUSSION OF STOCK CORRAL AT BEAR CREEK CAMPGROUND AND QUITCLAIM DEED

Bevan Wilson gave background on the stock corral and its use. The corral is located above the Bear Creek campground in Huntington Canyon. Mr Wilson recognized Joan Hubert and Wayne Ludington from the BLM, and Lee McElprang and Keith Larsen from Huntington Cattlemen Assoc. The property (60 acres) was received by Emery County on June 29, 1964 through a patent from the BLM for recreational use. On August 5, 1981 the strip of land containing the corral was deeded to Huntington Cattlemen Assoc. and a quitclaim deed was executed. The BLM claims their patent did not allow for such a transfer without permission from the Secretary of the Interior otherwise the title would revert back to the U.S. Government. Notice had been received from the Moab District San Rafael Resource Area office dated July 7, 1993 in that quit claim deeded property needs to revert back to Emery County or the Government will start action to revert the property back to the United States. The quit claim deed appears to be illegal in the eye of Emery County and BLM. In an attempt to straighten this up the BLM and Emery County propose the Cattle Association Deed the property back to the County and the County would lease it back to the Association for 199 years at \$1.00 per year.

Lee McElprang and others gave background and history on the corral and its use pointing out

that there has been a corral and established use prior to the BLM ownership of the land. Emery County traded the corral and property associated with it to the Association in exchange for a water right-of-way at the Huntington ball complex and the Association didn't know anything was wrong until 1993. The Association questions the claim that the quitclaim is illegal and until they have a meeting with their whole group they are not ready to sign the property back to the County. Commissioner Ira Hatch stepping down as Commissioner gave his involvement in the Association asking Joan Hubert and Wayne Ludington from the BLM what needs to be done to make this legal and for their assistance in making any application.

The Commission agreed to do anything they can to resolve this matter. Joan Hubert will contact her Solicitor in Salt Lake City and find out what can be done to best resolve the problem. No action was taken at this time.

(8)

#### CITIZEN CONCERNS

Dennis Ward of Huntington Cleveland Irrigation Co. expressed concern over illegal trash dumping in the Rowley Flats area. Flash floods wash the trash into the canals. The Sheriff will look into it. Suggested was the placement of dumpsters or assigning people doing community work to pick up trash.

Jay Mark Humphry discussed the damage caused to irrigation canals by elk South and West of Huntington. The repair costs could run as high as \$260,000.

Dennis Ward felt that wrecker rotation in the County was not even. Sheriff Guymon will discuss this with his department people.

Kay Jensen of Huntington Cleveland Irrigation Co reminded the commission of their prior request for financial assistance in their appeal on water rights. This matter has been referred to County Attorney David Blackwell for an opinion. **Note: See Commission Minutes of December 15, 1998 (item #6).**

(9)

REVISED 1999 COMMISSION MEETING SCHEDULE

Commission Chairman Kent Petersen noted conflicts in the adopted meeting schedule for 1999. It was his recommendation that the Commission consider making the first meeting of the month at 4:00 PM and the second meeting at 9:00 AM. After further discussion motion was made by Commissioner Randy Johnson that the meeting schedule for 1999 be revised as suggested and effective the first meeting in February and that the Clerk/Auditor's office notice it up. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

DISCUSSION OF UPCOMING LEGISLATIVE SESSION

Commission Chairman Kent Petersen acknowledged receipt of a memo from the Utah Association of Counties inquiring if Emery County had hired any lobbyists or appointed county representatives who will be present in the upcoming state legislative session. Emery County does not hire a lobbyist or assign a specific representative of the County.

(11)

DISCUSSION OF PACIFICORP 1998 RATE CASE

It was the consensus of the Commission that they had given prior approval for Bill Peters and the Matheson group to look after Emery County's interests in the upcoming PacifiCorp rate case. Therefore no action was taken at this time.

(12)

ADOPTION OF RESOLUTION # 1-5-99B DECLARING EMERY COUNTY'S INTENT TO PARTICIPATE IN THE 1999 UAC TAX ANTICIPATION NOTE PROGRAM

Senior Clerk/Auditor Brenda Dugmore presented to the commission Resolution # 1-5-99B which is a standard procedure. The resolution outlines Emery County's intention to participate in the 1999 UAC Tax Anticipation Note program. Motion was made by Commissioner Randy Johnson to adopt Resolution # 1-5-99B declaring Emery County's intent to participate in the program. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS

Clerk/Auditor Bruce Funk, presented to the Commission for approval the Warrant/Check Edit List #116913 through and including # 117086 for payment.

The following Requisitions were presented for approval:

Commission Meeting Minutes  
January 5, 1999

<u>Requisition</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
76-98	Validator - Recorder	\$680.00	Approved
77-98	Electric Dryer - Corrections	\$349.00	Approved
78-98	File Server - Data Processing	\$2,249.00	Approved

Dispositions are as follows:

<u>Asset #</u>	<u>Description</u>	<u>Department</u>	<u>Disposition</u>
005277	Whirlpool dryer	Corrections	Junked
006390	Oki-Fax 2200	Commission	Auction
NONE	IBM Selectric Typewriter	Economic Development	Junked

Clerk/Auditor Bruce Funk called attention to warrant #117008 to Nielson Construction in the amount of \$14,235.81 for work done on the Huntington Race track. The remaining 1998 budget for the project was \$8,829.00. After discussion a motion was made by Commissioner Kent Petersen to approve payment of the Warrant/Check Edit List with #11008 be for \$8,829.00 and the remaining \$5,406.81 to be paid to Nielsen Construction in 1999 and to approve the requisitions and dispositions as presented. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

PERSONNEL ITEMS

Road Department: Personnel Director Pat Snowball requested approval to hire Ron Wright in the Road Department as Equipment Operator/Driver at 12A or \$10.26/hr effective January 11, 1999. This is a regular full time position eligible for benefits. Motion was made by Commissioner Randy Johnson to approve the hiring as requested. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

Assessor's Office: Personnel Director Pat Snowball informed the commission that Shelly Gilpin who works in the State Tax Office has completed her six-month orientation period and is eligible to progress from 4A \$7.58/hr to 5A \$7.91/hr effective January 7, 1999. Assessor James Fauver has approved and makes the recommendation which is in compliance with the personnel policy. Motion to advance Shelly from a 4A \$7.58/hr to 5A \$7.91/hr as discussed was made by Commissioner Randy Johnson. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

Sheriff's Office - Safe Communities Coordinator: Personnel Director Pat Snowball reviewed discussion from the November 18, 1998 commission meeting regarding Judy Lang to work in the Safe Communities program. Clerk/Auditor Bruce Funk recommended that since these are grant

monies that Judy Lang be placed on a contract contingent upon receipt of those monies. The grant began October 1, 1998 and runs through September 30, 1999. It was also suggested that in the future that departments seeking grants involve the Clerk/Auditor and Personnel offices so that these issues and concerns are already resolved before coming to the Commission. After further discussion motion was made by Commissioner Randy Johnson to enter into a contract for services with Judy Lang. That the contract be prepared by the County Attorney with the approval of the Sheriff, Personnel, and Clerk/Auditor. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

Channel 26 - Susan Dorsch: Personnel Director Pat Snowball advised the Commission that Susan Dorsch needs to be furloughed for a couple of weeks in keeping with the policy on temporary employees. Clerk/Auditor Bruce Funk reminded that no monies have been budgeted for 1999 to cover Susan. Commissioner Randy Johnson will meet with Susan Dorsch and have a recommendation for the Commission at their next meeting.

Extended Health Insurance for Terminated and Retired Employees: Personnel Director Pat Snowball reviewed her proposal for Extended Health Insurance for Terminated and Retired Employees to be included in the personnel policy. The Commission noted that in the meeting of December 23, 1998 they had approved this matter in "concept only" and that details which Mrs. Snowball has gone through were not available nor approved in that action. Motion by Commissioner Randy Johnson is to ratify the action taken on December 23, 1998 approving "in concept only" such a proposal and that the details go out to all Elected Officials and Department Heads for their suggestions and comments and to bring it back to the Commission at a later time. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES

The minutes of the December 15, 1998 commission meeting were reviewed and corrected. Motion to approve the minutes as corrected was made by Commissioner Randy Johnson, seconded by Commissioner Ira Hatch and approved by all members present.

(16)

COMMISSION REPORTS

Commissioners again welcomed Commissioner Hatch. Discussed upcoming meetings and the new vehicle registration fees.

(17)  
EXECUTIVE SESSION

Motion was made by Commissioner Randy Johnson to go into executive session to discuss personnel matters and possible litigation. Seconded by Commissioner Ira Hatch and approved by all members present. Those present were Commissioners Kent Petersen, Randy Johnson, and Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Personnel Director Par Snowball and Bruce Funk, Brenda Dugmore and Terry Williams of the Clerk/Auditors office.

(18)  
J.D. MANGUM - ADMINISTRATIVE LEAVE

This matter was discussed in executive session. Motion was made by Commissioner Randy Johnson to place J.D. Mangum on unpaid administrative leave from the Sheriff Department effective January 5, 1999. This decision is based on an Administrative Judge decision in December. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

(19)  
ADJOURNMENT

Motion to adjourn the meeting was made by Commissioner Randy Johnson, seconded by Commissioner Ira Hatch and approved by all members present.

Attest: \_\_\_\_\_ Chairman: \_\_\_\_\_



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

January 19, 1999

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Clerk/Auditor Bruce Funk, other elected officials and citizens.

Commission Chairman Kent Petersen called the meeting to order at 4:00 PM.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS

Clerk/Auditor Bruce Funk, presented to the Commission for approval the Warrant/Check Edit List #117094 through and including # 117102 and # 117293 through and including #117413 for payment.

The following Requisitions were presented for approval:

<u>Requisition</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
1-99	ArcView 3-D Analyst - GIS	\$2246.00	Approved
2-99	Copy Machine - Capital Replace	\$7939.00	Approved
3-99	Light Bar/Siren etc - Sheriff	\$1179.92	Approved
4-99	Ambulance Cot - Ambulance	\$2750.00	Approved
5-99	(3) Laptop Computers - Sheriff	\$5997.00	Approved

The following dispositions were presented for approval:

<u>Asset #</u>	<u>Description</u>	<u>Department</u>	<u>Disposition</u>
001053	Moor Decollator	Data Processing	Auction
006142	Fujitsu Line Printer	Data Processing	Auction
NONE	Validator - Tax Receipt	Recorder	Transfer to Treasurer

Motion was made by Commissioner Randy Johnson to approve payment of the Warrant/Check Edit List, Requisitions and Dispositions as presented. Motion was seconded by Commissioner

Ira

Hatch and approved by all members present.

(2)

PERSONNEL / INSURANCE ITEMS

Personnel Director Pat Snowball presented the following for Commission consideration:

A. Extended Health Insurance for Terminated and Retired Employees: Personnel Director Pat Snowball presented a final draft of the proposed Extended Health Insurance for Terminated and Retired Employees to be included in the personnel policy. The Commission received input from employees, Elected Officials and Department Heads regarding this proposal. Commissioner Randy Johnson made a motion to approve the Extended Health Insurance for Terminated and Retired Employees. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

B. Terry Williams - Family Leave: Terry Williams of the Clerk/Auditor's office has requested Family Leave beginning on January 11, 1999 and ending on April 5, 1999. Motion to approve the Family Leave as requested was made by Commissioner Ira Hatch, seconded by Commissioner Randy Johnson and approved by all members present.

C. Overtime Calculation - Sick and Vacation: Personnel Director Pat Snowball noted that in regards to overtime calculation there have been two changes. Prior to December 15, 1995 Vacation and Sick hours were counted as hours worked in calculating overtime. Resolution # 2-15-95C deleted that section making those days off to be paid at straight time. The Clerk/Auditor's office discovered that they were not in compliance with the resolution. After notifying the Elected Officials and Department Heads they changed procedure to not count vacation or sick leave hours toward any overtime in any pay period. Most affected were law enforcement deputies because their pay periods are 160-178 hours. Sheriff LaMar Guymon and Sergeant Kyle Ekker felt that officers should be paid for time worked. Since the current policy was not followed during past two years and that most overtime hours were a result of call out time the County should remain with the old policy. They pointed out it would be difficult to call out people who have used any sick or vacation time in that time period knowing they won't get overtime pay. Commissioner Randy Johnson said that in passage of Resolution #12-15-95C it was not the Commission's intention to adversely impact the deputies as this has shown to be. After further discussion a motion was presented by Commissioner Randy Johnson to do away with Resolution #12-15-95C and continue with the old policy wherein sick and vacation hours are considered as hours worked and could be used to calculate overtime. The motion died due to lack of a second with Commissioner Kent Petersen indicating that he was not necessarily opposed but would like more time to look into the matter. Commissioner Ira Hatch felt the current policy should be followed and any proposed changes should be made by following the proper procedures for changing the policy. A meeting was set for Monday January 25<sup>th</sup> at 2:30 PM to discuss this further and that it be placed on the next Commission Meeting Agenda .

(3)

BID OPENING ON PROFESSIONAL BUILDING

The minimum bid of \$38,360.00 was set and advertized for the sale of the Professional Building property. One bid of \$44,151.00 was received from Emery Water Conservancy District. Commissioner Randy Johnson made a motion to accept the bid of \$44,151.00 from Emery Water Conservancy District for the sale of the Professional Building Property. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

SCHOOLS REQUEST DONATION FOR PLAYGROUND EQUIPMENT

Principals from elementary schools throughout the county were present with Kathleen Petersen, Principal of Ferron Elementary, as spokesperson. Their request of the Commission was for financial assistance in the purchase of playground equipment. The School District is providing \$25,000 to each school this leaves them short \$20,000 per school. The playground equipment must meet State safety and liability requirements. Mrs. Petersen feels that the equipment further serves the public when school is not in session. The Commission recognized the importance of the new equipment and the efforts made by principals, PTA, and others in fund raisers for such projects. The Commission suggested that the request be submitted to the Emery County Recreation Special Service District noting that County funds this year were very tight. That consideration be given spreading their requests over as many years as possible. No monies have been budgeted for such a request in 1999. The Commission suggested that a written request for any funding in 2000 be submitted to the Clerk/Auditor's office by the first of October 1999. No action taken at this time.

(5)

APPROVAL OF FOREST SERVICE LAW ENFORCEMENT AGREEMENT

Don Riddle of the U.S. Forest Service presented to the Commission the Annual Operating Plan and Financial Reimbursement Plan for law enforcement services from Emery County. This is the same agreement as in past years. Sheriff LaMar Guymon and County Attorney David Blackwell have reviewed it. Motion was made by Commissioner Ira Hatch to approve the agreement as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

CITIZEN CONCERNS - MAUGHN GUYMON - MINI-VANS

Maughn Guymon informed the Commission that he has received bids on the two mini-vans approved in his AOG budget. He has bids from Community Motors of Price which is \$103.00 more than the state bid pricing. He would like to purchase them from Community Motors because of the local service and availability. Since this involves the use of Emery County funds he therefore needs Commission approval. Motion was made by Commissioner Ira Hatch to

approve and authorize Maughn Guymon to proceed with the purchase of the vans as discussed from Community Motors. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

APPROVAL OF 1999 WILDLAND FIRE BUDGET

The 1999 Wildland Fire Budget between Emery County and Utah Division of Forestry, Fire & State Lands was presented for approval. Emery County now participates in the State Wildland Suppression Fund amounting to \$3,008.00 for an overall budget of \$15,308.00. The budgeted amounts were approved in the 1999 Emery County budget. A motion was made by Commissioner Randy Johnson to approve the budget as presented. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

APPROVAL OF RECREATION SPECIAL SERVICE DISTRICT BOARD MEMBER CHANGES

Shannon Hiatt, Director of the Emery County Recreation Special Service District, informed the Commission that Carol Ware has been appointed as Orangeville's representative on the Recreation Board. She will fill the remaining term of Howard Tuttle which expires December 31, 1999. Motion was made by Commissioner Randy Johnson to approve the appointment of Carol Ware to fill the unexpired term of Howard Tuttle on the Recreation Board. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

APPROVAL OF AGREEMENT WITH FAIR DIRECTOR

Emery County Attorney David Blackwell presented to the Commission the agreement between Emery County and Kathy Justice who will serve as Emery County Fair Director for 1999. Motion was made by Randy Johnson to approve the agreement. Motion seconded by Commissioner Ira Hatch and approved by all members present.

(10)

APPROVAL OF TERMINATION AGREEMENT REGARDING EMERY MEDICAL CENTER AND EMERY COUNTY'S RIGHT OF FIRST REFUSAL

Emery County Attorney David Blackwell presented to the Commission the agreement wherein Emery County terminates their right of first refusal to the Emery Medical Center. He pointed out that Emery County does preserve all rights to the ambulance garage (99 year lease from 1982). Motion was made by Commissioner Randy Johnson to approve the agreement and authorize Commission Chairman Kent Petersen to sign the agreement. Motion was seconded by

Commissioner Ira Hatch and approved by all members present.

(11)

APPROVAL OF BUSINESS LICENSE

Presented to the Commission was the Business License Application for “Wee Care”. The business will provide In-Home Child Care. Planning/Zoning Administrator Bryant Anderson has approved the application. Motion was made by Commissioner Randy Johnson to approve the business license. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

ROAD DEPARTMENT/LANDFILL ITEMS

Road Supervisor Rex Funk presented the following for Commission consideration;

A. Approval to obtain quotes on replacement tractors: As part of the Road Department equipment rotation program Mr. Funk would like permission to solicit quotes on two semi-tractors and one intermediate (1 ton) size truck. Motion to allow Mr. Funk to proceed in obtaining quotes only on the trucks discussed was made by Commissioner Randy Johnson. Motion seconded by Commissioner Ira Hatch and approved by all members present.

B. Approval to proceed with design work on Reeder Creek Bridge: Mr. Funk requested permission to proceed with the design work and replacement of the Reeder Creek Bridge from the flood budget. Commissioners Randy Johnson and Kent Peterson were in support of the funding to come from the Flood budget which has been the philosophy in the past. Commissioner Ira Hatch questioned the use of flood monies on this project in that it is not for flood damage but a bridge replacement. Commissioner Hatch suggested that since the bridge is on a “Class B” road that funding come from the County’s Class B road fund. After further discussion a motion was made by Commissioner Randy Johnson to authorize the Road Department to begin the replacement of the Reeder Creek Bridge with the design work with funding to tentatively come from Class B funds. The Commission will make a final determination as to funding at a later date. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

C. Approval to proceed with upgrades to the Des Bee Crossover Road: Mr. Funk outlined repairs that need to be done on the Des Bee Crossover Road. His request of the Commission was for approval to hire Johansen & Tuttle Engineering to put together the design work necessary to rehabilitate the road. Motion was made by Commissioner Randy Johnson to allow the Road Department to proceed with the design work on the road. Motion was seconded by Commissioner Ira Hatch and approved by all members.

D. Approval to dispose of Price River Bridge: Two bids have been received by the Road Department. It was the recommendation of Mr. Funk that the Bridge be sold to West Jordan City for the sum of \$1.00. The other bid was from Moab City. Motion was

made by Commissioner Ira Hatch to accept the bid and approve the sale of the bridge to West Jordan City. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

E. Discussion of used tire regulations: Reviewed for the Commission were some of the changes in the administrative rules and guidelines regarding the disposing of used tires at the Landfill. The State has run out of money for the present. To dispose of the tires at this time would be at Emery County's expense. No action was taken at this time.

(13)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES

Motion to table the minutes of December 21, 1998, December 22, 1998, December 23, 1998 and January 5, 1999 was made by Commissioner Randy Johnson. Motion seconded by Commissioner Ira Hatch and approved by all members present.

(14)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS

Motion to go into Executive Session was made by Commissioner Randy Johnson at 6:30 PM. Motion seconded by Commissioner Ira Hatch and approved by all members present. Those present were Commissioners Kent Petersen, Randy Johnson and Ira Hatch, Attorney David Blackwell, Personnel Director Pat Snowball, Sheriff LaMar Guymon, Road Supervisor Rex Funk and Clerk/Auditor Bruce Funk. Discussed was possible litigation and personnel matters.

(15)

CONVENING OF REGULAR MEETING - ADJOURNMENT

The Commission reconvened the regular commission meeting at 7:30 PM with a motion by Commissioner Randy Johnson to adjourn at 7:33 PM. Motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**February 2, 1999**

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Sr. Deputy Clerk/Auditor Brenda Dugmore and other elected officials and citizens.

Commission Chairman Kent Petersen called the meeting to order at 4:00 p.m.

(1)

EMERY COUNTY PROGRESS, PRESENTATION OF CITIZEN OF THE YEAR AWARD.

Emery County Progress Editor Doris Quinn was in attendance to present the Citizen of the Year Award to Garth Childs. Ms. Quinn read the nomination letter that was written by Randy Jensen. Garth Childs accepted the award and offered his thanks and appreciation.

(2)

GARTH CHILDS, EMERY COUNTY FIRE PROTECTION DISTRICT, REPORT ON NEW FIRE TRUCKS AND RELATED MATTERS.

Garth Childs, Emery County Fire Protection Special Service District Chairman, came before the Commission to give thanks for the Commission's help in acquiring the new fire trucks. Mr. Childs invited the Commission to adjourn for a few minutes to inspect the new trucks. A motion was made by Commissioner Randy Johnson to adjourn to go and inspect the fire trucks. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

RICHARD MANUS, BLM, UPDATE ON QUARTERLY ACTIVITIES.

Richard Manus was unable to attend the meeting so Tom Rasmussen was present in his place. Mr. Rasmussen gave the Commission an update on the Environmental Impact Statements (EIS) that were underway including the Ferron EIS, US Gypsum, Williams Pipeline, Lila Canyon and Pines Track.

(4)

JOHN HEALY, FOREST SERVICE, UPDATE ON QUARTERLY ACTIVITIES.

John Healy, US Forest Service, showed the Commission a video from the new Forest Service Chief Dombeck. The video discussed the new agenda for the Forest Service. Mr. Healy also discussed the South Manti timber sale which covers about 24,000 acres. A decision should be issued on that timber sale toward the end of February.

(5)

MILES MORETTI, DWR, UPDATE ON QUARTERLY ACTIVITIES.

Mr. Moretti was unable to attend the meeting.

(6)

MIKE MCCANDLES, EMERY TELEPHONE, UPDATE ON QUARTERLY ACTIVITIES AND DISCUSSION OF VOICE MAIL SYSTEM FOR COURTHOUSE.

Mike McCandles, Emery Telephone, reported on the upgrade that has taken place over the past year. The process is now complete. The new call features have been very successful for the company. Currently internet service upgrades are being discussed. The call center is also continuing to do very well for Emery Telephone.

Mr. McCandles also reported on the cost to the County to acquire voice mail for the courthouse. To lease the system which would allow 20-100 mail boxes it would cost \$120.00 per month. If there were 20 users or less the cost would be \$6.00 per month per user.

(7)

MARK H. WILLIAMS, PRESENTATION OF CASTLE VALLEY TRAIL SYSTEM AND DISCUSSION OF ATV USE ON COUNTY ROADS.

Mark H. Williams presented to the Commission a map of proposed ATV trails and suggested that the County needs to adopt an ordinance specifying speed limits and which county roads can be accessed by ATV's. Discussion followed on whether it would be to the County's advantage of disadvantage to adopt an ATV trail map.

(8)

REQUEST FOR DONATION TO GREEN RIVER CLOSE-UP PROGRAM.



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3

Commission Chairman Kent Petersen read a letter of request from a group of Green River high school students who are involved in the Close-up program. A motion was made by Commissioner Randy Johnson to approve a contribution of \$250.00 to the students to be taken out of dues and contributions. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

CITIZEN CONCERNS.

Garth Larsen, Ferron City Mayor, informed the Commission that Ferron City is filing an application for a walk/bike path on Canyon road. Mr. Larsen requested the Commission write a letter addressing the bridge on 8<sup>th</sup> west that when the bridge is replaced it will include a walking path. Commissioner Randy Johnson made a motion that a letter be written stating that when the bridge on 8<sup>th</sup> west is replaced it will include a walking/bike path and that the County encourages this type of use. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Joel Dorsch, Castle Dale City Council, requested the County's help in leveling the ground for the new ball field west of Esquire Estates. The Commission issued a directive to Road Supervisor Rex Funk to work this project into his schedule if possible.

Kay Jensen, Huntington Cleveland Irrigation Co., commended the Emery County Progress for their coverage of the illegal dumping problem and feels it will help make people aware of the damage illegal dumping causes to water canals. Mr. Jensen also made an appeal to the Commission for any help the County could provide in paying for their appeal on water rights.

(10)

ROAD DEPARTMENT/LANDFILL ISSUES.

Road Supervisor Rex Funk discussed with the Commission the Sufco proposal to build a road that would run through Quitcupah canyon. Comment letters must be received by February 20, 1999. The Commission agreed that a letter needed to be written stating the County's concerns over this issue.

Dale Stapley, UDOT Maintenance, informed Mr. Funk that UDOT is fencing a 13 mile stretch of Highway 24 and is requesting the County provide two cattle guard fixtures for the project. Commissioner Ira Hatch made a motion to approve Rex Funk to prepare two cattle guard fixtures

for UDOT. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

CONSIDERATION AND APPROVAL OF PUBLIC DEFENDER CONTRACT.

Attorney David Blackwell informed the Commission that this is virtually the same contract that was in place last year. The contract price has remained the same. Commissioner Randy Johnson made a motion to approve the public defender contract for 1999. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

APPROVAL OF RENTAL AGREEMENT WITH MILLS & VINING FOR COMMUNICATION RACK AND ANTENNA SPACE.

Attorney David Blackwell stated he had reviewed the contract and the cost is the going rate for other rented space. This is the first year to sign a formal agreement on the space rental. The rental agreement is for the repeater that is in Boardinghouse. A motion was made by Commissioner Ira Hatch, seconded by Commissioner Randy Johnson and approved by all members present to approve the rental agreement with Mills & Vining.

(13)

APPROVAL OF BUSINESS LICENSES.

Clerk/Auditor Bruce Funk presented to the Commission the following business licenses for their consideration and approval:

Ginette Bundersen doing business as Ideal Billing Service - medical billing services  
Toby Jorgensen doing business as G & O Creative Design - web page design  
VMS, Inc. - custodial and ground maintenance of rest stops.

Commissioner Ira Hatch made a motion to approve the above business licenses with final approval of VMS pending Planning & Zoning Administrator Bryant Anderson's approval. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

DISCUSSION OF UTAH LOCAL GOVERNMENT'S TRUST SAFETY AND LOSS CONTROL SURVEY.

Chairman Kent Petersen read a letter from Utah Local Government concerning a loss survey that was conducted a few weeks ago. The letter gave praise to Personnel Director Pat Snowball and Road Department Supervisor Rex Funk for the professional manner in which the survey was conducted. The letter did not offer any suggestions stating that most of the issues have already been addressed and taken care of.

(15)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS. A) CONSIDERATION AND APPROVAL OF THE ADJUSTMENTS MADE LINE ITEM BY LINE ITEM, DEPARTMENT TO DEPARTMENT TO THE 1998 BUDGET.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check/Edit List #117653 through and including #117852 for payment.

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
6-99	Accounts Pay. Windows Software	\$ 1,800.00	Approved
7-99	Drawing Program-Assessor	\$ 1,000.00	Approved
8-99	Filing System-Capital Replace	\$10,800.00	Approved
9-99	'99 Ford Explorer-Assessor	\$22,500.00	Approved
		(Less Trade-in)	
10-99	(7) Computers-Capital Replace	\$12,500.00	Approved
11-99	(2) Vacuums-Courthouse/Road	\$ 1,130.00	Approved
12-99	(2) '95 Kenworth-Class "B"	\$81,200.00	Approved
13-99	'99 Dodge Quad Cab-Class"B"	\$27,962.00	Approved
14-99	Computer Web Page-Econ. Dev.	\$ 775.00	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
4164	Amber Bead Spreader	Junked	Approved
4172	Torch Outfit	Junked	Approved
4188	15 Inch Drill Press	Junked	Approved
4194	10 Ton Floor Jacks	Junked	Approved
4195	10 Ton Floor Jacks	Junked	Approved
4197	Ingersoll Rand Compressor	Junked	Approved
1651	10 Ton Floor Jack	Junked	Approved
1653	10 Ton Floor Jack	Junked	Approved
1649	Champion Air Compressor	Junked	Approved

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1644	Victor Cutting Torch	Junked	Approved
1621	Bench Grinder	Junked	Approved
1599	Welder HGR-8M-1 SE	Junked	Approved
4314	Computer Desk	Junked	Approved
2436	Diesel Pump	Junked	Approved
3649	Sanyo Calculator	Junked	Approved
4317	Sanyo Calculator	Junked	Approved
4703	Sanyo Calculator	Junked	Approved
1607	Stihl Chain Saw	Junked	Approved
4158	Slide Hammer Bead Breaker	Junked	Approved
1673	Fuel Tank 1000 Gal	Junked	Approved
4253	Victor Cutting Torch	Junked	Approved
4574	Drill	Junked	Approved
4682	Industrial Drill	Junked	Approved
4742	Skid Mount 200 Gal Sprayer	Junked	Approved
4806	Handheld Yeasu GE Radio	Junked	Approved
4822	Phoenix GE Radio	Junked	Approved
4853	Kenworth Tractor	Traded	Approved
4852	Mobile Road Office Building	Transferred	Approved
1665	1980 GMC	Junked	Approved
5233	Dodge Ram Charger	Transferred	Approved
4543	Oshkosh Water Truck	Sold/auction	Approved
4208	Diesel Cummins Generator	Junked	Approved
5434	Western Star Tractor	Traded	Approved
141-3510	Desk, Steno	Transferred	Approved
141-6212	Printer 395 Okidata	Sold/auction	Approved
141-5339	Printer Serial 393	Sold/auction	Approved
141-5168	Desk, Computer	Transferred	Approved
111-6404	Computer, Pentium	Transferred	Approved

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment and requisitions and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(A)

Sr. Deputy Clerk/Auditor Brenda Dugmore presented to the Commission a summary of the adjustments made line item by line item, department to department to the 1998 budget.

Commissioner Randy Johnson made a motion to approve the adjustments made to the 1998

budgets, line item to line item, department to department. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

*Sheriff's Office*

The Sheriff's office is requesting approval to begin the recruitment process to establish a new roster and provide the Sheriff with a list of potential applicants to fill the vacancy left by J.D. Mangum. Commissioner Randy Johnson made a motion to allow the Sheriff to begin the recruitment process. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

*Assessor's Office*

The Assessor's office is requesting to begin an "in-house" recruitment for a Deputy Assessor, regular full time, eligible for benefits at a rate of 4A, \$7.58 per hour. This is to replace the vacancy left when Janet Petersen retired. A motion was made by Commissioner Randy Johnson to begin the "in-house" recruitment process for a Deputy Assessor. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

*Clerk/Auditor's Office*

The Clerk/Auditor's office is requesting ratification of Brenda Williams, appointed for an up to 90-day temporary assignment. Also the Clerk/Auditor's office is requesting approval to begin recruitment both "in-house" and to the public for a temporary, up to 9-month worker to perform clerical duties at a rate of \$7.58 per hour. Upon hiring this category worker, the temporary up to 90-day term will be ended. Commissioner Ira Hatch made a motion to approve the above request and to ratify the appointment of Brenda Williams for an up to 90-day temporary assignment. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

*Amending Personnel Policy for Emery County*

Personnel Director Pat Snowball presented to the Commission **Resolution 2-02-99** for consideration and approval. This resolution adds to Section 8 Compensation, paragraph 8.3.d.c. For all employees, hours taken off work for sick leave and hours taken off work for vacation

leave shall be calculated as hours worked for the purpose of this section. Add to Section 9 Fringe Benefits, a new subsection 9.5.j. Extended Health Insurance Coverage for Retired/Terminated Employees. Commissioner Randy Johnson made a motion to approve Resolution 2-02-99 amending the personnel policy effective January 1, 1999. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes dated December 21, 1998, December 22, 1998, December 23, 1998, January 5, 1999 and January 19, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(18)

COMMISSIONER REPORTS.

Commissioner Ira Hatch reported that he had attended the Workforce Services Seminar in Moab. Commissioner Kent Petersen reported that the River Runs Through It bill is again before the State Legislature and is watching to see if it will make it through this year.

(19)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

A motion was made by Commissioner Ira Hatch and seconded by Commissioner Randy Johnson to move into executive session. The motion was approved by all members present.

(20)

OTHER BUSINESS.

***Pay Phone in Courthouse:*** The pay phone that was in the courthouse belonged to Phone Tel and they have since removed it. The shelf that is still there also belongs to them and they want to remove it. Discussion followed about installing a local phone in the hallway. It would be

available to the public to make calls on credit cards or calling cards but long distance calls would be blocked. The Commission decided to contact the phone company and look into the details and cost of installing a local phone.

***Water Connection in Green River:*** Clerk/Auditor Bruce Funk informed the Commission he had received a letter from Green River City concerning a piece of ground the County owns. The County needs to return a letter stating they want to continue the connection and pay the \$2.50 per month connection fee. It was the consensus of the Commission to keep the connection until the land can be sold or other arrangements made. The Commission directed Attorney David Blackwell to prepare the necessary paperwork to put the land up for sale.

***Deseret Generations Tax Appeal:*** Treasurer JoAnn Behling discussed with the Commission the Deseret Generation tax appeal that was paid back in January. The County paid the entire appeal and now needs to be reimbursed from the other taxing entities. The Commission agreed that each entity should levy their own judgment levy and instructed Ms. Behling to write a letter to the other entities requesting payment for their portion.

(21)

ADJOURNMENT.

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**February 16, 1999**

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Sheriff LaMar Guymon, Sr. Deputy Clerk/Auditor Brenda Dugmore and other elected officials and citizens.

Commission Chairman Kent Petersen called the meeting to order at 9:00 a.m.

(1)  
MILES MORETTI, DWR QUARTERLY UPDATE.

Miles Moretti, DWR, was present to present the Commission a check in the amount of \$2,751.31 for payment in lieu of taxes for the Division of Wildlife Resources. Mr. Moretti also reported that the DWR released 25 wild turkeys last week at their Huntington game farm. The turkeys should spread up and down the river bottom.

(2)  
CONSIDERATION FOR ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF EMERY COUNTY, UTAH TAX AND REVENUE ANTICIPATION NOTES, SERIES 1999A IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,000,000.00; AWARDING AND CONFIRMING SALE OF THE NOTES, AND ENTERING INTO CERTAIN COVENANTS AND MAKING CERTAIN REPRESENTATIONS IN CONNECTION THEREWITH; APPROVING THE FORM OF THE NOTES; AND RELATED MATTERS.

Clerk/Auditor Bruce Funk presented to the Commission the final documentation needing to be signed to close a \$2,000,000.00 tax anticipation note for Emery County. Commissioner Randy Johnson informed the public that most counties issue tax anticipation notes and it is a good way of doing business. The costs are very minimal to the County and allow us to pay our creditor's throughout the year in anticipation of tax revenues to be received at the end of the year.

Commissioner Randy Johnson made a motion to approve signing Resolution 2-16-99A and the final documents to close the \$2,000,000.00 tax anticipation note. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)



EMERY HIGH RODEO TEAM REQUEST FOR SPONSORSHIP.

Will Payne requested a donation from the County for the Emery High Rodeo team for their rodeo which will be held April 16 and 17, 1999. There are over 100 participants this year. Commissioner Randy Johnson made a motion to be a diamond sponsor for the Emery High Rodeo team which is a \$250.00 donation. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

AARON HOWE, FOREST SERVICE, REQUEST SUPPORT FOR GRANT APPLICATION FOR HUNTINGTON CANYON IMPROVEMENTS.

Aaron Howe was unable to attend the meeting so Brent Barney from the Forest Service was present in his place. Mr. Barney requested the Commission adopt a resolution in support of a grant application for Huntington Canyon improvements. The Forest Service is trying to reduce the sediment impact in the Canyon and improve the water quality. There is money available through the TEA-21 program. The resolution must be received by UDOT on or before March 3<sup>rd</sup>. Mayor Rowley, Huntington City, requested that UDOT take over the other pullouts that were scheduled to be constructed by Huntington City. Gaye Babcock, UDOT, stated that Huntington City would need to prepare an agreement that the City would maintain their portion of the project after the construction was completed. Commissioner Randy Johnson made a motion to request Attorney David Blackwell to prepare a resolution stating the County's support for the grant application for Huntington Canyon improvements. The motion also included encouraging the Forest Service to work with Huntington City to include their projects on the Forest Service's list.

(5)

CONSIDERATION AND ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND CONFIRMING THE SALE OF \$1,500,000.00 TAXABLE GENERAL OBLIGATION PUBLIC PURPOSE BONDS, SERIES 1999A OF CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH; AND RELATED MATTERS.

Darrel Leamaster, CVSSD District Manager, presented to the Commission Resolution 2-16-99B, authorizing the issuance and confirming the sale of \$1,500,000.00 taxable general obligation public purpose bonds. Mr. Leamaster informed the Commission that anytime there is a bond issue for CVSSD, it must be approved in a Commission meeting. The bonds are a loan through the CIB board with 0% interest rate and a five year payback period with payments beginning January 1, 2000 and ending on January 1, 2006. Mr. Leamaster stated that the money from the bonds would be used for aerial photography, roads, curb & gutter, drainage and sewer. Kent Michie, Zions Bank, discussed with the Commission the different information contained in the resolution.

Commissioner Randy Johnson made a motion to approve resolution 2-16-99B. The motion was

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seconded by Commissioner Ira Hatch and approved by all members present.

(6)

CITIZEN CONCERNS.

Glenda DeCaro came before the Commission to discuss Economic Development and their loan process. Ms. DeCaro is a small business owner in Huntington and her husband were issued a loan by the Economic Development Board. She indicated that she and her husband were no longer married and that she had made some attempt to satisfy their obligation and that she would like to be granted some kind of relief on the loan. Commissioner Kent Petersen stated that the Commission had no authority to make any decisions concerning the Economic Development Board but that the Commission would be willing to talk with the Economic Development Board so see if an agreeable solution to all parties involved could be reached. Commissioner Ira Hatch encouraged Ms. DeCaro to work with the Economic Development Board to create a payment schedule.

(7)

CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN THE BLM AND EMERY COUNTY ON CLEVELAND/LLOYD DINOSAUR QUARRY.

RosAnn Fillmore, Economic Development, presented an agreement to the Commission for their consideration. The agreement is between Emery County and the BLM. Emery County agrees to do certain improvement projects at the Cleveland/Lloyd Dinosaur Quarry and in return the BLM will pay the County approximately \$12,000 in fees that were collected at the Quarry. The County completed the improvements last summer with the help of AmeriCorps workers. This agreement is the easiest way to get the money from the BLM to the County.

Commissioner Ira Hatch made a motion to approve the agreement with the BLM. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

DISCUSSION OF PROPERTY TAXES ON NIELSON CONSTRUCTION/EMERY COUNTY PROPERTY TRADE.

County Assessor James Fauver informed the Commission that there was \$124.97 owing on the piece of ground that the County took over from Nielson Construction in a property trade. The property was formerly green belt ground and State law requires the rollback taxes to be paid before the title can be transferred. A title search was done on the property and did not pick up the outstanding tax liability. A similar situation occurred on a piece of ground owned by Steven

Williams (taxes are paid by Mark H. Williams). The Emery County road department obtained a right of way leaving a rollback tax of \$12.49 on that piece of ground.

Mr. Fauver pointed out that the Commission had two options: they could inform the prior owners that they had to pay the tax or the Commission could abate the taxes. It was the consensus of the Commission that since the transfers were a benefit to the County the previous owners should not be held liable for the outstanding taxes due.

Commissioner Randy Johnson made a motion to abate the taxes of \$124.97 due from Nielson Construction and \$12.49 due from Steven Williams. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

PLANNING/ZONING COMMISSION REQUEST SETTING OF PUBLIC HEARING ON LARGE SITE PLAN FOR UTAH AMERICAN ENERGY, INC. LILA CANYON COAL MINE.

Mack Huntington, Planning & Zoning Chairman, informed the Commission that the Planning & Zoning Committee has reviewed an application from Utah American Energy, Inc. for a large site plan on the Lila Canyon coal mine. The Committee has approved the application. Jay Marshall, Utah American Energy Inc., displayed a map of where the mine would be. At full capacity the mine should employ 125-130 people. Some discussion followed concerning road issues. Mr. Huntington stated that the road issues are the authority of the County Commission. Commissioner Randy Johnson made a motion to set a public hearing on March 16, 1999 at 10:00 a.m. to receive public input on the Lila Canyon coal mine. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

ROAD DEPARTMENT/LANDFILL ISSUES.

Rex Funk, Road Dept. Supervisor, discussed with the Commission the problem of old tires that are being received from the Green River area. The landfill has no way of disposing of the tires. The Commission instructed Mr. Funk to send a letter stating that the Emery County Landfill will no longer accept contaminated tires.

Mr. Funk also stated that the engineers have staked out the new ball field behind Esquire Estates. The road department has begun work to level out the field.

(11)

APPROVAL OF VOICE MAIL FOR COURTHOUSE.

Commissioner Randy Johnson made a motion to approve installing voice mail in the courthouse. Commissioner Ira Hatch was out of the room at the time of this motion. As a result, Commissioner Kent Petersen stepped down to second the motion. The motion was approved by all members present.

(12)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check/Edit List #118043 through and including #118218 for payment.

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
4694	'86 INTER. DUMP TRUCK	TRADED IN	APPROVED
5432	'85 TRACTOR	TRADED IN	APPROVED

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Jeff Kelsey, IBA Administrator, provided the Commission with an update of how we stand after seven months of our twelve month contract for insurance has gone by. Our claims are a little higher than estimated at the beginning of the year and will likely result in an insurance increase at renewal time. Mr. Kelsey thought it was important to bring to the Commission more discussion about joining a Preferred Provider Organization to try and cut some of our insurance costs. Commissioner Kent Petersen stated he thought it was important to look into this matter and set a target date for July when we renew our insurance policy.

Pat Snowball presented the following personnel matters:

***Extension***

Cassie Jones has been appointed for an up to 90 day temporary position effective February 4,

1999 at a rate of \$7.00 per hour. Commissioner Randy Johnson made a motion to ratify the appointment of Cassie Jones as an up to 90 day temporary clerical worker for the Extension office. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

### ***Road Department***

The Road department would like to begin recruitment for two up to 9 month temporary positions. These positions will be equipment operator/drivers at \$10.26 per hour effective April 5, 1999. Commissioner Ira Hatch made a motion to allow the Road department to begin the recruitment process for two up to 9 month temporary positions. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

### ***Assessor's Office***

The Assessor's office is requesting approval to hire Shelly Gilpin as Deputy Assessor at her current wage of 5A \$7.91 per hour effective February 22, 1999. Also, the Assessor's office is requesting approval to begin an "in-house" recruitment for Title and Registration Tech, 4A \$7.58 per hour regular part time, eligible for pro-rated benefits. Commissioner Randy Johnson made a motion to approve the above request. Commissioner Ira Hatch seconded the motion and it was approved by all members present.

Personnel Director Pat Snowball also discussed with the Commission the request from the Recreation District that the County allow the "Horse Thief Trail Ride" event they are sponsoring to come under the County's liability umbrella because coverage is not available through the Recreation District without purchasing additional coverage. Discussion followed concerning the County's involvement in these kinds of activities. It was the consensus of the Commission to change the name of the fair director to activities director so that these type of events could be covered by the County liability insurance. A motion was made by Commissioner Randy Johnson to be a sponsor of the "Horse Thief Trail Ride" covering the event under Emery County's liability insurance. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

### **APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Randy Johnson made a motion to approve the minutes dated February 2, 1999 as

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corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

COMMISSION REPORTS.

***Commissioner Hatch***

Commissioner Ira Hatch discussed the new fire trucks that the Fire District recently purchased and stated that there were requests from other county entities to receive one of the old trucks that were replaced. It was decided that the other county entities would need to contact the Fire District and put in a request to them for the old trucks.

***Commissioner Johnson***

Commissioner Johnson complimented Commissioner Petersen on his being active in the legislature this year. He stated that he was pleased with the progress of the River Runs Through It bill up to this point.

***Commissioner Petersen***

Commissioner Petersen stated there are two bills that are important to Counties before the legislature. The first would require that any judgment levies by Counties must go through the truth-in-taxation process and the second is the bill requiring a vote of the people before any increase in property tax can take place.

(16)

OTHER BUSINESS.

Shannon Hiatt, Recreation District Director, informed the Commission that the upcoming rodeo has received PRCA approval. He also told the Commission that Recreation District Board Member Kent Larsen, representing Ferron City, would no longer be able to continue as a board member due to work conflicts. Ferron City recommended appointing Mayor Garth Larsen as a board member until the term expires. Commissioner Ira Hatch made a motion to ratify the appointment of Garth Larsen to the Recreation District Board. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(17)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

There were no matters for executive session.

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(18)  
ADJOURNMENT.

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**March 02, 1999**

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sr. Deputy Clerk/Auditor Brenda Dugmore and other Elected Officials and Citizens.

Commission Chairman Kent Petersen called the meeting to order at 4:00 p.m.

(1)

DELENA FISH, DEPARTMENT OF WORKFORCE SERVICES.

Delena Fish, Workforce Services, presented to the Commission an activity report showing the job placements over the last year. Ms. Fish also informed the Commission of the workshops and training programs that would be taking place in the near future.

(2)

BRANDON BEHLING, REQUEST FOR SUPPORT OF EAGLE PROJECT.

Brandon Behling requests financial support for an eagle scout project. The project consists of making quilts to be donated to the Sheriff's Department for distribution to people in need after being involved in an accident. Commissioner Ira Hatch made a motion to contribute up to \$250.00 to cover the cost of the materials. Commissioner Randy Johnson seconded the motion. The motion was approved by all members present.

(3)

CAROL WARE, ORANGEVILLE CITY, REQUEST FOR ASSISTANCE WITH STABILIZATION OF COTTONWOOD CREEK.

Carol Ware and Mayor Thayne Cox, representing Orangeville City, were present to request assistance with bank stabilization of the Cottonwood Creek to prevent loss of property in Orangeville City's park and to protect the existing sewer line which services the northwestern part of Orangeville. Carol Ware informed the Commission that the embankment has eroded away and is cutting into the berm that has protected against high water. Howard Tuttle from Johansen & Tuttle Engineering has evaluated the situation and recommends 250 yards of rip rap be placed against the south bank of the creek for a length of 200 feet. The estimated cost for the entire project is \$8,000-\$10,000. County Road Supervisor Rex Funk has agreed to lend the use of County equipment and a County operator with the rip rap coming from the County landfill



area. It would be necessary to contract with a local contractor to haul the rip rap. The cost for the hauling contract would be about \$2,500 to \$3,000. This project would constitute giving up County Road Department assistance this year for Orangeville City's community clean up day. Commissioner Ira Hatch made a motion to approve the project up to \$3,000.00 according to the conditions as spelled out above. The motion also included if work was needed on the North bank further discussions would be needed at that time. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)

CITIZEN CONCERNS.

Kay Jensen, Huntington/Cleveland Irrigation Company, informed the Commission that Huntington/Cleveland Irrigation Company was having trouble getting a reply concerning permanent easements from the US Forest Service Regional office in Ogden, Utah. Receiving a permanent easement would be much cheaper for the Company and add stability. The Huntington/Cleveland Irrigation Company has been working on this problem since 1996. Commissioner Ira Hatch suggested that it would be worthwhile to check with other irrigation companies in the area and see if they are having the same problem. Commissioner Ira Hatch made a motion to write a letter to the US Forest Service Regional Office requesting a reply as to why there has been no response concerning permanent easements. Commissioner Randy Johnson seconded the motion and it was approved by all members present.

(5)

APPROVAL OF CONTRACT WITH MUSEUM FOR PART-TIME EMPLOYEE.

Attorney David Blackwell presented to the Commission a contract with Janet Petersen for part-time services at the San Rafael Museum. Commissioner Ira Hatch made a motion to approve the above contract. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

APPROVAL OF AMENDMENT TO FAIR DIRECTOR CONTRACT.

Attorney David Blackwell recommended an amendment to the Emery County Fair Director contract dated January 19, 1999. The duties of the Director would be expanded to include responding to the Emery County Board of Commission as well as the Emery County Fair Board. Commissioner Randy Johnson made a motion to adopt the agreement and get it signed by Kathy Justice, the current Fair Director. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

RATIFICATION OF RESOLUTION SUPPORTING TEA-21 HUNTINGTON CANYON ROAD GRANT APPLICATION.

Commissioner Randy Johnson made a motion to ratify Resolution #02-16-99C supporting the TEA-21 Huntington Canyon Road Grant application. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

ROAD DEPARTMENT/LANDFILL ISSUES.

Rex Funk, Emery County Road Dept. Supervisor, reported to the Commission that the Castle Dale ball field is now to the point that Castle Dale City should be able to finish it. It took about two weeks to get the field leveled.

Mayor Hansen from Green River City has requested help from the Emery County Road Department for chipping and sealing approximately five miles of road this year.

Mr. Funk also reported on the progress of the Goblin Valley road project. The project has been well coordinated and very well received.

(9)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check/Edit list #118453 through and including #118567 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
15-99	Oxygen Acetylene Welding Set/up Weed & Mosquito	425.00	Approved
16-99	Metal Detector/Sheriff	420.00	Approved
17-99	Laptop Computer/Safe Comm.	2,428.95	Held
18-99	Cabinets/Road	664.00	Approved
19-99	Truck Bed/Road	1,395.00	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
5891	Okidata Printer	Auction	Approved
1318	File Card Box	Auction	Approved
4899	Printer-1080-I	Auction	Approved
6275	Okidata Printer	Auction	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List for payment and requisitions and dispositions as presented with the exception of the laptop computer for Safe Communities. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director Pat Snowball presented the following:

***Health Insurance***

The initial amendment to allow mail order of maintenance drugs was incorrect in that it specified a percentage as a copay. It actually requires a dollar amount for the copay. The suggested copays are: for generic drugs the employee pays a \$10.00 copay, then the plan pays 100%; for brand name drugs the employee pays a \$25.00 copay, then the plan pays 100%. Commissioner Ira Hatch made a motion to allow the Commission Chairman to sign the amendment to the agreement for mail order prescriptions. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

***Assessor***

The Assessor's office is requesting approval to allow the transfer of Joyce Staley from the Road Department to the Assessor's Office - State Tax, Department of Motor Vehicles at her current rate of 8B \$9.14/hr, in the regular part time capacity, eligible for prorated benefits, effective March 8, 1999. Commissioner Randy Johnson made a motion to approved the above transfer effective March 8, 1999. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

### ***Road Department***

The Road Department requests approval to recruit for the vacancy left by Joyce Staley which is a part time position working 20-39 hours per week at a rate of 4A, \$7.58 per hour, eligible for prorated benefits. Commissioner Randy Johnson made a motion to approve the Road Department to begin the recruitment process. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

### ***Clerk/Auditor***

The interviews of six applicants for the accounts payable/clerical position resulted in a recommendation to hire Brenda Williams who currently works in the up to 90 day temporary capacity in the Clerk/Auditor's office. Approval is requested to hire Brenda Williams in the up to nine month temporary capacity effective March 8, 1999 at a rate of 4A, \$7.58 per hour. Commissioner Randy Johnson made a motion to approve the above request effective March 8, 1999. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

### **CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve the minutes dated February 16, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

### **COMMISSIONER REPORTS.**

#### ***Commissioner Hatch***

Commissioner Hatch discussed a problem with the locks on the cabinets in the small conference room and requested that the locks be moved from the top of the cabinets to the bottom. Commissioner Hatch also discussed Representative Brad Johnson's bill that allocates funds for GIS. Commissioner Hatch suggested the County start the process for getting our name on the list of grantees.

***Commissioner Johnson***

Commissioner Johnson reported that he met with all of our delegation members while in Washington D.C. for NACO meetings. Both Senator's stated that they were in favor of our bill and were waiting for the timing to be right for its presentation to Congress. Commissioner Johnson also reported that there was an increase in the funding level of PILT which should result in an increase of County PILT monies over the next five years.

***Commissioner Petersen***

Commissioner Petersen reported that the last day of the State Legislature was March 3, 1999. The county annexation bill passed without opposition in the State Legislature. If the bill is signed by the Governor the Green River annexation question will be on the ballot in the year 2000. Commissioner Petersen also discussed other legislative issues.

(13)

**ADJOURNMENT.**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**March 16, 1999**

Present at the meeting were Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Sr. Deputy Clerk/Auditor Brenda Dugmore and other Elected Officials and Citizens. Commission Chairman Kent Petersen was excused from the meeting due to illness.

The meeting was called to order at 9:00 a.m.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check/Edit list #118768 through and including #118960 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
17-99	Laptop Computer/Safe Comm	2,428.95	Approved
20-99	Library Shelving	17,037.57	Approved
21-99	Flatbed Trailer/Weed & Mosq	2,665.00	Approved
22-99	Welder/Weed & Mosq	500.00	Approved
23-99	Camera/Assessor	444.00	Approved
24-99	Ultralight Projector/Safe Comm	3,384.00	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check/Edit List for payment and requisitions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(2)  
PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION

Personnel Director Pat Snowball presented to the Commission quotes on furniture and appliances for the downstairs break room. Discussion followed as to what appliances and furniture would be necessary. Commissioner Randy Johnson suggested identifying a source of funding to make this project possible. He also suggested that Ms. Snowball talk to the other departments to get their feedback and after that was done to put this item on the agenda and

make a final decision.

(3)

CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.

Clerk/Auditor Bruce Funk presented to the Commission a business license for David Elliott. Mr. Elliott sharpens clipper blades for vet clinics. Planning & Zoning Administrator Bryant Anderson has signed off on this business license. Mr. Funk also presented a beer license renewal for Mr. Blaine Luke for his business at Trail Mountain Lodge. Commissioner Ira Hatch made a motion to approve the new business license and the renewal of the beer license. Commissioner Randy Johnson seconded the motion and it was approved by all members present.

(4)

PLANNING/ZONING REQUEST APPROVAL FOR APPOINTMENT TO PLANNING COMMISSION.

Mack Huntington, Planning Commission Chairman, informed the Commission that Board member Ben Coomer resigned his position on the Board. Mr. Huntington submitted the name of Judy Scott from Green River as a replacement to the Board. Ms. Scott has stated that she would be willing to serve on the Board. Commissioner Ira Hatch made a motion to approve the appointment of Judy Scott to the Planning Commission Board. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(5)

CITIZEN CONCERNS.

Joan Brinkerhoff, Juvenile Probation Supervisor, brought quilts that the kids on probation made to donate to the ambulances. Ms. Brinkerhoff stated that she spent approximately \$200.00 and the kids were able to make seven quilts. She thanked the Commission for their donation to help purchase the materials to make the quilts.

Tracy Jeffs, Chairman of the Public Lands Council, came before the Commission concerning the need for Emery County to identify roads in the Heritage sites using G.P.S. equipment. At a minimum all of the bisects of the roads need to be identified. Commissioner Randy Johnson stated that Commissioner Kent Petersen had met with people that could be involved with this process. A bill passed by the Legislature would allocate \$450,000.00 to assist in this process throughout the State. The County should be able to get some of those funds to assist in this project. Commissioner Ira Hatch stated that at a minimum the Heritage sites should be mapped and the best access roads to them designated. Commissioner Randy Johnson pointed out that if a road is not inventoried it doesn't mean that it doesn't exist. There will need to be more than one team to do the inventory. Commissioner Johnson stated that the Commission should move forward on this project and seek funding from the State to help with the costs. The Recreation

Subcommittee is doing a good job in helping the project move forward. Margaret Swasey should be commended for her efforts in this area.

(6)

PUBLIC HEARING - TO RECEIVE PUBLIC COMMENT REGARDING PROPOSED  
LARGE SCALE SITE PLAN WHICH INCLUDES A COAL MINE IN LILA CANYON.

Mack Huntington, Planning Commission Chairman, informed the Commission that Utah American Energy Inc. has met with the Planning Commission staff and the Planning Commission Board and both have endorsed their large scale site plan. Jay Marshall representing Utah American Energy Inc. presented a map showing where the proposed mine would be located. Construction is scheduled to begin in the summer of 1999. The site plan encompasses forty acres of land owned by the Bureau of Land Management. Access to the mine would be by Emery County roads. Rosann Fillmore asked how many jobs would be created. Mr. Marshall stated that at full capacity the mine would employ 135 people. Tony Conder asked about the company, where the headquarters were located and if they would be a union or nonunion mine. Mr. Marshall stated that the company is owned by Robert Murray. Mr. Murray is the largest independent coal producer in the United States. The company is incorporated in the State of Utah. The mine would prefer to be union free.

(7)

CONSIDERATION AND APPROVAL OF UTAH AMERICAN ENERGY INC.'S PROPOSED  
LARGE SITE PLAN.

Commissioner Ira Hatch made a motion to approve the large scale site plan of Utah American Energy Inc. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

PLANNING/ZONING REQUESTS THE SETTING OF A PUBLIC HEARING TO RECEIVE  
PUBLIC COMMENT ON SITE PLAN APPROVAL FOR A GOLD MINING OPERATION.

Planning Commission Chairman Mack Huntington informed the Commission that the Planning Commission Board has finished the preliminary work on a site plan for GoldTerra, Inc. The site plan is for a gold mining operation at the Blue Castle mine site. Mr. Huntington requested that the Commission set a date for a public hearing to receive public comment on the proposed site. Commissioner Ira Hatch made a motion to set a public hearing for April 6, 1999 at 5:30 p.m. to receive public comment on the above proposal. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)

ROAD DEPARTMENT/LANDFILL ITEMS.



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Rex Funk, Road Dept. Supervisor, reported that work is continuing on the Lowry Water bridge. The Road Dept. is also continuing work on the Easter roads. Mr. Funk also reported on the proposed improvements to the Moore cutoff. Funding should be available in the year 2003. The Road Dept. will have four years to get all of the preliminary work completed before the funding can be received. There was also some discussion concerning right of ways and the progress of the gravel project in Joe's Valley.

(10)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes of March 2, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

COMMISSION REPORTS.

***Commissioner Hatch***

Commissioner Hatch reported that he had attended a Workforce Services meeting. Workforce Services is in need of more space in Castle Dale and anticipate relocating within the next few years. If funding and arrangements can be brought together this relocation could occur sooner. Commissioner Hatch also reported that the Ferron Senior Center has been completed and there will be an open house on March 26, 1999 from 1:00 p.m. - 3:00 p.m. Construction has begun on the Castle Dale Senior Center. Plans for a new Senior Center in Emery are also moving forward.

***Commissioner Johnson***

Commissioner Johnson reported that he spoke with Bob Weidner concerning PILT allocations. This year the funding level has increased and if the current legislation passes, within ten years the County's PILT allocation could increase. The bill currently has good support.

(12)

OTHER BUSINESS.

Sheriff LaMar Guymon informed the Commission that the State of Utah is going to begin charging \$75.00 per month per rack for the communications system located on Cedar Mountain. The Sheriff's Dept. is considering moving into Cellular One's building where the rent would not cost as much.

Sheriff Guymon also informed the Commission that the Sheriff's Posse no longer has any law enforcement capacity. All of the Posse's decals and shoulder patches will have to be replaced

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with decals that say Search and Rescue.

Sheriff Guymon reported that the Fire District was inquiring as to the status of their CIB grant. Attorney David Blackwell stated that the paper work was moving forward.

Commissioner Ira Hatch inquired about the overall communications plan. Sheriff LaMar Guymon stated that the Road Department, Sheriff's Department, Ambulance and Commission radios are all tied into one system. Sheriff Guymon also volunteered to meet with Commissioner Hatch and go over the entire system.

(13)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Commissioner Ira Hatch made a motion to move into executive session. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

ADJOURNMENT.

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

April 6, 1999

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Randy Johnson was excused from the meeting as he was out of town. Commission Chairman Kent Petersen will step down during the meeting to second motions as needed.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check/Edit list #119192 through and including #119405 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
25-99	(10) Two-way radios/Road Dept	\$6,950.00	Approved
26-99	(2) Mounts for TV Tower/Comm	600.00	Approved
27-99	(4) Mounts for TV Tower/Telvsn	1,200.00	Approved
28-99	(1) Honda Pressure Washer/W&M	999.00	Approved
29-99	(1) Tire Changer/W&M	1,200.00	Approved
30-99	(3) Antenna for Ch 2,4 & 5/Telvsn	1,230.00	Approved
31-99	(1) HP DeskJet Printer/GIS	471.57	Approved

Dispositions were presented for the following:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>DEPARTMENT</u>	<u>ACTION</u>
146-5402	91' GMC Jimmy/Trade-In	Assessor	Approved
142-4388	Sanyo Calculator/Junked	Clerk/Auditor	Approved
142-5810	Epson Lap-top Computer/Auction	Clerk/Auditor	Approved
160-3535	Executive Chair/Junked	Extension	Approved

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Commissioner Ira Hatch made a motion to approve the Warrant Check/Edit List for payment and the requisitions and dispositions as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

In other Clerk/Auditor business Bruce Funk presented a Beer License application for approval. Mary Dea Headrick DBA: Millsite Restaurant's application for a Class A Beer license has been cleared for approval through the Sheriff's Department, the Health Department and is now ready for Commission approval. Commissioner Ira Hatch made a motion to approve the Class A Beer license for Mary Dea Headrick DBA: Millsite Restaurant. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Mr. Funk also requested sending out a note to department heads as well as other county entities in order to obtain a list for a county auction. A date, time and place to hold a County Auction will need to be set at the next Commission Meeting.

Sherif LaMar Guymon requested permission to get bids and return with a requisition for new vehicles that were budgeted for by the Sheriff's Department as the deadline to obtain state bids has nearly passed. Commissioner Ira hatch made a motion to approve Sheriff Guymon's request to obtain bids for the new vehicles. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball presented the following personnel action for consideration and approval:

Economic Development

Vickie Wilbanks has completed her six-month orientation and based on the policy she is eligible for a raise from 4A \$7.58/hr. to 5A \$7.91/hr. Economic Development Director, Rosann Fillmore recommends the increase which upon approval of the Commission would become effective April 12, 1999. Commissioner Ira Hatch made a motion to approve the raise for Vickie Wilbanks as outlined. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Road Department

The Road Department requested approval to hire Craig Bingham as Equipment Operator/ Driver in the up-to-nine month temporary category at a rate of \$10.26/hr. Upon approval of the Commission Craig would begin working on April 7, 1999. Commissioner Ira Hatch made a motion to approve hiring Craig Bingham for up-to-nine months as outlined. The motion was

seconded by Commissioner Kent Petersen and approved by all members present.

### Library

The Library requested approval to begin the recruitment process for an independent contractor to perform minor maintenance duties such as changing light bulbs, replacing faucet washers, replacing drawer handles, etc. as well as yard care, including maintaining the sprinkler system (repairing leaks, spring start-up and winterizing) at the library in Green River. The Library further requested to advertise on Channel 26 and post at several areas in Green River as well as in the newspaper. Commissioner Ira Hatch made a motion to approve the recruitment process for contracting with an independent contractor to perform the minor maintenance duties as outlined at the Green River Library. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

### Clerk/Auditor

Terry Williams has resigned her position in the Clerk/Auditor's Office. Request was made to recruit for a Deputy Clerk/Auditor, 4A \$7.58/hr. This would be a regular part time position, eligible for prorated benefits. Commissioner Kent Petersen instructed Pat Snowball to send Terry a letter of thanks for ten years of good service to Emery County. Commissioner Ira Hatch made a motion to approve recruitment for a Deputy Clerk/Auditor as outlined. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

### Training Day

Utah Association of Counties Insurance Mutual (UACIM-The Mutual) has sent out the 1999 Risk Management Program. It suggested counties should conduct a defensive driving course every two years. Counties will be asked to participate in a training especially for drivers who are required to hold commercial driver's licenses. Avoiding sexual harassment claims is another training that is offered. Pat Snowball contacted Shawn Guzman, Risk Manager at the Mutual, and tentatively scheduled a "training day" for May 5, 1999 which would include all of this training and have it done in one day. Defensive driving would take place the first four hours in the morning and the training on avoiding sexual harassment claims would take place after lunch. A word could also be put in for the drug-free workplace which the independent auditor asks each year if we do. Mrs. Snowball suggested having a prepared box lunch that day for those who attend. The Board of Commissioners recommended Mrs. Snowball make the necessary arrangements to have a training day.

### Employee break room proposal and funding plan.

In the previous Commission Meeting Mrs. Snowball had discussed with the Commission plans for furnishing the break room downstairs with new furniture and appliances. At that time the Commission suggested identifying a source of funding to make the project possible. Mrs. Snowball passed out a survey to the departments asking several questions with the bottom line being; Is your department willing to contribute to the break room furnishing project? From the survey it was determined some departments did not want to contribute to this project and some were willing to contribute. After some discussion on this matter it was decided to scale back the project somewhat by getting a less expensive couch and fridge. Commissioner Ira Hatch made a motion to approve the project with the funds coming from department contributions. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

TOM ALEXANDER, UTAH POWER, QUARTERLY UPDATE.

Tom Alexander, Utah Power provided an informative quarterly update of local and corporate activity for the 1<sup>st</sup> quarter of 1999.

(4)

TRACY JEFFS, PUBLIC LANDS COUNCIL, DISCUSSION OF MAPPING HERITAGE SITES AND FUNDING FOR PROJECT.

Public Lands Director, Val Payne addressed the Board of Commissioners regarding the Utah RS2477 Rights-of-Way Mapping Assistance Program. In recent years Geographic Information Systems (GIS) and Global Positioning Systems (GPS) technologies have become indispensable tools for organizations involved in planning, economic development, resource management, land records management and a wide range of other activities which use geographically referenced information. As a basis for organizing and sharing geographic data, the Utah Legislature created the State Geographic Information Database to facilitate information sharing, decision-making, and policy formulation by all users. Without the cooperation of federal, state and local agencies, this effort would not be possible. The Legislature recognized the importance of RS2477 mapping during the Special Session in November of 1993 and defined the right-of-ways and responsibilities. The 1998 legislature recognized that although many benefits to the State can be derived by utilization of GIS and GPS in rural areas, many rural governments do not have the resources to implement the technology. The legislature therefore appropriated \$450,000 through House Bill 334 of the 1999 legislative session to be used for this program. The money is to be used by counties for mapping and photographing existing features currently on the ground. The intent of the program is to encourage and support counties as the coordinating entity for RS2477 mapping integration within their area. All rural counties are eligible for program funds; other rural government entities are eligible through participation with the county proposal. Proposals must have the approval of the county governing body prior to submission. The Recreation Sub-Committee of the Public Lands Council formally requested to submit a proposal

to the Automated Geographic Reference Center with Emery County as the applicant. Mr. Payne cited the program as a means for mapping RS2477 Right-of-ways and heritage sites in Emery County. A budget will need to be set up as well as cost projections of the county's participation in the program. Because of time restraints for proposal to be sent in, a proposal will need to be considered as soon as possible. Commissioner Ira Hatch made a motion to assign the recreation Sub-Committee of the Public Lands Council to formulate a proposal to bring before the Commission at the next meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(5)

KAREN TRUMAN, EMERY COUNTY COMMUNITY THEATER, REQUEST FOR CONTRIBUTION.

Karen Truman, Emery County Community Theater expressed concern for not receiving contribution funding in 1999 and requested the Commission reconsider the contribution to their program. Commissioner Ira Hatch made a motion to contribute the standard contribution amount of \$250.00. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

5:30 p.m. - PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON GOLD TERRA, INC'S PROPOSED LARGE SCALE SITE PLAN.

Commission Chairman, Kent Petersen opened the Public Hearing to receive comment on GoldTerra, Inc.'s proposed large scale site plan.

Mack Huntington, Planning Commission Chairman, addressed the public. All information regarding the proposed large scale site plan has been given to the public and all requirements from state and federal agencies have been met. Since Emery County is the authorizing agent for the large scale site plan approval this public hearing is the final step for moving forward with the proposal. Mr. Huntington introduced Dan Shepherd, President of GoldTerra, Inc. to the Board of Commissioners and the public. Mr. Shepherd provided an overview of the proposal which is a small pilot project with a five acre permit to mine locatable minerals in the Horse Canyon area. They have contracted with Minchey Digging to haul the earth to their floatation unit in Carbon County where it is then sealed in 55 gallon drums and flown to Europe and then refined. They have a tailing pond in Carbon County. The large scale site plan has the approval of the BLM and the Planning Commission. If approved they will begin work right away. They will work with Rex Funk and the Road Department for use of the two and a half miles of Class B unimproved road.

Rue Ware asked if they paid taxes to federal government. Commissioner Petersen stated they do not as locatable mineral mining is not taxed. Assessor Jim Fauver pointed out that they will pay

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county property taxes while working in the county. Commissioner Hatch asked about the anticipated workforce used for this project. Mr. Shepherd answered that they anticipate approximately eighteen to twenty workers at first and upwards to two hundred after they get up and going.

Being no further comments Commission Chairman Kent Petersen closed the Public Hearing.

Commissioner Ira Hatch made a motion to approve GoldTerra, Inc's proposed large scale site plan for development and if needed to ratify in the next meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

CITIZENS CONCERNS

There were no citizens concerns at this time.

(8)

ROAD DEPARTMENT/LANDFILL ISSUES.

A. Final report on Cottonwood Creek stabilization project.

Rex Funk, Road Department reported that the Cottonwood Creek stabilization project is complete and that it went well. They had the final inspection by Mark Page and Howard Tuttle. The estimated cost of the project was \$2,500 to \$3,000 however the engineers required 1,500 more rip rap and a special liner bringing the total cost to \$3,800. The Commission had required the Road Dept. to report back to the Commission if the cost exceeded the \$3,000 projected amount. Commissioner Ira hatch made a motion to approve the additional \$800 to be paid on the project. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

In other Road Dept. business, they will be assisting the cities with their annual city clean-up projects in April and May.

UDOT funding officials will be here April 12, 1999 at 10 AM to discuss topics of interest for our area.

(9)

CONSIDERATION AND APPROVAL OF 1999 PROPERTY TAX EXEMPTIONS.



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Clerk/Auditor, Bruce Funk presented the 1999 Property Tax Exemption list for approval. These are properties owned by churches and other properties that make application with the county for exempt status as required by the state. Commissioner Ira Hatch made a motion to approve the 1999 Property Tax Exemptions as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

SETTING OF DATE FOR 1999 MAY TAX SALE.

Clerk/Auditor, Bruce Funk informed the Commission that the date for the May Tax Sale is May 20, 1999 at 10:00 A.M.

(11)

CONSIDERATION AND APPROVAL OF BID FOR TITLE SEARCHES ON PROPERTIES TO BE SOLD AT THE 1999 MAY TAX SALE.

Clerk/Auditor, Bruce Funk presented one bid for title searches on properties to be sold at the 1999 May Tax Sale. The bid was from South Eastern Utah Title Company for \$100. per parcel. Because the bid was considerably higher than last year, Mr. Funk recommended setting the administrative cost at \$200. Commissioner Ira Hatch made a motion to accept the bid of \$100. per parcel from South Eastern Utah Title Company and to set the administrative cost at \$200. for the 1999 May Tax Sale. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(12)

DISCUSSION OF UPDATING COUNTY TRAVEL RULES AND REGULATIONS.

Leslie Bolinder, Commission Administrative Assistant discussed updating the county travel rules and regulations. The lodging cost as stated in the policy is not realistic and has not been updated to meet the rising cost of safe lodging in the country today. After discussion of this matter Commissioner Ira Hatch made a motion to assign Attorney, David Blackwell to look into the policy, research the matter at question and return with a proposal to either adopt or ratify at the next meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

NOTIFICATION OF EXPIRED BOARD MEMBER TERMS ON EMERY COUNTY WATER CONSERVANCY DISTRICT AND EMERY COUNTY NURSING HOME BOARD.  
DISCUSSION OF ADVERTISING FOR BOARD MEMBERS.

The Emery County Water Conservancy District, the Emery County Nursing Home and the Municipal Building Authority of Emery County have board members whose terms have expired. By law the ECWCD must advertise for board members. These boards have tried to maintain a geographic membership. There was discussion on publishing in the paper a notice of vacancy to get a list of applicants who may have an interest to serve on these boards. Commissioner Ira Hatch made a motion to have all boards publish notice of vacancy and have anyone interested in serving on these boards pick up an application from the Clerk/Auditor's office. The Clerk/Auditor's office will distribute them to the respective boards and the Commission for review. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(14)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING RESOLUTION #12-15-98C REGARDING DISTRIBUTION OF MINERAL LEASE FUNDS.

Attorney, David Blackwell explained that in order for the Emery County Fire Protection Special Service District to qualify for a mineral lease revenue bond in order to purchase the five fire engines it is necessary to change the distribution of mineral lease funds set by Resolution 12-15-98. Originally the Fire District was to receive 6% of the mineral lease funds and all of the State PILT funds. Resolution 12-15-98C needs to be amended as follows: All the State PILT funds are to be transferred to the Emery County Special Service District and the distributions to change on the Emery County Special Service District to 62% and the Emery County Fire Protection Special Service District to 12%. Commissioner Ira Hatch made a motion to approve amending Resolution 12-15-98C providing for disbursement changes as outlined in Resolution 4-6-99A. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

DESIGNATION OF UACIM PROXY FOR MANAGEMENT CONFERENCE.

Commissioner Ira Hatch made a motion to appoint Kent Petersen to be the voting delegate at Utah Association of Counties Insurance Mutual Management Conference. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(16)

CONSIDERATION AND APPROVAL OF DEED REGARDING PROPERTY IN HUNTINGTON CANYON.

In the 1983 May Tax Sale, L & L Agri-Business paid the property taxes on a six acre

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parcel #02-0016-0001 located in Huntington Canyon. To clear Emery County of any interest on this parcel of property a quick-claim deed must be filed. This is necessary to clear the title and any interest Emery County may have in the property. Commissioner Ira Hatch made a motion to quick-claim any interest Emery County may have in parcel #02-0016-0001 to L & L Agri-Business. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(17)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes dated March 16, 1999 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(18)

COMMISSIONER REPORTS.

Commissioner Kent Petersen reported that the Joint Highway Committee approved the \$391,000. to finish the paving of Goblin Valley State Park which we will be getting in July of 2002. Emery County will be matching funds for this project.

The Ferron Sr. Center is complete. They had an open house for the public. Many people came to visit.

(19)

OTHER BUSINESS

In other business Clerk/Auditor, Bruce Funk reported on the abandoned vehicle program. Sr. Deputy Clerk/Auditor, Brenda Dugmore reported that the mileage rate for reimbursement has changed as of April 1, 1999 to \$.31 per mile.

Sheriff LaMar Guymon requested approval for Voice Mail program for the Sheriff's Department which includes service at 50 stations including Green River.

(20)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Commissioner Ira Hatch made a motion to move into executive session. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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April 6, 1999

Present at the Executive Session was Commission Chairman Kent Petersen, Commissioner Ira Hatch, Sheriff LaMar Guymon, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

Upon return to regular meeting Commissioner Ira Hatch made a motion to approve signing the settlement agreement with Linda White and Heritage Management as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(21)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting at 7:30 P.M. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**April 20, 1999**

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
JOANN BEHLING, CONSIDERATION AND APPROVAL OF PROPERTY TAX EXTENSIONS.

Treasurer, Jo Ann Behling requested approval for the following property tax extensions:

Earl & Marlene Farley  
David O. & Mary Flake  
Gary Brinkerhoff  
Len Johnson  
A.J. Properties  
David Robertson  
Wayne & Tammy Allred

Regarding the David Flake property, Mr. Flake is in the process of deeding the property over to Gerry Hatch and Gerry will pay the back taxes and penalties. The extension is just to insure that all the paper work is completed to avoid going to the May Tax Sale. All of the individuals who have applied for extensions have signed agreements in place. Commissioner Randy Johnson made a motion to approve the extensions that have signed agreements. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

There are no properties for the 1999 May Tax Sale.

(2)  
EMERY COUNTY TRAVEL BUREAU PRESENTATION OF BROCHURE DESIGN AND REQUEST FOR FUNDING.

Emery County Travel Council Director, Jo Ann Ekker presented the Commission with a sample of their proposed brochure designs and maps. The Travel Council is requesting to produce 15,000 brochures at an approximate cost of \$3,000, five large maps at an approximate cost of

\$300., 15,000 17x22 road maps at a cost of approximately \$5,000. and rack cards providing accommodations and general information at a cost of approximately \$1,700. In the 1999 budget sessions the Travel Council had included in their budget request to create the brochures and maps. However, in a effort to cut the 1999 budget the Board of Commissioners elected to not include the brochures in the Travel Council's budget. It was suggested at that time to do an Emery County brochure that consisted of more committees than just the Travel Bureau. They did form the committee, they have come up with their ideas, the maps and brochure cost. They have now come to the Board of Commissioners to request the funds to do the brochures and maps. Commissioner Johnson asked the Travel Council if it would be acceptable to produce fewer maps to see if they would produce enough revenue to be self-sufficient. Clerk/Auditor, Bruce Funk suggested spending the Travel Council fund balance and dealing with their other needs when the budget is opened later this year. Economic Development Director, Rosann Fillmore explained that the Travel Council has several other things this year that will impact their fund balance. Commissioner Johnson recommended going ahead with the project with the recommendation of producing fewer maps and using the Travel Council's fund balance and then the Board of Commissioners will address their other needs when the County budget is opened.

(3)

### CITIZENS CONCERNS

Sheriff LaMar Guymon, introduced Ken Shultzon, Jail Consultant for Sahara Construction. Mr. Shultzon was asked to do a study of the current Emery County Jail facility. There have been some problems with the facility in terms of compliance with State and Federal regulations. According to Mr. Shultzon Emery County's facility is the worst in the state and is at condemnation level. The jail is being run very well in spite of the problems associated with the building. Mr. Shultzon recommended beginning the process for building a new facility. The process for building a new facility is lengthy and requires support from the taxpayers which may require a bond election. He suggested bringing on board consultants to help with the process of assessing the needs of the county, develop operation scenarios and funding considerations. Mr. Shultzon further suggested utilizing the Municipal Building Authority of Emery County as a means for removing the indebtedness from Emery County. Commissioner Johnson recommended beginning the process which would begin with public meetings to receive input from the public.

Road Department Supervisor, Rex Funk reported on Tahoma Company's proposal for landfill covering. Phase I of the permitting requirements calls for four and a half feet of fill on top of the mass. Since that time the Department of Solid Waste has indicated that there are some alternative concepts that they would consider. Jeff Emmons, licensing officer in the permitting process attended a class where he was enlightened as to some of these alternative covers.

Tahoma Company has proposed that a study could save us a significant amount of money and probably cut the mass fill to about half for approximately \$2,500. and be performed within thirty days. Mr. Funk requested permission to pursue this and have Tahoma Company submit the alternative cover proposal. Commissioner Hatch made a motion to proceed with having Tahoma Company meet with those involved and begin the process of meeting the permitting requirements for mass cover at the landfill. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)

DISCUSSION OF FLOOD TAX

The Board of Commissioners had a discussion several meetings ago regarding the Reeder Canyon Sub-Division Road which is a new road that the county just took over last year. The county is proposing to build a bridge across Reeder Creek. There was discussion as to whether we should be using flood tax money for such projects. The flood tax was put on about 1983 when we had serious flood problems in the state and the county. In order to have access to state money we had to implement a county flood tax. We have, through several commission bodies in Emery County, used that tax to upgrade many structures. We have put in new bridges, bridge replacements and all weather dips. There are still four bridges in Emery County that are below sufficient ratings. The CC& H Canal Crossing South of Huntington, Lone Tree on the lower Muddy, 8<sup>th</sup> West Ferron Bridge and Lowry Creek Bridge in Joe's Valley. These bridges, except for the 8<sup>th</sup> West Ferron Bridge, are on the UDOT sufficiency list. No application has been made on these bridges for replacement. The 8<sup>th</sup> West Ferron Bridge and the Lowry Creek Bridge in Joe's Valley are of priority at this time. Clerk/Auditor, Bruce Funk stated that the Flood Fund is not very much at this time and from a financial end, he would like to see the county go through the flood season and not spend money out of this fund, giving the fund an opportunity to grow. Commission Chairman Kent Petersen expressed his understanding the need to let the fund grow, but the Lowry Creek Bridge is in dire need of replacement. The engineers recommended repairing the bridge after the flood season in the fall which is close to November, the time Emery County collects revenue from the Flood Tax anyway. Commissioner Petersen suggested following the engineers recommendations and pursue repairs on the Lowry Creek Bridge and look at preliminary designs to see where we are financially on the 8<sup>th</sup> West Ferron Bridge and the other bridges in need of repair in the county.

Bob Law commented on his approval of the Flood Tax and the use of the funds to keep the roads in Emery County in such fantastic condition.

(5)

DISCUSSION OF CENSUS 2000 REQUEST FOR INFORMATION ON SERVICE

LOCATIONS AND TARGETED NON-SHELTERED OUTDOOR LOCATIONS.

The Board of Commissioners decided to turn this project over to Bryant Anderson, Planning and Zoning Director.

(6)

APPROVAL OF BUSINESS LICENSE

Clerk/Auditor, Bruce Funk presented for approval a business license application from Sharon Wayman DBA: Shay's USANA and Crafts. This is a home occupation located in her home in Ferron. Commissioner Randy Johnson made a motion to approve the business license for Shay's USANA and Crafts. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

RATIFY DECISION TO APPROVE GOLD TERRA, INC. LARGE SCALE SITE PLAN.

Commissioner Randy Johnson made a motion to ratify the decision to approve Gold Terra, Inc.'s large scale site plan. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

ESTABLISHING A BUDGET/TIME TABLE FOR PUBLIC LANDS COUNCIL MAPPING PROJECT.

Val Payne, as instructed by the Board of Commissioners in last Commission Meeting presented a tentative proposed budget for the Global Positioning System inventory and mapping of Emery County's RS2477 Right-of-Way and Heritage sites. Mr. Payne cited this project as a useful tool for defending our position on the heritage sites. The latest reinventory is a great threat to our roads and we need this process to protect us. The inventory may be used as well by the Sheriff's Department, Road Department and Weed & Mosquito Department. Mr. Payne recommended using the proposed budget as a basis for seeking funds and developing application to receive funds from the state which have been appropriated for such a project. The deadline for application is May 19, 1999 however we can apply for an extension. Mr. Payne recommended trying to meet the deadline just in case we are not granted the extension. Lee and Margaret Swasey reported on volunteer efforts for getting a small portion of the inventory GPS work done.



It was suggested that the Road Department, Sheriff's Department and any others who may want to devote a day or two to doing inventory GPS work. The Recreation Sub-Committee and the Public Lands Council will be working on getting the application developed to bring to the next meeting. The Board of Commissioners thanked Lee and Margaret Swasey for the dedication and hard work they have devoted so far to the inventory GPS work.

(9)

DISCUSSION OF GUNNISON BUTTE MUTUAL IRRIGATION COMPANY'S PROPOSED PROJECT APPLICATION WITH UTAH BOARD OF WATER RESOURCES.

The Board of Commissioners received a letter from the Department of Natural Resources. The Utah Board of Water Resources had received an application for assistance from the Gunnison Butte Mutual Irrigation Company to divert water from the Green River into a proposed irrigation system that would bring about 10,000 acres in Emery and Grand Counties into agricultural production. The preliminary cost estimate for the proposed project is \$14,000,000. The DNR will send the Commission a copy of the project feasibility report if the Board of Water Resources votes to fund the project. Accompanying the report will be a copy of a summary letter to the applicant explaining what must then be done to actually receive State money for engineering, construction, and other expenses. No action was needed at this time.

(10)

CONSIDERATION AND APPROVAL OF EXTENSION/RENEWAL OF TEMPORARY USE PERMIT UTU-73235-01-GOBLIN VALLEY ROAD.

The time has lapsed with the original temporary use permit. Approval of this extension/renewal of temporary use permit will cover the rest of the phases for reconstruction on Goblin Valley Road. Commissioner Ira Hatch made a motion to approve the extension/renewal of temporary use permit UTU-73235-01-Goblin Valley Road with BLM. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

UPDATE ON Y2K COMPLIANCE.

Pat Snowball provided an update on Y2K compliance concerns expressed by Utah Association of Counties. The concerns included imbedded chips in fire alarms and elevators.

Bret Mills, Communications Department reviewed a letter from Spillman Data Systems regarding software non compliance. The Sheriff's Department has now come across some

glitches in their programs. During budget time in the fall of 1998 it was discussed and originally funded for but not much was known about it so it was set aside. The Sheriff's Department is now faced with having to replace the computer used for the law enforcement network as Spillman has informed them that they no will no longer accept the use of IBM computers. The pentium systems will not run their software. Spillman has suggested purchasing a Sun Ultra 10s 333 Mhz server. Bret Mills and Sheriff Guymon recommend staying with Spillman because of the ease of transferring the files. There is an obvious need to resolve this problem however it was not budgeted for in 1999. The Board of Commissioners approved replacing the computer in principal for today and possibly look at other avenues for resolving this problem. They will address the funding when they open the budget in June.

(12)

ACKNOWLEDGMENT OF UACIM BOND PAYMENT.

Commission Chairman Kent Petersen reported that in 1992 the Utah Association of Counties Insurance Mutual borrowed money to get the association going. The money could not be repaid until UACIM reserves reached the three million dollar mark. The Mutual has reached that point and has voted to start paying the notes back. Emery County loaned the largest amount of money. Treasurer, JoAnn Behling presented the Board of Commissioners with a large check for \$125,806.45. \$113,225.80 was interest and \$12,580.65 was principal.

(13)

DISCUSSION OF APPOINTMENTS TO THE ECONOMIC DEVELOPMENT COUNCIL.

Economic Development Director, Rosann Fillmore informed the Commission that at their retreat in January the council decided to increase the numbers on their board to include representatives from the city councils, various businesses and citizens. The terms for appointments will change to one year terms with a six year reappoint limit. The Economic Development Council presented the following names for appointment to the board:

Delynn Fielding	Deb Dull	Tom Alexander
Kent Petersen	Delena Fish	Kirk Sitterud
John Healy	Dennis Worwood	Stan Colby
Linda Jewkes	Art Olsen	Carey Bloomer
Rey Lloyd Hatt	JoAnn Weatherington	Daryl Wilcox
Jackie Wilson	Carol Pilling	Tom Rasmussen
Michael Williams	Glade Westwood	Michael McCandless
Ken Nielson	Dennis Rigby	Dan H. Cox
Richard Stilson	Roger Scovill	Christine Jensen

Commissioner Ira Hatch made a motion to approve the appointments to the Economic Development Council. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

APPOINTMENT TO CAREER SERVICE COUNCIL.

Commissioner Randy Johnson made a motion to table this agenda item. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check/Edit List #119595 through and including #119817 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
32-99	Sofa, refrigerator, end table/break room	1,449.85	Approved
33-99	Sun Computer System upgrade/Sheriff	12,685.00	Approved
34-99	Marriage License Software/Clerk/Auditor	500.00	Approved

There were no dispositions.

Commissioner Randy Johnson made a motion to approve the Warrant Check/Edit List for payment and requisitions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel action for consideration and approval:

Road Department

The Road Department requests approval to hire Jan Christensen in the position of Road Department Secretary, a regular part time position, eligible for prorated benefits, at 4A \$7.58/hr., effective April 6, 1999. Commissioner Ira Hatch questioned whether hiring another person at the Road Department office was necessary. Rex Funk, Road Department Supervisor explained that this position was needed as inventory control and purchasing needs to be kept on top of and as the time approaches to begin the changes at the landfill, personnel will be needed to maintain records. Commissioner Petersen recommended hiring for the position. Commissioner Randy Johnson upon the recommendation of Commissioner Petersen made a motion to approve hiring Jan Christensen as a regular part time Road Department Secretary as presented. Commissioner Kent Petersen stepped down to second the motion.

Dustin Tucker has completed his six-month orientation. Request was made to move Dustin from entry level 12 \$10.26/hr., to 12A \$10.57/hr. effective April 22, 1999. Commissioner Randy Johnson made a motion to approve the level change for Dustin Tucker as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Ira Hatch made a motion to approve the minutes dated April 6, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(18)

COMMISSION REPORTS

Commissioner Hatch

Commissioner Hatch reported concerns from citizens regarding the airport operations. He has visited with Sheriff Guymon regarding OHV travel designated Class D Roads in the county. Sheriff Guymon explained to Commissioner Hatch that unless the County designates a road as open to OHV travel then it is closed. This is turning into a heated issue in the county.

Commissioner Johnson

Commissioner Johnson reported to the Colorado Plateau on Emery County's Heritage Bill. The Colorado Plateau by-laws do not provide a format for endorsing a particular issue; however as a board they are overwhelmingly in favor of the bill and will be asking their people to approve and endorse the process Emery County went through.

Last week he attended a very positive and productive Public Lands meetings in Boise, Idaho.

The television license has been approved for renewal. Emery County will now ask to change the license to a low wattage television station, meaning we will do our own transmission rather than a rebroadcast station. Emery County wants to retain the station as a public service station and give up the optional rebroadcast type of station that it is now licensed as. Commissioner Johnson requested permission to send a letter asking to have license changed to a low wattage. Because of the time constraints the letter will be ratified in meeting next week. The response that the Commission has heard from Emery County citizens is that people want to keep this station operating as is has been as a public service station. Commissioner Johnson asked to have a consultant come in and overview our whole television system and provide some insight as to what we are to expect in the future, what we are lacking, how we could improve. This is something we need to do before we spend anymore money on our television system. Commissioner Petersen and Hatch agreed.

Commissioner Petersen

Commissioner Petersen asked Attorney David Blackwell, Treasurer JoAnn Behling and Clerk/Auditor Bruce Funk to work together and get things moving along on the judgment levy for Deseret D&G. There are many procedures that have time restraints and legal requirements attached to them and we need to be moving forward.

(19)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Executive session was not needed.

(20)

ADJOURNMENT

10

Commission Meeting Minutes

April 20, 1999

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**May 4, 1999**

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Senior Deputy Clerk/Auditor, Brenda Dugmore presented for consideration and approval the Warrant Check Edit List #120246 through and including #120405 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
35-99	99' Dodge Durango/Sheriff	\$25,792.50	Approved
36-99	(2) Dispatch Chairs/Sheriff	1,718.00	Approved
37-99	99' Crown Victoria/Sheriff	20,984.00	Approved
38-99	99' Crown Victoria/Sheriff	20,984.00	Approved

Transfers were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>TRANSFER TO..</u>	<u>ACTION</u>
160-1031	Hotpoint Refrigerator	410-Road Department	Approved
160-3803	Round Table	410-Road Department	Approved
160-3401	Orange Nagahyde Chairs (Also #,s 3399,3553,3406 3405 & 3404)	410-Road Department	Approved

Commissioner Ira Hatch made a motion to approve payment of the Check Edit List and the Requisitions and Transfers as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

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May 4, 1999

(2)

BRANDON BEHLING, PRESENTATION OF EAGLE PROJECT-QUILTS FOR THE SHERIFF'S DEPARTMENT.

Brandon Behling presented Sheriff LaMar Guymon with twenty quilts to be placed in patrol vehicles for emergencies. Brandon thanked the Board of Commissioners for help in funding the project. Sheriff Guymon accepted the quilts and thanked Brandon and the Board of Commissioners for their generous gift.

(3)

BLM, RICHARD MANNIS, QUARTERLY UPDATE.

BLM District Manager, Richard Mannis provided an informative update of 1<sup>st</sup> Quarter BLM activity. He thanked Val Payne, Joe Norton and San Rafael Museum for their support and hospitality at the Wilderness Study of Statewide Plan Amendment Open House. It was an information gathering open house. BLM did not offer any official comments. They were pleased at the number of people who attended and received good comments and feedback. BLM will be holding similar open house meetings in other towns throughout the state.

BLM has received proposals from Aspen Pipeline and Questar Gas to put in pipelines. They have received proposals from several other companies wishing to use that same corridor for pipelines.

Regarding the Lila Canyon Coal Mine they are continuing with the process for application for Right-of-Way. The haul route, portal and facilities at the portal all fall outside of the lease area. BLM will have to authorize under a Title 5 FLPMA Right-of-Way.

BLM has received proposals for permits from "Dreamworks Film Company" to film a movie called Galaxy Quest starring Tim Allen and Sigourney Weaver. They will be filming between Goblin Valley and Little Wild Horse Canyon first and then moving into the park later this month. BLM has received a lot of pressure from the State Film Commission to make sure all goes well.

The Cleveland Lloyd Dinosaur Quarry security has been completed. Thanks to the Sheriff's Department.

Regarding U.S. Gypsum Mine, the operators have pulled their request for a plan of operation. They will not be pursuing an E.I.S. U.S. Gypsum has submitted a notice to mine under the 1872 mining law which allows an operator to mine on a claim if there is going to be five acres or less of disturbance.

(4)



FOREST SERVICE, JOHN HEALY, QUARTERLY UPDATE.

Acting Forest Ranger, John Healy provided an informative update of 1<sup>st</sup> Quarter Forest Service activity. Agriculture Secretary and Under Secretary for Natural Resources and Environment announced in February of this year an eighteen month moratorium on new road construction in unroaded areas in most national forests. This moratorium will allow time to examine information gathered by the science review committee, involve the public, to formulate a roads policy for the twenty first century.

They have selected a new District Ranger for the Ferron/Price Ranger District. His name is Crockett Dumas. He had previous experience in our area on the Escalante Ranger District.

The draft Environmental Impact Statement for the South Manti Timber Salvage is available for comment through the end of June. Through this project, the Forest intends to address concerns with expansive areas of dead and dying spruce trees which have been killed by infestation of spruce beetles at epidemic levels across the South Manti landscape.

He also provided an overview of the Recreation Fee Demonstration Program and discussed the proposed changes in the Manti Fee Area Project based on input received from previous meetings.

(5)

DWR, MILES MORETTI, QUARTERLY UPDATE.

Miles Moretti was not available for an update at this time.

(6)

EMERY TELEPHONE, MIKE MCCANDLESS, QUARTERLY UPDATE.

Emery Telephone Representative, Mike McCandless provided an informative update of 1<sup>st</sup> Quarter activity. They held their annual meeting in Green River, re-electing Kathy Justice and Olive Anderson. They announced completion of switching upgrades and construction projects for 1999. They will be completing fiber optic networking. They will be installing a remote central office in Orangeville. They have purchased a boring machine which will allow them to bore under the streets without tearing them up. In the Legislative session the Governor's Digital State Act we will see a strong push to have licenses, fees, tax payments etc.. acceptable to pay on the internet or electronic media. This is in an effort to showcase Utah as a technology state by the year 2001. Regarding education, Emery Telephone has given approximately \$37,000.00 last year to the school district in labor and initiative programs, grants, scholarships and etc. and will continue to do so in 1999.

(7)

AMERICANS FOR FREEDOM ON PUBLIC LANDS, PRESENTATION OF PETITIONS AND DISCUSSION OF FEES ON THE MANTI FOREST.

Roxanne Abney, Americans for Freedom on Public Lands presented the Board of Commissioners with signed petitions and made a presentation stating objection to the Forest Service's Recreational Fee Demonstration Program. Commissioners Johnson, Petersen and Hatch commented that while they opposed the fee the most effective place to state opposition is with the congressmen who are in support of the demo fee. The Commissioners also pointed out that paying to be on public lands is a heated issue which is a major concern, however, we need to be more concerned for the closure of RS2477 Roads and Right-Of -Ways which deny us access the land in the first place. The Board of Commissioners encouraged everyone to write to their congressmen. The Commissioners thanked Mrs. Abney for her presentation, accepted the signed petitions and encouraged the group and everyone to write to their congressman. The petition will be available for public viewing in the Clerk/Auditor's office.

(8)

CHERYL PECK, DISCUSSION OF RELOCATION OF FOOD BANK/CLOTHING EXCHANGE TO THE CASTLE DALE SENIOR CITIZEN'S BUILDING.

Cheryl Peck was not available at this time, therefore this agenda item will be moved to May 18, 1999.

(9)

LYNN SMITH, REQUEST FOR DONATION FOR EMERY COUNTY GRADUATION NIGHT PARTY.

Lynn Smith, Four Corners Mental Health/Drug and Alcohol Abuse was present to request a donation to a party designed to celebrate graduation. Last year they had over five hundred students and anticipate a greater turnout this year. The donation would be used to purchase door prizes. Sheriff LaMar Guymon suggested that instead of the donation the County could pay the cost of overtime for the Deputies who will be monitoring the celebration. In years past Four Corners has paid the Sheriff's Department for the overtime and could use the funds they would have paid to the Sheriff's Department to purchase door prizes. The Board of Commissioners agreed to this arrangement and encouraged Four Corners to use local merchants for the door prizes.

(10)

D.W. VANWAGONER, DISCUSSION OF USE OF COUNTY EQUIPMENT AND

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BUILDING PERMITS.

D.W.VanWagoner was not present at the meeting.

(11)

CITIZENS CONCERNS.

There were no citizens concerns at this time.

(12)

DISCUSSION OF BOARD APPOINTMENTS/REAPPOINTMENTS FOR EMERY COUNTY WATER CONSERVANCY DISTRICT, EMERY COUNTY NURSING HOME BOARD, AND MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY.

In an effort to provide an opportunity for a variety of citizens to serve their communities on the various boards in Emery County, the Board of Commissioners advertised for applications to serve on these boards. The Emery Water Conservancy District has three vacancies representing Cleveland/Elmo, Castle Dale and Ferron. Municipal Building Authority of Emery County has one vacancy. The Emery County Nursing Home Board has two vacancies representing Orangeville and Castle Dale. Many of these boards try to maintain a geographic balance and thus are limited in the individuals who are willing to serve. The Board of Commissioners has received applications from several individuals who are willing to serve on these boards. Those individuals interested in serving on the Nursing Home Board are: Linda Ware, Orangeville, Randall Stilson, Orangeville, Nikki Hayward, Castle Dale, Linda White, Ferron and JoAnn Behling, Ferron. Those individuals interested in serving on the Emery Water Conservancy District are: Mark H. Williams, Castle Dale, Merrill Swasey, Castle Dale, Ronald Barney, Ferron, Eugene Johansen, Castle Dale, Kay Jensen, Cleveland, and Clyde Conover, Ferron. Those individuals interested in serving on the Municipal Building Authority of Emery County are: Ronald Barney, Ferron. The Board of Commissioners expressed their gratitude to those individuals who applied and are willing to serve on these boards. The applications were turned over to the respective boards for review and the Commission is waiting to hear back from these Boards with their recommendations.

(13)

DISCUSSION OF UPDATING COUNTY TRAVEL RULES AND REGULATIONS.

The Board of Commissioners had assigned Attorney David Blackwell to look into Emery County's Travel rules and regulations. This was being looked into after it was determined to be difficult to find safe lodging at the rate suggested by the policy. Mike McCandles suggested looking into the IRS allowance for travel. Commission Chairman Kent Petersen commented he felt the departments were doing a good job keeping their travel expenses to a minimum and suggested they table this for now and ask the department heads to continue to use their best judgement in overseeing this. The Commissioners asked Bruce Funk and JoAnn Behling to look into the IRS allowance and report to David Blackwell to aid in his research into this matter.

(14)

SETTING OF BUDGET MEETING DATES IN PREPARATION OF OPENING THE 1999 EMERY COUNTY BUDGETS.

Commissioner Randy Johnson made a motion to set a budget work meeting for May 17, 1999 at 12:00 P.M.. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

CONSIDERATION AND APPROVAL OF APPLICATION FOR STATE MAPPING PROJECT.

Val Payne, Public Lands reported that the committee has not completed the grant application. He requested approval to have the application approved at this time and ratified in the May 18, 1999 meeting as the deadline for the application is May 14, 1999. Commissioner Randy Johnson made a motion to approve the application for State Mapping Project funding and to ratify in the May 18, 1999 meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

RATIFY LETTER ON TV STATION TRANSFER.

In the April 20, 1999 meeting Commissioner Randy Johnson requested approval to send a letter to the FCC requesting to have the television license changed to a low wattage television station allowing us to use the station as a public service station. Commissioner Johnson has sent the letter and now requests to have the letter ratified. Commissioner Randy Johnson made a motion to ratify the letter to the FCC requesting the license be changed to low wattage. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

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May 4, 1999

(17)

DISCUSSION OF DRAFTING A COUNTY POLICY ON DONATIONS.

It was suggested to the Board of Commissioners to draft a county policy for donations. One suggestion was to consider a donation in exchange for service hours. Commissioner Johnson expressed he liked the way donations have been handled thus far, but has no problem with asking for service hours. No decision was made at this time.

(18)

DISCUSSION OF UTAH STATE TAX COMMISSION COUNTY PROPERTY TAX REVIEW PROGRAM.

Assessor, Jim Fauver reported that the Utah State Tax Commission/Property Tax Division has proposed providing training and an overview of their Property Tax Review Program. They will be here on May 5, 1999 at 3:00 P.M.

(19)

JO ANN BEHLING, REQUEST TAX ADJUSTMENT FOR A-FAB.

Treasurer, Jo Ann Behling reported receiving an order of approval from the State Tax Commission. The Tax Commission has found A-Fab to have no value. Commissioner Randy Johnson made a motion to approve the tax adjustment for A-Fab. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(20)

APPOINTMENT OF CAREER SERVICE COUNCIL.

The Career Service Council is the board that was created to hear appeals on personnel action. Over the years the board was dissolved. There is a need to reconstitute the board and the following individuals were recommended to serve on that board: Randy Jensen, Judy Ann Scott and Keith Ware. Commissioner Randy Johnson made a motion to approve appointment of Randy Jensen, Judy Ann Scott and Keith Ware to the Career Service Council Board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(21)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball was not present at the meeting. Clerk/Auditor, Bruce Funk reported his office will be conducting interviews on Thursday, May 6, 1999 for a part time up to 39 hour entry level position. Because of the need to put the individual to work before the next meeting, Mr. Funk requested to be allowed to make the decision and put the individual to work on Monday, May 10, 1999 and have it ratified on May 18, 1999. Commissioner Ira Hatch made a motion to allow the Clerk/Auditor to hire the part time up to 39 hour, entry level position upon approval of Commissioner Ira Hatch and to have ratified in the next meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(22)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Ira Hatch made a motion to approval the minutes dated April 20, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(23)

COMMISSION REPORTS.

*Commissioner Johnson*

Commissioner Johnson will be traveling to Washington D.C. to lobby for P.I.L.T. Funds. His expenses will be reimbursed by NACO.

(24)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Executive session was not needed at this time.

(25)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

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ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

May 18, 1999

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

RYDALE LOFLEY, REPRESENTING EMERY HIGH TSA, REQUEST FOR DONATION TO ATTEND NATIONAL TSA CONFERENCE.

Rydale Lofley , Emery High Technology Association was present to request a donation for their group to attend the Technology Student Association Conference in Tulsa, Oklahoma. The group will compete with students from schools throughout the state in redesigning an auto using future technology. Commissioner Randy Johnson made a motion to donate the standard \$250.00 to Emery High Technology Association to attend the Technology Student Association Conference in Tulsa, Oklahoma. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

BRUCE WILSON, REQUEST DONATION TO EMERY COUNTY YOUTH LEADERSHIP COUNCIL.

This agenda item was deferred to another meeting time.

(3)

DISCUSSION OF REQUEST FOR RELOCATION OF EMERY COUNTY FOOD BANK AND CLOTHING EXCHANGE AND EMERY COUNTY CHAMBER OF COMMERCE TO THE CASTLE DALE SENIOR CITIZEN'S CENTER.

Barbara Doughery, Coordinator for Association of Governments in Price presented an overview of the program and the assistance they provide to the citizens of Emery County. Cheryl Peck, Coordinator for the Emery County Food Bank and Clothing Exchange provided photos showing the cramped conditions at the facility. The building they are currently occupying is owned by Patrick Jones, who has informed the Emery County Food Bank and Clothing Exchange that the building will be torn down sometime this summer. The center is in need of a place to relocate. Since the new Senior Citizens Center will be completed soon, they are requesting to move into the old Castle Dale Senior Citizens Center after it has been vacated.



Emery County Chamber of Commerce Chairman, Stan Colby was present to request facility to house the Chamber of Commerce. The Chamber board is comprised Emery County Commissioners and representatives of all the cities and many businesses in Emery County. Many people visiting our area are referred to the Chamber as well as businesses looking to locate in Emery County. The building they are presently occupying is small and hard for visitors to find. Mr. Colby also requested to move into the old Senior Citizens Center after it is vacated.

The Board of Commissioners will look into the options for occupation of the old Senior Citizens Center and make a decision by the June 1, 1999 Commission Meeting.

(4)

MIKE JAMES, DISCUSSION OF LOCAL HIRING.

Mike James and John Lindquist representing Local 57 Pipe Fitters were present to request the Board of Commissioners use their influence to encourage PacifiCorp to use contractors to hire local workers on the power plant overhaul. The union workers have tried to put in applications to be considered for work with Erwin, General Contractor for the boiler overhaul at Hunter Power Plant. They have not been able to even put in applications or make contact with the contractor. Work Force Services Director, Dale Roper was present to report that the contractors have not made contact with them for referrals. John Lindquist stated he goes for long periods of unemployment and to see a job of this magnitude come into the county and not be even considered for these jobs is a crime. The Board of Commissioners expressed their concerns and empathy for the situation. The Board of Commissioners pledged to express the concerns of the local unions and others seeking employment to PacifiCorp management.

(5)

CONSIDERATION AND APPROVAL OF RESOLUTION 5-18-99A AUTHORIZING THE ISSUANCE AND SALE OF \$1000,000 GENERAL OBLIGATION PUBLIC PURPOSE BONDS, SERIES 1999B OF CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH, FIXING INTEREST RATE TO BE BORNE, THEREBY, PROVIDING FOR THE LEVY OF TAXES TO PAY PRINCIPAL OF AND INTEREST ON SAID BONDS, PROVIDING FOR THE USE OF THE PROCEEDS THEREOF, MAKING CERTAIN FINDINGS AND COVENANTS IN CONNECTION THEREWITH, PROVIDING FOR A SYSTEM OF REGISTRATION THEREFOR, RATIFYING ACTIONS HERETOFORE TAKEN, PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED, AND PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND PROVIDING FOR RELATED MATTERS.

Castle Valley Special Service District Manager, Darrell Leamaster presented Resolution 5-18-99A for consideration and approval. The resolution was for authorizing the

issuance and sale of \$1,000,000. General Obligation Public Purpose Bonds, Series 1999B. The bonds will be used for construction of the Castle Dale/Orangeville Water Treatment Plant. The interest rate will be four percent at a five year payback. Commissioner Randy Johnson made a motion to approve Resolution 5-18-99A authorizing the issuance and sale of \$1,000,000. General Obligation Public Purpose Bonds, Series 1999B of Castle Valley Special Service District, Emery County, Utah. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

CITIZENS CONCERNS

Public Lands Director, Val Payne as directed by the Board of Commissioners was present to follow-up on the earlier request to approve and submit a grant application for funding of state appropriated funds for the purpose of inventorying Emery County's RS2477 Right-Of-Way and Heritage sites and routes to them. On May 4, 1999 Mr. Payne reported that the Recreation Subcommittee of the Public Lands Council had not completed the grant application and the deadline for application was May 14, 1999, therefore requested approval to send the grant application upon completion and have it ratified in the next meeting. Mr. Payne presented a copy of the grant application requesting funding for the maximum amount of \$50,000.00 of which Emery County will be required to match the remaining amount of the proposed \$102,500. budgeted amount. At this time Mr. Payne is requesting ratification of the grant application that was sent to the state for funding consideration. Commissioner Ira Hatch made a motion to ratify the grant application for funding of the mapping project as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Work Force Services Director, Dale Roper expressed concern that there are a lot of skilled people in Emery County seeking employment who are not union members. Work Forces can make contact with the contractors and companies doing business in the county but they can't force them to hire through Work Force Services. Susan Sitterud, Coordinator at Work Force Services stated that they were not even aware that there was another group, such as the union, out there looking for jobs because they don't coordinate with them. The union workers rely on their union to keep them working. Work Force Services has made attempts to contact Erwin, the contractor for PacifiCorp on the overhaul at Hunter Plant. At this time they have had no response from the contractor for a request to work local people.

Assessor, Jim Fauver, requested a Commission adjustment on property taxes for Sharpe Snow at Joe's Valley Marina. With penalties and interest their 1999 property taxes were \$382.88. Due to impacts to the marina from the Joe's Valley Campground reconstruction Mr. Snow is requesting an adjustment. The adjustment would reduce his 1999 property taxes to \$168.29. Commissioner Ira Hatch made a motion to approve the adjustment of 1999 property taxes for

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Joe's Valley Marina. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Steve Prince, Executive Director Castle Valley Gas Producers Association provided an update. Ferron Field EIS will be finalized sometime in June. They will going on a tour of Amoco Facilities.

Mike Miles, Project Manager for UDOT Region #4 was on hand to update the Board Of Commissioners on the fix for Highway 10. Work is scheduled to be done on Highway 10 in two years which is not soon enough considering the impacts Emery County may be receiving if SUFCO Mine's proposal coal haul road in the Quitchupah area goes through. SUFCO proposes moving the interchange to the north at U-10 interchange. There would be an added two hundred to four hundred coal trucks a day on Highway 10 which would be detrimental to Emery County with no added benefits. Mike indicated UDOT will make a request for a set of plans to be sent to Emery County.

(7)

CONSIDERATION AND APPROVAL OF INVESTMENT POLICY OF THE EMERY COUNTY TREASURER'S OFFICE.

The State has asked all County Treasurers to have a written policy of investment procedures based on State Code 63-5B-401. Treasurer, Jo Ann Behling was present to request Emery County adopt a written policy of investment procedures. The policy was approved.

(8)

APPROVAL OF BUSINESS LICENSE

A business license was not available for consideration at this time.

(9)

APPROVAL OF RSVP GRANT NO. 440-PO56/19

RSVP Director, Carolyn Randall was not in attendance at the meeting. Commissioner Ira Hatch has reviewed the contract which does not include Grand County and recommends signing it. Commissioner Ira Hatch made a motion to approve and sign RSVP Grant No. 440-PO56/19. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)

CONSIDERATION AND APPROVAL OF COUNTY BRAND INSPECTION AGREEMENT.

Commissioner Ira Hatch made a motion to approve the State of Utah, Department of Agriculture & Food, County Brand Inspection Agreement crossing out reference in Article III referring to Category I peace officer. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

CONSIDERATION AND APPROVAL OF AMENDMENT TO RESOLUTION 12-15-98C TO GUARANTEE PAYMENT OF MINERAL LEASE FUNDS TO EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

Attorney, David Blackwell in the continuation of reviewing bonds for funds to the Emery County Fire Protection Special Service District has found it necessary to include new wording in Paragraph 5 of Emery County Resolution 12-15-98C which allows the Emery County Commission to amend the Resolution in accordance with the changing needs of each district. Paragraph 5 is amended to the following:

This Resolution may be amended, from time to time, in accordance with the changing needs of each district and the increase or decrease of available funds. However, as long as any obligations of the Emery County Fire Protection Special Service District secured and payable from mineral lease revenues are outstanding, the County will not amend, alter, rescind, repeal, or otherwise modify the provisions of this Resolution in any way which diminishes the percentage of mineral lease revenues payable to the Emery County Fire Protection Special Service District in any way that adversely affects the security for such obligations.

Commissioner Randy Johnson made a motion to approve Resolution 5-18-99B amending Resolution 12-15-98C to guarantee payment of mineral lease funds to Emery County Fire Protection Special Service District. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

CONSIDERATION AND APPROVAL OF SCENIC BYWAY CONSULTANT CONTRACT.

Economic Development Director, Rosann Fillmore was not present at the meeting. Commissioner Randy Johnson reported that the contract is for consulting fees on the Huntington Canyon/Eccles Canyon Scenic Byway Corridor Management Plan & National Scenic Byway. Economic Development has received a grant for this project but as of this date the Board of Commissioners do not have any clarification on the status of the funds.

Commissioner Randy Johnson made a motion to approve the Scenic Byway Consultant Contract contingent upon Rosann Fillmore's satisfactory explanation to the Board of Commissioners of proposed grant funds for this project. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

DISCUSS ASSIGNMENT OF JIM FAUVER OVER COMPUTER OPERATIONS.

The Board of Commissioners discussed having Jim Fauver be over the computers for this year and address the matter more in budget sessions for next year. Clerk/Auditor, Bruce Funk expressed his feeling that Jim is doing a good job with coping with the individual needs of each office. Mr. Funk suggested looking at bringing in a computer specialist to relieve the pressure on Jim. Brett Mills handles many of the operations problems at the Sheriff's Office and he could use some relief also. Many times Jim is called away from his everyday Assessor responsibilities to handle computer problems in other departments. After discussion on this matter it was decided to assign Jim Fauver to be over Data Processing as well as maintaining the budget for that department. The Board of Commissioners will look into clarifying Mr. Fauver's responsibilities for now and look further into our needs for the future. Commissioner Randy Johnson made a motion to assign Jim Fauver to be over the Data Processing Department and computer operations. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

DISCUSS TIME SHEETS FOR SALARIED, EXEMPT EMPLOYEES.

After much discussion on this matter the Board of Commissioners reemphasized the need for all departments and salaried, exempt employees to hand in time sheets to the Clerk/Auditor's Office on time.

(15)

CONSIDERATION AND APPROVAL OF DONATION TO SOUTHEASTERN UTAH REVOLVING LOAN FUND TO HELP MAKE-UP SHORTFALL.

Commission Chairman Kent Petersen read a letter from Dennis Rigby, Revolving Loan Fund Manager of the Southeastern Utah Economic Development District. The letter requested \$625.00 from each of the four counties associated with the district. The requested funds are to help make-up the \$2,500.00 short fall and become the match for an additional \$7,500.00 in loan funds. Commissioner Randy Johnson made a motion to contribute \$625.00 from Dues & Contributions to Southeastern Utah Revolving Loan Fund to help make-up the short fall. The

motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #120597 through and including #120733 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
39-99	Headsets/Accessories Communications	\$1268.48	**HOLD
40-99	Passport Photo System Clerk/Auditor	649.00	Approved

Dispositions were presented for the following:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
410-2763	1978 GMC Truck	Sell at auction	Approved
410-4145			
410-5761	1988 Dodge Ram Charger	Sell at auction	Approved
431-6206	1978 Road Runner Trailer	Sell at auction	Approved
410-4825	PSX 200 Two Way Radio	Junked	Approved
622-4743	Cushman Trackster	Sell for parts at auction	Approved
NA	Avenger 400 Auto/ATV	Sell for parts at auction	Approved
622-4346	Avenger 400 Auto/ATV	Sell for parts at auction	Approved
136-5191	393 Microline Printer	Sell at auction	Approved
136-5341	Okidata 393 Printer	Sell at auction	Approved
143-4651	Toshiba Calculator	Sell at auction	Approved
142-4568	Sanyo Calculator	Sell at auction	Approved
160-3439	Blue Steno Chair	Junked	Approved
136-5354	NCR Validator	Sell at auction	Approved
144-5657	Simplex Time Clock	Sell at auction	Approved

The claim from the Road Department for a road grader was pulled for discussion. It was decided to pay the lease option on the grader for June to allow time for review. Requisition 39-99 was placed on hold to allow time for review with Sheriff Guymon.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment, with the exception of the road grader claim under review, Requisition 40-99 and the Dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel action for consideration and approval:

Clerk/Auditor

Bruce Funk, Clerk/Auditor requested approval to ratify the hiring of Amber Braun as Deputy Clerk/Auditor, regular part time 20-39 hours, eligible for benefits, at 4A, \$7.58/hr effective May 10, 1999. Commissioner Randy Johnson made a motion to ratify the hiring of Amber Braun as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Weed & Mosquito

James Nielsen, Weed & Mosquito Director requested approval to hire the following four temporary up to 90 day workers at a wage of \$10.26/hr.:

Benjamin Beagley who started working May 10, 1999.  
Jeffrey Dooley will start working June 1, 1999.  
Josh Farmer will start working June 1, 1999.  
Jerel Lofley will start working June 1, 1999.

Commissioner Randy Johnson made a motion to approve the hire of Benjamin Beagley, Jeffrey Dooley, Josh Farmer and Jerel Lofley for the temporary up to 90 days at \$10.26/hr. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Justice Court

Melany Viers has requested Family Leave for the birth of her baby. Family Medical Leave will begin when the baby is born and continue for eight weeks. The baby's due date is May 25, 1999. Commissioner Randy Johnson made a motion to approve eight week Family Medical Leave for Melany Viers. The motion was seconded by Commissioner Ira Hatch and approved by all

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members present.

(18)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Randy Johnson made a motion to approve the minutes dated May 4, 1999 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(19)

OTHER

Commission Chairman Kent Petersen reminded everyone of Emery County Recreation Special Service District's Employee Family BBQ on June 24, 1999 , 7:00 p.m. at Little Bear Campground Pavilion.

Commissioner Ira Hatch set a date for a Public Hearing on opening the 1999 Budget and for discussion of an impending judgement levy which could result in a tax increase, for June 15, 1999 at 6:00 P.M. in the Commission Chambers. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(20)

COMMISSION REPORTS

*Commissioner Johnson*

Commissioner Johnson reported on his trip to Washington D.C. where he lobbied on PILT allocations. He was surprised to hear how the war in Kosovo has impacted the budgeting process. Emery County's Wilderness Bill is still on the hot seat. At some point it will be introduced again and try, on its own merit, to pass.

*Commissioner Hatch*

Commissioner Petersen and Commissioner Hatch attended a CIB meeting where Emery County applied and was granted permission to use the leftover funds from construction of the Castle Dale Senior Citizens Center to pursue a Senior Citizens Center in Emery. Commissioner Hatch will be meeting this afternoon with Jo Ann Behling, Bruce Funk and Pat Snowball to discuss



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options for preferred provider for insurance. He will report to the other Commissioners on the outcome of their findings. He also reported that former Commissioner Bevan Wilson has been appointed to the UDOT Highway Commission and the CIB Funding Board. The CIB Funding Board will hold their retreat in Emery County in July and their meeting will be here also.

*Commissioner Petersen*

Commissioner Petersen reported on the accommodating nature of the CIB regarding the historic structure of the building in Emery previously occupied by Senior Citizens Program.

(21)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Commissioner Ira Hatch made a motion to move into executive session. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Those in attendance at executive session were: Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Sheriff LaMar Guymon, Attorney David Blackwell, Treasurer Jo Ann Behling and Deputy Clerk/Auditor Carol Cox.

Possible litigation and personnel matters were discussed.

(22)

ADJOURNMENT

Upon returning to regular meeting Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

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ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**June 1, 1999**

Present at the meeting were Commission Chairman Kent Petersen , Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #121112 through and including #121285 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
41-99	Micro transcriber/Sheriff	363.46	Approved
42-99	LP500 Defibrillator/Ambulance	3,105.50	Approved
43-99	35 mm Camera	250.00	Approved

Dispositions and transfers were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>DISPOSED/TRANSFER</u>	<u>ACTION</u>
318-3743	Milnor Industrial Washer Nursing Home	Sell at auction	Approved
160-3380	Large Conference table	Transfer to Sheriff	Approved
160-3803	Small Round table	Transfer to Ferron Sr. Cntr	Approved
160-3802	Small Round table	Transfer to Ferron Sr. Cntr	Approved
160-3557, 3556, 3554, 3560, 3558, 3551, 3559	(7) Nagahyde Orange chairs	Transfer to Sheriff	Approved

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Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment, the requisitions and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION

Personnel Director, Pat Snowball presented the following personnel action for consideration and approval:

Justice Court

Stan Truman, Justice Court Judge requested approval to hire Haley Orgill as temporary up to 90 days at \$6.00/hr. effective June 1, 1999. Haley will assist with clerical duties while Melany Viers is on Family Leave. Commissioner Ira Hatch made a motion to approve hiring Haley Orgill as specified. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(3)

TOM ALEXANDER, UTAH POWER, QUARTERLY UPDATE.

The Hunter Plant overhaul on unit 1 began May 14 and will be going for another four weeks. Commissioner Johnson took a few minutes to express the concerns of the local union as well as the Board of Commissioners regarding the hire of local skilled workers. Energy West has acquired new coal leases which will add approximately ten to fifteen years to their Deer Creek Mine. Due to engineering studies and reporting to DOGM it will be about two or three years before they can begin mining the thirty-five to fifty-five million tons of coal. Bo Taylor, Huntington Plant had inquired about scholarships for Emery Youth Council. UPL doesn't give scholarships to individuals, however they did have some mining scholarships at CEU that had not been applied for, so they will be turned over for the Youth Council to apply for. The ongoing Cottonwood Mitigation Project is moving along. On a corporate level, the merger with Scottish Power is taking a lot of their time and attention at this time. Hearing's will be held sometime in August. They have sold their California properties and are in the process of selling their Centralia Mine in Washington. Utah Power is up to date on Y2K compliance.

(4)

DWR, MILES MORETTI, QUARTERLY UPDATE.

Miles Moretti reported that a few years ago DWR traded what they call the upper and lower game farm in Huntington Canyon for a piece of property near Nielson Construction's yard. They

have a couple of ponds on this property which they have stocked with five hundred and fifty blue gill and one hundred large mouth bass from out of Pelican Lake in the Uinta Basin, as well as 1000 catch-able rainbow and bass from the hatchery. This is for their second annual "Kids Fishing Event" which is meant to encourage kids to get into fishing as part of their aquatic education program. They will have a Pathway to Fishing Trailer for the kids to check out fishing poles and receive instruction on fishing. The pond is primarily dedicated to kids. They are asking to have the blue gill and bass as catch and release for this first year to give the fish a chance to spawn. This program was very successful last year and they hope to have the same response this year. They will be doing a similar program at the pond near the Green River Golf Course in Green River. Due to last years over-sale of deer hunting permits for the southern region, DWR will pass out vouchers on June 12, 1999 which can be used to obtain a deer permit for that region. Regular deer permits for our area will go on sale June 21, 1999. He reported on the depredation conditions of the deer and elk. It has been a light winter and the animals don't want to move up the mountain yet which has caused some safety concerns both for the animals and humans. He also reported on the depredation conditions of bear in Desolation Canyon. There's not a lot of feed out there due to spring freezes. Bear have been in camps foraging for food.

(5)

DAVE EMERY AND RAY GRANGE, DISCUSSION OF BOYS SCOUT CAMP IMPROVEMENTS AND REQUEST COUNTY HELP.

Dave Emery and Ray Grange, adult supervisors of the Order of Arrow requested assistance in acquiring a bridge to facilitate access into the Boy Scout Camp south of Bear Creek Campground in Huntington Canyon. The advisors discussed the possibility of moving the Baily Bridge from Green River. The Historical Society may have this bridge on its list of historic bridges which could mean meeting national standards of safety as well as regulations of the BLM and Corp of Engineers. Mr. Grange and Mr. Emery requested incidental use of a county backhoe to be operated only by a qualified operator. Permission was granted to use a county backhoe as requested. The Board of Commissioners and the advisors discussed other possibilities. Any assistance regarding the bridge will hinge on the conditions the County will be asked to meet. Further investigation will be made about the use of the Baily Bridge and any requirements required for its installation, use and maintenance.

(6)

CITIZENS CONCERNS

There were no citizens concerns at this time.

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(7)

DISCUSSION OF COUNTY INSURANCE RENEWAL PROCESS.

Personnel Director, Pat Snowball reported that the County's new health insurance year begins July 1, 1999. The Board of Commissioners stated a need to seriously look into a network. The two networks being considered are IHC and CCN. The committee assigned to look into insurance options had formulated a table of pros and cons for the two networks being considered. The Board of Commissioners and the insurance committee will continue to look into the options and a decision will be made on June 15, 1999.

(8)

CONSIDERATION AND APPROVAL OF BOARD MEMBER  
APPOINTMENT/REAPPOINTMENT FOR EMERY COUNTY WATER CONSERVANCY  
DISTRICT AND EMERY COUNTY NURSING HOME.

The Board of Commissioners received a letter from the Emery Water Conservancy District recommending, after review of the applications, the following individuals for appointment/reappointment to their board, thus maintaining a geographic balance:  
Eugene Johansen, Clyde Conover and Kay Jensen.

Commissioner Randy Johnson made a motion to approve appointment/reappointment of Eugene Johansen, Clyde Conover and Kay Jensen to the board of the Emery Water Conservancy District. The motion was seconded by Commissioner Ira Hatch and approved by all members present. The Emery County Nursing Home asked to delay approval of appointment to their board.

(9)

CONSIDERATION AND APPROVAL OF ERNEST MONEY AGREEMENT FOR LAND  
SALE AT INDUSTRIAL PARK.

Economic Development Director, Rosann Fillmore requested approval of contract to sell a lot in the Huntington Industrial Park to Don Gordon for a Jiffy Lube. The one and a half acre lot will be sold for \$10,500.00. Earnest money in the amount of \$1,500.00 has been paid to the county. The contract requires the signatures of the Chairman of the Board of Emery County Commissioners and Huntington City Mayor. Commissioner Randy Johnson made a motion to approve signing the contract to sell one and a half acres in the Huntington Industrial Park to Don Gordon for \$10,500.00. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

DECISION OF OCCUPATION OF OLD CASTLE DALE SENIOR CITIZEN CENTER.

The Emery County Chamber of Commerce and Emery County Food Bank and Clothing Exchange came before the Board of Commissioners on May 18, 1999 for consideration of occupying the Castle Dale Senior Citizens Center after they have moved into the new building. At that time the Board of Commissioners had reported that they would make a decision at today's meeting as to that decision. The Board of Commissioners have received numerous calls regarding the unloading of the Food Bank truck. There was concern for the congestion at the U.S. Post Office as well as the local businesses in the area during the food drop. The Sr. Citizen Center will not be available until about October and the Food Bank and Clothing Exchange will need to relocate soon. The Clothing Exchange and Board of Commissioners will continue to look into other options for space. Commissioner Ira Hatch made a motion to table this decision for now. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

CONSIDERATION AND APPROVAL OF SUPPORT FOR RFP BY SEUALG FOR ASSISTANCE ON AFFORDABLE HOUSING PLAN AND 21<sup>ST</sup> CENTURY COMMUNITY PROGRAM..

The AOG has offered to be the recipient of the 21<sup>st</sup> Century Community Program funds and provide the planning for all the communities. By doing it this way AOG can put a planner on staff that would be effective in helping all of the communities. For this to work each of the communities including the counties should agree to be a part of it. There is a state mandate that states that each entity which includes cities and counties will have an affordable housing plan in effect. Participating in this program will enable us to comply with the mandate. The AOG suggested \$1,000.00 as matching funds to participate in this program. Commissioner Ira Hatch made a motion to donate the \$1,000.00 in matching funds to the AOG to participate in the 21<sup>st</sup> Century Community Program. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes dated May 18, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

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OTHER

In a previous meeting Emery County agreed with submission of a grant request to the committee set up to distribute \$450,000.00 that the State Legislature approved for helping counties map their RS2477 road assertions. Twenty-one counties submitted proposals for a total of well over a million dollars. Emery County was successful in getting \$10,000.00. There will be a mandatory training session for administrators of this money. Commissioner Ira Hatch made a motion to accept and sign the contract with the State of Utah for the \$10,000.00. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Leslie Bolinder reported that the County Auction will be held on August 21, 1999. Captain Owens at the Sheriff's Department is the contact person for the auction.

(14)

COMMISSIONER REPORTS

*Commissioner Johnson*

Commissioner Johnson reported on the combined efforts of Castle Dale City and the Emery County Fair for the Fair and Rodeo Grounds.

*Commissioner Hatch*

Commissioner Hatch reported that on Friday May 28, 1999 he, Val Payne and Bryant Anderson went on a tour of Gold Tera, Inc.'s lease sites and operations.

(15)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Commissioner Ira Hatch made a motion to move into executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Those present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney, David Blackwell and Deputy Clerk/Auditor Carol Cox.



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(16)

ADJOURNMENT

Upon return to regular meeting Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

June 15, 1999

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

DELENA FISH, DIVISION OF WORKFORCE SERVICES, QUARTERLY UPDATE.

Delena Fish, Division of Workforce Services provided the Board of Commissioners with statistics reflecting the labor market in Emery County for the 2<sup>nd</sup> quarter of 1999. Their Family Development Program was outlined, profiling characteristics of participants receiving financial assistance. Mrs. Fish also briefly explained the Southeast Region Applied Technology Education Program and requested a time when she could meet with the Commission to formulate a position for Emery County involvement with the program.

(2)

CAROL WARE, REQUEST DONATION TO EMERY COUNTY YOUTH LEADERSHIP COUNCIL.

Carol Ware, Emery County Youth Leadership Council Board member requested a donation to assist their appreciation banquet which will be held on August 14, 1999. The purpose of the youth council is to get the youth organized and involved in community affairs. They have arranged for Gary Sessions, a dynamic motivational speaker and founder of the Youth Council Program to speak to the anticipated two hundred attending the banquet. Commissioner Ira Hatch made a motion to support the youth council program with a donation of \$250.00. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(3)

MARGARET SWASEY, DISCUSSION OF DEVILS RACE TRACK AND EVA CONOVER ROAD.

Margaret Swasey and Allen Petersen were present to inform the Commission of a rumor heard of BLM's proposed closure of Eva Conover Road and Devil's Race Track due to damaged roads and surrounding areas. They met with BLM officials at their office and were informed that the roads will remain open until the travel plan is released or implemented which will be a local management decision with no more public input. OHV user groups are willing to put in the time

to repair the damage done to the area but not if the road is going to be closed. Commissioner Kent Petersen suggested drafting a letter to BLM officials informing them of the rumor and reminding them of the MOU Emery County has with BLM to include Emery County in the planning process and our determination to assert our RS2477 Rights and that we will fight to protect those rights.

(4)

MACK HUNTINGTON, PLANNING AND ZONING, REQUEST PUBLIC HEARING FOR GOLD TERA'S BLACK KNIGHT MINE SITE.

GoldTerra, Inc. has requested to expand their operations at their Black Knight Mine site. They have gone through the proper steps. The plan has been reviewed and endorsed by the planning commission. The next step is to hold a public hearing to receive public comment for their expansion plan. Commissioner Randy Johnson made a motion to set a public hearing for July 6, 1999 at 5:30 P.M. to receive public comment on GoldTerra, Inc.'s expansion plan at their Black Knight Mine site. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

CITIZENS CONCERNS

The Board of Commissioners received a letter from August Pace, Green River requesting assistance as an exchange student to Thailand. Commissioner Ira Hatch made a motion to approve a contribution of \$50.00 to August Pace as an exchange student to Thailand. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

ROAD DEPARTMENT/LANDFILL

A. Request approval for replacement of gas heaters at Green River Road Shop.

Rex Funk, Road Department Supervisor informed the Commissioners of a problem with the over head heaters at the Green River Road Shop. They have had problems with them misfiring causing a potential explosion and fire safety danger. It was his recommendation to replace the heaters with unit heaters. Commissioner Ira Hatch made a motion to approve replacing the heaters at the Green River Road Shop. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

B. Request approval of purchase of John Deere grader.

Commissioner Ira Hatch made a motion to approve executing the lease option purchase of the John Deere grader from Class B funds. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

C. Discussion of remodeling plans for Planning and Zoning office.

The Board of Commissioners discussed possible remodeling plans for the Planning and Zoning office. They will look further into options that were discussed.

Commissioner Ira Hatch thanked Lance Farmer for the work done on the Huntington billboard lights. The lights had been out for some time and are now functioning. Emery County pays the power bill on the lights whether they are on or not.

Rex Funk reported that the Road Department will be issuing an encroachment permit to GoldTera, Inc. for an access road in order to assert our RS2477 Right-of-Way.

Randy Johnson thanked the Road Department, especially Morris Sorensen and Ray Petersen for their help at the Rodeo grounds in preparation for the Emery County Fair.

(7)

DISCUSSION AND APPROVAL OF COUNTY INSURANCE NETWORK AND OTHER MATTERS RELATING TO HEALTH.

The Emery County health insurance plan renews July 1, 1999. In order to control the rising cost of this benefit, it has become necessary to consider participating in a health care network of preferred providers and facilities.

A health insurance committee composed of Commissioner Ira Hatch, JoAnn Behling, Bruce Funk, Brenda Dugmore and Pat Snowball have been working and exploring alternatives to provide health care benefits that plan participants have enjoyed, yet control the ever rising costs. This was an especially difficult renewal because of the network issue. Without a network in place costs are expected to rise in excess of 25%. With a network the plan can expect to save 20% to 21%. However, the health care inflation rate for 1999 is 18%.

Many discussions about numerous networks have reduced the choice to two networks which seemed to offer the best cost and availability to the county: IHC (Intermountain Health Care) and CCN (Columbia-Premier). The committee's recommendation was that the county participate in the CCN network. The deductible will stay at \$100-\$200 with an 80/20 split up to the maximum of \$5,000. Those participants who choose services out of the network will have a \$250-500 deductible with a 70/30 split. These are the only two areas of change. The other benefits with the plan will remain the same. Pat Snowball, Personnel Director proposed training sessions be

set up with participants and spouses to provide an overview of the policy. Clerk/Auditor Bruce Funk recommended Ira Hatch be a designee to sign the renewal documents as the date for renewal is before the next commission meeting. Ira Hatch made a motion to go with CCN as Emery County's health insurance network, to authorize his signature on the renewal documents and to ratify the signature in the July 6, 1999 commission meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

CONSIDERATION AND APPROVAL OF THE RETIREMENT CONTRIBUTION RATE INCREASES.

Deputy Clerk/Auditor, Brenda Dugmore reported that this year the only increase in the retirement contribution rate is for the Sheriff's Department which is 1.01. Commissioner Ira Hatch made a motion to approve the 1.01 increase in the retirement contribution rate for the Sheriff's Department. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)

CONSIDERATION AND APPROVAL OF CASTLE VALLEY SPECIAL SERVICE DISTRICT 1999 PROPOSED TAX RATES.

As of this date the state was still changing values and had not provided the proposed certified tax rates. No action was taken on this at this time.

(10)

CONSIDERATION AND APPROVAL OF EMERY COUNTY 1999 PROPOSED TAX RATES.

As of this date the state was still changing values and had not provided the proposed certified tax rates. No action was taken on this item at this time.

(11)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

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Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List #121327 through and including #121465 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
44-99	E-911 Software upgrade	7,700.00	Approved
45-99	Body Armor/Sheriff	431.00	Approved

There were no dispositions presented at this time.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment and requisitions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Road Department

A request was made to hire Jeremy Larsen, as temporary laborer, up to 90 days at \$8.00/hr. effective June 1, 1999. Commissioner Randy Johnson made a motion to approve the up to 90 days hire of Jeremy Larsen as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Robert Davies had completed his six-month orientation period and his supervisor had recommended that he progress, per policy from 12 entry \$10.26/hr to 12A \$10.57/hr. effective June 28, 1999. Commission approval was requested. Commissioner Randy Johnson made a motion to approve the progression of Robert Davies, as per policy, as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

GIS

Request was made to hire Lizzette Oman, up to 90 days as GIS technician at \$7.00/hr. effective

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June 2, 1999. Commissioner Randy Johnson made a motion to approve hiring Lizzette Oman as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

The up to 90 day temporary status of Susan Dorsch and Mick Robinson was discussed. Susan Dorsch was hired to operate the television station until the renewal permitting process and request for change of status of the station was complete. It has been a lengthy process and has extended beyond the temporary 90 day assignment. Mick Robinson was hired temporarily to help in GIS with routine work but has since become an important part of the RS2477 mapping project and has thus extended beyond his temporary 90 day assignment. A furlough of two weeks is the usual process for reassignment however services would be lost in both cases if Susan and Mick were furloughed for two weeks before reassignment. After consulting with Attorney David Blackwell it was decided to override the policy due to extenuating circumstances. Commissioner Randy Johnson made a motion to override the personnel policy due to extenuating circumstances surrounding the 90 day temporary status of Susan Dorsch and Mick Robinson wherein they will remain in their present job status until the existing situations are completed or resolved. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Ira Hatch made a motion to approve the minutes dated June 1, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present

(14)

COMMISSION REPORTS

***Commissioner Randy Johnson***

Commissioner Johnson reported on the status of fair posters, flyers and agendas. T-shirts are going on sale now. The cost of repairs and remodeling of the fair grounds is more than anticipated cost but the net amount of the fair budget should be about the same as last year.

(15)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL

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MATTERS.

An executive session was not necessary at this time.

(16)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting at 11:10 A.M.. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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



June 15, 1999

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Clerk/Auditor, Bruce Funk, Deputy Clerk/Auditor Brenda Dugmore, Assessor Jim Fauver, Deputy Clerk/Auditor, Carol Cox and citizens.

The purpose of the special meeting was to discuss amendments to the 1999 budget, consideration and approval of said amendments to the 1999 budget and discussion of judgment levy.

Commissioner Randy Johnson opened the meeting to the public for comment regarding the amendments to the 1999 budget.

Deputy Clerk/Auditor, Brenda Dugmore provided an overview of the amendments and commented on the need for the amendments as follows:

**GENERAL FUND-**

**REVENUE:**

UAC Insurance Mutual	Increase of	\$125,000.00
State Grant - GIS Mapping	Increase of	10,000.00
Use of Fund Balance	Increase of	<u>126,000.00</u>

**Total Increase in Revenue** **\$261,000.00**

**EXPENDITURES:**

GIS Mapping Project	Increase of	\$ 20,000.00
Contribution to MBA	Increase of	200,000.00
Transfer to Economic Development	Increase of	20,000.00
Transfer to Capital Projects Fund	Increase of	<u>21,000.00</u>

**Total Increase in Expenditures** **\$261,000.00**

**ECONOMIC DEVELOPMENT**

**REVENUE:**

Transfer from General Fund	Increase of	\$ 20,000.00
State Grants	Decrease of	<u>\$ 20,000.00</u>

**Total Increase in Revenue** **\$ 0.00**

**CAPITAL PROJECTS FUND-****REVENUE:**

Transfer from General Fund	Increase of	<u>\$ 21,000.00</u>
<b>Total Increase in Revenue</b>		<b><u>\$ 21,000.00</u></b>

**EXPENDITURES:**

Sheriff's Building Roof Repair	Increase of	<u>\$ 21,000.00</u>
<b>Total Increase in Expenditures</b>		<b><u>\$ 21,000.00</u></b>

**MUNICIPAL BUILDING AUTHORITY:****REVENUE:**

Contribution from General Fund	Increase of	<u>\$200,000.00</u>
<b>Total Increase in Revenue</b>		<b><u>\$200,000.00</u></b>

**EXPENDITURES:**

Castle Dale & Emery Senior Centers	Increase of	<u>\$200,000.00</u>
<b>Total Increase in Expenditures</b>		<b><u>\$200,000.00</u></b>

**TRANSIENT ROOM TAX FUND:****REVENUE:**

Use of Fund Balance	Increase of	<u>\$ 5,400.00</u>
<b>Total Increase in Revenue</b>		<b><u>\$ 5,400.00</u></b>

**EXPENDITURES:**

Advertising	Increase of	<u>\$ 5,400.00</u>
<b>Total Increase in Expenditures</b>		<b><u>\$ 5,400.00</u></b>

Commissioner Johnson provided comments regarding the funds needed to meet Emery County's obligation with CIB for matching funds to build the Ferron and Castle Dale Senior Citizen Centers. Amending the budget will allow the county the necessary funds to meet that match. The Board of Commissioners also discussed the Emery Senior Citizen Center and plans for possible funding.

Commissioner Ira Hatch made a motion to come out of the Public Hearing. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Commissioner Ira Hatch made a motion to approve Resolution 6-15-99 Amending the 1999 budget. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Commissioner Petersen commented regarding the judgement levy, Emery County is proceeding with the judgement levy and it will be included on the tax notices in November.

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

July 6, 1999

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List #121854 through and including #122068 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
46-99	VMS 200 Professional Video GPS System/ GIS	\$ 4,995.00	Approved
47-99	Volunteer Data Base RSVP	650.00	Approved
48-99	Propane Hanging Heaters Green River Road Shop	2,700.00	Approved
49-99	Light bar to replace destroyed one Sheriff	505.75	Approved
50-99	Swamp cooler/Green River Ambulance Garage	534.99	Approved
51-99	D-400 Digital Camera Safe Community/Sheriff	766.90	Approved
52-99	Red/green beacon lights Landfill	468.90	Approved

One disposition was presented for consideration:

Asset # 143-1768-Desk, Anderson-Hickey taken from the Janitor closet to be sent to auction.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment, the requisitions and disposition as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Assessor

Request was made to allow Shelly Gilpin her progressive increase. As per policy she would go from 5A \$7.91/hr. to 6A \$8.23/hr. effective July 7, 1999. Commissioner Ira Hatch made a motion to approve as per policy a progressive increase for Shelly Gilpin as outlined. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Road Department

Ron Wright has successfully completed his six-month orientation and has been recommended to progress from 12 entry \$10.26/hr. to 12A \$10.57/hr. effective July 11, 1999. Commissioner Randy Johnson made a motion to approve the progressive increase as per policy for Ron Wright as outlined. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

GIS

Request was made to hire Cody Fielder as a temporary assistant, up to 90 day assignment at \$7.00/hr effective June 24, 1999. Commissioner Randy Johnson made a motion to approve the up to 90 day temporary assignment of Cody Fielder in GIS as outlined. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Extension

Cassie Jones has been a temporary up to 90 day employee in the Extension office. As of July 1, 1999 she will be paid by USU and will no longer be on the Emery County payroll.

(3)

OPENING OF REQUESTS FOR QUALIFICATIONS FOR DESIGN-BUILD SERVICES FOR EMERY COUNTY PUBLIC SAFETY FACILITY.

Emery County has been told the jail is condemned and a serious liability to the county. We cannot go to CIB or do any kind of funding for a new facility without first going to the public on an issue such as this. Emery County has been advised to protect ourselves from liability we must be in the process of moving towards a new public safety facility. To do that Emery County must ask the public to bond for the new facility. Emery County will try to have a bond election in the fall on a public safety facility because the public needs to make the choice as to whether to do that or not. Assessor, Jim Fauver commented that the taxpayers are going to experience a thirty to forty percent increase in taxes this year and that this is not a good year to be asking them to bond. Commissioner Johnson expressed his concern that this is not a good year to be asking the taxpayers to bond but we have been advised that we need to at least be in the process to protect ourselves from the liability. Part of the process was to advertise a request for qualifications for design-build services for the proposed facility. Emery County received one bid for design-build services from Sahara Inc. from West Bountiful, Utah. Sahara anticipates the budget for a one hundred bed jail facility including a sheriff's office, state court, juvenile court and justice court would cost approximately five million seven hundred thousand. Sahara, Inc. anticipates five to six thousand dollars for the services. If the bond fails then they would kick the charges into another year for another bond. It is unlikely we would incur any costs this year other than the cost associated with getting the bond issue on the ballots. Emery County has made no commitment and by what they are doing today will not be committed to any cost at this time. Housing state prisoners will not be a part of generating revenue to repay the bond. We may look at housing INS and federal prisoners but Sheriff Guymon and the Commissioners feel it is not healthy or productive to the community to house state felons. Emery County Board of Commissioners will not assume a position pro active to this proposed bond other than to acknowledge that Emery County does have a liability problem with the jail and we need a solution to that problem. We will allow the Sheriff's Department and Sahara Inc. the opportunity to present the facts, the scenarios and the impacts to the individual tax payer. The Board of Commissioners feel that the public does need to make the decision as to whether they want to bond for that kind of money to solve this problem. No decision was made at this time.

(4)

CONSIDERATION AND APPROVAL OF MOU REGARDING CONTRACTUAL AGREEMENT NO. 921389 FOR BALIFF SERVICES TO DISTRICT COURT.

Commissioner Randy Johnson made a motion to approve the MOU regarding contractual agreement No# 921389 between Emery County and the Administrative Office of the Courts, whereby the Emery County Sheriff's Department provides bailiff services to the District Court. The contract will continue from July 1, 1999 to June 30, 2000. Contract compensation not to exceed \$4,500.00 per year. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

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(5)

MILES MORETTI, DWR, PRESENTATION OF RESOURCES COMMUNITY PARTNERS OF YEAR AWARD.

Miles Moretti, DWR presented Val Payne representing the Public Lands Council with DWR's first Resources Community Partners of the Year Award. To initiate the awards program Miles Moretti nominated Emery County Public Lands council for their community public awareness. The award was in the form of a Clark Bronson framed print with a plaque that read: "Utah Division of Wildlife Resources 1999 Special Recognition Emery County Public Lands Council Community Partner of the Year".

(6)

KIMBALL AND ROBERTS, PRESENTATION OF THE 1998 INDEPENDENT AUDIT.

Emery County's Independent Auditors, Kimball and Roberts have completed the 1998 audit. Senior Deputy Clerk/Auditor Brenda Dugmore presented the Board of Commissioners with a copy of the financial statement and audit report. Emery County received a clean audit in 1998. The financial statement and report are available at the Clerk/Auditor's office for review by the public. Commissioner Ira Hatch made a motion to accept the 1998 audit report from Kimball and Roberts. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

5:30 P.M.-PUBLIC HEARING to receive public comment on large site plan of GoldTerra's Black Knight Mine.

Dan Shepherd, President of GoldTerra, Inc. was not able to attend the meeting. Mack Huntington, Planning & Zoning Chairman was present to provide a short overview of GoldTerra's proposed large scale site plan for their Black Knight Mine. The meeting was opened to the public for comments. Jim Fauver inquired as to any expected revenue coming to the county. Mr. Huntington explained that this is a pilot program and if all goes well the company expects to bring approximately one hundred jobs to the area. The Black Knight Mine site is on State Trust Land who has endorsed this site plan. Being no more questions or comments Commissioner Randy Johnson made a motion to close the public hearing. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

CONSIDERATION AND APPROVAL OF GOLDTERRA'S BLACK KNIGHT MINE LARGE SITE PLAN.

Commissioner Ira Hatch made a motion to approve GoldTerra, Inc.'s Black Knight Mine large scale site plan. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)

ROSANN FILLMORE, UPDATE ON ECONOMIC DEVELOPMENT AND TRAVEL COUNCIL ISSUES.

Economic Development Director, Rosann Fillmore reported on the Industrial Site Evaluation from Pacifcorp which provided cost estimates for infrastructure necessary for industry at four sites in Emery County. The cost were high but were in line with others in the state. The Council is also working on publications to be sent to all local public entities that advertise for contractors. This is in an effort to urge the entities to be sure local contractors have an opportunity to bid and that if the project does not require a bid that they try to keep the contract local. Economic Development held a well attended workshop for contractors to learn how to put bid packages together.

The Travel Council has been struggling to have a travel bureau for some time now. They have existed mostly on fund balance and transient room tax. Most of the money has gone to operation expense and projects that have been done with Castle Country. They have had a hard time keeping members active resulting in trouble getting a quorum together to have a meeting. The Travel Council has suggested disbanding the travel bureau and use the remaining fund balance and transient room tax to finish up projects. She further suggested that Emery County build a new relationship with Castle Country where we would send our funds to Castle Country and they would do the projects. Rosann Fillmore, Valerie Newland, LaMar Guymon and Commissioner Hatch are Travel Council board members who are also Castle County board members. A decision will need to be made as to the status of the part time employee in Green River. The Council was created by resolution and will need to create a resolution to disband. A decision needs to be made as to the transient room tax now going to the Travel Council and the ongoing cost such as the billboard power bill and others. A meeting will be held with the Emery County Travel Council to discuss the options and then they will initiate discussions with Castle County Travel Bureau. There will be more discussion on this issue in the future.

(10)

STACY LAVATO, REQUEST CONSIDERATION FOR PURCHASE OF COUNTY OWNED



PROPERTY IN GREEN RIVER.

Stacy Lavato was not present at the meeting however she sent a letter requesting Emery County consider selling lot #24 on Cherry Street in Green River. She would like to put up a pre-fab home, however three lots are needed to do that. She has access to two lots and lot #24 would give her the three lots needed to place the home. After some discussion Commissioner Randy Johnson made a motion to turn this matter over to Attorney David Blackwell to begin the process of selling lot #24 to Stacy Lavato. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

APPROVAL OF BUSINESS LICENSE.

Clerk/Auditor, Bruce Funk presented the following business licenses for approval:

Betty Howard DBA: Betty's Equestrian Specialty Tack making horse blankets and horse accessories. Her business will be located in her home in Elmo.

JoAnne Chandler DBA: Triple J Chandler Transport, semi-truck contracted transporting of goods. Her business will be located in her home in Green River.

Claire J. Gaskin selling crafts at special events.

Commissioner Ira hatch made a motion to approve the business licenses as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

CITIZEN CONCERNS

Angie Gilbert and Will Payne came before the Board of Commissioners to request assistance to attend the High School National Rodeo Finals in Gillette, Wyoming. To make it to the National Finals each participant must qualify in their rodeo event every weekend. Angie and Will each expressed their admiration for the rodeo program and how it has influenced them as well as affected their family. Commissioner Ira Hatch made a motion to contribute \$25.00 each to Will Payne and Angie Gilbert to attend the High School National Rodeo Finals and congratulated them for their accomplishments. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Sheriff LaMar Guymon reported that the Emery Drug Task Force has split off from the Carbon-Emery Drug Task Force. Sheriff Guymon presented the Commission a draft of a grant application for funding \$45,000.00 to operate the task force. That will be matched with

\$11,000.00 which is funds that are currently being used to pay phone and office space to Price City. The Clerk/Auditor's office will do the accounting for the task force. Emery County will be able to function as a single branch for four years at which time they will need to partner with another entity. The office will be based at the Huntington Sub Station. Commissioner Randy Johnson made a motion to move forward and ratify the signature on the grant application. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Randy Johnson reported that the fair will be going over budget due to unpredicted costs. Moving the fair to the new fairgrounds was not planned for and therefore has incurred extra cost. In the past the fair committee has tried to find vendors to do the lamb fry but have not been able to find anyone who can afford to pay for the lamb up front. The Chamber of Commerce will serve the food but the county will need to pay for the lamb at a cost of \$10,000 to \$15,000. It is expected that the revenue from the lamb fry will more than cover the cost of the lamb. Commissioner Ira Hatch made a motion to have Emery County purchase the lambs for the lamb fry with the proceeds from the lamb fry coming back into the general fund to cover the cost of the purchase. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

RATIFICATION OF COUNTY INSURANCE RENEWAL AND RELATED MATTERS.

At the previous Commission Meeting approval was given to sign the health insurance renewal document in order to continue service on a timely basis. It is necessary to ratify that signature at this time. Commissioner Randy Johnson made a motion to ratify the signatures on the health insurance renewal documents. The motion was seconded by Commissioner Ira Hatch and approved by all members present. Pat Snowball, Personnel director reported that as a part of the 1999-2000 health insurance renewal, training sessions were conducted to familiarize employees and spouses to the new plan. The sessions were well attended. Many expressed disappointment at having to go from an open network to a preferred provider network, but understood that it was necessary to preserve the benefits that we currently enjoy.

(14)

CONSIDERATION AND APPROVAL OF BOARD MEMBER APPOINTMENT FOR THE EMERY COUNTY NURSING HOME.

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Commission Chairman Kent Petersen requested to defer this item until next Commission Meeting.

(15)

RATIFICATION OF CASTLE VALLEY SPECIAL SERVICE DISTRICT 1999 PROPOSED TAX RATES.

Senior Deputy Clerk/Auditor, Brenda Dugmore presented Castle Valley Special Service District's proposed tax rate for 1999 as follows:

Water & Sewer	0.000800	Voter imposed.
Debt Service	0.001127	
Judgement Levy	<u>0.000095</u>	
Total	0.002022	

Commissioner Randy Johnson made a motion to ratify the proposed 1999 tax rates for CVSSD. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

RATIFICATION OF EMERY COUNTY 1999 PROPOSED TAX RATES.

Senior Deputy Clerk/Auditor, Brenda Dugmore presented the 1999 proposed tax rate for Emery County as follows:

General Fund	0.003244
Library Fund	0.000376
Flood Tax	0.000188
Judgement Levy	<u>0.000135</u>
Total	0.003943

Commissioner Ira Hatch made a motion to ratify the 1999 proposed tax rates for Emery County. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(17)

CONSIDERATION AND APPROVAL OF AMENDMENT #1 TO FY99 CONTRACT BETWEEN EMERY COUNTY AND SOUTHEASTERN UTAH AREA AGENCY ON

AGING.

Commissioner Randy Johnson made a motion to approve Amendment #1 to the Fiscal Year 1999 Contract between Emery County and Southeastern Utah Area Agency on Aging revenue which updates the budget with income actually received. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(18)

RATIFICATION OF DES-BEE DOVE CROSSOVER ROAD PROJECT AWARD.

Road Supervisor Rex Funk reported that the bid was awarded and signed for the Des-Bee Dove Crossover Road Project on June 22, 1999. The low bidder was Nielson Construction for \$259,855.00. Commissioner Ira Hatch made a motion to ratify the signature on the Des Bee Dove Crossover Road Project. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(19)

DISCUSSION OF LANDFILL TIRE DISPOSAL.

Road Supervisor, Rex Funk discussed the problems associated with tire disposal at the landfill. The State fund that was specifically designed for tire disposal has dried up and as of July 1, 1999 Emery County will be responsible for disposing of the upwards to twelve hundred tires coming into the landfill per quarter. The State of Utah has declared used tires a valuable resource but unfortunately Utah has only limited industries that will take them. Recently the State provided a listing of eighteen businesses who reportedly would take and recycle tires. Out of the eighteen businesses only six are in Utah. When Rex contacted the six companies he was disappointed to find that only one company would consider taking our used tires. While in Salt Lake City, Rex tried to locate that one company only to find that they had moved and changed their name. Rex contacted Sevier County Landfill and was referred to Idaho Tire Recovery, Inc. He contacted the company and requested a cost sheet good for all of 1999. Rex recommends that Emery County begin charging a fee for tires received at the landfill even if it is only to break even the cost for processing the tires to Idaho Tire Recovery Co. Sevier Co. Landfill says to expect illegal tire dumping to begin once we charge a fee. Sevier Co. has experienced tires being thrown off along the road, apparently in protest to the fees at their landfill. Rex also suggested that tire dealers who frequent our facility take their own tires to recyclers up state. If they deliver their own tires, they can save about twenty to twenty-five percent on disposal costs. If they insist on bringing them to us, we need to at least charge the disposal fee which we will have to pay to remove them from our facility. The State has waste tire regulations which requires us to safe guard the tire piles from vectors and fire. Many options were discussed. Rex also proposed charging tippage fees to contractors and construction companies for waste received at our

landfill. The Board of Commissioners set a Public Hearing for August 3, 1999 to receive public comment on imposing tipping fees and related matters at the landfill.

(20)

CONSIDERATION AND APPROVAL OF APPLICATION FOR ASSIGNMENT OF LICENSE OF THE LOW POWER TELEVISION STATION K26EM FOR EMERY COUNTY TO EMERY TELEPHONE.

Commissioner Randy Johnson explained that Emery County has been in the process of changing the license for Emery County's television station K26EM to a low wattage station. The purpose for the change was to stay in regulation with the way the station has been functioning as a public service station. While in the process of application for the low wattage license Emery County has continued operating the station on an emergency basis as a public service station with the assistance of Susan Dorsch. While in this process Emery County has been negotiating with various individuals to operate the station. Emery Telephone is interested in operating the station but they want to own the license and station. Emery Telephone has indicated they would continue to operate the station with the public in mind. In order for ET to prove to the Public Service Commission that they are involved in public service they will have to remain public service oriented. They intend to improve it substantially by doing some rebroadcasting as well as other transmission. They have promised not to raise the fees for local advertising substantially.

Commissioner Johnson's recommendation is to begin the process of applying for this transfer of license so Emery Telephone can take over the station.

Bruce Funk expressed concerns not with Emery Telephone taking it over but with the rates that would be charged to the small business owners who advertise. Mr. Funk spoke with Emery Telephone who indicated to him that the rates would be comparable with rates at Channel 9 in Price. Mr. Funk called Channel 9 and found out that they charge \$99.00 a day for four spots which would eliminate the small business owner's ability to advertise. Mr. Funk expressed concern for the need to do something especially from the accounting side since Susan Dorsch is keeping the revenue and Emery County pays for her time to do the ads.

Commissioner Johnson stated he is not sure what our alternatives would be, but he is also not sure that he wants the county to take on all that it would take to keep the station running. Emery Telephone has offered a better alternative than anyone else in terms of having it as close as it can be to what we want it to be. They have committed to buying the equipment, re-broadcasting graduation, ball games and working with the high school. They have committed to upgrading the transmission and organizing the ads so it is more efficiently used. Everything they have given us has indicated a real commitment to the community. If we do not go with the telephone company it is unsure where we can go with the station. We may have to put it back to

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a rebroadcast station, which would eliminate our usage as a public service television station. When you start looking at the fees that you could be charged for an infraction, they can be devastating. Commissioner Johnson thinks we would be better off to separate ourselves from the license and let Emery Telephone take it over under the terms that they have assured us they would do.

Bruce Funk asked to be on record as opposing the license being transferred to Emery Telephone.

Commissioner Hatch would hate to see the county lose the station.

Commissioner Petersen does not like the idea of Emery County being in the television business. But at the same time the citizens have become dependent upon the station for public service announcements and advertising.

Bruce Funk would like to see this brought before the public for input and comments.

Commissioner Johnson went on record that he is comfortable with Emery Telephone taking over the station. He knows that they will make some changes but that they will be good to their word. He is very uncomfortable with the county maintaining the license. He would be in favor of signing the document which begins the process of transferring the license to Emery Telephone.

Commissioner Hatch was not in favor of signing the document.

Commissioner Petersen was not willing to confirm one way or the other.

Commissioner Hatch requested researching what the county could do with the license.

The Board of Commissioners assigned Attorney David Blackwell to research the risk Emery County would be taking if we kept the station and the particulars for keeping it a public service station. The Board of Commissioners will look over the proposals and do some more thinking on this matter. They will look into possibly holding an informational public meeting.

This discussion was deferred to another meeting.

(21)

APPROVE REQUEST FOR PERMISSION OF COMPUTER SOFTWARE COMPANY'S USE OF COUNTY GIS PROGRAM.

Lee Rasmussen and the GIS Department have developed a computer program that takes property

descriptions, runs it through the GIS software and makes a map of the property. IN GEO a company which develops software programs for counties would like to use this program. Emery County has two options. We can give them the source code which is the program and all the written documentation. They can take that source code, put it in their program and modify it any way they want to and offer it to other counties. They would give us another piece of software that they make as payment. The other option is to give them the executable program and they would just get what we have. We wouldn't maintain it or give them anything new. Jim Fauver added that IN GEO will take that program and use it to enhance their program that they sell to counties for a hefty price. Recorder, Dixie Swasey commented she doesn't mind sharing what we have with other counties but she is not comfortable with giving the program to a company that will use it to make a lot of money from. After some discussion on this matter Commissioner Randy Johnson made a motion to give IN GEO the executable code, transfer the code to any county who would like to use it for free. IN GEO can not make any money from the program and Emery County will not accept any responsibility or supply any support. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(22)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Randy Johnson made a motion to approve the minutes dated June 15, 1999 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(23)

COMMISSIONER REPORTS

There were no Commission reports at this time.

(24)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Commissioner Ira Hatch made a motion to move into an executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Randy Johnson

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and approved by all members present.

Present at the executive session were Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Personnel Director, Pat Snowball and Deputy Clerk/Auditor Carol Cox.

(25)

ADJOURNMENT

Upon return to regular meeting Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_



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

July 20, 1999

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Ira Hatch was excused from the meeting. Commission Chairman Kent Petersen stepped down to second the motions.

(1)

EMERY HIGH BAND, REQUEST DONATION FOR BAND TRIP.

Reed Fehlberg, Becky Wright and several Emery High Band members were present to request a donation to assist them on their trip to Seattle, Washington for the Fiftieth Anniversary Torchlight Parade. Emery High Band has represented Emery County for twenty-two years winning many awards throughout the state as well as other parades in the United States. The band marches in every parade in Emery County throughout the summer. The band will leave for Seattle on July 29, 1999 and return August 6, 1999. They will be in the Emery County Fair parade on August 7, 1999. Commissioner Randy Johnson made a motion to donate the standard group donation of \$250.00 to the Emery High Band to attend the Torchlight Parade in Seattle, Washington. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)

MONETTE YORK, REQUEST DONATION FOR EMERY COUNTY ALL-STARS BASEBALL TEAM.

The Board of Commissioners referred this item to the Recreation District.

(3)

CITIZEN CONCERNS

The Board of Commissioners received a request from Planning and Zoning to set a Public Hearing to receive public comment on GoldTerra, Inc.'s proposed expansion of operations to include the Black Butte mine site. Commissioner Randy Johnson made a motion to set a Public Hearing for August 3, 1999 at 5:00 P.M. to receive public comment for GoldTerra, Inc.'s

proposed expansion of operations to include the Black Butte mine site. The motion was seconded by Commissioner Kent Petersen.

A second request was made by Planning and Zoning for a Public Hearing to receive public comment regarding proposed changes to the Emery County Zoning Ordinance. The changes are primarily ones of organization, definition and conditional uses. No changes are currently proposed for acreage and lot size requirements. Commissioner Randy Johnson made a motion to set a Public Hearing for September 7, 1999 at 5:30 P.M. to receive public comment on proposed changes to Emery County Zoning Ordinance. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(4)

CONSIDERATION AND APPROVAL OF APPLICATION FOR ASSIGNMENT OF LICENSE OF THE LOW POWER TELEVISION STATION K26EM FROM EMERY COUNTY TO EMERY TELEPHONE.

Commissioner Ira Hatch made a request to delay any discussion or decision on this item until the next meeting as he was not able to attend this meeting. Commissioner Randy Johnson made a motion to table this agenda item. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(5)

CONSIDERATION AND APPROVAL OF PROPOSAL FOR A NEW EMERY COUNTY LOGO.

Included in the budget this year was \$1,500.00 to produce a new Emery County logo. The Board of Commissioners have received a proposal from Kenny Snowball to produce the new logo. Mr. Snowball requested an initial \$750.00 to begin production with the final \$750.00 upon completion. The initial design will be ready for consideration by August 1, 1999 with the final product delivery date of August 25, 1999. Commissioner Randy Johnson made a motion to proceed with production of a new logo as proposed by Kenny Snowball and asked that special consideration be given on the Warrant Check Edit List this day to a claim for the initial \$750.00 to begin production. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

APPROVAL OF BUSINESS LICENSE.

Clerk/Auditor, Bruce Funk presented a business license application from Kevin and Lynne Smith for a home based business. The business name is Smith Enterprises which will be an internet based business which includes ordering products and services which will be drop shipped from a corporation to clients and other independent owners. The application has been approved by Zoning Administrator, Bryant Anderson. Commissioner Randy Johnson made a motion to approve the business license for Kevin and Lynne Smith. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

REVIEW BIDS FOR DESIGN/BUILD EMERY COUNTY PUBLIC SAFETY COMPLEX.  
CONSIDERATION AND APPROVAL OF DESIGN/BUILD CONTRACT. APPROVAL TO  
BEGIN PROCESS TO PURSUE BOND ELECTION FOR 1999.

Commissioner Johnson read a statement from Commissioner Ira Hatch, wherein Commissioner Hatch expressed his concern for proceeding with any action on this matter at this time.

Ken Shultson, Jail Consultant for Sahara Construction defined the scope of proposed work in dollar amounts and provided a breakdown of cost analysis as well as a projected annual operating budget. The projected total for a public safety building and jail is \$5,085,785. The projected total for a county courts building is \$1,667,970. The projected annual operations costs would be \$1,174,165.

Kent Michie, Vice President of Public Finance at Zions First National Bank related his experience in working with many counties as they bonded for various facilities. The record of jail bond elections has been positive and the public has been supportive. Mr. Michie believed it would be to the best interest of the county to apply to CIB for a portion of the needed funds and then bond for the remaining portion. Any reduction in cost due to a CIB grant or loan would be of benefit to Emery County. The most effective way to raise the funds would be a general obligation election bond. It will be necessary to provide the public with as much information as possible. Voter pamphlets are effective way to get the information out to the public. What Emery County needs to do now is survey the need and time frame for getting everything done.

Commissioner Johnson expressed the concerns of the Board of Commissioners for the need to do something about the jail and the fact that sooner or latter something will have to be done. However, there are still many questions to be answered. The court issue is still one thing that needs to be looked at. Commissioner Johnson stated that if there needs to be a decision made now or even next week, he is not comfortable with that. He was not sure he was comfortable taking on seven million dollar project with our centrally assessed revenues going down. Emery

County must be sure that when we start this we are ready to go forward.

Bruce Funk requested to have the Clerk/Auditor's office be involved in any scope meetings since his office handles the financial operations as well as the election management. He further suggested having the County Treasurer, JoAnn Behling be involved in the meetings.

The Board of Commissioners will set scope meetings with Kent Minchey for sometime in August involving the Commissioners, Sheriff Guymon, Bruce Funk, Brenda Dugmore and JoAnn Behling.

(8)

CONSIDERATION AND APPROVAL OF HEALTH INSURANCE PREMIUM INCREASE.

Personnel Director, Pat Snowball explained that on July 1, 1999, Emery County's health insurance changed from an open insurance to a preferred provider network. Health insurance benefits will remain nearly the same as in previous years. Dental, vision and the prescription card will not change. Only medical will be affected by the preferred provider network and it was pointed out that both plan and plan participant benefit by using the preferred providers. Mrs. Snowball presented the changes in the plan participant premiums and requested approval of the increase. A family will go from \$634.34 to \$758.78; a two-party from \$400.00 to \$495.00 and a single from \$267.10 to \$312.51.

(9)

RATIFY EMERY COUNTY DRUG TASK FORCE GRANT APPROVAL

Commissioner Randy Johnson made a motion to ratify the signature on the Emery County Drug Task Force Grant. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

CONSIDERATION AND APPROVAL OF BOARD MEMBER APPOINTMENT FOR THE EMERY COUNTY NURSING HOME.

The Emery County Nursing Home Board recommended Tom Humphrey, Orangeville for consideration and approval of appointment to their board. Commissioner Randy Johnson made a motion to appoint Tom Humphrey to the Emery County Nursing Home Board. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

DISCUSSION AND APPROVAL OF COUNTY-WIDE CURFEW.

Attorney David Blackwell will work with Sheriff Guymon and the cities to match up the curfew ordinances so they are uniform. This item was deferred to another meeting.

(12)

CONSIDERATION AND APPROVAL OF REVISED PROPOSED TAX RATES.

Senior Deputy Clerk/Auditor, Brenda Dugmore presented for consideration and approval the revised proposed tax rates as follows:

General Fund	0.003237
County Library	0.000375
Flood Control	0.000189
Judgement Levy	<u>0.000135</u>
Total	0.003936

Commissioner Randy Johnson made a motion to approve the revised proposed tax rates as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

SETTING OF BOARD OF EQUALIZATION.

Commissioner Randy Johnson made a motion to set the time and date for Board of Equalization as follows:

- Green River: August 17, 1999 from 12:30 P.M. to 3:30 P.M.
- Castle Dale: August 18, 1999 from 10:00 A.M. to 3:00 P.M.

The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(14)

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APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #122329 though and including #122485 for payment.

There were no requisitions for consideration at this time.

There was one disposition for a chair #180-1416 from Planning and Zoning.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment and the disposition as presented. The motion was seconded by Commissioner Kent Petersen.

(15)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented to following for approval:

Weed and Mosquito

Request was made to hire Dennis Dooley as Weed Mosquito Control Tech, up to 90 day temporary at \$10.26/hr. effective July 12, 1999. Commissioner Randy Johnson made a motion to approve hiring Dennis Dooley as Weed and Mosquito Control Tech as outlined. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(16)

APPROVAL OF COMMISSION MEETING MINUTES.

Approval of Commission Meeting Minutes dated July 6, 1999 was deferred to the next meeting.

(17)

COMMISSION REPORTS

*Commissioner Johnson*

Commissioner Johnson reported that the fairgrounds are just about ready for the fair. The lambs for the lamb fry have been purchased. The Fair Board has found a buyer for any unused meat from the lamb fry. The pageant committee has had many calls on the Castle Valley Pageant. They anticipate a higher number of visitors this year due to the many articles recently written

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about the pageant.

*Commissioner Petersen*

Commissioner Petersen recently attended a tour of the Quitcupah Road to the proposed mine site. The tour was well attended by Emery County residents. Watch for a news article from Deseret News to be coming out soon.

(18)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Commissioner Randy Johnson made a motion to move into executive session to discuss possible litigation matters. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Those present were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

(19)

ADJOURNMENT

Upon returning to regular meeting Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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**MINUTES OF THE REGULAR MEETING**  
**OF THE BOARD OF EMERY COUNTY COMMISSIONERS**  
**HELD IN THE EMERY COUNTY COURTHOUSE**  
**August 3,1999**

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #122653 through and including #122818 for payment.

Requisition # 53-99, a 1" Drive Compact Wrench for the Highway Department at a cost of \$599.00 was presented for consideration and approval.

There were no dispositions for consideration at this time.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List, Additional Claims and Requisition as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)  
PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

There was no Personnel action for consideration at this time.

(3)



REQUEST FROM COURTHOUSE RELAY FOR LIFE TEAM FOR DONATION.

The Board of Commissioners received a letter from the Relay For Life Committee requesting a \$25.00 or more donation to the Relay For Life, Walk for Cancer on August 13 & 14, 1999. While the Board of Commissioners found this to be a worthwhile event the overall feeling was that this type donation should come from the private sector and not the taxpayers. Therefore, the request for a donation was denied.

(4)

FERRON CITY REQUEST FOR ADVERTISING AT PEACH DAYS.

At the first of this year the Clerk/Auditor's office sent a letter to each town informing them that the adopted 1999 budget does not include any annual contribution to help with city celebrations. Since Huntington, Orangeville, Castle Dale, Cleveland and Emery have held their city celebrations and did not receive a contribution, it was decided to follow through and not contribute to Ferron City.

(5)

ELMO CITY REQUEST FOR DONATION TO HORSE AND BUGGY DAYS.

Elmo City's request for a donation to their Horse and Buggy Days was denied as pointed out in the previous agenda item.

(6)

5:00 P.M.- PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON LARGE SITE PLAN OF GOLD TERRA'S MINE.

Planning & Zoning Chairman, Mack Huntington requested to have this Public Hearing rescheduled as today's Public Hearing was not sufficiently advertised in the newspaper. Commissioner Randy Johnson made a motion to set a Public Hearing for September 21, 1999 at 10:00 A.M. to receive public comment on a large scale site plan for Gold Terra, Inc.'s Black Butte Mine Site. The motion was seconded by Commissioner Ira Hatch and approved by all members present. Commission Chairman Kent Petersen closed the Public Hearing.

(7)

CONSIDERATION AND APPROVAL OF GOLD TERRA'S MINE LARGE SITE PLAN.

This agenda item was deferred until after the Public Hearing on September 21, 1999.

(8)

**5:30 P.M. - PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING CONSIDERATION OF A TIPPAGE FEE OR OTHER FORM OF USER FEES TO OFFSET COSTS FOR SERVICES PROVIDED BY THE EMERY COUNTY LANDFILL.**

Commission Chairman Kent Petersen welcomed everyone to the Public Hearing and turned the time over to Commissioner Ira Hatch who provided opening statements.

Two things have brought us to this point, one being, the state has placed a moratorium on tires in the landfill. As of July 1, 1999 Emery County is responsible for disposing of any tires disposed of at the landfill site. Disposal of tires is costly. There is a State Tire Disposal Program set up to assist landfills in disposal of tires and there are several disposal places in the state and Idaho. However, we have been told money from this program is depleted and not available to us. The second issue is the landfill itself and the problems associated with the costs for services. This Public Hearing is an informational hearing only. Emery County is in no position to make any decisions at this time. We simply need suggestions for the best way to solve the problem. Commissioner Hatch opened the meeting to public comment.

The following are comments from the public in attendance:

Scott Barney commented that he has a problem with imposing a tippage fee at the landfill and with the way the landfill is being run. Garbage will not end up at the landfill if a user fee or tippage fee is charged. If the county wants to promote keeping our communities clean this is not the way to do it.

Ronald Barney commented he has a problem with the mismanagement of the landfill resources. He further suggested closing the landfill, sending the garbage to ECDC and start dumping stations throughout the county.

Mack Mills of M&P Enterprises commented that if his company has to pay a tippage fee then he would have to pass that cost along to the citizens. He is satisfied with the way things are being done now at the landfill.

Randall Stilson, operator at the landfill commented that if you are going to impose a tippage fee then make it across the board. He sees a bigger problem with the disposal of tires, batteries and oil.

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Ray Petersen, Road Department General Foreman commented as an employee and a citizen. Personally he feels that garbage pickup is one of the best things to happen to Emery County and he would gladly pay more for the service. As a foreman for the Road Department he sends a lot of debris and dirt to the landfill and can see where some things could be done differently to stay within the budget. Also the Road Department provides manpower when needed to fill in for someone who is sick or on vacation. That manpower costs the county more because the person who fills in has already put in their regular hours and time spent at the landfill is overtime. There is also idle time in the winter which could be cut back on. There is room for improvement and it is going to take some time and planning. Again as a citizen, he reiterated he would gladly pay more for garbage pickup service.

Wade Williams, City Sanitation commented about the illegal dumping that would be the direct result of tippage or user fees at the landfill.

Rue Ware asked if the need for increased revenue is the driving force behind the proposed user fees, what happened to the argument that if property taxes are raised UP&L pays ten to one what the local citizens pay? On the other hand, user fees at the landfill would be paid by the local citizens only. He has no problem with charging the contract carriers. If that results in an increased cost to the resident, so be it. He would prefer to see an increase in property taxes rather than a fee at the landfill which would encourage illegal dumping in areas outside of the landfill. He further stated he doesn't believe the operation of the landfill warrants an additional tax increase, nor does he believe user fees should be added to the already over taxed citizens of this county. He believes the operation of the landfill should be scrutinized carefully and consideration given to changes that would keep the cost of operation within the current budget, or lower.

Kent Petersen agreed with what Rue Ware said adding that UP&L and other centrally assessed properties have been very effective in convincing the State Tax Commission to lower their values. The tax burden is slowly shifting from the centrally assessed property owner like UP&L to the taxpayer.

Bruce Funk expressed his support for the comments of Rue Ware, Randall Stillson and Ray Petersen and hoped the Board of Commissioners would consider some of the things that were proposed.

Carol Ware expressed her support for the comments of Rue Ware and Ray Petersen.

Randy Johnson expressed the need for something to be done at the landfill. He further added that although it may appear to be poor management at the landfill many of the management decisions come from state regulations. There are requirements that have to be met whether we want to or not.

Wade Williams asked if the county had given any thought to charging an out of county tippage fee.

Mack Mills stated he is glad we have the facility at the landfill and hopes things remain affordable for everyone.

Kent Petersen reminded everyone of the added services given to the special service districts. One of the services listed as a use by PILT funds was garbage/landfill and there are some things that could be looked at in that respect.

Ira Hatch expressed the appreciation of the Board of Commissioners for the comments that were received at this hearing and thanked everyone for coming. Emery County can be proud of the facility we have at the landfill and it is the hope of this Commission to find a solution to this problem that would benefit everyone.

Commission Chairman Kent Petersen closed the public hearing.

(9)

CITIZEN CONCERNS.

Sheriff Guymon requested the status of the Huntington Airport contract. Commissioner Hatch indicated that the present contract for operation of the airport will terminate October 15, 1999. The county has already received inquiries from two entities for consideration of a contract for operation and to provide service at the airport. Advertisement will be made prior to expiration of the existing contract.

Commissioner Johnson reported that the Lamb Fry has been outstanding thus far. There have been many great comments. The Emery County Pro Rodeo was a success and very well attended. Many felt the atmosphere was much better due to the fact that alcohol was not served at the rodeo or the dance. The Dutton Family Concert was fantastic. Everyone was well entertained. It was very well attended also.

The Board of Commissioners received a letter from Cindy Lou McDonald from Carbon County, Environmental Systems Research Institute, Inc. requesting permission to publish process developed by Emery County's GIS department for mapping of legal descriptions of property called, Coordinate Geometry Program, in ArcView. Commissioner Ira Hatch made a motion to approve permission to publish the Coordinate Geometry Program. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

The Board of Commissioners received a letter from the BLM referring to radio networks with other agencies. They are looking to share opportunities with other federal, state and local

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August 3, 1999

agencies throughout Utah and the surrounding states. They will be having a meeting to examine the issues. Commissioner Petersen referred this item to Sheriff Guymon and Brett Mills of the Communications Department.

In addition the Board of Commissioners received a signed petition from one hundred twenty-six employees of Trail Mountain-Cottonwood Mine and residents of Carbon and Emery Counties wishing to express their opposition to a proposed road being built through Quitchupah Canyon. They believe this would have a negative economic impact on their livelihoods and the communities at large. They requested the Commissioners oppose any type of road being built through Quitchupah Canyon. The Board of Commissioners acknowledged receipt of the petition for the record.

(10)

CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION AND CONTRACT AGREEMENT BETWEEN EMERY COUNTY AND SOUTHEASTERN UTAH AREA AGENCY ON AGING FOR FY 2000.

The amount of the Federal Grant is the same as budgeted in 1999. Commissioner Ira Hatch made a motion to approve the Interlocal Cooperation and Contract Agreement between Emery County and Southeastern Utah Area Agency on Aging on FY2000. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Randy Johnson made a motion to approve the minutes dated July 20, 1999. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

COMMISSION REPORTS.

***Commissioner Hatch***

Commissioner Hatch reported on a seminar that he, Commissioner Petersen and David

Blackwell attended. There were two items that were discussed that were of importance to our area. One was related to Special Service Districts regarding their dependance and independence and the county's liability associated with the districts. The other item discussed was the tire disposal program and the county's obligation to the landfill. The seminar was very informative, focusing on enlightening subjects and issues that we can relate to in our county.

### ***Commissioner Johnson***

Commissioner Johnson thanked the Road Department for their work on the parking lot at the pageant site.

Commissioner Johnson is looking forward to visiting with the many anticipated people throughout the remainder of the fair.

The Heritage Bill is still holding its own and on course.

### ***Commissioner Petersen***

Commissioner Petersen commented that in the same seminar that Commissioner Hatch reported on they also discussed correctional facilities and the problems associated with housing state felons. This has been a concern for Emery County in light of discussion of searching out revenue for a new public safety facility. Housing state felons has never been an option for Emery County as a source of revenue.

(13)

### **EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Executive session was not necessary.

(14)

### **ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

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August 3, 1999

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

**MINUTES OF THE REGULAR MEETING**

**OF THE BOARD OF EMERY COUNTY COMMISSIONERS**

**HELD IN THE EMERY COUNTY SHERIFF COMPLEX, GREEN RIVER, UTAH**

August 17, 1999

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Sheriff LaMar Guymon, Sr. Deputy Clerk/Auditor Brenda Dugmore, other elected officials and citizens.

(1)

APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List #123080 through and including #123262 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
54-99	Computer Upgrade/Ambulance	1,500.00	Approved
55-99	Billing Software/Ambulance	4,995.00	Approved
56-99	Headsets/Sheriff, Dispatch	997.32	Approved

Disposition were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>DISPOSED</u>	<u>ACTION</u>
410-5384	1991 Diamond Traffic Counter	Junked	Approved
146-3838	Copier Cart	Sell at Auction	Approved
610-1316	Copier Cart	Sell at Auction	Approved
610-4961	Minolta Copier	Sell at Auction	Approved



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Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List, requisitions and dispositions as presented. The motion included sending the invoice from Community Motors for repair work on the Nursing Home van to the Nursing Home for payment. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION

Pat Snowball presented the following personnel matters:

***GIS***

Margaret Swasey has been appointed for an up to 90 day temporary position effective August 1, 1999 at a rate of \$8.50/hour.

***Road Department***

Ed Walls, Equipment Operator/Driver, has been ill. He may be off work until August 23<sup>rd</sup>. If he is off that long, he will be out of sick and vacation time. Ms. Snowball is requesting the Commission to consider and approve a contribution of time by county employees so that he can be paid for the pay period of August 9<sup>th</sup> through the 20<sup>th</sup>.

Commissioner Ira Hatch made a motion to ratify the appointment of Margaret Swasey for an up to 90 day temporary GIS position and to allow the contribution of time by county employees to Ed Walls. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(3)

CONSIDERATION AND APPROVAL OF CONTRACT #97-1986/AMENDMENT #3

This contract is a grant to the Economic Development department. The agreement amendment would extend the date of the contract to 12/31/99.

Commissioner Ira Hatch made a motion to approve Contract #97-1986 Amendment #3. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)

CONSIDERATION OF REQUEST FROM WESTERN FINANCE, INC. FOR A  
COMPUTERIZED LISTING OF ALL MANUFACTURED HOMES IN EMERY COUNTY

The County does not have a ruling from Attorney David Blackwell on whether we legally have to provide a list of property owners to outside companies. Commissioner Ira Hatch made a motion to continue with the current policy of allowing companies to come into the offices and get any information they want but we will not provide a computerized list. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(5)

APPOINTMENT TO THE EMERY COUNTY NURSING HOME BOARD

The Emery County Nursing Home Board is recommending Ruth Stilson of Orangeville fill the vacant seat on the Board. Commissioner Randy Johnson made a motion to appoint Ruth Stilson to the Emery County Nursing Home Board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

APPOINTMENT TO THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY

The Municipal Building Authority of Emery County is recommending Sharon Jensen of Emery fill the vacant seat on the Board. Commissioner Ira Hatch made a motion to appoint Sharon Jensen to the Municipal Building Authority Board. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

UPDATE ON GPS/RS2477 ROAD IDENTIFICATION PROJECT

Commission Chairman Kent Petersen gave an update on the RS2477 Road Identification Project. The project is moving ahead. The purpose now is to take the information that has been gathered and put it into a form that is usable and can identify the road right of ways.

(8)

DISCUSSION OF COUNTY FUNDING OF THE AOG DIRECTOR

The State of Utah has decided to discontinue the funding of the Association of Governments program. If this program is to continue, the County will be required to partially fund the AOG Director. This item will be an impact on the 2000 budget if the State doesn't reinstate the funding. Emery County's portion would be approximately \$19,000.00.

(9)

DISCUSSION OF PROPOSED LOCKHEED MARTIN PRIVATELY FINANCED SPACE PORT IN GREEN RIVER

Glen Baxter came before the Commission to discuss the proposed space port and new space vehicle. The space vehicle will in most cases replace the space shuttle. The new vehicle is more economical because the entire vehicle flies as a rocket into orbit. It has the capability to launch satellites. The entire vehicle then comes back to earth. What makes this type of vehicle possible is the linear aerospike engine which uses expanding gas to replace the bell nozzle. The X33 is a half scale model that is used for testing. It has been tested from numerous ground firings and a few firings into the vacuum of space. The X33 is funded in part by NASA and Lockheed Martin.

The space port proposal entails lots of activities. Green River, along with four other sites in Utah, has submitted qualification proposals. About thirty sites are under consideration. Because of some of the existing facilities including the railroad, interstate highway and water, Green River has some advantages. The primary space port will have approximately 2500 employees when fully operating. Meetings will be held in the near future to eliminate some of proposed sites. Mr. Baxter is requesting a letter of support from the Commission on this project.

The Commission unanimously pledged their support for this project.

(10)

CITIZEN CONCERNS

Frank Vetere came before the Commission with a flooding concern. With all of the recent rain, the Saleratus Wash gets full and floods his farm. Mr. Vetere was interested in whether the Saleratus Wash was the responsibility of the County or Green River City. It was determined that the wash is in Green River City limits. Rex Funk, Road Department Supervisor, could possibly help with the coordinating of the entities that would be involved to clear the wash.

Dan Harrison representing NAPA Auto Parts came before the Commission with a concern about county vehicle repair work being done in Grand County when the purchasing policy states that Emery County desires to promote the purchase of merchandise, equipment and supplies insofar as reasonably possible from local suppliers who pay taxes to Emery County.

Richard Snowball, representing the San Rafael Soil Conservation District, informed the Commission that the State Technical Committee will be holding their regular monthly meeting in Ferron on August 18, 1999. The Committee is responsible for prioritizing the projects for USDA funding. A tour of the water project will begin at 4:00 p.m. followed by a dinner from 6:00-7:00 p.m. with the meeting taking place after the dinner. Mr. Snowball invited all of the Commissioners to attend this event.

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Valerie Newland, representing the Emery County Travel Council, informed the Commission that the Travel Council met Monday, August 16, 1999 and it was the consensus of the Board that they did not want to disband. A committee was set up to look into different options that the Travel Council could be involved in. Transient room tax can be put back into the City for impact that is caused by tourism. Green River City feels that some of the transient room tax should be put back into the City. The Travel Council Board will be looking into some of these issues.

(11)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES

Commissioner Ira Hatch made a motion to approve the minutes dated August 3, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

COMMISSIONER REPORTS

Commissioner Randy Johnson reported that the fair and pageant were both well attended and lots of compliments on these events were received. It was a learning year and improvements will be made for next year.

(13)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS

No executive session was required.

(14)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_

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

September 7, 1999

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

MIKE MCCANDLESS, EMERY TELEPHONE, QUARTERLY UPDATE.

Mike McCandless was not able to attend the meeting.

(2)

RICHARD MANUS, BLM QUARTERLY UPDATE

Richard Manus, BLM reported the status of Ferron Gas EIS. Texaco and Chandler will not be pursuing drilling in 1999 on federal leases. The Lila Canyon Coal Mine assessment is nearly complete. BLM has issued a right-of way to GoldTerra, Inc. on state land. National Public Lands Day will be September 25, 1999 at Copper Globe.

(3)

MILES MORETTI, DWR, QUARTERLY UPDATE.

Miles Moretti, DWR handed out the Fall 1999 Wildlife Review highlighting an article on dedicated hunters. They are in the process of compiling a list for their brochures of fishing areas in the Manti LaSal. The division has some concerns for drilling on SITLA land which could potentially chase deer and elk onto agricultural areas. Regarding hunt permits, deer permits sold within two weeks this year so the division may be looking at other options for 2000. The DWR will be reintroducing the Black-footed Ferret into the wilderness in the Uintah Basin and San Juan Areas. The Peregrine Falcon has been removed from the endangered species list, with the Bald Eagle possibly being removed very soon.

(4)

CROCKETT DUMAS, FOREST SERVICE, QUARTERLY UPDATE.

Crockett Dumas was not able to attend the meeting.

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(5)

BID OPENING- OPEN SEALED BIDS FOR PROPERTY-LOT 24 BLOCK 23 GREEN RIVER.

Clerk/Auditor Bruce Funk opened a bid for property-lot 24 block 23 in Green River. The bid was from Clayton Fellabaum for \$250.00.

(6)

CONSIDERATION AND APPROVAL OF SALE OF LOT 24 BLOCK 23 GREEN RIVER.

Commissioner Randy Johnson made a motion to authorize the sale of lot 24 block 23 in Green River to Clayton Fellabaum for the bid amount of \$250.00 provided the adjoining property owners have been properly notified. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

TYSON NORTON, REQUEST ASSISTANCE/APPROVAL FOR EAGLE PROJECT AT LAWRENCE CEMETERY.

Tyson Norton came before the Board of Commissioners to request approval for an eagle project at the Lawrence Cemetery. Tyson would like to erect a covered information bulletin board with a glass enclosed map indicating the burial sites in the cemetery. Commissioner Randy Johnson made a motion to approve the concept of erecting a covered information bulletin board at the Lawrence cemetery and permission to move forward with developing a layout for the project.. The motion was seconded by Commissioner Ira Hatch and approved by all members present. Tyson will return at a later date with a proposal and any request for financial assistance.

(8)

KENNY SNOWBALL, PRESENTATION OF NEW EMERY COUNTY LOGO.

Kenny Snowball was not able to attend the meeting.

(9)

CITIZENS CONCERNS

Commissioner Petersen requested information from Assessor Jim Fauver as to the closing of Board of Equalization. Jim Fauver indicated that the closing of BOE will be on September 21, 1999.

Rex Funk pointed out that travel brochures are highlighting the fun and adventure of rafting the

Black Box on the San Rafael when in actuality the area is very treacherous and life threatening for an inexperienced rafter. Rex wondered if there wasn't a way Emery County could alert people to the dangers in light of the recent incidents in the Black Box.

Clerk/Auditor Bruce Funk provided an overview of the finances for the 1999 Emery County Fair.

Rex Funk requested approval to award the bid for the Reeder Canyon Bridge. The low bidder for this project was Sinbad Construction for \$87,721.00. Sinbad Construction will be doing the bridge approach road work, construct the abutments and place the concrete deck. Commissioner Ira Hatch made a motion to award the Reeder Canyon Bridge Contract to Sinbad Construction for \$87,721.00. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Rex Funk also discussed with the Commission a contract the Road Department received from Aaron Howe, Forest Service to do some road work by Miller's Flat. The Forest Service has requested the County assist in the application of a layer of gravel to the road. A contractor will haul the gravel and they are requesting the county provide a grader with operator to smooth and shape the gravel. The proposed agreement the Forest Service has presented details a much higher level of county participation than originally discussed. Unless the contract can be reworked per the original discussions the county will not participate. If a satisfactory contract is developed Commissioner Petersen can sign it per motion by Commissioner Ira Hatch. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN SEUAOG, AREA AGING, AND EMERY RSVP.

Commissioner Ira Hatch made a motion to sign the contract between SEUAOG, Area Agency and Emery RSVP. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

CONSIDER APPOINTMENT OF A COMMISSIONER TO SERVE ON THE UACIM ADVISORY COMMITTEE.

Commissioner Randy Johnson made motion to appoint Commissioner Ira Hatch to serve on the Utah Association of Counties Insurance Mutual Advisory Committee. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

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DISCUSS GREEN RIVER CANAL CO. CONCERNING DRAIN WATER FROM COUNTY PROPERTIES.

After some discussion on this matter it was decided to have Attorney David Blackwell draft a letter to Green River Canal Company informing them that Emery County is not responsible for rain water run-off.

(13)

CONSIDER REQUEST FROM TAXWARE INTERNATIONAL FOR INFORMATION ON TAXES.

After discussion on this matter it was decided to assign Attorney David Blackwell to draft a letter to Taxware International informing them of the State Gramma Act which the county has adopted that allows up to two weeks to provide the information requested and allows the county to charge a fee if research is required.

(14)

CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.

Senior Deputy Clerk/Auditor Brenda Dugmore presented the Commissioners with a business license application from Boyd Griffin DBA: Chute Supply. The business is for the resale of safety supplies, culverts, paint and industrial supplies. The application has been reviewed and approved by the Planning Commission. Commissioner Ira Hatch made a motion to approve the business license application for Chute Supply. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(15)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List #123432 through and including #123622 for payment.

Requisitions were presented for the following:



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<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
57-99	Mr.SID Professional Software/GIS	1,250.00	Approved
58-99	Pentium 400 Computer/Library	1,100.00	Approved
59-99	(2) Honda TRX450ES 4-Wheelers	11,846.00	*Approved
60-99	1999 Heavy Duty Utility Trailer (Sheriff's Department)	2,300.00	*Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
318-4252	75' Ford Truck	Sold at auction	Approved
318-5459	Xerox Telecopier	Sold a auction	Approved
318-6101	Epson Printer	Sold at auction	Approved
318-4661	Epson Printer	Sold at auction	Approved
142-1263	Storage Unit	Sold at auction	Approved
610-1316	Metal Cabinet	Sold at auction	Approved
144-5708	Blueprinter	Sold at auction	Approved
142-4390	Dictator Transcriber	Sold at auction	Approved
142-1245	File Cabinet	Sold at auction	Approved
143-4964	Copier w/sorter	Sold at auction	Approved
N/A	Computer	Junked	Approved
136-5211	Decolator	Sold at auction	Approved
N/A	Epson VGA Monitor	Sold at auction	Approved
N/A	Surge Protector	Junked	Approved
N/A	Epson 386SX Computer	Sold at auction	Approved
N/A	Epson VGA Monitor	Sold at auction	Approved
316-5218	79' Ford Ambulance	Sold at auction	Approved
234-0109	IMP Snowcat w/tandom trlr	Sold at auction	Approved
210-5467	90' Dodge Ram	Sold at auction	Approved
210-5057	92' Ford Crown Victoria	Sold at auction	Approved
210-5766	88' Dodge Caravan	Sold at auction	Approved
212-6053	94' Ford Explorer	Sold at auction	Approved
210-5145	89' Dodge Ram	Sold at auction	Approved
410-4117	Olivetti Typewriter	Sold at auction	Approved
410-4125	Typing Stand	Sold at auction	Approved
410-3550	Olivetti Typewriter	Sold at auction	Approved
410-1614	Motolift Forklift	Sold at auction	Approved
410-4843	Telephone	Sold at auction	Approved
410-4851	Diablo Printer	Sold at auction	Approved

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410-4842	Telephone	Sold at auction	Approved
410-4722	Epson Computer	Sold at auction	Approved
410-4316	Magnatag wall calendar	Sold at auction	Approved
410-4841	Telephone	Sold at auction	Approved
N/A	Telephone	Sold at auction	Approved
N/A	Epson Laser Printer	Sold at auction	Approved
N/A	Epson Laser Printer	Sold at auction	Approved
410-4858	Telephone	Sold at auction	Approved

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List, Requisitions and Dispositions for payment. Req.#59 and 60 are approved with the understanding that we will need to look into possible available funding. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball presented the following personnel action for approval.

Recorder

Sharon Boyle is due for her progressive raise from 6A \$8.23/hr. to 7A \$8.53/hr. Commissioner Randy Johnson made a motion to approve the progressive raise for Sharon Boyle as indicated. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Sheriff

Sheriff LaMar Guymon has completed his selection process and has chosen Paul Simmons for the position of dispatcher, 10A \$10.15/hr effective October 1, 1999. This is a full time career service position. Commissioner Ira Hatch made a motion to approve the hire of Paul Simmons for the position of dispatcher as indicated. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(17)

CONSIDERATION AND APPROVAL OF AGREEMENT PROVIDING A BUSINESS TRAVEL ACCIDENT POLICY.

Pat Snowball, Personnel Director explained that the insurance company called Reliance Standard Life which carries the county's \$100,000.00 Accidental Death and Dismemberment coverage includes in the coverage a benefit called Business Travel Accident policy through a company called WorldNet Assist. This program assists the traveler in the event of problem while "on the road", i.e., if there is an accident or disaster the plan helps the employee communicate with their family at home, arrange for hospital, housing, evacuation, money, transportation, etc. This is part of the coverage and there is no additional cost. This is a paper trail that the company needs to have completed.

Commissioner Randy Johnson made a motion to sign the necessary papers to set this benefit in motion. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(18)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Randy Johnson made a motion to approve the minutes dated August 17, 1999 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(19)

COMMISSIONER REPORTS

***RANDY JOHNSON***

Commissioner Johnson expressed congratulations to Mary Manley on her new appointment to Juvenile Court Judge in Grand County. She has been a great asset to Emery County as Deputy Attorney and will be sorely missed by us all. We wish her all the best.

***IRA HATCH***

Commissioner Hatch met recently with the Travel Council. They are working on a plan for reorganizing the Travel Council and will come before the Commission soon with a recommended proposal for consideration.

(20)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

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Executive session was not necessary at this time.

(21)

ADJOURNMENT

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

September 21, 1999

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

JAY M. HUMPHREY, EMERY WATER CONSERVANCY DISTRICT, DISCUSSION OF BRIDGE ON DES BEE DOVE/LANDFILL ROAD.

Jay M. Humphrey and Eugene Johansen came before the Board of Commissioners to discuss Emery Water Conservancy District's concern for the bridge on Des Bee Dove/Landfill road. At the time the bridge was constructed it was adequate to handle the traffic flow of the road. Now that the road is being rebuilt there is a concern for increased speeds and traffic on the narrow bridge causing a potential safety hazard. Mr. Humphrey has met with Howard Tuttle and Craig Johansen, Johansen & Tuttle Engineering and the Emery Water Conservancy District Board as well as the Bureau of Reclamation who built the bridge as an access to the canal. EWCD and the Bureau would like to give the bridge to Emery County. The Bureau would sign a license agreement to give the bridge and responsibility for it to EC taking EWCD and the Bureau out of responsibility for the bridge. EWCD would need to retain the right-of-way and easements to transmit water and maintain access to all four sides of the canal. He read a letter from the Bureau stating, if agreeable we recommend Emery County be given a license agreement allowing them to construct, operate and maintain the subject bridge crossing. This will allow the County to make the necessary improvements and give them responsibility for the bridge. Howard Tuttle discussed the proposed plans for the road, the need to widen the bridge and possible change in approaches to the access road to the canal, however the changes to the bridge can not be done at this time because the County does not own the bridge. Everyone agreed that Emery County needs to begin the process to take over the bridge. Since the BLM owns the property on the sides of the bridge we will need to coordinate with them for permission to widen the bridge. Commissioner Ira Hatch made a motion to begin the process to see what we have to do, to co-ordinate with all the entities, making sure that we will be able to change the access roads and get the clearance needed to get the process going, to find out what we need to do to accept the bridge. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(2)

SHANNON HIATT, EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT,  
NOTIFY COMMISSION OF AT-LARGE VACANCY ON THEIR BOARD.

Shannon Hiatt, Emery County Recreation Special Service District notified the Commission of an at-large vacancy on their board. Bruce Wilson has resigned. His term does not end until January 2002. Since this a Commission appointed board member the ECRSSD requested that the Commission advertise for applicants to fill the remainder of this term. The Board of Commissioners agreed to advertise in the Emery County Progress September 28 and October 5 for applications to be handed in to the Clerk/Auditors office by October 8, 1999. The Commission will review and make recommendation to the Recreation Board in their meeting on October 11, 1999. Final approval will be made in the October 19, 1999 Commission Meeting.

(3)

MACK HUNTINGTON, PLANNING/ZONING, CONSIDERATION AND DISCUSSION OF  
AMENDMENT TO GENERAL PLAN.

Mack Huntington, Planning Commission Chairman read a letter addressed to the board of Commissioners which read: Emery County Public Lands Council has submitted requests to the Planning Commission to consider an amendment to the County General Plan. The proposed amendment was evaluated by the Planning Commission and a hearing to accept public comment was held on September 8, 1999 in Green River. The Planning Commission sanctions the proposed amendment and feels it is necessary to strengthen the County's position in the planning effort in Emery County. It is recommended that the Board of Commissioners continue the public process as outlined in the County Zoning Ordinance and approve the proposed amendment. Mr. Huntington added that would include holding a public hearing and adopting the amendment. He therefore requested a public hearing be set to present and receive public input on proposed amendments to the Emery County General Plan. Commissioner Randy Johnson made a motion to set a public hearing for October 19, 1999 at 10:00 A.M. to receive public input on proposed amendments to the Emery County General Plan. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commission Chairman Kent Petersen opened the Public Hearing.

Mack Huntington, Planning Commission Chairman addressed the public. He introduced Dan Shepherd, President of GoldTerra, Inc. who provided an overview of operations at the mine site. The operations at Black Butte mine are the same as the previously approved Black Knight mine. They have been working closely with SITLA who has given the green light to their operations. Mr. Shepherd invited the Commissioners and anyone else to visit their operations.

Commission Chairman Kent Petersen asked if there were any comments or questions from the public.

Val Payne, Public Lands Director commented that GoldTerra, Inc. has been going the extra mile to make sure they address all concerns up front about their operations. They are making sure everything is done properly. They are a top notch operation from the permitting process to their facility operations.

Being no more comments Commission Chairman Kent Petersen closed the public hearing.

Commissioner Randy Johnson made a motion to approve the large scale site plan for proposed expansion of operations to include the Black Butte mine site. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

A Public Hearing to receive public input on GoldTerra, Inc.'s Large Scale Site Plan for proposed expansion of operations to include the Black Butte mine site was advertised for 10:00 A.M. today but due to the Public Hearing not being published on the agenda, the motion made this day will be ratified in the October 5, 1999 Commission meeting.

(4)

CONSIDERATION AND APPROVAL OF AGREEMENT FOR THE HUNTINGTON-ECCLES CANYON SCENIC BYWAY ON SR-31 AND SR-264.

Rosann Fillmore presented an agreement for the Huntington-Eccles Canyon Scenic Byway on SR-31 and SR-264. This is an agreement with UDOT to provide \$20,000.00 for consulting fees. Emery County has already paid the match amount of \$5,000.00. Emery County must pay the expenses up front and be reimbursed by UDOT within sixty days. This will mean opening the budget to provide the funds. Commissioner Randy Johnson made a motion to accept the agreement with UDOT for the Huntington-Eccles Canyon Scenic Byway on SR-31 and Sr-264. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

EMERY COUNTY ROAD DEPARTMENT- DISCUSSION OF QUOTES FOR FILTER INVENTORY.

Rex Funk, Road Department Supervisor discussed bids he received for filter inventory. He had received requests from local shops to bid the filter inventory. The county purchasing policy allows for purchasing locally if within 10% of the cost from the lowest bid. After review of the bids it was apparent the low bid was approximately 30% to 40% lower than local on most of the higher priced filters. It was the consensus of the Commission to purchase what we can locally and the higher priced filters from the low bidder.

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(6)

CITIZENS CONCERNS

There were no citizens concerns at this time.

(7)

REQUEST TO RE-INSTATE EMERY COUNTY HISTORIC PRESERVATION COMMISSION.

The Board of Commissioners received a letter from Montell Seeley requesting the Emery County Historic Preservation Commission be reinstated. After discussion on this matter it was decided that the Board of Commissioners is not ready to re-establish the commission at this time. There are several things going on with the Heritage Plan and they need to take a closer look at the Historic Preservation Commission and its purpose.

(8)

CLOSURE OF 1999 BOARD OF EQUALIZATION.

Jim Fauver, Assessor advised the Board Of Commissioners that it was time to close Board of Equalization. He contacted the State Tax Commission on the status of the tax rate and was told if we were going to make any changes or adjustments due to Board of Equalization they would need to be done in the next two days. The Board of Commissioners entered into serious discussion regarding establishing an intangible deduction for our residential properties. Emery County has in the past discussed that a ten (10) percent intangible deduction should be reasonable because of the six (6) percent realtor commissions and two (2) to five (5) percent closing costs. The discussion also included requesting the State Tax Commission to adjust the 1999 tax rate for all entities in Emery County based on Emery County Board of Equalization's decision to reduce the value of all locally assessed real property by ten (10) percent. The State Tax Commission has already taken a stand that they believe there are no intangibles in locally assessed property. So, Emery County must be ready for a battle. We need to be prepared for them to deny the request and be willing to go through the appeals process as well as budgeting for the costs of that appeals process. Commissioner Johnson commented that he thinks we should do it. It was his feeling that it is time for us to make the Tax Commission explain their stand regarding intangibles. He thinks the rates Emery County has been made to adjust to are not fair and do not accurately represent what the values really are in this county in terms of being able to sell a house. The discrepancy between centrally assessed and privately assessed are getting worse and the Tax Commission is refusing to deal with them. Commissioner Johnson is in favor of the ten (10) percent across the board intangible deduction, however, he would include businesses as well. The Board of Commissioners were in agreement that this needs to be done. Commissioner Randy Johnson made a motion to establish a ten (10) percent intangible



deduction for all residential and local commercial property. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Randy Johnson made a motion to close 1999 Board of Equalization. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

The State Tax Commission will be contacted immediately as to this decision. An article will be published in the paper to alert the taxpayers of this decision.

(9)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #123881 through and including #124009 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
61-99	Deskjet 895 Printer/Zip drive Safe Community Grant	535.00	Approved
62-99	Mobile Radio/Communications	715.00	Approved
63-99	Light Bar/Sheriff	780.94	Approved
64-99	Computer & Monitor/Sheriff	1,370.00	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
410-4824	1987 Phoenix Radio	Junked	Approved
143-2906	4 drawer legal file	EC Historical Society	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit list for payment and the requisitions and dispositions as presented. The motion was seconded by Commissioner

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Randy Johnson and approved by all members present.

(10)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball presented the following personnel action for approval.

Justice Court

Kristie Morgan has requested Family Leave. Her baby is due October 6, 1999. Her date of return is not clear at this time. Commissioner Randy Johnson made a motion to approve Family Leave for Kristie Morgan. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Sheriff's Department

Both Kay Jensen and John Barnett have completed POST certification and are performing duties as patrol deputies as well as working in corrections. It was requested to approve progressive moves for Kay Jensen from 12D Corrections Officer \$11.77/hr to 15A Patrol Deputy \$12.53/hr effective July 16, 1999 and for John Barnett from 12B Corrections Officer \$11.30/hr to 15A Patrol Deputy \$12.53/hr effective April 8, 1999. There was some discussion on retroactive pay and POST certification notification to personnel. Commissioner Randy Johnson made a motion to approve the progressive moves for Kay Jensen and John Barnett. As part of the motion Commissioner Johnson also included that the Board of Commissioners in the future will only pay retroactive pay back to the beginning of the current month. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Paul Simmons was previously approved to begin work on October 1, 1999, however, the Sheriff requested that he begin September 20, 1999. Commissioner Randy Johnson made a motion to approve Paul Simmons beginning work on September 20, 1999. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Ira Hatch made a motion to approved the minutes dated September 7, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

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September 21, 1999

(12)

COMMISSION REPORTS

***Commissioner Johnson***

Commissioner Johnson attended the UACIM in Commissioner Hatch's absence. One of the things UACIM is looking at is County vehicle drivers who receive DUI's in a County vehicle or in the private sector or involved in at-fault accidents in county vehicles. After two at-fault accidents in a County vehicle UACIM will no longer insure that driver. This is probably going to become policy. Accidents in County vehicles are driving rates up. Emery County will have to decide how this plays into how we do business. The Risk Assessment Team will need to be involved in making some evaluations on this.

***Commissioner Hatch***

Commissioner Hatch attended Peach Days and Melon Days. There was good participation at both events and everyone had a good time.

(13)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

There were no items for discussion at this time.

(14)

ADJOURNMENT

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

October 5, 1999

Present at the meeting were: Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor, Carol Cox, other elected officials and citizens.

(1)

EMERY COUNTY 4-H RECOGNIZES NATIONAL AND STATE 4H WEEK.

Cassie Jones, 4-H Teen Council accompanied by several 4-H members came before the Commission to recognize National and State 4-H Week. The group extended a "thank you" for the county's continuing support of their programs.

(2)

DELENA FISH, DIVISION OF WORKFORCE SERVICES, QUARTERLY UPDATE.

Delena Fish, Division of Workforce Services provided a breakdown of referrals and individuals on the program throughout the third quarter. The division will soon be moving into the old Sprouse-Reitz building.

(3)

TOM ALEXANDER, UTAH POWER, QUARTERLY UPDATE.

Tom Alexander, PacifiCorp reported on the anticipated merger with Scottish Power. They are awaiting rulings by the Public Service Commission on a ten percent rate increase. They have sold two building lots in Valley View Subdivision to Habitat for Humanity. He reported on local projects nearing completion. Mr. Alexander reviewed a community grant program awarded by PacifiCorp. to the Emery County Sheriff's Department. Martin Wilson, Emery County Sheriff's Department explained that the grant will be used for a Children's Safety Fair Program. The program will be manned by the city youth's council who will offer safety programs for bike safety, fingerprinting, health safety and car seat safety. The \$5,000.00 funding grant will be used to purchase a trailer to house the equipment used at the various safety training programs. Kresha Eastman, Director of Castle Land Resource and Conservation Development Council explained that the funds will be handled through their Council.

(4)

CROCKETT DUMAS, FOREST SERVICE, QUARTERLY UPDATE.

John Healy, Forest Service reported on Forest Service activity for the third quarter. They have initiated action to build a strong forest service public citizen group to look at proposed action on the forest and comes to consensus resolution as to how they should proceed. This is in an effort to prevent problems and possible litigation thus avoiding the time and expense on analysis, EA's and EIA's on projects that may not go anywhere or that the public may not want to support. The group will act as a proponent of the Forest Service. They will be proposing, supporting and sponsoring forest management activities. They have a group put together with key people from various areas of interest. They are still comprising the group and welcome input from the Commission as to individuals to add to the group.

(5)

DAVID EMERY, DISCUSSION BOY SCOUT, BRIDGE IN HUNTINGTON CANYON.

David Emery came before the commission to discuss the possible placement of the Bailey Bridge at Bear Creek Campground in Huntington Canyon. Mr. Emery and Ray Grange came before the commission in June to discuss the bridge and were told to do some checking into any historical holds there may be on the bridge. Mr. Emery checked with the Historical Society and was told the county can do what it wants with the bridge as it holds no historical value. A request was made to have the bridge given to the Boy Scouts of America to place over the Huntington Creek to provide an entrance to their campsite adjoining the Bear Creek Campground. There was discussion on what would need to be done to place the bridge. The Boy Scouts would do as much of the work as they possibly could including raising the funds to help pay for the cost of the bridge placement. Rex Funk, Road Supervisor has looked into the matter and discussed the possible options for the bridge placement. The Board of Commissioners agreed to move along to the next stage unless the project becomes cost prohibitive. The Commission suggested Mr. Emery contact the Recreation District for possible funding. Rex Funk and engineers determine the cost of the project. Mr. Emery was instructed to meet with Rex Funk and engineers to determine the cost of the project then return with concrete engineering costs and the funds they have lined up.

(6)

MIKE MCCANDLES, EMERY TELEPHONE, QUARTERLY UPDATE.

Mike McCandles, Emery Telephone reported on third quarter activity. Emery Telephone has purchased Afnet, Inc. a Price based internet service company. They have a new call center which contracts with agencies to make reservations. Their annual community/company party was a success. The company's education initiative program has donated approximately \$50,000.00 back into the school system. The company is in their final phase of testing for the year two thousand. They have issued a press release to counter claims made by larger telephone

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companies who are trying to discredit rural telephone companies.

(7)

KATHY JUSTICE, REPORT OF 1999 EMERY COUNTY FAIR.

Kathy Justice was not able to attend the meeting. Commissioner Randy Johnson reported that we have not received the final check from the chamber for the lamb fry expenses. We took in less than planned for the lamb fry and asking the chamber to run that event cost a little more than anticipated. The cost to move the fair to the new fairgrounds presented an unexpected expense pushing us over budget on the 1999 Emery County Fair. The Chamber indicated that they will be self sufficient next year and we will not have to pay for the lambs up front. Also, we will not have the cost of the Pro Rodeo which is under the direction of the Recreation District.

(8)

CITIZEN CONCERNS.

Kresha Eastman, RC&D Council, reported on her trip to Samoa which was an employment assignment. Ms. Eastman also reported on the PL566 structures concerning slowing the sedimentation problem at Millsite Reservoir. The canal companies as well as Varian Allen, US Forest Service, are working together to solve the problem.

Ms. Eastman also reported on the San Rafael Roundup. This program was made possible through a grant from the RC&D. The money was set aside by the Forest Service to enhance community togetherness. Rosann Fillmore, Economic Development, reported that the tours are booked for the San Rafael Roundup. Most of the people who have booked the tours are out of the area. They are still taking advance ticket sales for the meal.

(9)

5:30 P.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENTS ON PROPOSED AMENDMENT TO THE EMERY COUNTY ZONING ORDINANCE.

Mack Huntington, Planning Commission Chairman addressed the Board of Commissioners and explained the purpose of the public hearing was to present proposed amendments to the Emery County Zoning Ordinance. By statute and ordinance it is the responsibility of the Planning Commission to review the zoning ordinance and general plan. Any proposed changes must be brought before the legislative body which is the Board of Emery County Commission for review and adoption. The Planning Commission began Phase I of extensive revisions to the Zoning Ordinance in 1998. In this first part of Phase II they will be defining the responsibility and authority of the Board of Adjustments. Policy decisions will be addressed in the next part of Phase II.

Commission Chairman Kent Petersen opened the meeting for comments from the public.

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Alan Thorpe, Attorney for the Planning Commission defined the proposed changes in the Zoning Ordinance.

Mack Huntington commented that it is the attempt of the Planning Commission to give the county a document that is fair and enforceable.

Bryant Anderson commented that some of the same things we are struggling with are the same things that are being struggled with nation-wide by developers and environmentalists.

Mack Huntington thanked the planning staff for maintaining an open vision of the overall plan.

Commission Chairman Kent Petersen closed the hearing.

(10)

CONSIDERATION AND APPROVAL OF AMENDMENT TO THE EMERY COUNTY ZONING ORDINANCE.

Commissioner Randy Johnson made a motion to approve the amendment to the Emery County Zoning Ordinance. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

RATIFY APPROVAL OF GOLD TERRA'S LARGE SCALE SITE PLAN TO INCLUDE THE BLACK BUTTE MINE SITE.

Commissioner Randy Johnson made a motion to ratify the approval of Gold Terra's large scale site plan to include the Black Butte Mine site. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

DISCUSSION OF UAC ANNUAL CONVENTION GIFT FROM EMERY COUNTY.

Commissioner Randy Johnson suggested giving a certificate for two to San Rafael Tours. The tour could be on horses or atvs. It was also suggested that the gift include a one night stay at Gilly's Inn in Ferron. It was the consensus of the Commissioner's and Elected Officials to give the above mentioned gift for the UAC convention.

(13)

CONSIDERATION AND APPROVAL OF EMPLOYMENT CONTRACT FOR DEPUTY COUNTY ATTORNEY.

Attorney David Blackwell presented to the Commission an employment contract for Brent Langston who would be the replacement for Mary Manley. Mr. Langston has been a prosecutor for Washington County for fifteen years. The amount of pay would be \$57,500.00 with a one time moving allowance of \$2,000.00. Mr. Langston would be able to begin employment with Emery County on November 1, 1999. Commissioner Randy Johnson made a motion to approve the employment contract for Brent Langston. Commissioner Ira Hatch seconded the motion and it was approved by all members present.

(14)

DISCUSSION AND RE-CONSIDERATION OF BOE ACTION.

In commission meeting on September 21, 1999, the Board of Commissioner's approved a 10 percent intangible deduction for residential and locally assessed businesses. The 10 percent deduction was off of taxable value. The Utah State Tax Commission denied Emery County's request for a certified rate adjustment which would equate to a 10 percent loss of revenue for the taxing entities of Emery County. Bill Peters, Attorney, has advised Emery County that this is most likely a case that we can not win because the definition of intangibles is so narrow. Mr. Peters commented that there were other issues that could be addressed but there is not enough time this year to formulate a plan that could be won through court. Commissioner Randy Johnson made a motion that Emery County back out of the 10 percent deduction for this year but pursue a plan for next year and explore all of the other available avenues for fighting this decision. Commissioner Ira Hatch seconded the motion and it was approved by all members present.

***Indigent Abatements:***

Sr. Deputy Clerk/Auditor Brenda Dugmore presented to the Commission the applications for indigent abatements that were received for 1999.

- Mary Ann Rizzuto - The Commission requested scheduling an interview to clarify certain issues on the application.
- Coleen Thompson - Commissioner Randy Johnson made a motion to abate 50 percent of the taxes due. The motion was seconded by Commissioner Ira Hatch and it was approved by all members present.
- Patricia Huntington - Commissioner Ira Hatch made a motion to abate \$587.00 according to the abatement schedule. Commissioner Randy Johnson seconded the motion and it was approved by all member present.



Ryan Cowley - Commissioner Ira Hatch made a motion to abate all taxes owing on the Cowley home. Commissioner Randy Johnson seconded the motion and it was approved by all members present.

(15)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List #124175 through and including #124335 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
65-99	Cut-off saw/Road Dept.	\$ 800.00	Approved
66-99	Laptop-Computer/Sheriff	2,599.00	Not Approved
67-99	(6) Radios/Sheriff	8,994.00	Approved

Dispositions were presented for the following:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
410-4228	Gas Saw/Road	Junked	Approved
410-4810	Radio/Class B	Junked	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit list for payment and the requisitions and dispositions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(16)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director Pat Snowball presented the following personnel action for approval:

Economic Development

Vicki Wilbanks is due for her next and final progressive increase effective 10/12/99. After this increase she will have reached her working level. She will move from 5A \$7.91/hr to 6A \$8.23/hr. Commissioner Randy Johnson made a motion to approve the progressive step for Vicki Wilbanks. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

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### GIS

Cody Fielder was hired temporary up to 90 days on June 24, 1999. It was planned that by September 1, 1999, a grant from CEU would be available to for him to continue. The grant has not come through but should. Commissioner Ira Hatch made a motion to terminate Cody Fielder effective 10/8/99 due to the 90 day status expiring. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

### Hepatitis Shots

Pat Snowball presented a request for County employees to receive hepatitis shots. It was suggested that we find out the risk factors for contracting hepatitis. It was the consensus of the Commission that the decision about whether employees should receive the shots should be made by Elected Officials and Department Heads and they would need to budget the money for the year 2000. If employees decide to get the shots before that time, they need to be run through the employees insurance.

(17)

### CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Randy Johnson made a motion to approve the minutes dated September 21, 1999 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(18)

### COMMISSIONER REPORTS

There were no commission reports this meeting.

(19)

### EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

There was no executive session.

(20)

### ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

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ATTEST: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_

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

October 19, 1999

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
MILES MORETTI, DWR, QUARTERLY UPDATE.

Miles Moretti, DWR reported on the Division's Critical Lands Program which is an open space initiative identifying areas critical to wildlife. Along the Wasatch front they targeted some of the private land. They have the areas mapped and will make a presentation at the Public Lands Council meeting in December. The elk hunt season will end this week. There were only three illegal kills this season which is down from previous years. The division is considering a youth hunt next year to entice younger hunters to the sport.

(2)  
SHANNON HIATT, EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT, NOTIFY COMMISSION OF RECOMMENDATION TO FILL AT-LARGE VACANCY ON THEIR BOARD.

Shannon Hiatt presented Emery County Recreation Special Service District's recommendation of David Kinder to fill the at-large vacancy on their board. Commissioner Randy Johnson made a motion to appoint David Kinder as at-large board member on the Emery County Recreation Special Service District. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)  
CONSIDERATION AND APPROVAL OF DONATION TO MISS MOUNTAINLAND SCHOLARSHIP PAGEANT.

The Board of Commissioners received a letter from Sabrina Ungerman requesting a donation to the Miss Mountainland Scholarship Pageant. The pageant is held in Emery County for the surrounding five county areas. Emery County has donated to the scholarship pageant for the last two years. According to Attorney David Blackwell's interpretation of the Short's Decision, this donation meets the criteria for donation to supporting the arts. Commissioner Randy Johnson

made a motion to donate the standard \$200.00 to the Miss Mountainland Scholarship Pageant. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

EMERY COUNTY CENTENNIAL HISTORY BOOK COMMITTEE-PRESENTATION OF FINAL PAYMENT TO COUNTY.

Sylvia Nelson, Centennial History Book Committee presented a check for \$1000.00 to Emery County as their final payment for a loan to publish the books. The Committee borrowed \$23,000.00 in 1995 for the publishing and printing of the history book. She thanked the Emery County Board of Commissioners on behalf of the Centennial History Book Committee for their confidence and support. The Centennial History Book Committee has fifteen hundred books left to sell. The money will be used for a like project such as publishing a pictorial history of Emery County.

(5)

10:00 A.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON A PROPOSED AMENDMENT TO THE EMERY COUNTY GENERAL PLAN.

Commission Chairman Kent Petersen opened the Public Hearing and introduced Mack Huntington, Planning Commission Chairman. Mr. Huntington provided a General Plan Amendment Overview as follows:

The Emery County General Plan was adopted in 1996. The Plan addresses specific issues identified by County residents as priorities and outlines a series of strategies designed to accomplish County goals and objectives.

The Plan establishes the County's policies regarding Public Lands/Federal and State Agencies, Transportation, Economic Development, Recreation and Tourism, and Water Resources.

As the Plan states, "For the document to function as a valuable, decision making tool, it should be reviewed and amended as necessary to address County issues and interests as they develop."

This past summer the BLM completed a wilderness re-inventory which will probably result in additional Wilderness Study Areas (WSA's) being proposed within Emery County. These WSA's will be established under the Federal Land Policy and Management Act (FLPMA), Section 202 of which requires that local plans be considered. The "202 process" involves a review of local plans to

determine consistency between the Federal action and said local plans.

The current County Plan does not accurately represent the position of Emery County regarding the management of public lands within the county, nor does it reflect the current working relationships which exist between the County and the various public land management agencies.

The Public Lands Council recommended to the Planning Commission that the General Plan be amended to ensure it contains information which accurately reflects the County's present position regarding the management of public lands.

The amendment addresses only the Public Lands section of the General Plan, and includes updated information regarding the County's position on wilderness and heritage resources.

The Public Lands Council Mission Statement states, "The mission of the Emery County Public Lands Council is to represent the public lands interests of Emery County and its citizens and to perform an advocacy role for the local stakeholders; to work in partnership with federal and state agencies in fashioning management decisions and policies affecting lands within Emery County; and to participate in the development, coordination, and implementation of the planning objectives of these various entities to ensure harmony between the objectives of these various entities and the Emery County Master Plan".

It is the intent and purpose of the Emery County Public Lands Council to aggressively preserve the community heritage of Emery County by vigorously participating in and influencing all public land planning and decision-making processes on behalf of, and under the authority of the Emery County Commission.

Commission Chairman Kent Petersen opened the meeting to the public for comments.

Val Payne, Public Lands Director commented that the document basically updates the tense of the Plan and presents the County's current position as far as public lands issues.

Comments were provided by each member of the Board of Commissioners as well as Tracy Jeffs, Public Lands Chairman.

Val Payne addressed some of the verbiage changes suggested by the Board of Commissioners.

Being no more comments, Commissioner Randy Johnson made a motion to close the Public Hearing. The motion was seconded by Commissioner Ira Hatch and approved by all members

present.

(6)

CONSIDERATION AND APPROVAL OF AMENDMENT TO THE EMERY COUNTY  
GENERAL PLAN.

Commissioner Randy Johnson made a motion to approve the Emery County General Plan as amended. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

EMERY COUNTY ROAD DEPARTMENT -DISCUSSION OF LILA CANYON  
AGREEMENT.

Road Supervisor, Rex Funk presented an agreement between Emery County and Utah American Energy, Inc. The agreement was for improvements to the existing county road known as Lila Canyon Road(#126). Because Utah American Energy, Inc. requires extensive use of the road, the road must be improved for the health, safety and welfare of the citizens of County as well as others who may have occasion to use the road. The county road runs from State Route 6 in a Northeasterly direction for approximately 2.63 miles to a presently existing corral. Thereafter the road is an unimproved RS 2477 roadway under assertion by Emery County with the Bureau of Land Management and identified as assertion #144 lower Lila point, #155 Lila Canyon and #326 Lila Canyon Lila Pt. The assertions were indexed and submitted to BLM Jan 8, 1993. Emery County will improve the road according to the plans and specifications as approved by Johansen & Tuttle Engineering, Inc, as Emery County's engineers of record. The parties will enter into an escrow agreement. Johansen & Tuttle's estimates for each phase of the project will be carefully reviewed and brought up to date before funds are put into escrow prior to initiation of the project. UEI and Emery County shall jointly agree in writing before beginning any specific phase of the project. No phase of the project shall begin before the required funds for that specific phase is in escrow. Each phase of the project, once initiated shall be completed. Insofar as the road will be used by the public for access to private and public lands and by UEI for access and construction of the Lila Canyon Mine, and insofar as improvement of the roadway would otherwise be a budgeted item for Emery County given other priorities for highway maintenance or reconstruction, it has been agreed between Emery County and UEI that the total cost of the reconstruction of the county road shall be the responsibility of UEI. Upon satisfactory completion by both parties of each phase, any remaining unspent funds in escrow shall remain sole property of UEI. UEI will assist the County in obtaining additional road ROW's as required. UEI shall acquire an Encroachment Permit from Emery County and comply with the conditions as set forth in the permit. Lila Canyon Road (#126) will remain a County network road entirely under the authority of Emery County. Commissioner Ira Hatch made a motion to enter into an agreement with Utah American Energy, Inc. in providing improvements

to the Emery County road known as Lila Canyon Road (#126). The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

CITIZENS CONCERNS

Kay Jensen, Huntington/Cleveland Irrigation Company voiced a reminder to the Board of Commissioners of trans mountain and trans basin water diversion concerns. He discussed the legal battles over water replacement and the financial struggle they are having as a small company trying to defend these things. Huntington/Cleveland Irrigation Company has approached the County Commissioners in the past for a donation to help fight these legal battles. Attorney David Blackwell has been researching donations permissible by Emery County to other entities and will advise the Commission on his findings. Mr. Jensen also discussed a water problem as a result of road work by the county on the Buffalo area below Huntington. Rex Funk and Ray Petersen will go with Kay Jensen and Dennis Ward to check the situation. Rex and Ray will report back to the Commission on how to cooperate to solve the problem.

(9)

DISCUSSION OF CHANNEL 26.

Emery County owns Channel 26 which is a public access channel. For the past year the Board of Commissioners has been in discussion as to operation of the channel. Requests for bids to operate the channel were advertised. Emery Telephone put in a bid to take over the channel but wanted to own the license. Due to the amount of time that has elapsed they have since withdrawn their bid. Emery County wants to retain ownership of the license but not operation of the channel. A decision was made at that time to continue to operate the channel by contracting with an individual for that service until a decision could be made. It was decided to begin the decision process by meeting with the current contractor and see what direction to go from there.

(10)

DISCUSSION OF OLD CASTLE DALE SENIOR CITIZEN BUILDING'S FUTURE USE.

The new Castle Dale Senior Citizens Center is open now leaving the old center vacated. Both the Emery County Chamber of Commerce and the Emery County Clothing Exchange and Food Bank has approached the Board of Commissioners in previous meetings with requests to occupy the center. There was discussion on alternatives for housing the Clothing Exchange and Food Bank. They have been told they can qualify for CDBG funding in 2002 therefore the use of the center may be temporary. Another possibility was the old bishop storehouse which the L.D.S Church has up for sale. Linda Jewkes, Emery County Chamber of Commerce was present to request the building citing benefits from having a better location as well as not having to pay rent



which is supplemented by an Emery County donation. Without assistance from Emery County the Chamber would not be able to function. Commissioner Johnson commented that the County has an obligation to both entities but only one of them is in jeopardy of losing their housing. The Board of Commissioners decided to put off this decision for one more month to check into the mentioned possible locations for the Food Bank.

(11)

DISCUSSION OF COUNTY ATV HELMET POLICY.

There has been some concern for the safety of Emery County employees and especially GPS workers use of helmets during their time in the field. The Board of Commissioners decided to ask the Risk Management Committee to take a look this concern as soon as possible.

(12)

PRESENTATION OF THE 2000 TENTATIVE BUDGET AND SETTING OF PUBLIC HEARINGS.

Clerk/Auditor Bruce Funk presented to the Board of Commissioners for review the Auditor's recommendation for the 2000 tentative budget prior to the budget sessions. Budget sessions were set for November 2, 1999 from 9 a.m. to 12 p.m., November 8, 1999, all day, November 10, 1999 from 9 a.m. to 12 p.m., and November 30, 1999 from 9 a.m. to 12 p.m. Commissioner Randy Johnson made a motion to accept the recommended 2000 tentative budget and to set the budget sessions as indicated. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

CONSIDERATION AND APPROVAL TO WRITE OFF OLD AND UN-COLLECTABLE AMBULANCE ACCOUNTS.

Clerk/Auditor Bruce Funk explained that the ambulance billings have been going on for some time now with many unpaid balances. The unpaid balances are due to pass through clients such as accident victims from I-70 that have been billed and are unable to pay or have not paid their account. It is the recommendation of the Auditor and independent auditors Kimball & Roberts that the accounts become cleared. The write-off amount is \$23,230.98 cleaning up the accounting. Commissioner Randy Johnson made a motion to approve the write-off of old and un-collectable ambulance accounts. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

CONSIDERATION AND APPROVAL OF INDIGENT TAX ABATEMENT.

Commissioner Randy Johnson made a motion to approve the abatements discussed and approved in the last commission meeting and to not approve the abatement for the individual that was put on hold pending an interview. If the individual wishes to meet with the Commissioners at a later date they may take her case into consideration at that time. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List #124588 through and including #124768 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
69-99	Caselle software upgrade to windows-Clerk/Aud/Treasurer	\$8,225.00	Approved
70-99	(2) Computers (3) 17" monitors Class B Roads	2,988.00	Approved

There were no dispositions at this time.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List for payment and the requisitions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(16)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel director, Pat Snowball requested the following personnel action:

Justice Court

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Kristie Morgan had her baby on October 12, 1999. She will be out of sick and vacation time by October 29, 1999. She would like to be home with the baby until approximately November 30, 1999. Kristie would like to ask for contributed leave. Judge Truman as approved her request.

Sheriff's Department

Lee Ann Scoggins is undergoing treatment for thyroid cancer. She is out of sick and vacation time. She would like to ask for contributed leave. Sheriff Guymon has approved her request.

Commissioner Randy Johnson made a motion to approve advertising for contributed time for Kristie Morgan and Lee Ann Scoggins. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes dated October 5, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(18)

COMMISSION REPORTS

***Commissioner Johnson***

Commissioner Johnson reminded those in attendance of the open house at the new Castle Dale Senior Citizen Center.

***Commissioner Petersen***

Commissioner Petersen reported on the governors meeting with West Desert Governor's Council.

(19)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

There were no items for discussion at this time.

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Commission Meeting Minutes  
October 19, 1999

(20)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

November 2, 1999

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor, Carol Cox, other elected officials and citizens.

(1)  
DICK MANUS, BLM QUARTERLY UPDATE

Dick Manus, BLM provided an informative quarterly update of third quarter activity. President Clinton will recommend the nomination of Tom Fry as permanent director of BLM. The nomination will go before Congressional Hearings for confirmation. SUWA has filed a formal lawsuit against the BLM regarding its off road vehicle management effort citing seven identified causes for the lawsuit and actions they want resolved. No injunction was filed with the lawsuit. The BLM is close to concluding an impairment assessment on the wilderness study area of the San Rafael Swell. He reported on a news release in an upcoming federal register notice with regard to the re-inventory planning effort going on in the state. The scope of the BLM's planning effort is being modified from a state wide plan to a four region plan with an EIS for each region. The first region to be looked at is the Monticello and Moab area. The second region to be looked at is the eastern region which includes Vernal, the Bookcliffs, San Rafael and Henry Mountains. The third region includes the Grand Staircase/Escalante, Cedar City and St. George area. The fourth region is the west desert area. They are hoping to have a draft for the first EIS effort by next spring with the final completed by 2000. They hope to have all four regions completed by 2004. In other business he reported on the efforts to provide power to coal bed methane facilities on BLM land as requested by Texaco. They are continuing to process grazing permits/renewals.

(2)  
PRESENTATION OF CHILDREN'S JUSTICE CENTER AND DISCUSSION OF SATELLITE LOCATION.

Terry Willis, Director of the Family Support and Children's Justice Center in Carbon County came before the Board of Commissioners to introduce the program which serves both counties.

They have an advisory board with members from both counties including LaMar Guymon and McKette Allred. The center is set up for child abuse prevention and to assist in child abuse investigation. They help coordinate the child sexual abuse and extreme physical abuse cases investigated in Carbon and Emery County. Emery County has not been using the center very much mostly due to the distance to travel to the center. The main use of the center is to help reduce trauma in re-victimizing the children when they have to come in and talk about what has happened to them and help coordinate between law enforcement and DCFS and the county attorney. As their board met, one of the things they have asked is to start looking at ways to get the services that they provide in Carbon County down to the people rather than having the people come up to the center. They are here today to see if Emery County is interested in having this service in Emery County. They are seeking funding through the attorney general to put a satellite location in Emery County. Part of that funding is getting the recommendation of the governing board of the county. They are looking for a location to house the center. They are not requesting any funding from the county budget to run the center. They are seeking a letter of recommendation and help in finding a location to house the center. Commissioner Ira Hatch made a motion to write a letter of support for the program and to allow them to go ahead with their investigation into finding a location to house the center. The group will keep the Commission updated on their progress. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(3)

STEPHEN BEHLING, DISCUSSION AND CONSIDERATION OF OVER-PAYMENT OF PROPERTY TAX.

Stephen Behling, Ferron came before the Board of Commissioners to request a reduction of tax due to an over-payment. Mr. Behling explained that in 1976 he built the house with no basement. In 1980 he added onto the house with an addition and a garage with a basement under the new portion. In 1993 a decision was made to tax the house as having a full basement. He estimates he has been over charged for the last five years \$106.00 a year for a total of \$530.00. Mr. Behling has met with Assessor, Jim Fauver who indicated that a mistake was made on the valuation of the home due to the basement. Mr. Behling requested to have the over-payment deducted from this years taxes. After discussion on this matter, a motion was made by Ira Hatch to adjust Mr. Behling's 1999 property tax to reflect an over-payment of \$500.00. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)

CITIZENS CONCERNS

Barbara and the group representing the Emery County Clothing Exchange and Food Bank were present to discuss the possible occupation of the old Senior Citizen building in Castle Dale. As

discussed in the previous meeting there was a possibility for the group to have access to a CDBG Grant for purchasing an existing building or construction of a facility. The funds would not be available for about two years. The group is in need of a facility until the funds are available. The Clothing Exchange would be responsible for the utilities and maintenance of the building while in their use. The food drop truck will continue to use Stewart's parking lot for their food drop program. The group is on the agenda to meet with Castle Dale City to address any concerns they may have. Commissioner Randy Johnson made a motion to allow the group the use the old Sr. Citizen building on a temporary six month renewable contract as worked out by the County attorney. If Castle Dale City has any problems, we can address them when we look at the contract in six months. The motion was seconded by Commissioner Ira hatch and approved by all members present.

(5)

APPROVAL OF BUSINESS LICENSE

Clerk/Auditor Bruce Funk presented for consideration and approval a business license from Ryan Kelly DBA: Kelly's Hauling. Mr. Kelly intends to haul equipment and hay mostly out of state for farmers. He will have a one ton truck and trailer. The application has been reviewed and approved by Planning & Zoning Director, Bryant Anderson. Commissioner Randy Johnson made a motion to approve a business license for Ryan Kelly DBA: Kelly's Hauling. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

CONSIDERATION AND APPROVAL OF COMMISSION PROPERTY TAX ADJUSTMENTS.

Assessor, Jim Fauver presented the following Board of Equalization adjustments for consideration and approval:

Bowdie Barnett,	\$190.09
Leon McElprang,	\$274.01
Danny VanWagoner,	\$149.16
Tom Brereton,	\$115.40
	\$729.66

Commissioner Randy Johnson made a motion to approve the Assessor property tax adjustments as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

CONSIDERATION AND APPROVAL OF RE-CERTIFICATION OF PRESERVATION COMMISSION AND CALL FOR NEW MEMBERS.

Kathleen Truman works for the State Travel Division at the request of the Emery County Commissioners to help the Public Lands Council and affairs with the Heritage area and destination development. In the scope of the work that was developed between herself, the Public Lands Council and the County Commissioners one of the things they looked at were too re-certify as a certified local government under the National Historic Preservation Act. The way a county becomes a certified local government is to have an ordinance and an established preservation commission. Emery County established a preservation ordinance back in 1984 and set up a preservation commission. Since that time the preservation ordinance is still in existence but the preservation commission was de-certified through the process. This is an opportunity to go back and re-certify as a certified local government and establish a preservation commission. The advantage of being a certified local government is there are grants that you can receive in order to do research on historic properties or restoration or preservation. You are only eligible if you are a certified local government. It contributes to preserving the historic resources in the county. According to Emery County's preservation ordinance this is an eight-member commission. The necessary process requires a public notice to advertise to seek individuals who are interested in serving on this commission. A resume/application is required and the commission is appointed by the Emery County Commission. The names are forwarded to Salt Lake City to the Division of State History and then back to Washington D.C. If we can get this done before the end of the year Emery County can qualify for funds in 2000. There was discussion on advertising in the newspaper for members and time frame for the process completion. They reviewed the application and what would be required of potential members. Commissioner Randy Johnson made a motion to re-establish the Preservation Commission and advertise for new board member applications to be turned in for review on November 22, 1999 for appointment in the November 30, 1999 Commission Meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

CONSIDERATION AND APPROVAL OF ADDENDUM TO AIRPORT LEASE/MANAGEMENT AGREEMENT.

The lease for the operation and maintenance of the Huntington Airport which is operated by the county was up on October 15, 1999. The present manager is moving out of the area and has no desire to renew the contract on a long term basis. Emery County will send out letters requesting individuals and services to operate the airport. Emery County has received letters of interest from the following four individuals interested in contracting the airport services: M & J Arrow Services from Duchesne, Mark Frances who operates the Price Airport, Willy Robertson formerly of Orangeville and Jeff Hall of Price.

Commissioner Hatch asked David Blackwell, County Attorney to prepare an addendum to extend



the lease with Keven Robison till December 1, 1999. This will allow the county time to receive proposals from the interested individuals, make a recommendation to the Commission and take some action on a new contract. Commissioner Ira Hatch made a motion to authorize Commission Chairman Kent Petersen to sign the addendum to the Huntington Airport lease extending the lease to December 1, 1999 and to solicit for a prospectus for the operation and maintenance of the Huntington Airport. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List # 124929 through and including # 125088 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
71-99	ARC View Software Public Lands/Grant	940.00	Approved
72-99	Computer 500 Mhz Public Lands/Grant	3,500.00	Approved
73-99	Tire Gun & C-Clamps Road Dept	1,603.32	Approved
74-99	Professional Tape Recorder Public Lands/Grant	601.50	Approved
75-99	CPU Unit/Security System Museum of the San Rafael	1,500.00	Approved
76-99	Visitation Phones Corrections	370.00	Approved
77-99	Parts Washer Road Dept	600.00	Approved

78-99	Light Bars for Crown Vics #37 & 38 Sheriff	1,515.80	Approved
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There were no dispositions for consideration at this time.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List for payment and the requisitions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

In other Clerk/Auditor business, Bruce Funk requested approval to turn over a list of delinquent ambulance accounts to a professional collection agency. Also as per instruction from Independent Auditor, Rick Roberts he requested to write-off a list of pre-1994 uncollectible accounts for a sum of \$15,190.07. Commissioner Randy Johnson made a motion to accept the Clerk/Auditor's recommendation to turn over the delinquent list to a professional collection agency and write-off the uncollectible accounts as instructed by Independent Auditor, Rick Roberts. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball requested the following personnel action:

Two employees have completed their six-month orientation. Jan Christensen, Road Department (10/26/99) and Amber Braun, Clerk/Auditor's Office (11/11/99) has been recommended by their respective department heads to receive wage increases. The increase would be from 4A \$7.58/hr. to 5A \$7.91/hr. Commissioner Ira Hatch made a motion to approve the wage increases for Jan Christensen and Amber Braun as requested. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

At the end of the year Lee Rasmussen will have accrued vacation hours in excess of the eighty (80) specified in the policy which can be carried into a new year. However, he has planned a vacation in March at which time he would use all of this time. He would like the Commission to consider letting him carry the extra time over for that purpose. After much discussion on this matter, Commissioner Randy Johnson made a motion to deny Mr. Rasmussen's request to carry over hours over the eighty (80) specified by the policy. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

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Commission Meeting Minutes  
November 2, 1999

(11)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Randy Johnson made a motion to approve the minutes dated October 19, 1999 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

COMMISSIONER REPORTS

**Commissioner Hatch**

Commissioner Hatch reported on the Des Bee Dove Road Project in connection with the new dump station. Castle Dale City is still holding out on the water shares and connection fee for the county. Emery County provided five water shares at the time the landfill was being put in which was more than was needed at that time to take care of the needed shares. There was discussion that an agreement was made between the service district and/or Castle Dale City to evaluate the amount of water actually used at the landfill and adjust the number of shares to correlate with this determined amount. This evaluation has not been done so both entities know what if any additional shares are needed. This should be done. Those five shares should be sufficient for the landfill and the new sanitation dump-site. Rex Funk, Road Supervisor compiled a list of contributions in time and labor in the last six years by the County Road Department to Castle Dale City. Commissioner Ira Hatch made a motion to do whatever we have to do to make Castle Dale City happy so we can move forward with the sanitation dump-site. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Executive session was not necessary.

(14)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by

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Commission Meeting Minutes  
November 2, 1999

Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

November 16, 1999

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

CONSIDERATION AND APPROVAL OF LEASE BETWEEN EMERY COUNTY AND SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENT FOR USE OF OLD CASTLE DALE SENIOR CENTER.

Commission Chairman Kent Petersen explained that the lease between Emery County and Southeastern Utah Association of Local Government for the use of the old Castle Dale Senior Center is a six-month renewable lease contract. The Commission will evaluate the use of facility by the group and the status of the neighboring businesses as well as the city plans at the end of the six-month period. The lease contract has been reviewed and recommended by Attorney David Blackwell. Commissioner Ira Hatch made a motion to approve the lease contract between Emery County and Southeastern Utah Association of Local Government for use of the old Castle Dale Center. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(2)

CONSIDERATION AND APPROVAL OF INTER-LOCAL AGREEMENT BETWEEN GRAND AND EMERY COUNTIES FOR FIRE AND AMBULANCE SERVICES.

Ken Ballantyne, Council member from Grand County sent a draft proposal for fire and ambulance service in Grand County for the Emery County Commission to consider. Both parties to the agreement shall have joint responsibility in providing fire protection and ambulance service to the citizens of Green River and the Elgin area. Emery County shall continue to provide the equipment and manpower sufficient enough to provide the fire protection and ambulance service as has been in the past. The proposal provides for the sum of \$5,000.00 annually to be paid to Emery County to assist ambulance service for the citizens of Grand County in the Green River and the Elgin area. The taxable values of both personal and real property combined as determined by the Grand County Assessor shall be multiplied by the amount of the Moab Fire Protection District Tax Levy and that sum shall be remitted to Emery County for the express purpose of providing fire protection to the citizens of Grand County in the Green River and the Elgin area. The agreement shall be reviewed annually during the

annual budget process and Grand County will advise Emery County of the amount of a said fire protection levy. Each year Emery County shall provide Grand County with a year end report regarding the fire suppression activities to the citizens of Grand County in the Green River and the Elgin area. Attorney David Blackwell has reviewed and recommends the proposal. Sheriff LaMar Guymon has reviewed the proposal and has no problems with the agreement as proposed. If Emery County approved of the proposed agreement, they (Emery County) were to return the proposed agreement to Grand County for approval in their Council. Commissioner Ira Hatch made a motion to return the proposed agreement with Emery County's approval of the concept. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(3)

PRESENTATION AND APPROVAL OF NEW EMERY COUNTY LOGO.

Kenny Snowball has been working with Emery County to produce a new logo. A proposed final design was presented for approval. Commissioner Randy Johnson made a motion to approve the final design for a new Emery County logo and to pay Mr. Snowball the remainder of the agreed contract amount. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

ROSS HUNTINGTON, EMERY COUNTY SCHOOL DISTRICT, INFORMATION REGARDING USE OF SCHOOL DISTRICT FACILITIES BY EMERY COUNTY RECREATION AND DISCUSSION OF JOINT EFFORT WITH UINTAH COUNTY CHALLENGING DISTRIBUTION OF MINERAL LEASE FUNDS.

Ross Huntington, Emery County School District Financial Administrator opened discussion on a letter they received from Uintah County soliciting entities interested in pursuing litigation of distribution of mineral lease funds. The School District would be interested in participating but only if they could benefit from the revenue of mineral lease funds. Commission Chairman Kent Petersen explained that the law dictates that the mineral lease funds must be distributed to a special service district. Uintah County is seeking many different entities as they feel that the lawsuit may be more credible if more entities participate. After discussion on this issue it was decided to check with Bill Peters, Attorney at Law and Uintah County to get some direction. The school district and Emery County will be watching with interest to see the direction this takes.

Mr. Huntington also discussed the use of school facilities by Emery County Recreation Special Service District. He provided a graph showing the declining numbers of enrolled students in

Emery County schools. Every time they lose a student they lose approximately \$2,000.00. The demand on the use of the gyms in the county is continually going up. The utility bills and pay to maintenance people to keep the buildings available for community use is increasing while funds are going down. Mr. Huntington's request was for compensation from the Recreation District for the use of the buildings. The Board of Commissioners suggested the School District meet with the Recreation District Board to discuss the need for compensation for the use of the buildings.

(5)

MARK H. WILLIAMS, DISCUSSION OF IMPLICATIONS OF SUWA LAWSUIT AGAINST BLM.

Mark H. Williams, Southeastern Utah Off-Highway Vehicle Club encouraged the Emery County Commission and the Emery County Public Lands Council to publicly oppose the recent lawsuit filed by SUWA, the Sierra Club and other groups to force the BLM to close 9.1 million acres of public land in Utah to off-road vehicles. He also requested the Emery County Commission and the Emery County Public Lands actively oppose it by way of monetary donations to groups such as Blue Ribbon Coalition, Utah Shared Access Alliance and/or the Utah Association of Rural Counties. The Blue Ribbon Coalition and the Utah Shared Access Alliance plan to enter the lawsuit in order to represent the interests of motorized vehicle users on public lands. If this lawsuit is successful it will close 1.38 million acres of public land in Emery County (roughly 48% of the entire county) to off-road vehicles, denying access to many of our Heritage Sites and nearly half of the BLM administered lands in Emery County. This lawsuit would have a negative impact on Emery County's authority to administer their RS2477 Right of Ways. Commissioner Johnson commented that Emery County opposes the lawsuit. Emery County will take whatever legal action necessary to keep our roads open and will help BLM in every way possible to fight the lawsuit. Emery County will do everything in its power to assert its RS2477 Right of Ways.

(6)

CITIZENS CONCERNS

County Assessor, Jim Fauver requested an adjustment of property tax on behalf of Danny Van Wagoner, Castle Dale. The value of Mr. Van Wagoner's home was mis-calculated for three years. The home was valued as a two-story home when in actuality it is a one and a half story home. Mr. Van Wagoner is requesting to have the overpayment of \$378.50 credited to the current year's property tax. After much discussion of this matter it was decided to adjust a portion of the overpayment. Commissioner Randy Johnson made a motion to refund \$275.00 of the property tax overpayment on this year's property tax. The motion was seconded by

Commissioner Ira Hatch and approved by all members present.

Commissioner Johnson made a motion to set a Public Hearing for Tuesday, November 30, 1999 at 5:30 P.M. in the Emery County Courthouse for the purpose of receiving public input on North American Gypsum's proposed mining operations located south of I-70 at milepost 109. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Johnson also reported on calls he has received regarding elk on the road between Huntington and Price. DWR will be contacted to express concern.

(7)

CONSIDERATION AND APPROVAL OF GRANT CONTRACT WITH STATE HISTORY

Kathleen Truman, State Travel Division requested approval of a grant application from BLM to Public Lands to identify and catalog Emery County's Heritage Sites on the San Rafael. The grant was for the sum of \$28,000.00 and will come to the County. Another grant application presented for approval was from the Division of State History to fund a history project called "Learning from the people: Landscape History through Oral Interviews". The grant was for the sum of \$3,000.00 and will be paid as claims are sent in for reimbursement. Commissioner Ira Hatch made a motion to move ahead with the grant applications. Commissioner Kent Petersen stepped down to second the motion and it was approved by all members present.

(8)

DISCUSSION OF GRANT PROPOSAL OF DR. BETH MURPHY TO CREATE A WATER BASE FOR GIS.

Dr. Beth Murphy, Energy Geosciences Institute at the University of Utah Research Park in Salt Lake City is interested in writing a proposal for a two-year project through the private Hewlett Foundation to create a water database in the Geographic Information Systems of Carbon and Emery Counties. It is assumed that Dr. Murphy will write the proposal, supervise the project and handle all funding, reporting and purchasing. Dr. Murphy has written two previous grants for the counties to build the GIS databases in Carbon, Emery, Grand and San Juan Counties since 1996.

The proposal is expected to be in the form of a \$200,000 - \$300,000 grant. It is believed that the county will not have to provide matching funds. The Hewlett Foundation provides funding to assist rural areas to research and deal with environmental issues. The proposed objectives might be: Map all existing incoming water to the populated corridors of the Counties, Map all existing outgoing water from the populated corridors, Map current FEMA flood maps in the counties as



digital files, Make the new FEMA maps available over the Internet, Lay flood zone maps over new aerial flights, Construct a three-dimensional computer model and from the model to target the expected problem flood area and map them over the aerial photos. If Emery County is interested in this type of a project, we need to let her know as soon as possible. Commissioner Randy Johnson made a motion to authorize Commission Chairman Kent Petersen to draft a letter to Dr. Murphy letting her know that Emery county is interested in the project. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #125341 through and including 125466 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
79-99	File Server/Novell License	5,800.00	Approved
80-99	Panasonic Typewriter/Sheriff	570.00	Approved
81-99	Software & Training Public Lands Grant	1,644.76	Approved

There was discussion on the bids supplied for the file server. Commissioner Randy Johnson made a motion to accept the low bid for the file server. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment and the requisitions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Randy Johnson made a motion to ratify dates for 2000 budget meetings as follows: December 1, 1999, 9 A.M. to 12 P.M., December 3, 1999, 9 A.M. to 3:00 P.M., December 8, 1999, 9A.M. until finished. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Due to New Year's Day falling on Saturday, Commissioner Ira Hatch made a motion to set December 31, 1999 as a county holiday and to advertise in the Emery County Progress that the

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November 16, 1999

offices will be closed for business on that day. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION

Personnel Director, Pat Snowball requested the following personnel action:

GIS

GIS Department requested an extension of the up to 90 day temporary assignment for Margaret Swasey to go through November 19, 1999. Commissioner Randy Johnson made a motion to approve the extension of the up to 90 day assignment for Margaret Swasey to go through November 19, 1999. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Ms. Snowball also discussed the philosophy of contributed leave and proposed bylaws for the Loss Prevention-Accident Review Committee.

(11)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes dated November 2, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

COMMISSION REPORTS.

*Commissioner Johnson*

Commissioner Johnson reported that he would not be able to attend the health board meeting due to the Senior Appreciation Dinner but that Tom Rousch will speak at the meeting in his absence.

*Commissioner Hatch*

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Commission Meeting Minutes  
November 16, 1999

Commissioner Hatch reported that letters were sent out to interested parties soliciting someone to operate the airport. The bids are expected by November 29, 1999 for a decision at the November 30, 1999 Commission Meeting. The current contract manager, Keven Robison will be leaving on December 1, 1999, so therefore there is some urgency to finding someone to operate the airport. We will need to do a walk through to do an inventory before Keven leaves.

Regarding the five water shares given to Castle Dale City for the landfill. Emery County put in five shares at the time they were putting the landfill because they didn't know how much would be needed and there was supposed to be an adjustment done later. In trying to finalize the details for the new sanitation station and providing the sewer hook-up, it was proposed to have Castle Dale City waive the sewer hook-up fee and the District would waive the fee to the City.

*Commissioner Petersen*

Commissioner Petersen reported that the RS2477 Road, GPS Mapping Project has made significant progress. 90% of the roads within proposed wilderness areas are completed. Some roads on existing maps were in the wrong place but for the most part they were accurate.

(13)

OTHER BUSINESS

Rex Funk, Road Supervisor requested the Board of Commissioners consider the cement and chip seal projects during the 2000 budget process. Especially needed will be the black top at the airport.

(14)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Commissioner Randy Johnson made a motion to move to an executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

ADJOURNMENT

8

Commission Meeting Minutes

November 16, 1999

Upon returning to regular meeting Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

NOVEMBER 29, 1999

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Clerk/Auditor Bruce Funk. The meeting convened at 2:00 PM.

(1) NORTH EMERY WATER USERS REQUEST FOR CREATION OF A SPECIAL SERVICE DISTRICT

Menco Copinga, North Emery Water Users Association Board President, discussed their water system and the need to create special district rather than remain as a private company. They need to upgrade lines and tanks. As a private company they are not eligible for grants. Votes taken show shareholder support for creation of such a district (Those who spoke against the creation of the district questioned the legality of the vote.). His request of the commission was approval to proceed with the creation of a non-taxing special service district.

Availability of grants to such a district were discussed. Maps of proposed boundaries were presented and discussion as to annexations and de-annexations of the districts boundaries and overlaps with Special District # 1 boundaries which has water in its responsibilities. Two districts providing the same service cannot overlap.

Mentioned and briefly discussed were other similar water lines outside the municipalities and not covered under Castle Valley Special Service District (CVSSD) such as the Ferron stock water line, Green River, Wilberg line, and outside Clawson. Cottonwood stock line is a partnership with CVSSD.

Discussed was the use of mineral lease monies and what monies could be available for such a new district or should consideration be given to entering into a MOU with CVSSD so that all benefit from mineral lease monies.

Following people were also in attendance and participated in the discussion: Bevan Wilson (in favor of district), Mike Jensen (legal council for North Emery), Bill Ivie, Kay Jensen (opposed to district), Dennis Ward (opposed to district), Jack Stoyanoff, Laura Fillmore, Scott Allred, Bill Coyne, and Darrell Leamaster (Castle Valley Special Service District).

No action was taken by the commission at this time.

Motion to adjourn the meeting at 3:27 PM was made by Commissioner Ira Hatch and seconded by Commissioner Randy Johnson and approved by all members present.

Copies of the meeting tape were provided to: North Emery Water c/o Menco Copinga and Kay Jensen.

Attest: \_\_\_\_\_

Chairman: \_\_\_\_\_

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

November 30, 1999

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

MARTIN WILSON, ECSO, DISCUSSION AND APPROVAL OF ANIMAL SHELTER FEES.

Sheriff Guymon discussed a proposal to consider raising animal shelter fees. Animal Control Officer, Martin Wilson conducted a survey of animal fees in other counties and states. Officer Wilson determined that current fees are below the fees charged in these other areas. Fees have not been considered for a number of years and need to be brought in line with the rest of the state. No decision was made at this time.

(2)

LENARD BROWN, PRESENT INFORMATION ON RADIO ACTIVE AND NUCLEAR FALLOUT LEGISLATION.

Lenard Brown presented a letter he had written to Senator Orrin Hatch and Senator Bob Bennett regarding the Radiation Exposure Act recently passed in the Senate and Congress, and is currently waiting for President Clinton's signature. In Mr. Brown's letter he recommended three amendments to the bill. Mr. Brown felt Emery County should be added to the list of affected areas, that contract workers and related workers who worked in and around the uranium mines should be included, and to extend the date to 1977. The bill has ninety days in which it can be amended and Mr. Brown is hoping to have these three changes considered. He asked the Commissioners if they would compose a letter to Senator Hatch and Senator Bennett encouraging them to consider the amendments to the bill. The Commissioners were in agreement with Mr. Brown's proposed changes. Commissioner Randy Johnson made a motion to draft a letter to Senator Hatch and Senator Bennett recommending consideration of the proposed changes to the bill. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

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November 30, 1999

(3)

JB RANCH REQUEST FOR ADJUSTMENT ON 1999 TAXES.

David Simpson representing JB Ranch has been working with the Assessor's office regarding their recently annexed property in Ferron. There was a problem with the property valuation that should have been taken care of during Board of Equalization. Mr. Berenson, President of JB Ranch had been experiencing medical problems with his wife and was not able to attend BOE. The valuation adjustment has been made for the year 2000 however the property taxes for 1999 have not been adjusted. The request is to have \$330.98 abated on the 1999 property tax which would have been considered at BOE had they been able to come in and request it at that time. Commissioner Randy Johnson made a motion to approve the \$330.98 adjustment to JB Ranch's 1999 property tax. Commissioner Ira Hatch was not in agreement on this adjustment, therefore Commissioner Kent Petersen stepped down to second the motion. The motion passed two to one with Commissioner Hatch descending.

(4)

CITIZENS CONCERNS

Assessor Jim Fauver presented a request from Leon McElprang to have an adjustment done on the valuation of an addition to his home. The adjustment would be for \$60.00. The Board of Commissioners denied Mr. McElprang's request.

Treasurer JoAnn Behling presented a request from Lori Hancock, Big Mama's Pizza. The property taxes have been paid for the current year and four years delinquent tax. The request was to waive the \$997.09 in penalty and interest on the prior years property taxes. After discussion on this issue Commissioner Randy Johnson made a motion to abate the \$997.09 penalty and interest. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

5:30 P.M. PUBLIC HEARING- TO RECEIVE PUBLIC INPUT ON NORTH AMERICAN GYPSUM'S CONDITIONAL USE PERMIT.

Mack Huntington, Planning Commission Chairman provided opening remarks. North American Gypsum has applied for a conditional use permit within the county to mine gypsum. It is a conditional use/level three permit which must be permitted under the authority of the Board of Commissioners. The purpose of the public hearing is to hear public comment on the proposed activity within the county. The activity is permitted under the terms of the zoning ordinance which requires a public hearing as part of the permitting process. He introduced William B. Wray, President of North American Gypsum who provided an overview of the proposed mining

activity within the county. He pointed out the activity takes place in a non wilderness characteristic area and is outside the heritage area. Mr. Wray has gone before the Planning Commission and it has been approved to this point.

Following questions and comments, Commission Chairman Kent Petersen closed the Public Hearing.

(6)

CONSIDERATION AND APPROVAL OF NORTH AMERICAN GYPSUM'S  
CONDITIONAL USE PERMIT (LEVEL III).

Commissioner Ira Hatch made a motion to approve North American Gypsum's Conditional Use Permit. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

SETTING OF PUBLIC HEARING FOR AMENDMENTS TO THE 1999 BUDGET.

Senior Deputy Clerk/Auditor Brenda Dugmore requested setting a Public Hearing to receive public comments for amendments to the 1999 Budget. Commissioner Randy Johnson made a motion to set a Public Hearing for December 14, 1999 at 5:15 P.M. to receive public comment for amendments to the 1999 Budget. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

CONSIDERATION AND DISCUSSION OF RE-CERTIFICATION OF PRESERVATION  
COMMISSION AND CALL FOR NEW MEMBERS.

In the November 2, 1999 Commission Meeting a motion was made and seconded to re-establish the Preservation Commission and to advertise for new board member applications to be turned in for review for approval at this meeting. The Board of Commissioners reviewed the applications and criteria for board members. Commissioner Ira Hatch made motion to appoint to the Preservation Commission the following individuals:

Val Payne, Montell Seeley, Margaret Swasey, Jan Petersen, Kathleen Truman, LaMar Guymon Emery County Historical Society Designee, and Commissioner Ira Hatch. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)

CONSIDERATION AND APPROVAL OF LEASE TO AIRPORT LEASE/MANAGEMENT



AGREEMENT.

Commissioner Hatch explained that Emery County advertised and sent out letters to interested individuals for the operation and maintenance of the Huntington Airport. Four individuals returned bids for consideration. Three bids met the thirteen outlined criteria for the contract. Those individuals who met or closely met the criteria were: M&J Aero, Duchesne, Will Robertson, Orangeville, and Adam Robison, Wellington. After reviewing the proposals Commissioner Randy Johnson made a motion to accept the proposal from Will Robertson. The motion was seconded by Commissioner Ira Hatch and approved by all members present. The lease/management lease will be for five years at \$800.00 a month. Mr. Robertson will live in the home at the airport. He will be able to take over by December 15, 1999. County Attorney, David Blackwell will work with Commissioner Hatch to draft a contract for consideration and approval at the next Commission meeting.

(10)

DISCUSSION OF PARTICIPATION IN WEST COLORADO RIVER BASIN  
COMPREHENSIVE WATERSHED MANAGEMENT PLAN STEERING COMMITTEE.

The Board of Commissioners received a letter from Mark Pierson, Environmental Scientist with the Division of Water Quality saying he is mandated to produce a comprehensive watershed management plan to address water quality-based concerns in the West Colorado River Basin. He is asking if Emery County would like to participate in the West Colorado River Basin Comprehensive Watershed Management Plan Steering Committee. Commissioner Ira Hatch made a motion to appoint Ira Hatch to the West Colorado River Basin Comprehensive Watershed Management Plan Steering Committee. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND  
DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #125627 through and including #125787 for payment.

Requisitions were presented for the following:

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<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
82-99	(3) Lateral file cabinets Sheriff	1068.36	Hold for 2000
83-99	Hammer drill w/battery Sheriff's Possee	885.00	Hold for 2000

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
560-2751	Calculator	Junked	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List for payment and the disposition as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

In other Clerk/Auditor business Bruce Funk presented an application for eligibility in the Federal Surplus Property Program for the Emery County Sheriff's Department. Commissioner Randy Johnson made a motion to approve the application to participate in the surplus property program. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball requested consideration of Resolution 11-30-99 which amends the Personnel Policy adding to Section 18- Occupational Safety and Health paragraphs 18.12 through 18.8. Commissioner Ira Hatch made a motion to approve Resolution 11-30-99 amending the Personnel Policy. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

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Commissioner Randy Johnson made a motion to approve the minutes dated November 16, 1999 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

COMMISSIONER REPORTS

There were no Commission reports.

(15)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

An Executive Session was not needed at this time.

(16)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

December 10, 1999

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Jeff Frandsen, Ryan Smith, Brian Erickson, Kathy Wright, Dr. Bryan Stone, Cheryl Stone, Dr. Scott Hardy, Bruce Anderson, Sheriff LaMar Guymon, Leslie Bolinder, Doris Quinn.

Jeff Frandsen, Administrator for Castle View Hospital presented information on medical future and services provided by both Castle View Hospital and Emery Medical Center.

Mr. Frandsen expressed concern about rumors of the clinic closing and said Castle View has no intentions of closing the clinic.

Ryan Smith, Financial Officer, Castle View Hospital presented a profit and loss statement(P&L) for Emery Medical Clinic. The P&L statement indicated clinic revenues to be \$1,587,888.00 with total net revenues of \$1,170,168.00. Total expenses for 1999 are \$1,318,720.00, with a pre-tax income of -\$184,840.00 indicating a loss for the year.

Jeff Frandsen indicated the new clinic may have been over-built for the volume of patients utilizing it. They have also recruited too many providers for this area which has taken a bite out of the clinic's volume. He indicated future plans for the clinic included looking at staffing needs opposed to volume of patients visits, labs and ex-rays. For that reason they needed to make adjustments in staffing because of volume and services shortfalls. While preparing the budget, all operating costs were adjusted before provider wages were adjusted. While setting up next year's budget, the main goal will be to break even. Ways of meeting that goal will include increasing volume, procuring better contracts, and better expense management. Mr. Frandsen said the clinic will continue to provide basic medical service to the community-lab, radiology, physical therapy, and physician services. He indicated the last thing they want to do is close any kind of service. He indicated they have some ideas for getting the pre-tax income back up so they can continue to provide the services needed by the community.

Clinic Director, Bruce Anderson explained that their main objective is to break even and provide quality services. They have a difficult time trying to get the skill level they need in rural communities. They will continue to train and certify people so they can provide quality service.

The Board of Commissioners thanked them for their time and the quality service they continue to provide to the citizens of Emery County.

2  
Special Commission Meeting  
December 10, 1999

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

December 14, 1999

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff La Mar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

UTAH HIGHWAY PATROL REQUEST FOR NEW RADAR EQUIPMENT.

Sergeant Darrel Mecham of the Utah Highway Patrol came before the Board of Commissioners to request funding for new radar equipment. In the past they have approached the Sheriff for funding new radar equipment but have learned that the Sheriff's budget has been cut. They will have two new troopers out patrolling Emery, Grand and Wayne Counties without radar equipment. Because revenue from issued citations goes to the counties, the State sends the UHP officers to request funding from the counties they patrol. They have commitments from Grand and Wayne Counties and are lacking in funds for three radars. The Board of Commissioners informed Sergeant Mecham that there is no money in the 2000 budget for new radar equipment however they will lobby the State for funds. The Board of Commissioners will use every political connection available to get some funding for new equipment and will look at other options.

(2)

ROSANN FILLMORE, SCENIC BYWAY COMMITTEE, REQUESTING LETTER OF SUPPORT.

Economic Development Director, Rosann Fillmore on behalf of the Scenic Byway Committee requested a letter of support for an application for the "All American Road". She is gathering letters of support in order to submit the application to the Scenic By-Way Chairman by December 20, 1999. She also had letters from the Forest Service, Castle County and local legislators. She also needed support from the Congressional delegation and asked for any influence from the Board of Commissioners in obtaining support for this project. Commissioner Petersen explained that the All American Road Designation is a step up from the National Scenic By-way Designation and that there are few roads considered for this designation. Not only would this be an honor but would also qualify us for funding as well as being included in all national marketing for All American Road or National Scenic By-way. Commissioner Randy Johnson made a motion to help Rosann Fillmore draft a letter of support for application to the All American Road. The motion was seconded by Commissioner Ira Hatch and approved by all

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Commission Meeting Minutes  
December 14, 1999

members present.

(3)

CITIZENS CONCERNS

Dennis Worwood came before the Board of Commissioners as a member of the Public Lands Council to request the Board of Commissioners form an Access Management Team to review roads and trails in the county. The team will formulate an addendum to the master plan that would address our transportation desires. To include all the varied interest it may take twenty or more individuals. The feeling of the council is that at some point in time we are going to have address access issues whether it is because of federal designation or some other reason and we would be ahead of the game to move ahead with that now with a local group. They suggested inviting a representative from federal agencies to be a part of this group. Recruiting members should be a public process. The Board of Commissioners will act on the recommendation of the Public Lands Council and form an Access Management Team. The Board of Commissioners suggested notifying the various agencies and entities to request representatives for consideration and review on January 3, 2000.

(4)

5:15 P.M.–PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON AMENDMENTS TO THE 1999 EMERY COUNTY GENERAL FUND AND OTHER FUNDS AS NOTED IN THE EMERY COUNTY PROGRESS.

Commission Chairman Kent Petersen opened the Public Hearing to receive comment on opening and amending the 1999 budget for the Emery County General Fund and other funds as noticed. Senior Deputy Clerk/Auditor Brenda Dugmore explained that we did not increase the overall budget.

Darrell Leamaster, Castle Valley Special Service District presented their amended 1999 budget which reflects an overall \$238,000.00 increase in the budget due to 1998 projects running over into 1999.

Commissioner Randy Johnson made a motion to close the public hearing. The motion was seconded by Commissioner Ira Hatch and approved by all members present.



(5)

5:30 P.M.– PUBLIC HEARING- TO RECEIVE PUBLIC COMMENTS ON THE 2000  
BUDGETS FOR EMERY COUNTY GENERAL FUND AND OTHER FUNDS AS NOTICED  
IN THE EMERY COUNTY PROGRESS.

Commission Chairman Kent Petersen opened the public hearing to receive comment on the 2000 budgets for the Emery County General Fund and other funds as noticed. Clerk/Auditor, Bruce Funk presented the 2000 Budget as follows:

General Fund Revenue:	\$7,729,500.00
General Fund Expenditures:	\$7,729,500.00

Class B Road Fund:	\$1,424,000.00
Class B Road Expenditures:	\$1,424,000.00

Emergency 911 Fund:	\$ 14,400.00
Emergency 911 Expenditures:	\$ 14,400.00

RSVP Fund:	\$ 78,495.00
RSVP Expenditures:	\$ 78,495.00

Transient Room Tax:	\$ 39,000.00
Transient Room Expenditures:	\$ 39,000.00

Emery County Economic Development Fund:	
Revenue:	\$ 123,818.00
Expenditures:	\$ 123,818.00

Drug Task Force:	
Revenue:	\$ 46,667.00
Expenditures:	\$ 46,667.00

Industrial Park:	
Revenue:	\$ 26,000.00
Expenditures:	\$ 26,000.00

Flood Control:	
Revenue:	\$ 270,000.00
Expenditures:	\$ 270,000.00

Library:

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Revenue: \$ 606,150.00  
Expenditures: \$ 606,150.00

Capital Projects:  
Revenue: \$ 16,000.00  
Expenditures: \$ 16,000.00

Capital Replacement:  
Revenue: \$ 183,500.00  
Expenditures: \$ 183,500.00

Municipal Building Authority  
Revenue: \$ 248,500.00  
Expenditures: \$ 248,500.00

Bruce Funk indicated that the budget reflects a three percent pay increase. He commended the Board of Commissioners for their decision and tough action in making the necessary cuts to balance the budget. It is hard to come up with a balanced budget when revenue is going down and the need for service is continually going up.

Karen Truman, Emery County Community Theater came before the Board of Commissioners to request consideration for a contribution to share in their theater productions in the year 2000. The Board of Commissioners invited her to return in the spring to make a request for a donation since their request was not made in time for consideration in the 2000 budget.

Kay Jensen, Huntington-Cleveland Irrigation Company requested to be considered for a donation to help fund litigation regarding the trans-basin and trans-mountain diversions. The Board of Commissioners suggested Mr. Jensen approach the Special Service District #1 for consideration of funding from their budget.

Darrell Leamaster, Castle Valley Special Service District presented their 2000 budget. Debt Service total was \$1,320,500.00. Capital Projects total was \$1,666,100.00. Operation and Maintenance total was \$1,722,000.00.

Commissioner Ira Hatch made a motion to close the public hearing. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Commissioner Ira Hatch thanked Bruce Funk and Brenda Dugmore as well as other department heads and elected officials for all their hard work in making the 2000 budget a workable, balanced budget.

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(6)

CONSIDERATION AND APPROVAL OF AMENDMENTS TO THE 1999 EMERY COUNTY GENERAL FUND AND OTHER FUNDS AS NOTICED.

Commissioner Randy Johnson made a motion to approve Resolution 12-14-99A opening and amending the 1999 Emery County General Fund budget and other funds as noticed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Randy Johnson made a motion to approve Resolution 12-14-99C opening and amending the 1999 Castle Valley Special Service District budget. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

CONSIDERATION AND APPROVAL OF 2000 BUDGETS FOR EMERY COUNTY GENERAL FUND AND OTHER FUNDS AS NOTICED.

Commissioner Ira Hatch made a motion to approve Resolution 12-14-99B adopting the 2000 budget for Emery County General Fund and other funds as noticed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Commissioner Ira Hatch made a motion to approve Resolution 12-14-99D adopting the 2000 budget for Castle Valley Special Service District. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

CONSIDERATION AND APPROVAL OF 2000 COMMISSION MEETING SCHEDULE.

Commissioner Ira Hatch made a motion to adopt the following 2000 Commission Meeting

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Schedule. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

January 4, 2000	4:00 p.m.
January 18, 2000	9:00 a.m.
February 1, 2000	4:00 p.m.
February 15, 2000	9:00 a.m.
March 7, 2000	4:00 p.m.
March 21, 2000	9:00 a.m.
April 4, 2000	4:00 p.m.
April 18, 2000	9:00 a.m.
May 2, 2000	4:00 p.m.
May 16, 2000	9:00 a.m.
June 6, 2000	4:00 p.m.
June 20, 2000	9:00 a.m.
July 18, 2000	9:00 a.m.
August 1, 2000	4:00 p.m.
August 15, 2000	4:00 p.m. * to follow Board of Equalization at the County/Sheriff Complex at 45 East Farrer Street at Green River, Utah.
September 5, 2000	4:00 p.m.
September 19, 2000	9:00 a.m.
October 3, 2000	4:00 p.m.
October 17, 2000	9:00 a.m.
November 21, 2000	9:00 a.m.
December 5, 2000	4:00 p.m.
December 19, 2000	4:00 p.m.

(9)

CONSIDERATION AND APPROVAL OF 2000 HOLIDAY SCHEDULE.

Commissioner Ira Hatch made a motion to approve the following 2000 Holiday Schedule. The

motion was seconded by Commissioner Randy Johnson and approved by all members present.

Human Rights Day	Monday	01-17-2000
Presidents Day	Monday	02-21-2000
Memorial Day	Monday	05-29-2000
Independence Day	Tuesday	07-04-2000
Pioneer Day	Monday	07-24-2000
Labor Day	Monday	09-04-2000
Columbus Day	Monday	10-09-2000
Veterans Day	Friday	11-10-2000
Thanksgiving	Thursday	11-23-2000
Thanksgiving	Friday	11-24-2000
Christmas	Friday	12-22-2000 (½ day)
Christmas	Monday	12-25-2000

(10)

CONSIDERATION AND APPROVAL OF HUNTINGTON AIRPORT CONTRACT.

Attorney David Blackwell prepared a contract for services at the Huntington Airport for consideration and approval. The contract was reviewed by the Board of Commissioners. Commissioner Ira Hatch made a motion to sign the Huntington Airport Contract between Emery County and Will Robertson for operations at the airport. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List

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#126043 through and including #126259 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
84-99	Roofing materials Communications bldg	\$1,700.00	Approved

There were no dispositions presented.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List and requisition for payment. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

In other business, Bruce Funk reported attended Emery County Recreation Special Service District's board meeting where he proposed reimbursement to the County in the amount of \$5,000.00 a year for auditing services provided to the district. The Recreation District was in agreement and has included the \$5,000.00 annually to the County in their 2000 budget. Commissioner Ira Hatch made a motion to approve the proposal for annual \$5,000.00 reimbursement to the County by the Emery County Recreation Special Service District for auditing services. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball presented Loss Prevention-Accident Review Committee Bylaws for review and consideration of approval. Upon review of the bylaws and some recommended changes Commissioner Randy Johnson made a motion to approve the proposed Loss Prevention-Accident Review Committee Bylaws as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Justice Court

Kristie Morgan is eligible for the progressive wage increase effective December 15, 1999 from 6A \$8.23/hr to 7A \$8.58/hr. Judge Truman approves of the action which is routine and outlined in the policy. Commissioner Randy Johnson made a motion to approve the wage increase for

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Kristie Morgan as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes dated November 30, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Commissioner Ira Hatch made a motion to approve the minutes dated July 6, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

COMMISSIONER REPORTS

*Commissioner Petersen*

Commissioner Petersen reported attending Castle Dale City Council Meeting where they discussed the RV Sanitation Dump-site on the Landfill Road. Castle Dale City has agreed to wave the hook-up fees that Castle Valley Special Services would charge Emery County. The five shares of water that were transferred at the origination of the landfill were more than enough, so two shares from the Landfill will be transferred to the new Sanitation Dump-site. The hook-up will proceed when an agreement has been signed.

(15)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS

An Executive session was not necessary at this time.

(16)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by

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Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_



## COMMISSION MEETING INDEX 1999-2000

Access Management Team/Request Approval of Board Members (03/21/00)  
Agreement of Utah Motorized Trail Assistance/Approval (12/05/00)  
Airport Lease/Management Agreement/Approval of Addendum (11/02/99)  
Airport Lease/Management Agreement (11/30/99)  
Airport Operations/Discussion in Citizen Concerns (09/19/00)  
Airport Service Contract (12/14/99)  
Ambulance & Fire Services/Approval of Inter-Local Agreement (11/16/99)  
Audit 1998/Presentation of (07/06/99)  
Audit Report 1999/Presentation & Approval (06/06/00)  
Bailiff Services/Approval of MOU Regarding Contractual Agreement # 921389 (07/06/99)  
Billboard Sign/Not Renewing Lease (09/19/00)  
Board Appointments/EC Water Conservancy District/EC Nursing Home/MBA (05/04/99)  
Board of Equalization 1999 Closure (09/21/99)  
Bonds, Issue & Sale/Approval of Res. 5-18-99A (05/18/99)  
Bonds, Sale of/Adoption of Res. 2-16-99B (02/16/99)  
Brand Inspection Agreement/Approval (05/18/99)  
Budget 2000 Tentative/Setting of Public Hearing (10/19/99)  
Budget 1999/Discussion & Approval of Amendments (06/15/99)  
Career Service Council/Appointment to (05/04/99)  
Castle Dale Senior Center/Approval of Lease/SE UT Assoc. Local Gov (11/16/99)  
Castle Dale Old Senior Citizen Building's Uses (10/19/99)  
Castle Valley maintenance/Building Maintenance Agreement (01/04/00)  
Castle View Hospital Presentation of a Profit & Loss Statement (12/10/99)  
Cattle Guard/Motion to Approve (09/05/00)  
Cell Phone Allowance Program/Approval (06/20/00)  
Cell Phone Policy/Discussion & Approval (07/18/00)  
Cell Phone Policy (08/22/00)  
Census 2000 Request Information on Locations (04/20/99)  
Certified Tax Rate/Consideration & Approval (07/18/00)  
Channel 26/Approval of Application for Assignment of License (07/06/99)  
Channel 26 Contractor Discussion (10/19/99)  
Children's Justice Center & Discussion of Satellite Location (11/02/99)  
Cleveland/Lloyd Dinosaur Quarry/Approval of Agreement with BLM (02/16/99)  
Commission Chairman Appointment & Responsibilities (01/05/99)  
Commission Meeting & Holiday Schedule 2001/Approval(12/19/00)  
Commission Meeting Schedule 1999 Revision (01/05/99)  
Communication Rack & Antenna Space Rental Agreement with Mills & Vining (02/02/99)  
Computer Purchasing for Employees (01/24/00)  
Computerized Listing of All Manufactured Homes/Request (08/17/99)  
Cottonwood Creek Stabilization/Request for Assistance (03/02/99)  
Cottonwood Creek Stabilization Project/Approval of Additional Payment (04/06/99)  
CVSSD Administrative Control Board/Approval to Fill Vacancies (12/05/00)  
CVSSD/Res. 2-15-00 Authorizing Sale of General Obligation Public Purpose Bonds (02/15/00)  
Data Processing Department/Assignment to (05/18/99)

Des Bee Crossover Road/Approval to Proceed with Upgrade (01/19/99)  
Des Bee Dove Crossover Road Project Award (07/06/99)  
Des Bee Dove/Landfill Road/Discussion of Bridge (09/21/99)  
Des Bee Dove Road Project/Castle Dale City Sanitation Dump Site (11/02/99)  
District Court Bailiff Services/MOU Approval (06/20/00)  
Drought Emergency/ Res. 9-05-00A (09/05/00)  
Drug Task Force Grant/Approval to Sign Application (07/06/99)  
Drug Task Force Grant Application/Approval (06/06/00)  
Drug Task Force Grant/Approval to Sign (07/20/99)  
Drug Court Agreement/Approval (09/05/00)  
E-Utah/Disclosure of Employee Driver's License Information/Approval (07/18/00)  
EC Fire Protection SSD/Appointment to Board (11/21/00)  
EC Nursing Home/Board Appointment (07/20/99)  
EC Nursing Home/Board Appointment (08/17/99)  
EC Planning Commission/Request to fill Vacancies (11/21/00)  
EC Water Conservancy District/Board Appointments (06/01/99)  
ECC&R/Approval of Lease Agreement (09/19/00)  
ECC&R/Financing improvements/Res. 9-05-00B (09/05/00)  
ECFPSSD/Approval of Amendment to Res. 12-15-98C/ Res. 5-18-99B & C (05/18/99)  
Economic Development Council/Approval of Board Members (03/07/00)  
Economic Development Council/Approval of Board Members (12/19/00)  
Economic Development Council/Appointments (04/20/99)  
Economic Development/Approval of Contract #97-1986/Amendment #3 (08/17/99)  
ECRSSD/Board Vacancy Notification (10/19/99)  
ECSSD/Board Vacancy (09/21/99)  
ECSSD#1/Notification of Expiration of 2 Board Member Terms (12/19/00)  
Election/Board of Canvassers Meeting (03/16/00)  
Election Judges & Registrars list/Approval (06/06/00)  
Emery County General Plan/ Public Hearing (10/19/99)  
Emery County Logo/Approval (11/16/99)  
Emery County Logo/Approval (07/20/99)  
Emery County Travel Bureau/Discussion of Future (01/24/00)  
Emery Medical Center & Right of 1<sup>st</sup> Refusal/Termination of Agreement (01/19/99)  
Emery Telcom Right of Way Easement/Ratify Approval (06/06/00)  
Equal Employment Opportunity Plan Approval (08/01/00)  
EU Area Health Education Center Request for Endorsement (08/22/00)  
Fair Director Agreement (01/19/99)  
Fair Director Contract Amendment (03/02/99)  
FCC Licenses/Ratify Approval (08/01/00)  
Federal Surplus Property Program/Approval of Application (10/03/00)  
Federal Surplus Property Purchasing/Approval of Resolution (01/24/00)  
Federally Taxable Standby Tax & Revenue Anticipation Note/Res. 1-5-99 (01/05/99)  
Ferron City/Approval of Agreement for Building Inspector Services (07/18/00)  
Ferron-Mayfield Road/Approval Forest Development Road Cooperative Agreement (04/18/00)  
Flood Tax Discussion (04/20/99)  
Food Bank/Clothing Exchange/Discussion of Relocation (05/18/99)

Food Bank/Use of old Sr. Citizen Building (11/02/99)  
Forest Service CO-OP Agreement for 2000 Law Enforcement/Approval (06/06/00)  
Forest Service Law Enforcement Agreement (01/19/99)  
Funds 1999/Public Hearing (12/14/99)  
Funds 1999/Approval Res. 12-14-99A/Res. 12-14-99C (12/14/99)  
Funds 2000 (General & Capital Replacement)/ Public Hearing (05/02/00)  
Funds 2000 & Amendment/Public Hearing(12/19/00)  
Funds 2000/Public Hearing (12/14/99)  
Funds 2000 (General & Capital Replacement)/Approval of Res. 5-2-00 (05/02/00)  
Funds 2000/Approval of Res.12-19-00A, Res.12-19-00B(12/19/00)  
Funds 2000/Approval Res. 12-14-99B (12/14/99)  
Funds 2001/Public Hearing(12/19/00)  
Funds 2001/Approval of Res.12-19-00C(12/19/00)  
General Election/Meeting of the Board of Emery County Canvassers (11/13/00)  
GIS Grant/Approval of Contract with the State (10/03/00)  
Gis Grant Proposal/Creation of a Water Base (11/16/99)  
GIS Implementation/Ratify Contract for Funds (08/01/00)  
GIS Program/Request Permission to use County Software (07/06/99)  
Goblin Valley Road/Approval of Extension/Renewal of Permit UTU-73235-01 (04/20/99)  
Gold Terra's Black Knight Mine/Public Hearing (07/06/99)  
Gold Terra's Blue Castle Mine Level 3 Permit/Public Hearing and Approval (07/18/00)  
Gold Terra's Large Scale Site Plan/Approval (04/20/99)  
Gold Terra's Large Scale Site Plan/Approval to include Black Butte Mine (10/05/99)  
Gold Terra's Large Scale Site Plan/Public Hearing (08/03/99)  
Gold Terra's Large Scale Site Plan/Public Hearing (04/06/99)  
Gold Terra's Large Scale Site Plan/Public Hearing (09/21/99)  
Government Relations Advisor/Approval of Memorandum (01/04/00)  
Green River Annexation/Approval to Appeal to Supreme Court (12/19/00)  
Green River Annexation Discussion (07/18/00)  
Green River Annexation/Discussion of Expenses & Request for Weed Control (03/21/00)  
Green River Annexation/Review of Requests for Economic Analysis (04/04/00)  
Green River Emergency Services/Approval of Agreement (01/04/00)  
Green River Property/Open Bids (04/18/00)  
Gypsum Conditional Use Permit/Public Hearing (11/30/99)  
Gypsum Resource Tax Appeal/Approval (06/06/00)  
Health Insurance/Approval to begin Renewal Process (06/20/00)  
Health Insurance for Terminated & Retired Employees (01/05/99)  
Health Insurance for Terminal & Retired Employees (01/19/99)  
Health Insurance Network/Discussion & Approval (06/15/99)  
Health Insurance Premium Increase/Approval (07/20/99)  
Historic Preservation Project/Approval of Contract (03/21/00)  
History Grant/Approval of Grant Contract (11/16/99)  
Horn Mountain Building/Discussion (09/19/00)  
Horn Mountain Communication Site Building Plan/Approval (11/21/00)  
Horn Mountain/Termination of Forest Service Special Use Permit of Power Line (09/19/00)  
Horn Silver Gulch County Road/BLM Right-Of Way Agreement UTU-77994 (09/19/00)

Housing Plan/Approval of Affordable Plan Res. 3-07-00B (03/07/00)  
Housing Plan/Approval of Support for RFP by SEUALG for Assistance (06/01/99)  
Huntington Canyon Improvements/Grant Application Support (02/16/99)  
Huntington Canyon Road Grant Application/Ratification of Res. 2-16-99C (03/16/99)  
Huntington-Eccles Canyon Scenic Byway Consultant Contract/Approval (05/18/99)  
Huntington-Eccles Canyon Scenic Byway/SR-31 & SR 264 Approval of Agreement (09/21/99)  
I-70 Interpretive Enhancements/Ratification of Cooperative Agreement(12/19/00)  
I-70 Interpretive Kiosks Funding/Public Hearing (01/04/00)  
I-70 Interpretive Signs/Approve & Sign Contract with UDOT (11/21/00)  
Independent Contractors/Approval of Payment & Policy (03/07/00)  
Industrial Park Land Sale/Approval of Ernest Money Agreement (06/01/99)  
Insurance Renewal/Ratification of (07/06/99)  
Investment Policy Approval (05/18/99)  
Landfill Covering/Tahoma Company's Proposal/Approval to Proceed (04/20/99)  
Landfill/User Fees/Public Hearing (08/03/99)  
Level 3 Conditional Use Permit of C.W. Mining Company/Public Hearing (09/05/00)  
Lila Canyon Agreement Discussion (10/19/99)  
Lila Canyon Large Scale Site Plan/Public Hearing (03/16/99)  
Loss Prevention Accident Review Committee Bylaws/Approval of Correction (12/14/99)  
Mallard Cablevision/Approval of Franchise Transfer to/Res. 9-19-00A (09/19/00)  
Mallard Cablevision/Request Franchise Transfer from B&L Cable Res. 3-7-00C (03/07/00)  
Manti Forest/Discussion & Petitions of Fees (05/04/99)  
Mapping Grant/Approval to Sign Contract with the State (06/01/99)  
Mapping Heritage Sites & Funding/Discussion (04/06/99)  
Mapping Project/Approval of Application (05/04/99)  
May Tax Sale/Acceptance of Bid for Title Work (04/04/00)  
May Tax Sale Date (04/06/99)  
MBA/Appointment to Board (08/17/99)  
Mental Health Audit Review/Approval of Certification (02/01/00)  
Mental Health & Substance Abuse Services Ageement/Approval Res. 6-6-00 (06/06/00)  
Mileage Rate for 2001/Approval(12/19/00)  
Mineral Lease Funds to Redistribute/Amended Res. 12-15-98C/Res. 4-6-99C (04/06/99)  
Mineral Lease Revenue, Re-distributing of/Approval of Res.12-19-00E(12/19/00)  
Molen Seep Wash/Request for Road Improvement (01/04/00)  
Moore Cut-off/Approval of Co-Operative Agreement STP-1612 (06/06/00)  
Moore Cut-off Road/Ratification of Contract with State of Utah (11/21/00)  
Moore Cut-off Road Project/Approval of Agreement with ECSSD#1 (09/19/00)  
Multi-County Appraisal Trust Agreement (01/24/00)  
Natural Resources Executive Staff Team Concerns(12/19/00)  
North Emery Water Users/Consideration of a SSD (11/21/00)  
North Emery Water Users/Formation of SSD (11/21/00)  
North Emery Water Users Request for SSD (11/16/99)  
North Emery Water Users Special Service District/Notice of Intent/Res.12-19-00(12/19/00)  
North Emery Water Users SSD/Discussion Regarding the Creation (06/20/00)  
Office Space Rental Agreement (04/04/00)  
Pacifcorp Independent Appraisal/Ratification to Proceed (01/24/00)

PCIFB List/Ratify Approval (01/24/00)  
PCIFB Local Capital Improvement List /Approval of Revision (08/22/00)  
Personnel Action/Occupational Safety & Health/ Res. 11-30-99 (11/30/99)  
Personnel Policy Amendment/Liability & Disciplinary Procedures/Res. 9-19-00B (09/19/00)  
Personnel Policy Amendment/ Res. 11-21-00A (11/21/00)  
Personnel Program Policy/Sick & Vacation/Res. 2-2-99 (02/02/99)  
Planning Commission/Appointment to Board (03/16/99)  
Planning/Zoning Board/Appointments (01/05/99)  
Planning/Zoning Commission/Appointment of Board Member (03/21/00)  
Planning/Zoning/Notification of Vacancy (02/01/00)  
Preservation Commission/Motion to Appoint (11/30/99)  
Preservation Commission/Re-certification & Call for New Members (11/02/99)  
Price River Bridge/Approval to Dispose (01/19/99)  
Professional Building Bid Opening (01/19/99)  
Property Tax Exemptions 1999 (04/06/99)  
Public Defender Contract (02/02/99)  
Public Defender Contract/Approval of (12/19/00)  
Public Lands Council/Appointments (01/05/99)  
Public Lands Grant Application for Mapping Project/Motion to Ratify (05/18/99)  
Public Lands Litigation Invoice Payment/Approval (08/01/00)  
Public Safety Complex Bid Review (07/20/99)  
Public Safety Facility/Opening of Request for Services (07/06/99)  
Quick Claim Interest Huntington Canyon Property (04/06/99)  
Radiation Exposure Act/Presentation of Information (11/30/99)  
Recreation SSD/Appointment of Commissioner (03/21/00)  
Recreation SSD Board Member Changes (01/19/99)  
Reeder Creek Bridge/Approval to Proceed with Design (01/19/99)  
Reeder View Subdivision/Discuss Request for Forest Service Road Permit (07/18/00)  
Retirement rates for County Employees/Approval (06/06/00)  
Right-of-Way/Land Exchange with Vernel Rowley (08/22/00)  
River Gas 2000 Tax Appeal/Motion to Appeal (06/20/00)  
Road Abandoning/Approval for Process (02/01/00)  
Road Chips/Open Bids for Hauling (04/18/00)  
Road Uniform Allowance Program/Approval (03/07/00)  
RS2477 Right of Way/Quiet Title Litigation Agreement (06/20/00)  
RSVP Grant # 440-PO56/19/Approval (05/18/99)  
RSVP Program, Continuation of (11/21/00)  
RSVP & SE UT Assoc. of Government/ FY2001 HIIP Contract Approval (10/17/00)  
Rural Communications Sys Interlocal Coop Agreement/Approval Res. 4-18-00 (04/18/00)  
Safe Communities Coordinator Assistant/Approval of Agreement (03/07/00)  
San Rafael Legacy/Support of Pursuing Legislation (02/01/00)  
San Rafael Museum Employee Contract (03/02/99)  
Scenic Byway Committee/Support Application for "All American Road" (12/14/99)  
School District/Approval of Agency Waiver, Release & Indemnity Agreement (08/01/00)  
School District Discussion/Distribution of Mineral Lease Funds (11/16/99)  
SE UT Area Agency on Aging/Approval of Amendment #1 to FY99 Contract (07/06/99)

SE UT Area Agency on Aging/FY2001 Contract & Amendment (10/03/00)  
SE UT Area Agency on Aging/FY2000 Interlocal Coop & Contract Agreement (08/03/99)  
SEAUAOG, Area Aging & Emery RSVP/Motion to Sign Contract (09/07/99)  
Seventh District Court/Approval of Security Services (12/05/00)  
SR-29 Curb Gutter Construction/Ratification Agreement with UDOT (03/21/00)  
SR-29 Curb & Gutter Project/Ratification to Proceed (02/15/00)  
SR-29 Curb & Gutter/Ratification of (02/01/00)  
State Recreational Trails Advisory Council/Appoint Sheriff Guymon (08/22/00)  
Sub-for Santa/Emery County Community Center (11/21/00)  
Tax & Revenue Anticipation Notes/Approval of Res.12-19-00D (12/19/00)  
Tax & Revenue Anticipation Notes/Issuance & Sale (02/01/00)  
Tax Anticipation Notes/Issue & Sale/Res. 2-16-99A (02/16/99)  
Tax Exempt Property List 2000/Approval (05/02/00)  
Tax Revenue Anticipation Note Program/Res. 1-4-00 (01/04/00)  
Tentative Budget 2001/Presentation of & Setting of Public Hearings (10/17/00)  
Texaco/Buzzard Bench/Request for Power Line Connection (01/04/00)  
Title Search Bid Award (04/06/99)  
Trail Mountain Closure/Discussion (04/18/00)  
Travel Bureau Presentation fo Brochure Design/Request for Funding (04/20/99)  
TV Station Transfer/Ratification of Letter (05/04/99)  
UAC Tax Anticipation Note Program/Res. 1-5-99B (01/05/99)  
UACIM Advisory Committee/Appointment of Commissioner (09/07/99)  
UACIM'S Subordinated Debenture/Acceptance of Final Payments (04/18/00)  
UMWA/Discussion of Closing Mines & Future Plans (06/20/00)  
UPL/Approval of Agreement for Sale & Transfer of Electric Facilities (06/06/00)  
UP/Transfer Ownership of Power Line (09/19/00)  
USU Emery County Cooperative Agreement/Approval (06/20/00)  
Utah American Energy Inc.'s Large Site Plan/Approval (03/16/99)  
UT Div. of Parks & Recreation Motorized Trail Matching Fund Program Agreement (02/15/00)  
UT Highway Patrol Request for Radar Equipment (12/14/99)  
Utah Assoc. of Conservation Districts Budget Request to Legislature (11/21/00)  
W. Colorado River Basin Comprehensive Watershed Management Plan Committee/(11/30/99)  
Weed Mower/Bid Openings & Approval (03/07/00)  
Wildland Fire Budget 1999/Approval (01/19/99)  
Youth & Families with Program/Ira Hatch Appointed to Board (09/05/00)  
Zoning Ordinance Article XI/Public Hearing/Approval of Ord. 3-4-00 (03/07/00)  
Zoning Ordinance Adding Logging Operations & Guidelines/Public Hearing (11/21/00)  
Zoning Ordinance/Approval of Amendments to Article XI (02/15/00)  
Zoning Ordinance/Public Hearing on Proposed Amendment (10/05/99)  
Zoning Ordinance/Res. 3-4-00A (03/07/00)

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

January 4, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

APPOINTMENT OF COMMISSION CHAIRMAN FOR 2000

Commissioner Randy Johnson made a motion to retain Commissioner Kent Petersen as Commission Chairman for the year 2000. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

DISCUSSION AND APPROVAL OF COMMISSION RESPONSIBILITIES FOR 2000.

Commissioner Randy Johnson made a motion to approve Commission responsibilities for the year 2000 as follows:

Ira W. Hatch

Airport  
Attorney  
BLM  
COG  
Conservation LWG  
Extension  
GR County Complex  
GR Medical Center  
Landfill  
Personnel  
R.S.V.P.  
Senior Citizens  
Travel Council  
Clerk/Auditor

Randy G. Johnson

Animal Control  
Ambulance  
Chamber Of Commerce  
Civil Defense  
Clerk/Auditor  
Fair  
Fire Control  
Fire District  
Justice Court  
Library  
Mental Health  
Planning/Zoning  
Public Health  
Treasurer

Kent R. Petersen

Assessor  
AOG  
Canyon Country Part.  
Courthouse  
DWR  
Economic Development  
GIS  
Housing Authority  
Museum/History  
Nursing Home  
Public Lands  
RC&D  
Recreation District  
Data Processing

Weed/Mosquito  
Workforce ServicesTV/Communications  
USFS  
SheriffRoad Department  
Recorder

The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

DON HAMILTON, TALON RESOURCES, PRESENTATION OF REQUEST FOR POWER LINE CONNECTION ON BUZZARD BENCH FOR TEXACO.

Don Hamilton and Larry Johnson, Talon Resources, came before the Board of Commissioners. Representing Texaco Exploration and Production Incorporated they were seeking the county's approval to upgrade the power line connection on Buzzard Bench. This power line is a single phase line that serves Horn Mountain TV Tower. Texaco has discussed two options, one being to upgrade the existing line from central warehouse west of Orangeville to the Horn Mountain repeater site or to install a new line. What Texaco would like to do is rather than install a new line they would like to upgrade the existing line which at this time is property of Emery County. Mr. Hamilton presented an agreement that Utah Power requires wherein Emery County would be the power carrier and Utah Power would supply the power. The upgrade would be done up to the point where it would be metered for Texaco's use. Texaco would pay Utah Power for the power as well as a wheeling charge to Emery County. Emery County also has the option of transferring the ownership of the power line to Utah Power. Commissioner Johnson had spoken to Utah Power who had indicated they were in agreement with this concept and were open to both taking over the line or doing it this way. After much discussion of this matter Commissioner Randy Johnson made a motion to agree to work out a way to make it possible for Texaco Exploration and Production, Inc. to hook on the existing single phase power line connection on Buzzard Bend and to work out the details with Utah Power. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

DASHAI NELSON, REQUEST FOR ROAD IMPROVEMENT ON MOLEN SEEP WASH.

Jess Nelson came before the Commission to request a crossing on Molen Seep Wash which is a county owned desert road. Mr. Nelson indicated that water pools causing damage to the road making it impassable. Road Supervisor Rex Funk has been out to the area, surveyed the existing conditions and identified some things that could be done to alleviate the problem. The Board of Commissioners agreed to do what could be done to help the situation for now and approach the Special Service District to put money into fixing the road.



(5)

5:00 P.M.- PUBLIC HEARING-TO RECEIVE PUBLIC COMMENT ON PROPOSED APPLICATION TO UDOT FOR FUNDING INTERPRETIVE KIOSKS ON I-70.

Rosann Fillmore, on behalf of Economic Development and Lands Council presented a proposed application to UDOT for funding interpretive kiosks on I-70. The council had discussed three types of interpretive kiosks at each site. One panel would identify the landscape. Another panel would provide a history of the landscape. Another panel would identify the tourism opportunity within the county. The hope is to provide a human history of the San Rafael Swell. The proposal is to use T21 funds in the amount of \$400,000.00 with an in-kind match on a reimbursement basis. The BLM approves of this proposal and have been approached for help with the in-kind match. Application is due by April 1, 2000 with approximate project beginning October/November of this year with possible completion around February 2001.

Commission Chairman Kent Petersen opened the meeting for public comment.

LaMar Guymon commented that as of yet there is nothing on I-70 that tells you anything about Emery County or the area which they are passing through. Commissioner Ira Hatch elaborated on the difference between advertising and interpretive display. Val Payne indicated it was the intent of those proposing the application to provide a way for those passing through this area to receive a history of the landscape and let them know what is available within a few miles in Emery County. The Board of Commissioners were in support of the proposal and suggested they move forward with the application. Commission Chairman Kent Petersen closed the public hearing.

Commissioner Randy Johnson made a motion to approve the application to UDOT for funding of Interpretive Kiosks on I-70. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

CITIZENS CONCERNS

Green River Council members Dale Toomer and Dan Johnson thanked the Board of Commissioners for all they do for Green River and look forward to working to put the annexation issue on the ballot again this year.

Darrell Leamaster presented the Board of Commissioners with the Permanent Community Impact Fund Priority List. Commission Chairman Kent Petersen requested to have a CDBG Grant added to the list for the Emery County Clothing Exchange and Food Bank through the Municipal Building Authority of Emery County. Only projects on this list may be considered for funding through Special Service Districts, cities and other entities and the list must be on file

with the Community Impact Board. Commissioner Randy Johnson made a motion to approve the Permanent Community Impact List to be submitted to the Community Impact Board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

The Board of Commissioners had a proposed contract with the Utah Division of Parks and Recreation, Utah Motorized Trail Matching Fund Agreement. This is a grant that the Recreation Sub Committee for Public Lands received from Utah Parks Motorized Trail Division. It is for \$7,000.00 to work on the Buckhorn Flat Spirit Railroad Grade. It was the understanding of the Commission that the match was strictly an in-kind match. It was decided to put this item on the next Commission Meeting agenda to give time to clarify wording of the document.

Rue Ware requested information regarding the request to disband the Travel Council.

Emery Telcom requested the Board of Commissioners to put pressure on the Planning Commission to complete the Zoning Ordinance issues.

(7)

CONSIDERATION AND APPROVAL OF AGREEMENT FOR DIRECTOR OF EMERY COUNTY FAIR AND OTHER COUNTY-SPONSORED ACTIVITIES.

Attorney David Blackwell presented an agreement between Emery County and Kathy Justice for Director of Emery County Fair and other county-sponsored activities. The agreement is the same as in 1999 with the addition of including Kathy Justice on the county's liability insurance. Commissioner Randy Johnson made a motion to approve the agreement for Director of Emery County Fair and other county-sponsored activities between Emery County and Kathy Justice. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF AGREEMENT WITH ROBERT K. WEIDNER AS GOVERNMENT RELATIONS ADVISOR TO EMERY COUNTY.

Mr. Weidner's request was for \$16,000.00, however, Emery County had budgeted for the same as in 1999 which was \$15,000.00. Commissioner Randy Johnson contacted Mr. Weidner who was agreeable to the \$15,000.00. Commissioner Randy Johnson made a motion to approve the agreement with Robert K. Weidner for \$15,000.00 as government relations advisor for the year 2000. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

CONSIDERATION AND APPROVAL OF BUILDING MAINTENANCE AGREEMENT WITH CASTLE VALLEY MAINTENANCE OF CASTLE DALE.

The agreement with Castle Valley Maintenance of Castle Dale was reviewed and considered for approval. The 2000 budget allowed for a six percent increase in the contracted amount. Commissioner Ira Hatch made a motion to approve a building maintenance agreement for the courthouse and Castle Dale Sheriff's Complex with Castle Valley Maintenance of Castle Dale. The motion was seconded by Commissioner Randy Johnson and approved by all present.

(10)

CONSIDERATION AND APPROVAL OF RESOLUTION DECLARING THE INTENT OF EMERY COUNTY TO PARTICIPATE IN TRAN'S.

The Board of Commissioners reviewed Resolution 01-04-2000 declaring the intent of Emery County to participate in a Tax Revenue Anticipation Note (TRAN) program. The program allows us to borrow at a favorable rate should a cash flow problem arise. Commissioner Johnson expressed the importance of having such a program in place. Commissioner Johnson made a motion to approve Resolution 01-04-2000 declaring Emery County's intent to participate in TRAN.. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

CONSIDERATION AND APPROVAL OF AGREEMENT WITH GRAND COUNTY FOR EMERGENCY SERVICES IN GREEN RIVER.

The agreement with Grand County for emergency services in Green River was reviewed in an earlier Commission Meeting. County Attorney, David Blackwell has reviewed it and recommends signing the agreement. Commissioner Randy Johnson made a motion to approve the agreement with Grand County to provide emergency services in Green River as stipulated in the document. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

DISCUSSION OF BAD-CHECK POLICY FOR COUNTY.

Assessor, Jim Fauver entered into discussion with the Board of Commissioners regarding the county's bad-check policy. Attorney, David Blackwell reviewed the State code regarding the process for collecting on bad-checks and recommended the county go by that policy.

(13)

DISCUSSION OF CURB/GUTTER ON A SECTION OF SR29.

Road Supervisor, Rex Funk entered into discussion with the Board Commissioners regarding a State Road 29 curb/gutter project to modify the entrance into the new Road Office/Shop facility. This is a state-offered program which is desirable from the state's perspective as improvements would be made to the road as well. Curb/gutter and frontage improvements would also extend to adjoining properties, Charles Oman, Clyde Magnuson and Questar Gas. Estimated figures were provided to determine some idea as to the cost to Emery County and the adjoining properties. The adjoining property owners have been contacted and are interested in participating in the program. Rex Funk indicated he would like to push to instigate the project by spring. After some discussion on this matter, the Board of Commissioners suggested Rex Funk put this matter on the agenda for the next Commission Meeting providing more precise cost estimates for the project.

(14)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval Warrant Check Edit Lists #126743 through and including #126809 and #126810 through and including #126832 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>COST</u>	<u>ACTION</u>
1-00	Computer/GIS	\$1,300.00	Approved
2-00	Radar Systems(3)/Sheriff	4,197.00	Approved
3-00	Lateral File Cabinets(3)/Sheriff	1,068.36	Approved
4-00	Hammer Drill/Battery/Sheriff	885.00	Approved
5-00	Computers (12) Laptops (2) Word Perfect 2000 (12)	20,700.00	Approved
6-00	Check Folder Feeder/C/A & Treas	3,000.00	Approved

7-00	Internal Iomega Jaz 2GB Drive/Sher	349.95	Approved
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Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED OF</u>	<u>ACTION</u>
960-6105	Public Health Bldg/CD	Paid off the loan	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List for payment and the Requisitions and Disposition as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(15)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL MATTERS.

Personnel Director, Pat Snowball presented the following personnel action:

Library

Susan Childs, Assistant Librarian in Orangeville, has submitted her resignation which was effective December 30, 1999. Request was made to begin the recruitment process for an assistant librarian at 4A \$7.81 hr, part time, less than 20 hrs/wk; with no benefits. Jerilyn Mathis, Library Department Head indicated she would like to try shifting library employees around which may fill the Orangeville position but may leave another position open in another town. Commissioner Ira Hatch made a motion to approve the recruitment process for the needed library position. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Pat Snowball entered into discussion with the Board of Commissioners regarding contributed time. Several employees have vacation time in excess of the eighty hours that can be carried over to the next year. They have asked for approval to contribute those excess hours to two co-workers who have critical health problems. These two people have not yet exhausted their leave banks, but probably will before their ordeals are over.

After much discussion on this matter Commissioner Randy Johnson made a motion to allow the employees that requested, permission to donate their excess time to the employees in need. The time will be added to the sick banks of those in need after their banks have been exhausted. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

8

Commission Meeting Minutes  
January 4, 2000

(16)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes dated December 10, 1999 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Commissioner Randy Johnson made a motion to approve the minutes dated December 14, 1999 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

OTHER BUSINESS

Commissioner Randy Johnson made a motion to authorize Bill Peters to proceed as independent council for pending Pacificorp litigation. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(18)

COMMISSIONER REPORTS

*Commissioner Johnson*

Commissioner Johnson asked for a report from Sheriff Guymon on New Year's Eve activity in the county. Sheriff Guymon indicated everything was fairly quiet. Everyone behaved! There were no excessive calls to 9-11 as anticipated.

Citizens in attendance thanked the Sheriff's Department for the sense of security enjoyed throughout the holiday.

*Commissioner Hatch*

Commissioner Hatch thanked all the employees for their good work in 1999.

(18)

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Commission Meeting Minutes  
January 4, 2000

EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION AND PERSONNEL  
MATTERS.

An executive session was not needed.

(19)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

January 18, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Attorney David Blackwell and Sheriff LaMar Guymon were out of town.

(1)

MILES MORETTI, DWR, QUARTER UPDATE AND PRESENTATION OF PILT CHECK.

Miles Moretti, Division of Wildlife Resources presented the Board of Commissioners with a check for \$2,700.00 as payment-in-lieu of taxes for the 5,400 acres of DWR land in Emery County.

(2)

JOHANSEN AND TUTTLE ENGINEERING, REVIEW OF SECTION CORNER SURVEYS.

Craig Johansen and Lee Swasey, Johansen and Tuttle Engineering provided a presentation and review of section corner surveys in Emery County. They requested funds to continue to do the surveys. The budget did not include any funds to work on this project in 2000. The Board of Commissioners suggested they get with Recorder, Dixie Swasey and GIS, Department Head Lee Rasmussen to put together a proposal package to submit for application to receive state funds for this project.

(3)

CITIZEN CONCERNS

Rue Ware related concern for Travel Bureau and the possibility of disbanding the council. Commissioner Hatch reported that there are a few things that are being considered and that he will be meeting with the board on the 24<sup>th</sup> of this month at which time they will discuss the details and have the board make recommendations for what to do regarding the administrator of the Bureau.

Jim Fauver requested permission to allow employees to purchase computers through our current provider. Employees would be responsible for paying up-front for the computers. Employees



would also be responsible for paying the state sales tax. Jim Fauver asked to get with Bruce Funk to draft a letter to employees outlining cost and purchasing procedures. After discussion on this issue Commissioner Randy Johnson made a motion to allow employees to purchase computers based on the content of the letter drafted by Jim Fauver and Bruce Funk. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

APPROVAL OF BUSINESS LICENSE

Clerk/Auditor, Bruce Funk presented a business license application from Brent Yorga DBA: Castle Valley Windshield Repair. Commissioner Randy Johnson made a motion to approve the business license for Brent Yorga DBA: Castle Valley Windshield Repair. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

CONSIDERATION AND APPROVAL OF RESOLUTION DESIGNATING COUNTY REPRESENTATIVE FOR FEDERAL SURPLUS PROPERTY PURCHASING.

Rex Funk was not able to attend the meeting. Carol Ware presented for consideration and approval a resolution designating LaMar Guymon as Emery County representative and others authorized as listed to purchase federal surplus property. The document requires signatures every two years and is a standard form resolution. Commissioner Randy Johnson made a motion to approve representative LaMar Guymon and authorize others as listed on the resolution for purchasing federal surplus property. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

CONSIDERATION AND APPROVAL OF MULTI-COUNTY APPRAISAL TRUST AGREEMENT.

Jim Fauver, Assessor, presented for consideration and approval the Multi-County Appraisal Trust Agreement between Utah Association of Counties and Emery County. The purpose of the agreement is to retain the services of Eckhardt Prawitt who is highly skilled in the valuation of centrally assessed properties. The agreement contains language that specifically describes the duties to be performed by the valuation analyst. Mr. Fauver pointed out that Mr. Prawitt will not be working on the Pacificorp appeal litigation. Commissioner Ira Hatch made a motion to approve the Multi-County Appraisal Trust Agreement. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

RATIFY DECISION TO PROCEED WITH PACIFICORP INDEPENDENT APPRAISAL.

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In the Commission Meeting dated January 4, 2000 the Board of Commissioners took action to have Bill Peters continue as council authorizing Dennis DeGeer as independent appraiser for pending Pacificorp litigation. Commissioner Ira Hatch made a motion to ratify the action taken January 4, 2000 to authorize Bill Peters to proceed as independent appraiser for pending Pacificorp litigation. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

RATIFY APPROVAL OF PCIFB LIST FOR EMERY COUNTY.

In the January 4, 2000 meeting the Board of Commissioners took action to approve the PCIFB priority list as it needed to be sent in to meet the deadline. At this time Commissioner Randy Johnson made a motion to ratify the action taken on January 4, 2000 approving the PCIFB priority list for Emery County. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

RATIFY APPROVAL OF MOTORIZED VEHICLE GRANT.

Commissioner Randy Johnson made a motion to table this item for now. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

DISCUSSION OF CURB/GUTTER PROJECT ON A SECTION OF SR29 AND APPROVAL OF AGREEMENT.

The Board of Commissioners decided to defer this item to another meeting as Rex Funk was not able to attend the meeting to discuss the project.

(11)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #127024 through and including #127166 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
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8-00	Light Bar/Sheriff	\$757.90	Approved
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There were no dispositions.

Mr. Funk pointed out to the Board of Commissioners that the majority of the invoices on the Warrant Check Edit List were dated in December. He asked the Board of Commissioners to consider a purchasing deadline so that we are not paying for previous years' expenses in the current year. Mr. Funk also informed all in attendance that the mileage reimbursement rate is now \$.32.5.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List and Requisition for payment. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball reported on the Employee Assistance Program (EAP). When Emery County started to comply with the law and conduct drug and alcohol screens, we started with the EAP, which not only is set up to help an employee deal with drug and alcohol dependency, but incorporates help with a number of other of life's challenges.

Our EAP company, Ceridian Performance Partners, has been associated with CBSA which is the reason it appeared to be a good deal. For any consultation or hospitalization, CBSA could interact with the EAP and in that way the EAP would know that our benefits are. It seems a good way to avoid abusing the benefit. However, she received notification from Ceridian that as of April 1, 2000, it has decided it will no longer provide the EAP program through CBSA. Currently, we pay \$2 per employee per month; \$24 per year per employee or an annual group cost of approximately \$2,900 which is charged to us as one of the fixed costs on the health insurance. Under the new arrangement, Ceridian offers three levels of service: \$22.80 per employee per year, \$26.28 per employee per year, and \$29.85 per employee per year.

The increased cost might be worth it if the employees used the service, but they don't. In 1999 we had two people use it and that was no more than just a "hit". One employee felt it was a waste of time.

Mrs. Snowball called DFW Enterprises, our consultants for our drug and alcohol testing program, and they say the county is not required to provide a service for an employee who tests positive, that the employee must receive consultation but must do so on their own. They say our own Four Corners Mental Health could probably do the job.

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Emery County needs to decide whether or not to provide the service.

It was the consensus of the Board of Commissioners to not provide the service.

(13)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Randy Johnson made a motion to approve the minutes dated January 4, 2000 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

COMMISSION REPORTS

**Commissioner Johnson**

Commissioner Johnson was contacted by Bob Greenberg at Four Corners Mental Health who indicated they have a van they are retiring this year and were wondering if the county could use it. The Commissioners discussed the advantages of having a larger capacity van available for Extension for transporting the 4-H groups as well as other departments who need to transport larger numbers of people. Commissioner Johnson will contact Mr. Greenberg and let him know that Emery County is very interested in the van.

The Legislature passed a new law requiring the County Commissioners to review the audit report of Four Corners Mental Health and sign a statement stating they have done so. The audit report will be reviewed by Senior Deputy Clerk/Auditor Brenda Dugmore who will make a recommendation to the Board of Commissioners.

**Commissioner Petersen**

Commissioner Petersen reported on the status of the road repairs on Molen Seep Wash requested by Jess Nelson during the last Commission Meeting. Rex Funk worked with the BLM and DWR to get the road somewhat repaired for now. Commissioner Petersen thanked Mr. Funk and the Road Department.

(15)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

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An Executive session was not needed.

(16)  
ADJOURN

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

MINUTES OF THE SPECIAL MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE  
January 24, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Sheriff LaMar Guymon, Clerk/Auditor, Bruce Funk, Senior Deputy Clerk/Auditor Brenda Dugmore, Economic Development Director Rosann Fillmore, Emery County Chamber of Commerce President Linda Jewkes, Emery County Travel Bureau board members: JoAnn Ekker, Valerie Newland, Norma Jean Hawkinson, Rue Ware and Deputy Clerk/Auditor Carol Cox.

The purpose of the meeting was to discuss the future direction of the Emery County Travel Bureau.

Commission Chairman Kent Petersen opened the meeting for discussion.

Commissioner Ira Hatch provided a brief history of the creation of the travel bureau. He further added comments regarding the history of the annexation bill before the legislature. Some felt that the bill will pass, still others felt it would not pass as there are several counties with towns bordering other counties as Green River borders Emery and Grand Counties. If the bill passes, Emery County would receive significantly more in Transient Room Tax. The annexation would still have to go on the ballot in November which means there would be no appreciable value this year. There had been various proposals suggested for what to do with the bureau. At that point the commission asked for proposals from the travel bureau.

There are several board members whose terms are up in January, Commissioner Hatch suggested extending the board members terms until a decision was made.

Rue Ware presented a proposal which was originally submitted by the bureau to the Commission in September 1999. Their proposal was that the Transient Room Tax funds could be mingled with other funds making a budget large enough to allow the hiring of a full time person with the assignment to co-ordinate all aspects of tourism and related activities. This would include, but not be limited to, the promotion, monitoring, managing, scheduling and supervising of all tourism, related activities and events within Emery County. They viewed this Director/Co-ordinator as an all inclusive position, with various Boards left intact as currently organized. Part time assistants would be effective in some areas but would remain under the supervision of the Director/Co-ordinator. Scheduling, advertising and promoting of all community and school events could receive assistance through the D/C. With the numerous committees and programs throughout the valley the co-ordination of events, and advertising would greatly improve the relationships of all citizens involved.

Sheriff Guymon expressed his desire to have one co-ordinator for the whole county based in a central location. He felt the council needed to be disbanded and re-established as the

Commission sees fit. That the focus needs to be on travel and not just recreation. That a good use of funds would be to educate those individuals who will be responsible for co-ordinating the promotion of travel in Emery County as well as the communities. He also expressed the need to stay involved with Castle County Travel Council.

JoAnn Ekker, Travel Bureau Co-Ordinator, provided statistics indicating daily counts from the various museums in Carbon and Emery County. She would like to see the bureau stay active but would like to have the ability to do more, similar to what Kathy Hanna does with Castle County Travel Council.

Linda Jewkes, Emery County Chamber of Commerce expressed a need for a new brochure. We have nothing promoting Emery County at this time. The brochure being used now is a collaboration with Castle Country Travel Council that promotes Castle Country.

Commissioner Petersen stressed the need for a new brochure also. The 2000 budget includes \$12,000.00 for brochures.

Commissioner Johnson said he sees this whole thing a little differently. There are various other committees which supplement the efforts of the Travel Bureau. They should have representatives attending the Travel Bureau meetings, instead the Travel Bureau Co-Ordinator attends the meetings of these other committees.

Rue Ware indicated it was the Travel Bureau's hope that the outcome of this meeting would be to get a co-ordinator to do the whole thing. They requested to bring this issue to a head and make a decision.

Commissioner Kent Petersen thanked everyone for coming. The Board of Commissioners will take all the information received this day and make a decision.

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

February 1, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Ira Hatch, Sheriff LaMar Guymon, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Randy Johnson was in Salt Lake City representing Emery County Board of Commissioners on legislative issues. Commission Chairman Kent Petersen stepped down throughout the meeting to second the motions.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List # 127389 through and including # 127531 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
9-00	HP 2000 SCE Printer/C/A	\$ 400.52	Approved
10-00	HP Plotter/GIS	8,500.00	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
410-5935	Fax Machine	Junked	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List for payment and also the Requisitions and Dispositions as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.



(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball presented the following personnel action:

Justice Court

Kristie Morgan has submitted her resignation effective February 18, 2000. Approval is requested to recruit for replacement at 4A \$7.81/hr. This is a regular full-time position eligible for benefits.

Commissioner Ira Hatch made a motion to approve beginning the recruitment process for a replacement in Justice Court as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Library

Interviews for the Emery Library Assistant Librarian were conducted Monday, January 31, 2000 at the Emery Library. From the four applicants interviewed, it is recommended that Misti Christiansen be hired part time, 10 hours per week, no benefits at \$7.81/hr., effective February 2, 2000. Commissioner Ira Hatch made a motion to approve hiring Misti Christiansen as Emery Assistant Librarian as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Extension

Extension Office request approval to appoint Cassie Jones to work up to 90 days while Linda Nelson is on medical leave. Her wage would be \$7.00/hr. Commissioner Ira Hatch made a motion to approve the up to 90 day temporary appointment for Cassie Jones in the Extension Office. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Recreational Activities

The following are activities that Shannon Hiatt, Emery County Recreation Special Service District has advised me have received the support of the Recreation Board and are sanctioned by the Emery County Fair. Because they are affiliated with the Fair they are eligible for coverage under the county's liability package:

Green River Trail Ride, April 14, 15 and 16  
Southeastern OHV Club-Poker Ride, April 8

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Rodeo, July 27, 28, 29  
San Rafael Swell Mountain Bike Festival, May 19, 20 and 21  
Friendship Cruise, May 25-29

Commissioner Ira Hatch made a motion to approve the list of activities be covered under the county's liability. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

#### Other Business

Pat Snowball extended an invitation to all departments to consider attending UACIM Personnel workshop, May 11 and 12, at Ruby's Inn, Bryce Canyon. The agenda will cover the Fair Labor Standards Act, Family Leave, Title VII Harassment, and Equal Employment Opportunity Commission guidelines.

Ms. Snowball also requested an Annual Training Day for sometime in May. The training would cover defensive driving with specific attention to backing procedure, advising employees with regard to the Risk Management-Accident Review Committee and its function, annual drug-free workplace training, and becoming familiar with UACIM's auto liability policy on DUI.

Commissioner Ira Hatch made a motion to move ahead with the planning for an Annual Training Day and to work with department heads to come up with the best date for everyone. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

#### ROSANN FILLMORE, UPDATE ON I-70 INTERPRETIVE PANELS PROJECT.

Rosann Fillmore, Economic Development provided an update on their recently submitted proposal to UDOT for interpretive panels on I-70. They will not hear anything more until April or May regarding approval or denial of the project. The total cost of the project is \$137,618.00. They are asking UDOT to provide \$110,000.00. The local match would be \$27,524 which is \$24,481 in soft match and \$3,043 in a hard match. A project cost breakdown was provided. There would be six months of scope meetings, concept meetings, design studies, construction cost reviews, etc. Most of this would not even start until 2001. The project's completion is projected for June 2002. They have letters of support from several agencies. Rosann expressed that this project may be a long shot because only a few interpretive enhancements are approved for T-21 funds; they are mostly used for trail building.

(4)

JOHN SEHESTEDT- COMMUNITY DEVELOPMENT INITIATIVE (CDI)  
PRESENTATION/PROPOSAL.

John Sehestedt requested consideration to receive any outdated computers that may be dispositioned and replaced by the county. The community development initiative is a group of citizens in a project effort to provide peer tutoring for elementary and Jr. High students in Ferron. The program rewards the students at the end of their tutoring sessions with a computer for use in the home of those who are not able to afford them. The Board of Commissioners asked Jim Fauver to look at any computers he would have left after new ones have been installed and get with John if he has any that could be used for this purpose.

(5)

SUZANNE LARSEN-REQUEST COUNTY CONSIDERATION TO PURCHASE LAND  
ADJOINING NURSING HOME.

The Board of Commissioners referred this matter to the Municipal Building Authority of Emery County.

(6)

MACK HUNTINGTON-PLANNING AND ZONING, NOTIFICATION OF VACANCY ON  
THIS BOARD.

The Board of Commissioners received a letter from Mack Huntington, Planning Commission Chairman informing them that they have two board members whose terms have expired. Judy Ann Scott and Merrill Duncan have both expressed their willingness to continue service. The Planning Commission recommended they be appointed for another term. The Board of Commissioners agreed that in light of recent discussions regarding advertising for positions on various boards, that it would be best to advertise for new board members. Commissioner Ira Hatch made a motion to advertise for positions on the Planning & Zoning Board and then in conjunction with the recommendation from the Planning Commission make that appointment. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

RANDALL STILSON-DISCUSSION OF DISPOSAL OF TIRES AT LANDFILL.

Randall Stilson, Landfill Operator came representing Orangeville City came before the Board of Commissioners to express his concern regarding tire disposal at the landfill. His concern centered on the cost of disposing of tires and the fees that are being charged to the consumer at the time they purchase tires. The fees that are collected are sent to the state and were originally designed to assist in the disposal of used tires. At this time that program is no longer functioning

and the landfills are strapped with the cost of disposal. Mr. Stilson requested the Commissioners consider imposing a tire disposal fee at the landfill. At this time tire disposal stations in the state are scarce and expensive. Bill Howell has been working with Senator Dmitrich to introduce a new bill to recoup the cost of tire disposal.

(8)

TRACY JEFFS, PUBLIC LANDS, REQUEST COMMISSION SUPPORT OF SAN RAFAEL LEGACY.

Val Payne, Public Lands, requested formal support from Emery County for the efforts to pursue the San Rafael Western Legacy District and National Conservation Area Legislation. Members of the land council have been presenting this option to the public in the county requesting help in making a decision whether or not to pursue legislation similar to what was pursued back in 1998, that being to establish a Western Legacy District and National Conservation Area here in Emery County to address lands and people concerns. The response from the public has been essentially unanimous support in that they recommended the public land's council pursue this legislation rather than take a wait and see posture. Now we are here formally requesting the Emery County Commission to consider supporting the public land's council in pursuing that legislation. Commissioner Ira Hatch made a motion to go on record as supporting the sponsorship of the San Rafael Western Legacy District and National Conservation Area Legislation. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

CROCKETT DUMAS-FOREST SERVICE, QUARTERLY UPDATE.

Crockett Dumas, Forest Service provided a quarterly update. He reported on the Access Management, which is driven by private land owners and different land users. Val Payne and other members of Emery County Public Lands Council have provided leadership at the meetings. LaMar Guymon has been working with Bill Broadbear and looking at the law enforcement area of the access issue. Jay Mark Humphrey and the Emery Water Conservancy District head up the education efforts. Other areas of the access issue such as planning, roads and trails are being looked at as well. He applauded Emery, Sanpete and Carbon Counties for working together and moving out ahead in a positive way.

He reported on management in the forest and the efforts to work with communities regarding watersheds.

He answered questions regarding the demo fees that were imposed last summer. He reported that ninety percent of the money collected at the sites were put back into the services at the site. "Friends of the Manti" is still a functioning unit.

(10)

DICK MANUS, BLM, QUARTERLY UPDATE.

Dick Manus, BLM reported on quarterly activity in the county. Lila Canyon coal right-of-way is still under internal review. At this time they are looking at about twenty-five drilling applications from Texaco, nine from Chandler, about forty from River Gas, and about thirty from Anadarco plus many others. They are going to be busy for the next three years in processing these drilling applications. They held public meeting in Price and Moab dealing with the desegregation and withdrawal issue along the Colorado, Green and the Deloris River. The meetings were held to explain to the public that this is a two year moratorium on filing of any new locatable claims while they take a look at whether or not the area should be formally withdrawn from locatable mineral entry. Mostly, people who attended wanted to know what kind of an impact to the county this might have. Mr. Manus and LaMar Guymon have been working with the local OHV community with regard to some potential OHV funds through registration fees that are paid to the state. The funds would come in the form of a grant through matching funds from the various federal and county agencies. The funds would be used for manpower to patrol the areas of high OHV use.

(11)

CITIZENS CONCERN

Commissioner Petersen discussed requests for maps from GIS. Should we be charging for these maps? There was discussion on what the maps should include. Questions were raised about the information contained on the maps. Val Payne expressed concern for pointing out RS2477 roads as they do not necessarily represent access to that area. Pointing out other areas such as Wilderness Study Areas and D Roads may create some concern because they may not represent definite use. Val also pointed out problems associated with halting the efforts of the Access Management issues. The Access Management team is in the process of putting such a map together and Val asked that they carefully look at what they provide to the public on maps produced by the county. It was decided to produce maps which show B Roads, highlighting significant land marks and pointing out Wilderness Study Areas (WSA's) with notation indicating that these areas are WSA's and have travel restrictions, see the BLM within these areas. Commissioner Ira Hatch made a motion to set up the process to produce maps as discussed. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(12)

CONSIDERATION AND APPROVAL OF A RESOLUTION AUTHORIZING THE  
ISSUANCE AND SALE OF EMERY COUNTY, UT TAX AND REVENUE ANTICIPATION

NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,800,000; AWARDING AND CONFIRMING SALE OF THE NOTES, AND ENTERING INTO CERTAIN COVENANTS AND MAKING CERTAIN REPRESENTATIONS IN CONNECTION THEREWITH; APPROVING THE FORM OF THE NOTES; AND RELATED MATTERS.

Attorney David Blackwell has read through the documents and recommended approval. Commissioner Ira Hatch made a motion to authorize the issuance and sale of Emery County Tax and Revenue Anticipation Notes in the aggregate principal amount of \$1,800,000.00. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

CONSIDERATION AND APPROVAL OF CERTIFICATION OF DIVISION OF MENTAL HEALTH AUDIT REVIEW.

The Board of Commissioners asked Senior Deputy Clerk/Auditor Brenda Dugmore to read through the audit and make a recommendation. She has looked the audit over and recommended signing the audit report. Commissioner Ira Hatch made a motion to sign the Audit report for the Division of Mental Health. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(14)

CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.

Clerk/Auditor, Bruce Funk presented a business license application from Gaylene Conder DBA: Vital-Ex. The application has been reviewed and signed by Planning & Zoning Administrator, Bryant Anderson. Commissioner Ira Hatch made a motion to approve the business license for Gaylene Conder. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

ROAD DEPARTMENT

A. Request to purchase weed mower.

Rex Funk requested permission to seek the best price for a new weed mower. The current one is thirteen years old and breaks down on a regular basis. It has been rebuilt several times. It is time to get a new one. Commissioner Ira Hatch made a motion to authorize Steve Kemple to make a trip to Oregon to review the available equipment. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

B. Discussion of process for abandoning roads.

Rex Funk explained that the policy for abandoning roads must go through a formal process even though we may have not been maintaining those roads. He asked for authorization to identify those roads and begin the formal process for abandoning them. Commissioner Ira Hatch made a motion to allow Rex Funk to identify the roads and begin the formal process for abandoning them. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

C. Discussion of snow removal policy.

Rex Funk expressed a need to address overtime and the need to evaluate the level of need in regards to call out for snow removal. He invited the Sheriff's input on the matter. Sheriff Guymon indicated that when a request is made for a specific area to have snow removal, he could dispatch a deputy to evaluate the need and alert the road department to the level of need.

D. Ratify decision to go ahead with the curb/gutter project on SR 29.

Rex Funk provided the Commission with a copy of the estimates for the SR-29 Curb, Gutter & Driveway Project as requested. Commissioner Ira Hatch made a authorize Rex Funk to go ahead with the project. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(16)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes dated January 18, 2000 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Commissioner Ira Hatch made a motion to approve the minutes dated January 24, 2000 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(17)

COMMISSIONER REPORTS

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Commissioner Petersen reported on the status of the Green River bill currently in Committee. It could be killed before it even gets to the Senate. If it does not pass we will have to wait until next year to try it again.

(18)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

An executive session was not necessary at this time.

(19)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_



MINUTES OF THE REGULAR MEETING  
OF THE EMERY COUNTY COMMISSIONERS  
HELD AT THE EMERY COUNTY COURTHOUSE

February 15, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
CONSIDERATION AND APPROVAL OF AGREEMENT WITH UTAH DIVISION OF  
PARKS AND RECREATION UTAH MOTORIZED TRAIL MATCHING FUND PROGRAM.

Commissioner Randy Johnson made a motion to approve and sign the agreement with Utah Division of Parks and Recreation Utah Motorized Trail Match Fund Program. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)  
CONSIDERATION AND ADOPTION OF A RESOLUTION AUTHORIZING THE  
ISSUANCE AND CONFIRMING THE SALE OF \$1,000,000. GENERAL OBLIGATION  
PUBLIC PURPOSE BONDS, SERIES 2000-A OF CASTLE VALLEY SPECIAL SERVICE  
DISTRICT, EMERY COUNTY, UTAH AND RELATED MATTERS.

Kent Michie, Zions Public Finance and Darrell Leamaster, Castle Valley Special Service District came before the Board of Commissioners for consideration and adoption of Resolution 2-15-00 authorizing the issuance and confirming the sale of \$1,000,000.00 General Obligation Public Purpose Bonds, Series 2000-A. The bond is a voter-approved bond at three percent interest for five years. Commissioner Ira Hatch made a motion to approve Resolution 2-15-00 authorizing the issuance and confirming the sale of \$1,000,000.00 General Obligation Public Purpose Bonds, Series 2000-A for Castle Valley Special Service District. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(3)

CONSIDERATION AND APPROVAL OF AMENDMENTS TO ARTICLE XI OF THE EMERY COUNTY ZONING ORDINANCE.

Mack Huntington, Planning Commission Chairman requested a public hearing to review and receive public comment on amendments to Article XI of the Emery County Zoning Ordinance. Commissioner Randy Johnson made a motion to set a Public Hearing for 5:30 P.M., March 7, 2000 to review and receive public comment on amendments to Article XI of the Emery County Zoning Ordinance. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

CITIZENS CONCERNS

Sheriff Guymon, Kathy Jensen and Brett Mills presented a proposal to replace the copier/printer at the Sheriff's Office. The request was for a color digital printer/copier at an approximate cost of \$15,695.00. Doug Weaver, Customer Service Representative from Xerox was present to explain the difference between light lens and digital printer/copiers. The Sheriff Department's budget did not allow for a purchase this large. In order to make this purchase, the Sheriff's Office would have to over spend their budget. Commissioner Randy Johnson expressed that he was not ready to say ok to overspending the budget but suggested the Sheriff look at creative ways to make the copier/printer purchase and possibly look at lease options.

Sheriff Guymon asked for clarification on roads open for off road ATV use. Orangeville City has opened certain roads for ATV use and the Sheriff's Department needs clarification as to what is open and what is closed in order to enforce the law. The Sheriff was referred to County Attorney David Blackwell.

Brett Mills, Communications reported on a situation at the communications tower on Horn Mountain. As a result of Airtouch buying out CommNet Cellular, their engineers have been checking out the equipment at the tower. The engineers found that the face needs to be weighted down. They have suggested digging out the loose dirt and rock around the base then forming it up with a cement base. Brett will keep the Commission informed.

Commissioner Johnson relayed that he received a call from Talon Resources regarding their request for power line connection on Buzzard Bench for Texaco. They will set up a meeting with Texaco, the power company and Emery County asked to have Brett Mills, Communications Specialist be involved in the discussions.

(5)

CONSIDERATION AND APPROVAL OF AGREEMENT WITH FOREST SERVICE FOR

ROAD MAINTENANCE.

The wording of the Schedule A Agreement with the Forest Service for Road Maintenance was not as discussed, therefore, Commissioner Ira Hatch made a motion to return the agreement to the Forest Service. All three Commissioners will meet with the Forest Service to talk about some of the wording. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

RATIFY DECISION TO PROCEED WITH CURB/GUTTER PROJECT ON SR29.

In the February 1, 2000 Commission Meeting, Rex Funk was authorized to go ahead with a project to construct curb, gutter and driveway on SR-29 in front of the Emery County Road Department with adjoining businesses wishing to receive the same and paying their portion of the cost. Commissioner Ira Hatch made a motion to ratify the decision made in last Commission Meeting to move forward with the project for Curb, Gutter and Driveway construction on SR-29 in front of the Emery County Road Department with adjoining businesses paying their portion of the estimated cost. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List #127725 through and including #127901 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
11-00	Printer & Scanner/Public Lands	800.00	Approved
12-00	48" Ditch Cleaning Bucket	2,433.00	Approved

A disposition was presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
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Commission Meeting Minutes  
February 15, 2000

150-4408      Refrigerator      Junked      Approved

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment and the requisitions and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel action:

Sheriff's Department

David Harrison resigned effective February 11, 2000. Approval was requested to hire from the current roster for the position of Dispatch 10A \$10.46/hr. This is an entry level position for the Sheriff's Office. Commissioner Randy Johnson made a motion to approve the request to hire from the current roster for the position of dispatch as specified. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

The position of GIS/Computer Technician was discussed. It was decided to get together next week with everyone concerned to discuss the county's computer needs.

(9)

OTHER BUSINESS

Clerk/Auditor requested direction regarding Emery County owned property in Green River for which Emery County has been paying water service. Mr. Funk wondered if Emery County wanted to discontinue the \$30.00 a year water service since the property was not being utilized for anything. Keeping the water service at the property would allow the county a better chance of selling the property, therefore Commissioner Randy Johnson made a motion to continue to pay the water service and begin procedures to sell the property. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Ira Hatch made a motion to approve the minutes dated February 1, 2000 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all

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Commission Meeting Minutes  
February 15, 2000

members present.

(10)

COMMISSION REPORTS

*Commissioner Johnson*

Commissioner Johnson reported on his latest trip to Washington D.C.. The Heritage Bill has been filed. The delegate members were very supportive of the bill, especially Senator Bob Bennett. Both Senator Bennett and Senator Hatch felt good about the way it was going.

*Commissioner Hatch*

Commissioner Hatch and Commissioner Petersen attended the Legislature meetings last week where the mineral lease bill was discussed. The Green River bill has passed through the house to the senate and is now back to the house to accept amendments. The sponsor of the bill Representative Brad Johnson is willing to accept the proposed amendments and is working on a resolution to get this on the ballot this year. The bill is not as straight forward as they want but is making some headway.

Senate Representative Mike Dmitrich is still championing the cause for the tire removal cost bill. This bill would raise the amount collected by the dealer for tire removal, which is sent to the state and make it available for city and county landfills to offset the cost of tire removal.

(11)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Commissioner Randy Johnson made a motion to adjourn to an executive session to discuss possible litigation and personnel matters.

(12)

ADJOURNMENT

Upon returning to regular Commission Meeting Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

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ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

March 7, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List # 128120 through and including #128341 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
13-00	(1) Dodge 3/4 Ton Diesel Pickup Weed & Mosquito	\$28,000.00	Approved
14-00	(6) Vacuums Library	1,559.64	Approved
15-00	(2) Copiers Library	3,684.00	Approved
16-00	(4) Fax Machines Library	719.00	Approved

Dispositions were presented for the following:

ASSET #'S

210-2001 through and including 210-2019, 210-2022 through and including 210-2063, 2070 through and including 2106, 210-2126 through and including 210-2165, 210-1837, 1840, 210-1844, 210-1881, 210-1890, 210-1900, 210-1916, 210-1920, 210-1929, 210-1931, 210-1935, 210-1942, 210-1956, 210-1960 & 1961, 210-1972, 1975, 210-1982, 1983, 1984 & 1985, 210-1033, 210-1349, 210-1498, 210-1500 & 1501, 210-1509, 210-1337, 210-1391, 210-1384, 210-4625, 210-4951 through and including 4959, 210-5515, 5516, 5517, 210-1711, 1719, 210-5743, 5744, 5745, 5746, 210-5498, 210-6076, 210-6242, 210-2903 & 2904, 210-4559, 210-5272, 210-5038, 210-1229, 1239, 1242, 1244, 1248, 1249, 1268, 1269, 230-5756, 230-5268, 230-5269, 233-1802, 142-3597, 160-1362, 160-1340, 160-3800, 160-1493, 160-1356, 410-4783, 410-4821, 410-4826.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List and Requisitions for payment and the dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members presented.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel action:

Justice Court

Interviews were conducted by Judge Truman, Melany Viers, Commissioner Hatch and Pat Snowball on Friday, March 3, 2000 for the position of Deputy Justice Court Clerk.

Judge Truman has selected Tammy Bently. She would be a regular full time employee with benefits at 4A \$7.81/hr., effective Thursday, March 23, 2000. Commissioner Ira Hatch made a motion to approve hiring Tammy Bently as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

GIS

Request was made to recruit for the position of GIS Technician, regular full time with benefits at grade 11 entry at \$10.13/hr. Commissioner Randy Johnson made a motion to approve the request to begin recruitment for the position of GIS Technician as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.



Data Processing Department

Request was made to recruit for the position of Network Services Specialist, regular full time with benefits at a salary to be negotiated based on knowledge and experience. Commissioner Ira Hatch made a motion to approve recruitment for a Network Services Specialist as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Sheriff

Request was made to hire Casey Alton as Dispatcher grade 10 step 1 \$10.46/hr., regular full time with benefits. This fills a vacancy created when David Harrison resigned. Commissioner Randy Johnson made a motion to approve hiring Casey Alton as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Paul Simmons has become certified as a correctional officer as well as successfully completing his six-month orientation period. Request was made to give Paul the progressive increase as outlined in the policy from dispatcher grade 10 step A \$10.15/hr to corrections officer, grade 12 step A \$11.38/hr. This increase would be effective with the beginning of the next pay period. Commissioner Randy Johnson made a motion to approve the progressive increase as proposed for Paul Simmons. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

MIKE MCCANDLES, EMERY TELCOM, QUARTERLY UPDATE.

Mike McCandless, Emery Telcom provided an informative quarterly update. He reported on their progress towards acquiring territory in Carbon County. Everything has been filed with the state public service commission. They are entering into the hearing process over the next two to two and half months. The process could take until fall. Emery Telcom is being received positively in Carbon County.

(4)

DELENA FISH, WORKFORCE SERVICES, QUARTERLY UPDATE.

Delena Fish, Workforce Services, provided an informative quarterly update. She provided statistics on job placement and enhancements to provide for self-sufficiency in the Eastern Region of Utah.

(5)

DEB DULL, UTAH POWER, QUARTERLY UPDATE.

Deb Dull, Utah Power, provided an informative quarterly update. Deb is the customer business manager, replacing Tom Alexander, who retired in December. Deb lives in Lawrence and is based in the Price office. Deb has been with Utah Power for twenty-three years. She introduced her supervisor, Director of Customer and Community Service for the State of Utah, Michelle Collette. Michelle and Deb introduced the company's new customer service initiative. The merger with Scottish Power was completed in November, 1999. Scottish Power is committed to improving customer service backing that commitment with a guarantee. They are looking at ways to cut costs while improving service and reliability.

(6)

EMERY HIGH RODEO TEAM REQUEST FOR SPONSORSHIP.

Will Payne, Emery High School Rodeo, presented a request for sponsorship of Emery High Rodeo Team. Last year Emery County was a Diamond Sponsor. Attorney David Blackwell has checked to see if this falls in line with the Doug Shorts decision which outlines appropriate county government donations. Mr. Blackwell indicated this type of donation does qualify. Commissioner Randy Johnson made a motion to continue to be a Diamond Sponsor with a donation of \$250.00 to the Emery High School Rodeo. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

B&L CABLE COMMUNICATIONS, INC., REQUEST FRANCHISE FOR EMERY COUNTY BE TRANSFERRED TO MALLARD CABLEVISION.

On February 17, 1998 the Emery County Commission granted to B & L Cable Communications, Inc. a franchise to construct, maintain and operate a cable television system within and through Emery County. Alan Sharp, B & L Cable Communications, Inc. requested consent to transfer the franchise to Mallard Cablevision, L.L.C., A Delaware Limited Liability Company. Attorney David Blackwell agreed with the content of the document with exception to some wording changes. Commissioner Randy Johnson made a motion to approve **Resolution 3-7-00C** consenting to the assignment of the cable television franchise from B & L Cable Communications, Inc. to Mallard Cablevision L.L.C. upon approval of County Attorney. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

COMMUNITY THEATER REQUEST DONATION FOR COMMUNITY PLAY.

Commissioner Randy Johnson made a motion to donate \$200.00 to the Community Theater after

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notifying them to submit a letter of request. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

RATIFY PROCLAMATION ENDORSING NATIONAL FFA WEEK.

Commissioner Randy Johnson made a motion to ratify the signature on a proclamation endorsing National FFA Week. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

CITIZENS CONCERNS

Randal Stilson expressed his concern for contributions granted by the Board of Commissioners. The Board of Commissioners commented on the various donations given by the county and assured him that they make sure the donations fall within the guidelines set out by the Doug Shorts decision.

(11)

5:30 P.M.- PUBLIC HEARING- To receive public comment regarding proposed amendment to Article XI of the Emery County Zoning Ordinance.

Mack Huntington, Planning Commission Chairman explained the purpose of the public hearing was to receive public comment regarding proposed minor changes to Article XI of the Emery County Zoning Ordinance. The sections and subsections proposed amendments deal with level two (2) permits, level three (3) permits, procedures for fees and costs, application and preliminary (planning staff) review.

Commission Chairman Kent Petersen opened the public hearing for comment.

Comments and questions were taken into consideration. There were questions regarding level three permits and the difference between level two and level three permits. Another question dealt with procedures and assessing fees. Wording of the document regarding level three permits and the appeals process was discussed.

Commission Chairman Kent Petersen closed the public hearing.

(12)

CONSIDERATION AND APPROVAL OF AMENDMENTS TO ARTICLE XI OF THE

EMERY COUNTY ZONING ORDINANCE.

Commissioner Randy Johnson made a motion to approve **Ordinance 3-4-00** amending the Emery County Zoning Ordinance. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

CONSIDERATION AND APPROVAL OF RESOLUTION SETTING ZONING FEES.

The Emery County Zoning Ordinance provides that applicants for conditional use permits shall pay fees “determined by reference to a fee schedule which shall be adopted, and amended from time to time, by resolution of the county-wide Planning Commission and approval by the Emery County Commission”. This matter has been considered by the county-wide Planning Commission and a schedule entitled Conditional Use Permit Fee Schedule has been prepared and is ready for consideration and approval of the Emery County Commission. The schedule is based upon the costs to Emery County incurred in the process of reviewing applications and creating and maintaining records. The proposed schedule shall not prevent Emery County from assessing additional costs for review as may be required under Subsection 11-4-1-2 of the Emery County Zoning Ordinance. Commissioner Randy Johnson made a motion to approve **Resolution 3-4-00A** adopting a fee schedule for conditional use permits. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

ACCEPTANCE OF VOLUNTEER ACTION FORMS TO BE SUBMITTED TO THE PLANNING/ZONING COMMISSION.

The Emery County Board of Commissioners place notice in the Emery County Progress to the citizens of Emery County that there were two (2) vacancies on the board of the County-wide Planning/Zoning Commission. The Board of Commissioners would be considering appointment/reappointment to this board. Any county resident interested in serving on this board could obtain a form at the Clerk/Auditor’s Office during regular business hours. The forms were to be returned to the Clerk/Auditor’s office by February 22, 2000. The Clerk/Auditor’s office received applications from Judy Ann Scott, Gayland Dugmore and Sam Rawson. Planning Commission Chairman, Mack Huntington stated he received an application from Merrill Duncan. The applications were given to the Planning Commission for their consideration.

(15)

CONSIDERATION AND APPROVAL OF TAX ADJUSTMENT.

Treasurer, JoAnn Behling requested a Commission adjustment in the amount of \$.92 (ninety-two cents) to complete a transaction for James Schwarz. Commissioner Ira Hatch made a motion to approve the tax adjustment. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(16)

CONSIDERATION AND APPROVAL OF PAYMENT OF INDEPENDENT CONTRACTORS.

Senior Deputy Clerk/Auditor, Brenda Dugmore explained that Emery County has several people who are under contract. The departments who are to pay the contractors do not always get their claims in on a timely basis. The Clerk/Auditor's Office requested permission to generate checks for the contracted work on the last check run of each month. Commissioner Ira Hatch made a motion to allow the Clerk/Auditor's Office to generate checks on the last check run of the month for independent contractors. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(17)

DISCUSSION AND APPROVAL OF ECONOMIC DEVELOPMENT COUNCIL NAMES.

As a result to a change in the Economic Development by-laws, the council must now submit names for appointment to their board to the Board of Commissioners for consideration. Rosann Fillmore Economic Development Director requested consideration for the following individuals: Delynn Fielding, Deb Dull, Commissioner Kent Petersen, Delena Fish, Kirk Sitterud, John Healy, Dennis Worwood, Sharon Earl, Linda Jewkes, Art Olsen, Byrd Gordon, La Rae Majors, Carol Pilling, Tom Rasmussen, Glade Westwood, Michael McCandless, Ken Nielson, Dennis Rigby, Nick Tatton, Christine Jensen, Carey Bloomer, Roger Scovill. These individuals would serve for one year. Commissioner Randy Johnson made a motion to appoint the individuals listed to the Economic Development Council as recommended by the Economic Development Council board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(18)

DISCUSSION OF PUBLIC SAFETY OFFICER TO PATROL OHV USE ON PUBLIC LANDS.

Sheriff LaMar Guymon entered into discussion with the Board of Commissioners regarding a combination of law enforcement and cooperation with the Bureau of Land Management, Forest Service, Parks & Recreation and State OHV. The proposal would put a full time officer on

patrol on the forest and desert to enforce the laws and ordinances. They discussed the available funding from the state in the form of a grant to run the program for two years. The available funding after two years was questioned. They discussed seeking a commitment from the BLM and Forest Service for funding. Emery County currently has a cooperative Law Enforcement Agreement with the Forest Service to provide law enforcement on the forest. Combining the current law enforcement agreement with state grant funds was discussed. Everyone agreed with the concept of having some cooperation with other entities to enforce laws and ordinances, however, funding the program still needs to be worked out. Discussion was closed.

(19)

#### DISCUSSION OF ATV USE ON COUNTY ROADS

Sheriff Guymon requested clarification on which county roads are identified for ATV use. Commissioner Johnson stated this is a public safety issue not a use issue. The individual cities are identifying the roads within their city boundaries, marking the identified roads with signs that are approved for OHV travel. After much discussion on this issue it was decided to have the newly created Access Management Team take a look at identifying county roads for ATV use.

(20)

#### CONSIDERATION & APPROVAL OF AFFORDABLE HOUSING PLAN FOR EMERY COUNTY

Utah Code 17-27-307 requires counties to develop an Affordable Housing Plan. Emery County supports the concept of affordable housing for all residents and perceives its role in supporting affordable housing as including: Enabling the provision of at least enough equitable housing and affordable housing to accommodate Emery County's indigenous low-to-moderate income population. Review existing ordinances, as opportunity or need arises, eliminating inappropriate or excessive requirements that may pose barriers to affordable housing within the county. Avoid new regulations or ordinances that inappropriately or excessively burden prospective new homeowners or homebuilders. Utilize to the fullest extent possible available federal and state-funded housing rehabilitation and replacement programs, including the Community Development Block Grant and HOME programs operated under the Southeastern Utah Association of Local Governments.

The Commission will adopt amendments to its General plan only after they have been reviewed for any possible barriers to equitable and affordable housing that they may create.

As time and opportunity arise, the Commission will review its General Plan for regulations affecting construction, annexation or subdivision which may give rise to inappropriate barriers to equitable and affordable housing. Appropriate adjustments will be made as necessary, but at all times such adjustments in ordinance structure shall: Consider the financial capability of the

County. Consider the infrastructural implications; e.g., capacities, demands, location and costs of all proposed new construction or reconstruction and, consider the implications of new construction or reconstruction on utility rates and tax assessment levels of existing residents.

Commissioner Kent Petersen stated that in order to continue to receive funds from Community Impact Board this Affordable Housing Plan must be a part of the County's General Plan.

Commissioner Randy Johnson made a motion to approve **Resolution 3-07-00B** establishing an Affordable Housing Plan for Emery County. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(21)

CONSIDERATION & APPROVAL OF BUSINESS LICENSE

Deputy Clerk/Auditor, Carol Cox presented business applications from Will Robertson, DBA: Robertson Aviation and Brydi Griffin, DBA: Brydi's Groom for approval. The business licenses had been reviewed and signed by Planning & Zoning Administrator, Bryant Anderson. Commissioner Ira Hatch made a motion to approve business licenses for Will Robertson and Brydi Griffin. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(22)

CONSIDERATION & APPROVAL OF AGREEMENT WITH THE ASSISTANT TO THE SAFE COMMUNITIES COORDINATOR

Commissioner Randy Johnson made a motion to continue the services of Judy Lang as Assistant to the Safe Communities Coordinator, Martin Wilson, sponsored by the Emery County Sheriff's Office for the benefit of Emery County. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(23)

DISCUSSION & CONSIDERATION OF JOINING UAC/STATE OF UTAH IN RS2477 QUIET TITLE LAWSUIT

Commissioner Kent Petersen discussed UAC and State of Utah in RS2477 Quiet Title Lawsuit.

(24)

SETTING OF PUBLIC HEARING TO CONSIDER INCREASING ANIMAL SHELTER FEES

Commissioner Randy Johnson made a motion to set a Public Hearing for April 4, 2000 at 5:30 P.M. to receive public comment on animal shelter fees and proposed raise in those fees. The motion was seconded by Commissioner Ira Hatch and approved by all members present. The Clerk/Auditor's office will be responsible for advertising in the Emery County Progress.

(25)

CONSIDERATION & APPROVAL FOR UNIFORM ALLOWANCE PROGRAM

Road Supervisor, Rex Funk requested consideration and approval to increase the boot allowance from \$85 per year, per man to \$100 per year, per man and to place the shop crew (shop foreman and three mechanics) on the Uniform Allowance Program. The funding for this program would come from Class B Funds, allowing for \$1,000 to be deleted from line item 4415-2500-Equipment, Supplies and Maintenance and placed in the line item 4415-4500-Uniform Allowance. Commissioner Ira Hatch made a motion to approve of the increase in the boot allowance and placement of the shop foreman and three mechanics on the Uniform Allowance Program. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(26)

OPENING OF BIDS FOR WEED MOWER. CONSIDERATION & APPROVAL OF BID FOR WEED MOWER

Road Supervisor, Rex Funk was previously granted permission to seek bids for a 50" tractor mounted, self-propelled, mid mounted, hydraulically powered, a boom-type rotary mower. The Clerk/Auditor's office received sealed bids from three companies. The three bids are from: Deschutes Valley Equipment for \$67,850.00 which is used mower with low hours and includes a five year/five thousand hour warranty, Heritage Tractor, for \$72,702.00 (new), Honnen Equipment, for \$78,991.00 (new). Rex Funk requested permission to purchase the mower from Deshutes Valley Equipment. Steve Kemple, Road Department went to the company to look the mower over personally and also recommended purchasing the used mower. In order to speed up the process Rex Funk requested signing the requisition for the mower at this time. Commissioner Randy Johnson made a motion to sign the requisition and authorize the purchase of the mower from Deshutes Valley Equipment. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(27)

CONSIDERATION & APPROVAL OF PREVIOUS MEETING MINUTES



Commissioner Randy Johnson made a motion to approve the minutes dated February 15, 2000 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(28)

COMMISSIONER REPORTS

*Randy Johnson*

Commissioner Johnson reported on his trip to Washington, D.C. to testify before Congress in support of the Heritage Bill. He received many positive comments in support of the bill. Congressman Jim Hansen made the point that he has seen hundreds of pieces of legislation go past his committee over the years that he has been there and the Heritage Bill is the best piece of legislation he has seen.

*Kent Petersen*

Commissioner Petersen added that Washington, D.C. was an interesting experience. The Department of Interior's comments regarding the Heritage Bill were very positive.

The legislature is done and it looks like the Green River Bill has passed. Grand County is still not in favor of the bill.

Commissioner Johnson pointed out that in the process of passing this bill we agreed to four amendments that made the Utah Association of Counties comfortable with the passage of this bill. Grand County polled their council members and agreed that they would not oppose the passage of this bill with those four amendments in place.

Commissioner Petersen expressed that when we closer to the election we will need to do a good job of educating the citizens of Emery County as to what the bill will do. This is a way for the citizens of Green River to do something for their benefit. It will not be a big financial boon for Emery County, but it will be a benefit to the citizens of Green River. After a lot of discussion with the other people in Association of Counties there were comments that this will probably provide the means for few other places around the state to correct some inequities. Over all it is a good piece of legislation. It will not hurt Grand County all that much and will not help Emery County all that much, but it will help the people of Green Giver.

Commissioner Johnson pointed out that Emery County did not ram-rod this thing through. We spent a lot of time working with UAC to make the other counties comfortable with the bill.

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*Ira Hatch*

Commissioner Hatch reported that he was now certified to give the Defensive Driving Course as part of Emery County's Employee Day on March 6, 2000.

(29)  
EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS

An Executive Session was not necessary at this time.

(30)  
ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

MINUTES OF THE MEETING  
OF THE BOARD OF EMERY COUNTY CANVASSERS  
HELD IN THE EMERY COUNTY COURTHOUSE

March 16, 2000

Those present were as follows: Treasurer, JoAnn Behling, Recorder, Dixie Swasey, Assessor, Jim Fauver, Clerk/Auditor, Bruce Funk, Senior Deputy Clerk/Auditor, Brenda Dugmore and Deputy Clerk/Auditor Carol Cox.

Acting Chairman JoAnn Behling convened the Board of Canvassers at 12:00 p.m. for the purpose of canvassing the Presidential Primary election held March 10, 2000, as prescribed under the Utah Code with proper notice having been posted. The results of the Presidential Primary following the canvass, including all corrections and absentee ballots as per the attached sheets.

Whereupon, the motion was made by Dixie Swasey and seconded by Jim Fauver to accept the results of the official canvass of the Presidential Primary as determined. Motion was approved by all members present.

The meeting adjourned at 12:15 p.m.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

March 21, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

JEFF KELSEY, REGIONAL MANAGER, IBA, UPDATE ON HEALTH PLAN.

Jeff Kelsey, Regional Manager, provided an update on Emery County's health plan. The changes that Emery County implemented in July 1999 have been successful in bringing about claim savings. From the financial side things look positive.

(2)

DICK MANUS, BLM, OHV MANAGEMENT IN THE SAN RAFAEL WSA'S.

Dick Manus, BLM announced as noticed in the Federal Register dated March 21, 2000, the closure of public lands within the Muddy Creek, Sid's Mountain/Sid's Cabin, Devil's Canyon, Crack Canyon, San Rafael Reef, Horseshoe Canyon and Mexican Mountain Wilderness Study Areas located in the San Rafael Swell region of central Utah, to motorized vehicles. An emergency closure order was necessary due to OHV-caused damage to soils, vegetation and other resources which is impairing wilderness values over extensive portions of the affected WSA's. The closure effects motorized vehicle use on public land in named WSA's in the Price Field Office with the exception of "four" routes in Sid's Mountain WSA described as follows: (1) the wash bottom of Coal Wash, including the short dug-way from the west which enters this wash, and North Fork Coal Wash south until it exits the WSA over "Fix-It-Pass", (2) the wash bottom of South Fork Coal Wash from its junction with the North Fork to and including the "Eva Conover" way, (3) the "Devil's Racetrack" way, and (4) the Justesen Flat access way, including lower Eagle Canyon southeast from the junction of this way. These routes will remain open on a conditional basis. This closure applies to all motor vehicle use with the exception of law enforcement and emergency personnel or administrative uses authorized by the BLM.

The emergency closure order is effective immediately and will remain in effect until adverse effects are eliminated and measures are implemented to prevent reoccurrence, as identified in 43 CFR 8341.2 (a). Should the rehabilitation work and non-impairment plan associated with Coal Wash, South Fork and North Fork of Coal Wash, the Eva Conover and Devil's Racetrack routes, the Justesen Flat access way and adjacent lands not result in abatement of adverse effects, the ways will be reevaluated to motorized vehicle use.

Nothing in this order alters in any way legal rights which Emery County or the State of Utah

may claim to assert R.S. 2477 highways, and to challenge in Federal court or other appropriate venue, any BLM road closures that they believe are inconsistent with their claims.

Mr. Manus thanked the Emery County Commissioners and all who helped to get to this point.

Mark H. Williams, Castle Valley OHV Club thanked Mr. Manus for his efforts to keep trails open for OHV use.

(3)

G.DALE JOHNSON, GREEN RIVER CITY MAYOR, DISCUSSION OF EXPENSES INCURRED FOR ANNEXATION AND REQUEST FOR WEED CONTROL IN GREEN RIVER CITY.

G. Dale Johnson, Mayor of Green River City along with council members Ben Coomer and Tom Burr, requested assistance from Emery County in their pursuit to place the annexation issue on the ballot in November. They had many questions regarding procedures for educating the citizens of Emery County. As of this date no one had seen a copy of the bill that was passed in the legislature or the resolution that was proposed. Mayor Johnson wanted to know how involved the city should get. The Board of Commissioners felt it was a city issue, but that Emery County would do everything that is required to do to ensure this issue would be on the ballot this fall.

Mayor Johnson also requested help with purchasing weed spray to reduce noxious weeds in Green River City. Commissioner Hatch reported that Weed & Mosquito will continue with their noxious weed program within the city. Commissioner Hatch and James Nielson, Weed Abatement will meet with Green River City to see what can be done to help.

Council member Ben Coomer requested assistance from the county attorney and Emery County in their efforts to rescind taxes on the Green River Drainage. Green River City officials felt it was an unfair tax.

(4)

DENNIS WORWOOD, PUBLIC LANDS COUNCIL, REQUEST APPROVAL OF ACCESS MANAGEMENT TEAM.

Earlier this year, Emery County Public Lands Council sought and received approval to organize an Access Management Team to develop transportation plan for Emery County for consideration of the County Commission. Individuals representing entities who deal with transportation in the county were suggested for board members. Dennis Worwood, Chairman of the Access Management Team requested approval of a list of names recommended for board members.

Those recommended were as follow: Val Payne, Public Lands Council, Lee Swasey and Mark H. Williams, OHV Club, Lee McElprang, Lee Jeffs and Ray Wareham, Grazers, Kim & Rod Player, Mountain Bikers, Wayne Staley and J. Mark Humphrey, Water Users, Kash Winn, Outfitters, James Gilson, Sportsmen, Dick Manus, BLM, Crocket Dumas, USFS, Miles Moretti, DWR/DNR, John Blake, SITLA, Rex Funk, County roads, Kathleen Truman, Historic Preservation Committee, Mervin Miles, Dennis Tuttle and Paul Conover, from the public, Jim Catlin, Sierra Club/SUWA, Craig Axford, Utah Environmental Congress, Tim Smith, State Parks, Brent Arnold, UP&L, Ted McCandless, Huntington Irrigation, an unnamed representative from Green River City, Steve Prince, Oil & Gas, LaMar Guymon, Sheriff's Office/Mtn Bikers.

Commissioner Randy Johnson made a motion to approve the list of names for board members of the Access Management Team with the understanding that the list may be changed as needed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

#### CITIZEN CONCERNS

Mark H. Williams, OHV Club reported that the OHV club voted to support Dick Manus and the BLM regarding the closure of Wilderness Study Areas of the San Rafael Swell and would help implement what was proposed by providing the manpower needed to fix existing trails as well as being the eyes and ears on the swell, alerting authorities as to infractions of the law. He reported on the ongoing search for funds to place a deputy on the desert and forest to enforce the laws and help educate people. He also reported on an effort to direct young men towards the desert who are looking for Eagle Scout Projects. State Parks has grant money available to do projects on the desert.

Kay Jensen, Huntington/Cleveland Irrigation Company, reminded the Board of Commissioners of trans mountain and trans basin water diversion concerns and the need for funding assistance to pay the legal bills in their legal battles over water replacement and efforts to defend their rights. County Attorney David Blackwell explained that the Dave Shorts Decision has to be looked at and determine if the result of a contribution to this cause would be a direct benefit to the county. The county attorney will look at the water replacement rules and make a recommendation to the Board of Commissioners.

Bevan Wilson, North Emery Water Users, provided the Board of Commissioners with copies of minutes from their meetings as requested by Commissioner Hatch. A meeting was held November 29, 1999 with the Board of Commissioners and the North Emery Water Users Board of Directors. A request was made by NEWU Board President, Menco Copinga to create a non-taxing special service district rather than remain as a private company. As a private company they are not eligible for grants and are in need of upgrading lines and tanks. Bevan Wilson

encouraged the Board of Commissioners to continue to communicate with North Emery Water Users and meet with them again soon.

Rex Funk, Road Department Supervisor reported that he sent out letters to oil and anti-freeze suppliers asking for bids for bulk oil for the Road Department. The Clerk/Auditor's Office received three bids. The bids were from Castle Valley Co-op, Pierce Oil Company and Rhinehart Oil. After looking over the bids Commissioner Ira Hatch made a motion to have Commissioner Petersen and Rex Funk work together and award the bid to the low bidder. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

CONSIDERATION AND APPROVAL OF CONTRACT WITH DIVISION OF STATE HISTORIC PRESERVATION PROJECT.

Kathleen Truman, Division of State Historic Preservation requested approval for a \$5,000.00 grant contract to replace the windows in the Presbyterian Church in Ferron currently housing the American Legion. The plan is to install storm windows on the building to minimize the cost heating the building and protection of the old windows. The match is in-kind and any cash match would come from the American Legion. Commissioner Ira Hatch made a motion to approve the contract with the Division of State Historic Preservation. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

APPOINTMENT OF BOARD MEMBERS TO PLANNING/ZONING COMMISSION.

Planning & Zoning went through the public process in recruiting for board members. They received five applications for two positions. Because the Planning & Zoning Board is in the middle of committee reviews on the Planning & Zoning Ordinance, the board recommended reappointing Merrill Duncan and Judy Ann Scott for another term. They further recommended appointing two of the other applicants as sub committee members to be a part of the ongoing reviews, integrating them into a new term. Commissioner Randy Johnson made a motion to approve the recommendation of the Planning & Zoning board an reappoint Merrill Duncan and Judy Ann Scott to the aforementioned board and to utilize those other two applicants in the review process. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

APPOINTMENT OF COMMISSIONER TO SERVE ON THE RECREATION SPECIAL

SERVICE DISTRICT.

According to the by-laws of the Emery County Recreation Special Service District, a Commissioner of the county governing body must serve on their board. Commissioner Kent Petersen had been serving on the board, however his term had expired. Commissioner Randy Johnson made a motion to reappoint Commissioner Kent Petersen to the board of the Recreation Special Service District for the duration of his term in office. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

ROSANN FILLMORE, DISCUSSION OF GRANTS MANAGEMENT POLICY AND APPROVAL OF INCENTIVE RESOLUTION

Last fall during the budget process, several people had asked questions regarding grants. Rosann Fillmore, at the request of the Board of Commissioners and the Clerk/Auditor's Office, drafted a proposal for a county grant management policy. County Attorney David Blackwell looked the proposal over and recommends the proposed policy as written. Commissioner Randy Johnson made a motion to approve the Grants Management Policy. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

The Economic Development has been with the city governments regarding incentives for business to locate in their towns and has developed a policy for what incentives the cities and the county will offer. County Attorney David Blackwell has reviewed the proposed policy over and recommended that they develop a resolution. Mr. Blackwell will meet with the Economic Development Council and develop a proposed resolution.

(10)

PRESENTATION OF COPY MACHINE QUOTES FOR SHERIFF'S DEPARTMENT.

The Sheriff's Department was not prepared to present this item today. They asked to be considered during another meeting.

(11)

RATIFY AGREEMENT WITH UDOT FOR CURB/GUTTER CONSTRUCTION ON SR-29.

Commissioner Ira Hatch made a motion to ratify the signatures on the agreement with UDOT for curb/gutter construction on SR-29. The motion was seconded by Commissioner Randy Johnson and approved by all members present.



(12)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #128493 through and including #128684 for payment.

There were no requisitions.

Dispositions were presented for the following:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
143-5132	Typewriter/Treasurer	Junked	Approved
210-5954	Computer/Sheriff	Junked	Approved
210-5472	Typewriter/Sheriff	Junked	Approved
210-5226	Typewriter/Sheriff	Junked	Approved
210-5884	Shredder/Sheriff	Junked	Approved
230-5834	Printer/Corrections	Junked	Approved
210-5438	Fax machine/Sheriff	Junked	Approved
210-1721	Transcriber/Sheriff	Junked	Approved
210-1742	Transcriber/Sheriff	Junked	Approved
210-1718,1804	Chairs/Sheriff	Junked	Approved
210-1764,1766			
210-1765,1767			

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List for payment and the dispositions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball presented the following personnel action:

Assessor

Shelly Gilpin, Deputy Assessor, has requested Family Medical Leave beginning March 17, 2000. Her expected date of return is April 17, 2000. Commissioner Randy Johnson made a motion to approve Family Medical Leave for Shelly Gilpin. The motion was seconded by Commissioner

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Ira Hatch and approved by all members present.

Treasurer

Sylvia Nelson, Deputy Treasurer, has submitted her resignation effective March 31, 2000. Treasurer. JoAnn Behling previously requested in-house recruitment to begin March 15, 2000. That action requires ratification at this time. The in-house recruiting process will run through March 21, 2000. She also requested to take the process to the public if the position is not filled in-house. The position of Deputy Treasurer is a regular full time position, eligible for benefits with an entry live of 4A and a wage of \$7.81/hr. Commissioner Ira Hatch made a motion to ratify approval to begin the in-house recruitment process for Deputy Treasurer and to approve public recruitment if necessary. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Randy Johnson made a motion to approve the minutes dated March 7, 2000 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Randy Johnson made a motion to approve the work meeting minutes dated November 29, 1999 which provide a general outline of discussion with the North Emery Water Users and the Board of Emery County Commissioners.

(15)

COMMISSION REPORTS

There were no reports today.

(16)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

An Executive Session was not needed at this time.

(17)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by

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Commission Meeting Minutes  
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Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

April 4, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Ira Hatch, Attorney, David Blackwell, Sheriff, LaMar Guymon, Deputy Clerk/Auditor, Carol Cox, other elected officials and citizens.

Commissioner Randy Johnson was in Washington, D.C.  
Commissioner Kent Petersen stepped down to second the motions.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List # 128904 through and including # 129037 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
18-00	Printer, 1220 CSE	499.00	Approved
19-00	(13) Voting Booths	2,658.00	Approved
20-00	File Server/Green River Library	555.00	Approved
21-00	4 Door Van/Courthouse	20,000.00	Hold

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
580-6033	Canon NP 2120 Copier Library	Junked	Approved
NA	Toshiba BD-4910 Copier Library	Junked	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List additional claims and requisitions as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Library

Sharee Sepulveda, Assistant Librarian at the Green River Library, has submitted her resignation effective May 1, 2000. Jerilyn Mathis, Head Librarian, requested approval to begin the recruitment process. Commissioner Ira Hatch made a motion to approve the recruitment process for an assistant librarian at the Green River Library. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Extension

Cassie Jones has been hired at \$7.00/hr in the up to 90-day capacity beginning March 28, 2000. The 90-day period could continue as long as June 23, 2000 depending on available budget. Commissioner Ira Hatch made a motion to approve the up to 90-day assignment for Cassie Jones as discussed. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Treasurer

As a result of the in-house recruitment there were two applicants. Interviews were held on March 23, 2000 and Joyce Staley was selected for the position. She begins in the position of Deputy Treasurer April 4, 2000. The position is full time and she is eligible for benefits at her current rate of pay, 8B \$9.42/hr. Commissioner Ira Hatch made a motion to approve hiring Joyce Staley as Deputy Treasurer at her current rate. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

State Tax

Joyce Staley's move to the Treasurer's Office leaves a vacancy in state tax. Request was made to begin the recruitment process in-house beginning April 5 through April 11, 2000. Commissioner Ira Hatch made a motion to approve the in-house recruitment for state tax. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Vicki Willbanks works less than twenty (20) hours/week in Economic Development and has said she is willing to help in state tax for the next week or two. Economic Development Director, Rosann Fillmore and Assessor, Jim Fauver have discussed the offer and Rosann is willing to

share during the recruitment process until the office is fully staffed. Request was made to approve Vicki temporarily working for both Economic Development and State Tax at her current rate of \$8.48/hr. After some discussion, Commissioner Ira Hatch made a motion to approve Vicki Wilbanks working for both Economic Development and State Tax on a temporary basis with no overtime. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

### GIS

Recruitment for the GIS Technician has concluded with Mick Robinson being selected for the position of GIS Technician at Grade 12, Entry \$10.57/hr., effective April 5, 2000. Commissioner Ira Hatch made a motion to approve hiring Mick Robinson as GIS Technician as discussed. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

### MARGARET SWASEY, EMERY COUNTY ARCHIVE STEERING COMMITTEE INTRODUCTION.

Margaret Swasey invited the Board of Commissioners to attend a meeting on May 8, 2000 to discuss the pros and cons of having a county archive. State History has recognized Emery County for their interest in history and would like to use the county as a guinea pig for a regional archive. There is state funding available for training to archive records. The meeting is being sponsored by State History and will provide an opportunity to discuss the problems and advantages to having a county archive.

(4)

### JAMES GILSON, SPORTSMEN FOR FISH & WILDLIFE HABITAT, DISCUSSION OF COUNTY BOUNTY ON COYOTES.

James Gilson, Sportsmen for Fish & Wildlife Habitat requested a bounty be placed on coyotes. With a bounty on coyotes the group could apply for a state grant for predator control. As part of the proposed program the sportsman's group is also asking that Emery County help with matching funds. The group has \$2,000.00 and asked Emery County for \$2,000.00 that the state would match giving them \$8,000.00 to implement a bounty program. Mr. Gilson felt that aggressive predator management such as this would make trapping financially feasible again. Emery County has already paid \$1,500.00 to Carbon Emery Livestock for predator control through the State Trapper. After much discussion on this issue Commissioner Petersen suggested having County Attorney David Blackwell check into setting a bounty on coyotes and setting parameters and guidelines for doing so. He also suggested Mr. Gilson plug into the budget process for a contribution from the 2001 budget.

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(5)

GREEN RIVER HIGH SCHOOL CLOSE-UP GROUP REQUEST FOR DONATION.

The Board of Commissioners received a letter from several Green River students requesting financial assistance to travel to Washington, D.C. through the Close-Up Program. The Close-Up Program allows the students to view Washington "close-up". They will be talking with key policymakers, media personalities, representatives of the executive branch, and if schedules permit, a member of Congress from our district or state. The students are working to earn the money for the trip and asked if Emery County would be able to help in the form of a contribution. Commissioner Ira Hatch made a motion to donate the standard contribution of \$250.00 to the group of students participating in the Close-up Program. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

OPEN AND REVIEW REQUESTS FOR PROPOSAL OF ECONOMIC ANALYSIS OF THE PROPOSED ANNEXATION OF THAT PORTION OF GREEN RIVER, UTAH WHICH LIES IN GRAND COUNTY TO EMERY COUNTY.  
CONSIDERATION AND APPROVAL OF CONSULTANT.

Five (5) bids were opened for the economic analysis of the proposed annexation of that portion of Green River, Utah which lies in Grand County to Emery County. After opening the bids Commissioner Ira Hatch made a motion to turn the bids over to County Attorney David Blackwell and Commission Secretary, Leslie Bolinder for evaluation, afterwhich they will choose three to be presented to Grand County on April 5, 2000 for a decision, as they need to have someone engaged by Monday, April 10, 2000. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

CITIZENS CONCERNS

Kay Jensen, North Emery Water Users requested a follow-up on an earlier request to have Attorney David Blackwell speak with the Special Service District regarding their request for assistance in their legal battle over trans mountain and trans basin water diversion and water replacement rights.

(8)

CONSIDERATION AND APPROVAL TO WRITE -OFF UNCOLLECTIBLE AMBULANCE

ACCOUNTS.

Clerk/Auditor, Bruce Funk requested permission to write-off uncollectible ambulance accounts in the amount of \$40,445.14. Commissioner Ira Hatch made a motion to approve writing off the uncollectible ambulance accounts as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

CONSIDERATION AND ACCEPTANCE OF BID FOR TITLE WORK ON PROPERTIES  
CONSIDERED IN MAY TAX SALE AND SETTING OF THE DAY FOR THE MAY TAX  
SALE.

Clerk/Auditor, Bruce Funk requested setting the date for the May Tax Sale as May 25, 2000. Traditionally the sale has been held on the fourth Thursday in May state wide. Commissioner Ira Hatch made a motion to set the May Tax Sale for May 25, 2000. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

The Clerk/Auditor's Office received three bids to do the title work for properties coming up on the May Tax Sale. Emery County Abstract, Professional Title and Southeastern Utah Title Company all submitted a bid of \$100.00 per parcel. Bruce Funk suggested rotating the bid award to provide an opportunity for each of the title companies. He suggested having Professional Title do the work this year as Emery Abstract provided the title work last time. Commissioner Ira Hatch made a motion to award the bid for title work for the May Tax Sale to Professional Title. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

CONSIDERATION AND APPROVAL OF OFFICE SPACE RENTAL AGREEMENT WITH  
THE STATE OF UTAH.

Commissioner Ira Hatch made a motion to approve the Office Space Rental Agreement with the State of Utah. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.



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Deputy Clerk/Auditor Carol Cox presented business license applications for the following:

Joan B. Anderson, DBA: Canyon Nursery, selling plants and vegetable plants in greenhouse environment located in Ferron.

Suzie A. Fischbach, DBA: Millsite Golf Course Restaurant, providing food service located in Ferron.

Commissioner Ira Hatch made a motion to approve business licenses for Joan B. Anderson and Suzie A. Fischbach. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(12)

DISCUSSION OF DISPOSITION OF DAMAGED GRADER.

The grader damaged at the time of the Watterson homicide in Green River has been held in evidence and is now ready to be released. Rex Funk, Road Supervisor suggested cost could be anywhere from \$4,500.00 to \$5,000.00 to get the grader functional again. Commissioner Hatch added that even if we decide to sell it or trade it in we would still have to get the grader operational. It was the suggestion of the Board of Commissioners to work on making the grader operational, determine the worth and then look at the options.

(13)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes dated March 21, 2000 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(14)

COMMISSIONER REPORTS

There were no reports.

(15)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL

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MATTERS.

An Executive session was not needed.

(16)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

April 18, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

REPRESENTATIVE FROM XEROX TO DISCUSS COPIER PROPOSALS FOR THE SHERIFF'S OFFICE.

Geneal Anast, Anast Enterprises presented information about a Xerox DC332 digital copier and printer. She discussed the options for leasing service as well as purchasing outright. During the budget process Sheriff Guymon requested a new high volume copier and \$8,000.00 was placed in the budget for that purchase. The digital copier that was discussed was over the budgeted amount. The dilemma was where to come up with the difference between what was budgeted and the cost of the copier. Commissioner Ira Hatch made a motion to have Sheriff Guymon turn in a requisition for a copier with attached bids and the Commission will look at available funds when the budget is opened. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(2)

REPRESENTATIVE FROM AIRTOUCH TO DISCUSS CELLULAR PHONES AND SERVICE PLAN.

Tom Andra and Eric McRae representatives from Airtouch were present to discuss cellular phones and service plans. They were able to answer questions about available service and switching from another service to Airtouch. They explained the digital service and service areas for local and long distance billing.

(3)

OPEN BIDS FOR HAULING OF ROAD CHIPS

The Clerk/Auditor's Office received one bid for the hauling of road chips for the Road Department. Kerwin Jensen Trucking submitted a total bid of \$39,807.20. Commissioner Randy Johnson made a motion to accept the bid from Kerwin Jensen Trucking. The motion was seconded by Commissioner Kent Petersen(Commissioner Hatch temporarily left the room) and approved by all members present.

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(4)

OPEN BIDS FOR PROPERTY IN GREEN RIVER.

The Clerk/Auditor's Office received two bids to purchase a plot of County owned land in Green River. The two bids were from Mary C. Wilmarth for \$750.00 and Edward Korgoan for \$1,157.00. Commissioner Randy Johnson made a motion to accept the bid of \$1,157.00 from Edward Korgoan and to have the County Attorney close the deal and proceed with the proper documentation. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

CITIZENS CONCERNS

There were no citizen's concerns.

(6)

DISCUSSION OF CLOSURE OF TRAIL MOUNTAIN AND EFFECT ON COUNTY.

The Board of Commissioners discussed a recent announcement from PacifiCorp to close Trail Mountain Coal Mine at the end of 2001. The closure will affect two hundred jobs of which one hundred-forty-five are from Emery County. The effect will also be felt in the industries such as trucking and machine shops that service the mine. Coal will be provided from SUFCO and Deer Creek Mines. The coal coming from SUFCO in Sevier County will significantly increase the amount of truck traffic coming from the south into the county through Emery and Ferron on Highway 10. They also discussed the impact the closure may have on the mineral lease funds coming into the special service districts for various uses in the county. These uses may have to be picked up by the county and could impact the county's operating budget. Scottish Power/PacifiCorp has concluded that the plants and coal source are an important factor in their operation.

(7)

CONSIDERATION AND APPROVAL OF RURAL COMMUNICATIONS SYSTEM  
INTERLOCAL COOPERATIVE AGREEMENT AND RELATED RESOLUTION.

The purpose of the agreement is to form or organize a political subdivision of the State of Utah, which would be a separate legal entity to more efficiently provide broadcast television service to citizens of rural areas located in the State of Utah. The FCC is requiring Utah's rural counties to abandon the electronic frequencies they now use to transmit television signals to their

populations. The federal government will be auctioning those frequencies to cell phone companies and other private sector users. This will require that those counties replace old transmission equipment with electronics capable of digital frequencies. The Rural Communications System Interlocal Cooperative Agreement is entered into Resolution 4-18-00 by each of the named counties and is created to acquire and install new television translator equipment for television translator sites located throughout the State of Utah in order to continue providing broadcast television service to residents of rural areas and to finance their costs on behalf of the named counties. The UAC Interlocal Agency created by this agreement will be governed by a board comprised of one member representative from each county. Commissioner Randy Johnson made a motion to approve the Rural Communications System Interlocal Cooperative Agreement by Resolution 4-18-00. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Ira Hatch made a motion to appoint Randy Johnson to represent Emery County on the UAC Interlocal Agency Board. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

ACCEPTANCE OF FINAL PAYMENT OF UACIM'S SUBORDINATED DEBENTURE.

When UAC Insurance Mutual was set up in 1992 there was not enough funds to function so the counties were asked to contribute to get it going. Emery County contributed approximately \$300,000. The reserve has been building up and we have now received the balance of the amount we loaned plus interest. The check we received was in the amount of \$264,161.00.

(9)

ROAD DEPARTMENT ITEMS

Rex Funk, Road Supervisor sought approval of a project agreement on Ferron-Mayfield Road. The project agreement will restore the Ferron-Mayfield Road, Narrows section. It will include reshaping the travel-way, installing culverts, stabilizing the inside ditch and placing four inches of crushed aggregate surfacing to provide a fourteen foot finished travel-way plus turnouts. Work and materials provided by the County and the Forest Service are identified in the agreement. Commissioner Ira Hatch made a motion to approve the Forest Development Road Cooperative Agreement. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

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Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #129228 through and including #129408 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
22-00	HP Copier/Scanner/Printer Clerk/Auditor	408.68	Approved
23-00	Nikon Spotter Scope Kit Sheriff	539.99	Approved
24-00	Miniature Voice Transmitter (Drug Task Force grant)	1,595.00	Approved
25-00	Mosquito Fogger Mosquito Dept.	8,400.00	Approved

Dispositions were presented for the following:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
580-6033	Copier( Library)	Junked	Approved
410-4192	Floor Jack (Road Dept)	Junked	Approved

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment and the requisitions and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

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There were no Personnel items.

(12)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes dated April 4, 2000 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

COMMISSION REPORTS

***Commissioner Johnson***

Commissioner Johnson reported that the Heritage Bill goes before the Senate Parks and Public Lands Committee on April 26, 2000. It still has a lot of support as well as opposition.

***Commissioner Hatch***

Commissioner Hatch reported that the Clerk/Auditor's Office has received applications for Travel Council board members as advertised. He will get with the other Commissioners and the Travel Council for a recommendation .

(14)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Present at Executive Session was Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Sheriff LaMar Guymon, Personnel Director, Pat Snowball, Treasurer, JoAnn Behling, Recorder, Dixie Swasey, Assessor, Jim Fauver, Clerk/Auditor, Bruce Funk, Senior Deputy Clerk/Auditor, Brenda Dugmore and Deputy Clerk/Auditor, Carol Cox.

(15)

ADJOURNMENT

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April 18, 2000

Upon returning to the regular meeting Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_



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

May 2, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #129644 through and including #129783 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
21-00	4 Door Van/Courthouse (Previously on hold)	20,000.00	Approved
26-00	Xerox Digital Copier/Printer Sheriff	11,470.00	Approved
27-00	Bean Pump/Electric Start Engine Weed/Mosquito	3,515.00	Approved
28-00	(3) Dodge Durango vehicles Sheriff	84,000.00	Approved

Dispositions were presented for the following:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
144-1107	Filing cabinet	Sent to storage/sale	Approved

Commissioner Ira Hatch made a motion to approve the warrants for payment and the requisitions and dispositions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel action:

Road Department

John Powell retired effective April 27, 2000. Request was made to post intent to promote within the department. The position is Crew Leader-Green River Operations, Grade 15. Because this is a supervisory position for a "secondary" road department operation, it is suggested that the wage for this promotion is on Step J \$14.85/hr with an additional step increase after six months. Commissioner Ira Hatch made a motion to approve the request to post intent to promote within the department. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Library

Interviews were held for Assistant Librarian- Green River, in Green River on Wednesday, April 26<sup>th</sup>. Seven applicants applied and all seven were interviewed. From those applicants, Kelly Quinn is recommended for hire at 4A \$7.81/hr effective May 3, 2000. Commissioner Randy Johnson made a motion to approve hiring Kelly Quinn as Assistant Librarian in Green River at the proposed rate. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Sheriff

Sheriff Guymon requested confirmation of an earlier approval to recruit applicants for a place on the Sheriff's roster for potential employment. Commissioner Randy Johnson made a motion to advertise to create a Sheriff's roster for potential employees. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Assessor

As approved in the April 4, 2000 Commission Meeting, Vicki Wilbanks, Economic Development Office Specialist has been temporarily working for both Economic Development and State Tax during the recruitment process for a DMV Title & Registration Technician. Request was made to hire Vicki full time to work 20 hours a week in Economic Development

and 20 hours a week in DMV. The DMV position is grade 8. The Economic Development position is grade 6. There was discussion on policy regarding grades. It was proposed that Vicki continue the routine progression as outlined in the policy. The Economic Development position will return to the grade 6 entry level if recruitment for that position is necessary. Commissioner Randy Johnson made a motion to approve hiring Vicki Wilbanks as a regular full time employee, eligible for benefits to work 20 hrs/wk in Economic Development and 20 hrs/wk in DMV. Commissioner Ira Hatch quasi-approved the motion. The motion was approved by all members present.

(3)

DENNIS WORWOOD, RECOGNIZE WINNERS OF COUNTY FAIR LOGO CONTEST.

Extension Agent, Dennis Worwood recognized winners of the Emery County Fair Logo Contest. Elementary and Jr. High students were invited to submit artwork for the County Fair Guide. One hundred seventy-six students participated in the contest. Of the outstanding entries, one winner was chosen from each school who received a cash prize. Shelby Huntington, Castle Dale Elementary was the winner of the contest and her artwork will grace the front page of the 2000 Emery County Fair Guide. Winners from other schools were as follows: San Rafael Jr. High, Dane Worwood, Canyon View Jr. High, Seth Jensen, Green River Jr. High, Jonathon O'Keefe, Green River Elementary, Breanna Gomez, Cottonwood Elementary, Candice Reid, Huntington Elementary, Joel Jensen, Ferron Elementary, Jessica Caldwell and from Cleveland Elementary, Candice Smith. Many of the winners were present and had their picture taken with the Commissioners.

(4)

MILES MORETTI, QUARTERLY REPORT FROM DIVISION OF WILDLIFE RESOURCES.

Mr. Moretti was not able to attend the meeting today.

(5)

CROCKETT DUMAS, QUARTERLY REPORT FROM FOREST SERVICE.

Forest Ranger, Crockett Dumas was not able to attend the meeting today, however Forest Supervisor, Jeff Defriez provided an update from the Forest Service. The report included information regarding six applications for permit to drill and current coal exploration plans. Other items reported were mine plan amendemnts and projects, pending leasing actions and reclamations in progress.

(6)

DICK MANUS, QUARTERLY REPORT FROM BLM.

Dick Manus, BLM reported on conditions on the desert over the busy Easter weekend. Thanks to the local OHV Club and their efforts on the desert, things went well. Use in the Wilderness Study Areas was responsible. Mr. Manus spoke at the recent Jeep Safari in Moab. He reported on several ongoing projects and activities. He also reported on the efforts in Emery County with regard to the recently organized Access Management Team.

(7)

PUBLIC HEARING-5:30 P.M. -TO RECEIVE PUBLIC COMMENTS ON AMENDMENTS TO THE 2000 GENERAL FUND AND CAPITAL REPLACEMENT FUND.

Commission Chairman Kent Petersen opened the public hearing. He explained that the budget passed in December does not meet the immediate needs of the county and will need to be adjusted.

Senior Deputy Clerk/Auditor, Brenda Dugmore explained that the funds Emery County received from UACIM resulted in an increase in fund balance. The purpose of the Public Hearing is to receive public comment on amending the 2000 General Fund and Capital Replacement Fund reappropriating the fund balance as follows:

**GENERAL FUND:****REVENUE:**

UAC Insurance Mutual	Increase of	<u>\$262,000.00</u>
<b>Total increase in Revenue</b>		<b><u>\$262,000.00</u></b>

**EXPENDITURES:**

Data Processing	Increase of	30,000.00
Transfer to Economic Development	Increase of	2,500.00
Transfer to Capital Replacements	Increase of	30,000.00
Contribution to Fund Balance	Increase of	<u>199,500.00</u>
<b>Total Increase in Expenditures</b>		<b><u>\$262,000.00</u></b>

**ECONOMIC DEVELOPMENT:**

**REVENUE:**

Transfer From General Fund	Increase of	<u>\$2,500.00</u>
<b>Total Increase in Revenue</b>		<b><u>\$2,500.00</u></b>

**EXPENDITURES:**

Employee Benefits	Increase of	<u>\$2,500.00</u>
<b>Total Increase in Expenditures</b>		<b><u>\$2,500.00</u></b>

**CAPITAL REPLACEMENTS:**

**REVENUE:**

Transfer from General Fund	Increase of	<u>\$30,000.00</u>
<b>Total Increase in Revenue</b>		<b><u>\$30,000.00</u></b>

**EXPENDITURES:**

Office Equipment & Furnishings	Increase of	<u>\$30,000.00</u>
<b>Total Increase in Expenditures</b>		<b><u>\$30,000.00</u></b>

Commission Chairman Kent Petersen opened the meeting to the public for comment.

Being no comment from the public Commissioner Petersen closed the Public Hearing.

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AND CAPITAL REPLACEMENT FUND

Commissioner Randy Johnson made a motion to approve Resolution 5-2-00 amending the 2000 General Fund and Capital Replacement Fund Budget. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

CITIZEN CONCERNS

Sheriff Guymon reported on a successful Easter weekend. Sheriff Guymon also requested approval to have Commissioner Petersen sign the Drug Task Force Grant Application and to ratify in the next meeting. Commissioner Randy Johnson made a motion to sign the Drug Task Force Grant Application to be ratified in the May 16, 2000 meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

CONSIDERATION AND APPOINTMENT OF BOARDMEMBERS TO THE EMERY COUNTY TRAVEL BUREAU.

Commissioner Ira Hatch made a motion to table this item for now. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

DISCUSSION ON SIGN FOR EMERY COUNTY ROAD DEPARTMENT BUILDING.

Road Supervisor, Rex Funk had no information regarding a sign for the Road Department building at this time and requested consideration at another time.

(12)

CONSIDERATION AND APPROVAL OF TAX EXEMPT PROPERTY LIST FOR 2000

Deputy Clerk/Auditor, Carol Cox presented the 2000 Property Tax Exemption list for approval. These are properties owned by churches and other non-profit organizations who make application with the county for exempt status as required by the state. Commissioner Randy Johnson made a motion to approve the 2000 Property Tax Exemptions. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

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May 2, 2000

(13)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Randy Johnson made a motion to approve the minutes dated April 18, 2000 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

COMMISSIONER REPORTS

*Commissioner Ira Hatch*

Commissioner Hatch reported on his trip to Washington, D.C. to testify on behalf of the Heritage Bill.

*Commissioner Randy Johnson*

Commissioner Johnson also reported on his experiences in Washington, D.C. He also reported on a conversation with State BLM Director, Sally Wisely and their visit to Cleveland-Lloyd Dinosaur Quarry during Take Pride In Utah Day.

*Commissioner Kent Petersen*

Commissioner Petersen reported on his trip to Washington, D.C. He also reported on a request from a citizen to have consideration for an at-large Wildlife RAC position. He felt it was a good idea to have representation from the Southeast Region. The Board of Commissioners agreed and will send a letter making that recommendation.

(15)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

An Executive Session was not necessary at this time.

(16)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by

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Commission Meeting Minutes  
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Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_



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

May 16, 2000

Present at the meeting was Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Kent Petersen and Commissioner Randy Johnson were not able to attend the meeting today, therefore all agenda items were discussion only and will be addressed in the June 6, 2000 meeting.

(1)  
ROBERT GREENBURG, CONSIDERATION AND APPROVAL OF MENTAL HEALTH  
SUBSTANCE ABUSE INTER LOCAL AND JOINT SERVICES AGREEMENT.

Robert Greenberg, Four Corners Mental Health discussed the Mental Health Substance Abuse Inter local and Joint Services Agreement. There were no changes in the agreement. Attorney David Blackwell, Commissioner Kent Petersen and Commissioner Randy Johnson have reviewed the agreement and will sign it in the next meeting.

(2)  
DON RIDDLE, FOREST SERVICE, CONSIDERATION AND APPROVAL OF CO-OP  
AGREEMENT FOR 2000 LAW ENFORCEMENT.

Don Riddle, Forest Service discussed a Co-Op Agreement for 2000 Law Enforcement and the Financial Management Plan for reimbursement for services rendered by the Sheriff's department on the forest. The reimbursement amount is \$5,276.00. Sheriff Guymon, Commissioner Johnson and Commissioner Hatch have reviewed the agreement. Mr. Riddle asked for expediency in this matter in order to have a deputy available for Memorial weekend.

(3)  
GEORGINA NOWAK. PRESENTATION OF FRIEND TO THE PUBLIC HEALTH AWARD.

Georgina Nowak presented Martin Wilson with a Friend to the Public Health Award for his efforts to foster a healthier and safer community through motor vehicle/child safety programs in

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Emery County.

(4)

CONSIDERATION AND APPROVAL OF TELEPHONE LINE RIGHT-OF-WAY  
EASEMENT.

Emery TelCom's request for a telephone line right-of-way easement to Huntington Sr. Citizen Center was discussed. They requested a five-foot easement to bore under the pavement to install telephone lines to the center. Apparently the overhead phone line is being damaged by the garbage truck. This item will be considered in the June 6, 2000 meeting.

(5)

CITIZENS CONCERNS

There were no citizen's concerns.

(6)

CONSIDERATION AND APPOINTMENT OF BOARD MEMBERS TO THE EMERY  
COUNTY TRAVEL COUNCIL.

This item will be discussed in the June 6, 2000 meeting.

(7)

RATIFICATION OF DRUG TASK FORCE GRANT APPLICATION.

This item will be ratified in the June 6, 2000 meeting.

(8)

CONSIDERATION AND APPROVAL OF JUDGES OF ELECTION, SATELLITE  
REGISTRARS, AND OTHER ELECTION MATTERS.

A complete list of Judges of Election and Satellite Registrars will be presented for consideration and approval in the June 6, 2000 meeting.

(9)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITION AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List for consideration and approval.

There were no requisitions or dispositions. The Board of Commissioners had an opportunity to review the list and Commissioner Hatch addressed their concerns. Upon return the Board of Commissioners will sign the list and ratify their signatures in the June 6, 2000 meeting.

(10)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented the following personnel action:

Road Department

The department has approved the routine incremental increase for Jan Christensen as per policy. She will progress from 5A \$8.15/hr to 6A \$8.48/hr effective April 26, 2000.

Clerk/Auditor's Office

The department has approved the routine incremental increase for Amber Braun as per policy. She will progress for 5A \$8.15/hr to 6A \$8.48/hr effective May 11, 2000.

Network Services Specialist

Request was made to hire Jeff Guymon regular full time eligible for benefits effective immediately.

The Board of Commissioners will consider these requests in the June 6, 2000 meeting.

(11)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Hatch provided corrections to the minutes dated May 2, 2000. The minutes will be considered for approval in the June 6, 2000 meeting.

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Commission Meeting Minutes  
May 16, 2000

(12)

COMMISSION REPORTS.

Commissioner Hatch

Commissioner Hatch reported that the Legacy Bill is on track and moving along. Things look encouraging. If the bill passes we will have to get busy on the planning.

(13)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

An executive session was not necessary at this time.

(14)

ADJOURNMENT

Commissioner Hatch adjourned the meeting.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

June 6, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Sheriff LaMar Guymon, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

DEB DULL, UTAH POWER QUARTERLY UPDATE.

Deb Dull, Regional Community Manager, reported that the company has named Tracy Akin as Managing Director over the Hunter and Huntington Power Plants. The company has offered early enhancement retirement programs to many of its plant employees who are fifty-three years of age and with fifteen years or more of service. One of the merger agreements with Scottish Power is to offer open learning centers in the United States patterned after the ones in the United Kingdom. The centers will be designed to help employees, their families, and eventually members of the community achieve their personal development goals and acquire the skills needed in business today. They are developing a variety of interactive courses ranging from languages to computer skills. Mrs. Dull was confident that one of the open learning centers will be located in Emery County. They expect to have it open by August.

(2)

CONSIDERATION AND APPROVAL OF AGREEMENT FOR SALE AND TRANSFER OF ELECTRIC FACILITIES.

The Board of Commissioners reviewed a contract with UPL to sell the electrical line from Central Warehouse in Orangeville to Horn Mountain. The sale will help Texaco with a less expensive way to expand their three phase power needs allowing them to hook into that line so there won't need to be a new power line built to the same location. There were several questions regarding the agreement so the agreement will be sent back to UPL for changes.

(3)

MIKE MC CANDLES, EMERY TELCOM QUARTERLY UPDATE.

Mike McCandles, Emery TelCom reported on the company's recent acquisitions. The company has completed a third year of their Education Initiative Program for the school district. This year they awarded \$4,000.00 in scholarships to local seniors. Their Srs. helping Srs. Program was a success and gaining some notoriety nation wide.

(4)

KATHY SITTERUD, REQUEST SPONSORSHIP FOR CANCER SOCIETY RELAY FOR LIFE.

Kathy Sitterud, American Cancer Society came before the Board of Commissioners to request sponsorship for an upcoming event. The Cancer Society Relay for Life will be held on July 7 & 8, 2000 at the Emery County High track. Mrs. Sitterud outlined the agenda for the event and invited the Commissioners to help and be a part of this worthwhile event. She also requested sponsorship in the way of funds. Attorney David Blackwell advised the Board of Commissioners on the Doug Shorts ruling regarding donations to charities. The Board of Commissioners will consider participating on a personal basis as well as encouraging employees to participate but the county cannot donate funds to a charity event.

(5)

STEVE PRINCE, UPDATE ON DOGM CBM FIELD RULES.

Steve Prince, Castle Valley Gas Producers Director, reported on Division of Oil, Gas & Mining and their Coalbed Methane Special Field Rules. They also had a meeting with the Underground Injection Users Technical Committee discussing a requirement for hydrologic modeling in the Navajo formation. Commissioner Hatch thanked Mr. Prince and his organization for their efforts to educate producers on the use of water.

(6)

CYNTHIA SMITH, UPDATE ON SUMMER RECREATIONAL PROGRAM.

Cynthia Smith, VISTA volunteer, reported on the Summer Recreation Program through the RSVP Volunteer Learn & Serve Program. This is a pilot program to provide summer recreation for young children. They had forty-four children the first day with nine youth volunteers. Shannon Hiatt, Recreation District Director explained that this program is not being run through sponsorship of the Recreation District and that questions have been brought up about insurance for participants.

(7)

KAY KIMBALL, PRESENTATION AND APPROVAL OF 1999 AUDIT.

Senior Deputy Clerk/Auditor, Brenda Dugmore reviewed the 1999 Audit Report with the Board of Commissioners.

Commissioner Ira Hatch made a motion to accept the 1999 Audit Report. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

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June 6, 2000

(8)

CITIZEN CONCERNS

Deputy Martin Wilson introduced Jennifer Jeffs and Melissa Wilson, Youth Safety Council to the Board of Commissioners. Jennifer and Melissa requested assistance to attend the National Safety Council in San Antonio, Texas. Commissioner Randy Johnson made a motion to donate \$100.00 to each girl to aid in funds to attend the National Safety Council. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Assessor, Jim Fauver informed the Board of Commissioners that the courthouse computer network was infested by the Love Bug Virus which wiped us out temporarily. Jeff Guymon, Computer Technology Specialist will look into getting a new virus protection software as the one we are currently using did not detect the bug.

(9)

RATIFY APPROVAL OF EMERY TELCOM RIGHT-OF-WAY EASEMENT

Mike McCandles, discussed the emery TelCom right-of-way easement agreement with the Board of Commissioners. They propose to bury the phone line at the Sr. Citizen Center in Huntington. Apparently the over-head phone line was getting caught on high profile trucks such as the garbage truck and causing damage to the line. Commissioner Hatch requested the easement include co-operation between Emery TelCom and Emery County in the event that there are problems down the road and the line needs to be repaired. Emery TelCom will be burrowing under the asphalt to install the line and problems could come up through the years. Mr. McCandless did not foresee any problems with the request. Commissioner Ira Hatch made a motion to ratify the approval of Emery TelCom right-of-way agreement with the addition of assistance with any future problems.

The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)

CONSIDERATION AND APPROVAL OF CO-OP AGREEMENT WITH FOREST SERVICE FOR 2000 LAW ENFORCEMENT

Commissioner Ira Hatch made a motion to approve the Law Enforcement Co-Op Agreement with the Forest Service for the year 2000. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

ROAD DEPARTMENT ITEMS

Rex Funk, Road Department Supervisor presented the following items for consideration and approval:

Robert Law made a request to purchase the remainder of the asphalt mulch from 1998. There was approximately four yards that had not been used and had lost its binding usability. Clerk/Auditor Bruce Funk advised the Board of Commissioners regarding the policy for disposing of county property. Commissioner Ira Hatch made a motion to advertise in the paper to sell the leftover asphalt mulch. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Commissioner Ira Hatch made a motion to approve Co-Operative Agreement STP-1612 (I) 0-South Moore Cut-off between UDOT and Emery County. Attorney David Blackwell has reviewed the agreement. Commissioner Ira Hatch made a motion to approve the Co-Operative Agreement STP-1612 (I)0-South Moore Cut-Off. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Green River Canal Company has requested to purchase the old weed mower that was recently replaced with a newer one. The Board of Commissioners suggested Rex establish a minimum acceptable amount and advertise in the paper. Commissioner Randy Johnson made a motion to approve advertising to sell the old weed mower from the County. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

They had a site showing for slurry seal of the runway at the Huntington Airport. Those attending were Hales, M&M Contractors, Intermountain Slurry and Valley Asphalt. The contract will be awarded at the Special Service District meeting Monday, June 12, 2000 at 2 p.m.

(12)

CONSIDERATION AND APPOINTMENT OF BOARDMEMBERS TO THE EMERY COUNTY TRAVEL BUREAU

Commissioner Ira Hatch made a motion to table this matter for now. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)



NOTICE OF VACANCIES ON EMERY WATER CONSERVANCY DISTRICT BOARD.

Commissioner Ira Hatch made a motion to advertise, as has been done for other board vacancies, for interested citizens to fill the vacancies on the Emery Water Conservancy District Board. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

CONSIDERATION AND APPROVAL OF TAX APPEAL ADJUSTMENT FOR GYPSUM RESOURCE.

Senior Deputy Clerk/Auditor Brenda Dugmore presented on behalf of County Treasurer, JoAnn Behling a request to adjust Gypsum Resource's Order of Appeal by the State Tax Commission. The adjustment was in the amount of \$5,506.33. Commissioner Ira Hatch made a motion to approve the adjustment and write-off of taxes for Gypsum Resources, under protest. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(15)

APPROVAL OF BEER LICENSE FOR MILLSITE RESTAURANT

Deputy Clerk/Auditor Carol Cox presented for consideration and approval an application for a beer license for Millsite Restaurant. Sheriff Guymon has completed his background check and signed off on the license. Commissioner Randy Johnson made a motion to approve the beer license for Millite Restaurant. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

APPROVAL OF NEW RETIREMENT RATES FOR COUNTY EMPLOYEES

Senior Deputy Clerk/Auditor, Brenda Dugmore requested approval of new retirement rates for Emery County employees. Commissioner Ira Hatch made a motion to accept the new retirement rates as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(17)

APPROVAL OF AMBULANCE WRITE-OFF

Senior Deputy Clerk/Auditor, Brenda Dugmore requested approval to write-off an ambulance billing. A check was received from a church organization on behalf of one of its members, requesting the county to accept the amount of the check as payment in full for the billing. Commissioner Randy Johnson made a motion to approve the write-off and accept the amount of the check as payment in full for the bill. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(18)

DISCUSSION OF MUSEUM ROOF REPAIR PROJECT.

Commissioner Petersen reported on the Museum of the San Rafael Roof Project. In the fall of 1999 bids for the roof repair was solicited and Hansen Roofing was awarded the bid for \$3,500.00 . The actual work on the roof was delayed due to season and weather conditions and was completed in the spring of 2000. The final cost of the project was \$3,860.00. A discussion was held concerning the process used to complete the project and the final price paid for the project.

(19)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS. RATIFY CHECK EDIT LIST AND ADDITIONAL CLAIMS APPROVED 5/16/00.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List # 130540 through and including #130725.

The Board of Commissioners discussed a claim for expenses for Carolyn Randall to attend a convention in Florida. After much discussion it was decided to pay the airfare and consider reimbursement from receipts after her return.

The Board of Commissioners also discussed a recommendation from Clerk/Auditor Bruce Funk to create a cell phone program wherein selected employees would be supplemented with a set amount per month for use of their cell phone thus eliminating confusion and controversy over what is county business and what is personal business. The particulars of the program would need to be worked out and a tiered supplemental program set up, but in the end would simplify and benefit both the county and the employee. A cell phone allowance would save the county money. After much discussion on this matter Commissioner Ira Hatch made a motion to set up a cell phone allowance program which would pay employees based on a tiered supplemental program, set the parameters for the program and move ahead with the implementation of the program as set up. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

One requisition for a HP 1100 Laser Jet Printer with a Jet Direct Box for the Extension Service Office. The purchase would come from Capital Replacement Funds.

There were no dispositions.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, Additional claims and requisition as discussed for payment and to ratify approval of the Warrant Check Edit List dated May 16, 2000. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(20)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION AND RATIFY APPROVAL OF PERSONNEL ACTION TAKEN 5/26/00.

Personnel Director, Pat Snowball presented the following proposed personnel action:

Pat Snowball proposed a routine incremental increase for Jan Christensen, Road Department and Amber Braun, Clerk/Auditor Department as per policy. The routine wage increase will result in an increase from 5A \$8.15/hr to 6A \$8.48/hr effective April 26, 2000 for Jan and May 11, 2000 for Amber. She also proposed the approval to hire Jeff Guymon, regular full time for the position of Network Services Specialist effective immediately. Commissioner Ira Hatch made a motion to approve the actions. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Weed & Mosquito Department requested approval to hire the following temporary, up to 90 day workers at \$10.26/hr:

Clifford Kemple, effective May 1, 2000 and ending July 29, 2000.

Benjamin Beagley, effective May 30, 2000 and ending August 27, 2000.

Jeff Dooley, effective May 30, 2000 and ending August 27, 2000.

Commissioner Ira Hatch made a motion to approve the hire of the temporary workers as outlined. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

The Road Department request approval to promote Terry Seager to Crew Leader for the Green River Area at Grade 15, Step J \$14.84/hr, effective June 12, 2000. Commissioner Ira Hatch made a motion to approve the promotion of Terry Seager to Crew Leader for the Green River Area as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Brett Mills, Communications requested a list of names for consideration of a temporary position, up to 90 day.

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(21)

RATIFY APPROVAL OF JOINT MENTAL HEALTH SERVICES AND JOINT SUBSTANCE ABUSE SERVICES AGREEMENT AND RESOLUTION.

Commissioner Ira Hatch made a motion to ratify the approval of Joint Mental Health Services and Substance Abuse Services Agreement and Resolution 6-6-00 approving the agreement. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(22)

RATIFICATION OF DRUG TASK FORCE GRANT APPLICATION.

Commissioner Ira Hatch made a motion to approve the Drug Task Force Grant Application. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(23)

RATIFY APPROVAL OF JUDGES OF ELECTION AND SATELLITE REGISTRARS.

Commissioner Ira Hatch made a motion to approve the list of Judges of Election and Satellite Registrar. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(24)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES. RATIFY APPROVAL OF 5/2/00 MINUTES.

Commissioner Ira Hatch made a motion to approve the Commission Meeting Minutes dated May 16, 2000 and June 6, 2000 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(25)

COMMISSIONER REPORTS

There were no reports.

Commissioner Randy Johnson made a motion to adjourn to an Executive Session. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

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June 6, 2000

(26)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Present at Executive Session were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Sheriff LaMar Guymon, Attorney David Blackwell, Personnel Director, Pat Snowball, Clerk/Auditor Bruce Funk, Sr. Deputy Clerk/Auditor Brenda Dugmore, Deputy Clerk/Auditor Carol Cox and Sergeant Bill Downard.

(27)

ADJOURNMENT

Commissioner Ira Hatch Made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

June 20, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, other elected officials and citizens.

(1)

SKYLER TANNER, REQUEST FOR SPONSORSHIP TO GOVERNOR'S HONOR ACADEMY.

Skyler Tanner a senior at Emery County High School came before the Board of Commissioners to request assistance to attend the Governor's Honor Academy at Southern Utah University. Only fifty students throughout the state are invited to attend the academy. He will be there for ten days attending workshops emphasizing academic achievement. Commissioner Ira Hatch made a motion to donate \$100.00 to Skyler Tanner to attend the Governor's Honor Academy. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(2)

UMWA REPRESENTATIVES, DISCUSSION OF CLOSING OF MINES AND FUTURE PLANS.

UMWA, Local 2176 Representatives, Forest Adison, Larry Harrington and Ken Gilbert were present to address the Board of Commissioners regarding Pacificorp's decision to close Trail Mountain Mine and the county's future plans. Commissioner Petersen indicated that the Board of Commissioners has met with Pacificorp to discuss issues of concern to the county. The two main issues are the loss of jobs for a substantial number of Emery County miners and the increase of traffic as well as damage to the roads due to coal trucks hauling coal from SUFCO to the power plants. He indicated that there are no easy answers. The Board of Commissioners will do what they can to support the miners by continuing to meet with Pacificorp and SUFCO as well as the State Highway Commission on the road issue. They will continue to encourage SUFCO to hire as many Emery County workers as possible. Commissioner Johnson addressed the benefits and drawbacks of having a railroad in Emery County. He addressed the issue of bringing in other industries and that Highway 6 is the biggest barrier to inducing industries to locate in Emery County. Commissioner Hatch commented that Emery County is concerned about displaced families and wants to find beneficial answers for all concerned. The Board of Commissioners urged the union leaders to encourage the people by letting them know that the county is looking into other avenues for employment. The union leaders were invited to attend Economic Development Council meetings to talk about their concerns.

(3)

DISCUSSION AND DECISION REGARDING CREATION OF A NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT.

Earlier this year the Board of Commissioners received a letter from North Emery Water Users Board of Directors officially requesting Emery County create a special service district for water users. NEWU has survived for over twenty years but now are faced with some major costly repairs. Bevan Wilson, NEWU indicated that as a special service district they would be given high priority for CIB grants to execute the repairs. After NEWU's original request Commissioner Johnson did some looking into the issue. NEWU stock holders have made a legitimate request. Mr. Johnson questioned how the district would be funded in light of the fact that mineral lease funds coming into the county are depleting. They discussed the possibility of drawing NEWU into Castle Valley Special Service District. To do so at this time may be cumbersome as Castle Valley will now be in their budget process for 2001. Mr. Wilson told the Board of Commissioners that the time to do something is now. We have the opportunity to take NE and pay off their obligations with tax reserves and have a debt free company which could have the assets transferred without receiving any incurred debt. The companies cash reserves were about \$25,000.00 at the beginning of 2000 and have been depleting at about \$12,000.00 per year. He anticipated the reserves would be down to around \$10,000.00 by the end of 2000. Regarding CIB funding, Mr. Wilson felt the money is there for funding water projects and is confident they will be able to acquire grants and low interest loans no matter whether they are added to Castle Valley or a new district is created. Mr. Wilson applauded the Commissioners for what they are trying to do. The Board of Commissioners discussed the process for creation of a district and or adding to an established district. Commissioner Hatch had asked to be on the agenda of Castle Valley Special Service District's next meeting to discuss adding NEWU to that district. The Board of Commissioners will continue to look at this matter. Commissioner Randy Johnson made a motion to table this for now to allow time to continue gathering information. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

MACK HUNTINGTON, EMERY COUNTY PLANNING COMMISSION CHAIRMAN,  
REQUEST FOR SETTING OF PUBLIC HEARING FOR GOLD TERRA'S BLUE CASTLE  
MINE LEVEL 3 PERMIT.

Commissioner Randy Johnson made a motion to set a Public Hearing for July 18, 2000 at 10:00 a.m. to receive public comment and consideration of a level 3 permit for Gold Terra's Blue Castle Mine. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

CITIZENS CONCERNS

Clerk/Auditor, Bruce Funk requested direction for what to do about indigent burials. There had been earlier discussion regarding using the Lawrence Cemetery since it is owned by the county. Bevan Wilson, Lawrence provided the history of the cemetery. Carroll Cullum sold his farm to John Oliver and at that time deeded the land where the cemetery is over to the county. An abstract agent, who from the plat, drew a description for the transfer of property. The intent for the property transfer was for a cemetery. There have been several projects over the years to improve the cemetery. The most recent project was to improve the road and install a cattle guard. While Johansen & Tuttle identified the corners to do the right-of-way work it was noted that Emery County only owned about half the cemetery. John Oliver still owned the other portion. The deed that was created was not accurate. A corrected deed was prepared. John Oliver was contacted, a land exchange was made and brought the boundaries of the cemetery in a legal description to where it actually sits today. The next step for the cemetery is to get the people involved and create a management plan for the cemetery. Lawrence citizens are not in favor of having indigent persons buried in their cemetery. The Board of Commissioners will discuss possible solutions to the issue of where to put indigent persons for burial with the mayors in the next Council of Local Government meeting.

(6)

CONSIDERATION AND APPROVAL OF ANNUAL USU-EMERY COUNTY COOPERATIVE AGREEMENT.

Commissioner Randy Johnson made a motion to approve the annual USU- Emery County Cooperative Agreement. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

DISCUSSION AND APPROVAL OF INTERVENING IN RIVER GAS 2000 TAX APPEAL.

Commissioner Ira Hatch made a motion to intervene in River Gas's 2000 tax appeal. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

CONSIDERATION AND APPROVAL OF QUIET TITLE LITIGATION AGREEMENT.

The State of Utah in the last legislative session provided money to fight for RS2477 Right-of-way rights making the State and the County co-owners of all ROW. The State can go to the



Supreme Court faster than the County can. The agreement is with the State, to provide a list of twenty roads with the initial suit. The Resolution calls for a representative be appointed from the County. Commissioner Ira Hatch made a motion to appoint Randy Johnson as point man on the litigation committee and approve Resolution 6-20-00, an agreement with the State of Utah for Quiet Title Litigation, providing a list of twenty roads for the initial suit. The motion was seconded by Commissioner Randy Johnson and approved by all members present. The Board of Commissioners will enlist the help of the Access Management Team for help identifying the twenty roads.

(9)

CONSIDERATION AND APPROVAL OF MOU FOR BAILIFF SERVICES TO THE DISTRICT COURT.

Commissioner Randy Johnson made a motion to approve the MOU for Baliff Services to the District Court. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Bruce Funk, Clerk/Auditor presented for consideration and approval the Warrant Check Edit List #130940 through and including #131144 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
30-00	Duplexer for filtering FM interference from Moab	\$ 693.89	Approved
31-00	2000 Dodge Durango	27,789.00	Approved
32-00	(2) 19" Monitors/Recorder	718.00	Approved
33-00	Xerox document center/Recorder	13,695.00	Approved

The purchase of the Durango was not budgeted for so the budget would need to be opened and

an adjustment made in Capital Replacement. Commissioner Randy Johnson made a motion to open the budget and authorize the Clerk/Auditor to adjust Capital Replacement to allow for the purchase of the Durango. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List, additional claims and requisitions for payment. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

### PERSONNEL

Pat Snowball, Personnel Director presented the following personnel action:

#### Road Department

James Sherman has submitted his resignation effective July 1, 2000. Road Department Supervisor, Rex Funk requested approval to recruit for a mechanic. Commissioner Ira Hatch made a motion to approve recruitment of a mechanic. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

#### Health Insurance

Renewal for the health insurance is July 1, 2000. Intermountain Benefit Administration sent out twenty-five requests to regular commercial carriers for the stop loss or reinsurance. The best quote was with our current carrier, Med Ex. Pat recommended that we continue with this company.

The preferred-provider network has proved its success in two ways: 1) The quote, though it is an increase over last year could have been significantly higher since health insurance is inflated nationwide by 14 to 18%. The increase for Emery County will be 11%. 2) The plus for being self insured is that the plan only pays out for claims that are incurred. An estimated amount is funded and if there are savings, the funding does not leave the plan account.

Additional pluses for the self insured plan for Emery County is that administration costs are running approximately 3%. Fully insured plan administration costs run approximately 14-18%. Further, about 78% of the health insurance dollar goes to the actual payment of the claim.

With the 11% increase the following increase is proposed for the plan participant premium

contribution:

Current		New	
\$312.51	Single	\$346.88	Single
\$495.00	Couple	\$549.45	Couple
\$758.78	Family	\$842.25	Family

Pat Snowball requested approval to complete the renewal process by signing the renewal documents and to make premium adjustment effective July 1, 2000.

Pat Snowball discussed recommendations for amendments to the Health Insurance as follows:

1. Currently when routine care, like a physical, is received, there is a \$10.00 co-pay then the plan pays 100% up to \$250.00. If the routine exceeds the \$250.00 the employee pays. The purpose of routine care is to encourage employees to receive the routine examinations that might detect a larger problem. The original intent of the "wellness" incentive was that if the routine exceeded the cap the excess would "flop" over into the regular payment path and be subject to deductible and the regular payment.
2. The preferred provider network has not included dental and vision. Routine care is not a problem, but when the care requires more than routine care, that care is coded as medical which "flops" into the network; there is no preferred provider and the employee, having been told dental and vision care is not subject to the preferred provider network, is subject to the higher deductible and lower payment of the claim.
3. Clarification is required which CBSA has recommended for the following:  
The cost distribution for the exchange of medical records  
Time periods and dosages  
Treatment for dental procedures with regard to accidents to the jaw and normal teeth and surgical removal of impacted wisdom teeth.

Pat proposed that the prescription card plan change from ProVantage to ScriptWorld for prescription services. This is a firm 3% savings by making this change.

Commissioner Ira Hatch made a motion to begin the renewal process and authorize Pat to contact the other entities who are with us on the insurance, informing them of the increase and to approve the plan change for prescription service. He also motioned to approve the recommended amendments to the insurance policy. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Pat also requested approval to discontinue the current additional public employees blanket bond. The public employees blanket bond covers the county for employee honesty. Its limit of liability is \$10,000; it is renewed every three years and the premium, due this year is \$899.96. Pat sent a

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copy of the current policy to UACIM who advised her that we are already covered by this type of liability in the amount of \$500,000. She requested to allow the policy to lapse.

Commissioner Randy Johnson made a motion to drop the public employees blanket bond. The motion was seconded by Commissioner Ira hatch and approved by all members present.

(12)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes dated June 6, 2000 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

COMMISSION REPORTS

There were no reports.

(14)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Commissioner Randy Johnson made a motion to adjourn to an executive session to discuss possible litigation and personnel matters. Present at the meeting was Commissioner Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Pat Snowball, Kyle Ekker, Bill Downard, Bruce Funk, Brenda Dugmore and Carol Cox.

(15)

OTHER BUSINESS

Upon returning to regular meeting, Clerk/Auditor Bruce Funk reviewed a recommendation for a cell phone allowance program. The base rate was determined by the plan the department was contracted to pay. It was decided that most departments have the statewide no long distance \$39.95 a month program, therefore the base for that plan would be \$45.00. The local charges, \$19.99 a month rate would have a base allowance of \$22.00. A check would be issued at the end of each month to each participant who would be responsible for paying their cell phone bill. The individual must contact the cell phone company and have their account changed out of the

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county's name and into their name. The county will disposition the cell phone and it will become the individual's responsibility. Commissioner Ira Hatch made a motion to send a letter to each department informing them of the program and that the county will no longer be paying for cell phone charges. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

The following individuals have signed up for the program:

Bruce Funk	Brenda Dugmore	JoAnn Behling
Randy Johnson	Kent Petersen	Ira Hatch
Bryant Anderson	Val Payne	Jim Fauver
Rosan Fillmore		

(16)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

July 18, 2000

Those present at the meeting were Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

PEGGY MASON, UPDATE FROM CONGRESSMAN CANNON AND ADDRESS COUNTY CONCERNS.

Peggy Mason, Representative from Congressman Cannon was present to update the Board of Commissioners on current congress activity. The Death Tax Elimination Act which was designed to phase out the inheritance tax over the next ten years has passed the Senate. President Clinton has said he would veto the bill. The San Rafael Conservation Bill has passed in the Senate Energy and Natural Resources Committee. In a News Release dated July 17, 2000 Congressman Cannon stated sponsorship for the Methamphetamine Anti-Proliferation Act designed to empower local officials in battling the meth epidemic. Cannon opposes Internet Gambling Prohibition Act which as he stated is a well intentioned attempt to regulate a harmful vice. In Congressman Cannon's opinion it falls dangerously short of accomplishing a ban on Internet gaming and it creates regulation that is unenforceable, placing regulatory burdens on Internet Service Providers. Ms. Mason provided a toll free phone number for receiving information regarding federal, land or immigration issues.

(2)

DISCUSSION REGARDING ELECTION ASSOCIATED WITH ANNEXATION OF THE GRAND COUNTY PORTION OF GREEN RIVER CITY, UTAH INTO EMERY COUNTY.

The Meridian Consulting Group, Independent Financial Consultants contracted to look at the financial data on the annexation provided their official report which states, "Upon thorough evaluation of physical data as required by Utah State Code Section 17-2-6 (2) (b) (i) it is the conclusion of Meridian Consulting Group L.C. that the county cost of operation within the annexed area exceed the revenues generated within the area by more than five percent. This finding implies that an election must be held as per Section (2) (b) (i). Unless the county legislative body of Emery County, Utah adopts a terminating resolution as per that same subsection within thirty days." In other words, according to the financial study, Emery County is the only one who can stop the election. If Emery County does nothing then the election proceeds. Emery County, since it is the annexing county must defray all the cost of the election. Commissioner Petersen commented that this will be of benefit to the county as a whole. Green River City Mayor, Glen Dale Johnson was present to discuss some of the details. Mayor

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Johnson also invited the Commissioners to attend the John Wesley Powell Museum Birthday Party in Green River on July 28, 2000 at 6:00p.m.

(3)

CONSIDERATION AND APPROVAL OF AGREEMENT WITH FERRON CITY FOR BUILDING INSPECTOR SERVICES.

Commissioner Randy Johnson made a motion to approve an agreement between Emery County and Ferron City for Building Inspector Services. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

DISCUSSION AND APPROVAL OF CELL PHONE POLICY.

The Board of Commissioners considered and approved a cell phone policy in the previous Commission Meeting. The item was not on the agenda and therefore needs to be ratified at this time. The Commissioners discussed the need to give the program time to work out the wrinkles. They discussed what to do when someone is out of the area and their plan runs out, creating extra charges over and above the plan. Commissioner Ira Hatch made a motion to ratify the approval of the County's cell phone policy adding that any additional charges incurred may be submitted for reimbursement on a case by case basis. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(5)

CITIZEN CONCERNS

Kay Jensen and Dennis Ward, Huntington/Cleveland Irrigation addressed the Board of Commissioners requesting notification when there are items on the agenda regarding water and or drainage in Emery County. The Board of Commissioners recommended that they call and request a copy of the agenda each time as it would be difficult to notify every group who wishes to be notified on a regular basis.

Dennis Ward addressed a problem he has identified regarding pumping and dumping of septic tanks in the Huntington sewer lagoon.

Jane Manchester, Emery addressed a problem with Live Earth in Emery. The group she represented felt like Live Earth was not complying with the light industry zoning laws. They are not controlling the noise and the dust as agreed in the original permit. The group petitioned the Board of Commissioners to force the company to comply with the zoning laws. Mrs.

Manchester asked the Commissioners to make a recommendation to the mayor of Emery.

Clerk /Auditor Bruce Funk requested formal setting of Board of Equalization date and time as disclosure notices are scheduled to go out next week. BOE was scheduled for August 15, 2000 at 4:00 p.m. in Green River, however Assessor Jim Fauver informed the Commission that the week of August 14 through August 18 is when they would be in Salt Lake testifying on the centrally assessed appeals. Commissioner Randy Johnson made a motion to move Commission Meeting to August 22, 2000 at 4:00 p.m. in Green River, Utah at the Emery County/Sheriff Complex and to set Board of Equalization for August 22, 2000 from 12:00 p.m. until 3:30 p.m. in Green River and Wednesday, August 23, 2000 from 9:00a.m. until 3:00p.m. in Castle Dale. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**10:00 A.M.- PUBLIC HEARING- TO RECEIVE PUBLIC INFORMATION ON GOLD TERRA'S BLUE CASTLE MINE LEVEL 3 PERMIT.**

Commission Chairman Kent Petersen opened the public hearing. Mack Huntington, Planning Commission Chairman explained the purpose of the public hearing was to receive public comment on Gold Terra's Blue Castle Mine, Level 3, permit. The permit has been before the Planning Commission staff which recommends approval of the permit. Dan Shepherd, Gold Terra reviewed the permit which was for additional 320 acres. This is a conditional use permit in the mining and gas zone. Mr. Shepherd provided maps showing the proposed area in relation to the other Gold Terra mine sites. There will be no changes in operations just an expansion of use. Commissioner Johnson commended Gold Terra for the way they conduct their business. They are always well prepared. Commission Chairman Kent Petersen closed the Public Hearing.

(7)

**CONSIDERATION AND APPROVAL OF GOLD TERRA'S BLUE CASTLE MINE LEVEL 3 PERMIT.**

Commissioner Ira Hatch made a motion to approve Gold Terra's Blue Castle Mine Level 3 Permit. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

**MACK HUNTINGTON, PLANNING AND ZONING, REQUEST FOR SETTING OF PUBLIC**



HEARING FOR C.W. MINING COMPANY, BEAR CANYON NO. 3 MINE.

Planning Commission Chairman, Mack Huntington requested a Public Hearing for C.W. Mining Company, Bear Canyon No.3 Mine in Huntington Canyon. The permit has been before the Planning Commission and now requires a public hearing to complete the next phase of the process of approval. Commissioner Randy Johnson made a motion to set a Public Hearing for September 5, 2000 at 5:30 p.m. to receive public comment for C.W. Mining, Bear Canyon No. 3 Mine. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

DISCUSS REQUEST FOR FOREST SERVICE ROAD PERMIT FOR REEDER VIEW SUBDIVISION.

Brant Walls, representative from Reeder View Subdivision, came before the Board of Commissioners to address what the members envision as a potential health problem in the Reeder View area. Recently a problem arose when there was a structure fire in the subdivision. Fire trucks dispatched to contain the fire were blocking the road preventing access to and exit from the subdivision. Mr. Walls contacted the Forest Service to request a permit to build a road completing the loop out of the subdivision. The subdivision members are willing to defray all the cost for building and maintaining the road. The Forest Service indicated they would not be receptive to a private request for permit to build a road. If the County were willing to apply for the easement it may be more receptive. Commissioner Hatch and Commissioner Petersen both agreed that the first thing to do is to meet with the Forest Service to see if this would work.

(10)

APPOINTMENT OF MEMBERS TO THE WATER CONSERVANCY DISTRICT BOARD.

This item was tabled.

(11)

DISCUSSION OF UPCOMING MEETINGS TO DISCUSS POTENTIAL RAILROAD.

UMWA Representative, Vic Staley formally requested to have a UMWA representative on the committee set up to look into the feasibility of putting a railroad in Emery County. Meetings have been set for August 8, 2000 at 7:00p.m. in Ferron, August 9, 2000 at 10:00a.m. in Huntington, August 9, 2000 at 7:00p.m. in Price. The economics are good for putting in a railroad, however there are two negatives. A railroad could result in reduction of need for truck drivers and coal could be railed in from another area possibly for less. Commissioner Petersen

pointed out the potential benefits far exceed the negatives. Potential benefits are, new markets for coal and other products and the potential for new economic development initiatives. UMWA felt that rail will market their coal more efficiently and is strongly in favor of putting in rail.

(12)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

Commissioner Randy Johnson made a motion to adjourn to executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Johnson had to leave for Salt Lake City, therefore Commission Chairman Kent Petersen stepped down through the remainder of the meeting to second the motions.

(13)

CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.

Deputy Clerk/Auditor Carol Cox presented a business license application from Sylvia Nelson DBA: Restoring Old Glory: Flag Repair. Zoning Administrator, Bryant Anderson had reviewed and signed the application. Also presented was a license renewal to sell alcoholic beverages, a "Class A" license from Blain K. Luke DBA: Trail Mountain Resort in Joe's Valley. Commission Chairman signature is required for renewal of this license. Commissioner Ira Hatch made a motion to approve the business license and "Class A" alcoholic beverage renewal as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(14)

CONSIDERATION AND APPROVAL OF CERTIFIED TAX RATE.

Senior Deputy Clerk/Auditor, Brenda Dugmore explained that it is time for disclosure notices to go out. The Commission must decide whether to adopt the state certified tax rate or set their own rate. The decreased value this year is due to centrally assessed property appeals. The State Tax Commission reduced PacifiCorps value by 7% which was a substantial amount of loss in tax revenue. Texaco's value was also reduced and we lost Cyprus Coal Mine's tax revenue when they closed down. Commissioner Ira Hatch made a motion to adopt the State certified tax rate. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

The Board of Commissioners also set the tax rate for Castle Valley Special Service District. Castle Valley's rate is at the maximum allowed by law which is .00008. Commissioner Ira Hatch made a motion to adopt the .00008 tax rate for Castle Valley Special Service District. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

APPROVAL TO WRITE-OFF AMBULANCE ACCOUNTS.

Senior Deputy Clerk/Auditor Brenda Dugmore requested write-off uncollectible ambulance accounts in the amount of \$176,057.65. These are accounts prior to June, 1999 that were never billed. Most insurance companies will not pay after a year. The Clerk/Auditor's office has recently taken over the ambulance billing and subsequently found many billings that were never sent out and/or attempts made to collect from the insurance company or the individual. Commissioner Ira Hatch made a motion to write-off uncollectible ambulance receipts as recommended by the Clerk/Auditor's Office. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(16)

CONSIDERATION AND APPROVAL OF AGREEMENT WITH E-UTAH FOR DISCLOSURE OF EMPLOYEE DRIVER'S LICENSE INFORMATION.

Personnel director, Pat Snowball explained that UAC Mutual Insurance requires the county to check driver's license records on a yearly basis of employees who drive county vehicles. The county policy prohibits use to a driver with 'DUI' on their record. A program called e-Utah allows Ms. Snowball to check employee records over the internet for free. Currently these checks are being done by the Sheriff's Department which is time consuming for that department. E-Utah assures that all the information is secured and only authorized entities are allowed to access the information. Commissioner Ira Hatch made a motion to accept the recommendation to sign up for the e-Utah program. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(17)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List #131728 through and including #131896 for payment.

Requisitions were presented for the following:

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<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
34-00	Radio Base Station Sheriff	\$ 715.00	Hold
35-00	Radio Base Station Sheriff	\$ 715.00	Hold
36-00	Stair chairs/splints/manikin Ambulance	\$ 2,227.70	Approved
37-00	Pagers Ambulance	\$ 1,355.00	Approved
38-00	GPS unit Ambulance	\$ 478.88	Hold
39-00	Radios (12)	\$ 4,879.60	Hold
40-00	Ventilators(3) oximeters(2) Ambulance	\$ 5,545.67	Approved
41-00	Adult training arm/newborn manikin Ambulance	\$ 517.54	Approved
42-00	Laptop Computer GIS	\$ 2,321.00	Hold
43-00	Digital Camera GIS	\$ 611.95	Approved
44-00	Back-up Software Data Processing	\$ 359.99	Approved
45-00	Laptop Computer Data Processing	\$ 2,368.00	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
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180-6740	Cell Phone/P&Z	Junked	Approved
N/A	Cell Phone/P&Z	Junked	Approved
610-5700	Printer/Extension	Auction	Approved
610-5113	Printer/Extension	Junked	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List for payment and the requisitions and dispositions as proposed. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(18)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball presented the following personnel action:

Road Department

Robert Davies, Equipment Operator/Driver in Green River submitted his resignation effective July 10, 2000. Because of time constraints for advertising for a replacement, approval was given prior to the meeting. Request is now made to ratify the approval to recruit for an equipment operator/driver in Green River to replace Robert Davies at Grade 12 entry \$10.57/hr., eligible for full benefits. Commissioner Ira Hatch made a motion to ratify the recruitment for an Equipment Operator/Driver in Green River as proposed. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Assessor

Shelly Gilpin is eligible for the routine progressive wage increase from 6A \$8.48/hr to 7A \$8.84/hr effective July 7, 2000. Jim Fauver recommended the increase. Commissioner Ira Hatch made a motion to approve the routine progressive wage increase for Shelly Gilpin. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(19)

APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Ira Hatch made a motion to approve the minutes dated June 20, 2000 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all member present.

(20)

COMMISSION REPORTS

*Commissioner Hatch*

Commissioner Hatch reported that the new Emery County travel brochures are finished. They are very well done. He met with Council of Governments and the mayors recently regarding indigent burials and acquiring plots in each town.

*Commissioner Petersen*

Commissioner Petersen sat through one day the of hearings on SUWA's request to close roads on the desert. Emery County has officially intervened. The Judge is deciding whether to consider our intervention prior to his ruling.

(21)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**August 1, 2000**

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**

**DELENA FISH, WORKFORCE SERVICES, QUARTERLY UPDATE.**

Delena Fish, Workforce Services reported on second quarter job referrals and contacts. She provided statistics showing an increase in referrals and job placements. Workforce Services will provide specific help to the local miners who face lay-off at the end of this year. They have funds that have been earmarked for training the miners to aid with the transition into new jobs. She reported on child care payment changes. The summer youth program is winding down. Graduation will be August 10, 2000 with twenty-one youths graduating from the program. Workforce Services has been successful in keeping individuals working and not cut-off from their benefits.

**(2)**

**CITIZEN CONCERNS**

Mark H. Williams requested an update on the Conservation Bill. Commissioner Johnson reported that the bill has passed unopposed from the Senate Markup Committee. The Senate is on break now for National Convention and when they return after Labor Day the bill will go to the Senate floor. The bill is still moving along on the Senate side gaining support along the way. Commissioner Johnson felt the bill has better than a fifty-fifty chance to reach any legislation.

Attorney, David Blackwell and Val Payne were in Salt Lake City where they attended the hearing on Emery County intervening in the SUWA lawsuit against BLM to close roads in various Wilderness Study Areas. About nine months ago SUWA filed a lawsuit against BLM to try and stop cross country vehicular travel of any kind (four wheeler, motorcycle, regular vehicles). About two months ago they filed for a temporary restraining order which would immediately close the roads in question. Both Emery County and the State of Utah felt it was very important to intervene in this case. The State put together a brief, which Emery County piggy-backed on, that was filed with the court and heard on July 31, 2000. The court seemed hesitant about allowing the State in the lawsuit, but would have no problem bringing the County in. The State could always claim the eleventh amendment granting immunity from lawsuits. The State claims co-ownership in the RS2477 roads with the county. It would have been hard to put one in and not the other. SUWA indicated they would make some concessions, stating they

could never deny the State access to trust lands. They were willing to recognize certain roads that they would withdraw from the lawsuit. The only problem is they were choosing the roads. It was interesting to see the kind of arguments that they came up with. The judge has to decide who should be in the lawsuit or if he should dismiss it all together and make SUWA re-file including the County and State. At this point the State would have the option of claiming immunity (Amendment 11). Other counties and entities that have intervened are: Shared Access Alliance, San Juan County, Kane County, Wayne County and SITLA.

**(3)**

**DISCUSSION AND APPROVAL OF INVOICE FOR PUBLIC LANDS LITIGATION.**

Commissioner Randy Johnson sits on the board of the Public Lands Litigation Oversight Committee responsible for litigation on public lands issues by Utah Association of Counties. Commissioner Johnson went before the UAC board to ask for direction on paying costs incurred since the Monument was created and other costs. The UAC board concluded to ask each county to put in \$2,000.00 to help defray the rest of the cost that they may incur this year until the counties can go to their budget session and through the budget process possibly put in another \$2,000.00. Commissioner Randy Johnson made a motion to approve paying the invoiced amount of \$2,000.00 to continue in the Public Lands litigation efforts. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(4)**

**CONSIDERATION AND APPROVAL OF AGENCY WAIVER, RELEASE AND INDEMNITY AGREEMENT.**

Commissioner Petersen explained that the school district has requested a waiver, release and indemnity agreement in order to use a school bus to transport individuals to county events. UACIM covers the county for this type of liability. Commissioner Ira Hatch made a motion to approve signing the waiver, release and indemnity agreement. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(5)**

**APPOINTMENT OF MEMBERS TO THE EMERY WATER CONSERVANCY**



**DISTRICT BOARD.**

Commissioner Randy Johnson made a motion to table this until next Commission Meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**APPROVAL OF APPOINTMENT TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.**

Emery Town requested a change in the town Fire Chief. Glen Van Tussenbrook had been serving in that capacity and they now requested to change to Chad Lake. Commissioner Randy Johnson made a motion to appoint Chad Lake to the Emery County Fire Protection District as Fire Chief. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**RATIFY CONTRACT WITH STATE FOR FUNDS TO FURTHER DEVELOP GIS IMPLEMENTATION IN RURAL GOVERNMENT.**

Commissioner Petersen explained that the contract with the state for funds to further develop GIS implementation in rural government which required Commission signature needed to be sent in by a certain date. In order to meet that date Commissioner Petersen signed the contract and now his signature needs to be ratified. Commissioner Randy Johnson made a motion the authorize Commission Chairman Kent Petersen to sign the contract with the state for funds to further develop GIS implementation in rural government. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**RATIFY APPROVAL OF FCC LICENSES**

Commissioner Johnson explained that the FCC licenses owned by rural areas were about to go out on the auction block which could be bought up by large media corporations leaving small communities without free access to television. The Utah Association of Counties created an organization that, in conjunction with the legislation passed by the state, and funded through mineral lease funds, wherein they will replace all the translators in all the counties. This will make them all digitally adaptable and able to pick up the signals we are now applying for and not lose the opportunity to have free television in all the counties. The organization is made up of a five member board of which Commission Johnson is a member. A representative from each of the counties is also on the board. The date for signing the license was prior to this meeting

therefor the license was signed and now needs to have the signature ratified. Commissioner Ira Hatch made a motion to approve signing the FCC License. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(9)****REVIEW AND APPROVE EEOP FOR EMERY COUNTY.**

Attorney David Blackwell reviewed the Equal Employment Opportunity Plan. Kyle Ekker and David Blackwell attended a seminar on federal grants and learned that in order to continue to receive funds for the Drug Task Force Grant, Emery County must have this policy in place. Commissioner Randy Johnson made a motion to approve the EEOP for Emery County. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented for consideration and approval the Warrant Check Edit List #132068 through and including #132182 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
46-00	Typewriter Attorney	\$ 480.00	Approved
47-00	(10) Computers Library	11,771.00	Approved
48-00	Storage for Magnesium Chloride Road Dept.	2,000.00	Approved

Four requisitions were placed on hold in the last commission meeting pending clarification by Sheriff Guymon. Requisitions were reconsidered for the following:

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34-00	Radio Base Station Sheriff	715.00	Approved
35-00	Radio Base Station Sheriff	715.00	Approved
38-00	GPS Unit Ambulance	478.88	Approved
39-00	(12) Radios Ambulance	4,879.60	Approved

Commissioner Ira Hatch made a motion to approve payment of Warrant Check Edit List and additional claims, and the requisitions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(11)****PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Pat Snowball presented the following personnel action:

Recorder

Megan Boyle has been hired temporarily in the up to 90 day designation to do microfilming in the office effective July 10, 2000 at a rate of \$7.00/hr. This is a budgeted expense. Commissioner Randy Johnson made a motion to approve hiring Megan Boyle in the up to 90 day designation as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Library

Misti Christiansen, Assistant Branch Librarian, Emery Library, is eligible for the six month orientation routine wage increase effective August 2, 2000. She will go from 4A, \$7.81/hr. to 4B, \$7.98/hr. This is approved by both her immediate supervisor, Vickie Jacobsen and County Librarian, Jerilyn Mathis. Commissioner Ira Hatch made a motion to approve the routine wage increase for Misti Christiansen as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Sheriff

Sheriff Guymon would like approval to replace Bob Kurtz as bailiff. Since this a job duty which requires a full certified officer and is part of the Corrections Officer job description, he will appoint a person already in that classification to perform bailiff duties. This is a grade 12 position. Since this will leave a position open, Sheriff Guymon requested approval to proceed with recruitment from the new roster. Commissioner Randy Johnson made a motion to approve Sheriff Guymon's request to appoint a person to fill the bailiff position and to recruit a new officer. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

#### Communications

Bret Mills requires help making repairs at communications sites within the county and has hired Rory Stucki at \$7.00/hr. starting August 1, 2000 in the temporary, up to 90 day designation. Commissioner Ira Hatch made a motion to approve hiring Rory Stucki in the up to 90 day designation as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

#### Road

The recruitment and selection process have been completed for the Crewleader/Mechanic position. It is recommended that J.D. Seely be hired at a grade 15, step K \$15.13/hr., starting August 21, 2000. Commissioner Randy Johnson made a motion to approve hiring J.D. Seely as Crewleader/Mechanic as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

#### (12)

#### **CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve the minutes dated July 18, 2000 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

#### (13)

#### **COMMISSIONER REPORTS**

#### **Commissioner Hatch**

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Commissioner Hatch, Rex Funk and Craig Johansen accompanied the Utah Transportation Commission on a tour down portions of Highway 10 from Price to South Emery looking at the impact of coal trucks on the highway while discussing projects along Highway 10. After the tour the Commission board members were brought to the Emery County Courthouse where they were greeted with a luncheon and held an informal meeting discussing state highways, meeting local officials and listening to citizen concerns. Commissioner Hatch added that this provided an opportunity for public opinion in an informal setting which were included in their formal meeting minutes the next day. As this was Fair week many stayed for the lamb fry in the afternoon and in the evening attended the Castle Valley Pageant. Commissioner Hatch received many nice comments on the way traffic was handled by the Sheriff's Department.

Commissioner Hatch also reported on a request from homeowners in the Reeder View Subdivision in Joe's Valley. The group met with the Commission on July 18, 2000 to discuss what the group envision as a potential health risk to the homeowners in the subdivision. Access to and from the subdivision was recently blocked off by fire fighting equipment during a structure earlier this year. The group contacted the Forest Service requesting a permit to build a road completing the loop in and out of the subdivision. The Forest Service indicated to the group that they would be more receptive to the permit if application was made by Emery County rather than private individuals. Therefore, the group requested the County apply for permit to construct the relatively small section of road. At that time the Board of Commissioners agreed that they would meet with the Forest Service to see it this would work. Commissioner Hatch met with the Forest Service on behalf of the Reeder View homeowners. The Forest Service indicated they would consider the same for homeowners as they would for the County.

**Commissioner Johnson**

Commissioner Johnson reported on the Emery County Fair and Castle Valley Pageant. The numbers of visitors is up from last year. He encouraged everyone to attend the activities.

**Commissioner Petersen**

Commissioner Petersen met with Governor Leavitt and Sevier County officials to discuss the potential Railroad Project. The discussion involved the support for combining the applications for railroads from Sevier, Uinta and Emery Counties into one project application.

Commissioner Petersen also reported that the members and staff of the State Legislature are

8

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coming to the Carbon/Emery area on September 18, 19 and 20, 2000. On Monday the 18<sup>th</sup> they will have a dinner in Price with the local officials of Carbon and Emery Counties providing an opportunity to meet and talk with the Legislative members. They will spend the 20<sup>th</sup> in Emery County touring the San Rafael, power plants and coal mines. Emery County will help host a dinner for them that evening.

**(14)**

**ADJOURNMENT**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY/SHERIFF COMPLEX  
IN GREEN RIVER, UTAH**

**August 22, 2000**

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Senior Deputy Clerk/Auditor Brenda Dugmore, other elected officials and citizens.

**(1)**

**CONSIDERATION AND APPROVAL OF LAND EXCHANGE WITH VERNEL ROWLEY FOR ROAD RIGHT-OF-WAY.**

Commissioner Hatch explained that the Emery County Road District #1 has been working on the road east of Huntington to Lawrence and is trying to obtain a right-of-way. The right-of-way is on Mr. Rowley's property and he is willing to trade the needed right-of-way for a different piece of ground that the county owns. Attorney David Blackwell has looked into the legalities and does not see a problem with the exchange. Commissioner Ira Hatch made a motion to approve the transfer and sign the deed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(2)**

**EASTERN UTAH AREA HEALTH EDUCATION CENTER PRESENTATION AND REQUEST FOR ENDORSEMENT.**

Randy Johnson, Eastern Utah Area Health Education Representative (AHEC), came before the Commission to explain the operations of AHEC. They are working in the communities to help recruit, train and retain rural health care professionals. They have helped with health and career fairs. The organization is in need of funding from the State legislature. Mr. Johnson was present to ask for the Commission's endorsement to UAC in support of this cause. Commissioner Randy Johnson made a motion to give an endorsement to UAC to support this organization. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(3)**

**REPRESENTATIVES FROM TAX COMMISSION TO DISCUSS ADJUSTMENT PROCESS ON VALUE OF CANYON FUEL MINE VALUES.**

Representatives from the Utah State Tax Commission were present to discuss the Skyline mine settlement. The Tax Commission is proposing a settlement with Skyline mine which would result in significant reduction in taxable value and a payback of tax dollars in the amount of \$1,043,559 for overpayments in 1998 and 1999.

**(4)****DISCUSSION OF THE GREEN RIVER ANNEXATION PROCESS.**

The Green River annexation bill passed the legislature again this year. It required an economic study to be paid for by both counties. The economic study has been done and resulted in Emery County having the option of moving forward with the election process. Grand County has filed a lawsuit against Emery County and Green River City. Grand County is trying to get a court order to stop the election stating the bill is unconstitutional and the economic study was flawed. Discussion followed on the need to educate voters and the need for a meeting with Green River City to coordinate how to proceed with educating voters.

**(5)****CITIZEN CONCERNS.**

Richard Snowball, representing the local conservation work group, came before the Commission to discuss the salinity projects that are going on in the County. There has also been interest expressed to move forward with a project in Green River. The NRCS employs fewer people than it did 25 years ago. The group plans on asking the legislature to fund the Utah Association Conservation District so they can hire technical people to help plan the projects. Mr. Snowball asked the Commission for their support by sending a letter to the legislature. Mr. Snowball also thanked the Commission as a whole for their support in past and continuing water projects.

Green River mayor Glen Dale Johnson thanked the road department for their help in clearing the flooding problem. He also informed the Commission that Melon days will be held September 15<sup>th</sup> through the 17<sup>th</sup>.

**(6)****DISCUSSION OF CELL PHONE POLICY FOR ROAD DEPARTMENT.**

Commissioner Kent Petersen explained that a request had been made by an employee from the road department to reimburse the employee for a lost cell phone. The Commission discussed the need for cell phones on the job and when the employees should have some responsibilities for caring for their personal equipment. Commissioner Ira Hatch made a motion to not reimburse for the lost cell phone. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(7)**



**APPROVAL OF REVISED PCIFB LOCAL CAPITAL IMPROVEMENT LIST.**

Commissioner Randy Johnson made a motion to add the feasibility study for a railroad to the PCIFB Local Capital Improvement List. The Commission will be asking the PCIFB for a \$25,000.00 grant to help pay for the study. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)**

**DISCUSSION OF NOMINEES FOR STATE RECREATIONAL TRAILS ADVISORY COUNCIL.**

Commissioner Kent Petersen informed the Commission that he had received a letter from UAC advising that an appointee to the State Recreational Trails Advisory Council's term was expiring. This would be a three year appointment. Commissioner Randy Johnson made a motion to nominate Sheriff LaMar Guymon for the State Recreational Trails Advisory Council. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(9)**

**CONSIDER APPLICATION FOR CDBG GRANTS.**

There will be a meeting on September 6<sup>th</sup> with the State. The meeting will be a training session on how to get CDBG grants. Commissioner Hatch will follow up with the requirements.

**(10)**

**DISCUSS UPCOMING UTAH LEGISLATIVE VISIT TO CARBON AND EMERY COUNTIES.**

The Utah State Legislature will be coming to Carbon and Emery Counties on September 19<sup>th</sup> and 20<sup>th</sup>. Commissioner Petersen and Economic Development Director Rosann Fillmore are coordinating activities. The legislature will be touring projects around Emery County. Tours will include Deer Creek mine, mine reclamation sites, proposed SR conservation sites, the museum and the dinosaur quarry.

**(11)**

**DISCUSSION OF HORN MOUNTAIN COMMUNICATIONS/TV BUILDING AND STATUS OF FOREST SERVICE PERMITS.**

The Commission received a letter from Bret Mills, Communications Specialist. The letter discussed the need for a new building on horn mountain to house the communication and tv translators. Up to this point we haven't been receiving the benefits that we probably should have. The forest service isn't ready to give the lease to someone else but the Commission discussed the need to look at the feasibility of a new building. Commissioner Ira Hatch made a

motion to authorize Bret Mills to get with those involved and come up with a proposal for a new building. The County could possibly get the project on the CIB list. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List #132439 through and including #132661 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
49-00	Night Vision Binoculars Drug Task Force	\$ 2,994.00	Approved
50-00	P3-700 Custom System Computer Drug Task Force	\$ 1,252.00	Approved
51-00	Receiver Disguise Transmitter Drug Task Force	\$ 4,685.00	Approved
52-00	Okicolor Laser Printer Drug Task Force	\$ 2,291.95	Approved
53-00	Toshiba Laptop Computer Drug Task Force	\$ 2,412.55	Approved
54-00	Deskjet 350c Printer Drug Task Force	\$ 250.95	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
006490	Cell Phone/Public Lands	Junked	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List for payment and the requisitions and dispositions as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

**PAT SNOWBALL, PERSONNEL DIRECTOR ,APPROVAL OF PERSONNEL ACTION.**

Personnel Director Pat Snowball presented the following for Commission action:

***Road Department - Green River Equipment Operator/Driver***

The first advertisement for the opening in Green River resulted in twelve applications. Road Department Supervisor Rex Funk and Green River Foreman Terry Seager felt there were qualified operators in the community who work out of town and did not know about the opening. They requested that a second advertising period be conducted to give everyone a chance. Ms. Snowball requested ratification of the continuation of the advertising. After much discussion it was decided that the first group of twelve applicants would be interviewed. If none of the first twelve are qualified then the road department could move to the second list.

***Sheriff's Roster - Entry Level Law Enforcement***

Out of the first group that applied and were tested for law enforcement only two people passed both the physical and written tests. The Sheriff is requesting another testing be conducted. The advertising for this testing would occur on August 19<sup>th</sup> through September 8<sup>th</sup>. The testing would be conducted sometime during the week of September 18<sup>th</sup>. Commissioner Randy Johnson made a motion to move forward with the advertising to create a roster. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

***Prescription Drug Contract - Changing Companies***

During insurance renewal time Jeff Kelsey, IBA, felt that switching to ScriptWorld would result in a savings to Emery County of about 2-3 percent. The effective date of the new prescription plan would be September 1, 2000. Commissioner Ira Hatch made a motion to sign the contract with ScriptWorld. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

**APPROVAL OF COMMISSION MEETING MINUTES.**

This item was tabled until the next commission meeting.

6

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August 22, 2000

**(15)**

**COMMISSION REPORTS.**

Commissioner Randy Johnson reported that in the Quiet Title meeting they had voted to have the State waive immunity and intervene in SUWA's request to close roads on the desert.

Commissioner Kent Petersen reported that Emery County has boxes of evidence gathered to support the existence of our roads. The Devil's Racetrack appears to be the most documented road in Emery County. Commissioner Petersen also reported on the PacifiCorp hearings that were held last week.

**(16)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

No executive session was required.

**(17)**

**ADJOURNMENT.**

Commissioner Randy Johnson made a motion to adjourn. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

September 5, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

DICK MANUS, BLM, QUARTERLY UPDATE

Dick Manus was not present at the meeting.

(2)

CROCKETT DUMAS, FOREST SERVICE, QUARTERLY UPDATE

Crockett Dumas was not present at the meeting.

(3)

MILES MORETTI, DWR, QUARTERLY UPDATE

Miles Moretti, DWR reported on drought related problems existing with game herds. Due to the lack of water bears have been coming into the watermelon patches and other areas foraging for food. They have had two known incidents with human-bear interaction. They have instigated a depredation hunt by Elmo to control the deer and elk in the fields. Antelope are a problem in Green River. Winter range looks rough for this year. They may need to have depredation hunt to control game herds.

(4)

DEAN YOUNG, REQUEST CATTLE GUARD BE INSTALLED AT WEST END OF YOUNG LANE.

Dean Young, Huntington, came before the Board of Commissioners to discuss a liability question regarding a gate he has across county road 311 (South Flat Road). Mr. Young requested putting a cattle guard on the road, thus negating the need for the gate. Cattle are grazed there in the winter and need to be contained, however he is concerned for the liability in case someone is hurt traveling on the road while he has a gate there. Attorney David Blackwell and Sheriff La Mar Guymon reminded Mr. Young that the gate is illegal since he does not have a written contract with the county to have a gate there. Mr. Young indicated he no longer needs

the gate and will be taking the gate down. However the cattle still need to be contained as per law. Mr. Young had heard there was a used cattle guard that could be used for this purpose. After much discussion, Commissioner Ira Hatch made a motion to pursue acquiring the used cattle guard. If indeed a used cattle guard is available, the County will negotiate with Mr. Young the cost to participate in putting in the cattle guard in as per county policy. If the cattle guard is not an option, the county and Mr. Young may negotiate to participate in putting up a fence as per county policy. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(5)

DAN HUNTER, REQUEST TO DECLARE THAT AN EMERGENCY DROUGHT EXISTS IN EMERY COUNTY.

Dan Hunter, Eastern Utah Cattleman's Association requested Emery County declare that an emergency drought exists in Emery County. Emery County has experienced a lack of rainfall during the 1999-2000 water year together with extreme and prolonged summer heat. The lack of precipitation has resulted in a decline in the production of forage growth on public and private rangelands and farms within Emery County. The lack of moisture has also resulted in the significant decline of available irrigation water necessary for the cultivation of winter feed resources. The use of public and private rangelands within the County may be severely restricted as a result of the lack of moisture and decline in forage production. Declaring that an emergency drought exists in Emery County by way of adopting a resolution will begin the process to receive assistance in getting necessary feed for livestock and other means. Commissioner Randy Johnson made a motion to pass Resolution 9-5-00A declaring the existence of an emergency drought in Emery County. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

KELLIE J. NELSON, PRESENTATION OF YOUTH AND FAMILIES WITH PROMISE PROGRAM AND REQUEST SUPPORT FROM COMMISSION.

Kellie J. Nelson, Utah State University Extension made a presentation of a level 2 mentoring program called Youth and Families with Promise. This is a preventative program designed for at risk youth and their families. Participants are matched with younger adult mentors and older adult grand-mentors who facilitate modeling of caring behavior, educational opportunities, organizational identification in 4-H, service opportunities, family enhancement experiences and wholesome recreational experiences. The program involves youths with positive role models, builds social skills that the youth needs to succeed as an adult, strengthens families relationship skills, gets the youth and family involved in positive community activities and provides service to others and to the community. The goal of YFP is to reduce and prevent juvenile delinquency

by improving academic performance, fostering positive social skills and strengthening family bonds. The criteria for at-risk youth selection is: serious academic problems, behavioral problems in the home, school or the community, referral by the school, juvenile court, community agency or parent. Ms. Nelson requested support for the program from the Board of Emery County Commissioners by providing an individual to sit on the advisory board. Commissioner Ira Hatch made a motion to appoint Ira Hatch to the advisory board of the Youth and Families with Promise Program. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

**5:30 P.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT REGARDING  
LEVEL 3 CONDITIONAL USE PERMIT OF C.W. MINING COMPANY.**

Mack Huntington, Planning Commission Chairman reviewed the Level 3 Conditional Use Permit of C.W. Mining Company. The application has been reviewed by the Planning Commission Staff and have found it to acceptable. The permit would allow for construction of a road and surface facility. The company will be required to keep current permits required by state and federal law, which they are in the process of obtaining. Charles Reynolds and Nephi Walton, representatives of C.W. Mining were present to explain the project plans and address concerns. Dennis Ward and Kay Jensen, Huntington-Cleveland Irrigation Company, found exception with spring or project water disturbance where the road would be constructed. They asked for clarification of Planning Commission minutes. HCIC asked that no decision be made until the Board of Commissioner have an opportunity to read a document prepared by their lawyer stating their concerns. The Planning Commission Staff found the permit to be within the limits and recommend approval.

Action could not be taken on this permit at this time due to the fact that it was not on the agenda.

Commission Chairman Kent Petersen closed the Public Hearing.

(8)

**CITIZEN CONCERNS**

Green River Clinic requested use of an old Crown Victoria from the Sheriff's Department. The car would be used to transport patients to the clinic. Sheriff Guymon indicated he had a Crown Victoria which needs some work done on it and is not being used. Commissioner Randy Johnson made a motion to disposition and transfer ownership of the Crown Victoria to the Green River Clinic. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Kay Jensen, Huntington-Cleveland Irrigation Company requested to make spraying weeds along

the canals a priority for next year.

Mark H. Williams reported that there are two vacancies on the State Trails Committee. The vacancies are in the education and non-motorized sub-committees. He stressed the need to have someone from our area on the non-motorized committee.

(9)

CONSIDERATION AND APPROVAL OF TERMINATION OF FOREST SERVICE SPECIAL USE PERMIT FOR 6KV POWER LINE TO HORN MOUNTAIN FOR TRANSFER TO UTAH POWER.

Commissioner Randy Johnson made a motion to table this item. The motion was motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

CONSIDERATION AND APPROVAL OF EMERY COUNTY DRUG COURT AGREEMENT.

Sheriff LaMar Guymon explained that Drug Court is a new concept in handling drug offenders. Tim Simmons is the program director. Out of the twenty-nine counties applying for funds to implement this program, Emery County was awarded the most funds. The funds will be used for a full time officer and vehicle to track offenders assigned to drug court. Attorney David Blackwell has reviewed the agreement and recommends signing. Commissioner Randy Johnson made a motion to approve the Emery County Drug Court Agreement. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

DISCUSS PARTICIPATION WITH NURSING HOME FOR FINANCING IMPROVEMENTS.

Kent Michie, Vice President, Zions First National Bank discussed a \$150,000.00 loan application from Emery County Nursing Home for roofing, heating and cooling improvements. Mr. Michie recommended Emery County be the co-applicant for the loan which will allow tax exempt status. The 6.65% loan is a lease purchase agreement by and between Zions First National Bank and Emery County. Emery County Nursing Home as the sub-lessee will make the monthly payments. A resolution approving the form of the lease/purchase agreement was presented for approval. Commissioner Randy Johnson made a motion to approve Resolution 9-5-00B approving the form of the Lease/Purchase Agreement with Zions First National Bank and authorizing the execution and delivery of the loan. The motion was seconded by Commissioner Ira Hatch and approved by all members present.



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Commission Meeting Minutes  
September 5, 2000

(12)

SETTING OF FY2001 BUDGET WORK SESSIONS.

Commissioner Randy Johnson made a motion to set a budget workshop for September 18, 2000 at 12:00 P.M. (noon). The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

APPROVAL OF BUSINESS LICENSE.

Commissioner Ira Hatch made a motion to approve a business license for Guy Salisbury DBA: Emery Alternator & Starter. Upon review of the Planning & Zoning Commission, Mr. Salisbury was granted a Level Two Conditional Use Permit for an on premise occupation. Commissioner Ira Hatch made a motion to approve a business license for Guy Salisbury DBA: Emery Alternator & Starter. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #132835 through and including #132962 for payment.

There were no requisitions or dispositions.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List and additional claims for payment. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

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

GIS

GIS requested an up to 90 day temporary assignment for Jason Bailey at \$8.00/hr effective August 29, 2000. The wage is to be paid by grant money expected by September 1, 2000. The Clerk/Auditor's office had not received the funds as of this date. The Board of Commissioners discussed the necessity of having the funds in place before hiring an employee. Commissioner Petersen will get with Lee Rasmussen and when the money show up we can ratify a decision in the next meeting. No action was taken.

(16)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Randy Johnson made a motion to approve the minutes dated August 1, 2000 and August 22, 2000 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

COMMISSION REPORTS

Commissioner Johnson

Commissioner Johnson reported on the hearing held for the SUWA lawsuit against BLM to close a number of roads. Excellent evidence was presented in favor of the Federal Government, the State of Utah, Emery County and other agencies. The judge in the case asked for briefs by October 23, 2000. We will know sometime after that how it will go. Rulings should be in our favor. The judge also indicated he would not rule on anything to close roads without hearing more from the county. It was the feeling of the Commission that if Emery County had not intervened in the case we would have had roads closed.

Commissioner Hatch

Commissioner Hatch met with UDOT regarding re-paving in front of the airport hangers. Rex Funk and Commissioner Hatch will meet to go over the needed repairs. Commissioner Hatch attended a meeting with Colorado Basin Advisory Council where they discussed advisory guidelines. He also attended a meeting with Texaco where they laid out the plan for drilling in Huntington and Orangeville. They are in the process of working on the right-of-ways through State Trust Lands which would mean mineral lease funds for the County. Commissioner Hatch met with Craig Johansen and the Interim Committee for Water Hydrology. They are working on water replacement rules.

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Commissioner Petersen

Commissioner Petersen felt that being present at the SUWA/BLM lawsuit helped save roads in Emery County. While in Salt Lake City Kathleen Truman, Utah Travel Council had an opportunity to visit State and BLM archives where she found documentation that many of the roads in question belong to Emery County.

(18)

OTHER BUSINESS

Rex Funk, Road Supervisor reported that the bid opening for South Moore Cut-Off/Horn Silver Gulch Right-of-way will be Thursday. He asked for permission to proceed with awarding the bid to the lowest bidder and ratifying the award in the next meeting. The Board of Commission agreed.

(19)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

An executive session was not necessary.

(20)

ADJOURNMENT

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**September 19, 2000**

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**DICK MANUS, BLM QUARTERLY UPDATE.**

Dick Manus, BLM, reported on the SUWA/BLM lawsuit hearing injunction. They have received word that the plaintiff received an extension. They expect to be back in court in mid November. He also reported on Public Lands Day scheduled for September 22, 2000. Congressman Canon will be there for about an hour around 9a.m. They have scheduled a tour for the BLM director. Regarding the Lila Canyon Coal Mine, they are waiting for documents for NEPA. They are in the process of preparing a decision and responding to a written opposition.

**(2)**  
**CROCKETT DUMAS, FOREST SERVICE QUARTERLY UPDATE.**

Crockett Dumas was not present at the meeting.

**(3)**  
**CITIZEN CONCERNS**

Commissioner Ira Hatch updated the Board of Commissioners on Airport operations. Will Robertson, Airport Operations, has learned of potential federal funding for upgrading small rural airports. He has requested to attend the Air 21 Bill and workshop in Page, Arizona in October to learn how to apply for funding. Will indicated there was enough funds in the airport budget to cover the cost to attend the workshop. Commissioner Hatch told of the problems associated with chip seal at the airport. Planes have a problem using the airport because the rock chips damage propellers and intakes. Johansen & Tuttle is working up a proposal to turn in to the state for possible funding to reconstruct the tarmac and parking area at the airport. The slurry seal project on the main runway was completed from a project financed by Special Service District #1. Will also requested increasing the size of the fuel tanks at the airport in the new budget session.

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September 19, 2000**

(4)

**DISCUSSION OF BILLBOARD SIGN**

Rosann Fillmore, Economic Development discussed problems with the billboard sign in Price near CastleView Hospital on Highway 6. The wind has blown the sign down. The owner of the sign has offered to reconstruct the sign but the lessee (Emery County) would be responsible for painting the sign. The lease for the sign is up for renewal in January at \$3,000.00/yr. Painting the sign would be approximately \$2,500.00. The Board of Commissioners questioned the value of the sign to Emery County. They discussed the fact that better use could be made of the \$5,500.00. Rosann asked if the County wanted to request a prorated refund for the three months the sign is not usable. Commissioner Randy Johnson made a motion to not renew the lease for the Carbon Billboard/Sign and research receiving a refund for the three months not in use. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF C.W. MINING COMPANY (CO-OP MINE)  
APPLICATION FOR A CONDITIONAL USE PERMIT FOR THE BEAR CANYON  
NO. 3 MINE.**

No Action was taken at this time.

(6)

**DISCUSSION OF BUILDING AT HORN MOUNTAIN.**

Commissioner Johnson reported that Emery County is looking at consolidating in a more efficient manner the uses of the county's Horn Mountain permit. In order to do that we need to construct a new building to accommodate all the users. There are some entities currently using Horn Mountain who would like to build a building. We think Emery County should be the one who builds the building to maintain control of the Forest Service lease. We have been looking at what we have to do to accommodate future use of that lease area. Bret Mills, Communications Specialist and Val Payne visited the area and produced a rough draft of the current facilities with towers and etc. Randy Freston, Engineer for Western Wireless, one of the entities wishing to construct a building to house their equipment, has produced a rough draft of a possible building. The building could accommodate several users who could have access, through an individual door, to their equipment in each compartment. Each carrier would provide heating and air conditioning as needed to their compartment as well as a separate power meter for each compartment. There would be two tower structures on the site. Emery County would keep the large tower which is in need of a new pad to re-enforce the base of the antenna tower. Western Wireless would like to put up a tower at their cost. The tower would be a multi-use tower.

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Other entities would be able to lease tower space from Western Wireless. Emery County has two sites on Horn Mountain. One lot has the generator building and a small older tower (which would be removed). The other lot has the large tower and the current building. The lease allows for one building and two towers. So we could put another tower on the lot and maintain control of the lease. The size of the building proposed is 24x48 with eight 10x12 compartments. Emery County would need two possibly three compartments, Western Wireless needs two, Verizon needs two and Texaco needs one. As other carrier/providers are interested in leasing space the building could be made bigger to accommodate more compartments. Emery County as site permittee would be required to do inspections, finding out about transmitters and equipment and submitting a report on a yearly basis. Emery County would collect lease space rental from other carriers and pay the Forest Service lease each year. Commissioner Johnson expressed concern for starting this so late in the year. Not only are we looking at weather catching up with us but there is the fact that this was not budgeted for in this year's budget. Commissioner Hatch asked if there was room at the current site for Western Wireless to set up on a temporary basis until we can get the building done. Bret Mills indicated that there was room. Bret suggested putting in the footers for the building, get the antenna/tower fixed and get permission to get cement poured for Western Wireless for their tower. Commissioner Johnson thought we could probably get those things done however to do those things we would have to open the budget to allow for funds. The repairs for the antenna/tower were budgeted for in 2000. The bottom line is Emery County wants to maintain the lease with the Forest Service. We want control of Horn Mountain and we don't want to relinquish that control. We are happy to work with and accommodate all the uses that need to be up there. We recognize that to maintain that control we have got to build a new building. It is our intent to move on this as fast as we can. The Board of Commissioners questioned whether it was appropriate for us to step out of the budget and build the building this year. They felt the building could wait for the budget process and be built in the spring. Commissioner Randy Johnson made a motion to give Bret the go ahead to let us know what it is going to take to repair the antenna/tower base and get that process going immediately so as to beat the weather, also to start the ball rolling for the budget process, plans and whatever else we need to be ready to build the building in the spring and allow Western Wireless to proceed with their tower. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF AGREEMENT WITH UTAH POWER TO TRANSFER OWNERSHIP OF POWER LINE.**

Emery County has been working for some time to turn the power line the County built to Horn Mountain over to PacifiCorp. As owners of the power line they will maintain it and charge all lessors at the facility for the power they use. Attorney David Blackwell recommended signing the documents upon return of the original corrected version of the documents and upon

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termination of the special use permit with the Forest Service. Commissioner Randy Johnson made a motion to approve signing the documents upon receipt of the original documents and upon termination of the special use permit with the Forest Service. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)**

**CONSIDERATION AND APPROVAL OF TERMINATION OF FOREST SERVICE  
SPECIAL USE PERMIT FOR 6KV POWER LINE TO HORN MOUNTAIN.**

Randy Johnson made a motion to approve termination of the Forest Service Special Use Permit for 6KV power line to Horn Mountain upon receipt of original documents from PacifiCorp to turn the line over to them. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(9)**

**RATIFY SIGNING OF BLM RIGHT-OF-WAY AGREEMENT UTU-77994-HORN  
SILVER GULCH-COUNTY ROAD #705.**

Commissioner Ira Hatch made a motion to ratify the signing of BLM Right-of-Way Agreement UTU-77994 Horn Silver Gulch County Road #705. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(10)**

**CONSIDERATION AND APPROVAL OF AGREEMENT WITH ECSSD#1  
REGARDING FUNDING OF SOUTH MOORE CUTOFF ROAD PROJECT.**

Commissioner Randy Johnson made a motion to approve the agreement with Emery County and ECSSD#1 to meet the match for federal funds for the South Moore Cutoff Road Project. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)**

**CONSIDERATION AND APPROVAL OF LEASE AGREEMENT AND ASSOCIATED  
DOCUMENTS WITH EMERY COUNTY CARE & REHABILITATION.**

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Commissioner Randy Johnson made a motion to approve the lease agreement and associated documents with Emery County Care & Rehabilitation. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF FRANCHISE TRANSFER FROM PEAK  
CABLEVISION TO MALLARD CABLEVISION.**

Commissioner Randy Johnson made a motion to pass Resolution 9-19-00A approving a transfer of the cable television franchise from Peak Cablevision to Mallard Cablevision. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND  
DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List # 133206 through and including #133347 for payment.

One requisition was presented from the Road Department for a gooseneck trailer at a proposed cost of \$8,500.00.

Two dispositions were presented for consideration.

Asset #210-5059 a 1992 Ford Crown Victoria which was approved in last Commission Meeting to be given to Green River Medical Center for transporting patients. Economic Development had a Texas Instrument Laser Printer 600 which no longer worked and needed to be junked.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment and the requisition and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

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



**Commission Meeting Minutes  
September 19, 2000**Risk Management

The Risk Management-Accident Review Committee presented a recommendation for amending the personnel policy in the area of auto liability as suggested by Emery County's insurance carrier Utah Association of Counties Insurance Mutual. The amendment adds to Section 14-Disciplinary Procedures, paragraphs 14.7 through 14.7.a.c.a.e. This section defines specific conditions as to persons authorized to drive county vehicles or acting within the scope of their official duties on or on behalf of Emery County. The section also deals with driving records, defensive driving training and procedures for revocation of driving privileges. Resolution 9-19-00B a resolution amending the personnel policy for Emery County was presented for approval. Commissioner Ira Hatch made a motion to approve Resolution 9-19-00B incorporating the recommendations by UACIM and the Risk Management-Accident Review Committee into the Emery County Personnel Policy. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Road Department

Rex Funk, Road Department Supervisor requested approval to fill the vacancy left by James Sherman, Lead Mechanic, grade 13, entry, by promotion. Commissioner Randy Johnson made a motion to override County policy and approve the promotion of an existing employee to this position. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Justice Court

Tammy Bentley has successfully completed her six month orientation. Judge Truman recommends Tammy for the six month wage increase. She will go from 4A, \$7.81/hr to 5A, \$8.15/hr. Commissioner Ira Hatch made a motion to approve the increase as per policy. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Recorder

Sharon Boyle is eligible for the routine progressive wage increase from 7A \$8.84/hr to 8A \$9.22/hr. Recorder, Dixie Swasey recommends Sharon for this last increase putting her at her working level. Commissioner Ira Hatch made a motion to approve the increase for Sharon Boyle as per policy. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

GIS

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Lee Rasmussen, GIS requested an up to 90 day temporary assignment for Jason Bailey at \$8.00/hr effective September 5, 2000. Jason is working on the RS2477 mapping project through a state grant. Commissioner Randy Johnson made a motion to approve the up to 90 day assignment for Jason Bailey as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Randy Johnson made a motion to approve the minutes dated September 5, 2000 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(16)**

**COMMISSION REPORTS.**

**Commissioner Hatch**

Commissioner Hatch attended an open house for the Children's Justice Center in Castle Dale. The center is open for receiving and interviewing children and adults who are dealing with abuse. He also reported on his experience at UAC Commissioner's Conference.

Commissioner Hatch received a request from the Lion's Club to have a place in the court house where people could buy the mints they sell for the fund raiser. It was the consensus of the BOC to leave this up to each individual office as to whether or not to participate in the fund raiser.

**Commissioner Johnson**

Commissioner Johnson reported on Rural Summit. He felt the they had good, beneficial department sessions.

**Commissioner Petersen**

Commissioner Petersen reported on the UAC Commissioner's Conference. Both the governor and the tax commission spoke on centrally assessed tax issues. He also reported on the activities

**8**

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for the Legislative Day on Wednesday, September 20, 2000. The group will be touring the dinosaur quarry, San Rafael Swell, coal mines and power plants. They will hold a town meeting at 7:30 p.m. at Emery High School.

Commissioner Ira Hatch made a motion to move to executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(17)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Those in attendance at an executive session were Commissioner Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Personnel Director Pat Snowball, Clerk/Auditor Bruce Funk, Sr. Deputy Clerk/Auditor Brenda Dugmore, Deputy Clerk/Auditor Carol Cox.

Upon return to regular Commission Meeting, Commissioner Randy Johnson made a motion to reduce the ambulance run for Melissa Fausett to \$250.00. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(18)**

**ADJOURNMENT**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_

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

**October 3, 2000**

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**

**LOCAL 4-H MEMBERS AND LEADERS HONORING COMMISSIONERS FOR THEIR SUPPORT DURING STATE AND NATIONAL 4-H WEEK.**

Local 4-H member, Seth Bott thanked the Board of Commissioners, on behalf of all 4-H members in the county, for their support during National 4-H Week. The group presented baked goods to the Commissioners as a special thanks for their continuing support of the 4-H program.

**(2)**

**DELENA FISH, WORKFORCE SERVICES, QUARTERLY UPDATE.**

Delena Fish, Work Force Services reported on training efforts for miners from Willow Creek and Trail Mountain. A new employee has been hired specifically to assist the miners who are looking for career changes, job searches and relocating. She also reported on the high performance (TANIF) program to help individuals become self-sufficient. The program works with two parent households providing child care services and helping families stay together.

**(3)**

**DEB DULL, UTAH POWER , QUARTERLY UPDATE.**

Deb Dull, Utah Power reported on the many requests for insight into the power outages Emery County has recently experienced. She explained that lightning, high winds and long open spaces between poles are the reason for the experienced power outages. Utah Power will be conducting a 200,000 ton test burn for SUFCO coal sometime before late November. Hunter Plant contributed \$15,000.00 for a feasibility study on the possibility of putting a railroad in Emery County. The voluntary severance program and staying on flexible workforce schedules have contributed to fewer employees affected by the announced lay-off at Energy West/Trail Mountain Mine. Inter West Mining met with local UMWA District #22 officials to finish negotiations that will provide for some employees at Trail Mountain to transfer over to Deer Creek Mine and also offer them severance options that they have not had before. Currently it appears that the first reduction of Trail Mountain miners will have chosen to leave with severance rather than be laid-off. The Living Planet Rain Forest Van sponsored by Utah Power

and KSL TV recently visited Huntington Elementary. The van takes living creatures in their customized habitats to elementary schools to educate students about the Rain Forest. Utah Power is working with Economic Development, SEUAOG and State of Utah to help develop an industrial incubator in Emery County. Utah Power's open learning center was dedicated in August and is now up and working. The center offers seven hundred and fifty courses to Utah Power employees, however because of the closure of Willow Creek Mine and other employee concerns they have been meeting with Division of Workforce Services to explore a possible partnering with individuals in the communities that could benefit by use of the facility.

(4)

**DAVE EMERY, PRESENTATION OF AWARDS.**

Dave Emery representing the Boy Scouts of America Organization presented Tom Harrison and Gayle Jensen with a certificate and BSA collector patch as a 'thank you' for the excellent service they provided at the recent BSA Jamboral in Fillmore. Sgt. Jensen and Sgt. Harrison provided security and parking for those attending the Jamboral. They were very efficient and well organized. Dave Emery, Ray Grange and Randy Bell, Commissioners over the Jamboral were very pleased and expressed the BSA's appreciation for their service.

(5)

**BEAR WEST, PRESENTATION , WILLIAMS, QUESTAR, AND KERN RIVER  
PIPELINES AND UTILITY CORRIDOR ENVIRONMENTAL IMPACT STATEMENT.**

Kenton Call, Bear West, an environmental consulting firm retained by BLM, presented an overview of the proposed pipelines and utility corridors crossing Emery County. During Spring of 1999, the Williams Company submitted an application to transport a variety of petroleum products for Northwestern New Mexico, through Western Colorado, and Utah, using a network of existing and proposed new underground pipelines. Questar Pipeline Company (Questar) proposed to increase its system capacity by installing a new one hundred and two mile natural gas pipeline loop from Price to Payson, Utah and to build a new pipeline from Payson to Lehi, Utah. Kern River has also proposed to transport natural gas from fields near Price, Utah to its existing pipeline facilities west of Nephi, Utah. Meeting today with local officials is part of the required public process. Open meetings to provide for public comment will be held in January in Price and Moab, Utah. Written comments should be submitted to the Price Field Office.

(6)

**CITIZENS CONCERNS**

Sheriff LaMar Guymon reported that a \$24,500.00 check from the State was delivered to the Clerk/Auditor's office. The check is reimbursement for Search and Rescue expenses submitted to the State for reimbursement.

(7)

**CONSIDERATION AND APPROVAL OF FY2000 CONTRACT AMENDMENT #1 BETWEEN EMERY COUNTY AND SOUTHEASTERN UTAH AREA AGENCY ON AGING.**

Commissioner Ira Hatch made a motion to approve FY2000 Contract Amendment #1 between Emery County and Southeastern Utah Area Agency on Aging. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF FY2001 CONTRACT BETWEEN EMERY COUNTY AND THE SOUTHEASTERN UTAH AREA AGENCY ON AGING.**

Commissioner Randy Johnson made a motion to approve FY2001 Contract between Emery County and the Southeastern Utah Area Agency on Aging. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF INDIGENT TAX ABATEMENTS, CIRCUIT BREAKER ABATEMENTS, AND VETERAN AND BLIND ABATEMENTS.**

Senior Deputy Clerk/Auditor, Brenda Dugmore presented a list of applicants for Property Tax Credit (Circuit Breaker), Indigent Abatement, Blind Exemption and Veteran Exemption. Commissioner Randy Johnson made a motion to approve the applicants for Property Tax Credit (Circuit Breaker), Blind and Veteran Exemptions and the Indigent Abatements with the exception of Glen Nielson as it was late and to send a letter to Mary Ann Rizzuto requesting an interview. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**CLOSURE OF BOARD OF EQUALIZATION.**

Assessor, Jim Fauver came before the Board of Emery County Commissioners requesting formal closure of Board of Equalization for 2000. Once BOE is closed no one will be able to come in for an Assessor adjustment, they would have to address the Board of Commissioners for a Commission adjustment. Commissioner Randy Johnson made a motion to close BOE for 2000. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF TAX ADJUSTMENT FOR CELSIUS ENERGY.**

This item was tabled.

(12)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE FOR GIS GRANT.**

Commissioner Ira Hatch made a motion to approve the contract with the State for a GIS Cadastral Mapping Grant to assist in establishing corner monuments in the county. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF APPLICATION FOR FEDERAL SURPLUS PROPERTY PROGRAM.**

Commissioner Ira Hatch made a motion to approve the application for Federal Surplus Property Program for the Sheriff's Department, Road Department and Weed & Mosquito Department. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List #133554 through and including #133700 for payment. There were no requisitions.

Dispositions were presented for the following:

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<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
5272	Monitor/Justice Court	Junked	Approved
5277	Printer/Justice Court	Junked	Approved
5276	Printer/Justice Court	Junked	Approved
5860	Computer/Justice Court	Junked	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List for payment and dispositions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(15)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director requested action for the following:

GIS

Mick Robinson has successfully completed his six month orientation period. He is eligible to progress from 12 entry \$10.57/hr to 12A \$10.89/hr which would be effective October 5, 2000. Commissioner Randy Johnson made a motion to approve the increase for Mick Robinson as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ASSESSOR/ECONOMIC DEVELOPMENT

Vicki Wilbanks is eligible for a routine progressive wage increase from a 6A \$8.48/hr to 7A \$8.84/hr effective October 12, 2000. Commissioner Ira Hatch made a motion to approve the increase for Vicki Wilbanks as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ROAD DEPARTMENT

A. Mechanic

Road Department request approval to hire Kern Behling, at 12D \$11.62/hr. Commissioner Ira Hatch made a motion to approve hiring Kern Behling as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

B. Equipment Operator/Driver-- Green River Operations

Request approval to hire Coby Hunt at 12 Entry \$10.57/hr. Commissioner Ira Hatch made a motion to approve hiring Coby Hunt as presented. The motion



was seconded by Commissioner Randy Johnson and approved by all members present.

C. Family Leave Request

Wayde Nielsen started Family Leave on September 21, 2000. At this time it is unclear when his doctor will allow him to come back to work. Commissioner Ira Hatch made a motion to approve Family Leave for Wayde Nielsen. The motion was seconded by Commissioner Randy Johnson and approved by all Members present.

**(16)**

**CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve the minutes dated September 19, 2000 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(17)**

**COMMISSIONER REPORTS**

There were no Commission reports.

**(18)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_

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

October 17, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commission Ira Hatch, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**MICHAEL MCCANDLES, EMERY TELCOM, QUARTERLY UPDATE.**

Michael McCandles, Emery TelCom updated the Board of Commissioners on the following activity:

- a. The Carbon County acquisition has reached its completion. They are just waiting for the take over.
- b. The approximately one hundred twenty customers in the Hanksville pick-up poses new challenges to that acquisition.
- c. They now have five thousand three hundred access lines. They have thirty-six hundred internet customers in Carbon and Emery Counties. He addressed concerns regarding the cost associated with internet access and long distance carriers marketing to customers and not able to get business in Emery County. Emery County currently pays more for internet access than Carbon County.

(2)

**CITIZEN CONCERNS**

Rex Funk, Road Supervisor updated the Board of Commissioners on the status of the cattle guard for Dean Young. They were able to acquire two eight by six and a half foot, non-conforming type of guard. Mr. Young is willing to install the cattle guard. Emery County's new encroachment policy limits the amount of help we can provide. Rex suggested helping with grading off the area. The encroachment permit will be issued to Mr. Young stipulating the cattle guards and grading as the extent of obligation from the county.

Jim Fauver, Assessor requested signatures on the overall BOE adjustments made after BOE was closed. He also asked for a decision on the Indigent Abatement for Mary Ann Rizzuto. Commissioner Randy Johnson made a motion to approve the overall BOE list of adjustments and to deny the abatement for Mary Ann Rizzuto. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Mr. Fauver explained that any adjustments made after BOE closure are Commissioner adjustments

Cameron Montgomery, representing Local UMWA # 2176 addressed concerns regarding Energy West's Mine Management announcement to shorten the second right longwall panel by approximately fifty-five hundred feet and shortening the first right panel by fifteen hundred feet due to safety reasons. Moving the longwall and leaving behind 1.9 million tons of coal. At a modest sale price of twenty dollars a ton that represents about forty million dollars worth, and a 7.2 million dollar royalty loss to the BLM, half of which ( 3.6 million dollars) would go to the state of Utah's general fund. Not to mention the loss of taxes and paychecks for the six to eight months that Trail Mountain will be closed earlier. Once they complete the new set up face for the longwall and move it, that coal is lost forever. The local union is addressing the concerns expressed by the membership of leaving unmined coal, early closure, loss of income and possibility of not getting one thousand hours toward pensions, and the safety issues raised by Energy West. They asked for assistance from the Board of Commissioners by way of support for their efforts to block the actions of Scottish Power, Pacificorp, Utah Power & Light, Interwest Mining and Energy West Mining and to ensure that BLM and other agencies validate and make Energy West Mining justify their reason for leaving unmined coal, and not to take it as just face value or their word for it being unsafe to mine.

(3)

**PRESENTATION OF THE 2001 TENTATIVE BUDGET AND SETTING OF PUBLIC HEARINGS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the 2001 tentative budget and requested a public hearing be set to adopt the 2001 final budget. She explained that the tentative budget is a mirror of last year's budget with anticipation of revenues for next year. It does include a three percent cost of living increase and an anticipated five percent reduction of property tax or shift in property tax. The tentative budget does not include the flood tax. The 2001 final budget needs to include any anticipated tax levy.

Commissioner Randy Johnson made a motion to adopt the 2001 Tentative Budget. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Randy Johnson made a motion to set budget hearing dates as follows: October 24, 2000 at from 9:00 a.m. until 1:00 p.m., October 25, 2000 from 9:00 a.m. until 12:00 p.m., November 13, 2000 from 9:00 a.m. until 12:00 p.m. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Randy Johnson made a motion to set a public hearing to adopt the 2001 Final

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Budget for December 19, 2000 at 5:30 p.m. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF FY2001 CONTRACT BETWEEN EMERY RSVP AND SOUTHEASTERN UTAH AAA.**

Commissioner Ira Hatch made a motion to approve of the FY2001 contract between Emery Retired Senior Volunteer Program and Southeastern Utah Area Agency on Aging. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF FY2001 HIIP CONTRACT.**

Commissioner Ira Hatch made a motion to approve of FY2001 HIIP contract between South Eastern Utah Association Of Government, Retired Senior Volunteer Program and Emery County. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

**APPROVAL OF BUSINESS LICENSE**

Commissioner Randy Johnson made a motion to approve a business license for William J. Coyne to sell potatoes on the roadside within the county. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**SETTING OF PUBLIC HEARING TO CONSIDER AMENDMENT TO EMERY COUNTY ZONING ORDINANCE.**

Commissioner Randy Johnson made a motion to set a public hearing for November 21, 2000 at 10:00 a.m. to consider amendments to the Emery County Ordinance. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**DISCUSSION OF PREDATOR CONTROL PROGRAMS.**

The Board of Commissioners received a letter from Utah State Department of Agriculture requesting guidelines for predator control. The Board indicated that they are not ready to endorse any program at this time. Commissioner Randy Johnson made a motion to table this matter until November 21, 2000 to allow time to meet with the sportsman group and the state trooper over predator control. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**DISCUSSION OF BLM SAN RAFAEL TRAVEL PLAN.**

The Board of Commissioners received a letter from Dick Manus, BLM indicating that he plans to go ahead with the San Rafael Travel Plan, building on to what was done several years ago. The Board of Commissioners felt it was important to be active in the process and be involved in any committee formed.

(10)

**CONSIDERATION AND APPROVAL TO TURN AMBULANCE ACCOUNTS OVER TO COLLECTIONS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented a list of delinquent ambulance accounts that needed to be turned over to collections. The accounts totaled \$18,000.00. Commissioner Ira Hatch made a motion to authorize turning over the list of delinquent ambulance accounts to collections. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

She also requested authorization for reduction in an ambulance account that was turned over to collection in 1998. The original amount due was \$434.34. The collection agency added their fees making the amount \$549.90. The request was to reduce the amount due by \$115.56 and the individual will make payments. Commissioner Randy Johnson made a motion to approve the request for reduction in the amount due for the Ambulance account. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND**

**DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List #133910 through and including #134231 for payment.

A requisition was presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
56-00	(3) Validators/Treasurer	\$2,300.00	Approved

Dispositions were presented for the following:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
620-6945	Computer	Junked	Approved
610-6262	Computer	Junked	Approved
146-5185	Printer	Junked	Approved
146-6039	Computer	Junked	Approved
145-5387	Computer	Junked	Approved
580-4792	VCR	Junked	Approved
###-6005	Computer	Housing Auth	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List for payment and requisitions and dispositions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director, requested action for the following:

**GIS**

The GIS Department requested approval to hire Sherman Dee Miller starting October 2, 2000 at \$8.00/hr in a temporary capacity up to 90 days. Sherman is working on addressing and mapping. He is a high school student on the work-release program. The funds to pay his wage will be coming from CEU. Commissioner Ira Hatch made a motion to approve the up to 90 day temporary hire of Sherman Dee Miller as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

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(13)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Randy Johnson made a motion to approve the minutes dated October 3, 2000 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**COMMISSION REPORTS.**

*Commissioner Johnson*

Commissioner Johnson reported on the Green River Annexation Issue on the ballot. Over the next two weeks there will be town hall meetings throughout the county. He expressed the need to get information out the public especially on the west side of the county.

*Commissioner Hatch*

Commissioner Hatch reported on the Huntington Airport. There will be a fly in on October 21, 2000. He expressed the need for support for the airport as it is on the hit list. Commissioner Hatch will be meeting with the Council of Government Board looking at the tough budget proposed for 2001 which may or may not affect the cities in the county.

*Commissioner Petersen*

Commissioner Petersen reported that SSD#1 has applied with CIB for a \$15,000.00 for a feasibility study to determine if it is economically feasible to have a railroad in Emery County.

(15)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not necessary at this time.

(16)

**ADJOURNMENT**

7

Commission Meeting Minutes  
October 17, 2000

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_



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

**November 21, 2000**

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**

**CONSIDERATION OF ESTABLISHING A NON-TAXING, INDEPENDENT SPECIAL SERVICE DISTRICT FOR NORTH EMERY WATER USERS.**

Commissioner Petersen explained that at the beginning of the year, North Emery Water Users came before the Board of Commissioners with a request to create an independent special service district to service the water needs of those citizens in the unincorporated areas. As a special service district they would have the ability to go to the Community Impact Board for grant funding to provide much needed repairs and line upgrades.

Commissioner Johnson explained that the Board of Commissioners have been assessing the options for some time. One option they have looked into would be to incorporate NEWU into Castle Valley Special Service District.

Commissioner Hatch expressed the need to determine the taxing status of the organization. Do they need the ability to tax to provide a revenue source. The Board of Commissioners have been gathering data to make an informed decision.

Kay Jensen outlined procedures for dissolving the present company and the transfer of assets. He explained that the board would be appointed by the Board of Commissioners.

Attorney, David Blackwell explained that there are two ways to get things going. The first way would be for NEWU to get a petition with signatures. Another way would be for the Board of Commissioners to initiate the decision by advertising their intent to create a special service district, indicating and outlining the purpose of the special service district. The BOC must then hold a public hearing to receive and provide for public comment. If fifty percent of the people living in the land area covered by the special service district do not want a special service district created for this purpose, then it does not pass. The issue of whether the district should be taxing or non-taxing must be decided before the advertising stage and must be advertised as such. If it is decided to expand Castle Valley Special Service the advertising must include the boundaries of NEWU.

Lawrence resident, Carl Fillmore expressed his feeling that the BOC may receive flack from the members if the BOC decided to combine NEWU with CVSSD.

Commissioner Johnson explained that mineral lease funds coming into the special service district are being depleted more and more each year. We expect to see a lessened amount in 2001 due to the closure of mines in Emery County. We would have to take from another entity to provide for the purpose of creating a new special service district. There is a question whether or not we can even expand CVSSD to include NEWU because they are a private entity.

**Commissioner Randy Johnson made a motion to begin the process of forming a special service district with taxing authority for the area encompassed by North Emery Water Users Association to provide for the service of providing water to this area. This is done not to change the way they do business but to enhance their ability to do business. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

Richard Snowball commented that over the years NE has worked with the farmers and land user/producers. He expressed the desire to have people on the board who know about the use of the land and the needs of the land users. The current board has done a good job as a private entity. He is concerned about the board being chosen by the BOC and asked that the Commissioners appoint people to the board who are aware of the needs of the people they serve.

**Commissioner Randy Johnson made a motion to set a public hearing for December 19, 2000 at 6:00 p.m. to receive public comment on forming a special service district with taxing authority to provide water in the areas encompassed by the North Emery Water Users Association. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

Bevan Wilson thanked the BOC for looking out for the needs of the County.

(2)

**RICHARD SNOWBALL, REQUEST SUPPORT FOR UTAH ASSOCIATION OF CONSERVATION DISTRICTS BUDGET REQUEST TO STATE LEGISLATURE.**

Richard Snowball came before the Board of Commissioners to request support for Utah Association of Conservation Districts budget request to State Legislature. Mr. Snowball read a letter addressed to Governor Leavitt, Utah State House Representatives, Brad King, Brad Johnson and Max Young in support of the salinity program and the benefits to the County. **Commissioner Ira Hatch made a motion to go on record as approving and supporting the program and to send a letter to the State Legislature similar to the one proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.**

(3)

**CITIZEN CONCERNS**

Commissioner Johnson talked about several complaints from citizens regarding the terrible radio reception in the county. He will call Bret Mills.

(4)

**PUBLIC HEARING- 10:00 A.M.- TO RECEIVE PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE ADDING LOGGING OPERATIONS AS A CONDITIONAL USE AND ESTABLISHING GUIDELINES.**

Bryant Anderson, Planning Commission provided opening statements. The purpose of the public hearing was to provide for comment on proposed amendments to the zoning ordinance adding logging operations as a conditional use and establishing guidelines. This is an attempt to be sure proper logging procedures are used with respect to logging in Emery County. Of primary concern were to protect water sheds and to protect the land owners and adjacent property owners with respect to noise, etc. This will be a level two conditional use permit required on areas greater than twenty acres. Deputy Attorney Alan Thorpe suggested some wording changes.

Commission Chairman Kent Petersen opened the meeting for public comment.

Several citizens made comments regarding protection of water sheds.

Alan Thorpe commented that Emery County may be on the cutting edge with this type of conditional use permit. This may get the state to look at this kind of regulation as they are not willing to do this on a state level. This may make them sit up and look at how this works.

They discussed the fee schedule and monitoring fees. It is not their intention to be prohibitive on fees. They also discussed the need for bonding. Assessor, Jim Fauver asked to have the logging company check with his office as part of the process, so that he does not have to track them down.

Alan Thorpe added that this amendment to the zoning ordinance will protect the land owner and the applicant. This will also allow for an opportunity for the county to go to the state for assistance.

Richard Snowball expressed concern for health of water shed and suggested that through safe logging practices be mindful of protecting the water shed in Emery County.

Lee McElprang commented that there should be a law against destroying a renewable resources.

Commissioner Kent Petersen closed the public hearing.

(5)

**CONSIDERATION AND APPROVAL OF AMENDMENTS TO THE ZONING ORDINANCE.**

**Commissioner Ira Hatch made a motion to adopt the amendments to the zoning ordinance adding logging operations as a conditional use and establishing guidelines as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.**

(6)

**DISCUSSION OF ECONOMIC STUDY RELATED TO HOME VALUES AND CURRENT ECONOMIC TRENDS.**

Commissioner Randy Johnson relayed that the Board of Commissioners have talked about ways to get tax breaks for home-owners. They felt that there needs to be a study done now that lay-offs have begun. A study will help justify to the Tax Commission the need for a tax break. A study would cost approximately \$6,700.00 and would need to be completed before May 22, 2001. We need to go out for proposals right away. **Commissioner Randy Johnson made a motion to request proposals for an economic study for intangibles and home values in Emery County. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

(7)

**DISCUSSION AND APPROVAL TO PROCEED WITH HORN MOUNTAIN COMMUNICATION SITE BUILDING PLAN.**

A number of users wish to move forward with the expansion of the communication building on Horn Mountain. In order to maintain the lease with the Forest Service they have discussed construction of a new communication building on the site. The Forest Service needs a site plan as soon as possible. Construction of the building would be under the direction of the Municipal Building Authority of Emery County. The County is responsible for the lease so we need to initiate the process. Val Payne and Bret Mills have prepared a proposed lay-out for the building. We need to get the plan to the Forest Service to start the ball rolling. **Commissioner Ira Hatch made a motion to proceed with the project and include the description of the power line. The motion was seconded by Commissioner Randy Johnson and approved by all members present.**

**(8)****APPROVAL OF BUSINESS LICENSE**

Deputy Clerk/Auditor presented a business license from Jason Bernard DBA: The Painted Desert. This is a small paintball business selling paintball guns, masks, COtanks, etc. They will have a playing field for the customers to use their equipment on. No one under 18 will be allowed to buy or rent equipment without a parent or legal guardian's written consent. Zoning Director, Bryant Anderson has approved this as an on premises occupation. **Commissioner Randy Johnson made a motion to approve the business license for Jason Bernard. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

**(9)****CONSIDERATION AND APPROVAL OF TAX ADJUSTMENTS**

Treasurer, JoAnn Behling presented the following adjustments for approval:

- Varden Wilson-should have been green belt
- Hatch Livestock-missed on green belt
- Darrell Lake-not a build-able lot
- Joel Christensen-70% completed home, not 100% complete
- Mike Hurdsman-mobile home valued to high
- Cliff Leavitt-Missed at BOE
- Marry Powell-missed Circuit Breaker
- Elwood Miller-missed Circuit Breaker
- Questar-won an appeal -delete balance of \$1,700.00
- Denver Railroad-won an appeal-adjust \$143,976.00
- Municipal Building Authority of Emery County-Nursing Home-should not be taxed
- Green River City-should not be taxed

**Commissioner Ira Hatch made a motion to approve the adjustments as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.**

**(10)****DISCUSSION OF SUB-FOR-SANTA PROGRAM**

Commissioner Ira Hatch explained that the Sub-For-Santa Program (Project Emery Claus) was previously ran by the Retired Senior Volunteer Program (RSVP). At this time RSVP does not

have a director and the BOC would like to see the program continue under the care of another entity or group.

Pam Juliano, Executive Director United Way of Southeastern Utah suggested an alternative for the Sub-For-Santa program would be the Adopt an Angel Tree Program.

Cheryl Peck, Emery County Community Center(formerly EC Food Bank and Clothing Exchange) suggested the Sub-For-Santa Program could be run through the Community Center. She already has people in place who could run the program.

Pam Juliano suggested that the program could be run in conjunction with the United Way giving the program more credibility and structure.

**Commissioner Randy Johnson made a motion to turn Sub-For-Santa (Project Emery Claus) over to Emery County Community Center with the understanding that they would coordinate with the local United Way program to assure that the program was run as efficiently as possible. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

(11)

**DISCUSSION OF RSVP PROGRAM CHANGES.**

Pam Juliano, United Way came before the Board of Commissioners to request information on the current position of the Emery County Retired and Senior Volunteer Program. In August of this year, the RSVP center was approved to receive a \$2,000.00 allocation upon the permanent placement of a director. The permanent place of a director at RSVP will insure the success of the program. United Way was made aware that acting director has requested to not be placed as the permanent director. They are concerned about the wait and that hiring the director will come at a later period when the allocation has run out. To date the RSVP center has missed out on one quarter of that allocation. They are interested in the information presented to them stating the housing, budgeting and programming of RSVP at the present time. Commissioner Hatch explained that the Board of Commissioners have been looking at what to do with this program. One option they have looked at is to turn the program over to the Association of Government to administer. He expressed the desire of the BOC to continue with the program in Emery County. The BOC decided that it would be in the best interest of the county to continue with the program so the seniors in Emery County may benefit from the available state and federal programs. They talked about hiring a three quarter time position for RSVP. **Commissioner Ira Hatch made a motion to continue with the Retired Senior Volunteer Program, to work with Pat Snowball, Personnel to advertise and solicit for a 3/4 time director to be in place by the first of the new year, and to notify the acting director of termination by the end of this year**

**(December 2000). The motion was seconded by Commissioner Randy Johnson and approved by all members present.**

**(12)**

**RATIFY BOARD OF EQUALIZATION ADJUSTMENTS**

**Commissioner Ira Hatch made a motion to ratify approval of Board of Equalization adjustments made in the October 17, 2000 Commission Meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.**

**(13)**

**RATIFY CONTRACT WITH STATE OF UTAH FOR ENGINEERING SERVICES FOR THE SOUTH MOORE CUTOFF ROAD.**

**Commissioner Randy Johnson made a motion to ratify approval of the contract with the State of Utah for engineering services for the South Moore Cut-off Road. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

**(14)**

**REQUEST TO BEGIN PROCESS TO FILL VACANCIES ON EMERY COUNTY PLANNING COMMISSION.**

The Emery County Planning Commission will have two vacancies at the end of December 2000. Terms will end for Doyle Jensen and Glenys Sitterud. The Emery County Planning Commission asked that the Board of Commissioners begin the process to advertise to fill the vacancies. **Commissioner Randy Johnson made a motion to begin the process of advertising for individuals to fill two vacancies on the Emery County Planning Commission Board. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

**(15)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Deputy Clerk/Auditor, Carol Cox presented for consideration and approval the Warrant Check Edit List # 134787 through and including #135003 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
57-00	Magnetic Drill/Road Dept.	\$ 1,245.00	Approved
58-00	Television Translator/Cedar Mtn.	8,010.00	Approved
59-00	Shiva Landrover Modem Bank/Lib	1,820.00	Approved
60-00	HP Office Jet 685/Assessor	641.92	Approved
61-00	4X4 Trailer/Sheriff	900.00	Approved
62-00	Band Instruments/RSVP	115.27	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
###-5871	486DX2166 Computer/Class B	Parted out	Approved
###-6003	Computer/Road Dept	Parted out	Approved
###-####	1990 Epson Computer/Class B	Parted out	Approved
122-5275	CPU Motorola Computer/Just Crt	Parted out	Approved

**Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment and requisitions and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

**(16)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Pat Snowball requested action for the following:

A resolution amending the Personnel Policy as follows:

- Amend Section 2-Equal Employment Opportunity
- Amend Section 6- Give part time employees paid holidays
- Add to Section 6-An additional temporary status for grant funded employees
- Amend Section 7-Allowing department heads with approval from the Commission to make promotions.
- Amend Section 9-Requiring employees on LWOP to communicate more fully



with departments.

Amend Section 18-To comply with current requirements of Workers Comp Fund

**Commissioner Randy Johnson made a motion to approve Resolution 11-21-00A amending the Personnel Policy as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

#### Library

Kelly Quinn was hired May 3, 2000. She has successfully completed her six month orientation period and has been recommended to progress from 4A \$7.81/hr to 4B \$7.98/hr effective November 3, 2000. **Commissioner Randy Johnson made a motion to approve the recommended progression as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

#### Network Services Specialist

Jeff Guymon completes his six-month orientation effective November 28, 2000. It is recommended that he progress to 22H \$19.25/hr. **Commissioner Randy Johnson made a motion to approve the recommended progression as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

#### Sheriff

Jeremiah Johnson has completed POST certification as a fully certified peace officer and is performing duties as a patrol officer as well as working in corrections. Request is made to approve his progress from 12B \$11.64/hr. Corrections Officer to 15A \$12.91/hr. Patrol Deputy effective on the start of the next pay period after August 24, 2000 which is when he completed POST , certified and began performing duties as a patrol officer. **Commissioner Ira Hatch made a motion to approve the progression for Jeremiah Johnson as discussed and presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.**

(17)

#### APPROVAL OF COMMISSION MEETING MINUTES

**Commissioner Randy Johnson made a motion to table the minutes dated October 17, 2000. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

**(18)****OTHER BUSINESS**

**Commissioner Randy Johnson made a motion to approve and sign the contract with UDOT for the interpretive signs on I-70. The motion was seconded by Commissioner Ira Hatch and approved by all members present. The motion will be ratified in the next Commission Meeting.**

The Board of Commissioners received a letter from Castle Dale City informing them that Tom Maier has been appointed as Fire Chief in their city and recommending Tom be appointed to the Emery County Fire Protection Special Service District Board as such. **Commissioner Ira Hatch made a motion to appoint Tom Maier to the Emery County Fire Protection Special Service District Board. The motion was seconded by Commissioner Randy Johnson and approved by all members present.**

**Commissioner Randy Johnson made a motion to get Johansen and Tuttle Engineering going on finishing up the survey of corner points in the county. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

**Commissioner Randy Johnson made a motion to have all claims for items to be purchased from the 2000 budget be submitted no later than December 15, 2000 to be approved on the December 19, 2000 Warrant Check Edit List. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

**After clarification by Attorney, David Blackwell, Commissioner Randy Johnson made a motion to rescind the motion to begin the process of forming a special service district and setting of public hearing made earlier in this meeting. After which, Commissioner Johnson made a motion to post notice of intention to create a special service district with taxing authority for the area encompassed by North Emery Water Users Association to provide for the service of water to this area for review by the public. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

**(19)****COMMISSION REPORTS**

Commissioner Johnson reported on his meeting with Council of State Governments.

Commissioner Hatch reported that the county has submitted a request to UDOT for funding repairs to the Huntington Airport tarmac and parking area.

Commissioner Petersen reported that Commissioner Johnson has been elected Secretary of UAC.

**(20)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

**Commissioner Randy Johnson made a motion to move into executive session. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

Present at executive session was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Commissioner Elect Drew Sitterud, Attorney David Blackwell, Personnel Director, Pat Snowball, Treasurer, JoAnn Behling and Deputy Clerk/Auditor Carol Cox.

**(21)**

**ADJOURNMENT**

**Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.**

**ATTEST:\_\_\_\_\_ CHAIRMAN:\_\_\_\_\_**

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

December 5, 2000

Present at the meeting was Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

DICK MANUS, BLM, QUARTERLY UPDATE

Dick Manus, BLM, provided the following quarterly update:

- A. They have submitted a letter to SITLA with proposal for dealing with Castle Valley Elk Ranch proposals. The BLM is not interested in considering this proposal at this time.
- B. Their Resource Advisory Council has submitted guidelines for dealing with an Off-Road Recreation Management Program. The public comment period runs through February 2001.
- C. The BLM released its Draft National Off-Highway Vehicle Strategy on December 1, 2000. Comment period runs through January 3, 2001.
- D. They are looking at March as a time to sponsor a coalbed methane workshop.

(2)

CROCKETT DUMAS, FOREST SERVICE, QUARTERLY UPDATE

Crockett Dumas, Forest Service provided the following quarterly update:

- A. The County road analysis is coming up in the Spring. The county needs to be thinking of three things:
  - 1. The area to consider, ie. Drainage or whole county on National Forest.
  - 2. What we want, ie. All weather roads, destinations, water sheds.
  - 3. Possible actions, ie. Radical or pro-active.

(3)

MILES MORETTI, DWR, QUARTERLY UPDATE

Darris R. Jones, acting for Miles Moretti provided the following quarterly update:

- A. He read a letter from John Kimball, Director, Division of Wildlife Resources. The letter stated: Enclosed is a check for the year 2000 contractual in-lieu tax payment on land the Division of Wildlife Resources owns in Emery County. The money used to pay the in-

lieu tax is provided by sportsmen. The check was in the amount of \$2,751.31. He thanked the Commission for their support as a partner in managing Utah's wildlife.

B. Mr. Jones outlined the current depredation hunts in our area.

(4)

DAVID CUNNINGHAM/PATSY HOUGH, PRESENTATION TO EXPLAIN DONATION REQUEST FOR CARE-A-VAN.

David Cunningham, Southeastern Utah Health District and Patsy Hough, Care-A-Van Director, presented the Board of Commissioners with a demonstration for the Care-A-Van Program and how it provides transportation for medical needs. Since the Health District took over this program they have served over one hundred and fifty clients. Ms. Hough's request was for the Board of Commissioners to continue to contribute to this program so the program can continue to serve the public in our area.

(5)

CITIZEN CONCERNS

Carol Northrup came before the Board of Commissioners to request abatement on her property taxes. She was not aware of the indigent abatement program and would have qualified if she had applied. Her property taxes were \$920.88. The indigent abatement would have abated up to 50% of the tax due which was \$460.44. Commissioner Randy Johnson made a motion to allow the 50% abatement for Carol Northrup for this year. The motion was seconded by Commisisoner Ira Hatch and approved by all members present. Commissioner Johnson reminded Mrs. Northrup that she will need to apply and comply with the deadline for next year.

(6)

CONSIDERATION AND APPROVAL OF SECURITY SERVICES AGREEMENT WITH SEVENTH DISTRICT COURT.

Sheriff LaMar Guymon explained that the security services agreement with Seventh District Court is for up to \$6,000.00 and is in addition to the Bailiff contract to provide security during court. Commissioner Ira Hatch made a motion to enter into the Security Services Agreement with Seventh District Court. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

REQUEST TO BEGIN PROCESS TO FILL VACANCIES ON CASTLE VALLEY SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD.

Eugene Johansen and Paul Crawford's terms will expire on December 31, 2000. Castle Valley Special Service District requested as per county policy that the Board of Commissioners advertise for individuals to fill these vacancies. Commissioner Randy Johnson made a motion to go through the process of advertising for individuals interested in serving on the Castle Valley Special Service District Board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

CONSIDERATION AND APPROVAL OF AMBULANCE ACCOUNT WRITE-OFFS.

Senior Deputy Clerk/Auditor, Brenda Dugmore presented a list of ambulance accounts in the amount of \$544.41 requesting to write them off as the individuals are deceased. She also presented a list of accounts in the amount of \$13,448.85 to be sent to collections. She requested approval to turn over to collections the delinquent accounts as part of the normal process. Commissioner Randy Johnson made a motion to authorize the ambulance account write-offs and allow the Clerk/Auditor's office to turn over to collections the delinquent accounts as part of the normal process. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

CONSIDERATION AND APPROVAL OF TAX ADJUSTMENTS

Treasurer, JoAnn Behling presented the following adjustments for approval:

- Al Lemons-missed at BOE
- Tracy Behling-lots broken out and charged for -missed from BOE
- LaVoy Hardee- land locked lot was assessed as a build-able lot
- Al Christensen-burned home
- Lond Wakefield- land locked lot was assessed as a build-able lot
- Mark Tanner- reappraised- adjustment was missed
- Clair Behling- missed at BOE

She also informed the Board of Commissioners of a State Tax Commission \$118,000.00 pumping plant exemption for UP&L for pumping irrigation water.

Commissioner Randy Johnson made a motion to approve the adjustments with exception of the UP&L pumping plant exemption until Assessor, Jim Fauver has checked into what it is about.

The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

CONSIDERATION AND APPROVAL OF UTAH MOTORIZED TRAIL ASSISTANCE AGREEMENT.

Kathleen Truman, grant writer, requested approval of Utah Motorized Trail Assistance Agreement. She explained that back in March when they were trying to close Sid's Mountain, Mark H. Williams, State Motorized Off-Highway Vehicle Advisory Council Chairman came to Public Lands and explained about a program through the Division of Parks and Recreation developed to look at areas and gather information to recommend to BLM as OHV designated play areas. The program allows for hiring a person to oversee the program which would be coordinated through the Public Lands office with an in-kind match from Emery County. The person will do assessments and work with an assessment team to come up with recommendations. The in-kind match is currently not a part of the 2001 budget. Commissioner Randy Johnson made a motion to approve the Utah Motorized Trail Assistance Agreement based on attachment of proposal to contract. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk, presented for consideration and approval the Warrant Check Edit List #135228 through and including 135309 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
64-00	1995 Kenworth Tractor (Road)	#37,000.00	Approved
65-00	HP Laserjet Printer (Just Crt)	672.00	Approved

A disposition was presented for asset # 410-4803 a 1987 International Tractor which was traded in on the 1995 Kenworth Tractor.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List for payment, the requisitions and dispositions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION

Pat Snowball, Personnel Director request ratifications of the advertising process for the following job openings:

- A. RSVP Manager, 3/4 time (20-39 hrs/wk), Grade 13, Entry \$11.06/hr., prorated benefit available.
- B. Deputy Treasurer, full time with benefits, Grade 4, Step A \$7.81/hr. The working level of this grade is 8. Progressive increases as approved by the supervisor will be available until the working level is reached, approximately 36 months.
- C. Emery County Historic Preservation Commission staff member (temporary grant funded position). Wage is negotiable, but will probably begin at approximately \$8.00/hr. This is a part time position, 16-20 hrs/wk., no benefits available. When the funding is ended, the position is ended.

Commissioner Ira Hatch made a motion to approve the advertising process for the job openings as requested. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes dated October 17 and November 21, 2000 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

COMMISSIONER REPORTS

*Commissioner Johnson*



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Commission Meeting Minutes  
December 5, 2000

Commissioner Johnson attended meetings on transient room tax and restaurant tax.

*Commissioner Hatch*

Commissioner Hatch has just completed a Defensive Driving Course for the first half of the county employees. There will be another session in January 2001 to get the Sheriff's Possee members and those who may need evening classes.

He has sent a letter to Shanna Davis, temporary RSVP Director to terminate service by January 1, 2001.

Regarding Project Emery Claus, the toys have been taken out of the building and the funds have been transferred to Emery County Community Center. Cheryl Peck and her staff will be running the program.

U-10 Task Force retained consulting firm to do economic study. They will follow-up with a draft in January 2001.

*Commissioner Petersen*

Commissioner Petersen discussed predator concerns. They need to decided whether to go with the sportsman group who requested consideration earlier this year or continue with State Trapper, Tom Hardee's program.

(15)

OTHER BUSINESS

Clerk/Auditor Bruce Funk requested setting two more budget meetings. Commissioner Randy Johnson made a motion to set budget meetings for Monday, December 11, 2000 at 9:00a.m. and Wednesday, December 13, 2000 at 9:00 a.m. prior to approval of final budget on December 19, 2000. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.

An executive session was not needed.

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Commission Meeting Minutes  
December 5, 2000

(17)

ADJOURNMENT

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

December 19, 2000

Present at the meeting were Commission Chairman Kent Petersen, Commissioner Randy Johnson, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

NATURAL RESOURCES EXECUTIVE STAFF TEAM TO ADDRESS CONCERNS IN EMERY COUNTY.

The Natural Resources Executive Staff Team came before the Board of Commissioners to address any concerns from the public. The following directors and staff members were introduced by Kathleen Clarke, Executive Director of Natural Resources: Kevin Conway, Asst. Director, Division of Wildlife Resources, Ron Taylor, Huntington/Millsite State Parks, Mark Page, State Engineer, Art DuFault, State Forestry/Fire/State Lands, Sherm Hoskins, Deputy Lowell Braxton, Division of Oil, Gas and Mining, Pete Hess, Division of Oil, Gas and Mining. They are visiting employees, regional teams and local officials to get a read on how they are doing and look at opportunities for where they could do better. Kathleen stated that her objected is to be sure they are focused on being partners with communities. They are committed to working collaboratively with local officials, working internally in a more cohesive manner than the department has done historically. They are working at making sure they are understanding the impact of decisions they make. Over the course of the last two years they have made an effort to solidify a leadership team in SLC where they are working across boundaries, looking holistically at resource management, and attempting to do that in the regions throughout the state. They have pulled together the managers from different regions, assembled them into working groups and asked them to begin getting acquainted with one another and look at their issues across division boundaries. Begin to work with communities, so that if you have a need for water development, you don't have to look up the wildlife people, the parks people, the water resource people, the water rights people, it can be done through networking and integration to develop a package of support and a concept that represents the whole idea, not one agencies perspective. She also stated she believes that natural resources create an economic base, the foundation that contributes to the quality of life in Utah, both as it relates to our scenic beauty and recreational opportunities. Natural resources create an economic base and source of wealth for any state. One of their primary goals is to make sure that as they manage resources, seeking the local officials sustain ability and help, that they are cognizant of, and committed to, sustain ability of communities. This means being aware of their economic needs and how natural resources play in to that economic base for a county's well being. She recognized that there are inherent conflicts created by their missions, mandates and codes. There needs to be give and take, finding common ground that allows us to accomplish the things we need to. Things that allow you to do the things you desire to in state government and allows us to fulfill our state mandates. They are very committed to that end.

Commissioner Hatch thanked Kathleen and her staff for the cooperation Emery County receives through a memorandum of understanding with Division of Natural Resources as well as other state and federal agencies. Emery County has worked closely with many of the staff members in attendance today. With the coal mining industry we have had some ups and downs. We still have some things that are not resolved and we are working with your people to get some of those issues resolved, especially water issues. We think that there could be some coordination between State Engineer's Office, Division of Oil, Gas and Mining and us to get those issues resolved. We have a good working relationship with State Institutional Trust Lands (SITLA) and feel this will be crucial as the coal bed methane projects expands. We want to be good partners, but we also want to be treated fair. We will work to achieve the coordination needed to get things done.

Kathleen stated she was aware of the discussions that are ongoing about water, oil, gas and mining, and will stay attuned to those. She has met with Lowell Braxton, Oil, Gas & Mining as well as Bob Morgan, State Engineer. She felt the department is on track with Emery County to try to work down a positive road to a solution. She stated she was very impressed with Emery County's leadership and progressiveness.

(2)

CITIZEN CONCERNS

Kay Jensen expressed his desire to see funds set aside to deal with water issues.

(3)

**PUBLIC HEARING: 5:15 P.M.- TO RECEIVE PUBLIC COMMENT ON AMENDMENTS TO THE 2000 EMERY COUNTY GENERAL FUND AND OTHER FUNDS AS NOTICED IN THE EMERY COUNTY PROGRESS INCLUDING CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commission Chairman Kent Petersen opened the public hearing to receive public comment on amendments to the 2000 Emery County General Fund and other funds including Castle Valley Special Service District.

Senior Deputy Clerk/Auditor reported that the 2000 budget comparison to expenditures came close to the same ending the year with a balanced budget. She requested authorization to adjust line items.

Darrell Leamaster, Castle Valley Special Service District reported that they have three budgets, debt service, capital projects and operation and management, which is the only budget that needs to be amended.

Commissioner Kent Petersen asked if there were any comments or questions regarding amendments to Emery County's 2000 budget or Castle Valley Special Service District's budget.

There were no questions or comments, so Commissioner Kent Petersen closed the public hearing.

(4)

**PUBLIC HEARING: 5:30 P.M.- TO RECEIVE PUBLIC COMMENT ON THE 2001 EMERY COUNTY FUND AND OTHER FUNDS AS NOTICED IN THE EMERY COUNTY PROGRESS INCLUDING CASTLE VALLEY SPECIAL SERVICE DISTRICT**

Commission Chairman Kent Petersen opened the public hearing to receive public comment on the 2001 budgets for the Emery County General Fund and other funds as noticed. Senior Deputy Clerk/Auditor Brenda Dugmore presented the 20001 budget as follows:

General Fund Revenue:	\$7,719,300.00
General Fund Expenditures:	\$7,719,300.00
Class B Road Fund:	\$1,425,000.00
Class B Road Expenditures:	\$1,425,000.00
Emergency 9-11 Fund:	\$ 16,000.00
Emergency 9-11 Expenditures:	\$ 16,000.00
RSVP Fund:	\$ 54,000.00
RSVP Expenditures:	\$ 54,000.00
Transient Room Tax:	\$ 39,000.00
Transient Room Expenditures:	\$ 39,000.00
Economic Development Fund:	\$ 306,275.00
Economic Dev. Expenditures:	\$ 306,275.00
Drug Task Force Revenue:	\$ 101,931.00
Drug Task Force Expenditures:	\$ 101,931.00
Industrial Park Revenue:	\$ 20,000.00
Industrial Park Expenditures:	\$ 20,000.00
State History Revenue:	\$ 56,000.00
State History Expenditures:	\$ 56,000.00

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Library Revenue:	\$ 608,000.00
Library Expenditures:	\$ 608,000.00

Capital Projects Revenue:	\$ 25,000.00
Capital Projects Expenditures:	\$ 25,000.00

Capital Replacement Revenue:	\$ 170,000.00
Capital Rep. Expenditures:	\$ 170,000.00

Municipal Building Authority	
Revenue:	\$ 480,500.00
Expenditures:	\$ 480,500.00

Senior Deputy Clerk/Auditor Brenda Dugmore reported that the 2001 budget reflects a decrease in property tax, eliminates the flood tax and includes a three percent cost of living increase for employees and elected officials.

Darrell Leamaster, Castle Valley Special Service District presented their 2001 budget. Debt Service total was \$1,392,300.00. Capital Projects total was \$1,328,000.00. Operation and Maintenance total was \$1,623,180.00.

Commissioner Kent Petersen asked if there were any comments on the proposed 2001 budget for Emery County and Castle Valley Special Service District.

There were no comments or questions, Commissioner Kent Petersen closed the public hearing.

(5)

CONSIDERATION AND APPROVAL OF AMENDED 2000 EMERY COUNTY GENERAL FUND AND OTHER FUNDS, INCLUDING CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Commissioner Ira Hatch made a motion to accept Resolution 12-19-00A amending the 2000 Emery County budget and other funds including Castle Valley Special Service District. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Commissioner Ira Hatch made a motion to accept Resolution 12-19-00B authorizing the adjustment of line items in the Emery County 2000 budget. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

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(6)

CONSIDERATION AND APPROVAL OF 2001 EMERY COUNTY GENERAL FUND AND OTHER FUNDS INCLUDING CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Commissioner Randy Johnson made a motion to adopt Resolution 12-19-00C approving the 2001 Emery County budget and other funds including Castle Valley Special Service District. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

CONSIDERATION AND APPROVAL OF RESOLUTION OF NOTICE OF INTENT TO CREATE NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT.

Commission Chairman Kent Petersen reviewed previous discussions regarding consideration of intention to create North Emery Water Users Special Service District.

Menco Copinga reviewed the boundaries of North Emery Water Users.

Clerk/Auditor, Bruce Funk reviewed state code regarding wording involved in the advertising of intention to create special service districts.

Kay Jensen requested to again have the letter read regarding the stockholders' vote and re-vote on the issue of creating a special service district.

Dennis Ward expressed concern regarding stockholders voting to create a district.

Bevan Wilson showed a notice to water users of a special meeting to discuss the possibility of pursuing creation of a special service district. Four out of five that attended the meeting were in favor of pursuing this.

Commissioner Johnson stated the Commission office has received numerous calls from stockholders who want to know why this had not been done yet.

Kay Jensen expressed the need to have information meetings for the stockholders.

Carl Fillmore asked Attorney, David Blackwell to outline the taxing issue.

Darrell Leamaster explained that they can have the ability to tax but not set the amount until approved by the stockholders.

Commissioner Randy Johnson discussed the desire of the Commission to set a date for a public hearing to receive public comment on creating a North Emery Water Users Special Service

District.

Commissioner Ira Hatch felt it would be best to wait until February 2001 to hold the public hearing which would give North Emery Water Users Association time to notice the stockholders.

Commissioner Ira Hatch made a motion to approve Resolution 12-19-00 Notice of Intent to Create North Emery Water Users Special Service District and to set a public hearing for February 8, 2001 at 5:00 p.m. at Huntington Elementary. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)  
RATIFY COOPERATIVE AGREEMENT FOR INTERPRETIVE ENHANCEMENTS ON I-70.

Commissioner Randy Johnson made a motion to ratify Commissioner Kent Petersen’s signature on a co-operative agreement with the Federal Highway Administration to put interpretive signs on I-70. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)  
CONSIDERATION AND APPROVAL OF 2001 COMMISSION MEETING AND HOLIDAY SCHEDULE.

Commissioner Randy Johnson made a motion to adopt following 2001 Commission Meeting And Holiday Schedule. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

2001 Commission Meeting Schedule

January 9, 2001	4:00 p.m.
January 23, 2001	9:00 a.m.
February 6, 2001	4:00 p.m.
February 20, 2001	9:00 a.m.
March 6, 2001	4:00 p.m.
March 20, 2001	9:00 a.m.
April 3, 2001	4:00 p.m.
April 17, 2001	9:00 a.m.



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May 1, 2001	4:00 p.m.
May 15, 2001	9:00 a.m.
June 5, 2001	4:00 p.m.
June 19, 2001	9:00 a.m.
July 3, 2001	4:00 p.m.
July 17, 2001	9:00 a.m.
August 7, 2001	4:00 p.m.
August 21, 2001	4:00 p.m. * To follow
Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.	
September 4, 2001	4:00 p.m.
September 18, 2001	9:00 a.m.
October 2, 2001	4:00 p.m.
October 16, 2001	9:00 a.m.
November 6, 2001	4:00 p.m.
November 20, 2001	9:00 a.m.
December 4, 2001	4:00 p.m.
December 18, 2001	4:00 p.m.

2001 Holiday Schedule

New Year's Day 2001	Monday	01-01-01
Human Rights Day	Monday	01-15-01
President's Day	Monday	02-19-01
Memorial Day	Monday	05-28-01
Independence Day	Wednesday	07-04-01
Pioneer Day	Tuesday	07-24-01
Labor Day	Monday	09-03-01
Columbus Day	Monday	10-08-01

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Veterans Day	Monday	11-12-01
Thanksgiving	Thursday	11-22-01
	Friday	11-23-01
Christmas Eve	Monday	12-24-01 (1/2 day)
Christmas Day	Tuesday	12-25-01

(10)

CONSIDERATION AND APPROVAL OF MILEAGE RATE FOR 2001.

Senior Deputy Clerk/Auditor Brenda Dugmore informed the Board of Commissioners of the Internal Revenue Service mileage rate change to 34.5 due to the increase on fuel cost. Commissioner Ira Hatch made a motion to accept the IRS mileage rate for Emery County. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

CONSIDERATION AND APPROVAL OF RESOLUTION DECLARING THE INTENT OF EMERY COUNTY TO PARTICIPATE IN TAX AND REVENUE ANTICIPATION NOTES.

Commissioner Randy Johnson made a motion to adopt Resolution 12-19-00D declaring the intent of Emery County to participate in Tax and Revenue Anticipation Notes. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

CONSIDERATION AND APPROVAL OF PUBLIC DEFENDER CONTRACT INCLUDING CONFLICTS COUNSEL.

Commissioner Ira Hatch made a motion to approve the Public Defender/Conflicts Counsel Contract with David Allred. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

CONSIDERATION AND APPROVAL OF RESOLUTION RE-DISTRIBUTING MINERAL LEASE REVENUE.

Commission Chairman Kent Petersen presented Resolution 12-19-00E re-distributing mineral

lease revenue as follows: Special Service District #1= 50%, Castle Valley Special Service District = 14%, Recreation Special Service District = 8%, Fire Protection Special Service District = 9%, North Emery Water Users Special Service District = 2%, Municipal Building Authority of Emery County 17% ( if North Emery Water Users Special Service District is not created the 2% will go to MBA). Commissioner Ira Hatch made a motion to accept the percentage re-distribution of mineral lease revenue as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

NOTIFICATION OF EXPIRATION OF TWO BOARD MEMBER TERMS ON THE EMERY COUNTY SPECIAL SERVICE DISTRICT#1.

Emery County Special Service District #1 has two board members, Merrill Swasey and Sherrel Ward whose terms will expire December 31, 2000. Commissioner Randy Johnson made a motion to advertise as per policy for individuals to apply for this board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

CONSIDERATION AND APPROVAL OF BOARD MEMBERS FOR ECONOMIC DEVELOPMENT COUNCIL.

Economic Development has advertised for names of people to serve and asked if current members want to continue. The following people are recommended by the Economic Development Council for approval:

Tom Rasmussen	Deb Dull	Nick Tatton	Linda Jewkes
Art Olsen	Carrie Bloomer	Kirk Sitterud	Roger Hickock
Vaughn Reid	LaVon Day	Phil Fauver	Mike McCandless
Delena Fish	Roger Swenson	Delynn Fielding	John Healey
Chris Jensen	Dennis Worwood	Drew Sitterud	

Commissioner Randy Johnson made a motion to approve the listed individuals be appointed as board members as recommended to the Economic Development Council. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Bruce Funk, Clerk/Auditor presented for consideration and approval the Warrant Check Edit List #135493 through and including #135620 for payment.

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One requisition was presented from the Historic Preservation Commission Staff for a Dell Computer System at \$2,100.00.

There were no dispositions.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List and requisition for payment. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Pat Snowball, Personnel Director presented approval for the following personnel action:

Clerk/Auditor

Amber Braun, Deputy Clerk/Auditor will take Family and Medical Leave for the birth of her baby. At this point the starting date and the date of her return are unclear. Commissioner Ira Hatch made a motion to approve Family and Medical Leave for Amber Braun. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Recorder

Request was made for a step increase for Karen Peacock from 8S \$12.91/hr to 8T \$13.11/hr and for Sharon Boyle from 8A \$9.22/hr to 8B \$9.42/hr. Both increases will become effective to the time the 3% cost of living increase for 2001 becomes effective. Commissioner Randy Johnson made a motion to approve the step increases for Karen Peacock and Sharon Boyle as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Sheriff

Request was made for approval to hire from the current roster an entry level dispatcher at 10A \$10.46/hr. The Sheriff also requested approval to begin recruitment for a corrections secretary \$A \$7.81/hr. Commissioner Randy Johnson made a motion to approve the request to hire from the current roster an entry level dispatcher and approve the request to begin recruitment for a corrections secretary as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Assessor

Annette Allen is currently working as manager of Department of Motor Vehicles (State Tax

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Commission) at grade 8E \$10.03/hr. She performs the duties of a manager and is not being recognized for her responsibility. Assessor, Jim Fauver proposed a grade increase to 12A \$10.89/hr. Commissioner Randy Johnson made a motion to approve the grade increase for Annette Allen as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(18)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Ira Hatch made a motion to approve the minutes of the Election Canvas dated November 13, 2000 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Commissioner Randy Johnson made a motion to approve the minutes dated December 5, 2000 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(19)

COMMISSION REPORTS

**Commissioner Johnson**

Commissioner Johnson expressed his thanks to Commissioner Kent Petersen for the dignified manner in which he served the citizens of Emery County.

**Commissioner Hatch**

Commissioner Hatch echoed Commissioner Johnson's comment. He felt Commissioner Petersen served the county well and provided key contacts that greatly benefitted Emery County.

**Commissioner Petersen**

Commissioner Petersen thanked everyone for allowing him to serve Emery County in this capacity. He stated that he gained a lot from the position and found it very enjoyable.

(20)

EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL

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MATTERS.

Commissioner Randy Johnson made a motion to move to executive session to discuss pending litigation. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Those present at the executive session were Commission Chairman Kent Petersen, Commissioner Ira Hatch, Commissioner Randy Johnson, Commissioner Elect Drew Sitterud, Attorney David Blackwell, Clerk/Auditor, Bruce Funk, Senior Deputy Clerk/Auditor Brenda Dugmore and Deputy Clerk/Auditor Carol Cox.

Upon returning to the regular meeting Commissioner Randy Johnson made a motion to authorize Attorney David Blackwell to go forward in conjunction with Kinghorn to appeal to the Supreme Court regarding the lower court decision on the Green River Annexation. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(21)  
ADJOURNMENT

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

January 9, 2001

Present at the meeting was Commissioner Ira Hatch , Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Randy Johnson welcomed Drew Sitterud as Commissioner.

**(1)**

**APPOINTMENT OF 2001 CHAIRMAN OF THE BOARD OF COMMISSIONERS.**

Commissioner Drew Sitterud made a motion to appoint Commissioner Ira Hatch as Commission Chairman for 2001. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(2)**

**APPROVAL OF COMMISSION RESPONSIBILITIES.**

Commission Chairman Ira Hatch read the 2001 Commissioner Responsibilities as follows:

Ira W. Hatch

Airport  
Attorney  
BLM  
Clerk/Auditor  
COG  
Conservation LWG  
Extension  
GR County Complex  
GR Medical Center  
Personnel  
Public Lands  
Road Department  
R.S.V.P.  
Senior Citizens  
Travel Council  
Weed/Mosquito  
Workforce Services

Randy G. Johnson

Animal Control  
Ambulance  
Courthouse  
Canyon Country  
Civil Defense  
Fair  
Fire District  
Justice Court  
Library  
Mental Health  
Planning/Zoning  
Public Health  
Public Lands  
Sheriff  
Treasurer  
TV/Communications  
USFS

Drew C. Sitterud

Assessor  
AOG  
Chamber of Commerce  
Data Processing  
DWR  
Economic Development  
GIS  
Housing Authority  
Landfill  
Museum/History  
Nursing Home  
Public Lands  
RC&D  
Recreation District  
Recorder  
Wildland Fire

COMMISSION MEETING MINUTES  
JANUARY 9, 2001

Commissioner Drew Sitterud suggested board appointments correspond with Commission responsibility. Commissioner Randy Johnson made a motion to approve the 2001 Commissioner Responsibilities as outlined including board appointment to corresponding responsibility. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**KAY JENSEN, REQUESTING PROPERTY TAX ABATEMENT FOR 2000 TAXES.**

Kay Jensen indicated he was not prepared at this time to make a tax abatement request and requested a continuance. Commissioner Randy Johnson made a motion to table this matter until a latter date. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF FOUR CORNERS MENTAL HEALTH  
AUDIT REPORT.**

Bob Greenburg, Executive Director of Four Corners Mental Health provided a brief report on the status of Four Corners Mental Health. Commission Chairman Ira Hatch asked for a report on the newly acquired Drug Court in Emery County. Mr. Greenburg reported that Emery County was the recipient of a grant, one of four in the state and the only one to serve both juvenile and adult. The funds will be used to purchase a urine testing machine with training for personnel. The Drug Court will provide an effective use of leverage in plea and abeyance to get offenders free of the life style that has supported them. The Drug Court is in the beginning stages and encourages cooperation between the judicial system, sheriff's department and attorneys. They are fully staffed with highly trained individuals to implement the program. He explained the goal of Four Corners Mental Health is to focus on accessibility of treatment and quality of service and to be sure that the customer service is cost effective. He provided the Board of Emery County Commissioners with a copy of their audit report, pointing out the fact that there was not a management letter. The auditors found that funding was adequate to do the job, giving them a whistle clean audit. As mandated by state law they must have the audit brought before the governing board of county for signature of approval. Commissioner Randy Johnson made a motion to approve and sign the audit review for Four Corners Mental Health as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)



**CITIZEN CONCERNS**

Tracy Jeffs, Chairman of Public Lands Council came before the Board of Commissioners to report they have three board member positions that expired December 31, 2000. He requested they begin the advertising process to replace, keep or add to the Public Lands Council board. The three board members whose terms have expired are: Wes Curtis, Eugene Johansen and Dennis Worwood. Commissioner Randy Johnson made a motion to begin the advertising process to replace the three board members discussed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Kay Jensen expressed concern for the stipend given to Special Service District #1 board members and suggested it should be brought in to line with other boards. Commission Chairman Ira Hatch suggested he should bring this concern up with the SSD#1 as they set their own stipend and the county can not (by law) dictate to them how much they pay their board members.

Rosann Fillmore, Economic Development Director requested signatures on a contract with Freight Services Inc. for a railroad feasibility study for Emery County. She explained that prior approval was given to go out to bid for railroad consultants to provide a feasibility study which will be followed up by an economic impact study. The feasibility study is funded by a grant from PacifiCorp which will be followed up with an economic impact study funded by Emery County. Attorney David Blackwell has looked the contract over and recommended inserting a signature line for Commission signature. Commissioner Drew Sitterud made a motion to approve and sign the contract with Freight Services Inc. to provide a railroad feasibility study. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF LOBBYIST FOR SEVERANCE TAX AMENDMENT PROJECT.**

Commissioner Randy Johnson explained that currently the state levies a severance tax on production of oil and gas which goes into state coffers. The eight counties involved in production have put together a meeting to see if they can get the producing counties to receive the revenue. It will require legislative action to get this through so they propose hiring a lobbyist to assist in this action. Emery County's portion to pay for the lobbyist is \$112.62, based on the production we have. Commissioner Randy Johnson made a motion to pay our portion for a severance tax lobbyist. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**APPOINTMENT TO THE EMERY COUNTY PLANNING COMMISSION.**

Bryant Anderson, Emery County Planning Commission informed the Board of Commissioners that two board members Doyle Jensen and Glenys Sitterud's terms expired on December 31, 2000. They have followed the advertising process for recruitment of new board members as per county policy. Doyle Jensen chose not to be considered for re-appointment, Glenys Sitterud would like to be re-appointed. The board suggested appointing Mike McCandless as he has been serving an internship on their sub-committee for the past year and re-appointing Glenys Sitterud for a four year term. Commissioner Randy Johnson made a motion to appoint Glenys Sitterud and Mike McCandless to four year terms on the Emery County Planning Commission Board. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)****APPOINTMENT TO CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Castle Valley Special Service District requested appointment of two board members. They have followed the required process for board member recruitment and did not receive any applications. CVSSD suggested re-appointing Eugene Johansen and Paul Crawford to their board. Commissioner Randy Johnson made a motion to re-appoint Eugene Johansen and Paul Crawford to the CVSSD board for four years. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)****RATIFY APPOINTMENTS TO EMERY COUNTY ECONOMIC DEVELOPMENT BOARD.**

Rosann Fillmore requested replacing John Healy with Kara Staab representing the Forest Service and adding Stan Colby, Gary Denhalter and Commissioner Drew Sitterud to the Economic Development board. Commissioner Drew Sitterud made a motion to ratify appointments and include the additional names to the Emery County Economic Development board. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(10)**

**CONSIDERATION AND APPROVAL OF FAIR DIRECTOR CONTRACT.**

Attorney David Blackwell has reviewed the contract with Kathy Justice as Fair Director and recommends signing the document. Commissioner Randy Johnson made a motion to approve the contract with Kathy Justice as Emery County Fair Director for 2001. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List dated December 30, 2000, #135934 through and including #136081 for payment. Commissioner Randy Johnson made a motion to approve the Warrant Check Edit list dated December 30, 2000 for payment. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Mr. Funk presented for consideration and approval the Warrant Check Edit List dated January 4, 2001, #136026 through and including #136038 for payment. Commissioner Randy Johnson made a motion to approve the Warrant Check Edit list dated January 4, 2001 for payment. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Mr. Funk presented requisition #1-01 from Data Processing for 10 (ten) computers at an estimated cost of \$12,931.00 to be paid from Capital Replacement. Jeff Guymon, Network Specialist recommended purchasing the computers from Dell Computers to take advantage of their warranty and better quality computers.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List #136039 through and including #136081 for payment and requisition #1-01 as recommended by Jeff Guymon. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(12)****PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

COMMISSION MEETING MINUTES  
JANUARY 9, 2001

Pat Snowball, Personnel Director requested the following personnel action:

Road Department

Due to illness of her husband, Carol Ware requested Family Medical Leave effective December 23, 2000. At this date it is undetermined when she will return to work. Commissioner Randy Johnson made a motion to approve Family Medical Leave for Carol Ware. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Treasurer

The Treasurer's office has conducted interviews for Deputy Treasurer. JoAnn Behling, Treasurer requested extra time to make her decision. Her decision will be made before the next meeting and so therefore she requested permission to offer the position to the individual of choice and pending authorization from Commissioner Johnson put the individual to work and have the decision ratified in the next Commission meeting. The Board of Commissioners agreed with her request.

Commission Chairman Ira Hatch assigned Pat Snowball to put together a proposal for Commission consideration regarding personal property lost on the job.

**(13)**

**CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated December 19, 2000 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(14)**

**COMMISSION REPORTS.**

*Commissioner Hatch*

Commissioner Hatch reported on the Severance Tax meeting he attended. He also informed the Board that he has been appointed to the Joint Highway Committee for Utah Association Of Counties.

*Commissioner Johnson*

COMMISSION MEETING MINUTES  
JANUARY 9, 2001

Commissioner Johnson expressed welcome to Drew Sitterud as new Commissioner. He stated that he will be very busy on the Utah Association of Counties Executive Board, National Association of Counties and many other boards he is appointed to and expressed his thanks to Commissioner Hatch for taking the helm as Commission Chairman this year.

**(15)**

**OTHER BUSINESS**

Sheriff LaMar Guymon requested approval for a grant application for Emergency Medical Systems. The grant is a fifty/fifty grant provided for upkeep of ambulances, update defibrillators and possible training for Sheriff's Posse members. Commissioner Randy Johnson made a motion to grant permission to sign the grant application. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Last year the Board of Commissioners discussed the possibility of conducting an economic feasibility study for tax adjustments to relieve personal property tax of intangibles. Assessor, Jim Fauver suggested they do this before Board of Equalization. Commissioner Randy Johnson made a motion to proceed with seeking request for proposals to provide a feasibility study pending notification from Jim Fauver of the proper time-frame. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

David Blackwell provided a report on the status of the Green River Annexation appeal. The final judgement was heard on January 3, 2001. Emery County now has thirty days to appeal to the Supreme Court. We did win the election but it was ruled as unconstitutional. Emery County is optimistic we will prevail.

Commissioner Randy Johnson made a motion the amend the notice of intention to establish North Emery Water Users Special Service District to change the time and location to Canyon View Jr. High, Huntington Canyon Road, Huntington, Utah at 6:30 p.m. on February 8, 2001. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL**

8  
COMMISSION MEETING MINUTES  
JANUARY 9, 2001

**ITEMS.**

Commissioner Drew Sitterud made a motion to move into executive session. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Present at executive session was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Personnel Director Pat Snowball, Clerk/Auditor Bruce Funk, Senior Deputy Clerk/Auditor Brenda Dugmore and Deputy Clerk/Auditor Carol Cox.

Upon return to regular meeting Commissioner Drew Sitterud made a motion to deny Douglas Taylor's request and to send his ambulance bill to collections. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(17)  
**ADJOURNMENT**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

January 23, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Hatch welcomed Maureen Casper, Grant Liaison from Senator Bob Bennett's office.

(1)

**CONSIDERATION AND ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,000,000 OF GENERAL OBLIGATION PUBLIC SERVICE BONDS, SERIES 2001-A, OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Darrell Leamaster, Castle Valley Special Service District and Kent Michie, Financial Advisor, Zions Bank, reviewed Resolution 1-23-01 authorizing the issuance of \$1,000,000.00 of General Obligation Public Service Bonds. This is part of the ten million dollar voter authorized bond granted to Emery County for Castle Valley Special Service District community projects. They will pay the 2.5 % interest for the first two years and then principle payments will begin. The tax rate will remain at current level. CVSSD does not have the authority to issue bonds, therefore this must be done by the County Commission. Commissioner Randy Johnson made a motion to adopt Resolution 1-23-01 authorizing the issuance of \$1,000,000.00 of General Obligation Public Service Bonds, Series 2001-A, of the Castle Valley Special Service District.

(2)

**REQUEST FROM GREEN RIVER CLOSE-UP PARTICIPANTS FOR DONATION.**

Commissioner Johnson explained that the Close-Up Program is an enhancement program designed to send senior high school participants to Washington, D.C. to meet with key politicians.

It is a good educational opportunity. The Board of Commissioners discussed the fact that Green River High School has approximately fifteen to twenty seniors so contributing to this program would enhance the community. Commissioner Drew Sitterud made a motion to contribute \$200.00 to the Green River Close-Up Program. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(3)****APPOINTMENT OF EMERY COUNTY TRAVEL COUNCIL BOARDMEMBERS.**

The Board of Commissioners received a letter from the Emery County Travel Council informing them of four board members expired terms. Those board members whose terms expired December 31, 2000 are: Blaine Luke, Green River, Valerie Newland, Green River, Rue Ware, Orangeville, and LaMar Guymon, Huntington. The EC Travel Council has advertised to solicit new board members and recommended the following: Catherine Gardner, Green River, Sheri Vetere, Green River, Susan Sitterud, Orangeville and LaMar Guymon, Huntington. Commissioner Ira Hatch informed the Board of Commissioners that JoAnn Ekker has resigned as Travel Council Director. Commissioner Randy Johnson made a motion to appoint Catherine Gardner, Sheri Vetere, Susan Sitterud and LaMar Guymon the Emery County Travel Council. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(4)****CITIZEN CONCERNS**

County Attorney David Blackwell reviewed and recommended signing a rental agreement between the Emery County School District and Emery County for lease of the building located at 883 North Center Street, Castle Dale, Utah at a yearly rental of one dollar for use by the Historical Preservation Committee. Commissioner Randy Johnson made a motion to sign the contract between Emery County School District and Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

The Board of Commissioners and Clerk/Auditor's office met with a group, JCI Billing Services, Tropic, Utah. JCI Billing Services handles ambulance billings and is familiar with medicare, medicaid standards, insurance companies and reporting procedures. The fee for this service is \$15.00 per billing. The Clerk/Auditor's office is currently handling ambulance billings which are overwhelming and difficult to keep up with, especially the constant medicare changes. JCI Billing Services would be responsible for collection of all ambulance billings. Commissioner Johnson emphasized the fact that Emery County would in no way give up their ability to consider any account for humanitarian reasons. The fees charged for ambulance service have been revisited and need to be adjusted to meet with ambulance charges throughout the state. Charges for ambulance service were proposed as follows:

Basic Life Support- \$252.77

Advanced Life Support- Intermediate-\$300.17 per call

Advanced Life Support - Paramedic Ambulance Transfer Service inter-facility transports, and ambulance transports that provide basic life support- \$379.17

Advanced Life Support - Paramedic ambulance transports that, under physician medical direction, provide basic or intermediate ambulance transports that have



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JANUARY 23, 2001

paramedics on board to continue advanced life support initiated by a paramedic rescue service- Basic ambulance service \$455.00 per transport, Intermediate ambulance service- \$502.40 per transport. Any ambulance service that interfaces with a paramedic rescue service must have an interlocal or equivalent agreement in place, dealing with reimbursing the paramedic agency for services provided up to the maximum of \$157.99 dealing with reimbursing the paramedic agency for services provided up the maximum of \$157.99

Mileage Rate - \$11.07 per mile or fraction thereof. In all cases mileage shall be computed

from the point of pickup to the point of delivery.

Surcharges -

Emergency - A surcharge of \$25.08 per call may be assessed for emergency responses.

Night - A surcharge of \$25.08 per call may be assessed for ambulance service between the hours of 8:00 p.m. and 8:00 a.m.

Off-Road - Where the ambulance is required to travel for ten miles or more on unpaved roads, a surcharge of \$20.89 may be assessed.

Special Provisions -

Waiting Time - An ambulance shall provide 15 minutes of time at no charge at both point of pickup and point of delivery, and may charge \$13.93 per quarter hour or fraction thereof thereafter.

Non-transport rate - Where an ambulance is summoned to a medical emergency by a dispatch agency, but does not transport, a charge of \$209.01 may be

assessed.

Commissioner Drew Sitterud made a motion to accept JCI Billing Services proposal for providing ambulance billing service for Emery County Ambulance and to approve the updated ambulance charges. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Senior Deputy Clerk/Auditor Brenda Dugmore requested approval for new pay procedures for EMT payroll as follows:

- \* Intermediate EMT's will be paid \$12.12/hr for all ambulance run hours.
- \* Basic EMT's will be paid \$9.75/hr for all ambulance runs.
- \* \$0.50 on call time will be paid each hour an EMT is on call including time while on actual ambulance run.
- \* Run hours will be rounded off to the next 1/4 hour.
- \* EMT's on ambulance runs lasting less than one hour will be compensated for one hour pay.

COMMISSION MEETING MINUTES  
JANUARY 23, 2001

Commissioner Randy Johnson made a motion to approve the new EMT pay procedures as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Hatch rendered an official thank you to Brenda and Bruce for getting the procedures cleared up.

(5)

**CONSIDERATION AND APPROVAL OF SAFE COMMUNITIES GRANT.**

The Safe Communities Grant is a \$12,000.00 that Emery County matches with Martin Wilson's salary and time. This is a budgeted item. Commissioner Randy Johnson made a motion to support the Safe Communities Grant as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF BOE ADJUSTMENT FOR 1999.**

Assessor Jim Fauver discussed adjustments on Roger and Susan Jensen's property. The Jensen's came to Board of Equalization on November 30, 1999 for re-evaluation of their property. At that time they were granted an adjustment but apparently Commission approval was missed. Commissioner Randy Johnson made a motion to accept the adjustment of \$117.79 plus penalty and interest proposed for Roger and Susan Jensen's property. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**RATIFY ACTION TAKEN IN JANUARY 9, 2001 MEETING REGARDING EMS GRANT APPLICATION, FREIGHT SERVICES INC. CONTRACT FOR RAILROAD FEASIBILITY STUDY, AND REQUEST FOR PROPOSALS FOR ECONOMIC FEASIBILITY STUDY.**

Commissioner Randy Johnson made a motion to ratify the signing of the EMS Grant application, the contract with Freight Services Inc, and request for proposals for Economic Feasibility Study. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented for consideration and approval the Warrant Check Edit List #136263 through and including #136415 for payment.

The Board of Commissioners had a question about the check to Rod Diamond, so they requested that it be held for payment until they could receive more information.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
02-01	(3) Blood Pressure/ Oxygen Monitors/EMS Grant	\$7,650.00	Approved
03-01	(4) Ambulance Cots/EMS Grant	\$11,940.00	Approved

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List for payment and requisitions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(9)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director requested the following personnel action:

Treasurer

Treasurer, JoAnn Behling requested to have ratified the action taken to hire the successful applicant as Deputy Treasurer. Mistie Christiansen was hired as Deputy Treasurer effective January 16, 2001. Mistie worked as assistant librarian at the Emery Library and had achieved a wage level of 4B \$8.22/hr. JoAnn requested approval to hire at her current wage. Commissioner Randy Johnson made a motion to approve hiring Mistie Christiansen as Deputy Treasurer at her current wage of \$8.22/hr. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Sheriff

Sheriff Guymon requested approval to promote Kyle Ekker from Administrative Sergeant 17N \$18.69/hr to Captain 20R \$22.73/hr, FSLA exempt, effective January 22, 2001. Commissioner

COMMISSION MEETING MINUTES  
JANUARY 23, 2001

Randy Johnson made a motion to approve promotion of Kyle Ekker to Captain 20R \$22.73/hr as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Recorder

Recorder, Dixie Swasey requested approval to rehire Pat McCourt for another ninety day temporary assignment to do microfilming. The project has not been completed as first thought because of problems with camera equipment. The wage would be \$7.00/hr. Commissioner Randy Johnson made a motion to approve rehiring Pat McCourt for another ninety day temporary assignment as presented effective January 8, 2001. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated January 9, 2001 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(11)**

**COMMISSION REPORTS.**

*Commissioner Johnson*

Commissioner Johnson along with Dixie Swasey and Jim Fauver attended UAC Legislative Committee where they received an up-date on what the legislature is doing and how it affects Emery County.

*Commissioner Sitterud*

Commissioner Sitterud attended Association of Governments meeting recently. He reminded the Board of Commissioners that the \$24,000.00 from the Forest Service for Timber Sales must be earmarked for school and roads or the funds will be depleted.

*Commissioner Hatch*

COMMISSION MEETING MINUTES  
JANUARY 23, 2001

Commissioner Hatch met with Council of Governments regarding the revised PCIF proposals list. Darrell Leamaster reviewed the schedule to be turned in to PCIF. They elected Mayor Johnson of Green River as Chairman for 2001.

Commissioner Hatch is continuing with the defensive driving course. The last session picked up sheriff posse, EMT's and ambulance drivers. He has set up a session in Green River next.

Commissioner Hatch reminded everyone of the series of planning meetings for the reconstruction of U-10. There are several meetings throughout the county in the next two months. He encouraged everyone to attend.

The Public Lands Planning Commission met with Senator Dmitrich relative to water replacement rules. DOGM will hold hearings to accept or open up another time frame to hear comments.

(12)

**OTHER BUSINESS**

Senior Deputy Clerk/Auditor, Brenda Dugmore requested approval for the final line item budget adjustments. Commissioner Randy Johnson made a motion to approve the final line item adjustments for the 2000 budget as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Commissioner Randy Johnson made a motion to adjourn to executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Present at executive session was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Senior Deputy Clerk/Auditor Brenda Dugmore, Clerk/Auditor Bruce Funk and Deputy Clerk/Auditor Carol Cox.

(14)

**ADJOURNMENT**

8

COMMISSION MEETING MINUTES  
JANUARY 23, 2001

Upon return to regular meeting Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

February 6, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DICK MANUS, BLM, QUARTERLY UPDATE.**

Tom Rasmussen, BLM provided the following update:

\*Lila Canyon right-of-way is currently under appeal with a request for a stay from SUWA through the interior board of land appeals. The attorneys for Utah American Energy and BLM are currently working on a response to the statement of reasons. They expect to hear something on that at a future date.

\*Gold Terra is a mine proposing to extract gold from the Mancos shale in the area near Lila Canyon Mine. They are working with the Division of Oil, Gas and Mining to work out details on reclamation methods.

\*Coal Bed Methane production is rapidly growing in this area. This year they anticipate processing about one hundred and twenty applications for permit to drill (APD) in Carbon and Emery County for both Coal Bed Methane and conventional gas wells. Most of the conventional gas wells are concentrated south of Nine Mile Canyon. Texaco, one of the five major players, will be concentrating most of their work in Huntington Canyon on state and private land with about twelve federal wells in that area. Anadarko, which is mainly operating north of Price and by Hiawatha has about twenty or thirty APDs. Phillips, the old River Gas, operates mostly in Carbon County. Shenandoah, a newer, reorganized company is still in the process of reorganizing and they have not seen any APD from them as of yet. FL Energy, was bought by Marathon.

\*Williams Pipeline EIS, a pipeline from New Mexico to Payson, Utah has three players, Williams, Questar and Kern River. The Williams part of the pipeline will run product, jet fuel diesel fuel and automobile fuel from the Gulf Coast to Salt Lake City. However the EIS goes Questar will be riding on the shirt tail of appeals and those types of things. There is a lot of opposition to new product line being brought into SLC because of competition. The EIS has been placed on the fast track. The first draft EIS will be out in March with a forty-five day comment period. They anticipate signing the record of decision in July. All indications show it will be appealed.

\*They have received a proposal from Georgia Pacific to enlarge their gypsum mine south of I-70. With the cost of wall board these days more and more people will be looking at gypsum in this area. United States Gypsum had a proposal for a very large mine south of I-70 by South Wash in the Kimball Draw area and for various reasons that has been put on hold.

\*On the range, they are flying the wild horse /burro herds in the Muddy Creek, Sinbad and Robbers's Roost areas. The levels have gotten high. The BLM's problem is once you have determined the numbers to be high and you round them up, then you have to put them into an adoption process because of the Wild, Free Roaming Horse and Burro Act. The market is just not there for wild horses and as a result they are left to feed large numbers of animals for long periods of time.

\*OHV Travel Plan, they are shooting for May for a draft proposed action.

\*The Price Field Office is one of three offices in the state of Utah that will be undergoing massive planning effort. The Price River Resource Area in Carbon County is way out dated. The Price Field office will be operating under a new combined document. The wilderness inventories that were going on and the wilderness EIS will be rolled into that planning process. They are working on a plan to change the categories for leasing of oil and gas.

Craig Johansen, Johansen and Tuttle Engineering, discussed a Memorandum of Understanding between Bureau Land Management, Federal Highway Administration and Emery County in dealing with only the National Environmental Policy Act part of the right-of-way effort for the South Moore Cut-off Project in Emery County. We received \$250,000 last March to conduct a NEPA study and conform to those requirements. The MOU maps out where each of the organizations fall in the study parameters and who will take the lead. The BLM will take the lead as far as the NEPA requirements are concerned. Basically the agreement says that Emery County will pay for all the effort, however the Federal Highway Administration will give us the money to pay it with. Mr. Johansen recommended the Commission sign the agreement. Attorney David Blackwell reviewed the document and the questions he had. Commissioner Randy Johnson made a motion to sign the MOU for the preparation of an Environmental Assessment for the South Moore Cut-off Project in Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

## (2)

### **CROCKETT DUMAS, FOREST SERVICE, QUARTERLY UPDATE.**

John Healy, representing Forest Service provided the following update:

\*John introduced Matt Meccariello who is the new Range Management Specialist for the Ferron/Price District.

\*There are two roads analysis going on in this area. The national direction for the roads analysis is part of the national resource agenda is to evaluate and develop what our road system is going to be. That is aimed at level three, four and five roads. A level three road would be like Ferron Canyon Road. A level four road would be like North Skyline Road, a dirt, two lane road that a passenger car could travel on. A level five road would be a paved road of which we have very few of on the forest. They do not expect to get rid of any of the level three, four or five roads. They are looking at the south part of the Manti division for the whole travel system,



including motorized trail, non-motorized trails and all the little non-classified roads. This paralleling the other national direction. They have talked to some of the user groups in the area who are starting to look and develop what they would like to have up there. Crockett Dumas felt that they are in pretty good position to go into this as they have had tours up there to look at problems for specific areas for the past two summers. This will lead into where they are heading with the roads analysis.

\*They would like to look at drainage in Joe's Valley and Huntington. The Ferron drainage has had some scrutiny because of sediment work at Millsite. They haven't done much in the Muddy drainage. Crockett is proposing that they get with the citizens and mayor of Emery and go look at the drainage and identify the problems.

\*They are working on an EIS for sheep grazing on some thirty-one sheep allotments involving 33,000 head of sheep across the top of the plateau. This is meeting national direction from a 1995 act that requires them to evaluate all allotments in the next fifteen years.

\*The roadless initiative that President Clinton signed right before the end of his term is on hold until the Bush administration has a chance to review all the initiatives Clinton signed in his last six months.

\*He talked about the pipeline corridor and the proposed route for the Williams Pipeline.

**(3)**

**MILES MORETTI, DWR, QUARTERLY UPDATE.**

Kevin, Christopherson provided the following update:

\*They have a Big Horn Sheep transplant coming out of the San Rafael Swell. In an exchange with Colorado they will trade twenty to twenty-five Big Horn Sheep for Rocky Mountain Sheep.

\*They will have an Elk transplant mostly in Carbon County in the Range Creek Area. One hundred Elk will be trapped and taken to Kentucky. This will probably be a lengthy process.

\*Kim Olsen, Conservation Officer in Green River has resigned. Since DWR is in a hiring freeze due to a budget crunch they will probably not be replacing that position. They will redraw the boundaries. Either someone from East Carbon or Moab will be covering Green River so the response time for law enforcement for wildlife issues may take longer.

\*Even though they are in a crunch budget-wise and are not filling any positions they may make an exception and hire an Oil and Gas Biologist.

**(4)**

**SITLA REPRESENTATIVES, DISCUSSION OF PROPOSED SALE OF TRUST LAND IN EMERY COUNTY.**

State Institutional Trust Lands Administration representatives Kevin Carter and Jan Parmenter were present at the meeting to discuss proposed sale of trust land in Emery County. Mr. Carter explained the process used for determining the value of land they have available for trade. They are looking at working with the county to identify what pieces of property might be good ones to put on the market to establish what market value is for their scattered sections that are within the area that would become the National Conservation Area (NCA). He stated his purpose for being here today was to get suggestions for who in the county to work with to try to determine what lands would be best to put on the market and establish value for trade with the federal government. Commission Chairman Ira Hatch indicated that Val Payne, Director of Public Lands Council would be the person to work with in determining the parcels of land to use.

Mark H. Williams requested to have the public involved in the process when choosing land to trade with the federal government.

Commission Chairman Ira Hatch explained that there is a public process that is used before making any decisions.

Mr. Carter explained that the public process would best be served through the local public process.

Val Payne suggested having an article in the local newspaper explaining the process and purpose of the land trade.

(5)

**CONSIDERATION FOR ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF EMERY COUNTY, UTAH TAX AND REVENUE ANTICIPATION NOTES, SERIES 2001; AWARDING AND CONFIRMING SALE OF THE NOTES ENTERING INTO CERTAIN COVENANTS AND MAKING CERTAIN REPRESENTATIONS IN CONNECTION THEREWITH; APPROVING THE FORM OF THE NOTES; AND RELATED MATTERS.**

Clerk/Auditor Bruce Funk reviewed Resolution 2-06-01 a resolution authorizing the issuance and sale of Emery County, Utah Tax and Revenue Anticipation Notes, Series 2001; awarding and confirming the sale of the notes entering into certain covenants and making certain representations in connection therewith; approving the form of the notes; and related matters. This year Emery County qualifies for around \$900,000.00. The people preparing the note recommended that we go with \$900,000.00 at a 4.14% through Key Bank. There is issuance cost at \$3,028 which will be deducted from the total amount. Treasurer, JoAnn Behling will

reinvest the amount in our PTIF fund. This gives Emery County a buffer to cover the general fund until the taxes come in.

Commissioner Drew Sitterud made a motion to accept Resolution 2-6-01 authorizing the issuance and sale of Emery County, Utah Tax and Revenue Anticipation Notes, Series 2001. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(6)**

**CITIZEN CONCERNS.**

Sheriff LaMar Guymon discussed a federal program available to Emery County to aid in purchasing bullet proof vest for the Sheriff's Department. The program will pay fifty percent of the cost. Sheriff Guymon proposed having the county pay the \$20,790.00 up front for the vests and the federal government will reimburse \$10,392.00 and \$10,395.00 would be reimbursed by the deputies through a monthly deduction from their uniform allowance. Commissioner Randy Johnson made a motion to accept the proposal from Sheriff Guymon and allow the up front purchase of the bullet proof vest to be reimbursed by the federal government and the deputies through a monthly deduction. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Richard Snowball provided a progress report on the Huntington-Cleveland Irrigation and Salinity Project. He thanked the Commission for the county's support through funds that help fund Bret Behling's position as project co-ordinator. Commission Chairman Ira Hatch commented on the good job Bret is doing and the benefit these types of projects are to the county.

**(7)**

**CONSIDERATION AND APPROVAL OF RESOLUTION OF NOTICE OF INTENTION TO CREATE NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT, SETTING OF PUBLIC HEARING AND PROVIDING NOTICE THEREOF.**

Problems with the notice of intention to create have caused the notice to be pulled from publication. At this time the Board of Commissioners need to set another public hearing with a new date, time and location and re-notice in the newspaper. Commissioner Randy Johnson made a motion to set a public hearing to hear comment on consideration of a Resolution of Notice of Intention to Create North Emery Water Users Special Service District for Thursday, March 8, 2001 at 8:00 p.m. at the Museum of the San Rafael in Castle Dale, Ut. Pending notification by water users attendance conflicts. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)****CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK.**

Commission Chairman Ira Hatch explained that this is a co-operative agreement between Emery County and Utah State University to provide Extension services for Emery County. The federal government pays the salary for the extension agent and the county supplies the office space, office staff and some expenses. Attorney David Blackwell has reviewed the agreement and recommends signing. Commissioner Randy Johnson made a motion to approve and sign the co-operative agreement with Utah State University for extension services. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)****NOTIFICATION OF VACANCY ON EMERY WATER CONSERVANCY DISTRICT. APPOINTMENT OF BOARD MEMBERS.**

The Board of Commissioners received a letter from Emery Water Conservancy District relative the term expiration of board member Wayne Staley, Emery in April 2001. When the board was set up under state court jurisdiction it was indicated that the board would consist of up to eleven members representative of the entire area under its jurisdiction. The advertising process needs to begin to fill the position. Commissioner Randy Johnson made a motion to begin the advertising process to fill the board member position. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

In the year 2000 advertising was done for filling three April 2000 term expirations. Terms expired for Tracy Behling, Hal Guymon and Jack Curtis who have been filling in as board members until new appointments were made. Emery Water Conservancy District recommended re-appointing the incumbents to the board. It was the desire of the Board of Commissioners to see new people be appointed to the various boards throughout the county thus the reason for advertising for individuals interested in serving on boards. After much discussion and thought Commissioner Drew Sitterud made a motion to re-appoint Tracy Behling and Jack Curtis and appoint Lee McElprang to the Emery Water Conservancy District for the balance of the terms and to send a letter to Hal Guymon thanking him for his years of dedicated service. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(10)**

**CONSIDERATION AND APPROVAL OF WILDLAND FIRE BUDGET.**

Commissioner Randy Johnson made a motion to approve the 2001 Wildland Fire budget at \$11,345.00. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS.**

As part of Emery County Zoning Ordinance 11-21-00 allowing logging operations as a conditional permitted use and establishing guidelines an agreement between Emery County and Utah Division of Forestry, Fire and State Lands needed to be put into place. This will make the state the go between for the enforcing of forest practices. Commissioner Drew Sitterud made a motion to approve a cooperative agreement between Emery County and Utah Division of Forestry, Fire and State Lands. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE HISTORY FOR HISTORICAL DOCUMENTS REPOSITORY START-UP GRANT AND EMPLOYMENT CONTRACT FOR STAFF.**

Commissioner Drew Sitterud made a motion to approve the contract with State History for Historical Document Repository State-up Grant and the employment contract for Shirley Spears as Emery County Archives specialist. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

**RATIFY ACTION TAKEN IN JANUARY 23, 2001 MEETING REGARDING RENTAL AGREEMENT FOR ARCHIVE BUILDING, CONTRACT WITH JCI FOR AMBULANCE BILLING, PROPOSED EMT PAY SCHEDULE, AND FINAL ADJUSTMENT TO 2000 BUDGET.**

Commissioner Randy Johnson made a motion to ratify previous action regarding rental agreement for archive building, contract with JCI for ambulance billing, proposed EMT pay schedule and final adjustment to 2000 budget. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(14)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 136719 through and including #136856 for payment.

One requisition was presented from Data Processing for a 18.4 Gb 15K Cheetah 68 pin Hard Drive for the Courthouse at a cost of \$411.00.

Three dispositions were presented as follows:

Clerk/Auditor, #1424389/Sanyo Calculator, to be sent to auction.  
Commission, #1116318/Laptop Computer, sent to data processing for parts.  
Commission, #1116319/Laptop Computer, sent to data processing for parts.  
Data Processing, #1366003/540 mg hd Computer, used for parts.

Commissioner Drew Sitterud made a motion to approve the warrant check edit list and additional claims for payment and the requisition/dispositions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(15)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following for personnel action:

Amendment to Personnel Policy

A resolution to amend the personnel policy with regard to not replacing personal nonessential items damaged in the work area was presented for consideration. The proposed amendment would add to Ordinance #12-16-82D Paragraph 8.12 of Section 8 as follows:

*Emery County is not responsible for the loss of or damage to employees' personal properties brought into the work place or onto its premises unless said personal properties are considered essential to the performance of an employee's job functions and approval is given by the department head to do so.*

*At the time the department head approves an employee's use of personal property, a description and an estimate replacement cost of the property shall be documented to be used in the event loss occurs. Upgrades and/or enhancement*

*costs will be borne by the employee.*  
(As corrected)

Commissioner Randy Johnson made a motion to approve Resolution 2-6-01B amending the personnel policy with regard to not replacing personal nonessential property damaged in the work place as corrected and upon final approval of Commission Chairman Ira Hatch. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

### Library

The Green River Library janitor has submitted her resignation. Request was made to recruit for a replacement at %5.15/hr part time, 10 hrs per week. Commissioner Randy Johnson made a motion to begin the recruitment process as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

### Sheriff's Office

Sheriff LaMar Guymon requested approval to promote Bill Downard from Detective Sergeant, Grade 17 step M \$18.36/hr to Administrative Sergeant Grade 17 Step O \$18.99/hr plus \$50.00/week on call, effective beginning the first of the next pay period. Commissioner Randy Johnson made a motion the approve the promotion for Bill Downard as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

### **(16)**

#### **CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated January 23, 2001 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

### **(17)**

#### **COMMISSIONER REPORTS**

##### *Commissioner Sitterud*

Commissioner Sitterud reported on his attendance at the recent Utah Department of Transportation public open house. Citizens were given an opportunity to voice their concerns over State Route 10. They have had well attended meetings in Ferron, Emery and Castle Dale with meetings still be held in Huntington on the 12<sup>th</sup> of February and Price on the 22<sup>nd</sup> of February. UDOT received some suggestions they hadn't thought of. These open town meetings are the beginning of a process called STIP, State Transportation Improvement Program which is

a five year program of highway and transit projects for the whole state. Finding money to fund the project is now in the hands of the legislature.

*Commissioner Johnson*

Commissioner Johnson reported on his trip to Washington D.C. where he and Val Payne spent time getting the Heritage legislation off and running again. It seems to be well received. We still have the same basic condition in Congress that we have to face. There is a fifty-fifty Senate and still that part of Congress that leans towards environmental community. So we still have to build coalitions to get it through Congress. There is a much friendlier atmosphere for the legislation and process to get it passed with the new administration. He felt like they had a positive trip and accomplished some things. They had one representative who voted against the bill last year that was willing to be a co-sponsor this year. Our delegation members are very geared up. Pass or fail this will be our window of opportunity.

**(18)**

**OTHER BUSINESS**

Commissioner Johnson requested changing the regularly scheduled Commission Meeting on March 6, 2001 to another date as he will not be back from National Association of County Officials meetings (NACO). They decided that Thursday the 8<sup>th</sup> of March at 4PM would be the best time. Commissioner Randy Johnson made a motion to re-schedule the regular Commission Meeting to March 8, 2001 at 4:00p.m. and to have the Clerk/Auditors office notice the change in the Emery County Progress. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(19)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Commissioner Randy Johnson made motion to adjourn to executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Present at Executive Session was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Clerk/Auditor Bruce Funk, Senior Deputy Clerk/Auditor Brenda Dugmore, Deputy Clerk/Auditor Carol Cox.



11  
Commission Meeting Minutes  
February 6, 2001

**(20)**  
**ADJOURNMENT**

Upon return to regular meeting Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**February 20, 2001**

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**

**LEE BRENNAN, STATE TAX COMMISSION, PROPERTY TAX REVIEW PROGRAM OVERVIEW.**

Lee Brennan, State Tax Commission reviewed the Property Tax Review Program. She explained that about a year and a half ago the State Tax Commission put together a county review program. The purpose of the program is to look at the Auditor, Assessor, Treasurer and Recorder in each county specifically looking at what works well and what needs improvement. They look at what ideas they can take from one county that could be incorporated into another county. They have been to twenty-four counties and have found some interesting procedures. Ms. Brennan will be in the county for about three days reviewing each of the four offices looking at documents and the various processes used from the building permit to the actual tax notice. After the review is over a hard copy of the review will be provided and a meeting will be scheduled to meet with the Board of Commissioners for an overview.

**(2)**

**CONSIDER REQUEST FROM EMERY HIGH RODEO TEAM FOR SPONSORSHIP.**

Will Payne, Emery High Rodeo Team came before the Board of Commissioners to request sponsorship for rodeo events at the high school. Commissioner Randy Johnson made a motion to contribute \$250.00 to the Emery High Rodeo Team. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(3)**

**CITIZEN CONCERNS**

Assessor, Jim Fauver discussed a problem he has encountered with software used for assessments. Johnny Bloomer's old home in Ferron was removed in the system after the 1999 Board of Equalization. In 2000 for some reason it returned to the system. It has no economic value. Mr. Fauver requested a property tax adjustment for 2000. Commissioner Drew Sitterud made a motion to approve the property tax adjustment for Johnny Bloomer. The motion was seconded

by Commissioner Randy Johnson and approved by all members present.

(4)

**APPOINTMENT OF BOARD MEMBERS TO THE EMERY COUNTY SPECIAL SERVICE DISTRICT #1 AND EMERY COUNTY PUBLIC LANDS COUNCIL TO FILL CURRENT EXPIRED TERMS AND/OR VACANCIES.**

The Board of Commissioners solicited for applications to fill expired terms of Merrill Swasey and Sherrel Ward on the Emery County Special Service District #1. They received several applications. The Board of Commissioners forwarded the applications to the SSD#1 with a suggestion to look at making changes occasionally to give others an opportunity to serve. The SSD#1 recommended re-appointing Merrill Swasey and Sherrel Ward. Commissioner Randy Johnson made a motion to re-appoint Merrill Swasey and appoint Richard Jensen to the Emery County Special Service District #1. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Commission Chairman Ira Hatch requested a letter be sent to Sherrel Ward thanking him for his years of service.

Three board members terms have expired on the Public Lands Council. Terms have expired for Wes Curtis, Eugene Johansen and Dennis Worwood. The Board of Commissioners solicited for applicants interested in serving on this board. Tracy Jeffs, Public Lands Council Chairman informed the Board of Commissioners that the board voted by secret ballot for the individuals who applied. The results were tallied and the board recommended Dennis Worwood, Wes Curtis and Dixon Huntington. Commissioner Randy Johnson made a motion to re-appoint Dennis Worwood and Wes Curtis and appoint Dixon Huntington to the Public Lands Council. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Commission Chairman Ira Hatch requested a letter be sent to Eugene Johansen thanking him for his years of service.

(5)

**CONSIDERATION AND APPROVAL OF AMENDING RESOLUTION OF NOTICE OF INTENTION TO CREATE NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT, SETTING OF PUBLIC HEARING AND PROVIDING NOTICE THEREOF.**

Commissioner Randy Johnson made a motion to approve amending Resolution of Notice of Intention to Create North Emery Water Users Special Service District and set a public hearing for March 29, 2001 at 6:00PM at Huntington Elementary and provide notice thereof. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

Deputy Clerk/Auditor Carol Cox presented a business license application from Michael Baker DBA: Siwach Trading. Mr. Baker will be selling craft work at mountain man rendezvous. Commissioner Randy Johnson made motion to approve the business license for Michael Baker DBA: Siwach Trading. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented for consideration and approval the Warrant Check Edit List dated February 20, 2001 # 137002 through and including #137169 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
5-01	Computer/Historic Preservation	1705.00	Approved
6-01	Software "Adobe"/Hist. Preser.	483.00	Approved
7-01	(3) Palm Organizers/C/A,Tre,Comm	990.00	Approved
8-01	Digital Camcorder/Drug Task Fc.	1511.99	Approved
9-01	(6) Vehicles for Sheriff Dept.	176,000.00	Approved
	Capital Replacement		ved

One disposition was presented for a Canon B640 Fax Machine from the Highway Dept. to be junked.

Cell phone/pager reimbursement authorizations were presented for the following:

Sheriff Guymon—\$120.00/month (trial)

Robert Blackburn, Bill Downard, Bret Mills, Kyle Ekker, and Mitch Vetere----\$50.00/month

Gayle Jensen, Martin Wilson, Tom Harrison, Ted Thomas and Les Wilberg----\$25.00/month

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List and additional claims for payment, also the requisitions, dispositions and cell phone/pager reimbursements as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(8)****PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director requested the following personnel action:

**Road Department**

J.D. Seely has successfully completed his six-month orientation period as per policy. It is recommended that he progress from \$15.13/hr to 15L \$15.86/hr, effective February 21, 2001. Commissioner Randy Johnson made a motion to approve the six-month progression for J.D. Seely as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**RSVP**

Request was made to hire Ted Ann Funk for the position of RSVP Manager at Grade 4 Step A \$8.04/hr., effective February 20, 2001. Ted Ann will work 24 hours per week and is considered a regular part-time, 3/4 time so she is eligible for prorated benefits. Commissioner Drew Sitterud made a motion to approve hiring Ted Ann Funk for the position of RSVP Manager as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**Library**

Dorothy Taylor has requested to reduce her work hours and wage from 40/hrs/week to 24 hrs/week and from \$11.00/hr to \$8.50/hr. She will be considered regular part time, 3/4 time and is eligible for prorated benefits. This would be effective February 5, 2001 so that she can comply with Social Security time requirements. Commissioner Randy Johnson made a motion to approve the reduction in hours and wage for Dorothy Taylor as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

In accommodating Dorothy Taylor's request for a part-time status, the library has found it necessary to adjust schedules for other library employees. The Board of Commissioners will meet with Head Librarian, Jerilyn Mathis to discuss the adjustments before any action is made.

**(9)****APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Randy Johnson made a motion to table the minutes dated February 6, 2001. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported on the public hearing for Texaco in Huntington Canyon. Texaco has approval for ninety wells however they will probably end up with about sixty wells. Of all the wells in Huntington Canyon only two will be able to be seen from the Scenic Byway. He also reported on the tour provided by Steve Prince of the gas wells in our area. Commissioner Hatch, Emery County Progress Publisher Kevin Ashby and Editor James Davis also attended the tour.

(11)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An Executive Session was not necessary.

(12)

**ADJOURNMENT**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

March 8, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DELENA FISH, WORK FORCE SERVICES QUARTERLY UPDATE.**

Delena Fish, Work Force Services provided the following update:

- \*She provided the Board of Commissioners with a copy of their Key Business Process Measures for Operational Performance. The Castle Dale office has higher performance than any other office in this region.
- \*They are currently working with miners laid-off from Willow Creek and Trail Mountain. They have funds designated for job training.
- \*They are looking for an individual to coordinate their summer youth work program.
- \*Because of the recent lay-offs at Trail Mountain and Western Coal they will be holding an unemployment workshop throughout Tuesday, March 13, 2001 at the courthouse.

(2)

**SHANNON HIATT, EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT REQUEST FOR SHARING OF REVENUES WITH EMERY COUNTY FOR BUILDING. CONSIDERATION AND APPROVAL OF RESOLUTION AND INTERLOCAL AGREEMENT.**

The Emery County Recreation Special Service District has been awarded a loan in excess of \$60,000.00 from the Permanent Community Impact Fund to assist in a building project. The District is in need of \$60,000.00 to purchase a metal building before the PCIF monies are received. The District requested funds from the County in the amount owing for the metal building until such time as they receive the funds from PCIF at which time they will transfer the funds back to the County. Resolution 3-08-01 authorizing Emery County to share revenues with the Recreation Special Service District by Interlocal Agreement was presented for approval. Attorney David Blackwell reviewed the documents and recommended signing the documents. Commissioner Drew Sitterud made a motion to approve Resolution 3-08-01 authorizing Emery County to share revenues with the Recreation Special Service District by Interlocal Agreement. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(3)**

**MIKE MCCANDLES, EMERY TELCOM, QUARTERLY UPDATE**

Mike McCandles, Emery TelCom provided the following update:

- \*Regarding the Carbon County and Hanksville acquisition, they are reaching for April 6, 2001 as completion date. They will then be providing service for approximately 12,400 access lines. They will be stepping up employment to handle the new access lines.
- \*They are meeting with Qwest to make the transition as smooth as possible and meet any operational challenges. They intend to retain many experienced Qwest employees.
- \*They are gearing up to begin construction projects related to the new acquisition.
- \*They will retain the Emery TelCom name in Emery County. They will be Carbon-Emery TelCom in Carbon County and Hanksville TelCom in Hanksville.
- \*They are moving the call center to the old Emery Telephone office on Main Street in Orangeville to make room for the added billings department at the main office.
- \*Mike is working closely with Delynn Fielding and Rosann Fillmore on two grant proposal called Smart Sites, funneling dollars into rural Utah to build and educate people in high tech jobs. The first grant proposal will involve the new industrial incubator in Huntington.

**(4)**

**DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Deb Dull, Utah Power provided the following update:

- \*Their open learning center in Huntington is being used full time now.
- \*Trail Mountain will complete their lay-off as of today Thursday, March 8, 2001 after completion of afternoon shift.
- \*Energy West Mining will be contributing funds to the Emery County Sheriff for three speed monitors.
- \*She discussed Emery County's power line transfer to Texaco. Apparently this has not been completed and Emery County is still being charged for the pumping station. Deb will look into the matter.

**(5)**

**JOHN MCCURDY, S.D.A.R.C., DISCUSSION OF EMERGENCY OPERATIONS CENTER.**

Mr. McCurdy was not able to attend the meeting.



(6)  
**CHERYL PECK, REPORT ON PROJECT EMERY CLAUS 2000.**

Ms. Peck was not able to attend the meeting.

(7)  
**MECCA, DANNY DECKER, REQUEST COUNTY INSURANCE COVERAGE FOR BIKE FESTIVAL.**

Mostly Emery County Cycle Association representative Danny Decker came before the Board of Emery County Commissioners to request insurance coverage for their annual bike festival on May 18, 19 and 20<sup>th</sup> of 2001. The group has been promoting the San Rafael Swell Mountain Bike Festival for the last four years. Mr. Decker pointed out that the festival is held in Emery County and brings many people into the county to use motels, gas stations, restaurants, etc. Time is of importance because of BLM required permitting. Commission Chairman Ira Hatch discussed the requirements of Utah Association Counties for having an event fall under the umbrella of the County's insurance policy. In the past this event had been covered under the umbrella of the County's insurance policy through the Fair Activities Director Kathy Justice and or the Recreation District. Shannon Hiatt, Emery County Recreation District Director indicated that at one time he was preparing insurance certificates for recreational events sponsored by Emery County. Events covered were MECCA's San Rafael Swell Mountain Bike Festival, The Green River Trail Ride, the local OHV Club Trail Ride, the Sheriff Posse's Friendship Cruise and the Fair Rodeo. The Board of Commissioners looked into the legal requirements for bringing an event under the umbrella of the County's insurance. Commissioner Johnson pointed out this is not a support issue this is a legal issue that needs to be resolved. Mr. Decker pointed out that the County is sponsoring MECCA's Bike Festival as it has been advertised as such. MECCA needs to have insurance in place right away. The Board of Commissioners concluded to have Shannon Hiatt, Recreation District look into providing the insurance for this year. The Board of Commissioners proposed having in place for next year a process by which the various events must apply to the county for consideration of sponsorship and insurance coverage as part of the budget process.

(8)  
**DARYL WILCOX, MAYOR OF ELMO, REQUEST FOR PARTICIPATION IN ELMO SENIOR CITIZEN CENTER.**

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Daryl Wilcox, Mayor of Elmo explained that Elmo Town has received a grant from the Department of Community and Economic Development for construction of a composite building to provide for a city office, fire department and senior center. The problem is the city does not have the revenue to provide for the approximately \$1,800.00/month maintenance and operation of the building. Mayor Wilcox requested assistance from the County through the Association of Local Governments by way of added funds to the AOG for this purpose. The city is in the process of putting their plans together for the DCED and needs a commitment for the maintenance and operation of the building as part of the application. The Emery County Board of Commissioners agreed to meet with Maughn Guymon, AOG to review the request. This request will be placed on the March 20, 2001 Commission Meeting agenda.

(9)

**CITIZEN CONCERNS**

Mark H. Williams requested a report from Commissioner Johnson and Commissioner Sitterud on their trip to Washington D.C. on behalf of the county's Heritage Bill. Commissioner Johnson reported that they met with a Blue Dog Coalition of fairly conservative democrats. They received strong commitments from about eighty percent. Many are looking at Congressman Jim Matheson for support. They are not sure if Matheson will be a co-sponsor of the bill or will support it in some other way. Commissioner Sitterud reported that Southern Wilderness Alliance supporters were always one step ahead of them everywhere they went. They both felt things went well and it was a positive experience. Mayor Wilcox and Mike McCandles both suggested creating a web page to enlighten citizens on the Heritage Bill providing bullet points and recommendations for the bill.

(10)

**CONSIDER REQUEST FROM IDAHO STATE TAX COMMISSION TO PURCHASE RIGHT TO DISTRIBUTE EMERY COUNTY'S COGO PACKAGE.**

Lee Rasmussen, GIS Department explained that an employee from Idaho State Tax Commission has requested the rights to use Emery County's Coordinate Geometry Program (COGO). This employee used to work in Carbon County and has had an opportunity to view and work with the program. The Coordinate Geometry Program a program created by Emery County's GIS Department produces accurate maps of private parcels using section corners by attaching survey corners and coordinating with the legal descriptions. By agreement Emery County has shared this technology with over half the counties in Utah. Issues discussed included whether Emery County has ever received a patent right on the program, whether EC can share with another state, whether EC can charge for the program or receive other software in exchange for the program. The Board of Commissioners and the GIS Department have no problem sharing the program as long as the County and the Program itself is protected. Following discussion Commissioner

COMMISSION MEETING MINUTES  
MARCH 8, 2001

Randy Johnson made a motion to let the Idaho State Tax Commission use the program provided County Attorney David Blackwell is comfortable with the legality of the exchange. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF TAX ADJUSTMENT.**

JoAnn Behling, Treasurer requested approval to adjust the penalty and interest for Kanhai Sah, Budget Hotel in Green River. The post office box number was incorrect so he did not receive his tax notice. Mr. Sah has paid the taxes but requested to have the penalty and interest removed. Commissioner Drew Sitterud made a motion to allow the adjustment of penalty and interest for Kanhai Sah, Budget Hotel. Commission Chairman Ira Hatch stepped down to second the motion as Commissioner Johnson had stepped out of the room. The motion was approved by all members present.

(12)

**RATIFY ACTION TAKEN ON FEBRUARY 20, 2001 REGARDING TAX ADJUSTMENT.**

Commissioner Randy Johnson made a motion to ratify the decision made February 20, 2001 to adjust the taxes for Johnny Bloomer, Ferron. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**ROAD DEPARTMENT LANDFILL UPDATE AND DISCUSSION OF FOREST SERVICE REVISED SCHEDULE A.**

Road Department Supervisor, Rex Funk updated the Board of Commissioners on the changes at the Emery County Landfill. The landfill will now be closed on Sunday and Monday. The changes are based on the last two years usage. Mr. Funk requested approval to collect \$12.00 per ton for rubble from construction contractors at the landfill. Commissioner Drew Sitterud made a motion to set a \$12.00 per ton stipend for rubble from construction contractors at the landfill. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

He also presented the Forest Service Revised Schedule A for the Forest Road Agreement between the Manti-LaSal National Forest and Emery County. The agreement lists roads or road segments and who will be responsible for maintaining them. Commissioner Randy Johnson made a motion to approve the Forest Service Revised Schedule A. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(14)**  
**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List #137580 through and including #137718 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
10-01	22 Ton Hydraulic Air Jack/Road	\$1,141.00	Approved
11-01	Laptop Computer/Safe Comm.	2,702.00	Approved
12-01	Vehicle Topper/Safe Comm.	1,800.00	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
111-6483	Cell Phone/Commission	Junked	Approved
111-6480	Cell Phone/Commission	Junked	Approved
210-6968	Laptop Computer/Safe Comm.	Junked	Approved

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List and additional claims for payment, also the requisitions and dispositions as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following for personnel action:

Sheriff

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Casey Alton became a certified Corrections Officer effective February 16, 2001. The Sheriff's Department request approval to move Casey Alton from Dispatcher 10A \$10.77/hr. to Corrections Officer 12A \$11.72/hr. Effective February 16, 2001. Commissioner Randy Johnson made a motion to approve promotion of Casey Alton from Dispatcher to Corrections Officer as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

David Fillmore retired on March 31, 2001. Request was made to pay his wife's health insurance premium of \$346.88 per month until she is 65 which is December 1, 2001. Commissioner Randy Johnson made a motion to approve paying the health insurance premium for David Fillmore's wife until December 1, 2001. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Sheriff Guymon requested permission to clean the roster from which he hires and invite those who have applied to reapply so he can start with a new roster.

#### Library

The Library requested ratification of an earlier decision to hire Roy Sepulveda as Green River Library Janitor at \$5.15/hr effective March 5, 2001. Commissioner Randy Johnson made a motion to approve hiring Roy Sepulveda as Green River Library Janitor as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Request was made to increase Roxann Bohn from three quarter time to full time. She will be eligible for full benefits effective February 5, 2001 and will continue at her current rate of 11B \$11.00/hr. Commissioner Randy Johnson made a motion to approve the increase to full time for Roxann Bohn as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

#### Recorder

Pat McCourt has reached the end of her second up-to-90 day temporary assignment. The microfilming project she is working on is still not completed because of camera operation difficulties. It is proposed that she lay off for one week and then return to finish the microfilming project. She would return at \$7.00/hr on March 19, 2001 or when the camera is working again. Commissioner Drew Sitterud made a motion to approve laying off Pat McCourt for one week and hire her again for another up-to-90 day temporary assignment to finish the microfilming project as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

8  
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**(16)**  
**CONSIDERATION AND APPROVAL OF FEBRUARY 6, AND FEBRUARY 20, 2001**  
**COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated February 6 and February 20, 2001 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(17)**  
**COMMISSIONER REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported that he had a great learning experience in Washington D.C.

**(18)**  
**ADJOURNMENT**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_

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

**March 20, 2001**

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**

**DARYL WILCOX, MAYOR OF ELMO, FOLLOW-UP ON REQUEST FOR PARTICIPATION IN ELMO SENIOR CITIZEN CENTER.**

Mayor Daryl Wilcox previously approached the Board of Commissioners regarding participation in a building project for Elmo Town. Elmo Town wanted to incorporate a Senior Citizens into a building for a town hall, office and fire station. The town requested assistance with the portion of the building to be used as a Senior Citizen center by way of operation and maintenance funds from the Area Agency on Aging(Maughn Guymon, AOG). The Board of Commissioners discussed the issue of long term commitment. Maughn Guymon indicated the long term commitment could be as much as \$15,000.00 per year with increases each year. Commissioner Johnson wondered what kind of an impact this would have on the Huntington Senior Center. At the present time seniors from Cleveland and Elmo are transported to Huntington for various programs. After much discussion Commissioner Randy Johnson made a motion to not participate in the financial support for a Senior Citizen Center in Elmo. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(2)**

**MARK JUSTICE, REQUEST TO SUBMIT BID PROPOSAL FOR COUNTY PROPERTY, AUTO AND LIABILITY INSURANCE.**

Representatives from Carbon-Emery Insurance, Mark Justice, Kathy Justice and Chris Justice came before the Board of Emery County Commissioners to request to submit bid proposal for county property, auto and liability insurance. Chris Justice sited concern that since the county does not go out to bid for insurance that they might be paying more than they have to. The companies they contract with have an A+ rating. Pat Snowball, Personnel explained the insurance renewal process. Commissioner Johnson explained that back in 1991 Emery County was one of many smaller counties to join in creating the Utah Association Of Counties Insurance Mutual (UACIM) and just recently received back to the County final payment of funds contributed to its creation. JoAnn Behling, Treasurer explained it was created because the cost of liability insurance for small counties was getting out of hand. Mark Justice explained that they do not wish to bid against UACIM but would like the County to use this as an opportunity to find out where they are in coverage and cost compared to other companies. The bid package

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would be the same as what

Pat Snowball is already preparing at this time for renewal with UACIM. Commissioner Randy Johnson made a motion to open the bid process to solicit bids for county property, liability and auto insurance while proceeding with retention of UACIM coverage and retaining the County's right to consider the evaluation of the benefits and accept or reject any bid. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(3)**

**CITIZEN CONCERNS**

Darrell Leamaster, Castle Valley Special Service District presented the Board of Commissioners with the Local Capital Improvements Priority List to be submitted to Permanent Community Impact Fund Board. The list contained short term and medium term project requests for Emery County for 2001. Commissioner Drew Sitterud made a motion to accept the Local Capital Improvements Priority List for submission to PCIFB for 2001. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Kathleen Truman, State Historical Preservation Committee proposed submitting a grant application with Utah State Division of History for \$70,000.00 (which includes \$10,000.00 for the matching funds to complete the I-70 Interpretive signs). The funds will be used to provide informational and historical kiosks in the communities, provide for a folk art festival and continue the work on the Legacy District. The funds to meet the match are in place. Commissioner Randy Johnson made a motion to approve the grant application with the USDH for the purpose outlined. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(5)**

**SETTING OF DATE FOR 2001 MAY TAX SALE.**

Clerk/Auditor, Bruce Funk proposed the date of May 17, 2001 at 10:00 A.M. for the May Tax Sale. Commissioner Drew Sitterud made a motion to set the date for the May Tax Sale for May 17, 2001 at 10:00 A.M. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Mr. Funk informed the Board of Commissioners that title searches will be conducted by Emery Abstract this year as it was decided last year to rotate the service.

**(6)**



**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List #137725 through and including #137864 for payment.

No requisitions or dispositions were presented.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List and additional claims for payment. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

There were no Personnel matters for consideration at this time.

(8)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated March 8, 2001 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)

**COMMISSION REPORTS*****Commissioner Sitterud***

Commissioner Sitterud reported on a meeting with First Security Bank officials. They are very interested in obtaining Emery County's business.

***Commissioner Johnson***

Commissioner Johnson reported that ten to twelve members of Hansen's Democratic Committee have been invited to Emery County to visit the proposed Legacy District and National Conservation Area. Maughn Guymon suggested they use the county purchased Sr. Citizen van to transport the delegation from Salt Lake City to Emery County.

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Commissioner Johnson reminded everyone to come out to “Annie Get Your Gun”.

*Commissioner Hatch*

Commissioner Hatch discussed the upcoming Easter Weekend with Rex Funk, Road Supervisor. Mr. Funk indicated that road crews were gearing up to begin grading work on the roads and will have them in good shape in time for Easter Weekend.

(10)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Commissioner Randy Johnson made a motion to move into executive session to discuss a Personnel matter. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Those present at executive session were Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Personnel Director Pat Snowball, Maughn Guymon and Deputy Clerk/Auditor Carol Cox.

(11)

**ADJOURNMENT**

Upon return to regular meeting Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_

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

APRIL 3, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Sitterud was late to the meeting therefore Commission Chairman Ira Hatch would step down to execute the motions until Commissioner Sitterud arrived.

(1)

**CHERYL PECK, REPORT ON PROJECT EMERY CLAUS 2000.**

Cheryl Peck, Community Services Center provided the Board of Commissioners with an overview of the 2000 Project Emery Claus. The project provided Christmas for approximately eighty-eight (88) families in Emery County. She indicated the project ran smoothly with the time they had to get the project in force. They are looking forward to continuing the project in 2001. The Board of Commissioners wished them continued success in their efforts with the project.

(2)

**JOHN MCCURDY, S.D.A.R.C., DISCUSSION OF EMERGENCY OPERATIONS CENTER.**

John McCurdy, Sinbad District Amateur Radio Club came before the Board of Commissioners representing the approximately eighty members in Carbon and Emery County who wish to re-establish the emergency operations/civil defense center in Emery County. He outlined the abilities of the club and what they have to offer. They have several repeater stations throughout the region and are desirous to obtain a mobile radio unit. Sheriff Guymon indicated that his department has used the amateur radio club a number of times for various search and rescue efforts. Their request was to begin discussions with who ever is over the emergency preparedness program in the county. Commissioner Johnson explained that the Board of Commissioners is currently looking into reassigning the civil defense/emergency preparedness program for the county. The Board would need to get with the Sheriff and those who have been involved in this program in the past, to re-evaluate the needs for the program. Mr. McCurdy indicated that the club's desire is to open dialog with whoever is over the program and begin looking into the possibilities for state and federal assistance to manage the program.

(3)

**TAMI ALLRED, REQUEST FOR PROPERTY TAX DEFERRAL.**

JoAnn Behling, Treasurer made a request on behalf of Wayne and Tami Allred. Their property would be on the 2001 May Tax Sale but they have requested a deferral until November, 2001. Commissioner Randy Johnson made a motion to approve the request for deferral of property taxes until November, 2001 for Wayne and Tami Allred. The motion was seconded by Commissioner Ira Hatch and approved by all members present. Commissioner Johnson commended JoAnn Behling for her dedication and commitment to accommodating the tax payers of Emery County. Commissioner Hatch thanked her for her compassion and willingness to deal with extenuating circumstances of taxpayers in Emery County.

(4)

**CITIZEN CONCERNS**

Mark H. Williams wanted to know when the R.V. Dump would be open again. Rex Funk, Road Supervisor stated it would be open tomorrow. The dump had been closed due to vandalism and improper use.

(5)

**CONSIDERATION AND APPROVAL OF TAX ABATEMENT**

Senior Deputy Clerk/Auditor Brenda Dugmore explained that Charlene Ernie has made application for abatement of her mobile home property taxes which were due in January. Ms. Ernie is under age 65 so therefore falls under the indigent abatement and qualifies for up to fifty percent of the tax amount abated. Commissioner Drew Sitterud made a motion to grant the abatement for Charlene Ernie for fifty percent of her tax amount. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

**RATIFICATION OF TERMINATION OF SPONSORSHIP FOR THE R.S.V.P. PROGRAM.**

Commission Chairman Ira Hatch explained that about a year ago the Emery County R.S.V.P. director left the county's employment. The program was functioning through the assistant director and a V.I.S.T.A. volunteer. The assistant director left the employment of the County

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and the V.I.S.T.A. volunteer's contract ran out at the end of 2000. At that time the Board of Commissioners began discussion on how the program was functioning and what to do with the program. The Board felt like the scope of the program had changed to volunteers and not the needs of the seniors. The program was way out of whack as to what they had thought the program should be. The Board advertised for and hired a new R.S.V.P. Director who was in the position for approximately ten days and left the program. The Board of Commissioners met with Maughn Guymon, Area Agency on Aging regarding sponsoring the programs for the seniors. They discussed the possibility of taking the \$12,000.00 that the County puts into the R.S.V.P. program and melding it with state funds to administer the needs of the seniors in Emery County through the Senior Citizens Program. The Board felt like the volunteer program could run in concert with the Senior Citizen program and the needs of the seniors could be met through the AOG. So the Board of Commissioners made the decision to not renew with the Corporation of National Services and meld the R.S.V.P. funds with the Senior Citizen Program (AOG). The county still needs and wants volunteers working through the Senior Citizen Directors. With the decision to not continue with the R.S.V.P. Program Commission Chairman Ira Hatch contacted Carol Belman, Corporation of National Services to inform her of the County's decision. Ms. Belman indicated that they would solicit for a new sponsor for the program. Ms. Belman insisted on having a letter stating the County's termination of contract right away. Therefore the letter was drafted and sent to Corporation of National Services ending Emery County's sponsorship/contract for the R.S.V.P. Program.

Commission Chairman Ira Hatch opened the meeting up for comments from the many seniors in attendance. Commission Johnson reassured the seniors that Emery County would not abandon the senior's programs. Emery County just wants to get away from the stringent regulations and requirements attached to federal funding, stating they felt they could do the same things under the Senior Citizen Program.

Larry Heaton and Linda Jewkes stated their opinions as R.S.V.P. Advisory Board members.

Commissioner Drew Sitterud expressed the Board's appreciation to the seniors for attending the meeting to share their feelings and concerns for the programs they have come to enjoy and rely on. He offered an apology on behalf of the Board to anyone who may have been hurt by this decision.

Following comments and questions, Commissioner Randy Johnson made a motion to ratify the decision to terminate Emery County's sponsorship of the R.S.V.P. Program. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**SHERIFF GUYMON, DISCUSSION OF FIREARMS TRAINING.**

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Sheriff Guymon explained the “Simunition” program available for firearms training. The program simulates using live rounds in firearms training. He explained the benefits of having deputies train using this method because of the realism it portrays. Sheriff Guymon asked to grant his department \$4,700.00 to implement this program. He indicated there is \$2,500.00 in the Gun Range line item that could be used and could come back with savings in other line items that may help fund it. Commissioner Randy Johnson made a motion to allow Sheriff Guymon to move ahead with this program using the funds available. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

Deputy Clerk/Auditor Carol Cox presented a business license application from Dustin Redmond DBA: Good-4-U Fruit, he will be selling fruit on the roadside. Zoning Administrator, Bryant Anderson has signed the application. The Board of commissioners questioned whether he would be selling on the roadside of the state highway if he would need permission from UDOT. Commissioner Drew Sitterud made a motion to approve the business license for Dustin Redmond DBA: Good-4-U Fruit provided he has met with any State Highway requirements. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(9)**

**APPOINTMENT OF VACANCY ON EMERY WATER CONSERVANCY DISTRICT BOARD.**

Upon request from Emery Water Conservancy District the Board of Commissioners advertised and took applications for individuals interested in appointment to EWCD board. The Board received applications from four individuals to fill the vacancy left from the expired term of Wayne Staley. As EWCD’s board members are boundary bound, Muddy Creek Irrigation Company recommended Morris Sorenson to represent their boundary on the EWCD board. Commissioner Drew Sitterud made a motion to appoint Morris Sorenson to the Emery Water Conservancy District. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(10)**

**CONSIDERATION AND APPROVAL OF ROAD DEPARTMENT ITEMS.**

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Road Supervisor, Rex Funk presented the following:

Rex Funk requested permission for out-of-state travel to the Annual Landfill and Solid Waste Management Seminar. Seminar date is June 6-8, 2001 in Phoenix, Arizona. Cost for the seminar is \$224.00 and was approved in the Landfill budget. Mr. Funk was given the go-ahead to travel out-of-state.

Rex Funk recommended that Emery County begin the process to abandon the following roads which consists mostly of private access and one obscure Road #1003 which serves no public purpose.

<u>Road #</u>	<u>Name</u>	<u>Description</u>
#123	Mathis Spur	A private access located north east of Elmo City off Millers Creek Road T. 16 S., R. 10 E., Sec. 15
#703	Lemon Spur	A private access located west of Ferron City T. 20 S., R. 7 E., Sec. 8
#F-30	Funk Spur	A private access located northeast of Ferron City T. 20 S., R. 7 E., Sec. 4
#CD-24	Wilberg Spur	A private access located northeast of Castle Dale City west of S.R. 10, south of Wilberg Wash T. 18 S., R. 8 E., Sec. 14
#1003	Green River Motorcross	A native dirt road located north of Green River City beginning T. 21 S., R. 16 Sec. 8 behind ball park on Longstreet proceeding north westerly approximately 1 1/2 miles then turning southward 1/2 mile ending vicinity of the Green River Gun Range T. 21 S., R. 16 E. Sec. 7. Emery County will retain the balance of this road from the gun range to S.R. 19.

Commissioner Randy Johnson made a motion to begin the process to abandon the roads listed as recommended by Rex Funk, Road Supervisor. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

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Rex Funk requested Commissioner Hatch approach the Special Service District #1 (Road District) at their regular meeting on April 9, 2001 for soft match funding for Johansen & Tuttle Engineering to begin draft design proposals to be submitted along with a Letter of Request for the Joint Highway Committee on the Highway 24 to Goblin Valley project. Commissioner Hatch will do that.

Rex Funk informed the Board of Commissioners that the Road Department will commence to work four (4)-10 hour shifts (Monday thru Thursday) beginning Monday, April 9, 2001.

**(11)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #138104 through and including #138232 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
13-01	(8) Mity-lite tables Museum of San Rafael	\$1,442.00	Approved
14-01	Sony Digital Camcorder Safe Community Grant	972.75	Approved
15-01	Sony LCD Projector Safe Community Grant	2,387.00	Approved
16-01	(2) Speed Signs/Sheriff Funds donated by PacifiCorp	12,037.00	Approved
17-01	Pressure Seal Machine Treasurer/Clerk/Auditor	8,500.00	Approved

One Disposition was presented. #410-4808 PSX 200 Radio from the Highway Dept. that was junked.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment, the requisitions and disposition as presented. The motion was seconded by



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Commissioner Drew Sitterud and approved by all members present.

(12)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Pat Snowball presented the following for personnel action:

Justice Court

Tammy Bentley is eligible for the routine progressive pay increase form 5A \$8.39/hr to \$8.73/hr., effective March 27, 2001. Judge Truman agrees with this increase. Commissioner Randy Johnson made a motion to approve the routine increase for Tammy Bentley as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Library

Geraldine Mortensen, Branch Librarian at the Huntington Library, has requested 12 weeks of Family Medical Leave to begin on May 7, 2001 to recuperate from surgery. Request was made to allow Charlene Oviatt, Assistant Librarian at the Huntington Library, to work full time, temporarily, only during the period Geraldine is on leave. She would work at her current pay with no benefits. Commissioner Randy Johnson made a motion to approve Family Medical Leave for Geraldine Mortensen and having Charlene Oviatt work full time while Geraldine is on leave as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Travel Bureau

Interviews were held in Green River on March 16, 2001. Twelve applications were received and screened and six applicants were selected to interview. When they were advised that the bulk of the work would be performed in Green River all dropped out except two who were Norma Dean Hawkinson and Valerie Newland, both Green River residents. The interview panel consisted of Susan Sitterud, Jon Crawford and Rosann Fillmore representing the Travel Bureau. The panel has recommended Norma Dean Hawkinson for the position.

A further recommendation is that the secretary be hired under an employment agreement which would allow the employee and Bureau more flexibility in wage, hours and duties than if the employee were subject to the personnel policy. If this recommendation is accepted, approval is requested to ask the County Attorney to draft the agreement.

Commissioner Randy Johnson made a motion to approve the recommendation of the Travel

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Bureau to hire Norma Dean Hawkinson as Travel Bureau Executive Secretary and to draft an employee agreement that is agreeable with the Travel Bureau, Personnel and the Attorney. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the North Emery Water Users Public Hearing Minutes dated March 29, 2001 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Commissioner Drew Sitterud made a motion to approve Commission Meeting minutes dated March 20, 2001 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

**COMMISSIONER REPORTS**

*Commissioner Hatch*

Commissioner Hatch asked that a letter be drafted to PacifiCorp thanking them for the speed signs. He reported on a letter that the Board of Commissioners received from Emery County Headstart thanking the county for the donation to their program.

(15)

**EXECUTIVE SESSION**

Commissioner Randy Johnson made a motion to move into Executive Session to discuss litigation matters. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Present at Executive Session was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

(16)

**ADJOURNMENT**

9

COMMISSION MEETING MINUTES

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Upon return to regular meeting, Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_

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

**APRIL 17, 2001**

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**

**KARL KRAYNC/ROSANN FILLMORE, REPORT ON ECONOMIC DEVELOPMENT SURVEY.**

Karl Kraync, Regional Director State Division of Rehabilitation Services along with Judy Lang and Jody Manzanaras came before the Board of Commissioners to report on an economic survey conducted by the University of Montana and the Montana University Affiliated Rural Institute on Disabilities. The research for this project was supported by grant H133B70017 from the National Institute on Disability and Rehabilitation Research, U.S. Department of Education. The project involved interviewing businesses in Emery County to receive information regarding economic status and opportunities. The report summarizes the strengths of the community as reported by business owners, opportunities for business expansion or creation identified through the process, concerns and obstacles to economic development as seen by current business owners.

**(2)**

**CITIZEN CONCERNS**

Kay Jensen expressed concern for the county using county businesses and services whenever possible. He also requested the Board of Commissioner investigate Senate Bill 39 as it may provide an avenue to help certain groups such as Huntington-Cleveland Irrigation Company. The Commissioners indicated they would be discussing this bill as well as other legislation UAC Spring Conference.

Road Supervisor, Rex Funk requested approval of a project agreement between the Forest Service, U.S. Department of Agriculture and Emery County for reshaping the travelway and applying surfacing on the Ferron-Mayfield Road #50022. This is a schedule "A" blading agreement wherein the Forest Service will provide the materials and the Road Department will provide the manpower and equipment to blade and move the materials to reshape the roadway. Commissioner Randy Johnson made a motion to approve the project agreement between the Forest Service, U.S. Department of Agriculture and Emery County as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

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Senior Deputy Clerk/Auditor, Brenda Dugmore made a request for a reduction of charges on an ambulance bill for a couple from Singapore who did not have any insurance. She received a phone call from the hospital informing her that the hospital and doctors were reducing the bill by 50% and requested that Emery County do the same. Commissioner Randy Johnson made a motion to approve reducing the ambulance bill by 50% as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF THE OPERATING/FINANCIAL PLAN FOR FY2001 PERTAINING TO COOPERATIVE LAW ENFORCEMENT AGREEMENT BETWEEN EMERY COUNTY AND FOREST SERVICE.**

Commissioner Randy Johnson made a motion to approve the Operating/Financial Plan for 2001 pertaining to Cooperative Law Enforcement Agreement between Emery County and Forest Service. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**CONSIDERATION OF APPROVAL AND RATIFICATION OF TAX DEFERRALS.**

JoAnn Behling, Treasurer made a request on behalf of Marjorie D. Potter. Her property would have been on the May Tax Sale but she has requested a deferral until November , 2001. Commissioner Drew Sitterud made a motion to approve the request for deferral of property taxes until November 30, 2001 for Marjorie D. Potter. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF 2001 PROPERTY TAX EXEMPTION LIST FOR RELIGIOUS, CHARITABLE AND EDUCATIONAL PURPOSES.**

The Board of Commissioners had questions on three properties on the list so they will reconsider the list in the next Commission Meeting.

(6)

**CONSIDERATION AND APPROVAL OF A BUSINESS LICENSE.**

Deputy Clerk/Auditor Carol Cox presented a business licence application from Betty Sherman DBA: Millsite Restaurant. Commissioner Drew Sitterud made a motion to approve the business license for Betty Sherman DBA: Millsite Restaurant as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS, AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List #138413 through and including #138593 for payment.

No requisitions or dispositions were presented..

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List and additional claims as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Pat Snowball presented the following for personnel action:

**Road Department**

Kern Behling has satisfactorily completed his six-month orientation and has been recommended for a step increase from 12D \$11.62/hr to 12E \$12.23/hr effective April 16, 2001.

Coby Hunt has satisfactorily completed his six-month orientation and has been recommended for a step increase from 12 Entry \$10.57/hr. To 12A \$11.22/hr effective April 23, 2001.

Jan Christensen has been recommended for the standard incremental increase from 6A \$8.75/hr to 7A \$9.11/hr effective April 26, 2001.

Commissioner Randy Johnson made a motion to approve the proposed increases as per policy. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

COMMISSION MEETING MINUTES  
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Ricky Blackburn has requested Family and Medical Leave to assist in care for his mother who is ill. Leave would begin April 23, 2001 and end July 13, 2001. Commissioner Randy Johnson made a motion to approve Family and Medical Leave for Ricky Blackburn as per policy. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated April 3, 2001 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)

**COMMISSION REPORTS**

*Commissioner Johnson*

Commissioner Johnson reported on the CIB funding cycle. Emery County was treated well. He provided an overview of the CIB funding approved for the construction of a public safety facility which the Municipal Building Authority of Emery County applied for and received.

Construction is expected to begin June 1<sup>st</sup>, 2001 with a possible completion in mid 2002. A presentation will be made to the State Courts and a decision will be made by them as to whether to join in.

Commissioner Randy Johnson made a motion to move into an Executive Session to discuss possible litigation issues. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION.**

Present at Executive Session was Commissioner Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Clerk/Auditor, Bruce Funk, Treasurer, JoAnn Behling, Recorder, Dixie Swasey, Assessor, Jim Fauver and Deputy Clerk/Auditor Carol Cox.

5

COMMISSION MEETING MINUTES  
APRIL 17, 2001

(12)

**ADJOURNMENT**

Upon return to regular meeting Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**ATTEST:** \_\_\_\_\_

**CHAIRMAN:** \_\_\_\_\_



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

MAY 1, 2001

Present at the meeting Commission Chairman Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Drew Sitterud was absent from the meeting, therefore Commission Chairman Ira Hatch stepped down to carry out motions.

**(1)**  
**DICK MANUS, BLM, QUARTERLY UPDATE.**

Dick Manus, BLM, provided the following update:

- \* Easter Weekend went well. Temple Mountain and the southern end of the desert received the highest concentration of visitors due to the snowy weather earlier in the week. The BLM provided overtime funds for the Sheriff's Department to assist in patrolling the areas. Some citations were issued, mostly for underage driving and no helmets. Overall it was a good report compared to previous years.
  
- \* Regarding the Questar/Williams Pipeline EIS, the public comment period is over. There were over eighty comments received. It is now being analyzed with final results expected in early June, 2001.
  
- \* The saga goes on regarding the Lila Canyon Coal Mine south of Horse Canyon. SUWA has filed for extension to review the responses to statement of reasons.
  
- \* BLM's Land Use Planning effort is continuing. The preplan has been approved. They are looking at hiring three new personnel, GIS Coordinator, Records Administrator and Writer/Editor for Natural Resources (number two to the Planning Coordinator).

**(2)**  
**CROCKETT DUMAS, FOREST SERVICE, QUARTERLY UPDATE.**

Crockett Dumas, Forest Service provided the following update:

- \* Winter range and water shed is being damaged by motorcycles and ATV's
- \* A new chief has been appointed.
- \* He thanked the Board of Commissioners for the recently signed road agreement.
- \* Emery County and the Forest Service worked together to plant willows along Cottonwood Creek.
- \* The Forest Service has had several land use plans throughout the years. The focus

2

COMMISSION MEETING MINUTES  
MAY 1, 2001

now

needs to be on implementing the plan that is in place. To much time has been spent on planning and not enough time on administering. Need to focus on water quality, fishing, agriculture, wildlife, forest products, etc.

(3)

**KEVIN CHRISTOPHERSON, DWR, QUARTERLY UPDATE.**

DWR did not have a representative at the meeting.

(4)

**EMERY HIGH TSA, REQUEST DONATION FOR STUDENTS ATTENDING NATIONAL TSA CONFERENCE.**

Donnalee Day, Emery High's Technology Students Association State TSA President 2000-2001 came before the Board of Commissioners to request financial support for three students, Donnalee Day, Trista Pabst and Dan Cook to attend National TSA Conference in Richmond, Virginia, June 19-25, 2001. The cost is \$835.00 for each participant. They are asking for contributions from businesses to help support this trip. Commissioner Randy Johnson made a motion to contribute \$50.00 each to the three participants attending the National TSA Conference. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

**CITIZEN CONCERNS**

Commissioner Randy Johnson indicated the Municipal Building Authority of Emery County requested a Public Hearing to provide information and answer questions regarding the construction of a public safety center in Emery County. They requested the public hearing be held during the next Commission Meeting. Commissioner Randy Johnson made a motion to hold a Public Hearing on Tuesday, May 15, 2001 at 10:30 a.m. the purpose of which is to provide opportunity for the Municipal Building Authority of Emery County to provide the public with information and answer questions regarding the construction of a public safety center in Emery County. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**CONSIDERATION OF APPROVAL OF TAX ABATEMENT.**

Assessor, Jim Fauver requested approval for property valuation abatement for Herman and Ruth Pollaehne. They filed an appeal last year based on the fact that they were being valued for the garage which is attached to the office space that belongs to Stephen Bell. The Assessor's office has reappraised the property, making the corrections and requested abating \$196.53 from Herman and Ruth Pollaehne's property tax amount for 2001. Commissioner Randy Johnson made a motion to approve the correction and allow the abatement of property taxes as proposed for Herman and Ruth Pollaehne. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF RESOLUTION APPOINTING BANC ONE CAPITAL MARKETS, INC. AS SUCCESSOR REMARKETING AGENT FOR THE \$45,000,000 EMERY COUNTY, UTAH POLLUTION CONTROL REVENUE REFUNDING BONDS (PACIFICORP PROJECT) SERIES 1991 AND OTHER NECESSARY PAPERWORK.**

Attorney, David Blackwell explained that this is a change in the marketing agent for this particular pollution bond and will not affect the County. They just need the County's permission. Commissioner Randy Johnson made a motion to approve Resolution 5-01-01 appointing Banc One Capital Markets, Inc. as successor remarketing agent for the \$45,000,000 Emery County, Utah Pollution Control Revenue Refunding Bond (Pacifcorp Project) Series 1991. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF PROPOSAL FOR INTANGIBLES STUDY SUBMITTED BY MERIDIAN CONSULTING GROUP.**

In an attempt to consider looking at some ways to relieve the property tax burden on the taxpayers of Emery County the Board of Commissioners proposed an intangible study be conducted on personal property. Requests for bids to conduct the study were sent out to several consulting groups. Proposals were reviewed but only one group was able to do the study in the time frame Emery County needed it done. Meridian Consulting Group (Green River Annexation Study) can conduct the study now at a cost of \$6,700.00. Commissioner Ira Hatch made a motion to approve the proposal submitted by Meridian Consulting Group, Inc. to conduct the intangibles study for Emery County. The motion was seconded by Commissioner Randy Johnson and approved by all members present. A letter of engagement needs to be sent to

Meridian to get the process going.

(9)

**CONSIDERATION AND APPROVAL OF DRUG TASK FORCE AND CRIME SCENE INVESTIGATION GRANTS.**

Commissioner Randy Johnson made a motion to approve the Drug Task Force Grant and the Crime Scene Investigation Grant. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

Deputy Clerk/Auditor Carol Cox presented a business license for Jack Funk DBA: Jack's Road Runnin Diesel & Tire Repair. This is a mobile diesel and tire repair service. Commissioner Randy Johnson made a motion to approve the business license for Jack Funk. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

A beer license application was also presented for Betty Sherman DBA: Millsite Restaurant. Sheriff Guymon has approved it. Commissioner Randy Johnson made a motion to approve a beer license for Betty Sherman: DBA Millsite Restaurant. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF 2001 PROPERTY TAX EXEMPTION LIST FOR RELIGIOUS, CHARITABLE, AND EDUCATION PURPOSES.**

Deputy Clerk/Auditor, Carol Cox presented the 2001 Property Tax Exemption List for religious, charitable and educational purposes for approval. Commissioner Randy Johnson made a motion to approve the 2001 Property Tax Exemption List as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

**RATIFY AGREEMENT WITH FOREST SERVICE FOR CULVERT PLACEMENT.**

COMMISSION MEETING MINUTES  
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Commissioner Ira Hatch made a motion to ratify the decision made on April 17, 2001 to approve the project agreement between the Forest service, U.S. Department of Agriculture and Emery County for reshaping the travel-way and applying gravel on the Ferron-Mayfield Road #50022. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

**RATIFY REDUCTION IN AMBULANCE BILLING.**

Commissioner Randy Johnson made a motion to ratify the decision made on April 17, 2001 to approve a fifty percent reduction on an ambulance bill for a couple from Singapore who did not have any insurance. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List #138829 through and including #138972 for payment.

No requisitions or dispositions were presented.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List and additional claims for payment. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(15)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Pat Snowball presented the following for personnel action:

**Extension Office**

Dennis Worwood has requested approval to hire Marie Pehrson temporarily, up to 90 days, beginning approximately May 7, 2001 at \$6.00/hr. Depending on the start date, the end date would be approximately August 3, 2001. Commissioner Randy Johnson made a motion to approve the up to 90 day temporary hire of Marie Pehrson as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

COMMISSION MEETING MINUTES  
MAY 1, 2001

Weed & Mosquito

James Nielsen has requested approval to hire four temporary, up to 90 days Weed & Mosquito Control Technicians at \$10.26/hr as budgeted for in 2001. Beginning approximately May 7, 2001 he would like to hire Cliff Kemple. Beginning approximately June 4, 2001 he would like to hire Ben Bigley and Pat Parish and a yet undetermined person. Depending on the start date, the end date would be approximately August 3, through August 31, 2001. Commissioner Randy Johnson made a motion to approve the hire of four temporary up to 90 day Weed & Mosquito Control Technicians as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Clerk/Auditor

Amber Braun has been recommended to receive the routine progressive increase from 6A \$8.73/hr. To 7A \$9.11/hr. effective May 11, 2001. Commissioner Randy Johnson made a motion to approve the proposed recommended increase for Amber Braun as per policy. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Pat Snowball asked the Board of Commissioners to define the “up to 90 days” for temporary assignments. Is it calendar days or working days? Commissioner Ira Hatch made a motion to define the “up to 90 days” assignment as *calendar days*. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(16)**

**CONSIDERATION AND APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.**

Commissioner Randy Johnson made a motion to approve the minutes dated April 17, 2001 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(17)**

**COMMISSIONER REPORTS**

Commissioner Hatch reported on UAC Conference. He felt the conference went well and they received a lot of good information.

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MAY 1, 2001

Rex Funk, Ray Petersen and Ira Hatch attended the Road School Joint Highway Sub Committee Meeting where they received information regarding the Moore Road Cut-off Road. Regarding funds for the Goblin Valley, they received word that there will not be any funds for that project this year but they were given some ideas for other ways to fund the project.

**(18)**

**ADJOURNMENT**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_

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

MAY 15, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH C.I.S.**

It is time to renew the agreement with County Information Systems, the company who provides the tax and assessment maintenance software for the County. Commissioner Randy Johnson made a motion to approve the renewal agreement with County Information Systems. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**CITIZEN CONCERNS**

JoAnn Behling, Treasurer made a request on behalf of the Pat Farnsworth family trust. Her property is slated for the May Tax Sale, however, her daughter is living in the home and is trying to purchase the home from the family. She has requested an extension until November to allow time to complete the purchase. Commissioner Randy Johnson made a motion to approve the extension until November at which time all taxes and interest will be paid. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Dick Allred came before the Board of Commissioners with a problem he is having getting irrigation water to his property. The Board of Commissioners listened to his situation and suggested that this was a matter for the courts.

(3)

**10:00 A.M.—PUBLIC HEARING- TO RECEIVE COMMENT ON AMENDMENTS TO ARTICLES 2, 6, 7, AND 8 OF THE ZONING ORDINANCE.**

Chairman Ira Hatch opened the public hearing to receive comments on amendments to Articles 2, 6, 7 and 8 of the Zoning Ordinance after which he turned the time over to Planning Committee Chairman, Mack Huntington. Mr. Huntington reviewed the amendments as follows: in Article 2 they recommend adding adequate definition concerning building of homes. In Article 6, they recommend polishing the language only. In Article 7, they recommend defining the language in respect to the responsibilities of the Zoning Administrator. There were no changes to Article 8.



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The Planning Committee proposed amending Article 10 A-1 and M&G-1 zones as a Level 3 Conditional Use Permit the following: halfway houses, jails, alcohol and drug rehabilitation centers, prisons, group homes for juvenile offenders, youth detention centers. They proposed adding to every zone as a Level 2 Conditional Use: Telecommunications and broadcasting towers and antennas.

Commission Chairman Ira Hatch opened the meeting for public comment.

Assistant Attorney Alan Thorpe and Mack Huntington answered questions from the public.

Jim Fauver questioned Article 6 Section 13 wherein it states: Barns, corrals, pens, for keeping of animals shall be located at least one hundred (100) feet from the nearest dwelling.

Commissioner Randy Johnson made a motion to close the public hearing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**10:15 A.M.–PUBLIC HEARING–TO RECEIVE PUBLIC COMMENT ON LEVEL 3  
CONDITIONAL USE PERMIT FOR EMERY COUNTY FOR A PUBLIC SAFETY  
CENTER.**

Planning Committee Chairman, Mack Huntington explained that the permit has been through the planning process. The Committee finds the project to be in compliance with state law and recommends approval of a Level 3 Conditional Use Permit for Emery County for a Public Safety Center.

Commission Chairman Ira Hatch opened the meeting for public comment.

The Board of Commissioners answered questions from the public.

Commissioner Randy Johnson made a motion to close the public hearing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**10:30 A.M.–PUBLIC INFORMATIONAL MEETING—TO SUPPLY INFORMATION AND ANSWER QUESTIONS REGARDING CONSTRUCTION OF A PUBLIC SAFETY CENTER BY MEMBERS OF THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY.**

Municipal Building Authority Chairman, Randy Johnson introduced board member Randy Jensen and Ken Shulsen, Sahara Inc., design build contractor for the public safety center who provided information and answered questions. Randy Johnson explained that for a number of years Emery County Sheriff's Department has been faced with some serious safety issues due to failing safety inspections at the jail facility. The Commission has been trying to come up with a way to get a new facility without adding the burden to the tax payer. They proposed having the Municipal Building Authority of Emery County construct the building using mineral lease funds and not tax payer dollars. He outlined the financial package proposed to pay for the public safety center. He also discussed the State Courts option to come on board with this project. Having the State Courts in the same facility would eliminate the transporting of prisoners and allow for discretion regarding prisoners, attorneys and family members. They expect to hear soon from the State Court as to their participation. Sheriff Guymon outlined the use of the building. The new facility will allow the Sheriff's Department to house female prisoners, which currently must be transported to another county. Having I-70 pass through Emery County is a huge impact on the Sheriff's Department. He further explained that they do not plan to house state prisoners to generate revenue. Ken Shulsen outlined the scope of the proposed construction of the facility.

Commission Chairman Ira Hatch opened the meeting to the public for any questions or comments.

Dixon Huntington expressed concern for why the public has not been informed until recently about this and why this is being ram-rodged to get done so fast. He was concerned for the fact that the maintenance and operation of the building will be with taxpayer dollars. This will be a burden to the taxpayer especially with the county's declining tax base and non-projected growth.

Dennis Fuller, building maintenance, expressed concern for the current building's structure. There are large cracks down the center of the detention center. There are cracks in the floor where centipedes, spiders and other bugs come through. The building is moving and settling. The plumbing is a mess.

Assistant Attorney, Alan Thorpe stated that from a safety aspect, having the courts and jail in the same building is a good thing. Having prisoners brought out of the jail, transported and held at a separate facility leaves the chance for contact by citizens.

Information Technology Specialist, Jeff Guymon asked about the networking abilities designed

in the infrastructure.

The informational meeting was closed and regular Commission Meeting commenced.

**(6)**  
**CONSIDERATION AND APPROVAL OF LEVEL THREE CONDITIONAL USE PERMIT FOR EMERY COUNTY PUBLIC SAFETY CENTER.**

Commissioner Randy Johnson made a motion to approve a Level Three Conditional Use Permit for Emery County Public Safety Center. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(7)**  
**CONSIDERATION AND APPROVAL OF AMENDMENTS TO ZONING ORDINANCE.**

Commissioner Randy Johnson made a motion to approve the amendments to the Zoning Ordinance as proposed and request that the Planning Committee look into Article 6-13 regarding footage for animal enclosures. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**  
**RATIFICATION OF DRUG COURT CONTRACT.**

Commissioner Randy Johnson made a motion to ratify the signing of the Drug Court Contract. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)**  
**CONSIDERATION AND APPROVAL OF AMENDMENT TO RESOLUTION 12-19-00E.**

Attorney David Blackwell explained the need to extend the time for the anticipated creation of North Emery Water Users' Special Service District and disbursement of mineral lease funds. Paragraph 4 of Resolution 12-19-00E states that if the NEWUSSD is not created by June 1, 2001, the 2% allocated mineral lease funds shall be allocated to the Municipal Building Authority of Emery County. As it has become apparent to the Board of Commissioners that the NEWUSSD will not be created by June 1, 2001 as previously anticipated it is necessary to amend Resolution 12-19-00E paragraph 4 to include the following: "If the North Emery Water Users' Special Service District is not created as anticipated and assets transferred thereto by

COMMISSION MEETING MINUTES  
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September 1, 2001, the 2% allocated thereto shall be allocated to the Municipal Building Authority of Emery County.” Mr. Blackwell recommended that if and when the District is created that is created as a shell only until the assets are transferred.

Mike Jensen, Attorney for NEWU reviewed the process for dissolution of assets by NEWU and the transfer to the District.

Commission Chairman Ira Hatch expressed concern for the Board Of Commissioners acting as Board of Directors for the District during the interim period. They would like to see the Board of Directors for the District be in place at the same time as the assets are transferred.

Mike Jensen did not see the Board of Commissioners as being administrators of the District at that time because it would just be a shell and would have nothing to do with creating debt or attending meetings.

NEWU President, Menco Copinga, explained that NEWU has approached Community Impact Board for funds. They were granted a \$300,000. grant and \$300,000. loan at 0% interest. If the District is created they get the funds if it is not then the funds will be redistributed.

Commissioner Randy Johnson made a motion to approve Resolution 5-15-01A a resolution amending Emery County Resolution 12-19-00E. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF RESOLUTION TO CREATE NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT AND OTHER RELATED PAPERWORK.**

Commissioner Drew Sitterud made a motion to approve Resolution 5-15-01B a resolution to establish the North Emery Water Users’ Special Service District, to define the boundaries of said district and services to be provided as set forth in the notice of intention to create the district, and to authorize appointment of a governing board for the district. The motion was seconded by Commissioner Randy Johnson and approved by all member present.

(11)

**SETTING OF DATE AND TIME FOR BOE HEARING OF GYPSUM RESOURCE DEVELOPMENT.**

Commissioner Randy Johnson made a motion to set the date and time for Board of Equalization hearing of Gypsum Resource Development as Tuesday, June 19, 2001 at 1:00 P.M. The motion

COMMISSION MEETING MINUTES  
MAY 15, 2001

was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List #139304 through and including #139450 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
18-01	Portable Suction & Back Board/Ambulance	\$1,219.44	Approved
19-01	Abode Premiere Photo Editor Sheriff (Safe Communities)	549.00	Approved

Dispositions were presented for the following:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
143-5133	Copier, Xerox	Junked	approved
143-5807	Copier, Mita	Junked	approved
610-5835	Computer, 16 MhZ	Parted out	approved
620-6304	Computer, 486, 133 MhZ	Parted out	approved

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment and requisitions and dispositions as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Deputy Clerk/Auditor Carol Cox presented a business license for Shaun Hyrum Peterson DBA: Peterson Produce and Lawn Care. The license has been approved by the Zoning Administrator. Motion to approve a business license for Shaun Hyrum Peterson DBA: Peterson Produce and Lawn Care was made by Commissioner Randy Johnson. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

7

COMMISSION MEETING MINUTES  
MAY 15, 2001

There was no Personnel action.

**(14)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Randy Johnson made a motion to approve the minutes dated May 1, 2001 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)**

**COMMISSION REPORTS**

There were no reports.

**(16)**

**ADJOURNMENT**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

JUNE 5, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Drew Sitterud was absent from the meeting, therefore Commission Chairman Ira Hatch stepped down to execute the motions as needed.

(1)

**JAMES GILSON, REQUEST COUNTY PARTICIPATION IN COYOTE BOUNTY PROGRAM.**

James Gilson, Sportsmen for Fish & Wildlife came before the Board of Commissioners to request the County participate in a coyote bounty program. He explained that the State has appropriated \$100,000.00 for a coyote bounty program for which counties can apply for matching funds to implement the program. The program was initially implemented for the cattleman's associations however the sportsman's groups recently lobbied and won to have the program reinstated. The sportsman's groups cannot apply for the funds, the County must apply for the funds and administer the program. The sportsman's group has funds that can be used and anticipate receiving more funds from the cattleman's association and possibly the County if they are willing to contribute. Mr. Gilson indicated the group will go before the Carbon County Commission to present the program and request participation. He indicated he has met with other counties who are already participating in the program to get a feel for how the program is working and the structuring of the program. He explained there would be stations in the county where the ears and paperwork would be collected and processed by the sportsman's group. The sportsman's group will set the governing rules and a list would be provided to the County. The County would be the process by which the funds are received and individuals would be paid. The State funds become available in July, so Mr. Gilson requested a willingness on the part of the County to participate in the program. After much discussion on this matter Commissioner Ira Hatch made a motion to investigate the possibility of participating in a coyote bounty program and to designate one or all of the Board of Commissioners to meet with the sportsman's group to work out the details for which Emery County may be the vehicle for which the matching funds may be obtained to administer the bounty program. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(2)****DELENA FISH, WFS, QUARTERLY UPDATE.**

Delena Fish, Work Force Services provided the following update:

- ✦ She provided the Board of Commissioners with quarterly job market information.
- ✦ The eligibility service centers opened last year were dissolved. Employees and service are now back in Emery County.
- ✦ They have had an employee in the Emery County office retire. She was replaced with a worker from Carbon County.
- ✦ The Summer Employment Program is underway. There are fourteen (14) youth slots until July.
- ✦ They are continuing training services to those individuals dislocated by closures of mines and trucking lay-offs. They have about eighty-eight customers participating in training.
- ✦ They have put in a request for project that will be released in June for a new building.

**(3)****DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Deb Dull, Utah Power, provided the following update:

- ✦ Quote from Bill Landel, “We are better prepared this summer with resources than we were last year. We have spent about forty-five million dollars on new distribution equipment just on the Wasatch Front. And we have also spent a large amount of time working on projects for this summer. We have gone out and purchase what we believe will be required barring any unforeseen issues such as the Hunter 345 line problems or any sub-station malfunction.”
- ✦ In April, Commissioners and community leaders received a letter from Energy West Mining concerning the Trail Mountain closure. In the letter they had said that beginning June 27 there would be approximately 68 union employees, which is now 63, that would be terminated due to the closure and that the salary employees at Energy West positions for the closure would be in intermittent stages between fall 2001 and June 2002 and that now looks to be about 78. They are happy to report that 62 out of the 63 individuals that will be leaving have qualified for retirement from UMWA.
- ✦ Quote regarding Hunter 4, “In the normal course of business PacifiCorp is examining potential new generation projects which are in various stages of review. We cannot be specific because such information is financially sensitive to the company and its customers.

PacifiCorp has not made a decision to build Hunter 4. Some preliminary permitting work is proceeding and there are engineering and cost studies in progress. The company will make a decision on whether to proceed when these feasibility studies are complete. As



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soon as it is appropriate to make a more definite statement the company will do so.”

Sheriff Guymon publicly thanked PacifiCorp for the \$12,000.00 donation to the County to purchase traffic monitoring/speed signs for the Sheriff’s Department.

Darrell Leamaster, Castle Valley Special Service District thanked Deb and PacifiCorp for their efforts to assist CVSSD with city projects by moving power lines within cities.

The Board of Commissioners thanked Deb for the updates and continuing dialog with PacifiCorp.

**(4)**

**MIKE MCCANDLES, EMERY TELCOM, QUARTERLY UPDATE.**

Mike McCandles, Emery TelCom, provided the following update:

- ✦ They have completed the Hanksville transfer. Things have been going well with Qwest.
- ✦ Continuing with phase for DSL service. DSL will be available in both counties soon.
- ✦ Regarding the Smart-Site, we are ready to go ahead of other sites. He has been working with Rosann Fillmore and Delynn Fielding to make great headway.

**(5)**

**CITIZENS CONCERNS**

Mike McCandles, representing the Chamber of Commerce, requested the County become a paying member of the Chamber of Commerce since the County no longer funds the Chamber. The Board of Commissioners indicated they would address this in next Commission Meeting.

Green River Mayor, Dale Johnson, provided an update on the proposed White Sand Missile Base in Green River. He also updated the Commission on the annexation issue. We may be into next year before this is settled. After all the briefs have been filed, the court will assign the matter to the Justices for review and when the court is ready it will hold oral arguments. He discussed with the Board of Commissioners the mounting bills accumulated by the annexation issue. He requested help from the County to help pay the bills which are now at \$29,420.12.

Commissioner Randy Johnson made a motion to commit to help Green River with the cost of the annexation issue and to look at where to shift funds. The motion was seconded by Commissioner Ira Hatch and approved by all members present. This will be on the June 19<sup>th</sup> Commission Meeting agenda.

(6)

**A RESOLUTION APPROVING THE ADOPTION BY THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY, UTAH OF A PARAMETERS RESOLUTION AUTHORIZING THE ISSUANCE OF NOT MORE THAN (1) \$2, 250,000 TAXABLE LEASE REVENUE BONDS, SERIES 2001 A AND (2) \$2,300,000. LEASE REVENUE BONDS, SERIES 2001 B; AND RELATED MATTERS.**

Kent Michie, Financial Advisor for the Municipal Building Authority of Emery County addressed the Board of Commissioners. He spoke regarding the financing of the jail project. This something that has been in the works for some time. In general he has been given instructions and guidance to develop a financing plan along the lines of a Municipal Building Authority Lease Revenue Bond. His purpose for being there was to accomplish the first portion of getting that done on an official basis. Previously Emery County met with the Community Impact Board and were given approval for both a form of grant and a loan. Emery County would purchase a lease revenue bond from the Municipal Building Authority. But because the amount of the money needed to build the project is greater than the commitment from Community Impact Board it would be necessary to do what they call private market financing. He was instructed to work closely with and cooperatively with Wells Fargo Bank who would act as a private placement purchaser of a portion of the financing. He walked the BOC through the set up of a Building Authority, how they work. This is the first time Emery County has used the MBA to finance a County project. Twenty years ago, this year, the Municipal Building Authority Act was passed. The concept for financing public projects was new to Utah. The creation of a Municipal Building Authority is primarily a financing vehicle to finance for and on behalf of the body which creates it. In this case it is the County. In concept what happens is the County creates a Municipal Building Authority. It is a separate corporation which is known as a non-profit corporation. The Building Authority is one and the same as the County. They are basically the same entity only wearing different hats. There are some important legal reasons behind that. The County authorizes the Building Authority to sell bonds. The Building Authority then does in fact issue and sell bonds and builds the project. They also own the project in its interim phases. They then enter into a lease agreement with the County, leasing the project to the County. The County makes lease payments back to the MBA and the lease payments are dollar for dollar the same as the debt service on the bonds. So the County is in the position of making lease payments or rental payments to its own MBA. Why doesn't the County just finance the project directly? The County could finance the jail directly on its own motion by issuing general obligation bonds. The problem with general obligation bonds is that it has to be voted in a 100% vote of all the people in the County. General obligation bonds by Constitutional standard have to be voted. Lease Revenue Bonds do not have to be voted on. There are a whole case lot series of different cases as to why we do not hold elections for revenue bonds as opposed to general obligation bonds. So, the MBA issues lease revenue bonds, they lease it to the County and once the bonds are all paid the jail reverts to the County. Its somewhat like an installment purchase. It is the obligation of the County to make lease payments to its MBA is on an annually

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renewable basis. In theory the County has the legal right to bug-out of making the payments. On the other hand from a moral point of view there is no right to bug-out. This financing concept is what is known in the Municipal Bonds business as an 'annually renewable lease' a "moral obligation' or an 'appropriation risk obligation'. Lease revenue bonds protect the bond holder further by providing for a mortgage or a trust deed so that the bond holder would take possession of the jail if the lessee did choose to bug-out. The point is that this is a 'moral obligation' contract and it does not require an election. It does not create under the constitution of Utah what is known as a debt. A debt is only things that are payable by property taxes and for which there has been a bond election. This does not create a debt, but it clearly creates an obligation. These are the legal concepts that are involved. When the Building Authority statute was passed, there were three concepts. At this point Mr. Michie was asked to explain why the governing authority of the MBA needs to be restructured. He read from State Law, 17-A-3 (900) series, explaining that a governing body means the council, commission, county legislative body or board of education of a public body in which the legislative powers of the public body are vested. In the organization of a MBA, under powers and duties, it read, ' the governing body shall approve the articles of incorporation and by-laws of the authority and shall act as the members of the board of trustees of the authority.' We do it that way because under a legal theory, we have to avoid the concept of what we call a 'unlawful delegation' or a special delegation. Apparently there had been some case law way back in Utah's history that a board such as this Emery County Commission would create a delegation and delegate to them powers that really belong the elected Commissioner. In this instance they wanted to avoid that because that sort of a concept was struck down at one point of time in a Utah case. There is one other concept here too that is a federal tax law concept that says that an authority must be a duly constituted authority. The MBA is authorized to issue tax exempt bonds because basically one and the same as the county. Apparently sometime back there was some confusion in trying to find a way where PILT monies could be funneled through to counties for the benefit of the citizens of that county. At some point in time it was recommended by the Community Impact Board that a board be created for MBA using members other than the Commission. Mr. Michie was not sure but someone in the CIB recommended that a board be created using the three Commissioners and four members of the community to be able to receive CIB monies and not jeopardize PILT monies. Laws are always evolving and so does constitution and constitutional concepts. For example when Utah was made a state in 1896 there was only one kind of borrowing authorized and that was general obligation bonds which required an election. Now of days we have all kinds of different municipal borrowing techniques and authorities such as the concept of non-voter water/sewer revenue bonds and now lease revenue bonds. Our constitution and laws have evolved enormously over time. In the last November election we voted on a constitutional amendment that changed the 'debt' article changing the constitutional underpinning that 'debt' was any kind of obligation payable by a tax to any obligation payable by a property tax.

Commissioner Johnson interjected in order to clarify so that the people understood that Emery County is not doing a lease revenue bond to get out of having a vote of the people, but because

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we as a Commission had said from the beginning that we would not require the taxpayers to pay for this project with tax monies. We simply have found a way to pay for the project by using mineral lease funds.

Mr. Michie continued to explain the process. The CIB granted \$250,000.00 in the form of a grant, free money, we do not have to pay interest on it. They authorized \$2,250,000.00 of a loan which will take the form of lease revenue bond which they will purchase from the MBA. So we have to proceed now with the legal requirements of authorizing the bonds to be issued. Secondly, in order to come up with the remaining portion to get the project funding up to the four and a half million, we have to authorize another set of bonds that will be presumably sold at private placement. As Mr. Michie understands it, the Commission is looking seriously at relocating state court and it is very possible that agreements with state courts administration may be forthcoming which would allow the state court to sub-lease from the County portions of the project to be built by the jail. Unfortunately they will not make their final decision for another few months, but the County needs to proceed with the project. This project will probably proceed in a phase basis. This will include not only phase construction, but also phase financing. Because it is probable that this will take place, they will provide for the issuance of a Series C bond at some later date. Therefore, the two million dollars that will help finance the jail, they are going to do as what they call a 'bond anticipation note' to allow for the potentiality that at some point in time the County will also issue another portion of bonds for the courts portion and then issue a like amount to repay the note on the jail portion, that is the public portion not the CIB portion. That would be an issue in the neighborhood of four million dollars and could be sold either at a competitive sale or a negotiated sale that could be rated and insured. By doing this we could get the very best interest rate available in the market place at the time. We are trying to preserve this option on a long time basis to get this project, including the courts portion finance on the very best terms we can. That is why you hire financial consultants, to get you the very best deal you can in funding projects. What needs to take place now is, you are going to have to act as both a Commission and as a building authority. The Commission has to adopt a resolution which authorizes the building authority to move ahead and adopt resolutions authorizing issuance of bonds. It also provides for the notice provisions, because under the statutes it is required that we give a thirty day notice to residents of the County. In that period of time residents could come in and theoretically protest this project or the issuance of bonds if there had been any procedural slack. If twenty percent of the citizens desired they could theoretically force this into an election.

The financing that we have talked about will clearly not be exactly the same amount by the time we are finished. The cost will be adjusted according to the actual cost of the project. We are not locking in any actual figures at this time. As part of this process there needs to be appointed a trustee. The trustee has been determined to be Zions First National Bank who is appointed to hold the construction and escrow money as required by CIB. They will act in favor of the bond holder under the contract. The resolutions presented to the Board of Commissioners this day include a master indenture, it is a first supplemental indenture which can be used down the road to fund other projects. The resolution authorizes the Building Authority to move ahead with the

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financing of the project and authorize them to adopt resolutions that set up the lease mechanism. There were also two other resolutions that need to be adopted by the Building Authority. It was Mr. Michie's recommendation that the Board of Commissioners consider and adopt the resolution authorizing the Building Authority to proceed. Then when you meet as a Building Authority you can consider and adopt the other two resolutions.

Restructuring the Building Authority is an agenda item today because the structure of the Building Authority is such that it needs to be dissolved as a seven member board and restructured to only include the three Commission members.

Commission Chairman Ira Hatch asked Mr. Michie what would happen if the board was not restructured today.

Mr. Michie explained that the County can go ahead and approve the resolution as a County Commission but it would probably put a cloud on things if you have a seven member board. The board would need to be pared back to a three member with the County Commission only if you want to move ahead with the financing and have the bond with a valid legal opinion. It would be his recommendation that you reconstitute the Building Authority down to only the three Commission members to avoid a delay in the whole process.

Commissioner Hatch addressed his concerns. Back when the Building Authority was set up in 1996 acting under direction of CIB and Association of County Governments we went from a five member board to a seven member board. We were told we had to do it that way to be eligible for CIB funds and not jeopardize PILT funds. We were told the MBA had to be separate from the County. Now we are told we have to be three Commission members only on the Building Authority board. The CIB has changed their direction on the eligibility of CIB funds and are granting funds to Municipal Building Authorities throughout the state who are set up with the Commission as the board. We are not sure when, why or how this changed, but it has.

Attorney David Blackwell did some looking into the matter and found that there was a meeting with the attorney advisor to the field solicitor for the US Department of Interior regarding the loss of PILT funds if money is paid to MBA that are structured like the Commission is being asked to restructure the MBA to now. At that time they determined that as long as the CIB funds were accrued from loan payments and interest rather than just the straight payment of mineral lease funds after going to the US government and back to the state, as long as that amount of money exceeded what is being paid out to the MBA, then it is OK. Apparently the CIB has been comfortable enough with doing that that they started including the MBA's in all their grants and loans. We have gone half way along under the old system where we have had control of the board actually separate from the County.

Commissioner Johnson interjected to clarify that there are only two bond attorney firms in this state. Our bond attorney is not going to approve this bond unless we make this change.

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If the change does not happen it is not just a matter of delaying. Under our current bond attorney we will not get this bonding done.

Commission Chairman Ira Hatch wanted to know if the change in the MBA is not made to today will it jeopardize the bonding.

Mr. Michie relayed the conversation he had with in-house legal council for Zions Bank, Gary Hansen an experienced, trained bond attorney, an expert in tax law. He told him there is no question it has to be done this way. Mr. Michie told the Commission there are three things that need to be done today. First, you need to adopt the resolution if you choose to proceed. Secondly, you need to reconstitute the MBA board. If you do not choose to do that, then the third action you will need to take today is that the MBA need not proceed any further.

Commission Chairman Ira Hatch expressed his desire to hold off any decision on restructuring the MBA until Commissioner Sitterud returns.

Commissioner Randy Johnson made a motion to approve Resolution 6-05-01A a resolution approving the adoption by the Municipal Building Authority of Emery County, Utah of a parameters resolution authorizing the issuance of not more than (1) \$2,250,000 taxable lease revenue bonds, Series 2001 A and (2) \$2,300,000 lease revenue bonds, Series 2001B and related matters. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**A RESOLUTION DECLARING THE INTENT OF THE BOARD OF COMMISSIONERS OF EMERY COUNTY TO ANNEX TERRITORY WITHIN EMERY COUNTY INTO THE CASTLE VALLEY SPECIAL SERVICE DISTRICT AND RELATED MATTERS.**

Darrell Leamaster, Castle Valley Special Service District explained the need to annex new territory into the District. The last time they annexed new territory into the District was in 1994. Each city in the county has had new areas annexed into their city boundaries so it is necessary to annex the new areas into the District to be consistent with city boundaries. Since two districts cannot duplicate services to any specific area it is necessary to first de-annex these areas from the Special Service District. Darrell recommended holding a annexation hearing on July 3, 2001 at the same time de-annex the areas from the Special Service District. He also recommended August 7, 2001 for the annexation of these areas into the Castle Valley Special Service District. Resolution 6-05-01B was presented for approval which declares the intent of the Board of Emery County Commissioners to annex territory within Emery County into the Castle Valley Special Service District and sets a date for the hearing. Commissioner Randy Johnson made a motion to proceed with signing of Resolution 6-05-01B to begin the process of de-annexation and

annexation. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**DISCUSSION OF MERIDIAN CONSULTING GROUP'S REPORT, CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION INTANGIBLE ADJUSTMENT.**

Assessor, Jim Fauver reported on the findings of Meridian Consulting Group who was hired by the County to do a study to attempt to discover whether there were intangibles in centrally assessed property or not. The report states that he believes that there are and he quantified that with a range of approximately 3 to 7%. Paying 5% is what he believes is supportable in a court of law. If you choose to accept his recommendations and implement a 5%, you would need to convene as a Board of Equalization, order that the 5% be adjusted from the taxable value of all residential property in Emery County. If this is done now that would be done before the tax rate process and the rate would be set on the lower taxable value. Because the agenda has noticed that there will be a Board of Equalization adjustment during this meeting action can be taken on this today. Commissioner Ira Hatch made a motion to accept the 5% taxable value intangible adjustment. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)

**SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON ROADS TO BE ABANDONED BY COUNTY.**

Ray Petersen, Road Department came before the Board of Commissioner to request a public hearing to receive public comment on roads to be abandoned by Emery County. Commissioner Randy Johnson made a motion to set a public hearing for July 3, 2001 at 5:30P.M. to receive comment on roads to be abandoned by the County and to have the Road Department post the notice in the Emery County Progress. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**RATIFICATION OF BUSINESS LICENSE.**

Commissioner Randy Johnson made a motion to ratify the business license for Shaun Hyrum Peterson DBA: Peterson Produce & Lawn Care which was approved in the last Commission Meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)  
**DISCUSSION OF FOREST RECEIPT OPTION**

Commissioner Randy Johnson made a motion to remain under the old formula regarding receipt of forest payment-in-lieu. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)  
**CONSIDERATION AND APPROVAL OF PURCHASE OF PROPERTY ADJACENT TO ROAD SHOP.**

Ray Petersen, Road Department to request approval to purchase property adjacent to the Road Shop. The need for more room to store equipment arose when the Sheriff's Department needed to build a new public safety facility. The Road Department is currently using the property where the new facility will be built. The property is owned by Edna Seaich and is willing to sell the property to the County. The realtor requested \$200.00 earnest money up front. Commissioner Randy Johnson made a motion to make an offer to purchase the property from Edna Seaich as proposed and to pay the \$200.00 up front earnest money as requested. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Ray also requested to begin the process to purchase equipment as requested and included in this years budget. Commissioner Randy Johnson made a motion to begin the process to purchase the equipment as requested by the Road Department. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)  
**DISCUSSION OF COUNTY ORDINANCE ESTABLISHING FEES FOR SERVICES.**

Commissioner Randy Johnson asked if the County could begin to look at where they are on establishing a fee schedule for services throughout the county. They will begin to look at forming a committee made up of representatives from each department that charges fees for services.

(14)  
**RESTRUCTURING OF EMERY COUNTY MUNICIPAL BUILDING AUTHORITY.**

Commissioner Randy Johnson made a motion to reschedule this item for the June 19<sup>th</sup> Commission Meeting and ask the Municipal Building Authority of Emery County to schedule a



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meeting for the same day. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #139822 through and including # 139973 for payment.

A requisition was presented for the following:

Requisition #20-01 for 2 radios and 2 light bars for two rescue units purchased on EMS grant for a total of \$4,961.38.

No dispositions were presented.

Bruce Funk requested an increase to \$45.00 cell phone reimbursement for Jeff Guymon and Stan Truman.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List for payment, the requisition as presented and the increase in cell phone reimbursement as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(16)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director, presented the following personnel action:

Sheriff

The Sheriff has completed the recruitment to fill the clerical vacancy at the office and he recommends Tosha Huntington for the position of Corrections Secretary beginning at 4A \$8.04/hr., full time, eligible for benefits. Commissioner Randy Johnson made a motion to approve hiring Tosha Huntington as Corrections Secretary as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Road Department

Bruce Pierce has submitted his resignation effective June 2, 2001. Request was made to recruit

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for a Solid Waste Technician, Grade 12, Entry \$10.89/hr., full time, eligible for benefits. Commissioner Randy Johnson made a motion to approve beginning the recruitment process for a Solid Waste Technician as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Library

Request was made to recruit for a part time temporary Assistant Librarian at the Emery Library at 4A \$8.04/hr., less than 20 hours a week, not eligible for benefits. Commissioner Ira Hatch made a motion to approve beginning the recruitment process for a temporary Assistant Librarian at the Emery Library as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Risk Management Review Committee

The Risk Management Review Committee accepted the assignment to research the issue of scented candles being burned in the courthouse. The committee asked Steve Kemple to do the research. He reported his findings to the Board of Commissioners.

The Risk Management Review Committee as a result of Steve's findings made the following recommendation:

*"Burning candles in county buildings poses potential fire and health hazards. It is a high risk activity and is not recommended."*

Commissioner Randy Johnson made a motion to begin to examine a policy for not burning candles. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

An employment contract for Kolene Durfee as a temporary Assistant to the Administrator of the Emery County Archives was presented for approval. The temporary Assistant will render 16 to 20 hours per week at \$6.00 /hr. Commissioner Ira Hatch made a motion to approve an employment contract for Kolene Durfee as a temporary Assistant to the Administrator of the Emery County Archives as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(17)

**CONSIDERATION AND APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.**

Commissioner Randy Johnson made a motion to table the minutes dated May 15, 2001. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

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**(18)**  
**COMMISSIONER REPORTS**

There were no Commissioner reports.

**(19)**  
**OTHER BUSINESS**

Commissioner Ira Hatch made a motion to change the regular scheduled Commission Meeting of Tuesday, June 19, 2001 at 9:00A.M. to Monday, June 18, 2001 at 9:00 A.M. and to have the Clerk/Auditor's office post the change in the Emery County Progress and the Courthouse. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(20)**  
**ADJOURNMENT**

Commissioner Ira Hatch made motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_

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

JUNE 18, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**KIMBALL AND ROBERTS, PRESENTATION AND ACCEPTANCE OF FY2000 INDEPENDENT AUDIT.**

Kay Kimball, Kimball and Roberts, Certified Public Accountants and Independent Auditors for Emery County presented the 2000 financial audit report. He found Emery County to be in compliance with all state and federal requirements. No management letter was required. He commended the Clerk/Auditor for his diligence in keeping the County in compliance. Commissioner Randy Johnson made a motion to accept the 2000 independent audit. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**JEFF KELSEY, PRESENTATION OF HEALTH INSURANCE RENEWAL FOR 2001-2002.**

Jeff Kelsey, Regional Manager, IBA reported to the Board of Commissioners on health insurance. The process for renewal began about ninety days ago with bids going out to over twenty-three reinsurance carriers and nine fully insured carriers. We received quotes from one fully insured carrier and eight reinsurance carriers. The cost of the plan will increase 15%. This will increase the premiums paid for participants in the following way:

Single Coverage from \$346.88 to \$398.91

Two Party Coverage from \$549.45 to \$631.87

Family Coverage from \$842.25 to \$988.59

Jeff has consulted with the insurance committee and the Commissioners twice on the renewal. Through the renewal process several aggressive options for cost management were explored. It is recommended that the plan remain the same for the upcoming contract year 2001-2002. Renewal documents were available for consideration and approval.

Pat thanked the insurance committee members, JoAnn Behling, Bruce Funk, Brenda Dugmore and the Commissioners for their time and effort. Another year the County may need to look a cost cutting options, but for this year they recommend remaining with the same plan.

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JoAnn Behling suggested sending out a notice to the employees to inform them of the increase and what a good benefit package we have. It really amounts to a 15% increase in the employee's benefit package.

Jeff informed the Board of Commissioners of the recent EEOC decision to include female contraceptives on insurance plans. He recommended they consider including female contraceptives on the county's plan.

Commissioner Drew Sitterud made a motion to accept the insurance plan as proposed and continue insurance coverage which is renewable July 1, 2001 reflecting the inclusion of female contraceptives on the plan. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(3)**  
**CITIZEN CONCERNS**

In the last Commission Meeting, Rex Funk, Road Supervisor was given permission to go out to bid for a Tractor. The low bidder was Four Star. The purchase will be \$40,000.00 after trade-in of a 1986 Peterbuilt tractor. This is the process for the equipment rotation program and is budgeted for in 2001. Commissioner Randy Johnson made a motion to approve the purchase of the tractor from Four Star as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Randy Johnson discussed a request for participation letter he received from Western County Alliance, a group organized to get a better voice in Congress regarding public land issues. The dues are \$25.00 a year to participate. Commissioner Randy Johnson made a motion to participate in Western County Alliance and pay the \$25.00 yearly dues from dues & contributions. The motion was seconded by Commissioner Drew Sitterud and approved by all member present.

Commissioner Johnson also informed everyone about a book the County received on Federal Funding Sources which is available to all departments through the Commission Office.

**(4)**  
**CONSIDERATION AND APPROVAL OF RESOLUTION REORGANIZING THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY.**

Kent Michie, Financial Advisor for The Municipal Building Authority of Emery County discussed with the Board of Commissioners the reason for the need to restructure the MBA. He provided a breakdown of the financing plan for the jail project. Commissioner Sitterud asked

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many questions regarding procedure and laws governing the structure of the MBA. Mr. Michie brought with him Wells Fargo Brokerage Services, Vice President, Dale Okerlund. Wells Fargo has offered to be the purchaser of the Bond Anticipation Note. Mr. Okerlund had a long discussion with Blaine Carlton, Bond Attorney for Ballard & Spahr, the bonding firm. In his discussion with Mr. Carlton he was told that Ballard & Spahr would not give an opinion if the MBA was not restructured down to a three commission board. Wells Fargo and CIB relies on the opinion of Ballard & Spahr that the transaction is valid and binding. So, therefore, this is the only basis by which the jail funding can go forward.

Mr. Michie concurred with the bond attorneys that this is the way that the law was designed to be. That according to the law as it is currently in effect, the board needs to be reconstituted down to the three Commission to get way from any potential legal difficulties.

The Commission discussed having the four members of the Municipal Building Authority become an advisory board for the MBA.

Commissioner Drew Sitterud asked questions regarding advisory boards. Advisory boards are used on several boards and are acceptable as long as they do not have voting power. Commissioner Sitterud asked if the Lands Council acts as an advisory board to which Commissioner Johnson replied that they are an advisory board to the Commission.

Mr. Michie commented on case law regulating special service districts. Special service districts have one of the strongest pieces of law in Utah because it has both the statutory basis and its own underlying constitutional underpinning. But you are the governing authority and could draw back all authority from that administrative control board if you chose to.

Mr. Okerlund added that a special service district is truly a separate entity, with its own emanate domain power, taxing power and its own audit report, but with no policing power. Special service districts are treated differently. The Building Authority is the alto ego of the County Commission.

Commissioner Sitterud asked if there was any other way to do this other than reorganizing the MBA. Mr. Michie answered, in order to complete this transaction, to get a legal opinion from the bond council he believes the MBA has to be reconstituted down to the three Commission board. It is the only basis by which the funding for the jail project can go forward.

Commissioner Drew Sitterud made a motion to approve Resolution 6-18-01A reorganizing the Municipal Building Authority of Emery County as outlined, whereas the Board of Trustees will consist of three members which shall be the current sitting Commissioners of Emery County. The authority is also given to the Municipal Building Authority of Emery County to create an advisory board of four members and that the bylaws of the Municipal Building Authority of Emery County be amended to reflect the organizational change mentioned. The motion was

seconded by Commissioner Randy Johnson and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH (THE "COUNTY") AUTHORIZING AND APPROVING THE EXECUTION OF AN ANNUALLY RENEWABLE MASTER LEASE AGREEMENT, DATED AS OF JULY 1, 2001, BY AND BETWEEN THE COUNTY AND THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY, UTAH (THE "AUTHORITY") REVENUE BONDS, SERIES 2001A, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,250,000 AND ITS LEASE REVENUE BONDS, SERIES 2001B IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,000,000; AUTHORIZING THE EXECUTION BY THE AUTHORITY OF GENERAL INDENTURE, FIRST SUPPLEMENTAL INDENTURE, MASTER LEASE, SECURITY DOCUMENTS, BOND PURCHASE AGREEMENT, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF A JAIL FACILITY AND RELATED PUBLIC SAFETY IMPROVEMENTS; AUTHORIZING THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION AND RELATED MATTERS.**

Mr. Michie explained the financing process and business details to the Board of Commissioners. It is necessary for a resolution to be signed and enter into a lease agreement with the MBA , to provide for public notice of bonds to be issued and begin the clock by which citizens may protest if they wish. He reviewed the closing cost associated with finalizing the transaction. The thirty day comment period begins the day of publication. The earliest funds will be available in the bank to begin paying construction cost as well as earning interest, is July 27, 2001.

Commissioner Randy Johnson made a motion to approve Resolution 6-18-01B authorizing the Municipal Building Authority of Emery County to issue bonds as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF MEMBERSHIP IN TH EMERY COUNTY CHAMBER OF COMMERCE.**

Commissioner Randy Johnson made a motion to participate in membership of the Emery County Chamber of Commerce and pay the dues of \$250.00. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF CHAMBER OF COMMERCE'S REQUEST FOR ASSISTANCE WITH LAMB FRY.**

Mike McCandless and Commissioner Johnson discussed a request from the Chamber of Commerce for up front assistance for the lamb fry. They requested approximately \$1,000.00 to \$1,500.00. The chamber will repay the funds at the end of the fair. Commissioner Randy Johnson made a motion to approve the Chamber's request for up front assistance for the lamb fry to be repaid at the end of the fair. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. The Chamber will supply the Clerk/Auditor's office with an itemized list of purchases.

(8)

**CONSIDERATION OF PARTIAL PAYMENT TO GREEN RIVER CITY FOR ATTORNEY'S FEES INCURRED IN GRAND COUNTY VS. EMERY COUNTY AND GREEN RIVER CITY.**

In last Commission Meeting, Mayor Johnson requested assistance from Emery County to help pay the expenses for the ongoing litigation related to the annexation issue in Green River City. Green River City has already paid out nearly \$30,000.00 in attorney fees. Commissioner Hatch suggested that since Emery County will benefit for the annexation and not just Green River City, that Emery County does have some responsibility to help with the cost for litigation. Commissioner Drew Sitterud made a motion to contribute \$15,000.00 to Green River City to assist in paying attorney fees incurred in the Grand County vs. Emery County and Green River City litigation. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)

**CONSIDER RENEWAL OF BAILIFF AND PERIMETER SECURITY CONTRACT WITH STATE COURT.**

Kyle Ekker, Sheriff's Department presented MOU's regarding Contractual Agreement No. 011626 and 921389 between Emery County and the Administrative Office of the Courts, whereby the Emery County Sheriff's Department provides perimeter security services to the Seventh Judicial District and bailiff services to the District Court from July 1, 2001 to June 30, 2002. The perimeter security services contract compensation not to exceed \$6,000.00 per year. The bailiff services contract compensation not to exceed \$4,500.00 per year. Commissioner Randy Johnson made a motion to approve both MOU's as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.



**(10)****CONSIDERATION OF ADVANCE PAYMENT FOR DEBT SERVICE RESERVE FUND.**

Mr. Michie explained that in any kind of revenue bonds there is what is known as a 'debt service reserve fund'. The purpose of the 'debt service reserve fund' is to provide a workout time in case the revenue flow is interrupted, delayed or held up, so payments can continue from that fund for a period of one year. The State of Utah and the market requires a 'debt service reserve fund' be in place. Because permanent bonds have be authorized today for the State, Series 2001A a 'debt service reserve fund' is required. One of the provisions that they provide for is that instead of capitalizing that fund up front by the payment of an extra amount for the first seventy-two months, they will allow for this installment build up. On the other hand the 'debt service reserve fund' would cover both the State bonds and the permanent bonds whenever they are issued in about a year from now. In order for us to issue permanent bonds on the market we would have to have to have the 'debt service reserve fund' fully funded and not on an installment basis. The State of Utah and CIB are giving extremely favorable terms but the market will not give you those kinds of terms. Therefore you will have to have in place a fully funded 'debt service reserve fund' up front. Mr. Minchie suggested to the County that if they have the means that they capitalize a 'debt service reserve fund' out of funds on hand held by the County, that is cash on hand. The funds would be transferred from the general fund into a 'debt service reserve fund'. The 'debt service reserve fund' will be invested for the full length of its period of time in probably the same instrument as the general fund is invested, so the County will be earning the same amount of interest as the general fund. It would be available in case of any possible unforeseen reason that the debt service was not there. When the time comes to make the last payment, instead of coming out of the pocket of the general fund of the County, the 'debt service reserve fund' makes the last payment. Any leftover money comes back to the county. Any interest earned throughout the duration of the debt service is available as long as the original amount remains the same. The 'debt service reserve fund' is held by the trustee for the benefit of the bond holder. The amount of the 'debt service reserve fund' is \$250,000.00.

Commissioner Randy Johnson made a motion to fund up front the 'debt service reserve fund' as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)****CONSIDERATION AND APPROVAL OF RETIREMENT CONTRIBUTION RATES FOR JULY 2001-JUNE 2002.**

Senior Deputy Clerk/Auditor, Brenda Dugmore reported the new retirement contribution rates for July 2001-June 2002. The regular employee rate is 10.19, public safety employee rate is

COMMISSION MEETING MINUTES  
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14.08. Commissioner Drew Sitterud made a motion to accept the retirement contribution rates as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF EMERY COUNTY 2001 PROPOSED TAX RATES.**

Senior Deputy Clerk/Auditor, Brenda Dugmore reported the 2001 proposed tax rates. General Fund is .003577, Library .000413, Judgement Levy .000363. Commissioner Randy Johnson made a motion to accept the 2001 proposed tax rates as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List # 140209 through and including #140352 for payment.

Requisitions were presented for the following:

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
21-01	(5) Tactical Vests Drug Task Force	\$ 6,655.00	Approved
22-01	(5) Palm Pilot Organizers Drug Task Force	2,245.00	Approved
23-01	Digital TV Tuner Television	539.95	Approved
24-01	Word Perfect Office 2002 Drug Task Force	739.90	Approved
25-01	1997 Peterbuilt Tractor Road Department	40,000.00	Approved

8

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One disposition was presented for #5096 a 1986 Peterbuilt Tractor to be a trade-in on the 1997 Peterbuilt Tractor Requisition #25-01.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List for payment and Requisitions and dispositions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(14)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Sheriff's Department

Paul Simmons has passed P.O.S.T. training and is a certified law enforcement officer. Per policy, he has been recommended to progress from Corrections Officer 12A \$11.72/hr. to Patrol Officer 15 A \$13.30/hr effective on the next pay period. Commissioner Ira Hatch stepped down to make a motion to approve the progression for Paul Simmons as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Randy Johnson made a motion to approve the minutes dated May 15, 2001 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to approve the minutes dated June 5, 2001 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(16)**

**COMMISSION REPORTS**

There were no Commission Reports.

**(17)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION.**

COMMISSION MEETING MINUTES  
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Commissioner Drew Sitterud made a motion to move into executive session to discuss possible litigation. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Present at executive session was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Clerk/Auditor, Bruce Funk, Assessor, Jim Fauver, Treasurer, JoAnn Behling, Recorder, Dixie Swasey, Road supervisor, Rex Funk, Senior Deputy Clerk/Auditor, Brenda Dugmore, Deputy Clerk/Auditor Carol Cox.

**(18)**

**CONSIDER APPROVAL OF TERMS OF PACIFICORP TAX APPEAL FOR 1999, 2000, 2001.**

Upon returning to regular meeting Commissioner Randy Johnson made a motion to approve the concept of settling with PacifiCorp and the Tax Commission on 1999, 2000, 2001 tax years with stipulation that the numbers were what we agreed upon. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(19)**

**ADJOURNMENT**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_

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

JULY 3, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT ON PROPOSED ANNEXATION OF CERTAIN TERRITORY IN EMERY COUNTY, UTAH TO THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commission Chairman Ira Hatch opened the Public Hearing and provided opening remarks. Castle Valley Special Service District was created to provide water, road, sewer, curb and gutter services to municipalities within incorporated areas in Emery County. Over the years the boundaries of the incorporated areas have changed. These areas have been serviced by CVSSD, therefore these areas need to be annexed into CVSSD. Maps were provided to show the areas proposed for annexation. There will be a fifteen day waiting period to provide for written comment from the public before annexation can be approved.

The Public Hearing was opened up for comment.

Monette York of Orangeville expressed opposition to the annexation and will submit written comments stating her reasons.

Commissioner Drew Sitterud made a motion to close the Public Hearing. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(2)

**PUBLIC HEARING– TO RECEIVE PUBLIC COMMENT ON FIVE (5) COUNTY ROADS TO BE ABANDONED BY EMERY COUNTY.**

Commission Chairman Ira Hatch opened the Public Hearing. Opening remarks were provided by Road Supervisor, Rex Funk. Mr. Funk indicated that the proposed roads to be abandoned by Emery County are not public access roads they are actually access to private property. Mr. Funk recommended the following roads be abandoned by Emery County:

- A. Mathis Spur #123- a private access located north east of Elmo City off of Millers Creek Road T.16 S., R 10 E Sec. 15.
- B. Lemon Spur #703- a private access located west of Ferron City T.20 S., R.7 E., Sec.8

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- C. Funk Spur #-30-a private access located northeast of Ferron City T.20 S., R7 E., Sec7
- D. Wilberg Spur #-24- a private access located northeast of Castle Dale City west of S.R. 10, south of Wilberg Wash T. 18S., R 8E., Sec 14
- E. Green River Moto Cross #1003-that portion of county road #1003 a native dirt road located north of Green River City, west of and behind the ball park complex (corner of Long Street and Fourth north) T21 S., R 16E., Sec 8 proceeding north westerly approximately 1.27 miles to a point of intersection of the existing CCC pond SE 1/4 Sec 6., T21 S., R16 E.

Emery County will retain that portion of County Road #1003 proceeding southward from the intersection of the existing CCC pond road SE 1/4 Sec 6., T21 S., 16 E, Eastside of the high ditch, to the intersection of County Road #1003 and State Road 19 a distance of 1.45 miles.

Commissioner Hatch opened the Public Hearing for comment.

Commissioner Randy Johnson made a motion to close the Public Hearing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**LOUIS BERG, DWR, PRESENTATION AND DISCUSSION OF ENDANGERED SPECIES MITIGATION FUNDS.**

Louis Berg, Division of Wildlife Resources presented information regarding Endangered Species Mitigation Funds. They have two fully funded projects they are working on. He first spoke of the support for the Colorado Fish and Recovery Program. They are doing extensive research and monitoring of several endangered species in our area. One of interest was the Colorado Cutthroat River Trout a sub species native to Emery County will be reintroduced to the Indian Creek and its tributary, Lowry Creek where it historically originated. They are working to put together all the data gathered from the research and monitoring to use to benefit the variety of species.

He also indicated DWR proposed to manage Duck Fork Reservoir as a Colorado Cutthroat fishery.

(4)

**BRANDI BEHLING, WELLS FARGO, OFFER MEMBERSHIP BANKING TO**

**EMPLOYEES OF EMERY COUNTY.**

Brandi Behling, Wells Fargo reviewed the services offered by Wells Fargo and asked permission to offer these services the Emery County employees. This offer requires the authorization of the Board of Commissioners. Attorney David Blackwell will look the documents over and make a recommendation to the Board of Commissioners.

**(5)****DISCUSSION OF ADVERTISING FOR NORTH EMERY SPECIAL SERVICE  
DISTRICT BOARD OF DIRECTORS.**

Bevan Wilson addressed the Board of Commissioners. He expressed his deep sorrow for the recent loss of North Emery Water User's President, Menco Copinga. Mr. Copinga served on the NEWU Board for over twenty years and will be dearly missed. NEWU stockholders met on June 28, 2001 to vote on the dissolution of the company's assets which is a requirement for the district's creation. The vote was 210 for its dissolution and 43 against. With the vote in favor of the dissolution, Mr. Wilson asked that the Board of Commissioners proceed with appointment of a governing board for the district. With a governing board in place they will be ready to receive the assets and continue to serve North Emery Water Users. They hope to have everything in place by August 15, 2001. Commissioner Hatch indicated the process will be instigated and ads will be placed the Emery County Progress seeking individuals interested in serving on the board.

**(6)****CONSIDERATION AND APPROVAL OF LEVEL THREE CONDITIONAL USE  
PERMIT FOR C.W. MINING COMPANY, BEAR CANYON NO.3 MINE.**

The Emery County Planning Committee has reviewed the level three conditional use permit for C.W. Mining and find it to be a benefit for Emery County in terms of taxes and mineral lease funds. When this permit was brought before the Board of Commissioners in September, 2000 there was concern at that time for non-approval from other agencies. Division of Oil, Gas and Mining (DOGGM) had not yet responded to a deficiency notice. Because Emery County's approval is based on other agencies prior approval, it was decided not to approve the permit until DOGM had completed their approval process. As of this date approval from DOGM has yet to be finalized, therefore, it was the decision of the Board of Commissioners to wait until DOGM has completed their approval process and signed the permit before approving the level three conditional use permit for C.W. Mining Company, Bear Canyon No.3 Mine.

**(7)****CONSIDERATION AND APPROVAL OF RESOLUTION WITHDRAWING CERTAIN**

**TERRITORY FROM THE EMERY COUNTY SPECIAL SERVICE DISTRICT #1,  
EMERY COUNTY, UTAH; AND PROVIDING FOR RELATED MATTERS.**

Commissioner Randy Johnson made a motion to approve Resolution 7-3-01 withdrawing certain territory from the Emery County Special Service District #1, describing the boundaries of the territory to be withdrawn, and providing for the related matters. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**  
**CONSIDERATION AND APPROVAL TO ABANDON COUNTY ROADS AS  
ADVERTISED.**

Commissioner Drew Sitterud made a motion to approve that the five county roads identified by the Emery County Road Department be abandoned as proposed and advertised. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(9)**  
**DISCUSSION OF CONSOL ROAD IMPROVEMENT PROJECT AND RELOCATION  
OF POWER POLES.**

The design for the Consol Road Improvement Project requires Utah Power to relocate some power poles. The Road Department contacted Utah Power to request the pole be moved. Utah Power needs the request in writing by way of a minute entry to direct them to move the pole. Commissioner Drew Sitterud made a motion to direct Utah Power to move the power pole on Consol Road and set new poles as needed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(10)**  
**CITIZEN CONCERNS**

Commissioner Johnson met with Utah Power regarding the Horn Mountain power line exchange. Utah Power had three concerns, the condition of the line, a way to read the meter and a bill of sale. Emery County did not want to put any money into this line transfer. The Board of Commissioners will look further into the matter.

**(11)**  
**CONSIDER APPROVAL OF AGREEMENT FOR FINANCIAL ADVISORY SERVICES.**



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Because of the complexity of the bonding for the jail project the Board of Commissioners felt the County needed a financial advisor to oversee the process. They had a contract to consider for Kent Michie as financial advisor. The Board of Commissioners tabled this item to allow time to further review the contract.

(12)

**SETTING OF DATE/TIME FOR PUBLIC INFORMATION MEETING ON EMERY COUNTY TRAVEL PLAN**

This agenda item was tabled.

(13)

**ROAD DEPARTMENT PRESENTATION OF QUOTES/APPROVAL FOR PURCHASE OF TRUCK.**

Road Supervisor, Rex Funk presented bids for a previously approved purchase of pickup truck. Mr. Funk recommended accepting the state bid from Hinckley Dodge for a 2002 Dodge 2500 quad cab 4X4 at \$28,699. This purchase was approved in the 2001 budget. Commissioner Randy Johnson made a motion to approve accepting the state bid from Hinckley Dodge for the purchase of the truck as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(14)

**SETTING OF DATE/TIME FOR PUBLIC HEARING FOR JUDGEMENT LEVY.**

Senior Deputy Clerk/Auditor, Brenda Dugmore requested setting of date and time for a Public Hearing for judgment levy. The need for a Judgment Levy was brought about by the decision to adjust taxes on certain centrally assessed properties. Commissioner Randy Johnson made a motion to set the date and time of a Public Hearing for the judgment levy on Monday August 20, 2001 at 6:00 p.m. in the Commission Chambers of the Emery County Courthouse, Emery County, Utah. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(15)

**SETTING OF BOARD OF EQUALIZATION DATES AND TIMES.**

Senior Deputy Clerk/Auditor, Brenda Dugmore requested setting of date and time for Board of

COMMISSION MEETING MINUTES  
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Equalization in Castle Dale and Green River. Commissioner Randy Johnson made a motion to set the date and time for Board of Equalization in Green River for Tuesday, August 21, 2001 from

12:30 p.m. until 3:30 p.m. and in Castle Dale for Wednesday, August 22, 2001 from 9:00a.m. until 3:00p.m. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List #140527 through and including 140689 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
26-01	Lightbar/Sheriff	\$ 840.00	Approved
27-01	Modem/Library	1090.00	Approved
28-01	2001 Dodge Quad Cab/Road	28699.00	Approved
29-01	Fax Machine/Road	99.98	Approved
30-01	Cell Phone/Road	114.98	Approved

One disposition was presented for a computer carrel from Economic Development that will be transferred to Weed & Mosquito.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List for payment and the requisition and dispositions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

A beer license for Grant Behling DBA: Millsite Restaurant was presented for approval. Mr. Behling requested a "Class C" beer license which allows beer sales for on and off the premises. Sheriff Guymon has reviewed and signed the license. Commissioner Randy Johnson made a motion to approve the "Class C" beer license for Grant Behling as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all.

(17)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Pat Snowball presented the following personnel action for approval:

**Assessor**

Shelly Gilpin is eligible for a routine increase on July 7, 2001 from 7A \$9.11/hr. to 8A \$9.50/hr. With this increase she has reached her working level. Jim Fauver has recommended the increase which will be effective the beginning of the next pay period, July 9, 2001. Commissioner Randy Johnson made a motion to approve the routine increase for Shelly Gilpin as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**Treasurer**

Mistie Christiansen is eligible for a routine increase on July 16, 2001 from 4B \$8.22/hr to 5A \$8.39/hr. JoAnn Behling has recommended the increase which will be effective the beginning of the next pay period, July 23, 2001. Commissioner Randy Johnson made a motion to approve the routine increase for Mistie Christiansen as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**Road Department**

A. Request approval to hire an up to 90 day temporary operator to perform the duties of a solid waste technician at \$10.89/hr. Commissioner Drew Sitterud made a motion to approve the temporary hire of a 90 day temporary operator to perform the duties of a solid waste technician as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

B. Ricky Blackburn has submitted his resignation. The Road Department requested approval to begin the recruitment process for an equipment operator/driver at Grade 12 entry \$10.89/hr. Commissioner Drew Sitterud made a motion to approve beginning the recruitment process for an equipment operator/driver as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(18)

**CONSIDERATION AND APPROVAL OF PREVIOUS MEETING MINUTES.**

Commissioner Randy Johnson made a motion to approve the minutes dated June 18, 2001 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all

COMMISSION MEETING MINUTES  
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members present.

**(19)**

**COMMISSIONER REPORTS**

*Commissioner Johnson*

Commissioner Johnson reminded everyone of upcoming fair events beginning with the Miss Emery Pageant, San Rafael Pro Rodeo, Castle Valley Pageant as well as the many exciting venues lined up throughout the fair. The new fair building is nearly completed and will house the fair exhibits.

*Commissioner Sitterud*

Commissioner Sitterud reported on visiting the Horse Canyon Mine buildings with University of Utah representatives who are interested in approaching Community Impact Board with Emery County as co-sponsor for funding to restore the buildings. Their goal is to make the buildings a show place and example of what can be done with reclamation.

The Museum of the San Rafael has requested the use of a bus during the fair to transport visitors to and from the fair exhibit building. He will look into using a Senior Citizen van.

*Commissioner Hatch*

Commissioner Hatch reported on the Water Conservancy District's commemoration of Joe's Valley Dam. Bruce Funk will be attending the redistricting meeting on July 12, 2001 at the Carbon County Courthouse. He attended the Scenic-by-way opening at Scofield. There was a good crowd in spite of the fowl weather.

**(20)**

**ADJOURNMENT**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

9  
COMMISSION MEETING MINUTES  
JULY 3, 2001

**ATTEST:**\_\_\_\_\_

**CHAIRMAN:**\_\_\_\_\_

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

August 7, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**APPOINTMENT OF NORTH EMERY WATER SPECIAL SERVICE DISTRICT  
BOARD OF DIRECTORS**

Commissioner Randy Johnson made a motion to approve Resolution 8-7-01 appointing the initial governing board of the North Emery Water Users' Special Service District as follows:

Joy Barton  
Mike McCandless  
Ben Grimes  
Raymond Quinn  
William Coyne  
Randy Bell  
Carl Fillmore

The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF QUITCLAIM DEED TO ORANGEVILLE  
CITY.**

Recorder, Dixie Swasey requested approval for a quitclaim deed to Orangeville City for parcel #01-0240-0028. An error in plat description resulted in this plat being erroneously reverted back to the county in the 1988 May Tax Sale. Commissioner Randy Johnson made a motion to quitclaim deed plat #01-0240-0028 to Orangeville City as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

COMMISSION MEETING MINUTES  
AUGUST 7, 2001

(3)

**RATIFICATION OF APPROVAL FOR GIS 2001 RURAL GOVERNMENT  
ASSISTANCE FUNDS FOR CADASTRAL DATA DEVELOPMENT.**

Commissioner Drew Sitterud made a motion to ratify the approval for GIS 2001 Rural Government Assistance Funds for Cadastral Data Development. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)

**CITIZEN CONCERNS**

Mark H. Williams commented on the 2001 Emery County Fair. He felt that Kathy Justice did a great job organizing the fair and arranging for great entertainment. He expressed concern for the lack of fair exhibits and hoped we could do better next year.

Mr. Williams also expressed concern regarding work done by the OHV club on four trails in the Wilderness Study Area. The club applied to BLM to see the 2000 Wilderness Study Report but were told it would cost them \$700.00 to get the report. They were told to request a copy of the report from the Southern Utah Wilderness Alliance (SUWA). The club was very upset about this decision and has decided to not participate in providing any help or activities for the BLM on Public Lands Day. Mr. Williams spoke with Dick Manus, BLM who was unaware of BLM's decision and will look into the matter. Mr. Williams indicated the OHV club will reconsider their decision to not participate in BLM/Public Lands Day if they receive a copy of the report as requested.

(5)

**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND  
DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List # 141305 through and including #141496 for payment.

One requisition was presented by the Sheriff's Department for parts to reinstall 60' ROHN SSV tower on Horn Mountain. The amount was \$3,786.00.

Dispositions were presented for the following:

COMMISSION MEETING MINUTES  
AUGUST 7, 2001

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>
210-5526	Cell Phone	Junked
210-5527	Cell Phone	Junked
210-6052	Cell Phone	Junked
210-5089	Cell Phone	Junked
210-6527	Scanner, 300 dpi	Junked
210-6802	Audio System, wireless	Junked

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, minus the Culligan claim from Justice Court, for payment and the requisitions and dispositions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Clerk/Auditor, Bruce Funk opened discussion on selling used appliances from the landfill. Apparently a local refurbisher offered to buy a fridge for \$10.00 and so instead of draining the Freon from the fridge and taking it to be crushed, Rex Funk decided to let the refurbisher purchase the fridge. After some discussion on this matter the Board of Commissioners decided to have the refurbisher submit a proposal to purchase such items as refrigerators, washers, dryers, freezers and dish washers and they will also advertise for others who may want to do the same.

Deputy Clerk/Auditor Carol Cox discussed an application for tax exemption status from Four Corners Community Mental Health Center, Inc. They have purchased a house in Huntington where they provide housing for families whose head of household is mentally ill. This item will be discussed at Board of Equalization on the 22<sup>nd</sup> of August, 2001.

**(6)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following for personnel action:

Road Department requested approval to hire Mark Hymas as Solid Waste Technician at Grade 12 Entry \$10.89/hr effective August 6, 2001. This is a regular, full time position, eligible for benefits. Commissioner Drew Sitterud made a motion to approve hiring Mark Hymas as Solid Waste Technician as proposed contingent upon his receiving a CDL License within the sixty day period. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Road Department requested approval to hire Ken LaVal Anderson on a temporary 90 day appointment at the Landfill to perform the same type of duties as a solid waste technician. The wage is \$10.89/hr. Beginning August 13, 2001 and ending November 4, 2001, no benefits.



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Commissioner Drew Sitterud made a motion to approve hiring Ken LaVal Anderson on a temporary 90 day appointment as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Road Department requested approval to hire Gordon Nielsen as Equipment Operator/Driver at Grade 12 Entry \$10.89/hr effective August 13, 2001. This is a regular, full time position, eligible for benefits. Commissioner Randy Johnson made a motion to approve hiring Gordon Nielsen as Equipment Operator/Driver as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(7)**

**CONSIDERATION AND APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated July 18, 2001 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(8)**

**COMMISSIONER REPORTS**

*Commissioner Johnson*

Commissioner Johnson commented on the County Fair. It was estimated that over 23,000 people attended the fair. The lamb fry fed over 4,000 people. Kathy Justice did an excellent job with the entertainment. It was great to have Governor Leavitt here for the parade. By all estimations it looks like they will be coming in close to budget.

*Commissioner Sitterud*

Commissioner Sitterud thanked Commissioner Johnson for all his hard work on the fair and the pageant.

*Commissioner Hatch*

Commissioner Hatch commented on his recent UAC Council meeting in Midway. He was able to attend a round table discussion with Tim Stuart from Congressman Jim Hansen's office.

He reminded everyone of the Judgement Levy Hearing on Monday August 20, 2001 and Board of Equalization Hearings on August 21, 2001 in Green River and August 22, 2001 here at the

5  
COMMISSION MEETING MINUTES  
AUGUST 7, 2001

courthouse.

**(10)**  
**ADJOURNMENT**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

MINUTES OF THE PUBLIC HEARING  
HELD IN THE EMERY COUNTY COURTHOUSE

AUGUST 20, 2001

Present at the Public Hearing was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Treasurer JoAnn Behling, Clerk/Auditor Bruce Funk, Senior Deputy Clerk/Auditor Brenda Dugmore and Deputy Clerk/Auditor Carol Cox.

Commissioner Ira Hatch explained that the purpose of the Public Hearing was to receive public comment on the proposed judgement levy.

Commission Chairman Ira Hatch opened the meeting to receive comments from the public.

There were no comments from the public.

Commissioner Drew Sitterud made a motion to close the Public Hearing. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY/SHERIFF COMPLEX  
IN GREEN RIVER, UTAH

August 21, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Senior Deputy Clerk/Auditor Brenda Dugmore, other elected officials and citizens. Commissioner Randy Johnson was absent from the meeting.

(1)

**CONSIDERATION AND ADOPTION OF A RESOLUTION ANNEXING CERTAIN TERRITORY IN EMERY COUNTY, UTAH TO THE CASTLE VALLEY SPECIAL SERVICE DISTRICT; AND PROVIDING FOR RELATED MATTERS.**

The purpose of this resolution is to make the boundaries of Castle Valley Special Service District match the city boundaries. The last annexation for CVSSD was in 1994. The process for this annexation began in June of 2001. On July 3, 2001 a public hearing to receive public comment was held during a regularly scheduled commission meeting. During that meeting overlapping areas were deannexed from Emery County Special Service District #1 so there would not be any overlapping boundaries. Commissioner Drew Sitterud made a motion to approve Resolution 08-21-01A annexing certain territory in Emery County, Utah to the Castle Valley Special Service District. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**CITIZEN CONCERNS.**

Richard Snowball, Soil Conservation District, informed the Commission that Congress is going to pass a comprehensive farm bill in 2002. There will be a legislative meeting held August 27, 2001 at 10:00 a.m. in Huntington to decide what to ask the lawmakers to include in the legislation. Commissioner Hatch asked for an update on the salinity projects in Emery County. Mr. Snowball reported that the Ferron project is about one half complete and should be completed in approximately two years. The proposal for 2002 could likely be funded for the Huntington/Cleveland areas.

Tim Vetere came before the Commission with concerns of the storm drainage system in Green River. Mr. Vetere wanted to know who was responsible to maintain the drainage canals. Commissioner Hatch stated that it was not the County's responsibility. The County had sold Green River City a motor grader so they would have the capacity to maintain the canals. Mr.

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Vetere stated that the City needed some guidance to learn how to maintain the drainage systems. Commissioner Hatch stated he would get with the Mayor of Green River and see if something could be worked out.

Sheriff Guymon requested approval for a weather station for Horn Mountain. The weather station would cover all of Emery County and 30 percent of Carbon County. The required match on this grant is 15 years of power donation and 15 years of rack space. Commissioner Drew Sitterud made a motion to approve the weather station grant. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(3)**

**DISCUSSION AND APPROVAL OF ADOPTING STATE AMBULANCE RATE SCHEDULE.**

Sr. Deputy Clerk/Auditor Brenda Dugmore informed the Commission that this is a yearly rate schedule. The State compiles cost figures from all ambulance services in the State and creates a maximum cost that can be charged for ambulance services. Commissioner Ira Hatch made a motion to approve the State ambulance rate schedule. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. The new rate schedule is as follows:

Basic Life Support: \$276.03 per call

Advanced Life Support: Intermediate - \$327.77 per call

Advanced Life Support - Paramedic - \$414.05 per call

Mileage Rate: \$12.09 per mile

Surcharges:

Emergency - \$27.39 per transport

Night - \$27.39 per transport between the hours of 8:00 p.m. and 8:00 a.m.

Off-Road - \$22.81 per transport

Special Provisions:

Waiting Time: \$15.21 per quarter hour after 15 minutes of wait time

Non-Transport: \$228.24 per call out

**(4)**

**APPROVAL OF FY 2001 CONTRACT AMENDMENT #1 BETWEEN EMERY COUNTY AND THE AREA AGENCY ON AGING.**

The contract amendment #1 for the fiscal year 2001 amends the State revenue figures. Commissioner Hatch informed the public that the Area Agency on Aging has assumed the functions that were previously being handled by the RSVP. Commissioner Ira Hatch made a motion to approve the FY2001 Contract Amendment #1 between Emery County and the Area

Agency on Aging. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF TAX EXEMPTION FOR PROPERTY OWNED BY FOUR CORNERS MENTAL HEALTH.**

Commissioner Ira Hatch informed the public that Four Corners Mental Health acquired a house in Huntington for the rehabilitation of families who have a family member that is mentally disturbed. Commissioner Hatch talked with Huntington City about concerns of housing sex offenders close to a school and also that previous tenants of the home had caused serious damage to the home. Commissioner Hatch was assured by Four Corners Mental Health that the above concerns would be taken care of. For the current year, the house would qualify for tax exempt status. This status will be considered on a year to year basis. The change to exempt status will be done through a Board of Equalization change this year.

(6)

**SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON APPROVAL OF A LEVEL 3 CONDITIONAL USE PERMIT FOR SWEET WATER FARMING.**

The Planning Commission has voted to recommend approval of a level 3 conditional use permit for Sweet Water Farming. The next step in the process is to hold a public hearing to receive public comment on the proposed permit. Commissioner Ira Hatch made a motion to set a public hearing for September 4, 2001 at 5:00 p.m. in the commission chambers. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON APPROVAL OF A LEVEL 3 CONDITIONAL USE PERMIT FOR QUESTAR HUNTINGTON LATERAL PIPELINE.**

The Planning Commission has voted to recommend approval of a level 3 conditional use permit for Questar Huntington Lateral Pipeline. The next step in the process is to hold a public hearing to receive public comment on the proposed permit. Commissioner Drew Sitterud made a motion to set a public hearing for September 4, 2001 at 5:15 p.m. in the commission chambers. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**APPROVAL OF BUSINESS LICENSE.**

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Clerk/Auditor Bruce Funk presented a business license application for Juanita Wilson, DBA: J's Automotive, to set up an automotive repair shop. The application has been approved by Bryant Anderson, Zoning Administrator. Commissioner Drew Sitterud made a motion to approve the business license for Juanita Wilson. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #141699 through and including #141860 for payment. One requisition was presented for the Sheriff's Department for a speaker system for the Safe Communities program. The amount was \$753.75. Commissioner Drew

Sitterud made a motion to approve the Warrant Check Edit List and the requisition as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**  
**A. DISCUSSION AND CONSIDERATION OF APPROVAL OF RESOLUTION**  
**AMENDING THE PERSONNEL POLICY WITH REGARD TO NEPOTISM.**

Personnel Director Pat Snowball presented the following for personnel action:

***Sheriff's Department:***

It is proposed to promote Jeff Thomas from patrol deputy grade 15 step F \$14.79 per hour to detective grade 16 step G \$15.25 per hour plus \$50.00 per week for being on call. This would be effective the beginning of the next full pay period.

It is proposed to rotate law enforcement employees in and out of the drug task force on a regularly scheduled basis. When rotating in, an individual will be classified as detective at grade 16. When rotating out, the same individual will go back to the classification from which they came, which may result in a decrease in wage. On this basis, it is proposed to rotate Greg Funk, patrol deputy grade 15 step A \$13.30 per hour to grade 16 step B \$14.15 per hour plus \$50.00 per week for being on call. This would be effective the beginning of the next full pay period.

Commissioner Ira Hatch made a motion to approve the above promotions pending working out an agreement with Attorney Blackwell that when an employee is rotated out of the drug task

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force they go back to their prior job description. The agreement needs to include that it is at the Sheriff's or the employee's option to discontinue being in the drug task force position after a two year period. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

It is requested to approve recruitment for the following entry level law enforcement personnel:

*Start in dispatch with the potential to become a certified corrections officer and level 1 peace officer.*

Commissioner Drew Sitterud made a motion to begin recruitment for the above position. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Amending the personnel policy concerning nepotism was tabled.

**(11)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated August 7, 2001 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(12)**

**COMMISSION REPORTS.**

There were no commission reports.

**(13)**

**OTHER BUSINESS.**

A public hearing was held on August 20, 2001 for the purpose of hearing public comment on the proposed judgment levy. Commissioner Drew Sitterud made a motion to adopt Resolution 08-21-01B adopting final budgets and tax rates for the year 2001 as follows:

General Fund	\$ 4,563,100	0.003577
County Library	526,900	0.000413
Judgment Levy	474,053	0.000372

The motion was seconded by Commissioner Ira Hatch and approved by all members present.



6

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AUGUST 21, 2001

(14)

**ADJOURNMENT.**

Commissioner Drew Sitterud made a motion to adjourn. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

September 4, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Sheriff LaMar Guymon, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Sr. Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 142041 through and including #142148 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
35-01	Mig Welder/Road Dept	595.00	Approved
36-01	P-379 Agile Processors (4)/TV	3,680.00	Approved
37-01	Light Bar/Sheriff	840.97	Approved
38-01	(2) 11 Mb Gateway/Library	870.00	Approved

Dispositions were presented for the following:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
146-5176	Computer Modem/Assessor	Junked	Approved
146-5820	Computer System/Assessor	Junked	Approved
146-4983	386 Computer/Assessor	Junked	Approved

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List for payment and the requisitions and dispositions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(2)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

There was no Personnel action.

(3)

**DICK MANUS, BLM, QUARTERLY UPDATE**

Tom Rasmussen, BLM presented the Board of Commissioners with the following update:

Kathleen Clark of Department of Natural Resources for the State of Utah has been nominated to be the new director of Bureau of Land Management. She will have to go through confirmation hearings.

Buckhorn Draw Restoration efforts are nearing completion. They will be limiting camping to existing use areas as well as limit some off road vehicle use.

Jeanie Leavy is just putting the final touches on the OHV Travel Plan. After she has finished it will go to their state office for extensive review.

They have received the formal go ahead for a two year resource management plan.

Dick Manus and Maggie Wyatt, Field Office Manager from Moab will be coming before the Board of Commissioners soon to request a letter of support for the Three Rivers Withdrawal. This is the a withdrawal of the Doloris, Colorado and Green River from the mineral plains.

Lyle Canyon Coal Mine received approval of Right of way July 27, 2001, DOGM approved the mine plan the same day. The Right of way was for surface facilities and power lines.

They have been informed they will need a fully engineered road before they submit an application for a right of way with Emery County.

Coal bed Methane, once the Questar line goes in over the mountain the drilling spree is going to hit. Phillips plans to drill about one hundred holes next year. This completes the Drunkards Wash Unit. Eighty will be on State land and twenty on Federal land.

Texaco has two federal wells that they are drilling. We haven't really heard much from them about their plans for next year.

Anadarko, all their drilling within Emery County will be on state land.

Chandler, that went to Shennandoah is now owned by Questar and they have heard nothing from them on their drilling plans for next year.

They have been approached by Mark Dolar, who is involved with the Last Chance Oil Field. They have four or five shut in wells with no pipeline out. They have come in with an application for permit to drill an additional well and set up a liquid natural gas processing plant. They would like to freeze the gas turning it into a liquid natural gas and truck it out to I-70. Rex Funk has been out to review the road they plan to use and will make a determination soon.

Gold Terra, DOGM has finished their review. NEPA studies have began.

COMMISSION MEETING MINUTES  
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Mr. Rasmussen presented an MOU between BLM and Emery County for control of noxious weeds on BLM land within the County. The MOU is for \$5,000.00 a year and is renewable every five years. The MOU calls for Emery County to provide an update by way of maps and an inventory of where noxious weeds are located on BLM land. Commissioner Randy Johnson made a motion to approve the MOU between BLM and Emery County for control of noxious weeds on BLM land. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(4)**

**CROCKETT DUMAS, FOREST SERVICE, QUARTERLY UPDATE.**

Crockett Dumas, Forest Service District Ranger provided the following update of activity:

They will have their last public field visit of water sheds on October 4, 2001. They will visit Ferron water shed and look at some of the things they have been doing and or need to do. This is in conjunction with their roads and trails analysis.

They will be looking at the Ferron Creek Road which is a cooperative project between Forest Service and Emery County Road.

Forest Service gave approval for Emery County's plan to replace the buried cables currently in place within the right-of-way on East Rim Horn Mountain Communication Site. The County proposes to install fiber optics cable in 2" diameter PVC conduit in the existing corridor.

**(5)**

**KEVIN CHRISTOPHERSON, DWR, QUARTERLY UPDATE.**

Kevin Christopherson, DWR provided the following update of activity:

Fish/Aquatic programs , the stream maturation on the White River is near completion.

The Colorado River Cutthroat proposal has been approved by the Regional Advisory Council. It will be going before the board next week. This is a proposal to remove non native trout in some remote streams and reintroduce cutthroat as part of the conservation strategy. This is an effort to keep the cutthroat from becoming endangered.

Ferron Reservoir, has dam problems. It is leaking and they have had to draw it down about six feet. They discovered a huge hole on the inside of the dam. It has about a fifty year history of leakage problems. They don't know where they are going to go with it. They don't have any funds for repairs. They are going to wait and see what the dam safety people have to say.

The four fish limit has passed the Regional Advisory Council. This is essentially a state wide regulation reducing the eight trout limit to four. There is surprisingly a lot of support for

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SEPTEMBER 4, 2001

this.

Blue Ribbon Fishery Council was in Emery County on a state wide tour last week. This is a citizen council put together by Governor Leavitt to decide how to spend \$300,000.00 earmarked for economic development in rural counties with an emphasis on creating popular fishing.

They are gill netting monthly in Joe's Valley to study out the trout and the growing chub population. They researching how to manage the problem without doing something drastic like a poisoning. They hope to have some results this winter from the study so they can move forward.

They had a new display at the Emery County Fair where they received good feedback from the public.

In habitat, they have been putting some drinkers along Highway 6 to keep deer from crossing the road to go to the river. They had a lot of help from the sportsmen in this effort.

San Rafael Salinity Project continues. They are working with the Bureau of Reclamation on around four hundred and fifty acres in Emery county that need to be mitigated. They are trying to put together a combination of on-farm and off-farm mitigation so it can move forward. It has been a difficult issue.

Skyline/Electric Lake issue of water in the Skyline Mine is a problem for them.

Bear issues, less problem this year.

Completed a Black Swift survey, a rare bird that is supposed to be in this area. No Black Swifts were found to be in Emery County.

They had a pre-season antelope hunt in Green River. They had some problems last year with damage to watermelon crops. All the adults were removed during this hunt which made the growers happy.

The sage grouse and turkey transplant plan was approved by the RAC.

A private Elk hunting area up Indian Canyon has been proposed. The land owner has ran into problems with removing the wild elk before the domestic elk can be moved in.

There was a 27" buck poached on the Manti La Sal. It has been elevated to a felony because of the trophy size.

**(6)**

**ROSANN FILLMORE/KARL KRAYNC, DISCUSSION OF BUSINESS INVESTMENT OPPORTUNITY GRANT.**

Rosann Fillmore provided information about grant opportunities for individuals to start new businesses. The \$500,000.00 grant is a result of excess TANIFF funds designed to get families off welfare. The grant extends to all of south eastern Utah and is limited by requirement of eligibility. An applicant must be up to 200% of poverty level and have a dependent child in the home. Applicants must first take a Nex Level business class which is a five week training course for business development and planning. Recipients could receive up to \$10,000.00. Funds will be available in October 2001 and will be administered by Association of Governments (AOG).

(7)

**5:00 P.M. PUBLIC HEARING- To receive public comment on Level 3 conditional use permit for Sweet Water Farming.**

Commission Chairman Ira Hatch opened the public hearing and turned the time over to Mack Huntington, Chairman, Emery County Planning Commission. Mr. Huntington explained that the conditional use permit qualifies in the mining and grazing zone. The Planning Commission recommends approval of the permit. Sweet Water Farming proposes to construct machines that alters the chemistry of the soil and water. Frank Johnson, Sweet Water Farming explained that this is a sulphur burning patented machine. It takes the bicarbonates out of the water and mixes the water with sulphuric acid. The machine is being used all over the world. They hope to manufacture 300 machines a year. They have chosen this area for the production phase because of accessibility to skilled workers, alkali conditions and I-70 for transporting. They will employ up to five people. Construction will be basically welding and assembly with no waste product or noxious problems.

Commissioner Randy Johnson made a motion to close the Public Hearing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**5:15 P.M. PUBLIC HEARING- To receive public comment on Level 3 conditional use permit for Questar Huntington Lateral Pipeline.**

Mack Huntington, Chairman, Planning Commission introduced Questar representatives, Kelly Wilson and Larry Clifton. Mr. Wilson explained that they are seeking approval to traverse Emery County land to install lateral pipeline parallel to the six inch line already in place except where it crosses communities. Maps indicating the position of the pipeline were provided for the public. The pipeline will be twelve inches in diameter and will have the capacity to carry 1,200 pounds pressure but will operate at 600-800 pounds of pressure. The pipeline will carry methane gas from the coal bed methane fields in Emery County to the CO-2 rejection plant in Carbon County.

Darrell Leamaster indicated that Questar has met with CVSSD and made arrangements for the places where they will be crossing water and sewer lines. CVSSD expressed a desire for Questar to stay under their lines.

The Planning Commission recommends approval of a Level 3 Conditional Use Permit for Questar Huntington Lateral Pipeline and indicated that in the conditions of the permit they have very carefully spelled out that Questar will acquire agreements with all affected entities.

Commissioner Drew Sitterud made a motion to close the Public Hearing. The motion was

6

COMMISSION MEETING MINUTES  
SEPTEMBER 4, 2001

seconded by Commissioner Randy Johnson and approved by all members present.

(9)

**CITIZEN CONCERNS**

Commissioner Randy Johnson discussed a request for financial assistance in purchasing a laptop computer for Canyon Country Partnership. The cost for each due paying county would be \$110.40. Commissioner Randy Johnson made a motion to participate in purchasing a lap top computer for Canyon Country Partnership by paying \$110.40 from Dues and Contributions. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF LEVEL 3 CONDITIONAL USE PERMIT FOR SWEET WATER FARMING.**

Commissioner Randy Johnson made a motion to approve a Level 3 Conditional Use Permit for Sweet Water Farming. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF LEVEL 3 CONDITIONAL USE PERMIT FOR QUESTAR HUNTINGTON LATERAL PIPELINE.**

Commissioner Drew Sitterud made a motion to approve a Level 3 Conditional Use Permit for Questar Huntington Lateral Pipeline. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

**RATIFICATION OF RESOLUTION 08-21-01B ADOPTION OF FINAL TAX RATES FOR 2001.**

Commissioner Randy Johnson made a motion to ratify the motion made on August 20, 2001 approving Resolution 8-21-01B adopting the final 2001 tax rates. The motion was second by Commissioner Drew Sitterud and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN STATE OF UTAH AND EMERY COUNTY FOR COLLECTION, ANALYSIS, AND PRESENTATION OF RS2477 DATA.**

Commissioner Drew Sitterud made a motion to approve the contract between State of Utah and Emery County for collection, analysis, and presentation of RS2477 data. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(14)**  
**NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT REQUEST FOR TRANSFER OF MINERAL LEASE FUNDS.**

Commissioner Randy Johnson made a motion to release funds from the escrow account to the NEWUSSD and to bill them for services rendered thus far. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)**  
**ROSANN FILLMORE, RATIFICATION OF A CONTRACT WITH FREIGHT SERVICES INC. TO DO AN ECONOMIC STUDY OF THE CASTLE VALLEY RAILROADS PROJECT.**

Rosann Fillmore, Economic Development explained that this is a grant from the EDA and CIB to have an Economic Impact (EI) study done on the feasibility of having a railroad in Emery County. The company will run our economic information through a model that is already set up. They will do a coal competitive fuels analysis. We hope this analysis will tell us how likely it is that Consol can compete in the coal market. Rosann was told that everything hinges on the competitive fuels analysis and that we shouldn't do anything until get the result from that. Freight Services sent a contract for this service which had to expedited therefore it was signed and sent on to begin the work. The contract now needs to be ratified. Commissioner Randy Johnson made a motion to ratify the approval of the contract with Freight Services for an economic study on the feasibility of having a railroad in Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)**  
**MAYOR GARTH LARSEN, FERRON CITY, DISCUSSION OF SPECIAL EVENTS**



**CENTER.**

Ferron City Mayor, Garth Larsen discussed with the Board of Commissioners the conditions of the stock show barn in Ferron. It is in bad condition and each year the city has been approached to request repairs to the building. The South Eastern Livestock Show has indicated that if repairs are not done on the building that they may move the stock show to another county. Mayor Larsen discussed the idea of building a multi-purpose indoor arena. He was not prepared to define the scope of the work at this time but indicated that the project is on the short term CIB list and they will approach the CIB for possible funding on the next rotation. He indicated that if successful in acquiring funds for the arena then repairs would be made to the roof of the current stock show barn and it would be used as a horse stall for stock shows and other events needing that type of service. Mayor Larsen just wanted to inform the Board of Commissioners of Ferron City's plans. He will be back to discuss the plans in more detail as well as request a letter of approval from the Board Of Commissioners and in kind services commitment from the Road Department before they approach CIB for funding.

**(17)****DARRELL LEAMASTER, CVSSD, DISCUSSION OF PROPOSED BOND ELECTION AND TAX INCREASE TO FUND PROJECTS IN THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Darrell Leamaster, CVSSD informed the Board of Commissioner that the CVSSD board would like to hold a bond election on November 7, 2001. A bond election would allow them to increase the tax rate for the general fund. Two separate questions would be on the ballot which will be included with the municipal election on November 7, 2001. CVSSD will prepare the ballots and distribute them to the towns. They hope to be able to structure debt and extend bonds without increasing taxes. They need to hold public meetings to get the word out to the people about the need for the bond election. CVSSD control board is not allowed to call for an election this must be done by the governing county . They will bring a resolution to the next meeting formally requesting Emery County to call for an election.

**(18)****CONSIDERATION AND APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated August 21, 2001 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(19)**

**COMMISSION REPORTS**

There were no reports.

**(20)**

**EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION AND PERSONNEL MATTERS.**

Commissioner Randy Johnson made a motion to move into an executive session. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Upon returning to regular meeting Commissioner Randy Johnson made a motion to write a letter to Will Robertson. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(21)**

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

SEPTEMBER 18, 2001

Present at the meeting were Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Randy Johnson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens

(1)  
**CONSIDERATION AND APPROVAL OF RESOLUTION CONDEMNING TERRORIST ACTS AND SUPPORTING THE PRESIDENT OF THE UNITED STATES.**

Commissioner Randy Johnson made a motion to adopt Resolution 9-18-01A Condemning Terrorists Acts and Supporting the President of the United States. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)  
**RATIFICATION OF MOU NOXIOUS WEED AGREEMENT WITH BLM.**

Commissioner Randy Johnson made a motion to ratify the MOU approved on September 4, 2001 between Emery County and BLM for control of noxious weeds on BLM land within Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)  
**DICK MANUS, BLM, UPDATE ON THREE RIVERS WITHDRAWAL PROPOSAL.**

Dick Manus, BLM discussed a proposal to withdraw segments of the Doloris, Colorado and most of Green River from minerals entry. An environmental review has been done and found that there will be no impact on leasable oil and gas activity in these areas. There are no current active claims. The area to be withdrawn is one hundred and seventy miles long most of which is on the Green River. He has received approval and support from San Juan and Grand County and hopes to receive the same support from Carbon and Emery Counties. At this time he is requesting a letter of approval and support for this proposal.

(4)

**CONSIDERATION AND APPROVAL OF RESOLUTION PROVIDING FOR HOLDING OF A SPECIAL ELECTION FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Darrell Leamaster, Castle Valley Special Service District and Kent Michie, Financial Advisor for Emery County discussed need to hold a special election during the fall Municipal Election. The purpose of the bond election is to ask the public to vote on two questions. First question is the issuance of 12 million general obligation bond. Second question is for authorizing an increase in the tax levied by the district. CVSSD intends to hold public hearings in each community to get the word out to the public and present the facts. Because CVSSD does not have the authority to call for an election Mr. Leamaster requested the Board of Commissioner's approval for Resolution 9-18-01B providing for the holding a of a special bond election in the Castle Valley Special Service District, Emery County, Utah, at the same time as the municipal general election, for the purpose of submitting to the qualified electors thereof the question of issuing General Obligation Bonds of the District in an amount not to exceed \$12,000,000; and providing for related matters. He also requested approval for Resolution 9-18-01C providing for the holding of a special tax election in the Castle Valley Special Service District, Emery County, Utah, at the same time as the municipal general election, for the purpose of submitting to the qualified electors thereof the question of authorizing a .002 per dollar of taxable value increase in the tax levied by the District; and providing for related matters. Resolution 9-18-01B will provide funds for the purpose of financing the costs of road construction projects and improvements to the District's water, sewer and drainage systems, as well as provide money for refunding of bonds outstanding. Resolution 9-18-01C will raise money for the purpose of paying operating and maintenance expenses of the District. Mr. Michie commented that holding a bond election is the most efficient way to do things and get projects done.

Mr. Leamaster also requested the Board of Commissioners hold a Canvas of Election within ten days of the election. The Board of Commissioners set the date and time for the Canvas as Tuesday, November 13, 2001 at 9:00 a.m.

Commissioner Randy Johnson made a motion to approve Resolution 9-18-01B and Resolution 9-18-01C as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**DISCUSSION AND APPROVAL OF COURTHOUSE PARKING LOT REPAIR AND RENOVATION PLAN.**

Craig Johansen, Johansen and Tuttle Engineering, discussed the plans for renovation of the courthouse parking lot. \$25,000.00 has been set aside for the purpose of renovation of the parking lot in 2001. Commissioner Randy Johnson made a motion to proceed with the renovation plans and begin the advertising process. The motion was seconded by Commissioner

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Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF PROPOSED OIL AND GAS LEASE.**

This item was tabled.

(7)

**OPENING OF BIDS FOR THE PURCHASE OF ANY OR ALL DEFECTIVE APPLIANCES RECEIVED AT EMERY COUNTY LANDFILL. CONSIDERATION OF BID.**

There was one bid for the purchase of any or all defective appliance received at the Emery County Landfill. Mr. John Jones, Square Deal, Helper, Utah proposed \$10.00 per appliance. Commissioner Drew Sitterud made a motion to accept the bid from Mr. Jones. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL TO ABATE PENALTIES AND INTEREST OF MORGAN ROBERTSON.**

Treasurer, JoAnn Behling discussed a request from Morgan Robertson to abate the penalties and interest from his delinquent property tax. After much discussion on this issue, Commissioner Drew Sitterud made a motion to abate the penalties and interest provided Mr. Robertson pays all the taxes owing by November 30, 2001. The motion was seconded by Commissioner Ira Hatch as Commissioner Johnson had left the meeting. The motion was approved by all members present.

(9)

**CONSIDER REQUEST FROM DEBRA OVIATT FOR A REDUCTION IN AMBULANCE BILL.**

Senior Deputy Auditor, Brenda Dugmore requested on behalf of Debra Oviatt, reduction of charges on an ambulance bill for Chet Oviatt. Mr. Oviatt passed away and Mrs. Oviatt needs help with the financing of the pressing bills from his death. Commissioner Drew Sitterud made a motion to abate the ambulance run charges and leave the \$95.00 for materials used for Mrs. Oviatt to pay. The motion was seconded by Commissioner Randy Johnson and approved by all

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members present.

(10)

**CONSIDERATION AND APPROVAL OF GREEN RIVER BIBLE CHURCH REQUEST  
REINSTATEMENT OF TAX EXEMPT STATUS FOR PROPERTY #1-161-5.**

Deputy Clerk/Auditor, Carol Cox discussed a request from Green River Bible Church for reinstatement of tax exempt status for property #1-161-5. This is the parsonage used to house the pastor for the church. They no longer have a pastor using the house. They called the Assessor's office and asked to have the Assessor value the home so they could sell it. Jim Fauver and Carol Riddle went to Green River. The home has been cleaned up, had a new gas and electric meter put at the home and it is now up for sale. The status of the home has now changed. It is no longer being used for religious and charitable use. This property was removed from the tax exempt list for 2001. The Clerk/Auditor's office received a letter from Bill Adams, Board Chairman requesting reinstatement of tax exempt status. After discussion of this matter Commissioner Drew Sitterud made a motion to deny the request from Green River Bible Church. The motion was seconded by Commissioner Randy Johnson approved by all members present.

(11)

**CITIZEN CONCERNS**

Commissioner Johnson asked Rex Funk if he can dispose of the excess grease from the lamb fry. Joel Dorsch has grease from the last two years that needs to be disposed of. Rex will check with the health department to see what can be done.

Commissioner Johnson also discussed a request from Energy West. They will be roto milling the Des Bee Dove Road within the mine permit area and asked if the County would like the material at the pageant site. Energy West will lay it out if Emery County Road Department would supply a couple of trucks to transport the material to the site. Rex will get in touch with Dennis Oakley and work out the details.

(12)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND  
DISPOSITIONS.**

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Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 142316 through and including #142477 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
39-01	28' Noel and Holly/Courthouse	\$1,270.50	Approved
40-01	Crime Scene Kit/Sheriff	1,229.85	
	High Voltage Dustprint Lifter	795.00	Approved
41-01	P3- Computer System/Sheriff	1,669.00	Denied
42-01	Weaver Binoculars/Sheriff	1,580.00	Approved
43-01	City Decorations/Matching Funds	1,400.00	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
145-5320	Printer/Attorney	Hold for Auction	Approved
145-4989	Computer/Attorney	Hold for Auction	Approved
143-6548	Validator/Treasurer	Hold for Auction	Approved
143-6549	Validator/Treasurer	Hold for Auction	Approved
143-6925	Validator/Treasurer	Hold for Auction	Approved

Cell Phone reimbursements were requested for Jeff Thomas \$50.00 and Norm Vuksinick \$30.00.

Commissioner Drew Sitterud made a motion to approve the Warrant check Edit List for payment, the Requisitions and Dispositions as proposed. The motion was seconded by Commissioner Ira Hatch as Commissioner Johnson had to leave the meeting. The motion was approved by all members present.

**(13)**

**SETTING DATES FOR BUDGET WORK MEETINGS.**

Budget Workshop dates were set for October 9th, at 1p.m., October 15th, at 9:30a.m. to 3p.m. and October 19<sup>th</sup>, 9:30a.m to 3:30p.m.

**(14)****PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director discussed with the Board of Commissioners the option of picking up builders risk insurance while the County is in construction phases on two buildings at this time. The insurance is no cost to the County . Commissioner Hatch suggested Pat get with Commissioner Johnson to get the needed information and pursue the builders risk insurance.

Pat was also asked to send a reminder notice on accident reporting to department heads.

**(15)****APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Ira Hatch made a motion to accept the minutes dated September 4, 2001 as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)****COMMISSION REPORTS**

Commissioner Hatch reported that things are moving along on the Safety Complex. A series of contractors are in the bidding process for the various projects.

Commissioner Hatch and Commissioner Sitterud attended Commissioner's Fall Short Conference last week in Logan. They attended seminars on a variety of topics gaining valuable information that will benefit Emery County in the near future.

Commissioner Johnson left the meeting this day to represent Emery County at Goblin Valley. The road from Temple Mountain to the park area is complete. They hope plans to begin work on Highway 24 to Temple Mountain will begin soon.

**(17)****EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION AND PERSONNEL ITEMS.**

Commissioner Drew Sitterud made a motion to move into Executive Session to discuss personnel items. The motion was seconded by Commissioner Ira Hatch and approved by all members present.



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Upon returning to regular meeting Commissioner Drew Sitterud motioned that due to the unavailability of Randall Stilson to return to work, to change the position Val Anderson currently holds at Landfill from up to 90 days temporary to a 9 months temporary position. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(18)**

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

OCTOBER 2, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**MICHAEL MCCANDLES, EMERY TELCOM, QUARTERLY UPDATE.**

Michael McCandles, Emery TelCom provided the following update of activity:

- ✦ They have completed one hundred seventy to one hundred eighty construction jobs this year as a result of the Carbon County acquisition in April. They acquired fourteen Qwest employees. At this time they are wrapping up the jobs before the weather changes.
- ✦ They have hired a local contractor, Ockey Construction, to help with the many projects.
- ✦ DSL launch has been well received in Carbon and Emery Counties.

(2)

**ROSS WILBERG, DISCUSSION OF JOE'S VALLEY/DES BEE DOVE ROAD ISSUES.  
ADDRESS CONCERNS OF LANDFILL TRASH BLOWING ONTO HIS PROPERTY.**

Ross Wilberg discussed problems associated with ownership of a road by his property in Joe's Valley. The Forest Service says it is the County who asserts ownership. Mr. Wilberg has problems with people riding four-wheelers off the roadway and onto their property, leaving gates open for cattle to get out causing him to be fined by the Forest Service. Regarding the Des Bee Dove Road, he wanted to know if the County obtained a right-of-way and if the County is operating under a prescribed right-of-way. He felt the County has disturbed well beyond the sixty-six foot mark.. He also discussed the trash blowing from the Landfill onto his property. Road Supervisor, Rex Funk suggested that there may be a few times the prevailing winds catch garbage before they have a chance to cover it up, but for the most part garbage is covered up on a continual basis throughout the day. Rex will have Mark Hymas from Landfill get with Ross and see what can be done to help alleviate that problem.

(3)

**KAY JENSEN, CONSIDERATION OF ABATEMENT OF TAXES.**

Earlier this year Kay Jensen met with the Board of Equalization and submitted a letter of protest. He explained that he has, since 1999 been in the process of purchasing a parcel of property from Mr and Mrs. Leverton. Mr. Leverton had the property in green belt. Since the property is still owned by the Levertons this had to continue through them. Mr. Leverton passed away. Mrs. Leverton did not sign to have the property put in green belt. The taxes then came due for 2000 at the regular rate. Kay paid the taxes. At BOE he requested to have the 2001 taxes returned to the rate they would have been had Mrs. Leverton maintained the green belt status. In all the research the Board of Commissioners have done on this issue they could find no evidence of the property being in Kay Jensen's name. This will need to be a Board of Commission decision. They will make a decision soon.

(4)

**CITIZEN CONCERNS**

There were no citizen concerns.

(5)

**OPENING BIDS FOR FILTERS FOR ROAD DEPARTMENT. CONSIDER AWARDING OF BID AND APPROVAL OF OTHER NECESSARY PAPERWORK.**

Clerk/Auditor Bruce Funk opened the bids for filters for Road equipment. Bids were received from:

J&D Auto, Jack's Motor, Wards 4X4, and Book Cliff Sales.

Rex Funk will take the bids and plug in all the numbers to come up with the lowest bid. Commissioner Randy Johnson made a motion to have Commissioner Sitterud sign off on the contract once Rex has made the determination for the lowest bidder. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

In other Road Department business, Rex indicated he has \$46,000 left in equipment purchases and would like to get pricing on replacing the shop maintenance truck, a magnesium chloride spreader and a welder. Commissioner Randy Johnson made a motion to have Rex Funk get pricing for replacing a shop maintenance truck, a magnesium chloride spreader and a welder as requested. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**OPENING OF BIDS FOR COURTHOUSE PARKING LOT REPAIR/RENOVATION.  
CONSIDER AWARDING OF BID AND APPROVAL OF OTHER NECESSARY  
PAPERWORK.**

Clerk/Auditor Bruce Funk opened bids for the courthouse parking lot repair/renovation project. Bids were received from:

Commission Chairman Ira Hatch indicated that Johansen & Tuttle Engineering estimated the project would cost approximately \$33,000.

G.W. Johansen Construction, Mt. Pleasant, Ut	\$63,005
Brown Brothers Construction, Loa, Ut	\$61,160
Nielson Construction, Huntington, Ut	\$41,815

Nielson Construction was the low bidder at \$41,815 however the bid was more than the engineer's estimate and the \$25,000 budgeted for the project. Commissioner Drew Sitterud made a motion to have the bids sent to J&T to see if the bids are in line with estimates. Bruce Funk is to research where in the budget to find the difference to pay for the project. Commissioner Randy Johnson is authorized to sign the necessary paperwork to get the project moving. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

**ROSANN FILLMORE, COMMUNITY FOUNDATION REQUEST FOR TAX  
ABATEMENT.**

Rosann Fillmore explained that the Rosenberg family donated a house located on Main Street in Castle Dale for the benefit of Emery County. Members of the Emery County Community Foundation met with Nad Peterson, Mrs. Rosenberg's son on September 26, 2001 for the signing of the deed to the Foundation. The building will be used for non-profit purposes. The Emery County Chamber of Commerce will house their operations there and they may use a couple of rooms for a local folk art gallery. Rosann indicated that the taxes for the building will be prorated and the Rosenberg family will pay the previous months taxes. The Foundation would be responsible for the last three months taxes, therefore she requested to have the remaining months taxes abated. Commissioner Randy Johnson made a motion to abate the last three months taxes. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF APPOINTMENTS TO EMERY COUNTY LIBRARY BOARD OF TRUSTEES.**

Commissioner Randy Johnson read the recommendations of the Library Board for four year appointments to the Library Board of Trustees as follows:

Jimmie Dawn Jones, reappointment  
Marilyn Olsen, reappointment  
William Luce, new appointment

Commissioner Randy Johnson made a motion to appoint Jimmie Dawn Jones, Marilyn Olsen and William Luce to the Emery County Library Board of Trustees. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**GARTH LARSEN, PRESENTATION OF FERRON'S SPECIAL EVENTS CENTER PROJECT.**

Ferron Mayor, Garth Larsen made a presentation of plans for a Special Events Center in Ferron. Mayor Larsen reviewed the plans, presenting maps and outlining plans for the existing buildings. He stated the need for the center is to provide for Southeastern Utah Junior Livestock Show and perpetuate economic growth in Emery County. The Southeastern Utah Junior Livestock Show has been in existence in Emery County for over sixty-three years. The existing building is in need of major repairs. The Southeaster Utah Junior Livestock Show has indicated they may look at another location to hold the livestock show if repairs are not done to the building. An advisory committee was formed to look into options for construction of a new facility. Testimonials were provided by the Emery High chapter of Future Farmers of America and Teacher, Corrine Dalton. Wendy Whittle and Local 4-H Riding Club members also provided testimonials to the advantages of having in indoor arena to practice year round. Mayor Larsen indicated the facility would be a multi-purpose center providing for a variety of activities including, concerts, auto shows, equestrian events, invitational rodeos, craft shows, etc. Economic Council members Rosann Fillmore and Mike McCandless provided information regarding motels and restaurants which would be needed to host such events. Mayor Larsen stated the center would cost approximately 1.8 million to construct. The project is on the Community Impact Board list scheduled for rotation in December, 2001. What Mayor Larsen and the Advisory Committee asked of the county is a commitment to pay the debt service payment which could be as much as \$100,000 a year. They suggested taking a look at the allocation of mineral lease funds to make the payment. The operation and maintenance which they anticipate to be around \$30,000 to \$50,000 a year would be taken care of by Ferron City.

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Commissioner Johnson stated concern for the lack of motels and restaurants in Emery County. In other places where these types of facilities have flourished, these facilities were already there. Lending institutions are leery to loan for motels without figures of successfulness. Commissioner Hatch thanked the group for their attendance and comments.

(10)

**CLOSURE OF BOARD OF EQUALIZATION.**

Commissioner Randy Johnson made a motion to close Board of Equalization for 2001. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF FY2002 CONTRACT BETWEEN EMERY COUNTY AND THE AREA AGENCY ON AGING.**

Commissioner Randy Johnson made a motion to approve Contract FY2002 between Emery County and Area Agency on Aging which is the standard contract for the functioning of the Senior Citizen program. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List #142818 through and including # 142949 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
44-01	10 Wheel Diesel Truck/W&M	\$ 2,000.00	Approved
45-01	Bean R 2020 Pump/W&M	2,610.00	Approved
46-01	SL 2002 Charity Pins/Commission	1,250.00	Approved

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47-01	Camcorder/W&M	380.00	Approved
48-01	Service Awards/Commission	1,525.00	Approved
49-01	Lateral File Cabinet/Road	534.99	Approved
50-01	Grease pump & regulator/Landfill	553.70	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
145-4989	Computer, 386	Parted out	Approved
143-6011	Printer, Okidata	Parted out	Approved
144-5346	Printer, Okidata	Parted out	Approved
144-5986	Printer, Microline	Parted out	Approved
144-5343	Printer, Microline	Parted out	Approved
580-4793	Television, 37 in	Sent to Auction	Approved
410-4723	Printer, Epson	Parted out	Approved
410-4985	Printer, Epson	Parted out	Approved

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List for payment and requisitions and dispositions as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Pat Snowball presented the following personnel action:

On October 12<sup>th</sup> Vickie Wilbanks is eligible for the routine wage increase per policy from 7A \$9.11/hr to 8A \$9.50/hr. With this increase she has reached her working level and no more routine wage increase are available. Commissioner Drew Sitterud made a motion to approve the routine wage increase for Vickie Wilbanks as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(14)****CONSIDERATION AND APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.**

Commissioner Randy Johnson made a motion to approve the minutes dated September 18, 2001 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)****COMMISSIONER REPORTS**

Commissioner Johnson discussed the Wilcox Ranch Easement Project. This project would preserve important lands in the Range Creek area which are owned by Wilcox Ranch. This would provide a conservation easement on lands critical to watershed protection and recreational and archeological values. This project is funded by LeRay McAllister Foundation monies. Commissioner Johnson suggested sending a letter to Kathleen Clarke, Executive Director State of Utah Department of Natural Resources in support of the project stating the County's understanding that the landowner is a willing participant in this project and that this action will not result in the creation of a private refuge for any one person or entity but will afford public access to adjacent public lands. Commissioner Randy Johnson made a motion to send a letter of support to Utah Department of Natural Resources as discussed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)****EXECUTIVE SESSION REGARDING LITIGATION**



8

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Executive Session was not needed at this time.

(17)

**ADJOURNMENT**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

OCTOBER 16, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Rex Funk offered an opening prayer.

**(1)**  
**DELENA FISH, WFS, QUARTERLY UPDATE.**

Delena Fish, Work Force Services provided the following update:

- ✦ She provided a copy of a document which outlined the outcome measures for key business processes which is basically the goals which the State will be working on to improve their service to customers and employers.
- ✦ She provided a copy of a document which outlined the goals set on a regional basis.
- ✦ She indicated they are currently working on setting the goals for their office. One of goals they will be working towards is in the accuracy rate. As she reported last year the State of Utah received a two million dollar sanction from the federal government because of our accuracy rate on food stamps. The two million has been reinvested into the state and as last month we are in the 91.2%. If we continue at that rate we will be the first state that has pulled our state out of sanction in the first year in a long time. They attribute this success to the employees who have put a lot of work into maintaining this accuracy. She reported that in the Castle Dale office they have maintained 100% accuracy for the year.
- ✦ They have re-looked at money for dislocated miners. They have been able to acquire an additional one hundred twenty thousand dollars to help with the retraining efforts.
- ✦ They have what is called a rainy day money which is basically savings and money awards they receive for doing so well in the TANIF program. They were successful in bringing two programs to the county. One program is the Enhance the Youth Program which will bring \$35,000.00 to Emery County. Another program which helps deal with crisis situations for employed individuals will bring in another \$45,000.00. They will be administering that money in the next couple of months. The money has to be spent by October 2003.

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- ✦ Under the federal law this year they were required to contract out their WIA Youth Program to an agency that would take care of youth. Emery County's youth contract was awarded to Emery County L I C. They are required to do a year round program where the individuals who qualify for the program are tracked on a regular basis to be able to help them stay in school and provide the resources to be able to stay in school. If they are out of school they will help them become trained, monitor them and help them be successful in their process to find and keep a job.
- ✦ They just returned from a regional council in Park City where they were honored to have one our outstanding youth, Kolton Reid, honored for coming so far in the Summer Youth Employment Program.
- ✦ She explained two programs available to customers in Emery County that provide individuals with soft skills to help them get and maintain a job.

(2)

**JERRY DAVIS, QUESTAR PIPELINE COMPANY'S REQUEST FOR EASEMENT APPROVAL.**

Mr. Davis was not able to attend the meeting, therefore Larry Clifton was present representing Questar Pipeline. Mr. Clifton reviewed the area for consideration for an easement. They are asking consideration for two pieces of property. The first one is in Huntington south, the west side of the canal. The second is east of Emery Animal Health on county property recently acquired for the Road Department. Rex Funk added that the easement bisects county property in a place where they do not have any plans for at this time. Commissioner Hatch expressed concern for the corridor being under the sole jurisdiction of Questar Pipeline. The Board of Commission want to have a say in whether other utilities use the corridor to place service lines. They want one corridor for all utility service lines. They do not want Questar Pipeline to create an exclusive corridor. They suggested the wording of the easement be such as to include cooperation between Questar Pipeline and Emery County to allow other utilities to use the corridor.

Commissioner Randy Johnson made a motion to proceed with approval of the easement provided the language of the easement is reworded to the Board of Commissioners satisfaction. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF RESOLUTION OF APPOINTMENT OF A EMERY COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH ASSOCIATION OF COUNTIES INSURANCE MUTUAL.**

Commissioner Drew Sitterud made a motion to appoint Drew Sitterud as representative and Pat Snowball as alternate representative for Utah Association of Counties Insurance Mutual. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF APPOINTMENTS TO THE EMERY COUNTY PUBLIC LANDS COUNCIL.**

Commissioner Randy Johnson made a motion to appoint, upon recommendation of the Public Lands Council, Tom Roush and Joe Fielder to the Public Lands Council. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Johnson commented that there were approximately fifteen applicants for these appointments, all of which were outstanding individuals. The Council had a hard time narrowing it down to two. They will have two more positions coming up the first of the year and they hope to have the same individuals reapply.

(5)

**CITIZEN CONCERNS.**

There were no citizen concerns.

(6)

**CONSIDERATION AND APPROVAL OF FY2002 TENTATIVE BUDGET FOR EMERY COUNTY, CASTLE VALLEY SPECIAL SERVICE DISTRICT AND OTHER ENTITIES AS REQUIRED BY LAW.**

Senior Deputy Clerk/Auditor, Brenda Dugmore explained that this is the starting point for the 2002 budgeting process. Darrell Leamaster presented Castle Valley Special Service District's tentative budget for 2002. Commissioner Randy Johnson made a motion to approve the 2002 tentative budgets for Emery County, Castle Valley Special Service District and other entities as

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required by law. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CHANGES.**

Commissioner Drew Sitterud made a motion to approve the Board of Equalization changes as presented. Commissioner Johnson stepped out of the room, therefore the motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF CIRCUIT BREAKER, VETERAN AND BLIND TAX ABATEMENTS.**

Senior Deputy Clerk/Auditor, Brenda Dugmore presented a list of applicants for circuit breaker, veteran and blind tax abatements. Commissioner Randy Johnson made a motion to approve the circuit breaker, veteran and blind abatements for 2001. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF INDIGENT TAX ABATEMENTS.**

Senior Deputy Clerk/Auditor, Brenda Dugmore reviewed applicants for the indigent tax abatement. The Board of Commissioners questioned two of the applicants for qualifications. Number 2, has four years owing in back taxes, and they want something worked out in terms of paying the back taxes before approval is given for an abatement. Number 7, the Commission requested that the applicant come in and meet with them regarding assets and meeting criteria for abatement. Commissioner Randy Johnson made a motion to approve the indigent abatements with the exception of the two indicated until the requests are met. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**OPENING OF BIDS FOR PAINTING OF HOME LOCATED AT 425 WEST MILL ROAD, FERRON, UTAH. CONSIDERATION OF AWARDED BID.**

Commissioner Sitterud opened the bids for the painting of the county owned house next to the Emery Care and Rehabilitation Center in Ferron. There was one bid for \$3,398.00 from B&T Builders. Bruce Funk acknowledged that this is his company and will provide a disclosure acknowledging his affiliation with the company and the county. Commissioner Drew Sitterud made a motion to accept the bid from B&T Builders as it is the only bid. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT BETWEEN EMERY COUNTY AND STATE HISTORY FOR ARCHIVE START-UP GRANT.**

Kathleen Truman presented an amendment to the current contract between Emery County and State History for Archive Start-up Grant. The amendment extends the length of the grant contract to July 2002. Commissioner Randy Johnson made a motion to approve the contract amendment between Emery County and State History for Archive Start-up Grant extending the date to July 2002. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #143098 through and including #143167 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
51-01	Portable Overhead Projector Extension	312.12	Approved
52-01	11 Semi-Auto Rifles Sheriff/Block Grant	8,195.00	Approved

COMMISSION MEETING MINUTES  
OCTOBER 16, 2001

53-01	Brochures & Posters History/Grant	1,534.00	Approved
54-01	2002 Dodge Ram 3500 Road Dept.	24,857.00	Approved
55-01	Welder w/attchmts Road Dept.	3,320.75	Approved
56-01	Magnesium Chloride Sprayer  Road Dept.	7,760.00	Appro ved

One disposition for Asset #410-1690 a 1980 Henke Snow Plow Blade that will be junked.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List, disposition and requisitions with the exception of the three for the Road Department which Clerk/Auditor Bruce Funk will check where the Road Department budget stands and get with Commissioner Hatch regarding the status. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Bruce Funk asked for approval to amend the minutes dated June 5, 2001 item #8. The minutes stated 'Meridian Consulting Group who was hired by the County to do a study to attempt to discover whether there were intangibles in *centrally* assessed property or not.' The word '*centrally*' needs to be changed to '*locally*'. Commissioner Drew Sitterud made a motion to approve amending the minutes dated June 5, 2001 to reflect the word change. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(13)**

**SETTING DATES FOR BUDGET WORK MEETINGS.**

Commissioner Randy Johnson made a motion to set budget work meetings for the following dates and times:

- October 16, 12:00 p.m.
- October 19, 9:30 a.m.
- October 23, 9:00 a.m.
- October 30, 9:00 a.m.

7

COMMISSION MEETING MINUTES  
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Sheriff Guymon had a conflict with his appointed work meeting which was scheduled for October 29, a tentative date of November 5, at 9:00 a.m. was set for Sheriff Guymon if needed.

The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(14)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

There was no personnel action.

**(15)**  
**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to hold approval of the minutes dated October 2, 2001 until next meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(16)**  
**COMMISSION REPORTS**

There were no Commission Reports.

**(17)**  
**EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION.**

Commissioner Randy Johnson made a motion to move into executive session to discuss pending litigation. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(18)**  
**ADJOURNMENT**



8

COMMISSION MEETING MINUTES  
OCTOBER 16, 2001

Upon return to regular meeting Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_

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

**NOVEMBER 6, 2001**

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Randy Johnson was out of town. Commissioner Ira Hatch stepped down during the meeting to execute the motions as needed.

Opening prayer was offered by Sheriff LaMar Guymon after which he directed the congregation in the pledge of allegiance.

(1)

**DAVID CUNNINGHAM, SOUTHEASTERN UTAH HEALTH DEPARTMENT,  
PRESENTATION OF HEALTH DEPARTMENT SERVICES IN EMERY COUNTY AND  
BUDGET REQUEST.**

Dave Cunningham, Southeastern Utah Health Department presented the Board of Commissioners with a copy of the Organization Authority Performance Standards of a Local Health Department. Utah Code 26A is known as the "Local Health Department Act" which 26A-1-103 states :

"The governing body of each county shall create and maintain a local health department." It outlines the powers and duties of departments, the establishment of a board, the cost of establishing and maintaining a local health department etc. What they do as a local health department is a role established by rule and code as a responsibility of the counties. This brings together a partnership of the four counties of southeastern Utah and the Southeastern Utah District Health Department. Mr. Cunningham reviewed some of the programs, such as tobacco prevention, Early Intervention, immunizations, Women, Infant & Children (WIC), Department of Environmental Health, School Nurse, United Way, Highway Safety. He discussed the Care-a-Van program. He made a formal request for Emery County's portion of the operating budget. The four counties that make up the Southeastern Utah District Health Department are assessed a portion based on population and assessed values of the county. Eight percent of their operating budget comes from the counties. Emery County's portion is \$78,089.00 for 2002 which does not include the request of \$5,000.00 to participate in the Care-A-Van program.

(2)

**DICK MANUS, BLM, UPDATE ON TRAVEL PLAN.**

Dick Manus and Tom Rasmussen were present to provide an update on BLM's Travel Plan. Mr. Manus had previously informed the Commission that they were going to try and get the Travel Plan Environmental Assessment on the streets in early November for public comment. At that time they had sent the plan to the state office for internal review. The state office found that the plan needed some polishing. They will be sending some help down to help write rather than comment. Unknown at this time was the printing time. They have contracted with Booz' Allen & Hamilton to prepare the documents. They have included in the contract a two week turn around time which they hope will have the documents ready for the street by early to mid December. You will be seeing the announcement in the Federal Register Notice announcing their Notice of Intent to the public that they are starting a management planning process at the field office in Price. They had hoped to be into the public meeting and scoping of issues process by November, however they are behind by a month. They do not want to hold scoping meetings during the month of December. They will probably hold scoping meetings in Green River, Castle Dale, Price and maybe Salt Lake in January. Of the forty-seven plans being undertaken throughout the bureau this year, there are twenty-three that are referred to as time sensitive/accelerated plans. Because of the coalbed methane fields and the interest coming out of the White House with the energy policy they have looked at areas with high energy mineral demands and outdated land use plans. This area falls under their criteria for a commitment to have the management plan completed in two years. They are going to have to be generic but at the same time have a viable plan. The projected completion date is December 2003. They will have it ready for signatures, however they cannot predict if there is going to be any appeals that might hold up the record of decision from being signed.

Mr. Manus announced that he has set a retirement date of December 14, 2001. He has talked it over with the state director. They have talked about pending work loads, transition and long term replacement. He will be available throughout the Travel Plan EA process. He has put a lot of time and effort into this plan and he wants to see it through. He has made a recommendation to have Tom Rasmussen be the district manager in transition while they look at a permanent replacement. He will be spending his time with family and reducing the fish numbers in Utah.

The Board of Commissioners thanked Mr. Manus for the working relationship they have had over the years and offered good wishes for his retirement.

(3)

**CHERYL EK, UNITED WAY, UPDATE ON ANGEL TREE PROGRAM.**

Cheryl Ek was not able to attend the meeting.

**(4)****CITIZEN CONCERNS**

John Ellis, representing several parents in Ferron made a request to renew the lease at the Clawson Motorcross. They have had quite an interest in motorcycle riding. It has become hard to find places for them to ride motor cycles. They looked at the Clawson Motorcross track to develop it but found out that the Emery County lease had expired last year. Mr. Ellis proposed that Emery County renew the lease so they can develop it and have races on the track. It would provide a place for the kids to go and ride without a hassle. Dick Manus, BLM explained that the lease was issued under a Recreation Public Purposes Act. In 1995 Emery County applied for an five year extension of a Recreation Public Purposes Lease. Throughout the lease period the County could pursue a purchase or receive a patent of the property. There was a five year plan of development attached to the application for extension. Mr. Manus indicated that the County was not notified that the lease has lapsed. He indicated he was willing to entertain a new application from the County along with re-submission of a five year development plan that shows an estimate of what will be done as well as estimated cost associated with that. It may take some time as the work load is a little heavy at this time. He suggested having the interested group meet with BLM and bring back to the Commission the necessary application and in the process bring back a full package all ready for signatures. He suggested, let the group do the leg work. Mr. Manus indicated that if the county is still interested , receiving land under a Recreation Public Purposes Act is relatively cheap. You may want to look at an outright purchase rather than a lease. It is a cheap way to do it but not timely. It is time consuming. Val Payne encouraged the Commission to pursue this as a purchase. Commissioner Sitterud asked Mr. Ellis to use Val Payne to work with the BLM and to coordinate with him. Mr. Ellis asked if they could use the land now. Mr. Manus indicated that they could use the land because it is open use land and if the trails are in existence.

Commissioner Ira Hatch responded to a letter they received from Ferron City requesting support and financial help for the new special events center they are proposing in Ferron. They came to Commission Meeting the first part of October and made a presentation relative to that proposal. They are still moving ahead on the proposal and want some commitment from the County for financial help. The Commission questioned the funding package. The Commission would like to see them come in with a business plan or plan of development and funding proposal. The Commission morally supports the proposal but to commit funds to the project is just not feasible at this time. The Board of Commissioners will send a letter to Ferron City stating their concerns and request a plan of development and funding package.

(5)

**CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN PACIFICORP AND EMERY COUNTY FOR ELECTRIC SERVICE FOR PUBLIC SAFETY BUILDING.**

Commissioner Drew Sitterud made a motion to approve a contract between Pacificorp and Emery County for electric service for the Public Safety Building. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF AGREEMENT FOR THE DONATION OF A NOAA WEATHER RADIO TRANSMITTER TO THE NATIONAL WEATHER SERVICE BY A PRIVATE PARTY.**

Sheriff LaMar Guymon explained that a NOAA Weather Radio Transmitter to the National Weather Service has been offered to the County through a grant that will pay for the equipment. Emery county's part of the agreement is to pay the power bill. The transmitter will be on Horn Mountain and is an early warning detection for bad weather. The transmitter will transmit information to the local news channels. NOAA will pay us to purchase the equipment. Commissioner Ira Hatch made a motion to approve the agreement to acquire the equipment, get into operation and donate it back to the Nation Weather Service. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF CONTRACT FOR DESIGN SERVICES ON I-70.**

Kathleen Truman explained that the contract is for the design services for the kiosk that are being placed on I-70. Commissioner Drew Sitterud made a motion to accept the contract for design services for nine kiosk on I-70. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF APPOINTMENT TO EMERY COUNTY TRAVEL BUREAU.**

Commissioner Ira Hatch made a motion to appoint Tom King to the Emery County Travel Bureau to fulfill the term vacated by Kathy Gardner. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**DISCUSSION OF STREET LIGHT INSTALLATION ON MILLER CREEK ROAD.**

Commissioner Sitterud received a phone call from Pat Tucker who said that there is a corner where six kids get on the school bus that is very dark at this time of the year. Commissioner Sitterud called Ray Petersen at the Road Department to check it out. Ray indicated that it is a stop along the road. It is not a turn around. He expressed concern that if we install a light at this stop you will need to install lights at all the stops. Ralph Ison, Bus Manager indicated that it is not so much the stop that needs to be lit but his concern is the road where the kids have to walk that is more of a hazard. Ray indicated that that particular road is on the drawing board for reconstruction as it a very narrow road. If a light is put in now it may have to moved later. Leslie Bolinder pointed out that one of Special Service District #1's responsibilities is street lighting which can only be done in the county. The Board of Commissioners can make a recommendation to the SSD#1. Commissioner Drew Sitterud made a motion to pursue the SSD#1 and make a request that they take on the street lighting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #143631 through and including #143636 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
57-01	Hazmat Trailer/Sheriff/Grant	5,317.00	Approved
58-01	Breathing Apparatus/Sheriff/Grant	18,114.00	Approved
59-01	(3)Laptop Computers w/acc. Sheriff/Grant	8,393.83	Approved

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60-01	P4 Computer/Sheriff/Grant	1,625.00	Approved
61-01	Radio/W&M	UKN	Approved
62-01	Flag Pole/Stand-Road	931.50	Approved
63-01	Sign Road Depart. Bldg	1,034.00	Approved
64-01	Digitizer/P&Z	1,330.22	Approved

Two dispositions were presented for Asset#580-6922 and number unknown, for two fax machines from the Library that were junked.

Commissioner Drew Sitterud made a motion to accept the Check Edit List for payment and requisitions and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Health Insurance

Jeff Kelsey, Regional Manager for Intermountain Benefit Administrators, provided a brief "state of the plan" and explained the lab card which would be an enhancement to the health insurance plan. There is no fee involved. The benefit would be a savings to the customer as long as lab results are not immediately needed. The proposed plan could be in effect by December with cards issued to employees. The health plan will need to be amended to include the proposed lab card. Commissioner Drew Sitterud made a motion to approve the amendment of the current health plan to include the lab cards and to ratify the documents in the next Commission Meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Airport

The airport liability insurance policy is up for renewal November 29, 2001. It is the same premium as last year \$1,350.00. Request was made to renew the policy. Commissioner Ira Hatch made a motion to renew the insurance policy for the airport. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Road Department

COMMISSION MEETING MINUTES  
NOVEMBER 6, 2001

Zen Majors has requested to be moved out of the Crew Leader-Crusher, grade 15 step O \$16.72/hr back the Equipment Operator/Driver at grade 12T. It is proposed to accept his request and reduce his wage to a grade 12 step T \$15.98/hr., effective at the beginning of the next pay period. Commissioner Ira Hatch made a motion to approve Zen Major's request. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

It was proposed to fill the vacancy left by Zen Majors by posting the opening of Crew Leader-Crusher, Grade 15, "in-house" for five days, accept applications, and interview the applicants. Commissioner Ira Hatch made a motion to approve posting "in-house" as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL PREVIOUS COMMISSION MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve Commission Meeting dated October 2 and October 16, 2001 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**COMMISSIONER REPORTS**

There were no reports.

(14)

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_



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

NOVEMBER 20, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

The opening prayer was offered by Paula Wellnitz. The pledge of allegiance was led by Sheriff LaMar Guymon.

(1)

**CITIZEN CONCERNS**

Rosann Fillmore made a request on behalf of the Emery County Community Foundation to abate the property taxes for the house donated to them by the Peterson family earlier this year. Commissioner Randy Johnson made a motion to abate the property taxes for this year only while they are getting on their feet. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Larry Young, Executive Director of Southern Utah Wilderness Alliance was here in the County and decided the visit the Commissioners and introduce his wife Christine Young, who teaches at BYU. Mr. Young was taking his wife on a tour of the San Rafael and will be in the area for a few days.

(2)

**CONSIDERATION AND APPROVAL OF EMERY COUNTY SAFE COMMUNITY GRANT.**

Commissioner Randy Johnson made a motion to approve continuation of the Emery County Safe Community Grant. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**REQUEST TO RELOCATE POWER POLES ON ECSSD#1 ROAD IMPROVEMENT PROJECT ON NORTH ELMO HIGHWAY.**

Craig Johansen, Johansen and Tuttle Engineering, discussed the plans to relocate thirty-one power poles as well as the water, phone and other utility lines located on North Elmo Highway.

COMMISSION MEETING MINUTES  
NOVEMBER 20, 2001

North Emery Water Users will be working closely with the Special Service District #1 and the Road Department to acquire the right-of-ways for reconstruction of the road and relocate the various utilities. Utah Power requires a formal request from Emery County to relocate the power poles. Commissioner Randy Johnson made a motion to take whatever action necessary to request Utah Power and Light to move the power poles as proposed on the North Elmo Highway as well as any other action needed to move the phone and other utility lines as needed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Mr. Johansen also asked for approval of an agreement with Bureau of Land Management for right-of-way for the sewer line to the Public Safety Facility. Commissioner Randy Johnson made a motion to approve the agreement with BLM for right-of-way for the sewer line to the Public Safety Facility. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Mr. Johansen also discussed the reconstruction of the courthouse parking lot. The handicap approach on the east side of the building will need to be corrected to meet ADA standards. The Board of Commissioners discussed the best way to correct the problem. Mr. Johansen will meet with Nielson Construction to make the necessary change orders.

**(4)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #143637 through and including #143781 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
65-01	Pistol w/trade-in/Attorney	434.00	Approved
66-01	Used Fuel Tank w/pump/Landfill	350.00	Approved
67-01	P3 Computer/Cap Repl/Motor Veh.	955.00	Approved

There was one disposition from the Attorney for a Smith & Wesson .45 caliber pistol to be used as trade-in on Req. #65-01.

COMMISSION MEETING MINUTES  
NOVEMBER 20, 2001

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List for payment and the Requisitions and Disposition as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(5)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director, presented the following personnel action:

Data Processing

Mrs. Snowball asked for approval to increase Jeff Guymon's wage from 22H \$19.83/hr to 22P \$22.92/hr., effective the next pay period. Commissioner Ira Hatch stepped down and made a motion to approve the increase for Jeff Guymon as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. (Commissioner Johnson had stepped out of the room for a moment)

**(6)**  
**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Randy Johnson made a motion to table the minutes dated November 6, 2001. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(7)**  
**COMMISSION REPORTS**

Commissioner Sitterud

Commissioner Sitterud enjoyed a good week at Utah Association of Counties Convention in St. George. He attended insurance meetings where he was informed that due to the events of September 11, 2001 the insurance companies are looking at drastic increases. Because Emery County is self-insured we may be better off than some other entities. They are looking at possibly fifty percent increases in liability insurance, one hundred percent increases in property insurance and maybe fifty percent increases in workers compensation. There will be blanket limitations. There will be terrorist exclusions on all policies.

Commissioner Johnson

COMMISSION MEETING MINUTES  
NOVEMBER 20, 2001

Commissioner Johnson reported on UAC Convention. He felt there was a lot of support for Emery County's tax issues.

Sheriff Guymon

Sheriff Guymon reported on the progress of the Public Safety Complex. Everything is moving along at good speed.

**(8)**  
**ADJOURNMENT**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

DECEMBER 4, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Sheriff LaMar Guymon after which he led the pledge of allegiance.

(1)

**KEVIN CHRISTOPHERSON, DWR, QUARTERLY REPORT.**

Louis Berg, DWR, Regional Aquatic Program Manager was present to provide the following update:

- + A petition being circulated by several environmental groups to list the Colorado River Cutthroat Trout as a threatened or endangered species. DWR has concern for the implications this would bring. South Eastern Utah has eight populations of Cutthroat Trout that can be considered conservation population which means that they are ninety-nine percent genetically pure. Almost all Cutthroat in Emery County represent Colorado River Cutthroat Trout. This improves the status of the species.
- + He discussed the Splake population in Joe's Valley. They are considering imposing fishing regulations to control snagging and restricting the size of Splake taken out of the lake. Splake are beneficial in controlling the chub population in Joe's Valley. They will have a public meeting to discuss these issues and are contacting area anglers to get input and ideas.
- + Ferron Reservoir is down twelve feet below high water level due to holes in the dam. They are reviewing options to repair the dam or keep the reservoir at a lower level. The reservoir has been closed to fishing this year and will remain closed in 2002.
- + Kids free fishing day has been set for May 4<sup>th</sup>, 2002.
- + Bill Bates sends his thanks for assistance with the SITLA land exchange.
- + Antler-less hunt is in progress.

(2)

**CROCKETT DUMAS, FOREST SERVICE, QUARTERLY UPDATE.**

Mr. Dumas was not able to attend the meeting.

(3)

**DICK MANUS/TOM RASMUSSEN, BLM, QUARTERLY UPDATE.**

Dick Manus and Floyd Johnson, Assistant Field Manager at the Price Office were present to provide the following quarterly update:

✦ Mr. Manus informed the Commissioners of upcoming scoping meetings to be held in January, 2002 on BLM's Travel Plan Environmental Assessment. They will be:

January 15, Salt Lake City, January 16, Moab, January 17, Grand Junction,  
January 29 Green River, January 30, Castle Dale, January 31, Price.

Publications will be going out soon requesting public involvement.

✦ Floyd Johnson will be serving as planning coordinator for the Resource Management planning effort.

✦ There will be a retirement open house for Dick Manus on December 14, 2001 from 1 to 4 p.m. at the Price Field Office.

The Board of Commissioners presented Mr. Manus with a shadowbox with a plaque and a certificate of appreciation for his many years of protecting our public lands.

(4)

**CITIZEN CONCERNS**

Delena Fish, Workforce Services provided the Board of Commissioners with fact sheets and comparison charts and briefly reviewed activity of Work Force Services since her last update. Their office will be switching over to electronic imaging and do away with some paper work. Other offices in the state have already switched over to electronic information. She will update the Commission of the success of this switch at her next visit. She reported on the scholarships available to Emery High students through their programs. They have recently experienced a high increase in unemployment claims.

Commissioner Johnson met with Planning and Zoning Chairman and staff members to discuss the need to purchase a digitizer. They decided the application for the equipment would expand beyond Planning and Zoning and would better serve the county to purchase the equipment rather than bid out the service.

(5)

**CONSIDERATION AND APPROVAL OF TAX ABATEMENT FOR BRIAN AND**

**REBECCA ROBERTSON.**

Treasurer, JoAnn Behling read a letter from Brian and Rebecca Robertson requesting consideration of an abatement on their property taxes due to the recent illness of Mr. Robertson. He has required Chemotherapy treatments away from home which has placed a financial burden on the family. The deadline to pay property taxes has expired and a penalty has been attached to the taxes bringing the total to \$421.97. Mrs. Behling requested consideration for an abatement of the total property taxes for 2001. Commissioner Randy Johnson made a motion to approve an abatement of property taxes in the amount of \$421.97 for Brian and Rebecca Robertson as requested. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND STATE HISTORY FOR THE ONGOING SUPPORT GRANT FOR THE EMERY COUNTY ARCHIVES.**

Kathleen Truman explained that this is a contract for ongoing support of the Emery County Archives which allows the contract to catch up with the three different fiscal years involved. Commissioner Randy Johnson made a motion to sign the contract between Emery County and State Archives for the ongoing support grant for the Emery County Archives. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND STATE LIBRARY DIVISION FOR PUBLIC LIBRARY DEVELOPMENT GRANT.**

Information Technology Director, Jeff Guymon has been working on this grant with the Library Board and explained to the Board of Commissioners that this is a grant provided by the federal government through the State Library Division for the developmental improvement of public libraries. The grant is in the amount of \$7,153.00 and must be spent by June 30, 2002. Commissioner Randy Johnson made a motion to sign the contract between Emery County and the State Library Division for Public Library Development Grant. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND STATE LIBRARY DIVISION FOR FUNDING TO IMPROVE LIBRARY**

**SERVICES AND TECHNOLOGY.**

Jeff Guymon explained that this a grant to improve the library services and technology of public libraries. The amount of the grant is \$34,500.00 which must be spent by September 15, 2002. The funds will be used to purchase a new server, eight additional workstations and software. Commissioner Randy Johnson made a motion to sign the contract between Emery County and State Library Division for funding to improve library services and technology. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)****CONSIDERATION AND APPROVAL TO DISPOSE OF COUNTY OWNED HOUSE IN FERRON AND PROCEED WITH BID PROCESS.**

Commissioner Drew Sitterud explained that the county owned house next to the nursing home was previously used to house a physician. We no longer have a need to house a physician and the cost of repairs to the building have increased each time someone moves. The Board of Commissioner have determined that the best interest of the citizens would be for Emery County to sell the house. The Assessor's office has determined the value of the house to be \$74,248.00. The house has had some repairs and is ready to sell. Commissioner Randy Johnson made a motion to proceed with proper disposal of the house, following disposal procedures according to county ordinance, advertising for sealed bids to be opened at the January 22, 2001 Commission Meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

The Clerk/Auditor's office will post an ad in the Progress and accept sealed bids.

**(10)****CONSIDERATION AND APPROVAL OF CONTRACT FOR INDIGENT DEFENSE COUNSEL SERVICE.**

Attorney David Blackwell explained that this program has been of benefit to Emery County over the years and recommends continuing the service. There is no added expense other than what we already contribute to the fund. Commissioner Drew Sitterud made a motion to sign the contract for Indigent Defense Counsel Service. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(11)****CONSIDERATION AND APPROVAL OF 2002 COMMISSION MEETING AND**



COMMISSION MEETING MINUTES  
DECEMBER 4, 2001

**HOLIDAY SCHEDULE.**

Commissioner Ira Hatch presented the 2002 Commission Meeting and Holiday Schedule as follows:

January 8, 2002	4:00 p.m.
January 22, 2002	9:00 a.m.
February 5, 2002	4:00 p.m.
February 19, 2002	9:00 a.m.
March 5, 2002	4:00 p.m.
March 19, 2002	9:00 a.m.
April 2, 2002	4:00 p.m.
April 16, 2002	9:00 a.m.
May 7, 2002	4:00 p.m.
May 21, 2002	9:00 a.m.
June 4, 2002	4:00 p.m.
June 18, 2002	9:00 a.m.
July 2, 2002	4:00 p.m.
July 16, 2002	9:00 a.m.
August 6, 2002	4:00 p.m.
August 20, 2002	4:00 p.m. * To follow
	Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.
September 3, 2002	4:00 p.m.
September 17, 2002	9:00 a.m.
October 1, 2002	4:00 p.m.
October 15, 2002	9:00 a.m.
November 19, 2002	9:00 a.m.
December 3, 2002	4:00 p.m.
December 17, 2002	4:00 p.m.

Commissioner Drew Sitterud made a motion to approve the 2002 Commission Meeting Schedule as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

COMMISSION MEETING MINUTES  
DECEMBER 4, 2001

2002 HOLIDAY SCHEDULE

New Year's Day 2002	Monday	01-01-02
Human Rights Day	Monday	01-21-02
President's Day	Monday	02-18-02
Memorial Day	Monday	05-27-02
Independence Day	Thursday	07-04-02
Pioneer Day	Wednesday	07-24-02
Labor Day	Monday	09-02-02
Columbus Day	Monday	10-14-02
Veterans Day	Monday	11-11-02
Thanksgiving	Thursday	11-28-02
	Friday	11-29-02
Christmas Eve	Tuesday	12-24-02 (1/2 day)
Christmas Day	Wednesday	12-25-02

Commissioner Drew Sitterud made a motion to approve the 2002 Holiday schedule as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #143950 through #144126 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
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COMMISSION MEETING MINUTES  
DECEMBER 4, 2001

68-01	TSCI/Asset Surveyor/GIS	\$ 3,495.00	Approved
69-01	Chemical Pump/Weed&Mosq.	491.00	Approved
70-01	(3) Nikon Digital Cameras		
	Crime Scene Grant	2,309.85	Approved
71-01	Verifone Credit Card Machine		
	Justice Court	475.00	Approved

There were no dispositions.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(13)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Road Department

Rex Funk, Road Supervisor discussed a problem his department has experienced regarding overtime during snow removal call-out on a holiday week. He requested the Board of Commissioners revisit the policy regarding overtime on call-out. During the Thanksgiving holiday it snowed and men were called out for snow removal which created an overtime situation during a holiday. Commissioner Drew Sitterud made a motion to pay the overtime, authorize department heads to ok overtime and that we work on the policy to correct the problem. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Sheriff

Sheriff Guymon request approval to hire two new employees: Jerod Curtis and Garrett Conover as dispatchers, Grade 10, Step A \$10.77/hr. to begin December 5, 2001. Commissioner Randy Johnson made a motion to approve hiring Jerod Curtis and Garrett Conover as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Tosha Huntington, Corrections Secretary, will complete her six month orientation period December 25, 2001. She would go from a 4A \$8.04/hr to 5 A \$8.39/hr, effective the beginning of the next pay period after the completion date of December 25, 2001. This action is recommended by Sheriff Guymon. Commissioner Randy Johnson made a motion to approve the grade advancement as recommended and presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

COMMISSION MEETING MINUTES  
DECEMBER 4, 2001

Landfill

To fill the vacancy left by Randall Stilson, approval is requested to post in-house only, for a period of five days, the position of Solid Waste Technician, Grade 12, Entry \$10.89/hr. Commissioner Drew Sitterud made a motion to approve the in-house posting for the position of Solid Waste Technician as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Mark Hymas, Solid Waste Technician, will complete his six month orientation period January 6, 2002. He would go from 12 Entry \$10.89/hr to 12A \$11.22/hr effective the beginning of the next pay period after the completion date of January 6, 2002. This action is recommended by Rex Funk. Commissioner Drew Sitterud made a motion to approve the grade advancement as recommended and presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Road Department

Road Department requests approval of Family Leave for Mike Jensen who will be off work for approximately three weeks for medical reasons. Additionally, in the event Mike ends the year with more than 80 hours to carry over as a result of this medical leave, request approval to allow the carry over of more than 80 hours and stipulate that he will use the overage within the first quarter of 2002. Commissioner Randy Johnson made a motion to approve Family Medical Leave for Mike Jensen and approve carrying over more than 80 hours as stipulated. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(14)**

**CONSIDERATION AND APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated November 6, November 13, and November 20, as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(15)**

**COMMISSIONER REPORTS**

Commissioner Johnson reported on attendance at NACO meetings.

**(16)**

9

COMMISSION MEETING MINUTES  
DECEMBER 4, 2001

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

DECEMBER 18, 2001

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Sheriff LaMar Guymon, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

An opening prayer was offered by Pastor Carl Sitterud of Desert Edge Church in Huntington. The pledge of allegiance was led by Recorder, Dixie Swasey.

(1)

**CITIZEN CONCERNS**

Kyle Ekker, Bill Downard, Jeff Thomas, Tom Harrison and Norman Vuksinick presented Sheriff LaMar Guymon and his wife Gayla with gifts from the deputies and staff.

Dennis Ward expressed concern for the \$300.00 stipend the Emery County Special Service District #1 board members get each month. Commissioner Hatch informed Mr. Ward that Emery County has no say in the amount districts pay for board members. It was suggested that he get on the next Special Service District #1 board meeting agenda and express his concern there.

(2)

**EMERY COUNTY PUBLIC LANDS COUNCIL, NOTIFICATION OF COUNCIL MEMBER TERM EXPIRATIONS.**

Commissioner Hatch read a note from Val Payne informing the Commission that Bevan Wilson, Perry Bunderson, Craig Johansen and Tracy Jeffs terms will expire at the end of this year. Mr. Payne requested the Commission begin the process to fill the four vacancies. On October 16, 2001 Tom Rousch was approved to finish out the term for Tracy Jeffs. Mr. Rousch will be notified that he will need to re-apply. Commissioner Randy Johnson made a motion to begin the process of advertising for individuals to fill the four vacancies. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**ECONOMIC DEVELOPMENT COUNCIL, NOTIFICATION OF COUNCIL MEMBER TERM EXPIRATIONS.**

Rosann Fillmore, Economic Development informed the Board of Commissioners that the Economic Development Council has four board members whose terms will expire at the end of the year. Huntington City Council and Castle Dale City Council members will expire as well as at large members from Castle Dale and Huntington/Lawrence. Ms. Fillmore requested the Board of Commissioners proceed with advertising for interested individuals to serve on this board. Commissioner Randy Johnson made a motion to begin the advertising process to fill the four vacancies on the Economic Development Council. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF PROJECT APPLICATION AND GRANT AGREEMENT FOR STATE AID FOR HUNTINGTON AIRPORT APRON RECONSTRUCTION.**

Commissioner Hatch explained that last year UDOT had funding available for airport operation and maintenance, as part of their budgeting process and advertised that there was funding available to bring smaller airports up to standard. Two years ago, through the SSD#1 funding was provided through the mineral lease funds to finance the slurry coat on the runway at the airport. The apron, the tarmac and parking area, has deteriorated and is in need of repair. A few years back a chip seal was put on this area and has since deteriorated. Loose chips that rise to the surface are picked up by aircraft propellers causing damage to the aircraft. Engineers have determined that there is failure on the pavement. They have determined that we need to reconstruct the parking lot and the tarmac. Therefore, Emery County has made application with UDOT for a reconstruction project at the airport. We recently received word that the project was approved. The project will cost approximately \$170,000.00. Emery County will need to come up with 10%. The Emery County Special Service District #1 has agreed to fund the \$17, 800.00 to meet the County's match on this project. To this end, the project application and grant agreement need to be approved by the Board of Emery County Commissioners. Commissioner Drew Sitterud made a motion to approve the project application and grant agreement for state aid for the Huntington Airport apron construction. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF RESOLUTION DECLARING THE INTENT TO PARTICIPATE IN UAC CASH FLOW BORROWING PROGRAM.**

Sr. Deputy Clerk/Auditor Brenda Dugmore explained that the resolution declares Emery County's intent to arrange for short-term financing to accommodate the anticipated operating capital deficits by the issuance of tax and revenue anticipation note (TRANS) as a participant in the Utah Association of Counties combined cash flow borrowing program. The program will allow the County to operate through November when tax revenue is received. Commissioner Randy Johnson made a motion to approve Resolution 12-18-01A declaring Emery County's intent to participate in UAC's TRAN program. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(6)**  
**CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING RESOLUTION 4-6-99A PROVIDING FOR THE DISBURSEMENT OF MINERAL LEASE FUNDS TO THE SPECIAL SERVICE DISTRICTS IN EMERY COUNTY.**

Commissioner Hatch read Resolution 12-18-01B which provides for the distribution of State Payment in Lieu of Taxes (PILT) and funds from the liability account within Emery County Special Service District #1, to the various service districts in Emery County. Resolution 12-15-98C allows the Emery County Commission to amend the funding formula in accordance with the changing needs of the County and special service districts. Resolution 12-19-00E deleted paragraph 1 of Resolution 4-6-99A so the State PILT funds remain in the Emery County General Fund. Resolution 12-18-01B, the resolution being considered today amends Resolution 4-6-99A as follows:

Emery County Special Service District #1	47%
Castle Valley Special Service District	13%
Emery County Recreation Special Service District	7%
Emery County Fire Protection Special Service District	8%
North Emery Water Users' Special Service District	2%
Municipal Building Authority of Emery County	23%

All other terms and conditions set forth in Resolution 4-6-99A not amended hereby, shall remain in full force and effect.

Commissioner Randy Johnson made a motion to approve Resolution 12-18-01B. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(7)**



**CONSIDERATION AND APPROVAL OF CONTRACT FOR LIBRARY TO INSTALL AN ANTENNA ON THE CLEVELAND WATER TOWER.**

Jeff Guymon explained that the County needs to have a contract with North Emery Water Users Special Service District to install an antenna on their water tank in Cleveland. The antenna will allow Elmo Library to have faster Internet capability and reduce the black out time for reaching the main server. The contract has been reviewed by Attorney David Blackwell. Commissioner Drew Sitterud made a motion to approve the contract with North Emery Water Users Special Service District to place an antenna on their Cleveland water tower. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(8)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS REQUISITIONS AND DISPOSITIONS.**

Sr. Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #144231 through and including #144425 for payment.

One requisition #72-01 was presented for approval from the Library for 2 wireless bridges and 4 laser printers in the amount of \$3,810.

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit list, additional claims and requisition as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(9)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

**Landfill**

After an "in-house" recruitment to fill the position of Solid Waste Technician, approval is requested to hire Val Anderson at Grade 12 Entry \$10.89/hr., effective December 19, 2001. The position is regular full time with benefits. Commissioner Drew Sitterud made a motion to approve hiring Val Anderson as Solid Waste Technician as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

COMMISSION MEETING MINUTES  
DECEMBER 18, 2001

Channel 26

The Board of Commissioners discussed a contract with Susan Dorsch to operate the County television station (Channel 26) on behalf of the County. Susan was paid \$6,000.00 this year for services rendered. Receipts for ads reportedly were around \$6,000.00 to \$8,000.00 for the year. Commissioner Johnson felt the pay for her services should reflect what she is currently receiving through wages and receipts, therefore he asked that the contract amount be \$13,200.00 for the year in monthly installments of \$1,100.00 per month. The contract will be reviewed and considered for renewal at the end of the year. Mrs. Dorsch will collect funds and submit them to the Clerk/Auditor's Office on a monthly basis and shall keep an accurate account of all funds which may be received by the County on demand. Commissioner Randy Johnson made a motion to offer the contract to Susan Dorsch with the addition of annual review to the contract. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the minutes dated December 4, 2001 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(11)**

**COMMISSION REPORTS**

Commissioner Hatch reported on the progress of the Moore Cut-off Route to I-70. He also reported on upcoming UDOT projects in the county.

**(12)**

**PUBLIC HEARING 5:30 P.M. TO RECEIVE PUBLIC COMMENT ON  
AMENDMENTS TO FY2001 BUDGETS OF ALL EMERY COUNTY FUNDS AND  
CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Hatch opened the meeting to the public for comments regarding amendments to the 2001 budgets for all Emery County funds and Castle Valley Special Service District.

Darrell Leamaster, Castle Valley Special Service District reviewed amendments to their 2001 budget.

Comments were made by Phil Fauver.

COMMISSION MEETING MINUTES  
DECEMBER 18, 2001

After questions and comments Commissioner Randy Johnson made a motion to close the public hearing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**PUBLIC HEARING 6:00 P.M. TO RECEIVE PUBLIC COMMENT ON JUDGEMENT LEVY TAX INCREASE. TO RECEIVE PUBLIC COMMENT ON TAX INCREASE FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT. TO RECEIVE PUBLIC COMMENT ON 2002 BUDGETS FOR EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Hatch opened the Public Hearing to receive comments and questions regarding the judgement levy tax increase, tax increase for Castle Valley Special Service District and the 2002 budgets for Emery County general fund and others as noted.

Senior Deputy Clerk/Auditor Brenda Dugmore explained that the budget figures reflect a balanced budget meaning the expenditures match the expected revenue. The budget also reflects a merit or step increase for all employees.

Commissioner Johnson explained the theory behind a judgment levy. It was pointed out that Emery County is number one in the state for paying the highest taxes. Commissioner Johnson explained the reason for the higher taxes. He pointed out that Emery County tried to give a 5% tax break to the homeowner to which we were shot down by the Tax Commission. Emery County will soon be in litigation over this issue.

Comments were provided by: Dennis Ward, Darrell Leamaster, Phil Fauver, and Mayor Vernell Rowley.

Darrell Leamaster, Castle Valley Special Service District reviewed their 2002 budget and addressed questions and comments from the public.

Commissioner Drew Sitterud made a motion to close the public hearing. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF 2002 BUDGETS FOR EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

7

COMMISSION MEETING MINUTES  
DECEMBER 18, 2001

Commissioner Randy Johnson made a motion to approve Resolution 12-18-01C approving the 2002 budgets for Emery County General Fund, Special Revenue Funds, Capital Projects Funds and Castle Valley Special Service District. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF 2001 AMENDED BUDGETS FOR ALL EMERY COUNTY FUNDS AND CASTLE VALLEY SPECIAL SERVICE DISTRICT AND OTHER NECESSARY PAPERWORK.**

Commissioner Randy Johnson made a motion to approve Resolution 12-18-01D amending the 2001 budgets for all Emery County funds and Castle Valley Special Service District. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Randy Johnson made a motion to approve Resolution 12-18-01E authorizing the budget officer of the county to open the 2001 budget and adjust the budget for department to department and line item to line item where necessary. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(16)

**EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTER.**

Commissioner Randy Johnson made a motion to adjourn to an executive session to discuss a personnel matter. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(17)

**OTHER BUSINESS**

Upon returning to regular meeting Commissioner Randy Johnson made a motion to approve a step increase for Marcee Wright, Planning and Zoning effective the payroll beginning December 24, 2001. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(18)

**ADJOURNMENT**

8

COMMISSION MEETING MINUTES  
DECEMBER 18, 2001

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

JANUARY 8, 2002

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Opening prayer was offered by Bob Toomer. The pledge was led by JoAnn Behling.

(1)

**APPOINTMENT OF 2002 CHAIRMAN OF THE BOARD OF COMMISSIONERS.**

Commissioner Drew Sitterud made a motion to table this item as well as item #8 until next meeting to allow time to discuss Commissioner responsibilities. Commissioner Ira Hatch stepped down to second the motion. Commissioner Randy Johnson voted nay to the motion.

(2)

**THOMAS R. CHRISTENSEN, UDOT PROJECT MANAGER, UPDATE ON SR-10 HUNTINGTON TO POISON SPRINGS BENCH.**

Tom Christensen, Utah Department of Transportation Project Manager introduced H.G. Kunzler from Michael Baker, Inc. design engineers for the SR-10 Huntington to Poison Springs Bench Project. Mr. Kunzler reviewed the plans for reconstruction of four and one half miles of passing lanes. Eighty-four percent of the project will be a four lane road. They are in the design process at this time. Construction is scheduled to begin summer of 2003. Kleston Laws, reviewed other projects scheduled for the Carbon and Emery area. Val Payne asked about access to public lands from I-70.

(3)

**CONSIDERATION AND APPROVAL OF BILL OF SALE FOR HORN MOUNTAIN POWER LINE.**

Deb Dull, Utah Power and Light representative presented a new and improved version of a Bill of Sale for the Horn Mountain Power Line. The Bill of Sale has been reviewed by Attorney David Blackwell. Commissioner Randy Johnson made a motion to approve the Bill of Sale for Horn Mountain Power Line to Pacificorp. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)  
**CONSIDERATION AND APPROVAL OF TAX ABATEMENT AT REQUEST OF GREEN RIVER BIBLE CHURCH.**

Commission Chairman Ira Hatch explained that during Board of Equalization information was given that the house owned by Green River Bible Church was up for sale and no longer being used by the church. Since that time, an investigation into this was done and found that the house is still being used by the church. Green River Bible Church has requested an abatement of the taxes for 2001. Assessor, Jim Fauver questioned the "use" of the building and the code as it addressed the "use" of the building as a qualifying factor for abatement of taxes. Commissioner Randy Johnson made a motion to grant an abatement of the 2001 property taxes contingent upon corroboration of the information provided. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)  
**CONSIDERATION AND APPROVAL OF TAX ABATEMENT AT REQUEST OF FERRON CITY.**

Treasurer, JoAnn Behling made a request on behalf of Ferron City to abate the property taxes for the property previously owned by Eva Huntsman and recently acquired by Ferron City. The agreement Ferron City had with the previous owner was to pay the 2001 property taxes, so they will pay three quarters of the property taxes and requested to have one quarter of the taxes abated. (from September 2001 on) Commissioner Randy Johnson made a motion to abate the property taxes from September 2001 on and Ferron City will be responsible for the taxes prior to that. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)  
**CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH FOR ACQUIRING GPS AND GIS DATA.**

Commissioner Drew Sitterud explained that this is a contract from the State of Utah for collecting data inventory for RS2477 Right-of-Way. Commissioner Randy Johnson made a motion to approve the contract with the State of Utah for acquiring GPS and GIS data. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(7)**  
**CONSIDERATION AND APPROVAL OF FAIR DIRECTOR AGREEMENT.**

This is the Fair Director agreement with updated dates to continue with Kathy Justice as Fair Director in 2002. Commissioner Randy Johnson made a motion to approve the Fair Director Agreement. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**  
**REVIEW AND APPROVAL OF COMMISSION RESPONSIBILITIES.**

Tabled

**(9)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit Lists dated December 31, 2001, January 4, 2002 and January 8, 2002 for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
1-02	Physio Control Lifepacks (2) Ambulance/EMS Grant	24,000.00	Approved
2-02	Computers (11)Printer,Server Capital Replacement	18,160.00	Approved
3-02	Computers (8) Server Library/Grant	13,900.00	Approved

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit Lists for payment and requisitions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(10)**



**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

**Treasurer**

Mistie Christiansen is eligible for her routine increase effective January 16, 2002. She goes from 5B \$8.55/hr to 6A \$8.73/hr. Commissioner Drew Sitterud made a motion to approve the routine increase for Mistie Christiansen as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Mistie Christiansen has requested Family and Medical Leave beginning March 13, 2001, for the birth of her baby. She expects to return June 5, 2002. Commissioner Drew Sitterud made a motion to approve Family Medical Leave for Mistie Christiansen as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(11)****CITIZEN CONCERNS**

Bruce Funk expressed concerns for a proposal that was heard in Public Lands Council meeting held earlier in the day. It appears that in the Public Lands Council meeting dated September 12, 2000 a motion was made to support Castle Valley's proposed hunting preserve. The motion passed in that group. In the Public Lands Council meeting today it was indicated that the Emery County Commission was in full support of that proposal. Mr. Funk expressed concern for closing off the reef and denying access to a piece of public land. He requested acknowledgment from the Board of Commissioners that this is what they support. Commissioner Johnson provided a response. The proposal is in the hands of the BLM and SITLA at this point. Commissioner Hatch indicated that they are looking at the information in order to make an informed decision. They are watching to see how it develops.

The Emery county Chamber of Commerce has requested their annual dues for 2002. There was discussion as to whether the \$250.00 dues was for all entities of the County ie, Sheriff, Economic Development, etc. Commissioner Randy Johnson made a motion to pay the 2002 annual \$250.00 dues as a blanket, including all entities of the County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Rex Funk asked for permission to go look for prices for a nemonic roller. The Commission asked that he check the one he has before he goes to look for prices. He has the funds in this years budget for this purchase.

COMMISSION MEETING MINUTES  
JANUARY 8, 2002

Commission Chairman Ira Hatch commented on the decision of the Board of Commissioners to provide for a step increase rather than a 2% across the board increase for employees in 2002. There was a question as to where those employees in the probationary stage will move to. The Board Commissioners decided to have them stay where they are and begin from there.

(12)

**CONSIDERATION AND APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.**

Commissioner Randy Johnson made a motion to approve the minutes dated December 18, 2001 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

FEBRUARY 5, 2002

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Randy Johnson, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Opening prayer was offered by Ray Petersen. The pledge of allegiance was led by Drew Sitterud.

(1)

**BID OPENING FOR SALE OF COUNTY OWNED PROPERTY IN FERRON AS ADVERTISED. CONSIDERATION OF AWARDED BID AND APPROVAL OF ASSOCIATED PAPERWORK.**

Bids were opened for the sale of county owned property in Ferron. The two bids were as follows: Mark Kinsey \$75,000.00

Bryan Stone \$80,000.00 with a contingency to be able to trade his property located on the corner of State Street in Ferron.

Commissioner Randy Johnson made a motion to accept the bid from Mark Kinsey. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**JOHN HEALY, FOREST SERVICE, QUARTERLY UPDATE.**

John Healy, Acting District Ranger, provided the following quarterly update:

✦ The Forest Service is still in the process of replacing Crockett Dumas following his retirement. Mr. Healy is filling in during that process.

✦ They have a new chief, Dale Bosworth. Mr. Healy reviewed the chief's Focus on Results for fiscal year 2004 National Program which included the following items:

Public and Employee Safety  
Benefits to Communities  
Forest and Rangeland Health  
Recreation

National Fire Plan (Protecting Property and Resources)

✦ He reviewed the chief's plans for roads analysis of the forest.

✦ He reported on the timber sale on the forest in Ferron

✦ They are working on developing a Cooperative Weed Management Program which

will include representatives from surrounding counties. With a weed management program in place they will be able to qualify for federal grants to supplement the program.

✦ A local group sponsored in part by the Soil Conservation District attended conferences in Albuquerque, New Mexico where they discussed improving rangeland with an emphasis on keeping ranchers in business.

(3)

**TOM RASMUSSEN, BLM, QUARTERLY UPDATE.**

Tom Rasmussen, interim acting manager for the BLM, provided the following quarterly update:

✦ Permits for oil and gas production has slowed down in Emery County. They have six new permits from Texaco for drilling in Huntington Canyon. Phillips-Chevron has 40 producing wells in Emery County, 11 on federal land and 39 on state or private land. The Last Chance Field by Capital Reef which is a methane freezing processing plant has fallen by the wayside with only one permit left. BLM has 47 oil and gas leases proposed for the San Rafael Swell area. An environmental group is looking at a re-inventory of this area.

✦ Lila Canyon Coal Mine was issued a limited right-of-way. They have run into problems with DOGM.

✦ Moore Road is in an internal review process.

✦ There are 35 grazing permits up for renewal with the 10 year permit status.

✦ The OHV Travel Plan will be out for review soon. They are expecting fire when it hits the media. Public comments will be completed by March 22, 2002.

(4)

**CONSIDERATION AND ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE OF \$743,800 OF GENERAL OBLIGATION PUBLIC SERVICE BONDS, SERIES 2002-A OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Darrell Leamaster, Castle Valley Special Service District and Kent Michie, Zions Bank Public Finance reviewed a resolution authorizing the issuance of \$743,800 of General Obligation Public Service Bonds Series 2002 A of the Castle Valley Special Service District. Darrell Leamaster explained that this is the last of the one million dollar bond authorized by voters in 1994. The bond will be payable through property taxes. The funds will be used to fund construction projects in the districts. Mr. Michie expressed to the public that a bond such as this one is a good thing. It is a good deal for the district and the county as it allows the district to finance construction projects and collect the funds in the fall with property taxes. He explained that the interest is 0 until December 2003. Commissioner Randy Johnson made a motion to adopt Resolution 2-05-02A

authorizing the issuance of \$743,800.00 of General Obligation Public Service Bonds Series 2002-A of the Castle Valley Special Service District. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(5)**  
**SUPPORT OF INITIATING PROCESS TO ESTABLISH THE SAN RAFAEL  
WESTERN HERITAGE NATIONAL MONUMENT.**

Commission Chairman Ira Hatch explained that a public informational meeting was held on January 26, 2002 to propose creation of the San Rafael Western Heritage National Monument. Comments from those in attendance were received after the meeting. Following the meeting, the Board of Commissioners prepared a statement of support for this proposal. Copies were made available to those in attendance at today's meeting. Emery County will hold more informational meetings. Public Lands Council will accept comments. They reminded those in attendance that contingencies do exist. If the majority of the citizens do not want this, we can pull the proposal. Commissioner Randy Johnson made a motion to approve the statement of support for the proposed San Rafael Western Heritage National Monument. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(6)**  
**CITIZEN CONCERNS**

Bonnie Keele asked what would happen if the majority of the county does not want a monument? Commissioner Johnson explained that the County would pull the proposal, however, some other group such as Southern Utah Wilderness Alliance could come along behind us and reintroduce the proposal.

Deb Dull, PacifiCorp, requested a follow-up report on the Incubator Program. It was explained that a study had been authorized to evaluate some alternatives.

**(7)**  
**CONSIDERATION AND APPROVAL OF LEASE AND MANAGEMENT AGREEMENT  
FOR THE HUNTINGTON AIRPORT.**

The Board of Commissioners solicited for applicants to service the Huntington Airport. As a result of the applications received, Commissioner Hatch recommended Troy Atwood DBA: Atwood Aviation. Attorney David Blackwell reviewed the contract. Commissioner Drew Sitterud made a motion to approve the contract with Troy Atwood DBA: Atwood Aviation for management of the Huntington Airport with option to renew the contract at the end of the

specified time. Commissioner Ira Hatch stepped down to second the motion as Commissioner Johnson had left the room momentarily. The motion was approved by all members present.

(8)

**RATIFY CONTRACT WITH STATE OF UTAH FOR CADASTRAL MAPPING FUNDING.**

Commissioner Drew Sitterud explained that this is a funding contract for cadastral mapping of corner markers and monuments throughout the County. Due to date constraints the contract was signed last week. Commissioner Randy Johnson made a motion to ratify the signing of a funding contract for cadastral mapping. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**RATIFY AGREEMENT FOR DRUG COURT SERVICES.**

Sheriff LaMar Guymon explained that this is a funding grant with the state of Utah for a full time deputy for drug court. The date had expired. Commissioner Ira Hatch had previously signed the agreement with the state to continue the program. Commissioner Randy Johnson made a motion to ratify the signing of the agreement for drug court services. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**RATIFY APPLICATION FOR FEDERAL ASSISTANCE ON HORSE CANYON MINE REDEVELOPMENT.**

The University of Utah is interested in using the existing buildings at Horse Canyon Mine to put in a campus to study mine reclamation. The federal assistance was for \$3,000.00. Carbon County is willing to pitch in with \$1,500.00 and Price City committed to an unspecified amount. Emery County is asked to pitch in with the remainder of the amount. Because of date restraints the application had to be signed before this meeting. Commissioner Drew Sitterud made a motion to ratify the signing of an application for federal assistance on Horse Canyon Mine redevelopment for University of Utah. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

**RATIFY CONTRACT WITH STATE OF UTAH FOR ENGINEERING ON I-70**

**INTERPRETIVE ENHANCEMENT PROJECT.**

Commissioner Randy Johnson made a motion to ratify the signing of the contract with the state of Utah for engineering on the I-70 Interpretive Enhancement Project. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**APPOINTMENT OF BOARD MEMBERS TO EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.**

The Board of Commissioners received notification from the Emery County Recreation Special Service District that they have two board members whose terms have ended. After contacting Castle Dale City, Huntington City and Elmo Town, the Board of Commissioners recommend appointing Jimmie Jones, Castle Dale and Ross Gordon, Huntington as at large board members. Commissioner Drew Sitterud made a motion to appoint Jimmie Jones and Ross Gordon as at large members of the Emery County Recreation Special Service District. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

**REQUEST FROM PLANNING COMMISSION TO BEGIN PROCESS FOR BOARD MEMBER VACANCY.**

The Planning Commission has informed the Board of Commissioners that Mac Huntington's term has expired and Ken Stilson's term will soon expire. The Planning Commission requested that the Board of Commissioners begin the process to fill board member vacancies. Commissioner Randy Johnson made a motion to initiate the process to fill the board member vacancies as prescribed by policy. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(14)

**REQUEST FROM EMERY COUNTY TRAVEL BUREAU TO BEGIN PROCESS FOR BOARD MEMBER VACANCY.**

The Emery County Travel Bureau has informed the Board of Commissioners that board member Jim Nelson's term has expired leaving a vacancy on the west side of the County. They requested the Board of Commissioners begin the process to fill that vacancy. Commissioner Drew Sitterud made a motion to initiate the process to fill the Travel Bureau's board member vacancy on the

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west side of the County. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(15)

**CONSIDERATION OF DONATION REQUEST FROM GREEN RIVER CLOSE UP PARTICIPANTS.**

Commissioner Randy Johnson made a motion to contribute \$250.00 to Green River High School for the Green River Close-up participants to attend Washington D.C. . The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(16)

**CONSIDERATION AND APPROVAL OF CONTRACT FOR ARCHIVE PERSONNEL.**

Kolene Durfee's contract for services at the State History archives has expired. A new contract for services for a period of ninety days was presented for approval. Commissioner Randy Johnson made a motion to approve the contract for Kolene Durfee as history archive personnel. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(17)

**ROAD DEPARTMENT REQUEST TO PURCHASE EQUIPMENT.**

This agenda item discussed under #23.

(18)

**APPROVE AND RATIFY BUSINESS LICENSES.**

Business License applications were presented for the following:

Dodd Wilstead DBA: DNW Trucking. This is a trucking operation housed at the incubator site. Commissioner Drew Sitterud made a motion to approve the business license for Dodd Wilstead. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Darcy Guymon DBA: EnVirag Enterprises. This is environmental and agricultural consulting, traditional agriculture and novel agriculture. Commissioner Drew Sitterud made a motion to approve the business license for Darcy Guymon DBA: EnVirag Enterprises provided Mr.



Guymon meets with DWR permitting. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(19)

**CONSIDERATION AND APPROVAL OF INDIGENT TAX ABATEMENT OF A MOBILE HOME.**

Senior Deputy Clerk/Auditor, Brenda Dugmore presented an application for low income abatement of property taxes from Evelyn Morgensen. The total amount of taxes due is \$119.23. The Board of Commissioners can abate as much as one half the tax amount due. Commissioner Randy Johnson made a motion to abate one half the taxes, \$59.62. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(21)

**REVIEW AND APPROVAL OF COMMISSION RESPONSIBILITIES.**

There were minor changes on the commission responsibilities. RSVP was removed from the list and Attorney was moved to Commissioner Sitterud's responsibility. Commissioner Randy Johnson made a motion to approve the changes and the responsibilities for 2002. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(22)

**CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF EMERY COUNTY, UTAH TAX AND REVENUE ANTICIPATION NOTES, SERIES 2002, AWARDING AND CONFIRMING SALE OF THE NOTES; ENTERING INTO CERTAIN COVENANTS AND MAKING CERTAIN REPRESENTATIONS IN CONNECTION THEREWITH; APPROVING THE FORM OF THE NOTE; AND RELATED MATTERS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented Resolution 2-5-02B a resolution authorizing the issuance and sale of Emery County, Utah Tax and Revenue Anticipation Notes, Series 2002. The note was for \$900,000.00 that will be transferred to Emery County. Commissioner Drew Sitterud made a motion to approve Resolution 2-5-02B authorizing the issuance and sale of Tax and revenue anticipation notes as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(23)**  
**RATIFICATION AND APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS,  
REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List dated January 22, 2002 and February 5, 2002 for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
04-02	Receiver/Transmitter Sheriff/Task Force Grant	\$ 5,165.00	Approved
05-02	Library Automation Software Library/LTSA Library Grant	14,019.00	Approved
06-02	Light Bar, siren, controls Sheriff/Drug Court Grant	1,598.70	Approved
07-02	Pro-1000DS Radar Gun Sheriff/Drug Court Grant	1,314.00	Approved
08-02	TK-790 Mobile Radio,control pkg Sheriff/Drug Court Grant	1,198.75	Approved
09-02	Cat PS360B Asphalt Roller Road	78,000.00	Approved

There were no Dispositions.

Commissioner Randy Johnson made a motion to approve the Warrant Check Edit List dated January 22, 2002 and the Warrant Check Edit with additional claims dated February 5, 2002 and the Requisitions as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(24)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

#### Road Department

Gordon Nielsen has successfully completed his six-month orientation period and is eligible for a step increase from 12 Entry \$10.89/hr to 12A \$11.22/hr which is effective on February 13, 2002. The Road Department recommends this increase. Commissioner Ira Hatch stepped down and made a motion to approve the step increase for Gordon Nielsen as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

#### GIS

Request was made to hire Margaret Swasey on temporary assignment for up to 90 days at \$8.50/hr effective January 9, 2002. Commissioner Drew Sitterud made a motion to approve the temporary assignment for Margaret Swasey as proposed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

#### Risk Management-Accident Review Committee Recommendation

The Risk Management-Accident Review Committee would like to recommend that a memo go to each department with assigned vehicles advising that all county vehicles have insignias identifying them as such. The design could be very conservative, for example, it might simply read Emery County (in block letter) on the lower bottom of both front doors on either side of the vehicle and measure approximately 12"x6" in the color black. All vehicles with EX plates must be identified. Sheriff Guymon has a good source for obtaining the insignias. Commissioner Drew Sitterud made a motion to send a memo out to each department assigned vehicles advising them that all county vehicles must have insignias identifying them as county vehicles. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

#### Other

Lee Rasmussen, GIS as part of his employment with the County, developed a platting program source code. He developed the program during his regular work hours and also made improvements and upgrades on his home computer during his personal time. Mr. Rasmussen took the necessary steps to copyright the program, including all improvements and updates. The State of Idaho and other entities have expressed interest in purchasing the program. Emery County and Lee Rasmussen agree that they are joint owners of the copyrighted program. Mr. Rasmussen agrees to share the program with the County and train and consult other County employees for as long as he is employed by the County. Mr. Rasmussen is authorized to market and sell the program to the State of Idaho and other entities. Emery County and Mr. Rasmussen

will share equally in any revenues generated through sales of the program. Both parties are authorized to share the executable code for the program with other state and local agencies at no cost and at their discretion. Mr. Rasmussen is free to hire himself out as a consultant for the program on his own time, as long as it does not interfere with his regular duties with the County. Mr. Rasmussen agrees that any updates or improvements to the program, whether on County time or on personal time, will be shared with County and become part of the program jointly owned by the parties. Idaho has offered to pay \$7,000.00 for the program and source code, to which Mr. Rasmussen and Emery County will receive \$3,500.00 each as per letter of Understanding between Emery County and the State of Idaho dated February 5, 2002. Mr. Rasmussen will travel to Idaho on his own time to deliver and train Idaho personnel, however Emery County will send Jeff Guymon to learn the source code and program. Commissioner Drew Sitterud made a motion to approve an agreement for the Emery County Platting Program and authorize Jeff Guymon to travel to Idaho with Lee Rasmussen to deliver the program and source code. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(25)****CONSIDERATION AND APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated January 8, 2002 as corrected. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

**(26)****APPOINTMENT OF 2002 CHAIRMAN OF THE BOARD OF COMMISSIONERS**

Commissioner Drew Sitterud made a motion to appoint Randy Johnson as Commission Chair. The motion was seconded by Commissioner Randy Johnson and approved by all members present. Commissioners Sitterud and Johnson thanked Commissioner Hatch for his time served.

**(27)****COMMISSIONER REPORTS.**

There were no Commissioner reports.

**(28)**

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**ADJOURNMENT**

Commissioner Randy Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_

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

FEBRUARY 19, 2002

Those present at the meeting were Commission Chairman Randy Johnson, Commissioner Drew Sitterud, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, other elected officials and citizens.

The opening prayer was offered by Sheriff LaMar Guymon. The pledge was led by Sheriff Guymon also.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List dated February 19, 2002 for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
10-02	Training manikins (3) Ambulance/ EMS Grant	1,658.64	Approved
11-02	Furnace, parts and labor Emergency purchase/Ambulance	876.42	Approved
12-02	Desktop Computer Safe Community Grant/Sheriff	2,470.00	Approved
13-02	35 mm Camera Safe Community Grant/Sheriff	479.95	Approved
14-02	Heavy Duty Impact Wrench Road Department	428.00	Approved

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List and additional claims, also the requisitions as presented. The motion was seconded by Commissioner

2

COMMISSION MEETING MINUTES  
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Ira Hatch and approved by all members present.

(2)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

There was no Personnel Action needed.

(3)

**APPOINTMENT OF BOARD MEMBERS TO PUBLIC LANDS COUNCIL.**

The Board of Commissioners advertised for individuals interested in appointment to the Public Lands Council. From the numerous applications received, the Public Lands Council recommended the following individuals for appointment to their board:

Tom Roush, Craig Johansen, Vernell Rowley and Kirk Johansen. Commissioner Ira Hatch made a motion to appoint Tom Roush, Craig Johansen, Vernell Rowley and Kirk Johansen to the Public Lands Council. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**APPROVAL OF BUSINESS LICENSE**

A business license for Troy Atwood DBA: Atwood Aviation was presented for approval. Mr. Atwood is under contract with Emery County for the Huntington Airport operations. Zoning Administrator, Bryant Anderson has signed the license. Commissioner Ira Hatch made a motion to approve the business license for Troy Atwood DBA: Atwood Aviation. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF STANDARD COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK.**

Attorney David Blackwell explained that this is the standard annual contract with Utah State Extension Service for support staff in the Extension Office. Commissioner Ira Hatch made a motion to approve and sign the agreement with Utah State University Extension. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF INTER-LOCAL AGREEMENT WITH ECSSD#1 FOR STREET LIGHTING SERVICES.**

Commissioner Johnson explained that by resolution the Special Service District has been given street lighting as one of its services. Emery County has been paying for street lighting in three locations in the county. This inter-local agreement transfers the services from the County to SSD#1. Commissioner Drew Sitterud made a motion to accept the inter-local agreement with ECSSD#1 for street lighting services. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(7)**  
**FORMAL REQUEST FOR INSTALLATION OF STREET LIGHT ON MILLER CREEK ROAD.**

The Board of Commissioners received a request from citizens in Elmo regarding street lighting. Miller Creek Road is a regular bus stop for several students along the road. There is no lighting provided and is a potential hazard especially in the winter months. The request was for lighting to be provided at the bus stop on Miller Creek Road. Commissioner Ira Hatch made a motion to accept the request for lighting on Miller Creek Road and to authorize Utah Power & Light to install the pole with Johansen and Tuttle assisting as to the location. Special Service District #1 will assume the monthly service fee. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**  
**ACCEPTANCE/CERTIFICATE OF FOUR CORNER'S COMMUNITY HEALTH AUDIT REVIEW.**

Commissioner Ira Hatch made a motion to accept and approve the audit review subject to acceptance of review by Senior Deputy Clerk/Auditor, CPA Brenda Dugmore. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)**  
**CONSIDERATION AND APPROVAL OF UTE INDIAN TRIBE'S REQUEST TO USE COUNTY'S PARCEL LAYER PLATTING PROGRAM.**

Commissioner Johnson explained that the County had agreed to let other entities in the state use the program but to not let the program go out of the state. The Ute Indian Tribe's request to use the program was not clear on the intent to use the program for the whole nation or just the tribe in the state. If it is the whole nation, then the program would be used in several states. The



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Board of Commissioners needed more information and therefore, Commissioner Drew Sitterud made a motion to table this for now to provide time to review the request. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)**  
**CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE FOR PURCHASE OF SURPLUS PROPERTY.**

Attorney David Blackwell explained that this is the standard contract with the State for purchase of surplus property. The Road Department, Weed & Mosquito, Sheriff's Department and Commissioners are listed on the contract. Commissioner Drew Sitterud made a motion to approve the contract with the State for purchase of surplus property. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)**  
**DISCUSSION OF PARTICIPATION IN EMERY COUNTY PROGRESS ENERGY EDITION.**

Commissioner Ira Hatch made a motion to participate in the Emery County Progress Energy Edition with a quarter page ad. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(12)**  
**CITIZEN CONCERNS**

There were no citizen concerns.

**(13)**  
**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Ira Hatch made a motion to table the minutes dated February 5, 2002. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(14)**

COMMISSION MEETING MINUTES  
FEBRUARY 19, 2002

**COMMISSIONER REPORTS**

*Commissioner Ira Hatch*

Commissioner Hatch attended UAC Meetings where he received updates on legislative items.  
Senate Bill 82, County Personnel Management Act.  
House Bill 241, County Health Bill  
Bid requirements on construction projects  
Public Safety Communication Network  
Jail reimbursement amendments

*Commissioner Drew Sitterud*

Commissioner Sitterud reported on discussion with Nursing Home director who indicated that Utah is seventh worse in the nation for paying for our senior citizens. The nursing homes are going in the hole and asked the Commissioners to bring it up to the legislature. Commissioner Sitterud will meet with Representative Brad Johnson on the matter.

*Commissioner Randy Johnson*

Commissioner Johnson announced a noon lunch meeting will be held on February 25, 2002 to provide information to elected officials and department heads regarding the monument proposal. Public Lands will conduct the meeting which will be an informational meeting only.

**(15)**

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

March 5, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Ira Hatch, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

An opening prayer was offered by James Nielson. The pledge was led by Randy Johnson.

**(1)**  
**DELENA FISH, WFS, QUARTERLY UPDATE.**

Mrs. Fish was not able to attend the meeting.

**(2)**  
**DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Mrs. Dull was not able to attend the meeting.

**(3)**  
**MIKE MCCANDLESS, EMERY TELCOM, QUARTERLY UPDATE.**

Mike McCandless, Emery Telcom, provided an overview of upcoming construction projects. They will be replacing old lines in Huntington, Cleveland and Emery. Most of the telephone poles in the county are no longer being used for telephone lines as the cables are buried. Commissioner Johnson asked if Emery Telcom would be willing to cost share on installing the utility lines across the canal to the new safety facility. Mr. McCandless instructed Commissioner Johnson on who to contact at Emery Telcom on the matter.

**(4)**

**MARREEN CASPER, SENATOR ORRIN HATCH FEDERAL PROJECTS LIAISON,  
UPDATE ON PILT AND OTHER MATTERS.**

Maureen Casper, Senator Hatch's federal projects liaison informed the Board of Commissioners of PILT matters. Congress is working hard to balance the budget. Earmarked funds had been removed and now they are working hard to get them back in. She requested that the county do two things: 1) List what PILT funds means to the county, and, 2) What full funding would mean to the county. She recommended that the letters not be sent through the mail, they should be e-mailed or faxed.

Ms. Casper also asked the Board of Commissioners to help get information to citizens who might be experiencing cancer as a result of nuclear testing. The original boundaries have been broadened to include Emery County as a potential downwind site. Letters should be e-mailed or faxed to Petty DeLoche. They are finding cancer outside the original tested areas such as railroad haulers who hauled radioactive materials. Commissioner Johnson pointed out that uranium miners and mill workers also experienced cancer.

Commissioner Hatch asked for an update on activity in Washington. She informed the Commissioners that there are currently fifty bills being held hostage by the Senate. They are refusing to hold hearings on them.

(5)

**CANDACE UNGERMAN, REQUEST FOR DONATION FOR FREEDOMS  
FOUNDATION LEADERSHIP CONFERENCE.**

Candace Ungerman requested a donation to help with finances to attend Freedoms Foundation Leadership Conference in Valley Forge, Pennsylvania. Thirty juniors throughout the state of Utah were chosen from essays and interviews. They will be meeting with senators and military personnel as well as touring historic military sites. Commissioner Ira Hatch made a motion to donate the standard individual amount of \$50.00 to Candace Ungerman to attend the conference. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING TRANSFER OF  
CABLE TELEVISION FRANCHISE.**

Attorney David Blackwell explained that the transfer is the standard cable transfer. He has reviewed the documents and recommends signing Resolution 3-05-02 transferring the cable television franchise from Peak Cablevision to Precis Communications, L.L.C. Commissioner

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Drew Sitterud made a motion to accept Resolution 3-05-02 transferring the cable television franchise from Peak Cablevision to Precis Communications, L.L.C. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF UTE INDIAN TRIBE'S REQUEST TO USE COUNTY'S PARCEL LAYER PLATTING PROGRAM.**

Commissioner Drew Sitterud explained that this was brought before the Commissioners during last Commission Meeting. At that time there was concern for giving out the source code. The Board of Commissioners contacted the tribe and found that their request was for the program only. Commissioner Drew Sitterud made a motion to grant the Ute Indian tribe's request and provide them with the use of the parcel layer platting program. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF ABATING PENALTIES AND INTEREST ON JOHN AND MARYLA ADAMS.**

Treasurer, JoAnn Behling requested abatement of penalties and interest on John and Maryla Adams property taxes. They have had some difficulties due to health problems but have managed to pay the prior years property taxes amounting to \$3,770.10. The penalty and interest is \$988.85. Commissioner Ira Hatch made a motion to approve abating the penalty in interest for John and Maryla Adams in the amount of \$988.85 as requested. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**APPOINTMENT OF ECONOMIC DEVELOPMENT COUNCIL BOARD MEMBERS.**

The Economic Development Council recommended the following names for consideration:

Boyd Wilson, Huntington  
Sharon Earl, Huntington  
Ed Christensen, Orangeville  
Howard Van Wagoner, Elmo

Commissioner Drew Sitterud made a motion to accept the Board's recommendation and appoint Boyd Wilson, Sharon Earl, Ed Christensen and Howard Van Wagoner to the Economic Development Council Board. The motion was seconded by Commissioner Ira Hatch and

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approved by all members present.

**(10)**

**CITIZEN CONCERNS**

Road Supervisor, Rex Funk presented a request from Cleveland City to pull down a house next to City Hall. The house is close to power lines, therefore it cannot be burned from where it stands. They requested the use of the county's equipment and an operator to pull the house down where it can be burned. Commissioner Ira Hatch made a motion to allow the Road Department to do the work for Cleveland City. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Mr. Funk also asked if there would be an auction this year. Sheriff Guymon indicated that there would be and to get in touch with Bill Downard.

Rex Funk also discussed the possibility of approaching Consol Coal Company for a right-of-way across their property to construct a loop road to where they may be putting the new portal. A loop road there would be of benefit the farmers, ranchers and businesses as well as provide access in the area. Mr. Funk suggested having Public Lands look into the possibilities. Val Payne, Public Lands, was present at the meeting. Mr. Payne will contact Consol and invite a key person to attend Public Lands meeting to explore a right-of-way.

**(11)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #145702 through and including #145802 for payment.

Requisitions were presented for the following:

<b><u>REQUISITION</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>	<b><u>ACTION</u></b>
15-02	Drug Dog Sheriff	2,500.00	Appro ved
16-02	Stop Stick Rack Kits(spikes) Sheriff	870.00	Approved
17-02	Chairs (3)		

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	Economic Development	580.65	Hold
18-02	Xerox Copier/Duplexer Green River Sheriff's Office Trade-in	5,587.00 <u>-600.00</u> 4,987.00	Approved
19-02	Upgrade Precinct Counter/GR Elections/Green River	2,500.00	Approved

Dispositions were presented for the following:

#143-7209/Monitor, Treasurer- Junked  
#621-6127/GPS Unit, Weed/Mosquito-Traded  
#621-6090/GPS Unit, Weed/Mosquito-Traded  
#122-5274/Printer ML 320, Justice Court-Junked  
#180-5889/Computer 486, Planning&Zoning-Junked  
#180-6844/Computer 233, Planning&Zoning-Junked  
#560-4358/See-Saw, Recreation-Sold  
#560-2751/Adding Machine, Recreation-Junked  
#560-5161/Lawnmower, Recreation-Junked  
#560-4350/Sound System, Recreation-Junked  
#560-4353/Slide 5X10, Recreation- Sold  
#560-4355/Canopy for slide, Recreation-Sold  
#560-4354/Slide 8X16, Recreation-Sold  
#560-4356/Swing Set, Recreation-Sold

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(12)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Economic Development

6

COMMISSION MEETING MINUTES  
MARCH 5, 2002

Rosann Fillmore has submitted her resignation effective March 23, 2002. Mrs. Snowball requested direction on how to proceed with a recruitment.

Commissioner Drew Sitterud made a motion to proceed with recruitment for an Economic Development director both in-house and public at the same time. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the minutes dated February 5, 2002 and February 19, 2002 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**COMMISSION REPORTS**

*Commissioner Sitterud*

Allen Childs, Talon Resources has made an offer to purchase the last remaining piece of property in the Industrial Park in Huntington.

(15)

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Ira Hatch made a motion to re-open the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Randy Johnson stated that there is a need to clarify where the county stands with regards to the monument. Emery County has no full fledged proposal at this time, but, we would like to start the process. The Department of Interior wants information regarding a proposal. We will put this into motion with a series of public hearings where we will make and exchange



COMMISSION MEETING MINUTES  
MARCH 5, 2002

information until we have fleshed out a proposal. This proposal will be evaluated by the White House through the Department of Interior. The Public Lands council will set up the schedule for the public meetings. Commissioner Ira Hatch made a motion to give the Public Lands Council the direction to set up a series of meetings to put together a proposal for consideration. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

MARCH 19, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Ira Hatch, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

The opening prayer was offered by Maughn Guymon. The pledge was led by Carol Cox.

Commissioner Ira Hatch made a motion to include on the agenda an Executive Session to discuss Personnel matters. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #145913 through and including #146105 for payment.

Requisitions were presented for the following:

<b><u>REQUISITION</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>	<b><u>ACTION</u></b>
20-02	Radio/Speakers/Software Road Department	2 ,650.00	Approved
21-02	Metal cutting saw Road Department	438.00	Approved
22-02	Installed Bronze Frame Windows Road Department	976.00	Approved

There were no dispositions.

Commissioner Drew Sitterud made a motion to accept the Warrant Check Edit List, additional claims and requisitions for payment. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

2

COMMISSION MEETING  
MARCH 19, 2002

(2)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Library

The Library Board met on March 4, 2002 and recommended increasing Dorothy Taylor's time and wage from 24 hrs/wk to 32 hours/wk and from \$8.50/hr to \$11.24/hr., effective the next full pay period.

Commissioner Drew Sitterud made a motion to approve the hour and wage increase for Dorothy Taylor as recommended by the Library Board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Road Department

Wayde Nielsen has submitted a request for Family Medical Leave for personal health reasons. Leave started March 4, 2002 and will run approximately six weeks to April 12<sup>th</sup>. Additionally, he has requested contributed time because he does not have enough "banked" time to cover the leave. Commissioner Ira Hatch made a motion to approve the Family Medical Leave for Wayde Nielsen for the proposed time or until such time as his doctor releases him to return to work and to post notice for contributed time to his bank.. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**DERRIS JONES, DWR, QUARTERLY UPDATE**

Mr. Jones was not able to attend the meeting.

(4)

**SETH MCCOURT, CONSOLIDATED COAL COMPANY, UPDATE ON CURRENT STATUS AND FUTURE PLANS.**

Seth McCourt, Consolidated Coal Company introduced Bart Hyita who addressed the Board of Commissioners. Up until 1990 Consolidated Coal functioned as an active producing mine, supplying coal for Intermountain Power Plant. The market has since dried up and the mine has been in moth balls for twelve years. They are currently looking for large customers in the mid west and east. So far they have not been successful. The mild winters in the mid west and east

have brought down the demand for coal. They are at somewhat of a disadvantage being a small mine. Mr. Hyita expressed a desire on behalf of the company to be a long term player and provide tax revenue for the county. They are dealing with local customers for now.

Seth McCourt explained the planned mining process. The mine has been closed up for about six years. Conditions in the mine were worse than they had anticipated. MSHA has many concerns in the original mine operations area. It is not feasible for the company to go back into the existing area because of MSHA requirements. Their option is to open a new portal and seal off the old workings. They are interested in discussing with the county the possibility of obtaining a right-of-way across their property to construct a loop road to the new portal area. They have sixteen million tons of recoverable resources at the mine site. They plan to use a continuous miner to mine the coal. Two sections of the mine are located on federal land and the rest are on privately owned property. They currently have a permit to locate the coal and are now putting together the paperwork to begin the permitting process to mine the coal. The new portal area is permitted and has passed through DOGM. They hope to be producing by October 2002.

Commissioner Hatch asked Rex Funk how the proposed loop road would work into the process. Mr. Funk felt a loop road in that area would connect two existing roads and benefit the county.

**(5)**

**DARRELL LEAMASTER, REVIEW AND APPROVAL OF 2002 LOCAL CAPITAL IMPROVEMENT LIST FOR PCIFB.**

Darrell Leamaster, Castle Valley Special Service District presented the short term and medium term local capital improvement list for 2002. The short term list has to be assigned a priority by the county governing body. Commissioner Ira Hatch made a motion to approve the short term with assigned priority and medium term local capital improvement list for 2002 to be submitted to the PCIFB. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(6)**

**ROSANN FILLMORE, ECONOMIC DEVELOPMENT, CONSIDERATION AND APPROVAL OF SALE OF INDUSTRIAL PARK PROPERTY.**

The Industrial Park Board consisting of Huntington City Council members, the Emery County Board of Commissioners, and other board members met and agreed to sell a portion of the Industrial Park to Allen P. Childs and Larry W. Johnson dba Talon Resources. Talon Resources will pay \$45,270 for the 12.33 acres. Each year for a period of four years following the date of the sale, the buyers will verify to the Industrial Park Board the number of employees working on the property by presenting W-2's for each of their employees earning at least \$6.00/hr for the

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previous tax year. Buyers will be refunded \$500.00 for each employee so verified. The refund will continue until the original cost of the property is returned to the buyers or for a period of four years, whichever comes first. If the buyers sell the property before the five-year job credit refund is complete, the remaining available credits will be given to the new purchaser.

Commissioner Drew Sitterud made a motion to accept an agreement with Emery County, Huntington City and Talon Resources to sell a portion of the Industrial Park to Talon Resources as proposed in the agreement. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CITIZEN CONCERNS**

Eugene Johansen addressed the Board of Commissioners with a comment regarding the public safety facility. His concern was for the annexing. Castle Dale City prefers not to annex just the road and the portion needed. The City prefers to annex the entire portion making it more congruent for future growth. The issue as Mr. Johansen pointed out is that the canal is right in the middle of the portion to be annexed. His question was, "Who will take responsibility for the maintenance of the canal?" He pointed out the associated cost of maintaining the canal.

Commissioner Johnson explained the need for the annexation. The courts were just given the go ahead by the legislature to proceed with the court portion of the public safety facility. Under state statues courts cannot be outside city limits. Commissioner Johnson will continue to work with Castle Dale City to come up with a way to resolve the issue with the canal and annexing the court portion of the project.

(8)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

Deputy Clerk/Auditor, Carol Cox presented a business license from Genwal Resources, Inc. They previously had their headquarters in Huntington and operated with a Huntington City business license. The business is now operated from offices near East Carbon, Utah. The mine is located in Huntington Canyon outside city limits. Commissioner Drew Sitterud made a motion accept the business license for Genwal Resources, Inc. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**APPOINTMENT OF BOARD MEMBERS TO THE PLANNING COMMISSION.**

COMMISSION MEETING  
MARCH 19, 2002

The Planning Commission recommends reappointment of Mack Huntington and Ken Stilson to their board. Mack Huntington and Ken Stilson were the only applications received for the two vacancies. Commissioner Drew Sitterud made a motion to appoint Mack Huntington and Ken Stilson to the Planning Commission. The motion was seconded by Commissioner Randy Johnson who stepped down after Commissioner Ira Hatch temporarily left the room. The motion was approved by all members present.

(10)

**APPOINTMENT OF BOARD MEMBER TO THE EMERY COUNTY TRAVEL BUREAU.**

The Emery County Travel Bureau received one application for appointment to the Travel Bureau representing the western side of the county. They recommend appointing Jackie Ungerman to the Emery County Travel Bureau. Commissioner Drew Sitterud made a motion to appoint Jackie Ungerman to the Emery County Travel Bureau. The motion was seconded by Commissioner Randy Johnson and was approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN UTAH DIVISION OF FORESTRY, FIRE, AND STATE LANDS AND EMERY COUNTY.**

Commissioner Drew Sitterud made a motion to accept an agreement between Utah Division of Forestry, Fire, and State Lands and Emery County. The motion was seconded by Commissioner Ira Hatch and approved by all member present.

(12)

**CONSIDERATION AND APPROVAL OF RESOLUTION OF APPOINTMENT OF AN EMERY COUNTY REPRESENTATIVE AND AN ALTERNATE FOR THE UTAH ASSOCIATION OF COUNTIES INSURANCE MUTUAL MEMBERSHIP MEETING.**

Commissioner Drew Sitterud made a motion to approve Resolution 3-19-02 appointing Ira Hatch as the official Emery County representative and Pat Snowball as alternate representative for the Utah Association of Counties Insurance Mutual Membership Meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

**DISCUSSION OF SCHOOL DISTRICT BOUNDARY REAPPORTIONMENT**

Clerk/Auditor Bruce Funk outlined the current population growth/decline by school district. The numbers show that the growth/decline are marginal and are within the state's guidelines for reapportionment. Commissioner Ira Hatch made a motion to reaffirm the school district boundary as they are now as they fall within the state's guideline. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(14)

**DISCUSSION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND CASTLE DALE CITY REGARDING WATER SHARE TRANSFER FOR PUBLIC SAFETY COMPLEX.**

Commissioner Johnson discussed an inter-local agreement between Emery County and Castle Dale City regarding water share transfer for the public safety complex. Castle Dale City wants five shares for the complex. They have three shares for the landfill and R.V. dump. The Board of Commissioners expressed concern that eight is more than is needed for the three sites. They recommended the agreement be revised to include approval to transfer the five shares until after such time as the building is complete. After completion of the project the Board of Commissioners and Castle Dale City will re-evaluate the usage of the eight water shares and adjust the shares at that time. Commissioner Drew Sitterud made a motion to accept the agreement with the recommended change of including the eight shares for re-evaluation and after David Blackwell has reviewed the document. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF DATE AND TIME FOR MAY TAX SALE**

Senior Deputy Clerk/Auditor Brenda Dugmore requested setting May 23, 2002 at 10:00 A.M for the May Tax Sale. Commissioner Ira Hatch made a motion to set May 23, 2002 at 10:00 A.M. as the date and time for the May Tax Sale. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(16)

**APPROVAL OF COMMISSION MEETING MINUTES**

7

COMMISSION MEETING  
MARCH 19, 2002

Commissioner Ira Hatch made a motion to approve the minutes dated March 5, 2002 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(17)**

**COMMISSION REPORTS**

There were no reports.

**(18)**

**OTHER BUSINESS**

In Commission Meeting on March 5, 2002, the Board of Commissioners made a motion to give the Public Lands Council direction to set up a series of public meetings to put together a proposal for the monument. The Public Lands Council has set up two meetings for:  
Friday, March 22, 2002 at Green River High School from 6PM to 9PM  
Saturday, March 23, 2002 at Emery High School from 9AM to 12PM  
They hope to have something fleshed out by then. If they don't more meetings will be set.

**(19)**

**EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS**

Commissioner Ira Hatch made a motion to move into executive session to discuss personnel matters. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Upon return to regular meeting Commissioner Ira Hatch made a motion to return to agenda item #2 Approval of Personnel action, Road Department, B. Ron Wright, wherein Emery County proposes a resolution to a grievance filed by Mr. Wright. We propose to compensate Ron Wright for duties he performed November 13, 2001 through February 25, 2002 an amount to be determined by Rex Funk and Brenda Dugmore as they review his time sheets for that period of time. This will be a one time settlement to his grievance. His wages will not be placed at the higher rate as he requested. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(20)**

**ADJOURNMENT**



8

COMMISSION MEETING  
MARCH 19, 2002

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_

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

April 2, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Drew Sitterud, Commissioner Ira Hatch, Sheriff LaMar Guymon, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A Prayer was offered by Drew Sitterud. The Pledge was led by Val Payne.

(1)  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #146279 through and including #146386 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
13-02B	Camera (repriced) Safe Community Grant	649.90	Approved
23-02	Un-interruptible Power Supply Sheriff	817.00	Approved
24-02	Antenna/Horn Mountain Communications	564.00	Approved

Dispositions were presented for Asset #141-6953 Casio Calculator that was junked and a copy machine from the Green River Sheriff's office that was traded in for a new one.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit list and requisitions and dispositions. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**JASON JEWKES, REQUEST TO OPEN EXISTING TRAP RANGE FOR PUBLIC USE.**

Jason Jewkes and Jeremy Jewkes came before the Board of Commissioners to request permission to open an existing trap range for public use. The trap range will be used by club members for trap shoots and the public will be invited to attend. There is some work to be done at the range however, the Division of Wildlife Resources has approved the project as a dedicated hunter project. At this time they are seeking permission to be on the property. Sheriff Guymon addressed his concern for who will accept responsibility for liability. Jason indicated that he has searched out insurance that covers this type of sporting activity. He has not been able to come up with anything. He indicated that the club does have the users sign a waiver to participate. Liability is still an issue that needs to be worked out. Rex Funk expressed concern for citizens because tree limbs are dumped at the landfill nearby. The Board of Commissioners agreed that they are in favor of the club opening the existing trap range but liability and access need to be worked out. Sheriff Guymon, Rex Funk, Commissioner Johnson and Commissioner Hatch will meet with Jason and Jeremy on April 3, 2002 out at the range to figure out the best access to the range. They will address this issue again at the next Commission Meeting.

(3)

**CONSIDERATION AND APPROVAL OF COLLECTION OF MOTOR VEHICLE FEES CONTRACT BETWEEN EMERY COUNTY AND STATE OF UTAH.**

Assessor Jim Fauver, indicated that this is a contract between the State of Utah and Emery County wherein Emery County collects State Motor Vehicle Fees and the state will process them. Commissioner Drew Sitterud made a motion to approve the Contract between Emery County and the State of Utah by choosing Section A, the option of the County collecting the motor vehicle fees. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF AMENDMENT NO. 1 TO ECONOMIC ADJUSTMENT STRATEGY GRANT EDA PROJECT NO. 05-79-0306.**

Commissioner Ira Hatch made a motion to approve Amendment No. 1 to Economic Adjustment Strategy Grant EDA Project No. 05-79-0306 which extends the completion date of the project, originally scheduled for February 28, 2002, to July 31, 2002. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(5)****PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**Recorder

Karen Peacock has requested Family Medical Leave to begin April 9, 2002. Dixie Swasey, Recorder is aware of the request and will help accommodate Karen. Commissioner Ira Hatch made a motion to approve Family Medical Leave for Karen Peacock as requested. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

GIS

Lee Rasmussen requested extending Sherman Miller's current temporary assignment of up to 90 days for another up to 90 day period. His current assignment will end April 5, 2002. He will take two weeks off and then begin again April 20, 2002 through July 19, 2002. Commissioner Ira Hatch made a motion to approve the up to 90 day assignment for Sherman Miller as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Justice Court

Tammy Bentley is eligible for her routine wage increase (per policy) from 6B \$8.93/hr to 7A \$9.11/hr. The increase will be effective the next full pay period. Commissioner Drew Sitterud made a motion to approve the wage increase as per policy for Tammy Bentley. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Historic Preservation

Commissioner Hatch explained that the temporary contract person at Historic Preservation has taken another position. Historic Preservation personnel recommended Dottie Grimes to continue that temporary assignment. Commissioner Ira Hatch made a motion to appoint Dottie Grimes to a temporary assignment finishing out the grant in Historic Preservation. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Work Schedule

The Board of Commissioners discussed a memo generated by Commissioner Drew Sitterud to Elected Officials/ Department Heads regarding work schedules. The memo read: Effective April 1, 2002 all Emery County employees will be scheduled to work 8:30 a.m. to 5:00 p.m. Monday through Friday unless prior approval is made with elected official or department head/with Commission approval. The discussion was whether this should be an amendment to the current personnel policy. Commissioner Ira Hatch made a motion to prepare a resolution to

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April 2, 2002

amend the personnel policy with wording as indicated in the memo to be presented for approval. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve the minutes dated March 19, 2002 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**OTHER BUSINESS**

Treasurer JoAnn Behling discussed a request from Jim and Stacy Gordon. They have been in bankruptcy for the last two years and would like to avoid the May Tax Sale. They can pay the property taxes current but requested the Board of Commissioners abate the penalty and interest. Commissioner Ira Hatch made a motion to approve abating the penalty and interest for Jim and Stacy Gordon and they will pay the property taxes current. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud discussed the need to amend the minutes dated February 5, 2002. The MOU with Idaho state was not mentioned in the motion which was the intent. Commissioner Drew Sitterud made a motion to amend the minutes dated February 5, 2002 agenda item #24 GIS to include "Idaho has offered to pay \$7,000.00 for the program and source code, to which Mr. Rasmussen and Emery County will receive \$3,500.00 each as per letter of Understanding between Emery County and the State of Idaho dated February 05, 2002." If Emery County does not have a signed copy of the MOU, Commissioner Johnson is authorized to sign the document. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION.**

Commissioner Ira Hatch made a motion to adjourn to executive session to discuss pending litigation. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Those present at executive session was Commissioner Randy Johnson, Commissioner Ira Hatch,

5

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April 2, 2002

Commissioner Drew Sitterud, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

The Board of Commissioners discussed pending litigation regarding Dennis Ward vs Emery County and Emery County Public Lands Council.

(9)

**ADJOURNMENT**

Upon return to regular meeting, Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

APRIL 16, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Ira Hatch, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

An opening prayer was offered by Commissioner Ira Hatch. The pledge was led by Commissioner Randy Johnson.

(1)  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #146496 through and including #146692 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
25-02	Public records/open meeting Tape/manual Planning/Zoning-Public Lands	\$ 314.00	Approved
26-02	Light bar-Road Department	514.96	Approved

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List and requisitions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(2)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL POLICY.**

A resolution was presented for consideration which would amend the personnel policy with regard to work hours.

The Emery County Personnel Policy, adopted in book form by Ordinance No. 12-16-82D on December 16, 1982, be and is hereby amended as follows:

1. That Section 11-Work Hours, paragraph 11.1 be amended as follows: *The normal work day for full-time employees shall be eight(8) hours and the normal work week shall be (40) hours, Monday through Friday, unless prior approval is made with the appropriate elected official, or with department head permission and commission approval. Part-time employees shall be paid at an hourly rate and will be paid only for hours worked.*

The Personnel Director is hereby directed to draft pages of the above-stated amendment for all manuals and to distribute the same to those who presently hold said manuals.

**(3)**

**CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING PERSONNEL POLICY.**

Commissioner Ira Hatch made a motion to adopt Resolution 4-16-02 amending the Personnel Policy as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(4)**

**RATIFICATION OF PENALTY AND INTEREST FOR JIM/STACY GORDON.**

Commissioner Ira Hatch made a motion to ratify the decision to abate the penalty and interest for Jim and Stacy Gordon. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(5)**



**RATIFICATION OF AMENDMENT TO FEBRUARY 5, 2002 MINUTES REGARDING MOU WITH STATE OF IDAHO FOR USE OF COUNTY PLATTING PROGRAM.**

Commissioner Drew Sitterud made a motion to ratify an amendment to the February 5, 2002 minutes regarding MOU with State of Idaho for use of the County platting program. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(6)**  
**CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND UNITED STATES FOREST SERVICE DEFINING THE RELATIONSHIP AND DUTIES OF THE FS AND EMERY COUNTY, UT.**

Commissioner Ira Hatch made a motion to table this item. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(7)**  
**APPROVAL OF CONTRACT TO UNDERTAKE LOCAL HISTORIC PRESERVATION PROJECTS UNDER THE CERTIFIED LOCAL GOVERNMENT PROGRAM.**

Commissioner Drew Sitterud made a motion to table this item. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)**  
**APPROVAL OF EMPLOYEE CONTRACT FOR HISTORY PROJECTS.**

Commissioner Ira Hatch made a motion to approve an employee contract for a 90 day appointment for Dottie Grimes to replace Kolene Durfee. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)**  
**CONSIDERATION AND APPOINTMENT OF JUDGES OF ELECTION AND SATELLITE REGISTRARS.**

Clerk/Auditor Bruce Funk presented the names of Judges of Election and Satellite Registrars for the 2002 Election Year. The fee schedule is as follows: Judge of Election \$60.00 a day plus \$10.00 to attend Judges training on June 3, 2002, Satellite Registrars \$50.00 a day. Judge of Election and Satellite Registrars are required to be available from 8:00 a.m through 8:00 p.m. The Board of Commissioners discussed equalizing the pay for Judges and Registrars since they

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are required for the same amount of time. Commissioner Drew Sitterud made a motion to approve the 2002 Judges of Election and Satellite Registrars and to pay the Registrars \$60.00 a day. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**APPROVAL OF 2002 PROPERTY TAX EXEMPTIONS.**

Commissioner Drew Sitterud made a motion to approve the 2002 Property Tax Exemption list. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF SIGNING QUIT CLAIM DEED TO CLEAR OWNERSHIP ON PROPERTY #01-0217-0005.**

Commissioner Ira Hatch made a motion to approve signing Quit-Claim Deed for tax #01-0217-0005 clearing up ownership of property to A. Dean Wilstead and Carol A. Wilstead. It conveys that interest from 1985 May Tax Sale List and Notice of Final Tax Sale. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**CITIZEN CONCERNS**

Sheriff LaMar Guymon introduced Shayden Johansen, 12 years old from Huntington. Shayden was responsible for helping the Sheriff's Department capture a thief. Shayden was at home alone when he heard someone rattling the front door. He got nervous, took the cell phone and locked himself in the bathroom where he called 911. Because of his description to the Sheriff's Deputy they were able to apprehend the suspect right away. Sheriff Guymon presented Shayden with a certificate from the Neighborhood Watch Program and \$50.00.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to table the minutes dated April 2, 2002. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**COMMISSION REPORTS***Commissioner Johnson*

Commissioner Johnson reported that Utah Power and Light has donated \$2,800.00 to the County to pay for the cost of the tents at the County Fair this year.

Governor Leavitt and his cabinet members will be in Castle Dale for Capitol for a Day. They will arrive by 11 a.m. Governor Leavitt will teach a history lesson at the high school, Mrs. Leavitt will go to Castle Dale Elementary, other cabinet members will be doing community service projects throughout the county. They will tour the Wedge on the San Rafael and return to Castle Dale for a town meeting at the Museum of the San Rafael 5:30 p.m.

*Commissioner Hatch and Commissioner Sitterud*

Both Commissioners relayed the information they received at UAC Conference.

**(15)****DISCUSSION OF GASB REQUIREMENTS AND TIME TABLE.**

Commissioner Johnson requested an update on where the County is on the GASB requirements. Bruce Funk, Clerk/Auditor informed him that the County is ready. We have met the requirements.

**(16)****EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION.**

Commissioner Ira Hatch made a motion to move into Executive Session to discuss possible litigation.

Present at Executive Session was Commissioner Randy Johnson, Commissioner Drew Sitterud, Commissioner Ira Hatch, Attorney David Blackwell, Val Payne and Deputy Clerk/Auditor Carol Cox.

**(17)****ADJOURNMENT**

6

COMMISSION MEETING MINUTES

APRIL 16, 2002

Upon returning to regular meeting Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

MAY 7, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Drew Sitterud, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Sheriff LaMar Guymon. The Pledge was led by Commissioner Johnson.

(1)  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List # 146950 through and including #147102 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
27-02	25 Hand Held Radios w/cases Ambulance	\$ 15,965.00	Approved
28-02	2 Two Piece Stretchers Ambulance	1,101.50	Approved

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List and additional claims for payment and the requisitions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Road Department

Ed Walls has requested twelve weeks of job protected Family Leave beginning April 24, 2002. He has also requested contributed time from coworkers. This request has been approved by Rex Funk. Commissioner Ira Hatch made a motion to approve Family Leave for Ed Walls and to allow coworkers to donate time to him. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Since Ed Walls has been performing the job of equipment lubrication, Rex Funk requests approval to post the lubrication job, in-house only, for five days as prescribed by the personnel policy.

Commissioner Ira Hatch made a motion to post in-house only to fill the lubrication job. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Mike Jensen has submitted his resignation letter effective May 15, 2002. He has been an employee of the county for thirty-two years.

Jan Christensen is eligible for her routine wage and grade increase as per policy. She will go from 7B \$9.29/hr to 8A \$9.50/hr. This will be the last raise of this kind for Jan because she has reached her working grade level. The increase will be effective the next full pay period beginning

May 13, 2002. Commissioner Ira Hatch made a motion to approve the routine wage and grade increase for Jan Christensen as per policy. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Communications

Bret Mills has hired Troy Bernard at \$8.00/hr beginning April 22, 2002 in a temporary assignment of up to 90 days to do tower work and make new installations. The assignment will end July 20, 2002. Commissioner Drew Sitterud made a motion to approve the up to 90 day assignment of Troy Bernard as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Library

Odessa Jones has submitted her retirement resignation effective May 31, 2002. She has been employed by the county for twenty-two years. Head Librarian, Jerilyn Mathis requested recruiting for two part time less than 20 hours/wk employees. They would be assigned to the Emery Library and the Castle Dale Library. They would be hired at grade 4A \$8.04/hr and would not be eligible for benefits. Commissioner Ira Hatch made a motion to approve recruiting for two part time less than 20 hours/week employees as proposed and to send letters of

COMMISSION MEETING MINUTES  
MAY 7, 2002

commendation and thanks to Mike Jensen and Odessa Jones for their years of service to Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Economic Development

The selection process is complete for filling the Economic Development Director position. Marlin Eldrid has been offered the position and has accepted. He would like to begin May 20, 2002. The position is full time with full benefits at 18M \$18.35/hr. Commissioner Drew Sitterud made a motion to hire Marlin Eldrid as Economic Development Director as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Weed & Mosquito

James Nielsen is ready to hire his up-to-90 day temporary help. The department is budgeted for three up to 90 day temporaries. The wage for each will be \$10.26/hr. Commissioner Ira Hatch made a motion to approve the three temporary positions as set up in the budget. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

GIS

Commissioner Drew Sitterud made a motion to approve a temporary up to 90 day position in the GIS Department. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

**TOM RASMUSSEN, BLM, QUARTERLY UPDATE.**

Floyd Johnson, BLM provided the following quarterly report:

- ✦ The San Rafael route designation plan public comment period closed April 22, 2002. They are now in the process of reviewing the submittals. Many are form letters from out of the state of Utah. They are working on how to address those comments.
- ✦ They have planning bulletin number two-Executive Summary of the Scoping that will be available in two weeks. They plan to keep the public informed. They have a website that the public can use to stay informed, it is PriceR&P.com. They should have a detail scoping report to supplement the executive summary available soon. It will be on the website and they will provide a hard copy to those requesting it. They have received

over

six hundred distinct comments from across the country, mostly Utah and Colorado. They have received over four thousand factual form letters requesting designation of the

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Red Rocks area as wilderness. The letters were mostly from Colorado, California and New York. Three hundred plus people attended the scoping meetings.

- + They are moving forward on an air quality report, minerals report, socio-economic baseline report.
- + They are in the process of developing a baseline map for the Price River resource area so they can move forward on route designation for that area.

**(4)**

**JOHN HEALY, USFS, QUARTERLY UPDATE.**

John Healy, USFS provided the following update:

- + Mr. Healy provided the Commissioners with a map of the Arapeen Trail System. The maps are available from the Forest Service at no cost to the public. The map is the co-operative efforts of Emery and Sanpete County OHV users.
- + Regarding the drought on the forest, the stock water ponds are dry. They do not expect growth on the lower one third to one half of the mountain. This is going to impact the livestock operators. The USFS did ask for a ten percent reduction on cattle grazing going into the summer. Unless we start getting moisture, they expect they may have to ask for another twenty-five to thirty-five percent in addition to that. Some of the operators he has talked to have anticipated that reduction and are trying to prepare for it.
- + Road management gates, over the past several years, have been closed to reduce damage to the roads while they are wet and vulnerable to traffic. They have had success with these gates in Huntington Canyon and Joe's Valley. One of the gates in Ferron Canyon was torn out this past weekend. The Sheriff's Department is on top of the situation. They know who did the damage. They estimate the damage to be approximately \$3,000.00. The gates are close to being opened so people can access the areas beyond the gates. This will be one month ahead of normal for accessing these areas.

Elaine Zieroth, Forest Service Supervisor discussed the following:

- + The Forest Service Plan Revision of 1986 implemented the Manti LaSal Plan. They are now working on a Plan Revision of the 1986 plan. This update must be done every fifteen years. They have to look at the plan from a legal stand point. The process will take about four years to complete. They will be looking at issues important to the public. They will spend some time on access, roadless area designation and recommendations for wilderness designations. They plan to work on achieving a better understanding of the role of the Forest Service in the Community and County structure.



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- ✦ They are working on a contract with the Governor's office of Planning and Budget. Wes Curtis will be working with county government and Association of Governments to gather comprehensive plans and economic plans. He will be helping to set up social characteristics to find out how the USFS fits into our lives. What impacts the decisions the USFS make on the lives of citizens in the county. He will look at trends and what changes to plan ahead for.

(5)

**CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND UNITED STATES FOREST SERVICE DEFINING THE RELATIONSHIP AND DUTIES OF THE USFS AND EMERY COUNTY, UT.**

Commissioner Ira Hatch made a motion to approve a MOU between Emery County and United States Forest Service defining the relationship and duties of the US Forest Service and Emery County, UT and to designate Val Payne as the contact person for Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**PAULA WELLNITZ, DISCUSSION OF CARE-A-VAN.**

Paula Wellnitz came before the Board of Commissioners to discuss the Care-A-Van Program. Ms. Wellnitz has been co-ordinating the program in Emery County. She was recently made aware of the fact that funds are not there to continue the program. Her request was for financial assistance to continue the program in Emery County. The Care-A-Van Program benefits citizens who are not able to transport themselves to and from doctor appointments.

(7)

**DISCUSSION OF SOUTHEASTERN UTAH BOARD OF HEALTH REQUEST FOR ADDITIONAL FUNDING TO SUPPORT CARE-A-VAN PROGRAM.**

Commissioner Johnson pointed out that the Southeastern Utah Health Department took on the program with the idea they could manage it with the staff they have in place. The cost to administer the program have escalated dramatically. Emery County contributes funds to the Health Department to administer such programs.

6

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(8)

**CONSIDERATION AND APPROVAL OF DONATION FOR EMERY COUNTY THEATER.**

Commissioner Drew Sitterud made a motion to donate the standard amount of \$250.00 to the Emery County Theater. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**CASTLE VALLEY SPECIAL SERVICE DISTRICT, CONSIDERATION AND APPROVAL OF TAX ANTICIPATION BORROWING.**

Commissioner Drew Sitterud made a motion to table this item. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF PARTICIPATION IN THE UNIVERSAL HIRING PROGRAM 2002 AND THE COPS IN SCHOOLS 2002 PROGRAM.**

Sheriff LaMar Guymon explained that this is a grant program that offers \$75,000.00 over three years to place a deputy in a school. That would be \$25,000.00 each year. The county would be required to provide a 25% match plus whatever the additional cost per year. At the end of three years the county must retain the deputy for one additional year beyond the grant period. The deadline for application is May 17, 2002 for priority consideration. Sheriff Guymon suggested approaching the school district for assistance with the additional cost. Additional cost could include the cost of training, the benefit package and wages. The question the Board of Commissioners had was if we take the grant do we have the financial capacity to maintain the officer after the grant period is over. Sheriff Guymon suggested sending in the application to place them in line for consideration. If the Board of Commissioners, after contacting the school district for assistance and weighing the options, do not feel the County can financially make it work, then we can turn the grant down. Commissioner Drew Sitterud made a motion to fill the grant out, contact the school district for financial assistance and research the financial obligation to maintain the officer. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF DRUG TASK FORCE GRANT APPLICATION.**

Captain Kyle Ekker explained that this the fourth year for the program. The amount has been budgeted for in the Drug Task Force budget. He pointed out that the amount is down a little from last year. Commissioner Ira Hatch made a motion to approve the Drug Task Force Grant Application. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF EMERGENCY DECLARATION OF DROUGHT.**

Martin Wilson, Emergency Management Coordinator, requested approval of a declaration of drought which will place the County in line to receive financial assistance due to the adverse effects to agriculture producers, the tourism industry and for culinary needs of the residents of Emery County. Fire restrictions will be put in place as drought conditions worsen. The availability for firefighting resources are expected to be limited due to the conditions throughout the western part of the United States. The declaration asks the Governor of the State of Utah to accept this Emergency Declaration for Emery County and provide coordination with the members of the Utah Congressional Delegation and asks the State of Utah to marshal their services and powers to provide assistance to the County's residents and businesses as outlined in the declaration. Commissioner Ira Hatch made a motion to approve the Emergency Declaration of Drought in Emery County, Utah. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING THE ADOPTION BY THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY, UTAH OF A PARAMETERS RESOLUTION AUTHORIZING THE ISSUANCE OF NOT MORE THAN \$4,850,000 LEASE REVENUE AND REFUNDING BONDS, SERIES 2002; AND RELATED MATTERS.**

Kent Michie, Zions Public Finance presented Resolution 5-7-02 Authorizing the Issuance of Not more than \$4, 850,000.00 lease revenue and refunding bonds, Series 2002; and related matters. This will facilitate the expansion of the Public Safety Facility to accommodate State Courts. The legislature authorized appropriations for the budget to handle a lease from the County of certain State Court facilities. It has now been determined to move ahead with the financing of the facility. The bond issue that would be issued by the Building Authority would lease a facility

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to the county that would have two parts to it, jail facility and state courts. The jail would be the county's responsibility as a budget matter, the state courts portion would be handled by a sub-lease from the county with the state courts administration. The resolution to be approved today ratifies the action of the Building Authority, authorizes them to set the parameters and to publish the notice in the newspaper. The notice provides an invitation to citizens to examine the transaction and to act on any protest to the transaction. Mr. Michie recommended that the Board of Commissioners adopt the resolution. It is part of the necessary legal proceedings. Commissioner Ira Hatch made a motion to adopt Resolution 5-7-02 Authorizing the issuance of not more than \$4,850,000.00 lease revenue and refunding bonds Series 2002 and related matters. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF A BUSINESS LICENSE AND A BEER LICENSE.**

Deputy Clerk/auditor Carol Cox presented applications for business license from Gaylene Conder DBA: Millsite Restaurant and Tracy Aiken DBA: Tracy Aiken, Technical & Business Consultant. The applications have been approved by Zoning Administrator, Bryant Anderson. A beer license was presented for Gaylene Conder DBA: Millsite Restaurant. The application has been passed by Sheriff Guymon. Commissioner Drew Sitterud made a motion to approve the business licenses and the beer license as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

**APPROVAL OF COMMISSION MEETING MINUTES OF APRIL 2<sup>ND</sup>,  
AND APRIL 16<sup>TH</sup>, 2002.**

Commissioner Ira Hatch made a motion to approve the minutes dated April 2, 2002 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to approve the minutes dated April 16, 2002 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

**COMMISSION REPORTS.**

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*Commissioner Hatch*

Commissioner Hatch reported on his attendance at the Joint Highway Committee meeting. Emery County is still on line for finishing Goblin Valley Road. They may possibly kick the project up a year.

*Commissioner Sitterud*

Commissioner Sitterud reported on his attendance at Petroleum Industry Meeting. The majority of the people attending were from Colorado.

*Commissioner Johnson*

Commissioner Johnson responded to the letter President Bush wrote in response to Governor Leavitt's request to consider a National Monument on the San Rafael Swell. The President wants to be sure that the public process is followed fully.

(17)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

(18)

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

MAY 21, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Drew Sitterud, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Commissioner Ira Hatch. The Pledge was led by Commissioner Drew Sitterud.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List and additional claims #147273 through and including #147438 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
29-02	Computer system Communications	\$ 1,144.00	Approved
30-02	Refrigerator Drug Task Force	539.00	Approved
31-02	Microphone headset Drug Task Force	2,970.00	Approved
32-02	Software Emery County Archives(History)	1,232.00	Approved
33-02	Refrigerator Sheriff	529.95	Approved

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional

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claims and requisitions for payment. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Pat Snowball, Personnel Director presented the following Personnel action:

Road Department

The Road department requested approval to recruit for a Lubrication Specialist/Mechanic, Grade 12 entry \$10.89/hr., full time, with benefits. Commissioner Ira Hatch made a motion to approve recruitment of a Lubrication Specialist/Mechanic as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Library

The Library Board requested approval to recruit for a part time assistant librarian at the Ferron Library. The position would be 10 hrs/week, grade 4 step A \$8.04/hr., no benefits. Originally, the Board had requested recruiting for 2 part time less than 20 hrs/wk employees for Emery and Castle Dale. They have re-evaluated their need. Mariam Mangum will fill in the hours needed at the Emery Library and Ferron Library, therefore they need a 10 hour employee in Ferron instead of Emery as originally requested. Commissioner Drew Sitterud made a motion to approve recruitment for a 10 hrs/wk position at the Ferron Library as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Sheriff

Sheriff LaMar Guymon requested approval to recruit for a dispatcher, grade 10, step A \$10.77/hr., full time with benefits. Sheriff Guymon explained that this employee will take the place of Jeremiah Johnson who is currently in the Drug Court program under a state grant. When the grant runs out Jeremiah will move back to his original position and the replacement dispatcher will be terminated. Commissioner Drew Sitterud made a motion to approve recruiting a dispatcher as proposed with the understanding that the position will be terminated when the Drug Court Grant runs out. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Clerk/Auditor

Request was made to transfer Mistie Christiansen from the Treasurer's Office, full time with benefits, grade 6 step A \$8.73/hr., to the Clerk/Auditor's Office, 3/4 time, prorated benefits.

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Mistie will share one quarter of the cost of health insurance. She will transfer her current rate of pay and retain her sick and vacation banks. Mistie made the request in writing prior to her return from maternity leave. The transfer is approved by both JoAnn Belling and Bruce Funk. The transfer will be effective May 27, 2002. Commissioner Ira Hatch made a motion to approve the transfer of Mistie Christiansen from the Treasurer's Office to the Clerk/Auditor's Office as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**DERRIS JONES, DWR, QUARTERLY UPDATE**

Derris Jones, DWR provided the following quarterly update:

- ✦ He presented the Commissioners with a check for \$2,751.31 which was the in-lieu tax payment on land the Division of Wildlife Resources owns in Emery County. The money used to pay the in-lieu tax is provided by the sportsmen.
- ✦ He discussed a problem at Mary's Lake. The pipeline feeding from a spring into Mary's Lake has disintegrated. There is no water going into Mary's Lake from that pipeline. Last year they looked at redoing the pipeline but were told by the state engineer that there are no water rights that allows DWR to make the repairs. DWR is trying to get Mary's Lake back on line with some fresh water coming into it. To do that the state engineer requested that they purchase four shares of Cottonwood Creek Consolidated Irrigation Company water. He asked for the Board of Commissioners blessing to pursue finding a willing seller of water so they can get Mary's Lake back on line. Commissioner Ira Hatch made a motion to give DWR Emery County's blessing to move ahead with pursuing purchasing the required water to get Mary's Lake back on line. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.
- ✦ DWR received some endangered species mitigation funds from their Department of Natural Resources. One of the requirements of receiving this money is to inform counties of what that money is being spent for. Surveys will be performed this summer and fall to better determine distribution of round-tail chubs and flannel mouth suckers and blue head suckers. These species are likely to be petitioned for listing under the endangered species act. They will be conducting surveys for barrio toads on the San Rafael River Drainage. This is another species that will be petitioned for federal listing. To this date they have not found any barrio toads. They will need the distribution data on all these sensitive species to be prepared to respond to potential petitions for federal listing. They will be back in the fall to report on the survey results.
- ✦ They had a successful fourth annual kids fishing event at the Huntington Game Farm Pond a couple of weeks ago. They had approximately one hundred people



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attend. This is a pre-cursor to their community fishing waters program that the state is entering into. The Giacoletto Pond in Helper has its grand opening scheduled for this Saturday. This the second community fishing waters that has been developed. They have been developed close to communities so that kids can get on their bikes, ride to the pond, and throw a line in the water.

- ✦ Due to the drought the fish stocking is going to have some changes. They will not be putting fish in the Cleveland or Miller's Flat Reservoir. Irrigation company has put them on notice that probably by August these reservoirs will be drained down. This is two years in a row now that they have not stocked these reservoirs. Some of the mountain lakes will not get stocked before the Memorial Day Weekend due to some construction work and locked gates to protect vulnerable roads. They will get to as many as they can.
- ✦ They will continue to hold the water level at Ferron Reservoir. It is about eleven vertical feet from full. This will be left at this level until they can get some repairs done around 2003. After the repairs are done they will be able to raise the elevation five to six feet higher than it is now. This is still five to six feet lower than capacity. Engineers estimate it will cost over a million dollars to get the reservoir fixed so they felt comfortable about filling it up full again. For a quarter of the price they can increase it five feet. For the time being they have opted for the less expensive option. They will try to maintain a fishery there.
- ✦ DWR is proceeding with plans to create a brood lake for Colorado River Cut-throat at Duck Fork Reservoir.
- ✦ Mr. Jones thanked Emery County Commission for the interest that they show DWR. Emery County is by far the most interested and have the best communication with them than any of the other counties.

(4)

**DAVE AND ISSAC JESSOP, DISCUSSION OF AGRI-PRO MINING PLANS.**

Dave and Issac Jessop could not attend the meeting.

(5)

**CASTLE VALLEY SPECIAL SERVICE DISTRICT, CONSIDERATION AND APPROVAL OF TAX ANTICIPATION BORROWING.**

This item was tabled.

(6)

**PRESENTATION OF SILVER BOWL AWARD.**

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Cheryl Ek, VISTA volunteer with United Way, explained that the Silver Bowl Award is a prestigious award that the governor gives out every year. There are applications from every county. The youth group that works with the United Way won the award for the second year in a row. Both Emery County Youth and Carbon County youth won the award this year. Locally the bowl is at the Huntington Power Plant so she did not have the bowl to show to the Commission. She introduced Ryan Hayward, a volunteer who practically single handedly raised over \$500.00 in Emery County for the warm kids program, which is a program that provides vouchers to low income families to buy coats for their children as well as a coat drive to help these families. As one of the recipients of the award Ryan won a book scholarship at CEU. They have been organizing for two years in Emery County. They will be hiring a VISTA personnel whose job is to work with the youth volunteers in Emery County. Their office will be at the Energy West office in Huntington. They will begin in August of 2002. She requested the Board of Commissioners inform them of projects for the youth to begin working on. The Silver Bowl Award will be back at Emery High School in August.

(7)

**DISCUSSION OF VACANCY ON EMERY WATER CONSERVANCY DISTRICT BOARD.**

Due to the passing of Eugene Johansen, it is necessary to fill a vacancy on the Emery Water Conservancy District Board and the Castle Valley Special Service District. Commissioner Drew Sitterud made a motion to advertise the vacancy of board member on EWCD and CVSSD and request applications to fill the vacancy. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**SETTING OF PUBLIC HEARING TO REVIEW CONDITIONAL USE PERMIT APPLICATION FOR THE ROCKLAND CORPORATION.**

Commissioner Ira Hatch made a motion to set a public hearing for June 18, 2002 at 10:00 A.M. as part of the process to review a conditional use permit for Rockland Corporation. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF COOPERATION AGREEMENT #00-LE-11041000-006 BETWEEN EMERY COUNTY SHERIFF'S DEPARTMENT AND FOREST SERVICE.**

COMMISSION MEETING MINUTES  
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Commissioner Drew Sitterud made a motion to approve Agreement #00-LE-11041000-006 between Emery County Sheriff's Department and Forest Service for patrol on the forest. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**RATIFICATION OF CONTRACT TO UNDERTAKE LOCAL HISTORIC PRESERVATION PROJECTS UNDER THE CERTIFIED LOCAL GOVERNMENT PROGRAM.**

Commissioner Ira Hatch made a motion to ratify the contract to undertake local historic preservation projects under the Certified Local Government Program. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

Deputy Clerk/Auditor presented two business license applications for approval. Scott D. Oliver and Lori Oliver DBA: Rawhide Wagon Rides and Jay Watterson DBA: Trail Mountain Resort. They both have been signed by Zoning Administrator, Bryant Anderson. Commissioner Ira Hatch made a motion to approve the business license applications for Scott Oliver and Jay Watterson as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF PROPOSAL FROM KIMBALL & ROBERTS FOR FOUR YEARS OF AUDITING SERVICES.**

Clerk/Auditor Bruce Funk presented an agreement proposal from Kimball & Roberts for four years of auditing services. Commissioner Johnson asked if we ever bid out the auditing service. Mr. Funk indicated that the independent auditors do not have to be bid out. That it is not necessarily a good idea to go with the lowest bidder on something as important as an audit. Darrell Leamaster indicated they have been told that it would be advisable to stay with the same independent auditors for the next two years because of GASB. Mr. Funk indicated it would be preferable if we did not change independent auditors when there will be a new treasurer next year.

Commissioner Drew Sitterud made a motion to approve the agreement with Kimball & Roberts for four years of auditing services. The motion was seconded by Commissioner Ira Hatch. The motion passed.

**(13)****CONSIDERATION AND APPROVAL OF COMMISSION SUPPORT FOR NATIONAL HERITAGE AREA LEGISLATION.**

Commissioner Johnson explained that Emery County is pursuing the National Heritage Area separate from any monument consideration. It has to be done legislatively which has been filed. Since this is coming from both the Public Lands Council and the County Board of Commissioners they felt it should have public expression of support for that legislation. Commissioner Ira Hatch made a motion that we, as the Emery County Board of Commissioners, go on record as being in favor of pursuing the National Heritage Area Legislation and do what ever is expedient and necessary for us to do in making that move forward. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(14)****RATIFICATION OF PETITION FOR ANNEXATION OF PROPERTY INTO THE CITY OF CASTLE DALE.**

Commissioner Johnson explained that this annexation process is going on because the courts portion of the public safety complex was approved in the last legislature. Part of their statutory requirements is that they be inside the city limits of the county seat of the county in which they operate. The land on which they are building the complex is not currently inside the city limits. They need to go through the process to have the property annexed into Castle Dale City. They have received all the necessary signatures of all the land owners in that area and there are no protests against this process. The documents have been sent on to Castle Dale City. The petition needs to be ratified at this time. Commissioner Drew Sitterud made a motion to ratify the petition for annexation of property into the city of Castle Dale. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)****APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve the minutes dated May 7, 2002 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. **(16)**

**COMMISSION REPORTS.**

*Commissioner Hatch*

Commissioner Hatch will be meeting with Skyline people and irrigation people relative to the water problem in Skyline mine.

8  
COMMISSION MEETING MINUTES  
MAY 21, 2002

*Commissioner Sitterud*

Marlin Eldred is our new Economic Development Director. He began working on Monday, May 20, 2002. We are glad to have him here.

*Commissioner Johnson*

Commissioner Johnson is traveling to Billings, Montana this week to attend the WIR conference with NACO. They will be discussing the State RS 2477 effort in terms of how it applies to the western states.

**(17)**  
**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not necessary.

**(18)**  
**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

JUNE 4, 2002

Present at the meeting was Commissioner Ira Hatch, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commission Chairman Randy Johnson was excused as he was in Washington D.C. Commissioner Drew Sitterud conducted the meeting and stepped down as needed to execute motions.

A prayer was offered by Bruce Funk. The pledge was led by Carol Cox.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List # 147554 through and including # 147660 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
34-02	2002 Crown Vic Sheriff	\$23,741.00	Approved
35-02	2003 Durangos (4) Sheriff	101,040.00	Approved
36-02	2003 Crown Vic Sheriff	23,741.00	Approved
37-02	GPS Unit Investigative Grant/Sheriff	389.95	Approved

There were no dispositions.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List and requisitions

COMMISSION MEETING MINUTES  
JUNE 4, 2002

for payment. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Library

Request was made to hire Kay Jeffs, as Assistant Librarian, Castle Dale Library, part time less than 20 hrs/wk., at 4A \$8.04/hr., not eligible for benefits, starting 6/5/02. Commissioner Ira Hatch made a motion to approve hiring Kay Jeffs as Assistant Librarian at the Castle Dale Library as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Extension

Request was made to hire Kortney McMullin, temporary, up to 90 days, \$7/hr., starting 5/28/02 and ending 8/25/02. Cortney will be doing clerical work in the office. Commissioner Ira Hatch made a motion to approve the temporary hiring of Kortney McMullin as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Assessor

Annette Allen has requested Family Medical leave from 6/5/02 through 7/1/02. Jim Fauver has approved the leave. Commissioner Ira Hatch made a motion to approve Family Medical Leave for Annette Allen as proposed and stressed the importance of having the Motor Vehicle window covered during her absence. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Road

Request was made to promote Mark Hymas from Solid Waste Technician 12A \$11.22/hr., to Solid Waste-Crewleader 15J \$15.29/hr., effective 6/10/02 with the new pay period. Commissioner Drew Sitterud made a motion to approve promoting Mark Hymas as proposed provided it can be worked out in the budget. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

**DELENA WFS, QUARTERLY UPDATE.**

Delena Fish was not able to attend the meeting.

(4)

**DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Deb Dull was not able to attend the meeting.

(5)

**MIKE MCCANDLESS, EMERY TELCOM, QUARTERLY UPDATE.**

Mike McCandless, Emery Telcom provided the following quarterly update:

- ✦ Construction project is under way in Cleveland.
- ✦ Elmo and Clawson fiber optic projects are complete.
- ✦ DSL in Emery is up and running
- ✦ They are about four weeks away from completing Helper fiber project. When this is complete the only community not served by fiber will be Wellington.
- ✦ They are in the process of testing out a new technology to enhance DSL service using wireless technology.
- ✦ He and Marlin Eldrid attended the Rural Technology Conference in Cedar City. As a result of this conference they have received information on three leads that they think are very viable employment opportunities to bring into Emery County. Emery County is one of five communities in the state that the State of Utah has identified as a place to help partner to receive preferred treatment on federal contracts.

Commissioner Sitterud asked for an update on the Utah's Smart Sites in Emery County. There is a site in Orangeville. Currently it is being used by Emery Telcom as their call center and advertising and production. They employ about thirty people. They are just about to bring in a local businessman who has developed a software program for the coal mining industry. The smart sites program is very nice in the fact that they (the state) provide funding for computers. The state designated \$300,000.00 for computers. The local businessman has a need for high end computers and will be able to get them at bargain basement price to enable him to get started. They will provide him with employee training. The Economic Development Council has approximately \$300,000.00 in revolving loan funds out to businesses to help get new businesses started. Mr. McCandless learned of the possibility for USDA grants to enhance the revolving loan program.

(6)



**MAYOR GLEN JOHNSON, GREEN RIVER CITY, REQUEST COUNTY TO PAY FOR LEGAL FEES AND RELATED EXPENSES ON EMERY/GRAND COUNTY ANNEXATION.**

Mayor Johnson invited the Board of Commissioners to attend the ribbon cutting and tour of their new water treatment plant on Friday, June 7, 2002 at 1:00 p.m.. There will also be a luncheon at 11:00 a.m. at the John Wesley Powell Museum in Green River. They spent right at 4 million dollars to complete the two projects. 2.2 million went into the water treatment plant and 1.8 million went into the waste water treatment plant.

Mayor Johnson had the final bill for the Green River annexation litigation. The total bill was \$40,710.00. The bill for 2001 was \$34,268.00 and for 2002 was \$6,442.00. He requested the County participate in the attorney fees for the annexation litigation. In June of 2001 Emery County paid \$15,000.00 towards the 2001 bill. He asked that the County consider participating in paying the 2002 bill. Commissioner Ira Hatch made a motion to take the request under consideration and determine what we have available to assist in paying this bill. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**KAY KIMBALL, PRESENTATION OF 2001 FINANCIAL AUDIT.**

Kay Kimball, Kimball & Roberts, Independent Auditors for Emery County provided a review of the management letter and audit report for 2002. They found everything to be in order. They requested approval of the report and letter. Commissioner Ira Hatch made a motion to accept the management letter and audit report for 2002 and thanked Mr. Kimball and Mr. Roberts for their work. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**CASTLE VALLEY SPECIAL SERVICE DISTRICT, CONSIDERATION AND APPROVAL OF TAX ANTICIPATION BORROWING.**

Darrel Leamaster, CVSSD asked for approval of Resolution 6-4-02 a standby Tax Revenue Anticipation Note in the minimum amount of \$200,000.00. They will experience a shortfall in September, October and November by about \$120,000.00. The standby Tax Revenue Anticipation Note will be issued by Zions Bank at 75% of the prime rate. They will not take all of the \$200,000.00, only as needed to hold them over until the November tax revenue comes in. Commissioner Ira Hatch made a motion to approve Resolution 6-4-02 a Tax Revenue Anticipation Note for the minimum amount of \$200,000.00 for CVSSD. The motion was

seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**REQUEST FOR REDUCTION OF AMBULANCE BILLING FOR RANDY/MELISSA BLEGGI.**

A written request from Randy and Melissa Bleggi was read by Commissioner Drew Sitterud. The request was for a reduction of the ambulance charges after the insurance had paid its portion. Commissioner Ira Hatch made a motion to reduce the bill by 50% of the balance owing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**CITIZEN CONCERNS.**

Sheriff Guymon thanked the Road Department for improvements to the road to the Swinging Bridge on the San Rafael. It has made patrolling the area much easier.

Mike Mc Candles asked if there could be something done about the trash being dumped in Huntington Canyon. Shooters using the area for target practice are getting the blame for the trash which Mr. Mc Candles was told was people who do not have pick-up trucks to haul trash to the dump in Castle Dale. Sheriff Guymon indicated that they are dumping on BLM land. They will watch and patrol a little more in this area.

(11)

**CONSIDERATION AND APPROVAL OF GRANT AGREEMENT BETWEEN BILL/MELINDA GATES FOUNDATION AND EMERY COUNTY FOR LIBRARY IT UPGRADE.**

Jeff Guymon, Information Technology/Data Processing presented a grant agreement from the Gates Foundation in the amount of \$62,151.00. The grant will provide a new computer in each library as well as a wireless link upgrade in Emery. This is a no match grant. Commissioner Ira Hatch made a motion to approve the grant agreement with the Gates Foundation. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF EMERY COUNTY SHERIFF'S OFFICE**

**VEST SAFETY PROGRAM.**

Sheriff LaMar Guymon explained that this is a program from the federal government that provides 50% of the funds for safety vests for the deputies. The county up fronts 50% of the cost and the deputies pay the other 50% through their uniform allowance each month. Commissioner Ira Hatch made a motion to approve the request for participation in the Vest Safety Program. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL TO REQUEST UTAH POWER RELOCATE YARD LIGHT AT NURSING HOME.**

Commissioner Sitterud explained that when the new parking lot was put in at the nursing home the two power poles ended up being in inconvenient places. Utah Power needs a formal request to relocate the poles. Commissioner Ira Hatch made a motion to notify Utah Power that we would like them to relocate the power pole. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Commissioner Ira Hatch amended his motion to include the relocating the second pole if it is found to be necessary. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF NON-EXCLUSIVE COPYRIGHT AGREEMENT BETWEEN PHONE DIRECTORIES COMPANY INCORPORATED AND EMERY COUNTY FOR USE OF SCREEN SAVER PHOTOGRAPHS.**

Jeff Guymon, IT/Data Processing explained that he has received several requests to use the photos on the county screen saver. He indicated he received a request from the Chamber of Commerce to use a photo for their advertising. Phone Directories Company Incorporated requested to use the photos for their directories advertising. The Board of Commissioners reviewed an agreement with the Company for use of the photos. Commissioner Hatch expressed concern for the photos on the screen saver that might cause a problem with RS 2477 litigation. Mr. Guymon indicated he has developed a disk that contains only those photos that can be used for advertising. After reviewing the agreement and making minor changes in the wording Commissioner Ira Hatch made a motion to approve the agreement between Phone Directories Company Incorporated and Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)****PRESENTATION OF BIDS FOR I-70 ENHANCEMENT PROJECT. CONSIDERATION AND APPROVAL OF BID AWARD.**

Economic Development Director, Marlin Eldrid presented bids for the concrete work on the I-70 Enhancement Project. Wall Construction's bid was \$28,350.00. Ernest Jensen Construction's bid was for \$30,389.84. Mr. Eldrid recommended taking the lowest bid which was Wall Construction. Commissioner Ira Hatch made a motion to accept the lowest bid from Wall Construction. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)****CONSIDERATION AND APPROVAL OF LETTER OF UNDERSTANDING REGARDING THE POSITION OF ASSISTANT TO THE SAFE COMMUNITIES COORDINATOR.**

Sheriff Guymon explained that this is the Letter of Understanding regarding Judy Lang's position of assistant to the Safe Communities Coordinator, Martin Wilson. It is the same as in years past. Commissioner Ira Hatch made a motion to approve the Letter of Understanding regarding the position of assistant to the Safe Communities Coordinator. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(17)****APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated May 21, 2002 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(18)****COMMISSION REPORTS.**

*Commissioner Hatch*

Commissioner Hatch reported on the posted meeting held with Skyline Mine officials, Emery County Commissioners, Carbon County Commissioners and Sanpete County Commissioners relative to the water that is being pumped out of Skyline Mine. There is about 12,000 gallons

COMMISSION MEETING MINUTES  
JUNE 4, 2002

per minute being pumped out of the mine. About 8,000 gallons is going onto the Carbon County side and 4,000 on the Emery County side. They are proposing to mine the coal on the south west side which is where the water is accumulating. They have so much water in there that they can not keep ahead of it. They would like to see if a well could be drilled to draw the pressure down enough that they can mine the coal. The three county's commissioners are proposing to approach Community Impact Board to do a feasibility study to see what can be done to pump the water out of the mine. There are a lot of questions to be answered.

*Commissioner Sitterud*

Commissioner Sitterud reported on the improvements at the Nursing Home. A former patient at the nursing home left a foundation of funds to improve the front lawn. A sidewalk is going in on the front lawn, also a gazebo. Magnuson Lumber has donated the lumber for the project. They will be asking for volunteers to help with the project.

(19)

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

9

COMMISSION MEETING MINUTES  
JUNE 4, 2002

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

JUNE 18, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Ira Hatch, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Commissioner Drew Sitterud. The pledge was led by Captain Kyle Ekker.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 147834 through and including #148001 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
38-02	High back leather chairs (2) Visitor chair (1) Economic Development	\$508.65	Approved

There were no dispositions.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(2)****PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Pat Snowball presented the following personnel action:

**Sheriff's Office**

Tosha Huntington, Corrections Secretary, is eligible for her routine wage increase from 5A \$\$8.39/hr to 6A \$8.73/hr., due on June 25, 2002. Her raise will go into effect June 24, 2002. Commissioner Ira Hatch made a motion to approve the routine wage increase for Tosha Huntington as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**Landfill**

Val Anderson has satisfactorily completed his six-month orientation period. Rex Funk recommends a wage increase from 12 Entry \$10.89/hr to 12A \$11.22/hr effective June 24, 2002. Commissioner Drew Sitterud made a motion to approve a wage increase for Val Anderson as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**Library**

The board has completed a review of applicants for the part-time (10/hr/wk) assistant librarian in Ferron. Request was made to hire Sharon Jensen as assistant librarian at Ferron Library at \$4A \$8.04/hr. This position is not eligible for benefits. Commissioner Drew Sitterud made a motion to approve hiring Sharon Jensen as assistant librarian at Ferron Library as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Dorothy Taylor will go from 3/4 time to full time effective the next full pay period which begins June 24, 2002. She will remain at her current rate of 11C \$11.24/hr but she is eligible for full benefits. Commissioner Ira Hatch made a motion to approve placing Dorothy Taylor to full time as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(3)**



**JEFF KELSEY, DISCUSSION OF HEALTH INSURANCE RENEWAL AND APPROVAL OF SAME.**

Jeff Kelsey reviewed the summary of expenses. The summary is what the underwriters look at to evaluate for renewal. He reviewed the figures with the Commission. He brought the appropriate paperwork for health insurance renewals. Commissioner Ira Hatch made a motion to approve health insurance renewals as presented and to sign any additional paperwork as is needed to perpetuate the process of renewal. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(4)**  
**CITIZEN CONCERNS**

Dennis Fuller discussed the courthouse drinking fountain. Last year when the ADA came and looked at our curb and gutter, they also looked at the drinking fountain and found it to be out of compliance with American Disabilities Act Standards. Dennis collected bids for a new fountain as follows:

L.K. Manufacturing,	\$641.00
M-One	510.00
Mountain States	406.00

Three libraries also have fountains that are getting old and not functioning. Orangeville Library and Elmo Library have fountains that the compressors or other parts are no longer working. Dennis felt that when they get this old it cost more to fix them than it does to purchase a new one. Commissioner Ira Hatch made a motion to accept the low bid for replacing the fountain in the courthouse. The Library Board will meet and make a recommendation for replacing fountains at Orangeville Library and Elmo Library. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Mark H. Williams discussed a letter sent to the Commissioners informing them that a sufficient number of signatures have been collected for the San Rafael Monument Initiative to be on the November Ballot. He requested that when the information packet goes out to the public that the OHV group be able to include their information.

Mr. Williams requested information on the public meeting regarding Trust Lands trade being held at today at 3:00p.m.

(5)

**10:00 A.M. PUBLIC HEARING- To Receive public comments on conditional use permit application of the Rockland Corporation.**

Commissioner Ira Hatch made a motion to move into a public hearing to receive comments on a conditional use permit application of the Rockland Corporation. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Mack Huntington, Planning Committee Chairman addressed the public regarding a level three conditional use permit application of the Rockland Corporation located south east of Emery. Their operations are situated on State Institutional Trust Land. They have permits from all the affected entities involved. BLM, SITLA and Emery County Road Department officials have been to the site to observe their operations. They mine approximately 80,000 ton of shale per week. The Planning Committee recommends approval of the level three conditional use permit.

Commissioner Johnson opened the meeting up for public comment.

Having no comment from the public, Commissioner Ira Hatch made a motion to close the public hearing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF CONDITIONAL USE PERMIT FOR THE ROCKLAND CORPORATION.**

Commissioner Drew Sitterud made a motion to approve the level three conditional use permit for the Rockland Corporation as recommended by the Planning Committee. The motion was seconded by Commissioner Ira Hatch and approved by all member present.

(7)

**APPROVAL OF DONATION TO GREEN RIVER CITY FOR EMERY/GRAND ANNEXATION LEGAL FEES.**

Commissioner made a motion to donate \$10,000.00 to Green River City to assist in legal fees on the annexation issue. The motion was seconded by Commissioner and approved by all members present.

**(8)****CONSIDERATION AND APPROVAL OF YEARLY RETIREMENT CONTRIBUTION.**

Senior Deputy Clerk/Auditor, Brenda Dugmore discussed the yearly retirement contribution rates with the Board of Commissioners. The non-contributory employees rate increase is .49 and public safety is a decrease of .162. Commissioner Ira Hatch made a motion to approve the yearly retirement rate as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)****CONSIDERATION AND APPROVAL OF PROPOSED TAX RATE FOR 2002.**

Brenda Dugmore explained that this is the yearly setting of the tax rate to collect taxes in November. Today we need to adopt the proposed rate which is the certified rate. The certified rate allows you to collect the same amount of property taxes that you did the previous year. It does not allow you to collect any more. This year we also have a judgement levy which is approximately \$350,000.00 that we owe back to PacifiCorp. This is slightly lower than the judgement levy we had last year which was \$474,000.00. Commissioner Drew Sitterud made a motion to accept the certified rate as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)****CONSIDERATION AND APPROVAL OF ROAD CONSTRUCTION AND MAINTENANCE EASEMENT WITH CONSOLIDATION COAL COMPANY.**

Road Supervisor, Rex Funk explained that the Road Department obtained the easements they were seeking for construction of the Consol Mine Loop Road. Commissioner Ira Hatch made a motion to accept the road easement from Consol Mine for the sum of \$1.00 and proceed with planning to construct the road. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Mr. Funk asked a letter be written to DOGM indicating the ownership of the road, how it will be maintained and by whom. We need to give some details on the liability of the road. The Board of Commissioners assigned Rex Funk to write the letter to DOGM.

**(11)****CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND ECSSD#1 FOR AIRPORT APRON RECONSTRUCTION**

**PROJECT.**

Commissioner Ira Hatch made a motion to approve an inter local agreement between Emery County and ECSSD#1 for Huntington Airport apron reconstruction project and to ratify when the contract is put together as the bid has been awarded and they are ready to begin work on the project. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF TAX/PENALTIES ABATEMENT FOR AJ PROPERTIES**

Commissioner Ira Hatch made a motion to table this item. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to accept the minutes dated June 4, 2002 as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**COMMISSION REPORTS***Commissioner Sitterud*

Commissioner Sitterud reported on a visit to Joe's Valley. The boat ramp has mud out nearly 75 yards and dropping a foot a day. It is not useable at this point. People are getting their vehicles stuck in the mud. He recommended approaching Forest Service and DWR for some help. All agreed that would be a good approach to the situation.

*Commissioner Hatch*

Defensive driving course for spring session has been completed here and in Green River. There were about twenty in Castle Dale and eighteen in Green River.

He asked Kathleen Truman to give a report on the Heritage Tour. Kathleen reported that they

COMMISSION MEETING MINUTES  
JUNE 18, 2002

had National Heritage Co-ordinator Brenda Barrett here. She was very impressed with what was going on here. She questioned how you would tie in Public Lands with Heritage Areas. By the end of the tour she understood how they could tie in together.

**(15)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

**(16)**

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_

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

JULY 2, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Ira Hatch, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Sheriff LaMar Guymon. The pledge was led by Commissioner Johnson.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 148122 through and including #148296 for payment.

Requisitions were presented for the following :

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
39-02	Christmas Candle Decoration Courthouse	\$ 2,300.00	Approved
40-02	2002 Ford-350 Ambulance Ambulance	91,900.00	Approved
41-02	Air Conditioner-Cedar Mtn. Television	750.00	Approved
42-02	Air Conditioner-Emery TV Site Television	750.00	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
580-6921	Fax Machine	Sent to auction	Approved

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JULY 2, 2002

620-6325	Desk, computer	Junked	Approved
620-3579	Orange arm chair	Junked	Approved

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Pat Snowball presented the following personnel action:

Road Department

Recruitment for a Lube/Specialist/Mechanic is complete. It is recommended that Brandon Conover be hired for the position at 12 Entry \$10.89/hr., effective July 8, 2002. Commissioner Ira Hatch made a motion to approve hiring Brandon Conover as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**APPOINTMENT TO CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

The Board of Commissioners received a letter from Castle Valley Special Service District board of directors indicating it was their desire to have the Board of Commissioners appoint a member to their board. Applications were received from the following individuals:

Tom Humphrey- Orangeville  
Patsy Grange-Huntington  
Gayland Dugmore-Ferron  
Jay Jeffs-Castle Dale

Traditionally members have been appointed by area of representation. The new board member will be replacing Eugene Johansen who lived in Castle Dale, therefore new board members should be from Castle Dale or Orangeville. Commissioner Drew Sitterud made a motion to appoint Tom Humphrey, Orangeville to fulfill the term left vacant by Eugene Johansen. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(4)****APPOINTMENT TO EMERY WATER CONSERVANCY DISTRICT.**

Emery Water Conservancy District has reviewed the applicants for appointment to their board. They received applications from the following individuals:

Craig Johansen-Castle Dale  
Mark H. Williams-Castle Dale  
Dennis Tuttle-Orangeville  
Tim Simmons-Lawrence

Emery Water Conservancy District recommended Craig Johansen to replace Eugene Johansen for the balance of his term. Commissioner Ira Hatch made a motion to approve the recommendation to appoint Craig Johansen for the balance of Eugene Johansen's term. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(5)****EMERY COUNTY COMMUNITY FOUNDATION, REQUEST FOR TAX EXEMPT STATUS.**

Kent Petersen, EC Community Foundation explained to the Board of Commissioners the use of the building. The building was donated to the Foundation by the Rosenberg family for use as a community center. The Chamber of Commerce is now located in the building. Folk Art will be featured as you enter the building. They have filled out the application for exemption. A signed affidavit indicating the use of the building is needed for the year 2002. Commissioner Drew Sitterud made a motion to approve exempt status for Emery County Community Foundation. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(6)****CONSIDERATION AND APPROVAL OF TAX/PENALTIES ABATEMENT FOR AJ PROPERTIES.**

Treasurer, JoAnn Behling discussed a situation with AJ Properties. The property had been up for May Tax Sale due to owing back taxes. AJ Properties made arrangements to make payments to pay the back taxes. They have been making the payments, however the penalties and interest for 1997 are still growing. JoAnn recommended abating the penalty and interest for 1997 which is \$3,800.00 to get it off the books. Commissioner Drew Sitterud made a motion to abate the 1997 penalty and interest for AJ Properties under the agreement that the taxes be brought current by August 15, 2002. The motion was seconded by Commissioner Ira Hatch and approved by all members present.



(7)

**DISCUSSION AND APPROVAL OF RESOLUTION IN SUPPORT OF A REGIONAL HAZARD MITIGATION PLAN AND APPOINTMENT OF COMMITTEE MEMBERS.**

Southeastern Utah Association of Governments Community Planning Director, Glen Vernon discussed the planning process for setting up regulations for hazard mitigation. This is to take steps to prevent or mitigate incidents and minimize economic damage when disasters happen. Mr. Vernon explained that if Emery County wants to continue to receive funds from the state for such planning and mitigation, Emery County has to be involved in the planning. The document was referred to Attorney David Blackwell for review. They will address this at another time.

(8)

**RENEWAL OF 90-DAY EMPLOYEE CONTRACT FOR HISTORY GRANT SPECIAL PROJECTS.**

Kathleen Truman explained that Dottie Grimes has been in this position for the previous 90-day appointment. Dottie has been working on a cowboy poetry booklet. They would like to have her finish up the project she is working on and requested another 90-day contract for Dottie Grimes. Commissioner Ira Hatch made a motion to renew a 90-day contract with Dottie Grimes. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF CONTRACTORS FOR INTERPRETATION SIGNS AND RELATED PAPERWORK.**

Kathleen Truman explained that the lowest bidder for the contract work on the interpretation signs was not acceptable. She recommended using the second lowest bidder which was Interpretive Graphics Contractors. Commissioner Ira Hatch made a motion to approve the recommended contractor of Interpretation Graphics Contractor for the interpretation signs on I-70. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF CONTRACT #020579 AMENDMENT.**

Kathleen Truman explained that this would extend the contract between the State of Utah, Division of State History, DCED and Emery County for San Rafael Western Legacy District to

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June 30, 2003. Commissioner Drew Sitterud made a motion to accept the contract #020579 amendment extending the contract period to June 30, 2003. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)**

**DISCUSSION OF FIRE RESTRICTION OF COUNTY LANDS.**

The Board of Commissioners discussed the fire restrictions in adjacent areas such as the Forest Service and BLM. The Forest Service allows fires only in developed campground pits. No fireworks are allowed on the forest or BLM. The Commissioners felt that Emery County should be in compliance with the adjacent entities. Commissioner Ira Hatch made a motion to implement fire restrictions within Emery County in affect with adjacent Forest Service and BLM as same jurisdiction. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(12)**

**DISCUSSION OF GREEN RIVER ANNEXATION RULING.**

The Supreme Court ruled in favor of the annexation on every single point of the law. Emery County now needs to get with Grand County and proceed with the transfer of records to Emery County from Grand County.

**(13)**

**OTHER BUSINESS**

Commissioner Johnson discussed the need for a contract with Utah Power and Light for service to the Public Safety Facility. Commissioner Ira Hatch made a motion to approve the contract with Utah Power and Light to supply power to the Public Safety Facility. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Mayor Peacock, Castle Dale reported that the annexation of property for the public safety facility and courts is moving forward.

**(14)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the minutes dated June 18, 2002 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members

6  
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present.

**(15)**  
**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch reported that he met with contractors at the Huntington Airport on the airport apron reconstruction project. This is a cost share project with Utah Department of Transportation. Scheduled completion of the project is August 13, 2002.

**(16)**  
**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

**(17)**  
**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_

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

JULY 16, 2002

Present at the meeting was Commissioner Drew Sitterud, Commissioner Ira Hatch, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commission Chairman Randy Johnson was excused from the meeting to attend to NACO assignments. Commissioner Drew Sitterud conducted the meeting as Chairman Pro Tem and stepped down throughout the meeting to second motions as needed.

A prayer was offered by Commissioner Ira Hatch. The pledge was led by Leslie Bolinder.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #148475 through and including #148652 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
43-02	Window Air Cooler Corrections	399.99	Approved
44-02	Raven Ballistic Shield Sheriff	1,450.00	Appro ved

There were no dispositions.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, Additional Claims and Requisitions for payment. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

There were no items for consideration at this time.

(3)

**DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Utah Power representative Deb Dull provided the following update:

- ✦ They have been closely monitoring the severe drought situation in Emery County. They have been tracking what goes on at Joe's Valley, Millsite and Electric Lake.
- ✦ Scottish Power received the Best Company of the Year Award by Business in the Community which was presented by His Royal Highness Prince Charles, President of that organization. They received the award for their outstanding involvement in the community and environmental programs in the British Isles.
- ✦ Regarding environmental education in our community, Manti LaSal National Forest recently sponsored an Environmental Education in Our Community Conversation where they discussed incorporation of all information from the different areas such as water, soil, energy, etc, to provide better environmental education programs for school age children.
- ✦ Emery County is lucky enough to have not had any weather related outages like the Wasatch and Ogden areas. We have been very fortunate thus far.
- ✦ PacifiCorp Foundation for Learning recently announced a one million dollar three year initiative to improve childhood literacy in Utah and other states. The program is called, Mother Read, Father Read. The focus will be to get children more literate sooner.
- ✦ Customer Service Guarantees have been sent out. These are monitored yearly to give themselves a report card. They have a 98.9% success rate on customer service guarantee.
- ✦ Tracy Aiken's last day was June 30, 2002. Mark Mansfield has taken his place.

(4)

**RATIFICATION OF UP&L GENERAL SERVICE CONTRACT FOR SERVICES AT NEW PUBLIC SAFETY CENTER.**

Commissioner Ira Hatch made a motion to ratify the service contract with UP&L for power services at the new Public Safety Center. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(5)****SETTING OF PUBLIC HEARING FOR JUDGEMENT LEVY TAX INCREASE.**

Senior Deputy Clerk/Auditor Brenda Dugmore requested the Board of Commissioner set the date and time for a Public Hearing for judgement levy tax increase to cover a refund ordered by the Utah State Tax Commission to centrally assessed property appeals from PacifiCorp, River Gas, Emery Telcom and Worldcom. The proposed date and time was August 15, 2002 at 6:00 p.m. Commissioner Ira Hatch made a motion to set a Public Hearing for Judgement levy tax increase for August 15, 2002 at 6:00 p.m. as proposed . The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(6)****SETTING OF BOARD OF EQUALIZATION.**

Senior Deputy Clerk/Auditor Brenda Dugmore requested setting the date and time for Board of Equalization. Commissioner Ira Hatch made a motion to set Board of Equalization for August 20, 2002 from 12:00 p.m. to 3:30 p.m. in Green River and August 21, 2002 from 9:00 a.m. to 3:00 p.m. in Castle Dale. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Commissioner Sitterud reminded everyone that Commission Meeting will be held in Green River on August 20, 2002 at 4:00 p.m.

**(7)****APPROVAL OF BUSINESS LICENSE**

A business license was presented for Frank Gordon DBA: Castle County Salt Service. He will be delivering water softener salt to residents of Carbon and Emery County. Zoning Director, Bryant Anderson has signed the application. Commissioner Ira Hatch made a motion to approve the business license for Frank Gordon DBA: Castle County Salt Service. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)****CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING EMERY COUNTY TO SHARE REVENUES WITH EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.**

A resolution and an inter local agreement has been prepared by Attorney David Blackwell authorizing Emery County to share revenues with Emery County Recreation Special Service District. The Pro Rodeo stock has to be paid for in advance and the Recreation District is short of funds until mineral lease funds come in later this fall. Emery County will transfer funds in the

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amount of \$28,350.00 for the rodeo stock and the Recreation District will pay back the general fund with the gate receipts after the rodeo. Commissioner Ira Hatch made a motion to approve Resolution 7-16-02 to share revenues and an inter local agreement between Emery County and Emery County Recreation Special Service District as specified in the documents and to pay the voucher to the Recreation District, associated with the agreement. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**SETTING OF PUBLIC HEARING FOR CONSOL ENERGY CONDITIONAL USE PERMIT AMENDMENT.**

Commissioner Ira Hatch made a motion to set a Public Hearing for Consol Energy Conditional Use Permit for August 6, 2002 at 5:00 p.m. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**KERN BEHLING, DISCUSSION OF WAGES FOR COUNTY EMPLOYEES.**

Commissioner Ira Hatch made a motion to table this agenda item. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**CITIZEN CONCERNS**

Public Lands Director, Val Payne informed the Board of Commissioners of an opportunity offered to him by Division of Natural Resources. They have offered him a position with Natural Resources which he has considered and decided, with mixed feelings, to accept. Val's new position will deal with resources and land management activities on a state level. He believes he will still be able serve Emery County regarding land issues. His reporting date is August 5, 2002. He will be working out of Salt Lake City. This was his formal notice that he will be leaving Emery County.

Commissioner Drew Sitterud expressed Emery County's appreciation for all he has done for the County and that as a Commission they respect his decision.

Commissioner Hatch expressed his appreciation for Val and his dedication to serving Emery County.

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Commissioner Ira Hatch made a motion to propose a resolution to give our thanks for his dedication and service to Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(12)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Ira Hatch made a motion to approve the minutes dated July 3, 2002 as corrected and the minutes of the Canvass of Election held on July 5, 2002. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(13)**

**COMMISSION REPORTS.**

*Commissioner Hatch*

Commissioner Hatch reported on the progress of the Huntington Airport apron reconstruction project. Nielson Construction is working on that project. The expected completion date is August 16, 2002.

The Board of Commissioners are working with several entities on the drought situation. Emergency loans and programs are available to help provide livestock water and other water related relief.

He and Commissioner Sitterud attended a briefing and tour on the fire situation on North Horn Mountain. The Forest Service has declared the fire contained. They had close to three hundred and fifty people, four or five helicopters and fire retardant planes working on the area. Commissioner Hatch noted the reclamation efforts that were done after the fire was out. He commented on the fire suppression efforts of the Forest Service.

*Commissioner Sitterud*

Commissioner Sitterud reported that Ferron Mayor, Garth Larsen resigned as he has moved. Council member Kent Larsen has been appointed the Mayor of Ferron. They are accepting applications to fill Kent Larsen's Council member vacancy. Kent will maintain the mayor position until the election for council members next year.

He spent the day with Mayor Johnson in Green River City looking over the annexation of the new sections into the city. There is a lot to be done there.



**(14)**  
**EXECUTIVE SESSION TO DISCUSS LITIGATION AND PERSONNEL MATTERS.**

Commissioner Ira Hatch made a motion to move into executive session to discuss a litigation matter. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Present at executive session was Commissioner Ira Hatch, Commissioner Drew Sitterud, Attorney David Blackwell, Personnel Director Pat Snowball, Road Supervisor Rex Funk and Deputy Clerk/Auditor Carol Cox.

**(15)**  
**ADJOURNMENT**

Upon returning to regular meeting Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

AUGUST 6, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Ira Hatch, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, other elected officials and citizens.

A prayer was offered by Sheriff LaMar Guymon. The Pledge was led by Randy Johnson.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #148776 through and including # 148986 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
45-02	Siren Ambulance	410.40	Approved
46-02	Smart UPS 700XL Data Processing	429.36	Approved
47-02	Server Data Processing/Cap. Replmt.	3,489.00	Approved
48-02	Main network licenses Data Processing	2,796.70	Approved

One disposition was presented for Asset#4106048, an Okidata ML395 Printer from the Road Department which will be used for parts.

Mr. Funk discussed a claim from Lee Rasmussen for reimbursement of meals which did not have accompanying receipts. Mr. Funk pointed out that the independent auditors require receipts for all expenses. Commissioner Johnson stated that by practice, the Commission requires receipts for reimbursements. He further pointed out that the County has gone to using credit cards simply

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because it is easier to track expenses while traveling. Mr. Rasmussen asked if the County has a travel policy. Commissioner Johnson explained that the County does have a travel policy which needs to be updated to provide for new procedures and higher rates. Mr. Funk pointed out that it is a standard procedure to provide receipts. It was Mr. Blackwell's recommendation to pay the claim and change the policy. It was Mr. Funk's recommendation to deny the claim for reimbursement of three meals that do not have proper documentation. Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims, requisitions and disposition with the exception of reimbursement for three meals without receipts and to look at updating the current travel policy. The motion was seconded by Commissioner Drew Sitterud. Commissioner Johnson voted "nay" to the motion.

(2)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Pat Snowball, Personnel Director presented the following action:

Sheriff's Office

Garrett Conover satisfactorily completed his corrections training. Sheriff Guymon requested approval to move him from Dispatch Grade 10 Step A \$10.77/hr. To Corrections Officer Grade 12 Step A \$11.72., effective August 19, 2002, which is the next full pay period. Commissioner Ira Hatch made a motion to approve the step increase for Garrett Conover as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

GIS Department

Approval was sought for Sherman Miller to fill an additional up to 90 day temporary period beginning July 25, 2002 and ending October 22, 2002 at the rate of \$8.00/hr. Commissioner Drew Sitterud made a motion to approve another up to 90 day temporary assignment as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Communications

Approval was sought for Troy Bernard to fill an additional up to 90 day period at \$8.00/hr. As per policy a two week lay-off is required between 90 day appointments. At the time of this request it was unclear whether Troy had been off for two weeks. Commissioner Ira Hatch made a motion to approve the up to 90 day appointment for Troy Bernard pending verification that he has followed procedure and had a two week lay-off. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

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Road Department

Ed Walls has been on Family Leave for reasons relating to his own health. He is not able to return to work and has requested approval to continue employment through the Leave Without Pay provision of the personnel policy. Ed has been approved by Long Term Disability and will begin receiving the benefit August 30, 2002. Request approval of Leave Without Pay up to and including August 30, 2002. Ed has run out of sick and vacation time. Employees who wish to may donate hours to Ed. Commissioner Ira Hatch made a motion to approve Ed Wall's request of Leave Without Pay. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Other

Commissioner Ira Hatch made a motion to begin the recruitment process to fill the position of Public Lands Administrator. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**SCOTT BEHUNIN, DIRECTOR EMERGENCY SERVICES AND HOMELAND SECURITY, DISCUSSION OF GOALS/DIRECTION FOR STATE OF UTAH.**

Scott Behunin, Director of Emergency Services and Homeland Security brought a message to the Board of Commissioners and Emery County. The name Department of Comprehensive Emergency Management has changed to Emergency Services and Homeland Security but the service to the community has not. A regional response team will be set up in Carbon and Emery Counties. They have a meeting set for August 29, 2002 from 9a.m. until 12p.m. in Price to brainstorm how best to serve the two counties. Homeland Security funds are coming from the federal government to rural counties to help develop plans to cover communities and meet state demands. The importance of emergency management in rural communities has grown tremendously. The philosophy is all hazards whether man made or natural your response is pretty much the same. Martin Wilson is the point man for Emery County.

(4)

**JAY SCHELIN, DEPARTMENT OF CORRECTIONS, DISCUSSION OF NEW LEASE FOR OFFICE SPACE IN THE NEW PUBLIC SAFETY CENTER.**

Jay Schelin, Department of Corrections and Scott Henry, Regional Administrator for this area came before the Board of Commissioners to discuss a lease of office space in the new public safety center. The current lease expired in July 2002. The requested figures to consider for the lease rate and phone reimbursement. Commissioner Johnson indicated that they will have those figures for them soon. He suggested that they meet with Jeff Guymon, Information Technology

Director to discuss their phone needs.

(5)

**KERN BEHLING, DISCUSSION OF COUNTY WAGE POLICY/PROCEDURE.**

Kern Behling, Road Department came before the Board of Commissioners to make a request. At this time nine road department employees presented a petition on behalf of themselves and with support of their families, co-workers and caring citizens of Emery County. The petition stated, 'We, the undersigned and employees of Emery County Road Department, in a spirit of honesty and fairness, petition the Commissioners of Emery County, Mr. Randy Johnson, Mr. Ira Hatch and Mr. Drew Sitterud to consider raising the hourly wage rate of nine Emery County Road Department employees which include six operators, two mechanics and one lube specialist from their present hourly wage rate to \$13.50 per hour.' Mr. Behling clarified that with the exception of two clerical workers at the Road Department, everyone else at the Road Department makes above \$13.50/hr. He added that they request this because of the struggle to support and make a living for their families at their present wage. He said, " We love Emery County, and are proud to serve as employees of Emery County. We ask Emery County to appreciate us by allowing this request." Mr. Behling provided letters of support, given freely, by some of the Road Department supervisors. The letters were read to the Board of Commissioners. Mr. Behling added upon the letters by pointing out the certifications and training required by each of the positions. He addressed the Class B budget and available funds to possibly support the raise requested.

He believes that people are the greatest and most valuable asset the County has. He ask the Commission to look at them as a good investment.

Commissioner Johnson agreed that employees are the County's greatest assets. He said, " Wages do not reflect how much we value you. If they did they would be double what they are." We have a responsibility to all our employees. A large percentage of our budget is wages and benefits. We have an obligation to the taxpayer. We have to walk a thin line in determining what is right for the tax payer and what is right for the employee. He does not have a problem with looking at the wages. If we do it will be all employees wages not just the nine requested.

Commissioner Hatch explained the 1998 wage study. Wages were brought in line with what the study determined. In 2000 a 3% increase was given to all employees. In 2001 another 3% increase for all employees. In 2002 we gave a grade increase for all employees. He provided a breakdown of the benefits provided to the employees by Emery County. He noted that the benefit package is worth a substantial increase in the overall income per employee. He pointed out that while many other employers are passing the cost of the increase in benefits along to the employee Emery County chooses to remain self insured and not have employees pay a portion of their insurance. He noted that he realizes that the increase is not realized in their actual paycheck but that it is a benefit that they would have to pay part of anywhere else. Another

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wage study could be done to bring wages into line if they need to be. The wage study could cost approximately \$8,000.00. The Board of Commissioners would have to look at the budget to see if there are funds available for the study. If there are not funds they would have to wait until next year and include the study in the budget.

Commissioner Johnson said he was willing to look at another wage study and that he stands behind and supports doing what we can while keeping within budget constraints.

Jan Christensen, Road Department expressed concern for the petition which she felt was counter productive. She did not see the petition and felt the clerical workers and other workers for the county are being singled out.

Travis Winn, Road Department stated he did not think we needed another wage study, but that he thinks the employees request needs to be looked at.

Ken Behling, Road Department apologized to Jan Christensen for excluding her from the petition and request.

Rex Funk, Road Supervisor stated this is a heart felt request and should be given serious consideration by the Board of Commissioners. These are highly skilled workers which he has a hard time keeping because they have such a struggle to support their families on the income they receive. He thinks it is time for wages to be reviewed across the board. He encouraged the Board of Commissioners to engage a consulting firm to do a wage study.

JD Seely, Road Department asked the time frame for hiring a consulting firm to do a wage study. He asked that if it was not possible for this year then to look at budgeting for the study in next years budget.

Commissioner Johnson expressed his appreciation for the spirit brought into the meeting. The Board of Commissioners will look into the matter.

**(6)**

**5:00 P.M. PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON AMENDED  
CONDITIONAL USE PERMIT FOR CONSOL ENERGY.**

Mack Huntington, Planning Chairman explained that this is a Public Hearing to receive public comment on amending the conditional use permit for Consol Energy. The Planning Committee has thoroughly reviewed the permit and recommends approval. He introduced Seth McCourt, Engineer for Consol Energy who made himself available to answer any questions. Mr. McCourt provided maps and an explanation of the amendment. The amendment will permit them to add

6

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AUGUST 6, 2002

surface facilities for coal handling and load out. They anticipate beginning production October 1, 2002 with approximately 32 hourly employees and 15 administrative employees. The road being constructed is a public access, multi use road, not a coal haul road. Travel on the road will not be restricted. The road will allow access to other businesses in the area but will avoid residential areas.

Mr. Huntington explained that what they have done makes them comply with the zoning ordinance. The amendment changes the permit to a Level III Conditional Use Permit.

The meeting was opened up for comment and questions.

There were no questions.

Commissioner Drew Sitterud made a motion to come out of the public hearing. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF AMENDED CONDITIONAL USE PERMIT FOR CONSOL ENERGY.**

Commissioner Drew Sitterud made a motion to approve an amended Conditional Use Permit for Consol Energy. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF MOU WITH ADMINISTRATIVE OFFICE OF THE COURTS AND EMERY COUNTY FOR BAILIFF SERVICES.**

Commissioner Hatch questioned whether the amount Emery County is compensated for bailiff and security services is enough to cover the cost. Sheriff Guymon indicated it does not cover the cost because of the amount of court dates scheduled. Commissioner Hatch suggested bringing this up for discussion at UAC. Commissioner Ira Hatch made a motion to approve the MOU with Administrative Office of the Courts and Emery County for Bailiff and Security Services and to address the compensated amount during UAC meetings. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

7

COMMISSION MEETING MINUTES  
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(9)

**CITIZEN CONCERNS**

There were no citizen concerns.

(10)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve the minutes dated July 16, 2002 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch reported on the Huntington Airport Apron reconstruction project. Nielson Construction is the contractor on the project. The final inspection is scheduled for August 16, 2002 at 10:00 a.m. The bid came in lower than anticipated, so they were able to do some extra things.

*Commissioner Sitterud*

Commissioner Sitterud reported on the condition of the boat ramp at Joe's Valley. They have not been able to put water craft in the lake most of the summer. He is working with Forest Service officials to see what can be done.

*Commissioner Johnson*

Commissioner Johnson reported on the success of the fair and pageant. The numbers were consistent with last years. They had approximately 3000 at the pageant on Tuesday and near capacity on the other nights.

He reminded everyone of the meeting on August 8, 2002 at 4p.m. at the Castle Valley Pageant site. Governor Mike Leavitt, Bob Bennett, Associate Director of the Utah Bureau of Land Management, and others will be here to announce to the public the partnership between Emery County, the state and BLM to explore the concept of a San Rafael National Monument.



(12)  
**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

(13)  
**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_

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

AUGUST 15, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Ira Hatch, Commissioner Drew Sitterud, Sheriff LaMar Guymon, other elected officials and citizens.

(1)

**CONSIDERATION OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH (THE "COUNTY") AUTHORIZING AND APPROVING THE EXECUTION OF A FIRST AMENDMENT TO MASTER LEASE AGREEMENT, DATED AS OF JULY 1, 2002, BY AND BETWEEN THE COUNTY AND THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY, UTAH (THE "AUTHORITY") AUTHORIZING THE ISSUANCE AND SALE BY THE AUTHORITY OF ITS LEASE REVENUE AND REFUNDING BONDS, SERIES 2002, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,850,000; AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO SECOND SUPPLEMENTAL INDENTURE OF TRUST, GROUND LEASE, BOND PURCHASE AGREEMENT, SECURITY DOCUMENTS, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE REFUNDING OF THE AUTHORITY'S LEASE REVENUE BONDS, SERIES 2001B; AUTHORIZING THE CONSTRUCTION OF CERTAIN COURT FACILITIES IMPROVEMENTS; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.**

Commissioner Johnson introduced Ken Michie, Zions Public Finance and Dale Okerland, Wells Fargo. Wells Fargo has been chosen by the county to be the underwriter for the bonds. Mr. Michie provided a brief history of bonds and the need for bonding. He reviewed the breakdown of cost for the Lease Revenue and Refunding Bonds Series 2002. He had prepared a pricing book which he reviewed with the Commissioners. He answered questions regarding the net debt service schedule, interest, cost of issuance and other related matters.

He explained that the county determined that it needed to construct and finance a new jail. About a year ago we went through the first part of the financing of that. At the time it was determined that we would probably like to also have the state court facilities in the same building. There were some good reasons for determining that would be a good thing. At the time the state was not prepared on their part to enter into a sub lease agreement for that property. So we did the financing in two phases. The first phase was to finance the jail portion. That was

done in two parts also. The first part was to obtain favorable financing through the Community Impact Board of the State of Utah. This was done through a favorable discount rate loan and a portion was a grant. The loan was a 0% interest rate that Emery County does not have to start paying until 2008. The amount was not sufficient in dollar amount to finance the total amount of the jail. Knowing that Emery County would probably be able to bring the courts facility on line at a latter time, instead of doing a permanent financing for the remaining portion of the jail, we did a bond anticipation note or an interim financing. So a portion of what we will be doing today, will be to pay off the interim borrowing or the construction loan (2001B) \$2,000,000. They need to be paid off both in the principal amount and the accrued interest amount. A portion of what we will be considering today, the 2002 Series Bond, will refund and pay off the 2001B Bond. In addition there needed to be a new dollar amount for the courts portion. The courts portion was put off until this year to allow the state courts administration to do their procedural work with the legislature. The legislature appropriated some money for the state courts for the rental of the new courts building. It is only one month worth in the current state's fiscal year, but at least it is a start. It allows the state courts administration to enter into a lease agreement for that portion. Mr. Michie went through the pricing book and explained the process.

He further explained that if everything is approved today that the closing will take place on August 29, 2002.

He reminded the Commissioners that in a previous meeting they had set parameters that the size of the bond issue could not exceed \$4,850,000.00. This bond issue goes right up to that amount. In fact the need was slightly beyond that. The reason for the need was we had to fully fund the debt service reserve fund, plus the bond insurer was requiring us to have an extra six months of capitalized interest. On the day of closing the out of pocket amount of \$73,921.84 will need to be transferred to the trustee.

Mr. Michie wanted to go on record as recommending this form of bonding as the best way to go to finance this type of project.

Mr. Michie answered questions.

Commissioner Drew Sitterud made a motion to approve Resolution 8-15-02 authorizing and approving the execution of a first amendment to the master lease agreement dated July 1, 2002 as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY/SHERIFF COMPLEX

AUGUST 20, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Ira Hatch, Commissioner Drew Sitterud, Sheriff LaMar Guymon, other elected officials and citizens.

A prayer was offered by Treasurer JoAnn Behling. The pledge was led by Recorder Dixie Swasey.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #149162 through and including # 149323 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
49-02	Printer Sheriff	971.72	Appro ved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, Additional Claims and Requisition for payment. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(2)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

There were no personnel items of business.

**(3)**  
**RATIFICATION OF AMENDMENT TO ECONOMIC ADJUSTMENT STRATEGY GRANT.**

This is a grant that the Economic Development program was awarded. Commissioner Ira Hatch made a motion to ratify the amendment to the Economic Adjustment Strategy Grant. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(4)**  
**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

There was no business license.

**(5)**  
**CONSIDERATION AND APPROVAL OF RESOLUTION ADOPTING FINAL TAX RATES FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Ira Hatch made a motion to adopt Resolution 08-20-02 adopting the final tax rates for Emery County and Castle Valley Special Service District. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

The final tax rates are:

<b>Emery County:</b>	<u>Revenue</u>	<u>Tax Rate</u>
General Fund	\$4,543,000	0.003763
Library	525,175	0.000435
Judgment Levy	357,600	0.000296
Assess & Collecting	286,500	0.000237
Assess & Collecting	213,692	0.000177

<b>Castle Valley Special Service District:</b>	<u>Revenue</u>	<u>Tax Rate</u>
General Fund	\$ 884,538	0.001000
Debt Service	1,408,300	0.001592
Judgment Levy	118,250	0.000134

**(6)****APPROVAL OF RELEASE OF LIEN.**

In 1983 Farley's sold and transferred property in Castle Dale. A lien was attached to the property. The wrong lot number was placed on the lien document. Since that time the lien has been satisfied. The lien was placed on the property by Emery County. Commissioner Drew Sitterud made a motion to release the lien. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(7)****UPDATE ON ANNEXATION.**

Chairman Johnson gave an update on the Green River annexation. The higher court has reversed the ruling by the 7<sup>th</sup> District Court and sent the case back to the lower court for a reversal. The higher court ratified all the steps that had been taken to meet the conditions of law. Each item was confirmed. The Grand County Clerk/Auditor has five days after the order is filed to certify the election results to the Lt. Governor's office. The Lt. Governor would then submit the results to the Governor's office. The Governor will declare the new County boundaries once the paperwork is completed. The target date for completion will be January 1, 2003. There are questions that need to be clarified for the election in November.

**(8)****TOM BURR, GREEN RIVER CITY, DISCUSSION OF TRANSIENT ROOM TAX AND OTHER ISSUES.**

Tom Burr, Green River City, informed the Commission of a meeting on August 27, 2002 at 11:00 a.m. to discuss what will happen with the Travel Council. Grand County's manager and Norma Dean Hawkinson, Emery County Travel Council, will also be attending the meeting. Mr. Burr presented the Commission with questions concerning the collection of transient room tax and what will happen once Emery County receives the taxes collected from Green River that have previously been going to Grand County. The County currently collects \$18,000 - \$20,000 per year in transient room tax. Emery County partners with Castle Country Travel Council and CRIC. The money has to be spent on promotion of tourism and related items. Mr. Burr also inquired about the TRCC tax. Emery County does not currently collect any TRCC tax. If the County levied a TRCC tax most of the money would be generated in Green River. If new transient room tax money is received it could be used to support the two museums that are located in the County.

**(9)**

COMMISSION MEETING MINUTES  
AUGUST 20, 2002

**CITIZEN CONCERNS.**

Kristine Monroe, Green River Community Center, brought before the Commission the architect's drawing for a new community center. The building would meet three purposes, recreation, education and mental health services. The plans were drawn by Kevin Madson and Associates of Provo, Utah. This would be a 2 million dollar facility. Green River City has property that could be used for the facility. Mayor Johnson stated that Green River City will not be able to do the project alone. They will be asking the County to help support the project.

(10)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve the minutes dated August 6, 2002 with the insertion of Attorney David Blackwell's recommendation on agenda item number one. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**COMMISSION REPORTS**

***Commissioner Hatch***

Commissioner Hatch reported that the airport project has been completed. An airport improvement plan meeting was held with Monte Yeager, Aeronautics Supervisor for UDOT.

The Moore road project is moving forward. On the last day for protests, SUWA filed a five page protest letter. A conference call was held with the BLM and the Federal Highway Committee to address SUWA's concerns. The final record of decision should come out in September.

***Commissioner Sitterud***

Commissioner Sitterud reported that Jeff Guymon, IT Director, will be working Labor Day weekend to install a new server. Mr. Guymon will also be working Saturday to move the Sheriff into the new building.

Meetings will be held on the following dates to gather input on what needs to be included in the monument proposal:

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October 1, 2002 - Salt Lake City, University of Utah  
October 2, 2002 - Price  
October 3, 2002 - Green River  
October 4, 2002 - Castle Dale

The meetings will begin at 4:00 p.m.

***Commissioner Johnson***

Commissioner Johnson reported that the Governor in conjunction with the BLM held a meeting at the Castle Valley Pageant site. Mr. Johnson felt that people were beginning to look at the monument in a new light. Mr. Johnson read an article from the Salt Lake Tribune which included the monument proposal is including input from as many different sources as possible. The County and the BLM have worked to bring all sides together. The Deseret News also published an article which called the monument process an exception. People are encouraged by the spirit of the BLM and County officials. The land issue has bubbled from the ground up instead of from the top down.

A comprehensive public survey will also be conducted. Mr. Keith Allred, Harvard, will be doing the survey. He is working with all interest groups. There will be a County sample, a State sample and a National sample. There will be a two day forum with tours of the San Rafael. A meeting will be held on August 28, 2002 from 7:00 p.m. to 9:00 p.m. to take comments on what should be included in the survey. Mr. Johnson will double check the dates on the symposium.

**(13)**

**ADJOURNMENT.**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_



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

SEPTEMBER 3, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Drew Sitterud, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Boyd Wilson. The pledge was led by Commissioner Johnson.

**(1)**  
**FOREST SERVICE QUARTERLY UPDATE**

New District Forest Ranger, Mesia Nycum introduced herself to the Board of Commissioners. Mesia comes to Emery County from Bridger-Teton Forest in Afton, Wyoming. She reported that the water situation on the forest is critical. Feed for animals is nearly gone. Permitees are taking cows off the mountain early. She talked about the abandoned mine project. They have a permit application from Texaco to drill on Middle Mountain in Joe's Valley. She discussed the maps for Wild and Scenic Eligibility Inventoried Stream Segments on the Manti and San Pitch Divisions.

**(2)**  
**DWR QUARTERLY UPDATE**

Derris Jones, Southeastern Region Supervisor reported on the recent job changes within the DWR. Miles Moretti was named assistant director, but is now acting director due to the illness of Kevin Conway. The habitat manager position is vacant and will be filled soon. They have a new habitat biologist, Chris Kolt and native fish biologist, Justin Hart. The Division took a one half million budget cut this year so they have to tighten their belts.

He reported that the elk are beginning to move down off the mountain. The Division is working with DOT to put up game proof fencing. Drinking troughs will be put up to keep the elk from crossing the highway. They may be restricting the muzzle loader hunt this season as well as the roadless area hunt. They have more than ninety guzzlers in the southeast region. They had a record number of big horn sheep this past year. Emery County has been a hot spot for bear problems this year. Colorado Cuthroat will be reintroduced into the region. Ferron Reservoir is down fifteen feet from the overflow. They will be doing a fix on the dam next spring. There were a thousand reported fires in Utah this season. They have begun re-seeding in the Book Cliff and Price Canyon areas.

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(3)

**CITIZEN CONCERNS**

There were no citizen concerns.

(4)

**CONSIDERATION AND APPROVAL OF HORN MOUNTAIN AMENDMENT WITH WWC HOLDING CO., INC.**

Commissioner Ira Hatch made a motion to ratify the approval of Horn Mountain Amendment with WWC Holding., Inc. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**RATIFICATION OF COOPERATIVE AGREEMENT FOR GOBLIN VALLEY STATE PARK ACCESS ROAD, PROJECT NO. SP-1650 (1) 0.**

Commissioner Ira Hatch made a motion to ratify the August 23, 2002 signing of a cooperative agreement for Goblin Valley Park Access Road, Project No. SP-1650 (1) 0. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**DISCUSSION OF PATRIOT DAY**

The County received a letter from Governor Leavitt outlining some suggestions for observing September 11, Patriot Day. Utah will join the world community in remembering the victims of the tragic acts of September 11, 2001 by commemorating Patriot Day each year. We will gather not only to remember, but to show our resolve to learn from our losses, sustain our renewed patriotism and protect our freedoms. The Governor proposed that on September 10, at 10 p.m. a flag ceremony at the State Capitol. September 11, 9:45 a.m. a statewide moment of silence, declaration honoring rescue workers and proclaiming Patriot Day. September 11, at 10:00 p.m. a flag ceremony and commemoration at the State Capitol. September 13-27, 2002 Commemorative Art Show, State Capitol. October, Acts of Kindness Recognition.

The Governor's Call to Action is as follows:

1. Display flags at half-staff from 10 p.m. September 10, 2002 to 10 p.m. September 11, 2002.
  - We lower the flag to mourn the loss of thousands of innocent lives.
  - We raise the flag to express our hope for the future and the resiliency of the American people.
2. Participate in a one-minute statewide moment of silence on September 11, 2002 at 9:45 a.m.
  - Governor Leavitt will lead the moment of silence from an event honoring rescue workers.
  - The moment of silence will be broadcast to schools throughout the state.
3. Conduct appropriate commemoration activities in all schools, including discussions about what has been learned in the year since September 11, 2001.
4. Respectfully request that Utahns practice “acts of kindness” during the week of September 11, 2002 as a demonstration of the triumph of goodness.
  - Residents are asked to submit examples via email of the good deeds their family, friends, and neighbors do during the week of September 11, 2002. Send submissions to governor’s office at this address [kindness@utah.gov](mailto:kindness@utah.gov). The governor will highlight a selection of those submitted in a ceremony held at the Capitol.
5. Ask residents to turn their headlights on while driving on September 11, 2002 as a reminder of the vigilance, hope and unity we share.

Commissioner Drew Sitterud made a motion to observe Patriot Day, September 11, 2002 as outlined by Governor Leavitt. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF TAX EXEMPT STATUS FOR ORIENT LODGE.**

Deputy Clerk/Auditor Carol Cox explained that she had difficulty contacting Orient Lodge to get their affidavit for tax exemption. Patrick Bailey, Secretary for Orient Lodge was finally contacted and has brought in the affidavit. Orient Lodge has been exempt in past years and does qualify for the exempt status. Commissioner Ira Hatch made a motion to approve exempt status for Orient Lodge. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. The change will be taken care of at closing of Board of Equalization.

(8)

**NOTIFICATION OF VACANCY ON EMERY COUNTY TRAVEL BUREAU.  
APPROVAL TO ADVERTISE FOR BOARD MEMBER.**

Sherry Vetere has resigned from the Travel Bureau. Emery County needs to advertise to fill the vacancy in Green River. Commissioner Ira Hatch made a motion to advertise to fill a vacancy in the Emery County Travel Bureau from the Green River area and instructed the Clerk/Auditor's office to advertise. The motion was seconded by Commissioner Drew Sitterud and approved by all member present.

(9)

**REQUEST FOR ROAD ENCROACHMENT BY CHEVRON/TEXACO**

Road Supervisor, Rex Funk discussed a road encroachment request from Chevron/Texaco. Mr. Funk met with Allen Childs who indicated the encroachment is to place two eight inch pipes and a four inch power line. Darrell Leamaster, Castle Valley Special Service District reviewed maps of the area with the Board of Commissioners. Commissioner Ira Hatch made a motion to grant permission for the road encroachment based upon the location of the lines and co-ordinating placement of the lines with Rex Funk and Darrel Leamaster. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #149441 through and including #149572 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
50-02	Defibrillators (2)including trade Ambulance	\$1,000.00	Approved

Two Dispositions were presented. Asset #620-4620 (2) visitor chairs will be transferred from Economic Development to the Courthouse.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

**GIS**

Approval is requested to hire temporary up to 90 days, Chesney Galindo, beginning August 19, 2002 and ending November 16, 2002, at a rate of \$8.00/hr. Commissioner Drew Sitterud made a motion to approve the temporary up to 90 day hire of Chesney Galindo as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(12)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve the minutes dated August 20, 2002 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(13)**

**COMMISSION REPORTS.**

**Commissioner Sitterud**

Commissioner Sitterud reported that he met with Eddy Cox, Commissioner from Sanpete. Sanpete would like to upgrade Skyline Drive Road. Commissioner Sitterud indicated that Emery County is in favor of grading the road but would not be in favor of going to the expense to gravel the road.

**Commissioner Johnson**

Commissioner Johnson reminded everyone that Emery County is pro-actively seeking a solution to our water situation at Electric Lake. Our MBA is one of the grant requesters for a grant to do

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research drilling to see what is going on under the lake. They will be approaching the CIB with that request.

**(14)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Executive Session was not needed.

**(15)**

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_

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

SEPTEMBER 17, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Drew Sitterud, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Maughn Guymon. The pledge was led by Randy Johnson.

(1)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Sheriff's Office

Jerod Curtis passed corrections training and is now certified as a Corrections Officer. Sheriff Guymon requested approval to move him from Dispatch 10A \$10.77/hr., to Corrections Officer 12A \$11.72/hr., effective September 30, 2002. Commissioner Ira Hatch made a motion to approve the position change for Jerod Curtis as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Road Department

Kern Behling submitted his resignation effective September 4, 2002. To fill the vacancy left by Kern, the department would like to post "in-house", only for a Lubrication Specialist/Mechanic grade 12 \$10.89/hr. Commissioner Ira Hatch made a motion to approve the request to post "in-house" for a Lubrication Specialist/Mechanic as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

The Road Department requested approval to hire Dustin Tidwell as a laborer in the temporary, up to 90-day, capacity effective September 16, 2002, at a rate of \$8.00/hr. Commissioner Ira Hatch made a motion to approve the up to 90-day hire of Dustin Tidwell as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #149752 through and including #149901 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
51-02	Validator Recorder	511.18	Approved
52-02	EZ Connect Wireless Bridge Sheriff	466.09	Appro ved
53-02	Bi-Directional Amplifier Kit Sheriff	560.00	Appro ved
54-02	Digital Camera Sheriff/Safe Community	671.95	Approved
55-02	Couch and Love Seat Airport	895.95	Approved
56-02	Auger(sewer) Sheriff/Corrections	431.99	Approved

One disposition was presented, an Ithaca Series 60 Validator from the Recorder's Office which will be junked.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims, requisitions and disposition as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.



(3)

**CONSIDERATION AND APPROVAL OF INDIGENT TAX ABATEMENTS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the indigent abatement applications as follows:

Chad Larsen  
Adela Blackburn  
Harriet Bishop

Mollie Dasch  
Coleen Thompson

Lana Cunningham  
Jerry Ward

Ms. Dugmore reminded the Board of Commissioners that the indigent abatement is granted at the discretion of the County Commission and are available to people less than 65 who demonstrate a disability or extreme hardship. All of the applicants have provided the requested information. The abatement is for 50% of the total tax due. Commissioner Drew Sitterud made a motion to approve the indigent tax abatements for 50% of the total tax due for the seven applicants. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

A written request from Harriet Bishop asked for further consideration to abate the other 50% of tax due. Mrs. Bishop is home bound and her mortgage company has implemented an escrow amount to be added to her mortgage raising her payment by \$60.00 a month. With her fixed income she is not able to pay the remaining tax amount. Commissioner Ira Hatch made a motion to approve Harriet Bishop's request to abate the other 50% of the tax owing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF CIRCUIT BREAKER, VETERAN AND BLIND ABATEMENT.**

Commissioner Drew Sitterud made a motion to table this item until next meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

**CLOSURE OF BOARD OF EQUALIZATION.**

Commissioner Ira Hatch made a motion to close Board of Equalization. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(6)****SETTING OF DATES FOR BUDGET WORK MEETINGS**

Commissioner Drew Sitterud made a motion to set budget work meeting dates for October 4, 2002 at 9:00a.m., October 8, 2002, at 1:00p.m., October 18, 2002 from 9:00a.m. until 11:00a.m., October 21, 2002 at 9:00a.m. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Ira Hatch made a motion to set the date of November 19, 2002 at 1:00 p.m. for the Canvass of Election. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to set a date to hold a public hearing to amend the 2002 budget for December 17, 2002 at 5:30p.m. and 6:00p.m. for a public hearing to approve the 2003 budget. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(7)****CONSIDERATION AND DISCUSSION OF GREEN RIVER'S REQUEST TO JOIN CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Green River Mayor, Dale Johnson and City Council Member Tom Burr came before the board of Commissioners to discuss Green River's request to join Castle Valley Special Service District. Mayor Johnson started out by inviting all to attend Melon Days on September 21, 2002 in Green River. He asked if any of the Commissioners had heard of a Walmart Distribution center being considered for Green River City. The Commissioners indicated that they had not heard of any proposal. Mayor Johnson made a formal request to be considered to join the CVSSD. Darrell Leamaster, CVSSD provided a brief history of the formulation of the CVSSD. The District was formed when Utah Power and Light had a desire to do something to offset the impact of mineral production in our area. Since the plant was in the county the taxes went to the county and nothing to the cities to help mitigate or offset the impact. UPL began steps to help create CVSSD to help build roads, sidewalks, infrastructures, etc. At the time the District was created Green River declined to be a part of the District. Mr. Leamaster outlined the process for annexing a new area into the District. The authority to annex a new area into the District lies with the governing board which is the County Commission. There are two ways to initiate the process. One way is to have the Board of Commissioners pass a resolution to annex Green River into the District. Another way is by petition of the citizens in the considered area. 10% of the voting population or 10% of property valuation is needed to be considered. A Public Hearing must be held. A comment period wherein if 50% of the voters or taxpayers do not want it, it must be declined.

Mr. Leamaster pointed out that in June CVSSD passed a 12 million dollar bond issue. At the

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time of the bond election the projects were listed and can not be changed or added to. None of the projects on the list are in Green River. No pool of money will be available for ten years. To get new money a new bond would have to be passed by the entire District. Mr. Burr asked if Darrell would be willing to come to Green River City's next city council meeting and explain this to the citizens and city council members. Darrel indicated he would do that.

Commissioner Johnson asked Mayor Johnson if he wanted the Commission to pursue the second bond issue. Mayor Johnson indicated he would like to know the figures and information and see where it can go. Commissioner Ira Hatch made a motion to proceed with gathering information relevant to including Green River City in Castle Valley Special Service District. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**

**CITIZEN CONCERNS**

Tom Burr, Green River City Council member reminded the Board of Commissioners of the vacancy on the Emery County Travel Bureau. He asked if the advertising had been done. Commissioner Johnson indicated that the advertising will be in next weeks paper. Applications will be at the Sheriff's Complex in Green River and at the Clerk/Auditor's Office in Castle Dale. The vacancy is for the eastern part of the county.

Darrell Leamaster informed the Board of Commissioners of plans to include them in upcoming water source protection planning for the county.

Jeff Guymon, Information Technology Specialist presented a requisition for 13 computers, 8 laser printers and 1 server with a tape backup for the library. The Bill Gates Foundation provided the Emery County Library with a grant for \$64,000.00. The computers, printers and server total \$44,828.00. The remainder of the money will be used to pay for connectivity, wiring and compensation for time to install the equipment. Jeff indicated that training will be on a local level, sometime in November. Commissioner Drew Sitterud made a motion to approve the requisition for the computers, printers and server as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Bruce Funk reminded the Board of Commissioners of the voter information pamphlet. Arguments for and against the initiative have a five hundred word limit and must be received in the Clerk/Auditor's office no later than thirty days before the election.

**(9)**

**CONSIDERATION AND APPROVAL OF FY2003 CONTRACT BETWEEN EMERY COUNTY AND THE SOUTHEASTERN UTAH AREA AGENCY ON AGING.**

Maughn Guymon, Southeastern Utah Area Agency on Aging presented the Board of Commissioners with the 2003 contract between Emery County and Utah Association of Local Governments, Area Agency on Aging. The contract is for the same amount as last year. The only change is a slight increase in state and federal funds. Commissioner Ira Hatch made a motion to approve the FY2003 contract between Emery County and ALG AAA. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)****RATIFICATION OF COOPERATIVE AGREEMENT MODIFICATION FOR INTERPRETIVE ENHANCEMENTS ON I-70.**

Commissioner Ira Hatch made a motion to ratify the signing of a cooperative agreement modification for interpretive enhancements on I-70. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)****APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the minutes dated September 3, 2002 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(12)****COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch reported that he met with John Niebergall to look over photos to be included in the upcoming 100th birthday celebration of the Forest Service. He reported on the recent flooding in Emery. The Emery County Road Department, Rex Funk, Ray Petersen and Morris Sorensen helped pitch in with the equipment available in the area. This helped to alleviate some of the damage that could have occurred. The immediate needs of the citizens have been taken care of for now. Local officials and others will be discussing modifications to keep flooding at a minimum.

*Commissioner Sitterud*

COMMISSION MEETING MINUTES  
SEPTEMBER 17, 2002

Commissioner Sitterud reported that he will be meeting with state legislators on Thursday, September 19, 2002 at 1:00p.m. He asked if the Commissioners had anything they needed to have him bring up for discussion to let him know. The University of Utah feasibility study for Horse Canyon is in the works.

**(13)**  
**OTHER BUSINESS**

Clerk/Auditor, Bruce Funk discussed claims that came to the Clerk/Auditor's office noted for Municipal Building Authority. The Municipal Building Authority is out of budgeted funds. The claims will need to be paid by the sheriff's department. Commissioner Drew Sitterud made a motion to pay the claims from the Sheriff's Department budget. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(14)**  
**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Commissioner Ira Hatch made a motion to move into executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Present at executive session was Commissioner Randy Johnson, Commissioner Drew Sitterud, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

**(15)**  
**ADJOURNMENT**

Upon returning to regular meeting Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_

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

OCTOBER 1, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Drew Sitterud, Commissioner Ira Hatch, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Mike McCandless. The Pledge was led by Commissioner Johnson.

**(1)**  
**PATRICK GUBBINS, BLM, QUARTERLY UPDATE.**

Patrick Gubbins, Price Area Director replacing Dick Manus provided the following update:

- San Rafael Resource Forum, they will be holding another presentation. They will be talking about what a monument is and what it is not.
- They will have tours to the San Rafael every Saturday in October. A guide from the BLM will point out the geology, paleontology, mining and history of the area.
- Wild and Scenic Rivers Process Meeting will be held on the 3<sup>rd</sup> of October. They are in the eligibility process. Wild and Scenic Rivers will be a part of the BLM's Resource Management Plan.
- U.S. Gypsum is interested in starting up again.

**(2)**  
**DELENA FISH, DWS, QUARTERLY UPDATE**

Delena Fish, Department of Workforce Services provided the following update:

- Their new building is nearly completed. They will be operating from the new building by the end of November.
- She reviewed a report from the Regional Council on employer services.
- She reviewed an executive summary on the dynamics of leaving welfare: a study of long term welfare recipients in Utah.
- She reviewed the Department of Workforce Services customer survey results.

(3)

**MIKE MCCANDLESS, EMERY TELCOM, QUARTERLY UPDATE.**

Mike McCandless, Emery TelCom provided the following update:

- The Call Center in Orangeville will be doing a portion of a survey for the Department of Workforce Services.
- The annual BBQ was well attended.
- They have hired a Video Production Specialist. He will be producing the advertising videos that will be telecast through the local channels.
- DSL is doing far better than they anticipated. They have approximately 1200 subscribers.

He relayed the Economic Development Council's endeavor to achieve 8A status. The 8A status is a bidding process for receiving federal contracts. The Bush Administration is pushing to have federal contracts taken out of the metropolis areas and into the rural areas. Achieving 8A would give Emery County good potential for employment opportunities.

(4)

**JOAN TAYLOR, DISCUSSION OF SCENIC BYWAYS.**

Joan Taylor discussed the future plans for the Scenic By-way Huntington Eccles Canyon. They will be having a conference on December 3, 2002 at 1:00 p.m. at 90 North 100 East in Price, Utah to discuss projects for the winter. She asked what they can do to help the county.

(5)

**KATHY HANNA, DISCUSSION OF LOW WATT INFORMATION RADIO SYSTEMS.**

Kathy Hanna provided information on a project that has been three years in the works. The project is for three low watt radio stations along the scenic by-way in Huntington Canyon, Scofield and Fairview Canyon. The stations will keep people informed of road conditions, avalanche dangers, hunting information, etc. They need \$21,000.00 to fund this project and are here to request funds to assist in this project. They have received funds from Carbon County and will be going before Sanpete County Commissioners next. Commissioner Johnson indicated that the Commission will need to look at where the Dues & Contributions line item is and will get back with her.

**(6)****CITIZEN CONCERNS.**

Zoning Administrator Bryant Anderson discussed requests from people showing interest in getting good timber off the mountain before the bark beetles get it. Emery County adopted a timber ordinance last year to regulate the manner in which timber is harvested. It now requires a Level II Conditional Use Permit. A permittee must have a harvest plan and a licensed forester must oversee the harvesting process to protect the watershed and roads. Mr. Anderson indicated that he does not have the funds in his budget to hire a licensed forester. He indicated that there are two property owners ready to harvest anytime now. The Commissioners questioned whether the county should pay for the forester or if the permittee should pay. After discussion on this issue the Commissioners recommended to have the two permits that are ready, go through the Planning & Zoning process for approval. After the process is complete then Mr. Anderson can come back to the Commissioners to look at who, what and how to pay for the licensed forester.

Kathleen Truman, State History discussed the Pioneer Museum window project. Emery County has received a \$6,500.00 grant from State History to replace the windows in the Pioneer Museum. She has received the bids for the replacement windows, however the bids were not comparative as one bid was for double pane and one was for single pane. Commissioner Drew Sitterud made a motion to have Ms. Truman get comparative bids on single pane replacement windows. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(7)****CONSIDERATION OF APPROVAL OF RESOLUTION REQUESTING RE-CERTIFICATION OF THE CASTLE DALE/GREEN RIVER JUSTICE COURTS IN EMERY COUNTY.**

Commissioner Ira Hatch made a motion to approve Resolution 10-01-02 re-certifying the Castle Dale and Green River Justice Courts in Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)****RATIFICATION OF RIGHT-OF-WAY UTU-78808 AND TEMPORARY USE PERMIT UTU-78808-01 FOR SOUTH MOORE CUT-OFF ROAD.**

Commissioner Ira Hatch made a motion to ratify the signing of a right-of-way UTU-78808 and Temporary Use Permit UTU-78808-01 for South Moore Cut-off Road. The motion was



seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF CIRCUIT BREAKER, VETERAN, BLIND TAX, AND OTHER ABATEMENTS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the list of low income abatements (Circuit Breaker) for 2002. All applicants have met the qualifications. Commissioner Ira Hatch made a motion to approve the 2002 applications for low income abatements. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

An application from Mary Jo Gravely was discussed. Ms. Gravely wrote a letter to the Commission requesting consideration for a low income abatement. The low income abatement is based on prior years income. Because of this qualification Ms. Gravely would not qualify as her income exceeded the allowable amount of \$23,879.00 for the year 2001. Her husband passed away in 2002 and her income dropped. Ms. Gravely requested to be considered on the basis of her income and ability to pay her taxes this year. Commissioner Drew Sitterud made a motion to grant a low income abatement in the amount of \$689.62 which is the amount she would qualify for under the low income abatement qualifications. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CHANGES.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the Board of Equalization changes for 2002. Commissioner Ira Hatch made a motion to approve the BOE changes for 2002 as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF AGREEMENT FOR PUBLIC DEFENDER SERVICES.**

Attorney David Blackwell indicated that David Allred, the current Public Defender agreed to the same contract. Mr. Blackwell recommended changing the dates to reflect the new year and continue with the same contract. Commissioner Drew Sitterud made a motion to continue with the same contract with David Allred as Public Defender. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(12)**  
**CONSIDERATION AND APPROVAL OF INTERAGENCY CONTRACT BETWEEN EMERY COUNTY AND UTAH DEPARTMENT OF WORKFORCE SERVICES FOR SURVEYS.**

The contract has been reviewed by Attorney David Blackwell and he recommends approval. Commissioner Ira Hatch made a motion to approve the Interagency Contract between Emery County and Utah Department of Workforce Services for customer satisfaction survey. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(13)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #150017 through and including #150141 for payment.

Requisitions were presented for the following:

<b><u>REQUISITION</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>	<b><u>ACTION</u></b>
58-02	Computer Sheriff/Drug Task Force Grant	\$1,059.00	Approved
59-02	Wireless Bridge History	425.00	Approved
60-02	Carpeting Airport	1,352.33	Approved

There were no dispositions.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims and requisitions for payment. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(14)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Pat Snowball, Personnel Director presented the following personnel action:

**Road Department**

The Road Department posted the lubrication specialist/mechanic position “in-house” and there was no interest. They requested approval to hire Mark Seely who was the alternate choice from the recruitment in July. This position is full time, 12A \$10.89/hr. Commissioner Ira Hatch made a motion to approve hiring Mark Seely as lubrication specialist/mechanic. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**Sheriff's Department**

Currently, there are two positions available at the Sheriff's Department. Request was made to hire two individuals from the latest testing which occurred in July. The position is Dispatch at 10A \$10.77/hr. Commissioner Drew Sitterud made a motion to approve hiring two individuals from the latest testing as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Ira Hatch made a motion to approve the minutes dated September 17, 2002 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)**

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud informed the Commissioners that the water masters will be on board in the eligibility process for the Wild and Scenic Rivers.

*Commissioner Johnson*

COMMISSION MEETING MINUTES  
OCTOBER 1, 2002

Commissioner Johnson reported on Public Lands Day. They had a small turnout but accomplished good things. They put up fences, worked on trails and cleaned up around the area of Swasey's Cabin.

*Commissioner Hatch*

Commissioner Hatch reported that he and James Nielsen attended a Weed & Mosquito Conference where they received information about the West Nile Virus. The closest incident has been found in Mesa County, Colorado. The virus has hopped all over the United States. The Weed & Mosquito Department will be checking regularly for the virus.

Commissioner Hatch indicated he met with other county officials regarding centrally assessed issues. The county needs to get the message out to the public on the centrally assessed problem.

(17)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

OCTOBER 15, 2002

Present at the meeting was Commission Chairman Randy Johnson. Commissioner Drew Sitterud, Commissioner Ira Hatch, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Hadan Hatch. The Pledge was led by Nevin Jensen.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 150313 through and including #150486 for payment.

Requisitions were presented for the following:

<b><u>REQUISITION</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>	<b><u>ACTION</u></b>
61-02	Matko Remote Display Landfill	1,397.00	Approved
62-02	Electric Chain Hoist Highway	3,195.00	Approved
63-02	Floor Covering Airport	1,849.80	Approved
64-02	HP Laserjet Printer Planning/Zoning	385.28	Approved

There were no dispositions.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List and requisitions as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all

2

COMMISSION MEETING MINUTES  
OCTOBER 15, 2002

members present.

(2)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

There were no items for consideration.

(3)

**CITIZEN CONCERNS**

There were no citizen concerns.

(4)

**DEB DULL, UTAH POWER, INTRODUCTION OF HUNTINGTON PLANT MANAGER AND QUARTER UPDATE.**

Deb Dull introduced Dave Sharp, Huntington Plant Manager. Mr. Sharp reviewed some of the things he has been involved in and things coming up. Huntington Plant is in overhaul on Unit #1.

There are approximately four hundred to five hundred workers in the county until late November.

Mr. Sharp will be involved with working with all parties to relieve the water problems at Electric Lake. They are recommending a long term fix for the lake. Work on Unit Four has not been announced yet. They will not know anything until the first of the year.

(5)

**DELAMAR GIBBONS, REPUBLICAN CANDIDATE FOR UTAH STATE LEGISLATURE, DISCUSSION OF ISSUES OF CONCERN FOR EMERY COUNTY AS THEY RELATE TO THE STATE OF UTAH.**

De LaMar Gibbons, Republican candidate for Utah State Legislature from Blanding addressed the Board of Commissioners. Mr. Gibbons provided a brief credit background and presented his platform for possible election to the Utah State Legislature.

(6)

**DISCUSSION OF UPDATING/AMENDING ORDINANCE 5-5-93A- COUNTY PURCHASING POLICY.**

Commissioner Ira Hatch made a motion to table this item for now. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF DIVISION ORDER FROM COASTAL PLAINS ENERGY, INC.**

Emery County holds some interest in Coastal Plains Energy, Inc. which is in the process of being sold to another company. Signing the order is part of the process for the sale. Commissioner Ira Hatch made a motion to approve signing the division order for Coastal Plains Energy, Inc. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF EMPLOYMENT CONTRACT FOR ARCHIVES ASSISTANT.**

Kathleen Truman, State History Director explained that the contract with Dottie Grimes has run out. She has been off work for two weeks as per policy for up to ninety day assignments. The history archives project that Dottie has been working on is not complete. Kathleen requested another up to ninety day assignment for Dottie to finish the project. Commissioner Ira Hatch made a motion to approve another up to ninety day assignment for Dottie Grimes as History/ Archives assistant. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF FY2003 TENTATIVE BUDGET FOR EMERY COUNTY, CASTLE VALLEY SPECIAL SERVICE DISTRICT AND OTHER ENTITIES AS REQUIRED BY LAW.**

Clerk/Auditor Bruce Funk presented the tentative budget for Emery County, Castle Valley Special Service District and other entities. As the Board of Commissioners instructed the budget begins with last years budget figures. It does not reflect any changes in personnel, salary and/or wages or requested equipment. It does not reflect any revenue as a result of the annexation in Green River. It is simply a starting point for determining the 2003 budget. Castle Valley Special Service District will be meeting on the 17<sup>th</sup> to approve their tentative budget. Mr. Funk

COMMISSION MEETING MINUTES  
OCTOBER 15, 2002

recommended approval of their budget based upon review and approval. Commissioner Drew Sitterud made a motion to approve the 2003 Tentative Budget for Emery County and Castle Valley Special Service District pending review of their tentative budget. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Ira Hatch made a motion to table the minutes. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)**

**COMMISSION REPORTS**

*Commissioner Ira Hatch*

Commissioner Hatch reported on attendance at Farm Bureau Policy Development Committee where the board went on record in support of the creation of a monument on the San Rafael provided the key issues of water and access were addressed.

*Commissioner Drew Sitterud*

Commissioner Sitterud reported on developments regarding Electric Lake. He met on the San Rafael with a geological mapping group who expressed concern and support for the monument proposal.

*Commissioner Randy Johnson*

Commissioner Johnson reported that Emery County's National Heritage Legislation has been attached to an omnibus package. There is every indication that it will pass. We should know something soon.

**(12)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL**



5  
COMMISSION MEETING MINUTES  
OCTOBER 15, 2002

**MATTERS.**

An executive session was not necessary.

**(13)**  
**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 19, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Ira Hatch, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Commissioner Drew Sitterud. The pledge was led by Commissioner Randy Johnson.

(1)  
**DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Deb Dull was not able to attend the meeting.

(2)  
**CONSIDERATION AND APPROVAL OF FINANCIAL CONTRIBUTION TO THE QUIVIRA COALITION CONFERENCE.**

This is a request that came from members of the Public Lands Council. The Quivira Coalition is a group of ranchers, environmentalist and other people that are doing collaborative work in New Mexico and Four Corners area. The coalition will be beneficial to the agricultural proponents in the County. Commissioner Ira Hatch made a motion to contribute \$250.00 to the Quivira Coalition. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)  
**CONSIDERATION AND APPROVAL OF FINANCIAL CONTRIBUTION TO GREEN RIVER HIGH SCHOOL CLOSE-UP PARTICIPANTS.**

Commissioner Ira Hatch made a motion to contribute \$250.00 to Green River High School's Close-Up Program. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**ANN MINNICK, CONSIDERATION OF PROPERTY TAX ABATEMENT.**

Leslie Bolinder read a request from Ann Minnick. Ann lives off of \$545.00 a month from SSI. Up until this year her daughter has been paying the property taxes for her, however she is now attending college and will not be able to pay the taxes. Ms. Minnick requested abatement of her taxes for 2002. Commissioner Drew Sitterud made a motion to abate \$151.91 which is the full amount of her property tax for 2002. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

**ELIZABETH TERRILL, CONSIDERATION OF PROPERTY TAX ABATEMENT.**

Elizabeth Terrill was recently diagnosed with cancer. The only money she has coming in is from Family Services. She requested an abatement of property taxes for 2002. Treasurer JoAnn Behling informed the Commission that she does owe back taxes from 1999. She will be in jeopardy of having the property listed on the tax sale. Commissioner Drew Sitterud made a motion to abate 2002 property taxes in the amount of \$719.48. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**RICK BENSON, CONSIDERATION OF PROPERTY TAX ABATEMENT.**

Rick Benson, Rocky Mountain Baptist Mission informed the Commission as to the use of buildings on their ranch property. Assessor, Jim Fauver explained that the ranch property does not qualify under the religious exemption. It is used as a religious retreat whereby groups pay for using the ranch as well as benefit financially from the sale of animals who are trained by attendees at the ranch. To qualify for religious exempt status they cannot receive any funds to subsidize the use. The Board of Commissioners agreed to abate fifty percent of the property tax for 2002. Commissioner Ira Hatch made a motion to abate \$753.88 which is fifty percent of the tax due for 2002. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**MAYOR JOHNSON, GREEN RIVER CITY, REQUEST FOR DONATIONS FROM EMERY COUNTY AND REIMBURSEMENT FOR LEGAL COSTS ASSOCIATED WITH ANNEXATION.**

Mayor Glen Johnson, Green River City addressed the Board of Commissioners. He pointed out that when the annexation started in 1999 an analysis had to be conducted. He reviewed the analysis with the Commissioners. The analysis and attorney fees were paid by Green River City. Emery County contributed \$25,000.00 to Green River City to assist with the cost leaving a balance of \$13,032.93 owing. Mr. Johnson requested to have Emery County pay the balance. Commissioner Johnson expressed concern that Emery County agreed to pay half of the cost and has already paid more than half of the \$38,032.93 total cost. Mr. Johnson asked the Commission to take into consideration where the Transient Room Tax is generated. Approximately \$120,000.00 is generated by TRT for Green River City and Emery County depending upon the economy. Commissioner Johnson explained that Emery County will not see any additional revenue as a result of the annexation. It was the State Tax Commission's decision that the newly annexed part of Green River is not considered new growth and will be factored in with the overall county base. Emery County will take into consideration where Transient Room Tax is generated.

Mayor Johnson thanked Commissioner Johnson for his years of service to the county.

(8)

**CITIZEN CONCERNS**

Commissioner Sitterud asked that the elected officials stay after the meeting to help plan the employee appreciation dinner.

Assessor Jim Fauver presented a contract with State Tax Commission for Motor Vehicle reimbursement. Emery County has opted for the reimbursement and will run the motor vehicle through the County rather than have the state provide the service. Reimbursement from the state has raised slightly. Commissioner Ira Hatch made a motion to approve the contract with State Tax Commission for Motor Vehicle reimbursement. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

The Board of Commissioners received a request from Clawson Town. There is a piece of property in Clawson that was sold at a county tax sale. The woman that picked up the property was issued an auditor's tax deed. Taxes were never paid after that. The property reverted back to the county. Clawson Town would like to have the property deeded to them to develop a ball field.

Commissioner Drew Sitterud made a motion to proceed with the process to quick claim the

property to Clawson Town. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF COMMISSIONER ADJUSTMENTS FOR BOARD OF EQUALIZATION.**

Assessor James Fauver recommended Board of Equalization adjustments for the following: Lanette Ularich, Four Corners Mental Health, Karen Ward, Gary Flucky, Bill Bloomer and Roy Oviatt. Commissioner Drew Sitterud made a motion to accept the Board of Equalization adjustments as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF CONTRACT #021968 AMENDMENT WITH DIVISION OF STATE HISTORY.**

Kathleen Truman, State History presented Contract #021968 which is an amendment with the Division of State History for the continuing support of the Emery County Archives. Commissioner Ira Hatch made a motion to approve Contract #021968 continuing funding for the Emery County Archives program. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF HUNTINGTON AIRPORT CONTRACT RENEWAL.**

Commissioner Ira Hatch discussed increasing the contract amount paid to Troy Atwood for the Huntington Airport service contract. He recommended increasing the contract by \$100.00 per month and extending the contract to a four year contract. Commissioner Ira Hatch made a motion to increase the Airport Service Contract by \$100.00 per month and extend the contract to a four year contract. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**OPEN BIDS FOR PARTIAL CONSTRUCTION OF THREE BAYS FOR SANDER SHED. CONSIDERATION AND APPROVAL OF BID AWARD.**

Clerk/Auditor Bruce Funk opened bids for the construction of three bays for the sander shed at the Road Shop. Bids were received from Stilson Construction for \$8,971.00 and Ernie Jensen Construction for \$11,500.00 . Both bids included labor and materials. The beams and bolts will be paid for by the Highway Department and are not part of the bid. Commissioner Ira Hatch made a motion to award the bid to the low bidder Stilson Construction for \$8,971.00. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH FOR FUNDING FOR RS2477 RIGHTS-OF WAY AND GIS PROGRAMS.**

Commissioner Drew Sitterud made a motion to approve a contract with the State of Utah for funding RS2477 Rights-of-Way and GIS programs providing a \$27,270.00 grant for mapping B & D Roads in Emery County. The motion was seconded by Commissioner Ira Hatch and approved by all members present. The State of Utah expects a final product at the end of this contract.

(14)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AAND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #151009 through and including #151213 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
65-02	Lightbars, sirens, speakers Sheriff	4,796.10	Appro ved
66-02	Videos/Gift Employee Appreciation Commission	500.00	Approved
67-02	Service Awards/Employee Appreciation		

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	Commission	1,400.00	Approved
68-02	Software/Back-up Executive Data Processing	365.30	Approved
69-02	Microfilm Digital Reader/Scanner Recorder	8,068.00	Approved
70-02	Digital Camera w/accessories Highway	500.00	Approved
71-02	Water Temperature Control Regulator Sheriff	475.00	Appro ved
72-02	Refrigerant Recovery & Recycling Equip. Highway	1,628.16	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
210-6684	Computer Parts/Sheriff	Junked	Approved
210-5041	Computer/Sheriff	Junked	Approved

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, Requisitions and Dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Library

The janitor in Elmo, Deanna Hansen, has submitted her resignation to be effective December 15, 2002. Request was made to open the recruitment process for this position. It is 10 hours/week beginning at \$5.15/hr. Commissioner Drew Sitterud made a motion to approve beginning the recruitment process for a janitor at the Elmo Library. The motion was seconded by

Commissioner Ira Hatch and approved by all members present.

### GIS

GIS requested approval of the hiring of Shawnee Barnes, temporary, up to 90 days starting October 30, 2002 and ending December 31, 2002 at a wage of \$7.50/hr. Commissioner Drew Sitterud made a motion to approve the temporary up to 90 day hire of Shawnee Barnes as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

### Road Department

The Road Department requested approval of the hiring of Clifford Kemple, temporary, up to 90 days starting October 30, 2002 and ending December 31, 2002 at a wage of \$10.26/hr. Commissioner Ira Hatch made a motion to approve

### Public Lands

Request was made to hire Ray Petersen as Public Lands Administrator, beginning with the pay period of October 28, 2002. This is a full time position with benefits, Grade 26 Step J \$23.92/hr. This is an FLSA exempt position. Commissioner Ira Hatch made a motion to approve the hiring of Ray Petersen as Public Lands Administrator as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

### Economic Development

Marlin Eldred has completed his six-month orientation November 20, 2002 and is eligible for his six-month increase. Request approval for a pay increase from 18M \$18.25/hr., to 18N \$18.68/hr., effective the pay period beginning November 25, 2002. Commissioner Drew Sitterud made a motion to approve the pay increase for Marlin Eldred as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

### Sheriff's Office

Sheriff Guymon requested approval to begin the recruitment process for an entry level law enforcement position. Toshia Huntington, corrections secretary, will now be training as a matron, therefore he requested to begin the recruitment process for a corrections secretary to replace Toshia. Commissioner Drew Sitterud made a motion to approve beginning the recruitment process for an entry level law enforcement position and a corrections secretary. The motion was seconded by Commissioner Ira Hatch and approved by all members present. Sheriff Guymon request permission to go ahead and hire for these positions per approval by Commission and ratify the hires in the next Commission Meeting. Permission was granted.



Motorized Equipment and Vehicle Policy (MEV).

The Risk Management Accident Review Committee has been working on the Motorized Equipment and Vehicle Policy for over a year. This policy is a result of Utah Association of Counties Insurance Mutual. The county receives discounts on premiums if a procedure and policy for handling vehicles is in force. The Review committee is made up of individuals from various departments of the county. After review of the policy Commissioner Ira Hatch made a motion to accept the Motorized Equipment and Vehicle Policy as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Ira Hatch made a motion to approve Commission Meeting minutes dated October 15, 2002 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all member present.

**(17)**

**COMMISSION REPORTS**

*Commissioner Johnson*

Commissioner Johnson announced that Commissioner Ira Hatch and Sheriff LaMar Guymon have both been elected to UAC board positions.

*Commissioner Sitterud*

Commissioner Sitterud reported that he and a special board will meet with the Natural Resources Board about the Wild & Scenic Rivers Act. They have had some success on the forest but on the BLM we didn't drop a river. They still have every dry wash and every river out there. They will be asking the Natural Resource Board for some help at a State level. The agreement between the federal government and the county expires as of October 30, 2002. They will ask to have wording in the new agreement that the BLM has to live by the law of the bill. One of them being that no river can be polluted. They stated that all the rivers coming out of the desert are highly polluted with salt. The BLM said it did not matter. They will also ask Representative Johnson to run a bill that basically says the state has all water rights and federal government can't take a water right without approval of the state legislature.

*Commissioner Hatch*

Commissioner Hatch reported on the progress of Moore Cut-Off Road. We hope to have that out to contract by April 2003. Consol Road Project, the asphalt has been held up because of the cold. They will be waiting until spring to finish. The BLM has indicated that their travel plan will be out in January or February. We will be interested to see how the plan overlaps our RS 2477 road system. Department of Workforce Services will be moving into their building next week and will hold an open house in early December.

**(18)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An Executive Session was not needed.

**(19)**

**OTHER BUSINESS**

Norma Dean Hawkinson, Travel Council requested to be made an employee so her withholding taxes would be taken care of. After discussion on this matter Commissioner Ira Hatch made a motion to make Norma Dean Hawkinson a county employee, 20 hours or less, same pay rate as she is already receiving with no benefits. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Randal Stilson expressed concern for Joe's Valley Reservoir Boat Ramp. The Commission will need to put pressure on the Forest Service to get something done. Commissioner Hatch reported that there is an Environmental Analysis and an Archeological study being conducted expected to be complete by fall of 2003. They estimate the cost to be \$ 200,000.00 put in a new boat ramp.

Clerk/Auditor Bruce Funk asked to have budget meetings set. Commissioner Drew Sitterud made a motion to set Friday, November 22, at 1:p.m. and Monday, November 25, at 9:a.m. for budget meetings. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(20)**

**ADJOURNMENT**

10

Commission Meeting Minutes  
November 19, 2002

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

DECEMBER 3, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Drew Sitterud, Commissioner Ira Hatch, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Ray Petersen. The Pledge was led by Commissioner Randy Johnson.

(1)

**DR. GLEN JENSEN, DISCUSSION OF ANIMAL CONTROL FEES.**

Dr. Glen Jensen, Veterinarian, Emery Animal Health discussed current animal control fees. He proposed changing the current fees to the following:

Licensing:	W/ID Chip	w/o ID Chip
Spayed/Neutered:	\$5.00	\$10.00
Not altered:	\$25.00	\$30.00
Late Fee:	\$15.00	

Impounds: \$20.00 2<sup>nd</sup> offense= \$30.00 3<sup>rd</sup> offense= \$45.00

Impound fee can be used for AVID chip  
Emery Animal Health gets \$18.00  
Emery County gets \$2.00 + boarding

Boarding in shelter: \$5.00/day first week  
\$7.50/day additional days/weeks

Impounds with animals with AVID chips:  
1<sup>st</sup> offense \$5.00 + boarding  
Any additional offense is regular price.

Current fees are the following:

Impound fees are \$10.00 (that includes 1<sup>st</sup> offense, 2<sup>nd</sup> offense, 3<sup>rd</sup> offense, etc.)  
Boarding in shelter is \$2.00/day (some animals are kept for long periods of time due to special circumstances including court orders and sheriff's department reasons) Licensing and late fees vary from city to city.

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Dr. Jensen explained that the AVID chip is an identification chip used for identifying animals and their owners. It is placed under the skin and is very effective in identifying the owner immediately and aids in preventing boarding of the animal. He pointed out that the impound fee could be used to pay for the AVID chip. Dr. Jensen charges \$22.50 to have the chip placed in an animal. He pointed out that the amount is much lower than in other areas. He would like to see the statistics change in the county and felt that implementing the proposed changes would be a step in the right direction for bringing about those changes. Dr. Jensen asked for the Board of Commissioners consideration on the proposed fee changes. He asked if they could be implemented by January 2003 if possible.

Commissioner Johnson indicated that the Board of Commissioners would meet with the county attorney and discuss the proposed changes and get back with him as soon as possible. They will discuss this again in the first meeting of January 2003.

(2)

**DIANE TADEHARA, PRESENTATION OF YOUTH AND FAMILIES WITH PROMISE PROGRAM.**

Diane Tadehara, Youth and Families with Promise Program explained that the program began in Logan and has become a model across the nation as a youth mentoring program. The program mentors 10 to 15 year olds in successful life skills. They have identified forty developmental assets that determine success. Mentors are assigned to youth to help them achieve the skills needed to be successful in life. They have two levels of mentors, a young adult mentor such as a high school or college student and a grand mentor which is a responsible adult. The young adult mentor meets with the youth weekly and the grand mentor meets with the youth one to two hours a month. Ms. Tadehara requested the Board of Commissioners allow employees to volunteer to be grand mentors during their regular work time and have the county pay for that time.

Commissioner Johnson expressed concern that the youth are in school during the same time that employees are working. Ms. Tadehara suggested that maybe the employee could be allowed to leave one to two hours early perhaps on the last Friday of the month. Commissioner Johnson indicated that they would have to meet with the elected officials and department heads to see if they would be willing to let an employee be involved in the program. Employees could volunteer to do this on their own time after work.

(3)

**CONSIDERATION AND APPROVAL OF PROJECT APPLICATION AND GRANT AGREEMENT FOR STATE AID FOR DEVELOPMENT OF PUBLIC AIRPORTS.**

Commissioner Hatch explained that Monte Yeager, Utah Department of Transportation, Division of Aeronautics had visited the airport and suggested some improvements be made.

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Huntington Airport is currently on the last list for improvements. They realize the importance of rural airports. Commissioner Hatch has been working with the division to gain approval to move ahead with improvements at the airport. The long term plan is for widening the runway shoulders to allow for lighting, drainage to divert water from the runway and an automated unicom which reports airport weather conditions to pilots. Emery County has received approval for a 90/10 grant to provide the improvements. The estimated cost will be approximately \$220,000.00. Commissioner Hatch has met with Special Service District #1 and they agreed to provide the 10% match. Commissioner Ira Hatch made a motion to approve the project application and grant agreement for state aid for development of public airports and to have SSD #1 provide the 10% match. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(4)**  
**CONSIDERATION AND APPROVAL OF HIGHWAY SAFETY PROJECT APPLICATION.**

Sheriff Guymon indicated that this is the Safe Communities Grant. It is a continuation of the same grant as in years past. The grant is for \$16,000.00. Commissioner Drew Sitterud made a motion to approve the Highway Safety Project Application and accept it as it as written for \$16,000.00. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(5)**  
**RATIFICATION OF CONTRACT WITH STATE MOTOR VEHICLE.**

During Commission Meeting November 19, 2002 the Board of Commissioners signed the contract with State Motor Vehicle because of time constraints. They now need to ratify the signing of that contract. Commissioner Ira Hatch made a motion to ratify the signing of a contract with State Motor Vehicle. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(6)**  
**APPOINTMENT TO EMERY COUNTY TRAVEL BUREAU.**

Commissioner Ira Hatch explained that the Travel Bureau is made up of 3 members from the east part of the county 3 from the west part and 3 at large members. One member from the east part of the county has resigned. The Emery County solicited for applications to replace the board member from the east. The applications have been screened by the Travel Council and recommend Olive Anderson to fill the remainder of the vacated term. Commissioner Ira Hatch

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made a motion to appoint Olive Anderson to fill out the term that was vacated. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**DISCUSSION AND APPROVAL OF INSTALLATION OF YARD LIGHT AT FERRON SENIOR CITIZEN CENTER.**

Commissioner Sitterud explained that a couple of weeks ago a senior citizen had a fall coming out of the Ferron Senior Citizen Center after dark due to inadequate lighting. He suggested placing a yard light, possibly two in the parking lot to make it as safe as possible. Maughn Guymon, Director, Area Agency on Aging indicated his department has enough money to pay for one of the lights. Commissioner Drew Sitterud made a motion to look at installing two yard lights in the parking lot at the Senior Citizen Center in Ferron, to get the one light that we have the funds for and look at where to get the funds for a second light. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**SETTING OF DATES FOR BUDGET MEETINGS**

Commissioner Ira Hatch made a motion to set Monday, December 9, 2002 at 9a.m. for budget meeting to be extended as needed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF TAX ADJUSTMENT.**

Treasurer, JoAnn Behling discussed three tax adjustments. Duane Christensen was taxed twice. The amount of his tax adjustment is \$142.47. Commissioner Drew Sitterud made a motion to approve a tax adjustment in the amount of \$142.47 for Duane Christensen as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present. Utah Housing Finance Agency should have been exempt. Commissioner Ira Hatch made a motion to approve the exempt status for Utah Housing Finance as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Lee McElprang should have been put back on green belt and it was missed. Commissioner Drew Sitterud made a motion to put Lee McElprang back on green belt for the 2002 tax year. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**DISCUSSION OF COUNTY ORDINANCE TO PROVIDE FOR THE RECOVERY OF EXPENSES INCURRED BY EMERY COUNTY IN THE CLEAN-UP OF ANY HAZARDOUS MATERIAL.**

Sheriff Guymon explained that this gives Emery County the authority to recoup damages when we have to clean-up hazardous materials. Commissioner Johnson indicated Emery County will need to review the ordinance and go through the public process to set the ordinance. Commissioner Ira Hatch made a motion to proceed with the public process to review and take action on an ordinance to provide for the recovery of expenses incurred by Emery County in the clean-up of any hazardous material. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)**  
**CONSIDERATION AND APPROVAL OF RESOLUTION TO PROVIDE BINDING COMMITMENT FOR NMS TRANSMITTER.**

Commissioner Ira Hatch made a motion to table this matter for clarification of wording in the document. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(12)**  
**CITIZEN CONCERNS**

Mesia Nyman, Forest Service District Ranger and Gary Cornell, Utah State Division of State Lands and Forestry presented the Board of Commissioners with a plaque thanking them for the years of support and cooperation. Because of this support they were able to minimize the loss to public and lands during the 2002 fire season. Gary Cornell presented Commissioner Johnson with a pin in appreciation of the years working with him as a commissioner.

Sheriff Guymon presented a contract with the state to purchase surplus property. After looking over the list of names it was noted that Rex Funk was omitted from the list. Commissioner Ira Hatch made a motion to approve the contract with the state for surplus property and to add Rex Funk to the list. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Louis Berg, Division of Wildlife Resources presented a quarterly report as follows:

- ✦ Louis will be leaving January 3, 2003 to work in Idaho. He thanked the commission for their support.
- ✦ Law enforcement has seen an increase in poaching.
- ✦ Elk herd in Dirty Devil has seen an increase.



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- ✦ Big Horn Sheep Festival in Moab is an annual event encouraged people to attend.
- ✦ They have found 14 known populations of native cutthroat trout that are 99% genetically pure.
- ✦ Rotenone treatment project in Duck Fork was successful.
- ✦ They will be rebuilding Ferron Reservoir Dam. He solicited support for rotenone treatment of brook trout in the reservoir while they are draining it for repairs.
- ✦ He reported on a fish kill problem in Rigley Springs. The kill was from excessive nutrients in the lake.
- ✦ Mary's Lake has a pipeline problem. The pipes have fallen in disrepair. In order to fix the pipes they need to have water rights from the irrigation company. They have the funding to pay for the repairs and are working on the details. The goal is to keep Mary's Lake as a fishing lake.
- ✦ Electric Lake will be empty by March if they can not drill to provide additional water. This could have a huge effect in many areas.
- ✦ There is a population of Burio Toads at Rush Lake. The toads are a sensitive species that have the potential of being petitioned to place on the endangered species list. DWR wants to do a survey using mitigation funds.
- ✦ They will be surveying streams have not been documented for round tail chub and succors.
- ✦ Joe's Valley, working to get a new boat ramp. Possibility of funding for low water ramp through the state.

At the end of his report Louis asked for support for the rotenone treatment for Ferron Reservoir rotenone treatment and using mitigation funds to do the buiro toad survey. Commissioner Johnson had some concern for doing a survey on burio toads. Having them listed a an endangered species could backfire. Commissioner Ira Hatch made a motion to approve rotenone treatment of Ferron Reservoir. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #151385 through and including #151578 for payment.

There were no requisitions.

Dispositions were presented for the following:

<u>ASSET</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
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410-7094	Parts Washer/Road Department	Credit given by Pierce Oil	Approved
146-4647	Typewriter/Assessor	Junked	Approved

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(14)****PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL PERSONNEL ACTION**Library

Kay Jeffs, Assistant Librarian in Castle Dale, completes her six-month orientation on December 5th. She is eligible for the six-month orientation raise from 4A \$8.04/hr., to 4B \$8.22/hr., effective the pay period beginning December 9, 2002.

Sharon Jensen, Assistant Librarian in Emery, complete her six-month orientation on December 20<sup>th</sup>. She is eligible for the six-month orientation raise from 4A \$8.04/hr., to 4B \$8.22/hr., effective the pay period beginning December 23, 2002. Commissioner Ira Hatch made a motion to approve the orientation raise for Kay Jeffs and Sharon Jensen as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Sheriff

In the last meeting Sheriff Guymon advised the Board Of Commissioners that he wants to promote Tosha Barnett to entry level law enforcement working with female inmates. She would go from Corrections Secretary 6A \$8.73/hr., to the entry level law enforcement rate of 10A \$10.77/hr. Commissioner Drew Sitterud made a motion to approve the promotion of Tosha Barnett to entry law enforcement as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

In the last meeting Sheriff Guymon requested approval to hire from the roster. Acting on that approval he hired Jeff Newland who began in Dispatch at 10 A \$10.77/hr., on December 2, 2002. Commissioner Ira Hatch made a motion to approve hiring Jeff Newland as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Travel Bureau

At the last meeting Commissioner Hatch requested approval to make Norma Dean Hawkinson,

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the Bureau's Executive Secretary, a part time employee working less than 20 hrs/wk., not eligible for benefits. This action will take effect beginning with the pay period of December 23, 2002 at a rate of Grade 8, Step C \$9.91/hr. Commissioner Ira Hatch made a motion to approve making Norma Dean Hawkinson a part time employee as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Treasurer

The Treasurer's Office requested approval to begin the recruitment process for a regular part time 3/4 time deputy treasurer beginning at a rate of Grade 4, Step A \$8.04/hr., eligible for prorated benefits. Commissioner Ira Hatch made a motion to approve beginning the recruitment process for a 3/4 time deputy treasurer as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Assessor

Request approval to transfer the whole of Kris Bell's sick bank to her husband Shaun Bell's sick bank in the event Shaun is a donor match for a liver transplant for his niece. If Shaun does not become a donor, the transfer of time will not occur. Commissioner Drew Sitterud made a motion to approve the transfer of time as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Ira Hatch made a motion to approve the minutes dated November 19, 2002 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)**

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported that the 1989 Chevrolet Astro Van in the Courthouse fleet which is currently being used by Extension is not working again. The van has over 181,000 miles on it and is not trustworthy. He has spoken with Sheriff Guymon to see if he has a vehicle that can be transferred to the courthouse fleet. Sheriff Guymon indicated he has a Crown Vic that could be transferred. Regarding the Joe's Valley Dam, Emery County will probably be asked for a 25% match on the grant project to construct a low water boat ramp. That will probably be done by the Road Department.

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(17)

**OTHER BUSINESS**

Joan Hubbert, Lands Specialist with BLM asked the Commission to please keep her apprized of any changes at the Huntington Airport.

(18)

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

DECEMBER 17, 2002

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Drew Sitterud, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by LaMar Guymon. The pledge was led by Drew Sitterud.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #151691 through and including #151844 for payment.

There were no requisitions.

There were dispositions for the following:

Asset #5131, a Panasonic Typewriter which was junked. Asset #6215, a Lifepak 300 Defibrillator which was traded in for a new one. Asset #5998, a Lifepak 300 Defibrillator which was traded for a new one. Asset #6226, a Smith Corona typewriter which was junked.

A request for participation in the cell phone reimbursement program was presented for Ray Petersen. The typical amount of \$45.00 a month was recommended.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims, dispositions and cell phone reimbursement request as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**Library

Request was made to hire Yvonne Oliver as Elmo Library janitor at \$5.15/hr/wk beginning December 18, 2002. She would not be eligible for benefits. Commissioner Ira Hatch made a motion to approve hiring Yvonne Oliver as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Tentative approval was given to transfer vacation/sick hours from Kris Bell's bank to Shaun Bell's bank in the event he may need the hours after recovering from a liver transplant for his niece. Clerk/Auditor Bruce Funk asked for tentative approval to request donated hours in the event Shaun may need the hours until his return to work. Commissioner Drew Sitterud made a motion to approve the donation of hours to Shaun as needed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Sheriff Guymon reported that Shaun and his niece are both recovering well from the surgery. Six year old Samrah is improving. Shaun will be graduating from Fred House Academy on Friday.

(3)

**CITIZEN CONCERNS**

Sheriff LaMar Guymon expressed thanks to Commissioner Randy Johnson for his years of support.

(4)

**5:30 P.M. PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON  
AMENDMENTS TO FY 2002 BUDGETS FOR THE EMERY COUNTY GENERAL  
FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS AND FOR THE  
CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Darrell Leamaster, Castle Valley Special Service District presented amendments to the 2002 budget. Mr. Leamaster pointed out that the district had to chip seal more streets than they had anticipated which in turn means more maintenance on these roads. As a result their Capital Projects Fund is over by \$107,000.00. He provided a breakdown of the operating budget as their board has met and approved.

Senior Deputy Clerk/Auditor Brenda Dugmore presented amendments to the 2002 budget for the

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general fund. She thanked the Commissioners for support of the Clerk/Auditor's suggestions.

Commissioner Ira Hatch made a motion to close the public hearing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Ira Hatch made a motion to recess for fifteen minutes. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**6:00 P.M. PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON FY 2003 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Darell Leamaster, Castle Valley Special Service District presented their 2003 budget.

Senior Deputy Clerk/Auditor Brenda Dugmore presented Emery County's 2003 budget for the general fund. The budget includes a 2% merit increase for employees.

Commissioner Ira Hatch made a motion to close the public hearing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF RESOLUTIONS ADOPTING FY2003 BUDGET FOR EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT AND AMENDING FY2002 BUDGET FOR ALL EMERY COUNTY FUNDS AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Drew Sitterud made a motion to approve Resolution 12-17-02B Amending the Castle Valley Special Service District 2002 budget, Resolution 12-17-02D amending the Emery County 2002 budget, Resolution 12-17-02C adopting the 2003 budget for Castle Valley Special service District and Resolution 12-17-02E adopting the 2003 Emery County budget. The motion was seconded by Commissioner Ira Hatch and approved by all member present.

(7)

**RE-APPOINTMENT OF MEMBERS TO THE EMERY COUNTY CAREER SERVICE COUNCIL.**

Commissioner Ira Hatch made a motion to re-appoint Judy Ann Scott, Randy Jensen and Keith Ware to the Career Council. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**  
**CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING EMERY COUNTY RESOLUTION NO. 4-6-99A PROVIDING FOR THE DISBURSEMENT OF MINERAL LEASE FUNDS TO THE SPECIAL SERVICE DISTRICTS IN EMERY COUNTY.**

It was proposed to distribute the mineral lease funds to the special service districts as follows:

- Special Service District #1 44%
- Castle Valley Special Service District 13%
- Recreation Special Service District 8%
- Fire Protection Special Service District 8%
- North Emery Water Users Special Service District 2%
- Municipal Building Authority of Emery County 25%

Commissioner Ira Hatch made a motion to approve Resolution 12-17-02A amending Resolution 4-6-99A to provide for disbursement of mineral lease funds as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)**  
**CONSIDERATION AND APPROVAL OF 2003 COMMISSION MEETING AND HOLIDAY SCHEDULE.**

Commissioner Drew Sitterud made a motion to approve the 2003 Commission Meeting Schedule and Holiday Schedule as follows. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

January 7, 2003	4:00 p.m.
January 21, 2003	9:00 a.m.
February 4, 2003	4:00 p.m.
February 18, 2003	9:00 a.m.
March 4, 2003	4:00 p.m.
March 18, 2003	9:00 a.m.
April 1, 2003	4:00 p.m.
April 15, 2003	9:00 a.m.
May 6, 2003	4:00 p.m.
May 20, 2003	9:00 a.m.
June 3, 2003	4:00 p.m.
June 17, 2003	9:00 a.m.



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July 1, 2003	4:00 p.m.
July 15, 2003	9:00 a.m.
August 5, 2003	4:00 p.m.
August 19, 2003	4:00 p.m. * To follow
Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.	
September 2, 2003	4:00 p.m.
September 16, 2003	9:00 a.m.
October 7, 2003	4:00 p.m.
October 21, 2003	9:00 a.m.
November 4, 2003	4:00 p.m.
November 18, 2003	9:00 a.m.
December 2, 2003	4:00 p.m.
December 16, 2003	4:00 p.m.

2003 Holiday Schedule

New Year's Day 2003	Monday	01-01-03
Human Rights Day	Monday	01-20-03
President's Day	Monday	02-17-03
Memorial Day	Monday	05-26-03
Independence Day	Friday	07-04-03
Pioneer Day	Thursday	07-24-03
Labor Day	Monday	09-01-03
Columbus Day	Monday	10-13-03
Veterans Day	Tuesday	11-11-03
Thanksgiving	Thursday	11-27-03
	Friday	11-28-03
Christmas Eve	Wednesday	12-24-03 (½ day)
Christmas Day	Thursday	12-25-03

(10)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH JCI BILLING FOR  
AMBULANCE BILLING SERVICES.**

Senior Deputy Clerk/Auditor advised the Commission of an increase in the amount JCI Billing charges per claim to process the ambulance billings for Emery County. Due to the cost of purchasing new software to keep up with new insurance and medicare procedures they are asking \$17.00 per claim. Commissioner Ira Hatch made a motion to approve the increase to \$17.00 per claim for JCI Billings to process ambulance claims for Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**INITIATE THE PROCESS TO ACCEPT APPLICATIONS FOR MEMBERS ON  
PUBLIC LANDS COUNCIL AND PLANNING COMMISSION TO FILL EXPIRED  
TERMS.**

Public Lands council has three members, Dennis Worwood, Dixon Huntington and Wes Curtis whose terms will expire December 31, 2002. Planning Commission has two members, Judy Ann Scott and Merrill Duncan whose terms will expire December 31, 2002. Commissioner Drew Sitterud made a motion to advertise for applications to fill the expired terms on Public Lands Council and Planning Commission. The motion was seconded by Commissioner Ira Hatch and approved by all members present. Commissioner Sitterud will check with by-laws for boundary requirements for both.

(12)

**APPROVAL OF BUSINESS LICENSE.**

Deputy Clerk/Auditor Carol Cox presented a business license for Amy Behling DBA: Farmhouse Frames and Decor. She has met all requirements for a conditional use permit. The application has been approved by Zoning Administrator, Bryant Anderson. Commissioner Drew Sitterud made a motion to approve a business license for Amy Behling DBA: Farmhouse Frames and Decor. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES.**

COMMISSION MEETING MINUTES  
DECEMBER 17, 2002

Commissioner Ira Hatch made a motion to approve the minutes dated December 3, 2002 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(14)

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported on the progress of lighting the parking lot at the Ferron Senior Citizen parking lot. A grant application is being sent off to the State Motor Boat to replace the boat ramp at Joe's Valley. Commissioner Sitterud suggested not going to Grand County to do any work until litigation is complete. He thanked Randy Johnson for the great job he has done for Emery County.

Commissioner Sitterud informed everyone of a new information number to call for weather information anywhere in the state. The number is #511.

*Commissioner Hatch*

Commissioner Hatch reported on the progress at the Huntington Airport. We will be widening the runway to accommodate new lighting. A unicom system for relaying weather and other information to pilots will be installed. We are moving ahead as quickly as possible. We are just waiting for the grant documents to come in from the state.

Commissioner Hatch reported he has met with Green River regarding Transient Room Tax. They are no closing to having a resolution to the problem. In light of new litigation, transient room tax will not be forth coming until after the first quarter of 2003. They will need to plan to operate the museum on their budget until this is cleared up. Grand County has indicated they will vacate the museum as soon as possible.

Commissioner Hatch expressed his appreciation to Randy Johnson. He has met up with some challenging issues in the last four years. Commissioner Johnson was presented with a plaque in recognition of his service to the county.

(15)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

8

COMMISSION MEETING MINUTES  
DECEMBER 17, 2002

Executive session was not necessary.

**(16)**

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

JANUARY 7, 2003

Present at the meeting was Commissioner Drew Sitterud, Commissioner Ira Hatch, newly elected Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Ray Petersen. The Pledge was led by Commissioner Drew Sitterud.

**(1)**  
**APPOINTMENT OF CHAIRMAN FOR 2003**

Commissioner Ira Hatch made a motion to appoint Commissioner Drew Sitterud as Commission Chairman for 2003. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(2)**  
**CONSIDERATION AND APPROVAL OF COMMISSION RESPONSIBILITIES.**

Commissioner Drew Sitterud proposed the following:

<u>Ira W. Hatch</u>	Animal Control	Ambulance AOG
Airport	Attorney	Assessor
BLM	Chamber of Commerce	Canyon Country
COG	Courthouse	Data Processing
Conservation LWG	Civil Defense	DWR
Extension	Fair	Economic Development
GR County Complex	Fire District	GIS
GR Medical Center	Justice Court	Housing Authority
Personnel	Landfill	Museum/History
Public Lands	Library	Nursing Home
Road Department	Mental Health	RC&D
Senior Citizens	Planning/Zoning	Recreation District
Travel Councils	Public Health	Recorder
Tri-County Water Bd.	Public Lands	TV/Communications
Weed/Mosquito	Treasurer	Sheriff
Work Force Services	USFS	Public Lands
	Wildland Fire	
	<u>Drew Sitterud</u>	
<u>Gary Kofford</u>	<u>Chairman</u>	

COMMISSION MEETING MINUTES  
JANUARY 7, 2003

Commissioner Gary Kofford made a motion to accept the Commissioner Responsibilities as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

**CLEAL BRADFORD, REQUEST USE OF BUILDING FOR HEAD START.**

Lynnette Hadden Mitchell, Executive Director of Rural Utah Child Development along with Cleal Bradford, came before the Board of Commissioners to make a formal request to use the old jail and sheriff offices. She provided a brief history of the Head Start program in the county. They are currently housed in a double wide trailer on a private lot owned by RUCD. The office space is located several blocks away in a rented office space. The two spaces are in separate buildings due to the small space available for the classroom. However, even with the two buildings the classroom is very limited in space. They are committed to serving children in Emery County but are in dire need of assistance to make this possible. Ms. Mitchell presented the following proposal that would provide a quality Head Start facility for Emery County:

- We would like the commission to consider allowing Head Start to use the old jail and sheriff offices. We understand that part of the building where the cells are, may not be usable. It appears to us that there is enough space without that area. The space is large enough that we would be able to house the total program in this building.
- We would like a long term lease for 10-15 years at a very small or no cost. This would allow us to put money into the building as time goes on for improvements.
- Head Start would sell the current lot and trailer and put that money into the remodeling of the new building.
- Head Start would assist Emery County in any way they can in obtaining additional funds for renovation if needed.
- Head Start would be responsible for all operational costs such as utilities, insurance, and maintenance.
- We understand that the Sheriff's Department will be using the building until summer. We would hope to be able to renovate during the summer months and start the Head Start year on schedule the first of September.

Earlier this week Commissioner Ira Hatch accompanied Ms. Mitchell and Mr. Bradford on a walk through the facility with Sheriff Guymon. He indicated that several other entities have expressed a desire to occupy the facility for office space. Commissioner Ira Hatch made a motion to take the proposal from RUCD as a serious proposal and to give them due consideration at the time of planning for use of the old jail and sheriff offices. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**CITIZEN CONCERNS**

There were no citizen concerns.

**(5)**  
**INITIATE THE PROCESS TO ACCEPT APPLICATIONS FOR APPOINTMENT TO  
CASTLE VALLEY SPECIAL SERVICE DISTRICT ADMINISTRATIVE BOARD.**

Commissioner Gary Kofford made a motion to advertise for applications to fill a vacancy on the Castle Valley Special Service District's Administrative Board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(6)**  
**CONSIDERATION AND APPROVAL OF EMS/AMBULANCE GRANTS.**

Sheriff Guymon explained that the grant money will be used to pay for training, to purchase new defibrillators, new pager towers and \$25,000.00 towards a new ambulance. Commissioner Ira Hatch made a motion to approve and sign documents to participate in the EMS and Ambulance grants program. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(7)**  
**CONSIDERATION AND APPROVAL OF INTER LOCAL AGREEMENT WITH  
ECSSD#1 FOR AIRPORT IMPROVEMENT PROJECTS.**

Commissioner Hatch explained that through the Utah Department of Transportation Aeronautical Division Emery County was able to obtain funds for an airport layout plan and improvements to Emery County's Huntington Airport. The funds will be used for widening the runway to provide lighting, drainage away from the runway, and an automated unicom communications system for relaying weather and other information to pilots. DOT has allocated \$225,000.00 to the project in a 10/90% grant. One of the services provided by the Special Service District is transportation so Emery County has asked SSD#1 to provide the 10% match for the project. The inter local agreement being considered at this time will allow Emery County to get the 90% grant. Commissioner Ira Hatch made a motion to approve the Inter local cooperative agreement with Special Service District #1 to participate in the airport improvement project. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #152017 through and including #152089 for December 30, 2002, #152090 through and including #152103 for January 3, 2003, and #152104 through and including #152154 for payment.

There were no requisitions or dispositions.

Cell phone reimbursement applications were presented for Steven Barton \$45.00/month, Kris Bell \$45.00/month and Gary Kofford \$45.00/month.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit Lists and the cell phone reimbursement applications as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(9)****PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

**Sheriff**

Shaun Bell completed his POST certification, graduating December 20, 2002. Request was made to move Shaun from Corrections Officer 12E \$12.76/hr. to Patrol Officer 15 A \$13.30/hr., effective the next pay period beginning January 20, 2003. Commissioner Ira Hatch made a motion to approve moving Shaun Bell From Corrections Officer to Patrol Officer as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sheriff Guymon requested approval of his decision to promote Bill Downard to Lieutenant 18R \$20.87/hr. from Administrative Sergeant 17Q \$19.67/hr., effective the next pay period beginning January 20, 2003. Commissioner Ira Hatch made a motion to approve promotion of Bill Downard as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sheriff Guymon requested approval of his decision to promote Jeff Thomas to Sergeant 17L \$18.04/hr. from Detective 16I \$16.36hr., effective the next pay period beginning January 20, 2003. Commissioner Ira Hatch made a motion to approve promotion of Jeff Thomas as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.



COMMISSION MEETING MINUTES  
JANUARY 7, 2003

Road

Brandon Conover completes his six-month orientation period on January 8, 2003. He is eligible for a step increase from 12 Entry \$10.89/hr to 12 A \$11.22/hr. This increase has been approved by the department and is effective the next pay period beginning January 20, 2003.

Commissioner Ira Hatch made a motion to approve a step increase for Brandon Conover as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Clerk/Auditor

Mistie Christiansen is eligible for a routine progressive increase from 6B \$8.93/hr., to 7A \$9.11/hr. This increase has been approved by the department and is effective the next pay period beginning January 20, 2003. Commissioner Ira Hatch made a motion to approve the progressive increase for Mistie Christiansen as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve the minutes dated December 4, 2002 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to approve the minutes dated December 17, 02 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)**

**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch asked Attorney David Blackwell to report on progress of the Green River annexation. Mr. Blackwell reported that the legislature in a special session has made the effective date for the annexation as January 1, 2003. Emery County is proceeding as if it is a done deal. Attorneys for Grand County are not inclined to change their decision and have filed for an injunction to invalidate the annexation. We have had no reply to our response to this action. Sheriff Guymon is to bring anyone arrested in Green River City to Emery County. Commissioner Hatch reported that Grand County people have moved out of the museum. They

COMMISSION MEETING MINUTES  
JANUARY 7, 2003

gave Emery County the option to purchase the items they had in the museum. Green River City decided to purchase the items. The museum is currently closed for two weeks, however when it reopens it will be operated by Green River City. When the annexation issue is resolved the museum will be operated with transient room tax for the first couple of months. Emery County will make a determination on the museum funding during that time. Commissioner Hatch expressed his appreciation to all those who worked on the budget and the extra effort to make it a balanced budget.

*Commissioner Sitterud*

Commissioner Sitterud reported that the courts will be moving into the new building in about six weeks. Emery County will remodel the courthouse but not for a while.

**(12)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

**(13)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

JANUARY 21, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by James Nielsen. The pledge was led by Dixie Swasey.

(1)  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 152267 through and including #152406 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
1-03	(13) Computers Capital Replmts.	\$15,067.00	Approved
2-03	Flat bed and (4) tool boxes Road Department	1,995.00	Approved
3-03	John Deere Backhoe 410G Road Department	60,000.00	Approved
4-03	Caterpillar D8L Dozer Road Department	73,100.00	Approved

There were no dispositions.

Commissioner Ira Hatch made a motion to approve payment of the Warrant Check Edit List and the requisitions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

2

COMMISSION MEETING MINUTES  
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(2)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

**Recorder**

Request was made to hire Sherman Miller, temporary up to 90 days, beginning January 13, 2003 and ending April 12, 2003, at a rate of \$8.00/hr. Sherman will be working on addressing. Commissioner Ira Hatch made a motion to approve hiring Sherman Miller for up to 90 days as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**CITIZEN CONCERNS**

Rex Funk, Road Supervisor requested permission to go out to bid for a truck for the landfill. Commissioner Gary Kofford made a motion to have Rex Funk look for pricing on a truck for the landfill. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

**RICHARD SNOWBALL, HUNTINGTON/CLEVELAND IRRIGATION COMPANY,  
REQUEST FOR GIS MAPS FOR SPRINKLER SYSTEMS.**

Richard Snowball, Huntington/Cleveland Irrigation Company provided an update on various sprinkler projects. He asked that the county consider assisting of creation of maps of their laid sprinkler systems. Commissioners Hatch indicated the county would be glad to do the layer work but the irrigation company would need to collect the data. He reminded them that the data has to match up with our software. Mr. Snowball also informed the commissioners that they would like to do an official abandonment of existing canals. They would like the county to assume ownership of the canal system. Commissioner Hatch indicated the county would make no commitment to assume ownership of the canal system. Mr. Snowball thanked the Commission for their support of salinity projects in the county.

(5)

**JEFF KELSEY, INTERMOUNTAIN BENEFIT ADMINISTRATORS, UPDATE  
COUNTY HEALTH INSURANCE PLAN.**

Jeff Kelsey, Intermountain Benefit provided an overview of the past six months of the county's insurance plan. According to the last six months figures, Emery County is running at 75% on claims. The outlook is good for being picked up at renewal by the same insurance company.

**(6)**  
**CONSIDERATION AND APPROVAL TO INITIATE THE PROCESS TO FILL BOARD  
MEMBER POSITIONS ON EMERY WATER CONSERVANCY DISTRICT.**

Three board member positions will expire in April. They need board members representing the Castle Dale/Orangeville area, Huntington/Cleveland area, and Ferron area. Commissioner Ira Hatch made a motion to initiate the process to solicit applications to fill the needed positions on the Emery Water Conservancy District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(7)**  
**CONSIDERATION AND APPROVAL TO INITIATE THE PROCESS TO FILL BOARD  
MEMBER POSITIONS ON THE EMERY COUNTY SPECIAL SERVICE DISTRICT #1.**

Three board member positions have expired. They need board members from the unincorporated south, east, and north areas of the county. Commissioner Ira Hatch made a motion to initiate the process to solicit applications to fill the needed positions on the Special Service District #1. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)**  
**CONSIDERATION AND APPROVAL TO INITIATE THE PROCESS TO FILL BOARD  
MEMBER POSITIONS ON THE EMERY COUNTY TRAVEL BUREAU (EASTERN  
SIDE).**

Tom King has resigned from the Travel Bureau and Norma Dean Hawkinson's position on the bureau is approaching. They need two board members from the eastern side of the county (Green River). Commissioner Ira Hatch made a motion to initiate the process to solicit applications to fill the needed positions on the Emery County Travel Bureau (eastern side). The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**  
**CONSIDERATION AND APPROVAL OF INTER LOCAL AGREEMENT BETWEEN**

**EMERY COUNTY AND EMERY COUNTY SPECIAL SERVICE DISTRICT #1 FOR SERVICES.**

The agreement is between Emery County and Special Service District #1. Emery County will provide to the district, for a reasonable fee, the services of the secretary to the County Commission; the Emery County Clerk/Auditor or his designated agent, the Emery County Treasurer or his designated agent, the Public Lands Director as a part-time assistant to the District, and the necessary office space. The District agrees to pay Emery County a guaranteed sum of \$95,000.00 per calendar year beginning April 1, 2002 and continuing thereafter for five years as the terms of agreement states. Commissioner Ira Hatch made a motion to approve the agreement between Emery County and Special Service District #1. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)****CONSIDERATION AND APPROVAL OF CONTRACT FOR FAIR DIRECTOR.**

Commissioner Gary Kofford made a motion to approve the contract with Kathy Justice as Fair Director for the year 2003. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)****CONSIDERATION AND APPROVAL OF MOU BETWEEN ROBERT K. WEIDNER AND EMERY COUNTY FOR SERVICES AS OUTLINED.**

Robert K. Weidner has served as Washington, D.C. government relation's advisor to Emery County. Mr. Weidner has served as a lobbyist to Congress and other departments of the executive branch of government, specifically Weidner will closely monitor and provide information on matters affecting public lands. The amount requested for these services is \$16,000.00, however historically Emery County has budgeted for and paid Mr. Weidner \$15,000.00. Commissioner Ira Hatch made a motion to accept the Memorandum of Understanding between Robert K. Weidner and Emery County for the agreed upon \$15,000.00. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)****CONSIDERATION AND APPROVAL OF AGREEMENT FOR SERVICES BETWEEN EMERY COUNTY AND DYNAMIC FEEDBACK.**

Dynamic Feedback is the corporation who was working on a public opinion survey regarding the San Rafael Swell designation as a national monument. The State of Utah agreed to pay for the survey to provide information relevant to making a decision. Emery County agreed to accept the funds and contract with an appropriate entity to develop and conduct a public opinion survey relevant to this issue. The county agrees to pay Dynamic Feedback \$97,733.81 for performance

COMMISSION MEETING MINUTES  
JANUARY 17, 2003

of this survey and the terms of the agreement are contingent upon Emery County receiving at least \$97,733.81 from the state. Commissioner Gary Kofford made a motion to sign the agreement for services as stipulated in the agreement. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF SKYLINE COOPERATIVE WEED  
MANAGEMENT AREA COOPERATIVE AGREEMENT.**

Several months ago a number of representatives from state, local, and federal agencies began talking about the value of forming a Cooperative Weed Management Area in the central and southeastern area of Utah. Their intention is to join resources in order to control noxious and invasive weeds in the area. Grant money for additional projects is available and they believe a CWMA will be more competitive in seeking those funds.

James Nielsen has been attending the meetings of this group. It has finalized a cooperative agreement and is now developing an annual operating plan. They hope that after review, the Commission would be willing to sign the agreement and pass it on to another agency for signature.

As a signer, Emery County will be asked to allow our representative, James Nielsen to continue to work with the Skyline CWMA; to sit on a Board of Directors which would meet annually to review the group's plan of work; and commit a reasonable amount of resources (time, effort or money ) to weed control projects the CWMA undertakes.

The CWMA is made up of representatives from: Emery Water Conservancy District, BLM, Utah State Parks and Recreation, Utah Division of Wildlife Resources, Utah School and Institutional Trust Lands Administration, UDOT, Utah Division of Oil, Gas and Mining, Castleland RC&D and participating counties.

Commissioner Ira Hatch made a motion to sign the agreement with Skyline CWMA as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**APPROVAL OF ANNEXATION PLAT FROM GRAND COUNTY TO EMERY  
COUNTY.**

Recorder, Dixie Swasey presented official annexation plats from Grand County to Emery County. These plats were to be of mylar, signed by all Commissioners in both counties and be embossed with the county seal. These plats will be presented to the Grand County Commission on February 3, 2003 for signatures. Commissioner Ira Hatch made a motion to sign the official

COMMISSION MEETING MINUTES  
JANUARY 17, 2003

plats. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF LOW-INCOME TAX ABATEMENT.**

A low-income abatement application was presented on behalf of Evelyn Morgensen. Ms. Morgensen falls under the low income status and has supplied all the required documents. The low income abatement is at the Commission's discretion and up to 50% of the tax owing is allowed. Commissioner Ira Hatch made a motion to abate \$58.18 which is 50% of the tax due. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(16)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated January 7, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch reported that he contacted Dennis Dooley who is doing the leg work on the Skyline Mine/Electric Lake controversy. Funding was received from the Community Impact Board to conduct a hydrologic evaluation to determine whether the water was coming in to the mine from the lake and if there is an underground perched water reservoir and ultimately to assess the feasibility of development of that water. They wanted to go ahead with the hydrologic data that HCI collected. HCI is the firm Skyline Mine contracted with to collect the data. They declared a conflict of interest. They directed Dennis to go with an RFP to other hydrologic consulting firms. He indicated Dennis will be sending a draft soon.

He met with SITLA board last week where one of the items discussed was the land exchange. He expressed to the board a desire to be involved in what they are going to present in Washington. They indicated they would keep us involved.

He attended UAC legislative committee meetings. He asked Bruce Funk to report on a law change. Bruce Funk reported that in 2001 they changed the law in regards to the maximum that the county can carry over in fund balance. It has changed to read '50% of the income'. We are one the few counties who rely heavily on property taxes because of centrally assessed properties. This means that theoretically we would have to go out and borrow money each year to operate



COMMISSION MEETING MINUTES  
JANUARY 17, 2003

on. We need to get that changed back as soon as we can. We are suggesting that they keep the language the same, just insert 'and/or'.

Mark Walsh called to inform the county that SITLA has been draining 3% off of mineral lease funds for administrative costs on SITLA lands. They now want to change the make-up of that and give that responsibility to the department of finance. SITLA still wants to keep the 3%. A meeting will be set up with SITLA, Department of Finance, Carbon County and Emery County and try to get this resolved. SITLA is saying they still have to do some work.

*Commissioner Kofford*

Commissioner Kofford reported on a letter he received from Insurance Services Office, Inc.(ISO).

ISO is an insurer-supported organization with the primary mission of providing advisory insurance underwriting and rating information to insurers. They recently conducted a Building Code Effectiveness Grading Classification survey for Emery County. The letter outlined how they graded various aspects of our county's building codes and their enforcement. They measured the resources and support available for building code enforcement. They also evaluated how those resources applied to the mitigation of the natural hazards common to the specific jurisdiction. The measurements they used were then developed into a Building Code Effectiveness Classification number on a relative scale from 1 to 10, with 10 representing less than the minimum recognized protection. Emery County received a classification of 4 with total points earned of 74.53. For a rural county we did well.

*Commissioner Sitterud*

Emery Telcom has removed the phone from Emery. Emery has searched out a pay phone company to install a pay phone, but no one seems to want to put one there. Emery residents have experienced problems with people coming off of I-70 knocking on their doors at all hours of the night looking for a phone because they have run out of gas. Commissioner Sitterud contacted Emery Telcom who suggested putting a courtesy phone similar to the one in the courthouse. The phone is for local calls only or credit card calls. Emery County would have to pay the monthly service charge. The Commission will be looking into what to do on this matter.

Commissioner Sitterud will be attending a meeting on Monday with the Governor and the board for the Wild and Scenic Rivers.

COMMISSION MEETING MINUTES  
JANUARY 17, 2003

**OTHER BUSINESS**

Commissioner Ira Hatch made a motion to add a claim to be paid for the dozer that was approved as a requisition earlier in this meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(19)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS**

Commissioner Gary Kofford made a motion to move into executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Present at executive session was: Commissioner Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

**(20)**

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

FEBRUARY 4, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Jeff Guymon. The pledge was led by David Blackwell

(1)  
**PAT GUBBINS, BLM, QUARTERLY UPDATE.**

Pat Gubbins provided a quarterly update of BLM activity as follows:

✦ Their most recent development is the signing of the decision of record regarding their Route Designation Plan for the San Rafael. There is 677 miles of route left open In combination with BLM system roads and county Class B Roads that amounts to about 2000 miles of routes that are available for motorized recreation. They had many responses from the public both local and from other areas. They are looking forward to the responses they will receive now through the thirty day appeal process.

✦ The Route Designation Plan will now become part of their Resource Management Plan which is the Land Use Plan for the Price Field Office. They will have a three to four month process to develop draft alternatives.

✦ The Wild & Scenic River draft should be out in the next two to three weeks.

✦ They have had early discussions with Texaco-Conoco for drilling wells in Huntington Canyon.

(2)  
**MESIA NYMAN, FOREST SERVICE, QUARTERLY UPDATE.**

Mesia Nyman, Forest Service provided the following Forest Service update:

✦ Wild & Scenic River- they have studied comments. They are now in the eligibility phase. They recommended two rivers for eligibility in Emery County on Forest Service land. Left Fork of Huntington Creek and Lower Huntington Creek.

✦ Drought- there are Farm Bureau hosted meetings on drought in Richfield, Moab, Ephraim and Cedar City on February 20 and 21, 2003. They will be attending these

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2

and hopefully get some information that they can use on our drought situation here. Elaine Zeroth, Forest Service Supervisor has sent out a letter to permittees regarding the drought. Some of the points brought out in the letter were that last year was the driest in southern Utah in 108 years of record. The drought in 2002 was so severe in some areas that grasses never broke dormancy. The end of the year for the Price/San Rafael River Basin they ended with 62% of normal. As a result many plants are in poor health and low vigor. This is perhaps a condition that cannot be alleviated by receiving normal moisture. There will be scientist at the Farm Bureau meeting that will be discussing that issue. They have some recommendations from experts in drought management to help permittees plan before the season hits. They anticipate going onto the ranges with fewer numbers. They would like to work with the permittees, perhaps form a committee with rangeland experts to go out with them to look at allotments to determine the best management strategy.

✦ Sky Haven Resort, Ferron Reservoir- they have not heard from the owner as of December 31, 2002. The option at this point is removal of the facility. If they come in with a buyer they may look at an option.

✦ Forest Plan- they are looking at revising the plan. Current one was written in 1986 They will meeting with the Commissioners to look at the County's desires. Public meetings in April.

✦ Evidence of Canada lynx found in Joe's Valley last year prompted a study which found no new samples of the lynx in the Manti-LaSal National Forest.

(3)

**DERRIS JONES, DWR, QUARTERLY**

Derris Jones, DWR provided the following quarterly update:

✦ Chronic Wasting Disease is working its way here. They are keeping watch on deer to get the sick ones tested as soon as possible.

✦ They are watching for Hemorogic Disease, which is a disease in deer related to Blue Tongue disease in sheep.

✦ 25 sheep have been transplanted to Dirty Devil (19 ewes and 6 rams)

✦ Winter has been kind to big game. They may escape the depredation problem. On the other hand there is little foliage to sustain. We need moisture.

✦ He presented the Commission with a letter and check from Kevin Conway. The check was for \$2,751.31 for 2002 contractual in-lieu payment of land the DWR owns in Emery County. The funds are provided by sportsmen.

(4)

**MIKE DUNWOODY, DISCUSSION OF SUGGESTIONS TO IMPROVE THE EMERY COUNTY PUBLIC LANDS COUNCIL.**

Mike Dunwoody made a presentation on behalf of several special interest groups in Emery County. The group requested to have the Board of Commissioners consider a draft charter for the Public Lands Council. The group feels that all aspects of the community are not being represented in the Public Lands Council. They believe that reports they send to the PL council get filtered out by the council and never make it to the Commission for review. He suggested creating a steering committee made up of stake holders. He proposed creating a new charter that the council could consider. Commissioner Hatch indicated that the Public Lands Council has a charter that works. The Board of Commissioners would not be interested in looking at creating a new charter at this time. He suggested that they submit their proposal at a Public Lands meeting.

**(5)**  
**CONSIDERATION AND APPROVAL OF LETTER OF AGREEMENT BETWEEN FOUR CORNERS COMMUNITY BEHAVIOR HEALTH, INC. AND EMERY COUNTY SHERIFF'S DEPARTMENT FOR DRUG COURT OFFICER.**

Commissioner Gary Kofford made a motion to approve the agreement between Four Corners Community Health, Inc. and Emery County Sheriff's Department for a Drug Court Officer. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(6)**  
**CONSIDERATION AND ACCEPTANCE OF IGES PROPOSAL FOR ENGINEERING AND PERMITTING SUPPORT IN PREPARING A SOLID WASTE PERMIT RENEWAL PACKAGE FOR LANDFILL.**

Commissioner Gary Kofford made a motion to accept a proposal from IGES for engineering and permitting support in preparing a solid waste permit renewal package for landfill. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(7)**  
**CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING THE**

**ISSUANCE AND SALE OF \$1,000,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC PURPOSE BONDS, SERIES 2003A OF CASTLE VALLEY SPECIAL SERVICE DISTRICT AND PROVIDING FOR RELATED MATTERS.**

Darrell Leamaster, Castle Valley Special Service District explained that in November of 2001 the voters of Emery County approved a \$12,000,000 bond for CVSSD to implement road improvements and drainage projects. They are now in the process of issuing that bond in the form of a \$1,000,000.00 general obligation public purpose bond. Kent Michie, Zions Public Finance and an associate Alex Buxton provided a breakdown of the financial part of the bond. Commissioner Ira Hatch made a motion to approve Resolution 2-04-03A providing for the issuance and sale of \$1,000,000 principal amount of General Obligation Public Purpose Bond, Series 2003A of Castle Valley Special Service District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)**  
**CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$2,100,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC PURPOSE BOND, SERIES 2003B OF CASTLE VALLEY SPECIAL SERVICE DISTRICT; AND PROVIDING FOR RELATED MATTERS.**

Resolution 2-04-03B provides for the issuance and sale of \$2,100,000 general obligation public purpose bond for Castle Valley Special Service District to relocate the sewer lagoons in Ferron. Mr. Michie and Mr. Buxton explained the breakdown of the financial part of the bond. Commissioner Gary Kofford made a motion to approve Resolution 2-04-03B authorizing the issuance and sell of \$2,100,000.00 principal amount of General Obligation Public Purpose Bond, Series 2003B fo Castle Valley Special Service District. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

In connection with the issuance of the Series 2003B, Mr. Michie asked that the Board of Commissioners sign a letter which outlines an apparent conflict of interest.

**(9)**  
**REVIEW OF COUNTY GRAMA PROCEDURES AND ASSOCIATED FORMS.**

Commissioner Sitterud discussed the procedure for handling GRAMA requests. Clerk/Auditor Bruce Funk explained that the request is made in form request. Depending on the information requested, the requester is told how much time is needed to compile the information. The requester picks up the information and is charged for the copies. The Clerk/Auditor keeps the original request on file. It was suggested that the Attorney should be informed of all GRAMA requests. David Blackwell questioned if the affected department head should be informed as

well as the Commission. Senior Deputy Clerk/Auditor suggested that maybe the GRAMA should originate in the Attorney's office. Commissioner Ira Hatch made a motion to see what procedure is in place at this time, to get with the elected officials and come back to the Commission with a recommendation. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)**  
**CONSIDERATION OF REQUEST BY UTAH DIVISION OF EMERGENCY SERVICES AND HOMELAND SECURITY TO USE SEVERAL EMERY COUNTY GIS DATA BASES.**

In order to continue to receive federal funds for homeland security and emergency services it was necessary to provide new GIS data. Commissioner Gary Kofford made a motion to give approval to provide the GIS data. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)**  
**APPROVAL OF PAYMENT FOR I-70 ENHANCEMENT PROJECT.**

Commissioner Gary Kofford made a motion to pay all but the 5% retainage amount to Wall Contractors for their part of the I-70 Enhancement Project. The motion was seconded by Commissioner Ira Hatch made a motion and approved by all members present.

**(12)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #152610 through and including #152738 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
05-03	(2) Defibrillators		

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	Ambulance EMS Grant	24,102.00	Approved
06-03	(20) Pagers w/program & software Ambulance EMS Grant	7,794.00	Approved

Dispositions were presented for the following:

<u>ASSET</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
146-5876	Notebook Computer/Assessor	Junked	Approved
146-5875	Notebook Computer/Assessor	Junked	Approved
963-5171	Copier/Assessor	Junked	Approved
963-5170	Monographic Terminal	Junked	Approved
146-7089	Pager/Assessor	Junked	Approved
146-2528	Radio, Mobile	Junked	Approved
180-3578	Chair, Executive	Junked	Approved
180-2542	Chair, Executive	Junked	Approved
580-6586	Printer, Color	Junked	Approved
963-5702	Typewriter, Selectric	Junked	Approved
146-5200	Notebook Computer/Assessor	Junked	Approved
146-4962	Copier, Mita	Junked	Approved
180-6740	Phone, Cellular	Junked	Approved
180-4726	Printer/P&Z	Junked	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit list requisitions and dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(13)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball Personnel Director presented the following personal action:

Assessor

Assessor Kris Bell requested approval to begin the recruitment process for a Deputy Assessor, regular part time, 20-39 hours a week (3/4 time), eligible for prorated benefits beginning at 4A \$8.04/hr. Commissioner Ira Hatch made a motion to begin the recruitment process for a Deputy Assessor as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.



**(14)**  
**CITIZEN CONCERNS**

Dennis Ward requested that the Commissioners consider land the reservoirs are on when looking at land for the land swap with State Institutional Lands (SITLA).

**(15)**  
**APPROVAL OF COMMISSION MEETING MINUTES AND MINUTES OF THE BOARD OF CANVASSERS DATED 11/19/02.**

Commissioner Gary Kofford made a motion to approve the minutes dated 11/19/02 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Gary Kofford made a motion to approve the minutes dated January 21, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(16)**  
**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported that there will be a town meeting held by Four Corners Behavioral Health at the Castle Dale Senior Center on February 5, 2003. This will be the public's opportunity to meet with the staff and offer suggestions for improving services. He also reported that he has put together a Fair Board which will meet February 6, 2003 at 6p.m.

*Commissioner Hatch*

Commissioner Hatch met with the Scenic By-Way Committee. They expressed their concerns and plans for a low wattage radio station. Commissioner Hatch indicated to them that the county would not be able to help with funding at this time. Commissioner Hatch and Commissioner Kofford will be meeting with UAC on February 30, 2003 to discuss moving the Wilderness Bill statewide. He reported on a meeting with SITLA regarding coal bed methane accounts to track some funding problems.

*Commissioner Sitterud*

Commissioner Sitterud reported that he and Dixie Swasey were supposed to meet with Grand County to get the annexation plat map signed. They received word from Grand County that they would not be signing the map. The Commission will be getting a new plat map that does not include Grand County. The Commission will have to resign the plat map already approved to be signed. He reported that Dinosaur Diamond, an organization that promotes the dinosaur sites in Carbon and Emery County, printed their maps omitting Emery County's Dinosaur Quarry. Emery County has pulled support for this group. Marlin Eldrid, Economic Development has been asked to be chairman of the organization. Commissioner Sitterud reminded him that if he accepts he is not to attend meetings on county time or use county vehicle to attend the meetings. He will not be representing Emery County. He met with the Natural Resource Department regarding the Wild & Scenic River Act. While there he met with Kevin Conway regarding the migration of wolves in the state.

**(17)**  
**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

**(18)**  
**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_

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

FEBRUARY 18, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Sheriff LaMar Guymon. The pledge was led by Commissioner Drew Sitterud.

(1)  
**BARBARA MCKELL, DISCUSSION OF PROPERTY TAX ASSESSMENT ON OFFICE BUILDING.**

Barbara McKell did not attend the meeting.

(2)  
**KATHLEEN TRUMAN, HISTORIC PRESERVATION COMMISSION, REQUEST PERMISSION TO RELOCATE EMERY COUNTY ARCHIVES IN THE OLD SHERIFF'S OFFICE ON A SHORT TERM BASIS.**

Kathleen Truman, State History explained that History Archives is currently housed in a house owned by Emery County School District. The School District has notified them that they need the building by March 1, 2003. Kathleen indicated that they have searched for another building to house the archives but have not been able to find another place that can accommodate their needs. They need an area for administrative, public access to records, archive processing( not accessible to the public) and a storage area. She asked to have Emery County Archives relocate in the old sheriff's building on a short term basis. Commissioner Hatch indicated that there are a few problems that need to be addressed at the old sheriff's building. The sewer has problems and Sheriff Guymon still has some things in there that need to be removed. Commissioner Ira Hatch made a motion to allow the Emery County Archives to relocate at the old sheriff's building on a short term basis, until June, contingent upon working out the sewer problems and shuffling the items still being stored in the building. The motion was seconded by Commissioner Gary Kofford and approved by all members present. The Commissioners will get with Sheriff Guymon and look at the building to see what is available.

(3)

### **CITIZEN CONCERNS**

There were no citizen concerns.

(4)

### **CONSIDERATION FOR ADOPTION OF A RESOLUTION APPROVING THE ADOPTION BY THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY, UTAH OF A PARAMETERS RESOLUTION AUTHORIZING THE ISSUANCE OF NOT MORE THAN \$162,000 LEASE REVENUE BONDS, SERIES 2003; AND RELATED MATTERS.**

Alex Buxton, Zions Public Finance presented Resolution 2-18-03 approving the adoption by the MBA of Emery County of a Parameter Resolution authorizing the issuance of not more than \$162,000.00 lease revenue bonds, Series 2003. Adoption of this resolution gives the MBA the authority to issue bonds.

Commissioner Ira Hatch made a motion to adopt Resolution 2-18-03 approving the Municipal Building Authority of Emery County to adopt a Parameters Resolution authorizing the issuance of not more than \$162,000.00 lease revenue bonds, Series 2003 and related matters. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

### **CONSIDERATION AND APPROVAL OF BUSINESS LICENSE AND BEER LICENSE FOR MILLSITE GOLF COURSE RESTAURANT.**

A business license and beer license for Rick Simons and Robyns Simons BDA: Millsite Restaurant was presented for approval. Zoning Administrator, Bryant Anderson had reviewed and signed the business license application. Sheriff Guymon had signed the beer license application which was for Class B and Class C retail sales of beer. Commissioner Ira Hatch made a motion to approve a business license and a beer license for Rick and Robyn Simons DBA: Millsite Restaurant as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

### **APPOINTMENTS TO PUBLIC LANDS COUNCIL**

The Public Lands Council has met and made the following recommendation for two year appointments to their board: Dixon Huntington, James Gilson, and Dennis Worwood. They would also like to recommend Tory Killian and Margaret McMullin as ex officio members for two years. There was some question as to whether the two individuals qualify as ex officio (ex-official) members or should simply be non-voting members. There was also question as to the length of term for these members. Commissioner Gary Kofford made a motion to appoint Dixon

Huntington, Dennis Worwood and James Gilson for two year terms and Tory Killian and Margaret McMullin as non-voting members for two year terms, also to change the wording in the charter to reflect non-voting members and the terms to correspond with the board terms as stated in the charter. The motion was seconded by Commissioner Ira Hatch and approved by all members present. Public Lands Director Ray Petersen had left the meeting for a time so he was not present to clarify the wording in the charter. Mr. Petersen later clarified the wording as stating they may have *ex officio or* non-voting members for two year terms. He will discuss the wording of the charter in their next Public Lands meeting.

(7)

**APPOINTMENTS TO PLANNING/ZONING COMMISSION**

Planning & Zoning Commission recommended re-appointing Judy Ann Scott and Merrill Duncan to their board. They also had two other individuals who indicated they would like to serve, therefore they recommended appointing Chris Rowley and Julie Johansen as non-voting members to their board. Commissioner Gary Kofford made a motion to re-appoint Judy Ann Scott and Merrill Duncan to the Planning & Zoning Commission as well as Chris Rowley and Julie Johansen as non-voting members to that board as recommended. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF PROJECT AGREEMENT BETWEEN U.S. FOREST SERVICE AND EMERY COUNTY FOR FERRON-MAYFIELD PROJECT.**

Road Supervisor, Rex Funk explained the agreement between the U.S. Forest Service and Emery County for Ferron-Mayfield Project. The county will prepare the road and the Forest Service will purchase the Magnesium Chloride and participate in supplying water and equipment. There was a question on the indemnity clause in the agreement. There was a clause to indemnify the Forest Service but not one for the County. There was discussion that a clause to indemnify the county needs to be added or have the indemnity clause struck from the agreement.

Commissioner Ira Hatch made a motion to approve the project agreement between U.S. Forest Service and Emery County for Ferron-Mayfield project striking clause C1(indemnity clause) from the document. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(9)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # through and including # for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
07-03	In-Band ANI Display Dispatch-911	2,129.45	Approved
08-03	Public Lands Day Plaque Public Lands	650.00	Approved

One disposition was presented for asset # 138-7190 a high back black vinyl chair from GIS.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims, requisitions and disposition as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Mr. Funk reminded the Commissioners that they need to be available to sign documents for the Castle Valley Special Service District Bond on March 10, 2003. The closing will be on March 21, 2003. He informed them of House Bill 358 with regard to county fund balance. This bill is sponsored by House Representative Bradley Johnson. They are working on getting the wording workable for all counties affected. The bill provides counties with sufficient funds to operate without the need to borrow money to sustain them for the year.

Commissioner Hatch made a motion to amend the motion to include a claim to pay Grand County \$200.00 for the items in the visitor center that Emery County would like to have left in the center. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

There were no items for approval.

**(11)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Ira Hatch made a motion to table the minutes dated February 4, 2003. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)**

## **COMMISSION REPORTS**

### *Commissioner Hatch*

Commissioner Hatch reported on a successful day at the Legislature. He made some good contacts. He will be attending the State Weed Conference with James Nielsen on Thursday, February 20, 2003. There will be a drought effect meeting in Manti on the 20<sup>th</sup> of this month. He received an update from Utah Power and Light regarding Electric Lake/Skyline Mine. They are in the process of setting up a meeting with Emery, Carbon and Sanpete Counties to go over that issue.

### *Commissioner Kofford*

Commissioner Kofford reported that the Planning Commission is in the process of updating current zoning ordinances. GIS recently completed a GPS project of all the houses in Emery County. This can now be put on layer maps to possibly do multiple zoning such as water and sewer lines and other available services. The Animal Control Ordinance is currently being looked at by Animal Control Officer Martin Wilson and Emery Animal Health Veterinarian Dr. Glen Jensen. We will have to review it and set up public meetings.

### *Commissioner Sitterud*

Commissioner Sitterud reported on the BLM RAC meeting he attended where they explained their travel plan. They are trying to justify closing some roads that we do not agree on. Some of the roads they have closed go down rivers that they are trying to justify as Wild & Scenic Rivers. We will need to watch that effort and try to stay on top of it. In that same meeting they proposed a sub-committee to look over the Resource Management Plan (RMP) for the San Rafael. The sub committee is made up of several local people. Commissioner Sitterud is part of the staff to work with the committee which includes Commissioner Kofford, Dennis Worwood, Tracy Jeffs and Neal Peacock. There are five other members from throughout the state that will work with the committee. They will take all the information that the contractor has gathered from the RMP as well as the comments from the bureau in the Price office. They will read through the information and comments then formulate their own comments on what should be in the RMP. They will take their recommendations back the RAC.

Kevin Conway, Director of DWR will hold a public meeting at the AOG in Price on Thursday. At the meeting he will try to explain the reasoning for introducing fifty wolves on Ferron Mountain.

Randal Stilson asked for a report on the Joe's Valley low water boat ramp request for funding. Commissioner Sitterud reported that it was denied. The denial was based on the requests from other locations with more interest for use such as Deer Creek, Lake Powell, Jordanelle, Strawberry and other high use boat ramps in the state that are in more trouble than we are here.



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There was no money left to fill our request. We will redo that application and try again next year.

**(13)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was necessary.

**(14)**

**RECESS**

Commissioner Gary Kofford made a motion to recess this meeting until after MBA meeting at 1:00p.m. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**

**RECONVENING**

Upon returning to the regular meeting the Board of Commissioners returned to item #4 on the agenda.

**(16)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

MARCH 4, 2003

Present at the meeting was Commissioner Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Bryant Anderson.

**(1)**  
**PRESENTATION OF THE FLAG, SCOUT TROOP.**

Troop 328 from Castle Dale 2<sup>nd</sup> Ward presented the flag. The ceremony included the following individuals: Scoutmaster, Clay Oliverson, Assistant Scoutmaster, Mark Seely, Senior Patrol Leader, Chad Larsen, Scouts, Wade Addison, Mark DeFriez, Cameron Jensen, Mike Jensen and Brantz Woolsey. Cameron Jensen read the story of the American Flag and the congregation was invited to join in reciting the Pledge of Allegiance.

**(2)**  
**CONSIDERATION AND APPROVAL OF RESOLUTION PROCLAIMING MARCH 29, 2003 AS "SCOUTING FOR FOOD DAY" IN EMERY COUNTY.**

The Boy Scouts of American each year conduct a food drive called "Scouting for Food" to raise needed food items for food banks, abuse shelters, food pantries, homeless shelters, and other needy groups and organizations. Emery County would like to assist the Scouts in conducting and successfully completing their food drive. Resolution 3-04-03A is a statement of support proclaiming March 29, 2003 as Scouting for Food Day. The resolution strongly encourages all citizens of Emery County to contribute generously to the Scouting for Food Drive. Emery County Food Bank is the recipient of the donations in Emery County. Commissioner Ira Hatch made a motion to adopt Resolution 3-4-03A declaring March 29, 2003 as "Scouting for Food Day" in Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(3)**  
**DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Deb Dull, Utah Power & Light Coordinator provided a brief quarterly update as follows:

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✦ UPL utility bills will look different in about six weeks. This is in an effort to make the statements easier to understand.

✦ They have been active in the communities on various issues.

Mark Mansfield, Hunter Plant Managing Director provided the following update:

✦ Regarding Hunter Plant Unit Four, there are a lot of rumors that they are ready to build unit Four, however it has not been permitted yet. He has reviewed the final permit application. The intent is to in the very near future to file the application to get all the permits they need to build the unit. It is estimated that can take anywhere from ten months to a year to get the permitting. That is when everyone will get the chance to give public comment. There will public hearings and issues will be aired. Until they receive the actual permit they can not start. A couple of things are troubling to UPL. They are regulated by six states that are holding companies. Each state has a stand alone power company. Each state regulates their power company and then it rolls to a holding company. Each state holds a percentage of UPL assets. Hunter Plant is owned about 35% by the State of Utah, Wyoming has a chunk, Idaho, Oregon, Washington, etc. We have to have an agreement by all states to build a new plant. Wyoming is fine with building a new plant except they want it built in Wyoming because they want the jobs and their fuel to be used. Oregon and Washington do not really like coal. They would like to see wind plants or something like that built. The company is not going to spend close to a billion dollars not believing they can get recovery on two thirds of it. Regulators realize that we need to get his resolved. Utah will be in desperate need of power in the next few years. We have got to get the ability to build some new resource. There is a lot of work going on with all the state public service commissions. They have an integrated resource plan that has to be supplied to all the regulating entities with a demand forecast. It shows Utah needs several base load units to supply the demand plus some peaking units. It is their hope that Hunter Four would be the first of those base load units. Hunter is the logical place to build. We have the transmission, the water and the infrastructure. They are hopeful that they can get all the details worked out. They intend to file the permit application and get that started even though they do not have some of the pieces put together.

✦ Hunter Plant does not have an overhaul this year. Usually that brings in outside labor. The hotels and restaurants usually see a jump in business. They do have a lot of capital work scheduled this year. In April they will be doing a major piping job on their scrubber. Most of the workers will be pipe-fitters and laborers. They expect the people to be staying here. The project will go over a six/seven week time period. There will be quite a bit of activity in the local economy.

✦ They were able to avoid leasing additional water from Cottonwood and Ferron. They have reviewed their water situation and feel secure that they have enough water to run full load.

✦ Hunter Plant was scheduled to go to about 204 people for their workforce. They have had some changes in that plan. Their workforce target is now 233. They are at about 200 at this time. They will be looking at adding about 33 people to their workforce. They will be mostly

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skilled people such as journeymen. There are some in this area that they are taking a hard look at. Some may have to come from outside the area. They may get into some entry level positions. They are hoping that some of the people here in Emery County can get on with them.

(4)

**DELENA FISH, DWF, QUARTERLY UPDATE.**

Delena Fish, Department of Workforce Services provided a quarterly update as follows:

- ✦ Their open house last week was well attended.
- ✦ Unemployment in Emery County is the highest in the state at 10.1%

She thanked the Commissioners for their continued support.

(5)

**MIKE McCANDLESS, EMERY TELCOM, QUARTERLY UPDATE.**

Mike McCandless provided the following quarterly update as follows:

✦ They will be doing an upgrade on their fiber optic backbone. This upgrades the capacity of facilities from three times to twelve times the capacity. They hope to get fiber optic into Wellington this year.

✦ They are operating with 110 employees.

✦ The call center is in its eighth year. They are looking at putting in additional resources to grow that business. DSL and Internet continue to do extremely well. DSL continues to grow each year.

✦ They are continuing with their schools education initiative. They contribute \$30,000.00 to \$35,000.00 a year in dollars and services to the schools. They are getting ready to do scholarships and contests for kids. They have received national recognition for this program.

(6)

**ROBERT GREENBERG, PRESENTATION AND REVIEW OF FOUR CORNERS  
COMMUNITY BEHAVIORAL HEALTH AUDIT FOR YEAR ENDING 6/30/02.**

Robert Greenberg, Four Corners Community Behavioral Health explained that a few years ago they switched from a multi-county organization to a private non-profit organization. They are required to have a single audit. Two years ago they went through the bid process for the audit. Smuin, Rich and Marsing were the only bidders. They close their year at the end of June. They presented the audit to the board of trustees at their January meeting. They are presenting the audit to the County Commissioners. They are required to have a signed certificate from the

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governing board. Commissioner Gary Kofford made a motion to sign the certificate of notification. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**BARBARA McKELL, DISCUSSION OF PROPERTY TAX ON PERSONAL AND BUSINESS PROPERTY.**

Barbara McKell came before the Board of Commissioners to inquire as to what can be done to lower the certified tax rate in Emery County. She compared tax notices for property she owns in Utah County to property she owns in Emery County. The property in Utah County is assessed at \$249,000.00 with a tax of \$1,200.00 and the property in Emery County is assessed at \$129,000.00 with the same tax of \$1,200.00. She stressed that Emery County is the highest taxed county in the state. Kris Bell, Emery County Assessor provided a brief summary of taxing structure. Steve Farrell and Helen Hansen, Real Property, Emery County's Representative from the State Tax Commission Office was present to address and review the taxing structure. Mr. Farrell pointed out that the tax rate is based on estimated property value and indebtedness requests from the taxing entity's budget. He pointed out that each property owner has the opportunity each year to appeal their tax values. He also pointed out that the school district receives the bulk of the tax which is mandated by the state. Commissioner Sitterud pointed out the shift of tax burden to the home and business owner as a result of centrally assessed tax payers such as UPL appeals. Ms. McKell asked if the Commission could find a way to lower the tax burden on business owners. The Board of Commissioners asked Ms. McKell to write to the Tax Commission. The only way taxes could be cut would be to cut services or if there was a change in the tax base.

(8)

**JACKIE WILSON, HUNTINGTON CITY, REQUEST FOR PROPERTY TAX ABATEMENT.**

Jackie Wilson, Mayor of Huntington came before the Board of Commissioners to request an abatement for property Huntington City recently acquired on Main Street. They need to get the asbestos abatement done on the building before it can be torn down. Taxes are left owing in the amount of \$3,426.85. Mayor Wilson asked to have some or all of taxes abated so they can move forward. Commissioner Hatch commented that this has been a worthwhile, hard issue. Commissioner Gary Kofford made a motion to abate 50% of the \$3,426.85 property taxes owing. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**REQUEST FOR DONATION FOR EMERY COUNTY COMMUNITY THEATER.**

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Paul Jensen made a request for a donation to the Emery County Community Theater. This year they will be putting on the production of Joseph and the Amazing Technicolor Dream Coat on April 10, 11, 12 & 14, 2003. Commissioner Gary Kofford made a motion to donate \$250.00 to the Emery County Community Theater. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**CITIZEN CONCERNS**

There were no citizen concerns.

(11)

**CONSIDERATION AND ADOPTION OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH (THE "COUNTY") AUTHORIZING AND APPROVING THE EXECUTION OF A SECOND AMENDMENT TO THE MASTER LEASE AGREEMENT, DATED AS OF MARCH 1, 2003, BY AND BETWEEN THE COUNTY AND THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY, UTAH (THE "AUTHORITY") AUTHORIZING THE ISSUANCE AND SALE BY THE AUTHORITY OF ITS LEASE REVENUE BONDS, SERIES 2003, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$162,000; AUTHORIZING THE EXECUTION OF A THIRD SUPPLEMENTAL INDENTURE OF TRUST, SECOND AMENDMENT TO MASTER LEASE, SECOND AMENDMENT TO GROUND LEASE, SECOND AMENDMENT TO LEASEHOLD DEED OF TRUST, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE COMPLETION OF CONSTRUCTION OF COURT FACILITIES IMPROVEMENTS (THE "2002" PROJECT); AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.**

Kent Michie, Zions Public Finance presented Resolution 3-4-03B and recommended the Board Commissioners adopt the resolution. The closing for the bond would be March 28, 2003. Commissioner Gary Kofford made a motion to adopt Resolution 3-4-03B as outlined and proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF RESOLUTION CONFIRMING THE SALE AND AUTHORIZING THE ISSUANCE OF \$1,000,000 GENERAL OBLIGATION PUBLIC PURPOSE BONDS, SERIES 2003A OF CASTLE VALLEY SPECIAL SERVICE**

**DISTRICT; AND PROVIDING FOR RELATED MATTERS.**

Kent Michie, Zions Public Finance presented Resolution 3-04-03C confirming the sale and authorizing the issuance of \$1,000,000 General Obligation Public Purpose Bonds, Series 2003A of Castle Valley Special Service District. They will close on the bond on March 21, 2003. Commissioner Ira Hatch made a motion to approve Resolution 3-04-03C as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF RESOLUTION CONFIRMING THE SALE AND AUTHORIZING THE ISSUANCE OF \$2,100,000 GENERAL OBLIGATION SEWER BONDS, SERIES 2003B OF CASTLE VALLEY SPECIAL SERVICE DISTRICT; AND PROVIDING FOR RELATED MATTERS.**

Kent Michie, Zions Public Finance presented Resolution 3-04-03D confirming the sale and authorizing the issuance of \$2,100,000 General Obligation Sewer Bonds Series 2003B of Castle Valley Special Service District. These funds will be used to re-construct the sewer lagoon in Ferron. Commissioner Gary Kofford made a motion to approve Resolution 3-04-03D as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**APPOINTMENTS TO EMERY COUNTY SPECIAL SERVICE DISTRICT#1 BOARD.**

Commissioner Ira Hatch made a motion to re-appoint Bevan Wilson and Dean King and to appoint Kent Petersen to the Special Service District #1 Board. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(15)

**APPOINTMENT TO CASTLE VALLEY SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD.**

Darrell Leamaster, Castle Valley Special Service District indicated that the board did not have a recommendation for this appointment. The Board will accept whomever the Board of Commissioners appoints. Commissioner Gary Kofford made a motion to appoint Vernell Rowley to the Castle Valley Special Service District Administrative Control Board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

**CONSIDERATION AND APPROVAL TO ADVERTISE FOR BOARD OF**

**ADJUSTMENT POSITIONS.**

Commissioner Gary Kofford sits on the Board of Adjustments. When he became an elected commissioner he was no longer eligible to be on this board. Several of the board members terms have expired. Commissioner Gary Kofford made a motion to advertise for applications to sit on the Board of Adjustments. The terms will be staggered as they are appointed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

**CONSIDERATION AND APPROVAL OF AMENDMENT No. 3 TO THE ECONOMIC ADJUSTMENT STRATEGY GRANT-EDA PROJECT No. 05-79-03606.**

This is an extension for the incubator project. The length will be extended to July 30, 2003. Commissioner Ira Hatch made a motion to approve Amendment No. 3 to the Economic Adjustment Strategy Grant-EDA Project No. 05-79-03606. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(18)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND UTAH STATE UNIVERSITY FOR EXTENSION SERVICES**

This is the standard agreement between Utah State University Extension and Emery County for providing extension agents and administer the program in Emery County. Commissioner Gary Kofford made a motion to approve the agreement between Utah State University and Emery County for the Extension program. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(19)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #153165 through and including #153280 for payment.



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There were no requisitions.

Dispositions were presented for the following:

<u>ASSET</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
146-2374	Desk/Assessor	Junked	Approved
146-1170	Typewriter/Assessor	Junked	Approved
146-5194	Chair/Assessor	Junked	Approved
146-4564	Calculator/Assessor	Junked	Approved
146-4995	Chair/Assessor	Junked	Approved
146-7428	Calculator/Assessor	Junked	Approved
146-5853	Chair/Assessor	Junked	Approved
146-3568	Stool/Assessor	Junked	Approved
146-5849	Typewriter/Assessor	Junked	Approved
146-4020	Validating machine/Assessor	Junked	Approved
111-7223	Computer, Laptop/Commissioner	Sold	
111-7576	Palm Pilot	Sold	

Mr. Funk discussed dispositions for a Laptop Computer and Palm Pilot that were assigned to Randy Johnson. Mr. Johnson would like to purchase these items. Jeff Guymon researched the going used price for these items and determined the amount that Mr. Johnson would need to pay the county to keep them. The Commission Office will send a letter to Mr. Johnson requesting payment for the items or their return within thirty days.

Mr. Funk presented applications for cell phone reimbursement from Rex Funk for \$45.00/month and Morris Sorensen for \$22.00/month.

Commissioner Gary Kofford made a motion to approve payment of the Check Edit List and approval of the dispositions and cell phone reimbursements a presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(20)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Treasurer

Request mas made to hire Chris Hansen, Deputy Treasurer, regular, part time (3/4 time), at 4A

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\$8.04/hr. He would be eligible for benefits. This would be effective March 5, 2003. Commissioner Ira Hatch made a motion to approve hiring Chris Hansen as presented. The motion was seconded by Commissioner Gary Kofford. And approved by all members present.

Road

The Road Department requested approval to promote Morris Sorensen, from Crew Leader 15R \$17.58/hr to General Foreman, 17-P \$18.51/hr. He will be FSLA exempt. Commissioner Ira Hatch made a motion to approve the promotion of Morris Sorensen as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Ms. Snowball reminded the Commissioners of the Annual Insurance Coordinator Workshop on April 16, 2003 at CEU. The Personnel Workshop will be May 8 and 9, 2003, in St. George.

Defensive Driving Course will be March 14, 2003 in Castle Dale and March 21, 2003 in Green River. Commissioner Hatch is a certified instructor. He will be conducting the classes.

(21)

**APPROVAL OF FEBRUARY 4<sup>TH</sup> AND 18<sup>TH</sup> COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated February 4<sup>th</sup> and 18<sup>th</sup> as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(22)

**COMMISSION REPORTS**

There were no reports today.

Commissioner Ira Hatch made a motion to move into executive session. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(23)

**EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS.**

Present at executive session was Commissioner Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Personnel Director Pat Snowball and Deputy Clerk/Auditor Carol Cox.

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Upon returning to the regular meeting Commissioner Ira Hatch made a motion to have the Risk Management Committee get together and discuss a draft proposal for drug testing to be presented at elected officials meeting, after review to come to Commission with a recommendation. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(24)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 18, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Rex Funk. The pledge was led by Bruce Funk.

(1)

**DARREL LEAMASTER, CONSIDERATION AND APPROVAL OF EMERY COUNTY'S PERMANENT COMMUNITY IMPACT FUND PRIORITY LIST.**

Darrell Leamaster representing Emery County's Permanent Community Impact Fund Board presented their short term and medium term local capital improvement priority list. In order to be considered for funding the projects must be priority listed and submitted to the Community Impact Fund Board by April 1, 2003. Commissioner Ira Hatch made a motion to approve Emery County's Permanent Community Impact Fund Priority List, Short Term and Medium Term, as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**JAY MARK HUMPHREY, SEEKING APPROVAL TO INSTALL A SEVEN METER RADIO TOWER ON COUNTY PROPERTY BY WATER TANK.**

Jay Mark Humphrey, Emery Water Conservancy District requested approval to install a seven meter radio tower on county property by the water tank located on Road #416(Des Bee Dove Road). He explained that last fall they received a grant from the Department of Commerce to install an informational system throughout the county to help resolve conflicts as a result of natural resources. Sites designated were Huntington State Park and Ferron-Millsite Park. They tested the communication system between Huntington North and Horn Mountain and the distance is too far. They need a repeater to shorten the distance. The distance is about 22 miles from Huntington North to Horn Mountain. Installing a repeater tower at the proposed location near the water tank on Road #416 will shorten the distance to about eleven miles. He indicated they will only need to disturb about four feet of space. Commissioner Hatch suggested that he get with Darrell Leamaster to determine

the location for the tower. Commissioner Gary Kofford made a motion to allow Emery Water Conservancy District to install a radio tower on county property near the water tank on road #416(Des Be Dove Road) and to work with Darrell Leamaster to determine the best location for the tower. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Mr. Humphrey explained that this will provide real time, public information at the State Park. Hopefully they will put one in Joe's Valley, the desert, and the museum. Tourist or anyone traveling in the area can go there to get information about trail heads, weather and road conditions, sites to see in the area, etc.

**(3)**

**CITIZEN CONCERNS**

Bert Oman expressed concern on behalf of the Emery County Historical Society. They are concerned about many historical sites that are becoming inaccessible due to BLM road closures.

Bruce Funk informed the Commissioners that as an elected officer of Emery County, pursuant to section 17-16a-7 of the Utah Code, he must disclose his ownership of the business known as B&T Builders & Supply of Clawson, Utah. His business is a valid general contracting and paint contracting licensed under the State of Utah.

**(4)**

**CONSIDERATION AND APPROVAL OF CONTRACT WITH LENARD STULL TO PERFORM FORESTRY FORK FOR TIMBER HARVEST CONDITIONAL USE PERMITS.**

Commissioner Gary Kofford made a motion to table this item. The motion was seconded by Commissioner Ira Hatch and approved by all member present.

**(5)**

**CONSIDERATION AND APPROVAL OF AMENDED JANITORIAL CONTRACT.**

In recognition of changed circumstances with the completion of the Emery County Jail and Courts Complex the Commission agreed that the Building Maintenance Service Agreement between Castle Valley Maintenance, Dennis Fuller and Emery County should be amended. In recognition of the extra work involved with the larger complex it was recommended to pay Dennis Fuller an additional \$1,000.00 per month, making the total monthly payment of \$4,950.00 per month. Dennis will no longer be responsible to provide services at the old Emery

County Sheriff's Office and Detention Center. All other terms and conditions set forth in the service agreement dated January 4, 2000 shall remain in full force and effect. Commissioner Gary Kofford made a motion to approve amending the Building Maintenance Service Agreement between Castle Valley Maintenance and Emery County as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**REX FUNK, ROAD DEPARTMENT, REQUEST TO PURCHASE EQUIPMENT.  
DISCUSSION AND APPROVAL OF BOTT LANE BRIDGE PAINTING PROJECT.**

Rex Funk, Road Supervisor requested approval to purchase a tandem axle jeep dolly at the Landfill. Approval was granted on January 21, 2003 to purchase a dozer. Because of the added weight of the dozer they will need to purchase a tandem axle jeep dolly to transport the dozer. Last year he was instructed to purchase port-a-potty units to eliminate the need to rent them. He reported that he had a requisition being presented today to purchase the port-a-potty units. He has been looking into whether to purchase or construct trailers to transport the units. One pair of units will be available for other needs in the county.

Mr. Funk discussed the Bott Lane Bridge. The bridge has been listed by the state as having significant rusting. The state inspectors recommended sand blasting and redoing the deck. Mr. Funk indicated structurally, the deck seems to be in fairly good shape. There is some visible rusting. There was discussion as to whether to let it be for now and save the money that would be spent on a cosmetic fix if the condition of the bridge warrants reconstruction in the near future. Johansen & Tuttle engineers have reviewed the condition of the bridge. They have determined the life of the bridge would likely be ten years. They recommend painting the deck and the stringers. Commissioner Gary Kofford made a motion to go ahead with the painting as recommended by Johansen & Tuttle Engineering. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF BLM RIGHT-OF-WAY  
APPLICATION UTU-78843**

Rex Funk, Road Supervisor explained that in December 2002 the Road Department submitted right-of-way application UTU-78843 for construction of a 2.1 mile section of access road on public land in Emery County. The road segment is needed to replace a washed-out section of County Road 1011(Dugout Road).. The right-of-way granted is 33 feet in width and 11,100 feet in length, and contains 8.4 acres, more or less. Eventually Emery County will need to abandon the segment of road that will be replaced. Commissioner Ira Hatch made a motion to approve the BLM right-of-way application UTU-78843 and instruct Rex Funk to start procedure to

4

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abandon that segment of county road left by the new alignment. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL TO REQUEST UTAH POWER AND LIGHT TO RELOCATE POLE ON SOUTH MOORE ROAD.**

Rex Funk, Road Supervisor requested approval to request Utah Power and Light to relocate a power pole on South Moore Road. The pole is in the way of South Moore Project. Utah Power and Light requires a minute entry and letter from the Commission to move the pole. Commissioner Ira Hatch made a motion to direct a letter to Utah Power and Light requesting they move the power pole on South Moore Road. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Rex indicated that they also need to move the air vac valve. Commissioner Ira Hatch made a motion to do what is needed to move the air vac valve. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF APPOINTMENTS TO ECONOMIC DEVELOPMENT COUNCIL.**

Marlin Eldred, Economic Development Director recommended Mark Stilson and Sue McNee to be appointed to the Economic Development Council as per recommendation of the Council. Commissioner Gary Kofford made a motion to appoint Mark Stilson and Sue McNee as members of the Economic Development Council Board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF APPOINTMENT TO EMERY COUNTY TRAVEL BUREAU.**

The Travel Bureau had one vacancy to fill from the east side of the county. Applications were

requested to fill the vacancy. The Travel Bureau recommended Doug Richards from Green River to be appointed to the board. Commissioner Ira Hatch made a motion to appoint Doug Richards to the Travel Bureau. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF APPOINTMENT TO EMERY WATER CONSERVANCY DISTRICT.**

Commissioner Ira Hatch made a motion to table this item. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**APPROVAL OF AMENDED AGREEMENT FOR SERVICES TO DYNAMIC FEEDBACK.**

Dynamic Feedback is the corporation working on a public opinion survey regarding the San Rafael designation as a national monument. On January 21, 2003 the Board of Commissioners signed an agreement to pay Dynamic Feedback contingent upon receiving at least \$97,733.81 from the state. Dynamic Feedback has requested we add wording in section F. #5. They requested the section to read: This Agreement is contingent on Emery County receiving at least \$97,733.81 from the State of Utah, 'the BLM and other non-county sources'. If the funds are not received, it is understood by both parties that this Agreement is null and void. Commissioner Ira Hatch made a motion to add the wording ' the BLM and other non-county sources' to the agreement. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF AGREEMENT WITH BLM FOR LAW ENFORCEMENT.**

The Board of Commissioners discussed an assistance agreement between BLM and Emery County to place law enforcement, a deputy, on and near the San Rafael area. The deputy will enforce the civil and criminal laws of the State and/or county on the public lands, water, roads, and trails administered by the BLM. The BLM will fund the wages of \$40,000.00 including wage and benefits for the deputy. Emery County agrees to provide a vehicle and equipment as well as quarterly activity reports as to number of patrols made, miles traveled, hours worked, arrests made on public lands, incidents investigated, assistance given to BLM personnel, etc. The BLM agrees to fund a deputy to patrol as proposed for a five year period after which the



funding will end. The agreement does not identify the hourly rate at which the deputy will be paid. The Sheriff's Department will use a deputy already working at the department and will need to hire to replace the one assigned to the BLM. Attorney David Blackwell has reviewed the agreement. Commissioner Gary Kofford made a motion to approve the contract/agreement with BLM to provide a full time deputy on the San Rafael contingent upon verification of hourly rate for the officer. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Ira Hatch made a motion to begin the recruitment process for a new deputy with the provision that the new employee is a grant employee and will terminate when the grant terminates. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**

**CONSIDERATION AND APPROVAL OF SETTING TIME/DATE OF MAY TAX SALE AND RELATED MATTERS.**

Clerk/Auditor Bruce Funk requested that the date and time for the 2003 May Tax Sale be set for May 22, 2003 at 10:00a.m. He reminded them that a few years back the Commission agreed to rotate the title searches for the May Tax Sale rather than going out to bid. The title searches for this year will be completed by Professional Title and will be at a rate of \$100.00 per search. Treasurer, Steven Barton reported that he has sent out letters in an attempt to resolve the delinquent taxes before April 15, 2003. After that time the property owner will be assessed a \$250.00 administration fee. Commissioner Gary Kofford made a motion to set the date and time for the 2003 May Tax Sale for May 22, 2003 at 10:00 a.m. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #153392 through and including #153555 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
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9-03	1999 Kenworth Tractor Road Department	41,000.00	Approved
10-03	3 Port-a-potty units Road	1,365.00	Approved
11-03	2002 Trail King Jeep Dolly Road	2,000.00	Approved

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
410-5859	1979 Cat D8K Dozer	Traded	Approved
410-6759	1998 Omni-Com Computer	Transfer	Approved
410-4840	1987 Teleconcepts Telephone	Junked	Approved
410-4859	1988 TeleConcepts Telephone	Junked	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, Requisitions and Dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL MATTERS.**

Pat Snowball, Personnel Director presented the following Personnel action:

Justice Court

Tammy Bentley is eligible on March 27, 2003, for a routine increase from 7B \$9.29/hr to 8A \$9.50/hr., which will be effective the beginning of the next pay period. Commissioner Ira Hatch made a motion to approve the routine increase for Tammy Bentley as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Assessor

Request was made to hire Lanora Johnson, as Deputy Assessor at 4A \$8.04/hr., regular part time, 20 - 39 hours/wk., eligible for benefits, effective April 3, 2003. Commissioner Ira Hatch made a motion to hire Lanora Johnson as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members presented.

**(17)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated March 4, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(18)**

**COMMISSION REPORTS**

Commissioner Kofford

Commissioner Kofford reported that Justice Court and District Court anticipate moving into the new facility the first week in April. Court dates in April will be in the new court complex. They are in the bid process for the window treatments at the facility.

On Thursday March 13, 2003 he met with Conoco/Philips where they gave an overview of gas production. They anticipate forty to fifty wells this year. They expect activity to slide off in the next few years.

Commissioner Hatch

Commissioner Hatch reported that he met with the Travel Council in Green River. Green River City is pressing for numbers on Transient Room Tax. We do not have those numbers yet. They are in the process of reviewing the Article of Incorporation (By-Laws) for the Travel Council. They would like to tune it up and make any possible changes.

There were twenty-three people who attended the defensive driving course held in the courthouse on March 14, 2003. They will have the course in Green River on March 21, 2003 .

He will be meeting with UAC leadership on Thursday, March 13, 2003 to begin working on legislative issues for the coming year.

Commissioner Sitterud

Commissioner Sitterud met with Gene Carr regarding the Horse Canyon Project. University of Utah gave the project to College of Eastern Utah. Commissioner Sitterud expressed concern that the project will probably not move forward because CEU does not have the funds to keep it moving.

Commissioner Ira Hatch made a motion to move into executive session to discuss personnel matters. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(19)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Present at the Executive Session was Commissioner Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Personnel Director Pat Snowball, Deputy Clerk/Auditor Carol Cox.

Pending personnel matters were discussed.

Upon returning to regular meeting, the Board of Commissioners instructed Attorney David Blackwell to return at next Commission Meeting with suggestions to resolve the personnel issue discussed in Executive Session.

Commissioner Gary Kofford made a motion to appoint Mark McMullin as 90 day temporary in GIS to assist in GPS work at \$8.50/hr. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(20)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

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**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

APRIL 1, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Ira Hatch. The pledge was led by Gary Kofford.

(1)

**DISCUSSION OF CLAWSON TOWN'S REQUEST FOR LAND TO BUILD A  
BASEBALL DIAMOND.**

Clawson Mayor Carey Bloomer presented the Board of Commissioners with a proposal to have one acre of land in Clawson, owned by Emery County, deeded or sold to Clawson Town for the purpose of constructing a baseball diamond. Clawson consistently has boys on baseball all-star teams and would like to have this type of recreation available for its citizens. Attorney David Blackwell explained that legally one government entity can transfer to another government entity for public purpose. Emery County will need to sign a quick claim deed. Commissioner Ira Hatch made a motion to deed parcel number 01-0011-0016 to Clawson Town contingent upon the Mayor signing a reverter to assure that the property continues to be used for public purpose as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF WEATHER RADIO TRANSMITTER GRANT  
AGREEMENT AND ASSOCIATED PAPERWORK.**

Sherif LaMar Guymon explained that this is a grant awarded to Emery County in the amount of \$46,276 under the Rural Utilities Service Weather Radio Transmitter Grant Program. The purpose of the grant program is to finance the installation of new transmitters to extend the coverage of the National Oceanic and Atmospheric Administration's Weather Radio System throughout rural America. The grant award is for the purchase and installation of a 300-watt dual transmitter and antenna and miscellaneous expenses. The grant will be supplemented by matching funds of \$24,241.00 including in-kind contributions in the form of tower space and electrical power provided by the county. A letter of opinion from Attorney David Blackwell will accompany other legal documents. Commissioner Gary Kofford made a motion to approve the

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terms relating to a Weather Radio Transmitter Grant Agreement as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all member present.

(3)

**DISCUSSION OF RURAL COMMUNITY ASSISTANCE GRANT AND LETTER OF SUPPORT.**

Commissioner Kofford explained that this is a \$10,000.00 assistance grant offered by U.S. Forest Service for the purpose of promoting tourism. It is a 80/20 grant with Emery County providing 20% in-kind service. Economic Development Director Marlin Eldred suggested a traveling information booth. The booth could have county flags, pamphlets, maps, etc. to give to people interested in visiting our county. The booth could be taken to county and state fairs as well as other events throughout the state to promote tourism in our county. Commissioner Ira Hatch made a motion to issue a letter of support and make application to the U.S. Forest Service for the Rural Community Assistance Grant for the purpose of tourism as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**APPROVAL OF APPOINTMENTS TO EMERY WATER CONSERVANCY DISTRICT.**

Commissioner Gary Kofford made a motion to table this item. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING CASTLE VALLEY SPECIAL SERVICE DISTRICT TO ENTER INTO A MUNICIPAL LINE OF CREDIT WITH ZIONS BANK FOR \$200,000.00.**

Darrell Leamaster, Castle Valley Special Service District proposed a resolution authorizing them to enter into a municipal line of credit with Zions Bank for not more than \$200,000.00. The line of credit will be a revenue anticipation note to see them through the end of the year when taxes are due. They can draw on this line of credit as needed and pay by December 31, 2003. If they do not need it then they do not pay anything. If they do need it they will pay three quarters under the prime rate for what they use. Commissioner Ira Hatch made a motion to approve Resolution 4-01-03 authorizing Castle Valley Special Service District to enter into a municipal line of credit with Zions Bank for \$200,000.00. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)  
**CONSIDERATION AND RE-APPOINTMENT OF 90-DAY TEMPORARY FOR ARCHIVES.**

Emery County Archives requested to re-appoint Dottie Grimes for another 90-day assignment. She has been working various projects. History/Archives still has grant funds available to cover the cost of paying her for another 90 days. According to county policy she must be off for ten days before being re-assigned. Commissioner Kofford wanted to get with Kathleen and see what is needed before making another assignment. Commissioner Hatch suggested the Commission take a look at all 90-day assignments to make sure we are following policy across the board. Commissioner Kofford was concerned about carrying over temporary assignments for more than two appointments. They will take a look at this again in two weeks.

(7)  
**CONSIDERATION AND APPROVAL OF BUSINESS ASSOCIATE AGREEMENT WITH EMERY COUNTY CARE AND REHABILITATION CENTER.**

Attorney David Blackwell explained that pursuant to the HIPPA "Privacy Rule" Emery County Care and Rehabilitation is required to enter into a business associate agreement with third party business associates with whom they may share or grant access to a patient's individually identifiable protected health information. Emery County has been identified as a Business Associate of Emery Care and Rehabilitation. To be in compliance with the Privacy Rule Emery County has been asked to enter into a Business Associate Agreement. Commissioner Gary Kofford made a motion to approve a Business Associate Agreement with Emery Care and Rehabilitation and to note that the agreement covers all entities of Emery County. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)  
**GREEN RIVER MAYOR GLEN D. JOHNSON, DISCUSSION OF PROPOSAL TO ACQUIRE WHITE SANDS MISSILE RANGE TEST SITE LAND.**

Green River Mayor, Glen D. Johnson made a presentation regarding acquisition of property at White Sands Missile Range-Green River Test Site. They hope to acquire the land to grow and help provide affordable housing and to encourage business and industry to locate there. They asked for a letter of support from the Board of Commissioners to add to their portfolio to present for consideration to acquire the land. Commissioner Ira Hatch made a motion to draft a letter of support to Green River City to use in their portfolio to acquire the land at White Sands Missile Range Test Site. The motion was seconded by Commissioner Gary Kofford and approved by all members present.



(9)

**PRESENTATION OF BIDS FOR BOTT LANE BRIDGE PAINTING PROJECT.  
CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED  
PAPERWORK.**

Bids were opened for the Bott Lane Bridge Painting Project. Bids were received from the following: B&T Builders, \$28,365.00, Golden West Painting, Inc., \$29,800.00, Robinson Preioso, Inc. \$62,250.00, Gateway Company, \$83,700.00. The low bidder was B&T Builders. Attorney David Blackwell informed the Board of Commissioners that B&T Builders is owned by Bruce Funk, an officer of the county. When an officer of the county is affiliated with a business that does business with the county that officer must file a disclosure statement. Bruce Funk reminded them that he did as the law states by providing them with a written disclosure statement and reporting his affiliation with B&T Builders in an open meeting to have it entered in the minutes. David Blackwell felt it was important to have a disclosure form on file. Commissioner Ira Hatch made a motion to award the bid to the low bidder, B&T Builders with provision that the necessary form is on record. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(10)

**DISCUSSION OF PROPOSED NAME CHANGE FOR DES BEE DOVE ROAD.**

Montel Seely sent a letter to the Board of Commissioners proposing a name change of that part of

Des Bee Dove Road that is in the county to Pageant Road. He has made the same request at Castle Dale City for that part of the road in city limits. Commissioner Hatch said that the county has had several requests such as this. He suggested that it would be best to wait until the addressing system is in place. When the addressing is finished then we could look the requests for name changes. Commissioner Ira Hatch made a motion to table this request until we have the addressing system in place. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(11)

**DISCUSSION OF LETTER IN SUPPORT OF PACIFICORP'S PERMIT FOR JAMES  
CANYON WELL SYSTEM.**

Emery County needs to send a letter of support to Division of Water Quality to be able to pump water into the Huntington Canyon side of Electric Lake. The James Canyon Well #3 is an additional well that will pump water from the mine to the Huntington drainage. Richard Snowball added that this is the only feasible way to get back the water that we have been losing

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to the Carbon County side. This particular well will go directly into the mine at the largest inflow into the mine. By pumping this well we practically get back all the water that we are losing. It is very important that the county support it. Commissioner Ira Hatch made a motion to send a letter of support for PacifiCorp's permit for James Canyon Well system to the Division of Water quality. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)**

**CONSIDERATION AND APPROVAL OF LAW ENFORCEMENT AGREEMENT WITH FOREST SERVICE.**

The Annual Financial and Operating Plan for law enforcement patrol on Forest Service roads in Emery County was presented for consideration. The hourly rate for one category I Peace Officer with suitable patrol vehicle is \$27.00 during the dates specified in the operating plan. The mileage rate is .36 per mile. The total reimbursement is not to exceed \$5,276.00. Commissioner Gary Kofford made a motion to approve the financial and operating plan for law enforcement on Forest Service Roads as stipulated in the agreement. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(13)**

**CITIZEN CONCERNS**

Randal Stilson, Orangeville City Council member asked about the county's intentions for the old Animal Control building in Orangeville. The city would like to get it cleaned up. The Commission will look into it.

Randal Stilson also asked if something couldn't be done about the visiting section at the jail. He found it difficult to hear when visiting with an inmate at the facility. Commissioner Gary Kofford stated he has had several complaints also and asked Sheriff Guymon to get prices on visitation phones.

Steve Barton, Treasurer requested authorization to offer deferments to property owners to extend payments for delinquent property taxes in a effort to keep properties from going to the May Tax Sale. The deferment does not waive the administration fee. Commissioner Ira Hatch made a motion to authorize Steve Barton to negotiate agreements with interested property owners. To work with the Attorney's Office on the terms of the agreements and bring to Commission Meeting each agreement for approval or disapproval. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Steve Barton, as a member of the Mostly Emery County Cycling Association(MECCA),

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requested financial assistance to host their San Rafael Mountain Bike Festival in May. Commissioner Drew Sitterud felt that the donation should come from the Recreation Special Service District. Commissioner Sitterud will work with the Recreation District to get the assistance they need.

Richard Snowball made a plea to re-appointment Kay Jensen to Emery Water Conservancy District. He felt Kay would continue to bring to EWCD the experience he has as a member of Huntington/Cleveland Irrigation Company.

(14)

**DISCUSSION OF COMBINING GIS AND IT DEPARTMENTS. CONSIDERATION AND APPROVAL OF DEPARTMENT HEAD APPOINTMENT.**

Commissioner Sitterud explained that currently the IT Department (Data Processing) has one person, Jeff Guymon. Jeff is really swamped and the department needs another person. We are looking at hiring another person. By combining the two departments there can be cross training to help Jeff in IT. In most of the counties our size the GIS and IT departments are combined. It will help with work schedules, project time lines, stabilize the data structure as well as help with the budget. Commissioner Sitterud provided an organization sheet with pros and cons for combining the two departments. The Board of Commissioners have discussed this several times during budget meetings. Commissioner Sitterud proposed moving Jeff Guymon from Data Processing into the GIS office and call it IT office and put Jeff as department head with Lee Rasmussen, Mick Robinson and Margaret McMullin working under him. Another suggestion was to move Jeff Guymon into the GIS office, blanket it, with Lee Rasmussen as manager over GIS and put Jeff Guymon as the department head over the whole umbrella. There will be no cutting time or wages. Commissioner Hatch stated that he felt by combining the two departments it will save the county money. Personally he likes the first proposal of making Jeff Guymon department head over an IT office with Lee Rasmussen doing the programming and Mick Robinson as GIS Technician and Margaret McMullin working on a part time basis on the RS2477 Road project. He feels that this will be more workable and less disruptive down the road. Commissioner Gary Kofford stated that he does not have a problem with the concept of reorganizing the two departments. He felt the time was not right for reorganizing. Commissioner Ira Hatch made a motion to reorganize the GIS and IT Departments into one IT Department with Jeff Guymon as department head as proposed, leaving Jeff the option to structure the department as he sees fit. Commissioner Drew Sitterud stepped down to second the motion. Commissioner Gary Kofford voted nay on the motion. The motion carried with two ayes and one nay.

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**(15)**

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

A business license was presented for Jonathon P. Kelly DBA: Kelly Catering. He will provide backdrops and other items to decorate weddings and other social functions. Zoning Administrator Bryant Anderson has reviewed and signed the application. Commissioner Gary Kofford made a motion to approve a business license for Jonathon P. Kelly DBA: Kelly Catering as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(16)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #154071 through and including #154212 for payment.

There were no requisitions.

Dispositions were presented for the following:

<u>ASSET</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
144-6220	Typewriter	Junked	Approved
144-1119	Calculator	Junked	Approved
144-7419	Computer	Junked	Approved
144-6749	Computer	Junked	Approved
144-5989	Okidata Printer	Junked	Approved
144-6138	Hard drive	Junked	Approved
144-6165	Computer	Junked	Approved
415-6580	93 Kenworth Tractor	Traded	Approved

There was discussion on a claim from Talon Resources for \$31,000.00. It was decided to pull this claim until the Economic Development Council has a chance to review it.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, with the exception of the \$31,000.00 Talon Resources claim for payment and the dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

8

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(17)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL MATTERS.**

Pat Snowball, Personnel Director presented the following personnel action:

Road Department

Mark Seely has successfully completed his six month orientation on April 7, 2003 and it is recommended that he progress from 12 Entry \$10.89/hr., to 12A \$11.22/hr., effective beginning the next pay period on April 14, 2003. Commissioner Ira Hatch made a motion to approve progressing Mark Seely as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Gordon Nielsen has advised the Road Department that he will be off work for approximately two weeks for health reasons. He does not have enough sick and vacation accrued to enable that period to be paid. It was requested that approval be given to allow coworkers to contribute time to him. Commissioner Ira Hatch made a motion to give Pat Snowball the go ahead to send out a memo to all departments providing an opportunity for those employees who desire to donate time to Gordon Nielsen. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sheriff's Department

Sheriff Guymon requested approval to hire J.R. MacDonald at Entry Level 1. Commissioner Gary Kofford made a motion to approve hiring J.R. MacDonald. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(18)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated March 18, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(19)

**COMMISSION REPORTS***Commissioner Kofford*

Commissioner Kofford reported that at fair board meeting they discussed creating a county flag. Emery County is one of the few counties in the state that does not have a county flag. Tyrell Jewkes has been assigned to create a flag. A county wide school contest was discussed to give everyone an opportunity to participate in designing the flag. They hope to have the design in place by the first of May. The flag could then be displayed at our county fair and the state fair in September.

Commissioner Kofford attended UAC training on property tax put on by the Tax Commission. He reminded the Commissioners that we need to make sure we get the letter of appeal in to the Tax Commission if we are going to make the May 1<sup>st</sup> deadline to appeal their decision of the Green River property tax issue.

Commissioner Sitterud and Commissioner Kofford met with concerned citizens regarding ATV use on county roads. There is a meeting scheduled for April 28, 2003 to discuss this more. They hope to have a good turn out of citizens and city officials to get moving on this issue. Commissioner Hatch and Rex Funk will be in St. George at the Road School.

*Commissioner Sitterud*

Commissioner Sitterud reported that the county signed an agreement with BLM for a year round law enforcement officer on the San Rafael area for five years. The terms of the agreement are negotiable at the end of each year. The agreement allows \$40,000.00 a year for the officer's salary to be paid by the BLM and Emery County will provide a vehicle and equipment.

The BLM is going over the Resource Management Plan. Commissioner Sitterud encouraged everyone to give in-put on the RMP as soon as it comes out. The public comment period is the only time we will have any input to the plan.

SUWA has come out against the Flat Top Road that we are redoing. We may be held up on getting that done.

He went to Salt Lake City to close on the bond for \$325,000.00 to finish up the jail, landscaping at the new facility, an equipment building at the new facility and also to do some remodeling at the courthouse after the courts leave the courthouse. We have two quarters to spend those funds.

The Nursing Home put in for grant with the state for a nine passenger bus with lifts. They have

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received it.

All three commissioners met with UPL, Bill and Dale who indicated that they are still proceeding with applications for Unit 4. They made no guarantees as far as Unit 4. They are willing to help us out with water problems. They are willing to come on board with Emery County as far as Wild and Scenic Rivers.

*Commissioner Hatch*

Commissioner Hatch reported that Emery County entered into a co-operative agreement with the Skyline Weed Management Committee. They met in Price and went over some proposed projects for the coming year. One that they settled on was that they get matching funds from the federal government for the Icelander Wash Knapp Weed Project. It will benefit Emery and Carbon County.

Commissioner Hatch and Commissioner Sitterud along with Public Lands Director Ray Peterson met with a contingency of BLM people on the Little Wild Horse Road that has one section that has been washed out. BLM indicated that if we would fix that section then they would leave that open on the system. Commissioner Hatch, Commissioner Sitterud, Ray Petersen, Morris Sorensen and Rex Funk went to look at the section to see what we could do to fix it.

The Emery High School FFA Parliamentary Procedure team made a presentation to the commission. All of the team was made up of girls. He indicated that the bulk of the FFA Chapter is made of girls at this time. They will be going to competition this week in Logan.

He sat in on a meeting with U.A.C Recodification Committee. They look at issues that need to be addressed in the upcoming legislative session. They looked at bills and other legislative issues that were tabled, passed and discussed during the last legislative session. The meeting was very informative.

Commissioner Hatch and Pat Snowball conducted a spring session of a defensive driving course for employees in Castle Dale and Green River.

**(20)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

**(21)**

11  
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**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

APRIL 15, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Rex Funk. The pledge was led by Sheriff Guymon.

(1)

**MONTELL SEELY, EMERY COUNTY FARM BUREAU, DISCUSSION OF STATE LEGISLATIVE BILLS.**

Jay Mark Humphrey, President of Emery County Farm Bureau introduced Wes Quinton, Vice President of Legislature Affairs for the Farm Bureau Federation and Wayne Urie, Regional Representative. Wes Quinton reviewed those bills recently introduced in the legislature which impact rural agriculture. The 2003 Legislative Session proved to be a large success for accomplishing Farm Bureau policy despite the tremendous pressure to tap into agricultural program funding, water funding, and to eliminate sales tax exemption to balance the budget. They encouraged the Emery County Commission to become members of the Emery County Farm Bureau.

(2)

**CITIZEN CONCERNS**

USA-ALL President, Brian Hawthorne gave a brief comment regarding the April 9, 2003 MOU signed by Secretary Norton and Governor Leavitt. Their members and supporters enjoy traveling along many of the roads that are at issue here. Additionally, both individual and organizational members of USA-ALL often assist the BLM with management of the OHV use on many of these roads, including-but not limited to roads in Emery County. They view R.S. 2477 issue, in the most general terms, as an integral part of a bargain that was struck between the Federal Government and Western public land states. Describing it as a bargain may be inaccurate or too simplistic. However, it is legally accurate to describe the 2477 dispute as contractual dispute between two property owners. It is perfectly appropriate, and grounded in Constitutional principles, to access the U.S. Court system when property owners-neighbors-have a property dispute. This is why USA-ALL supports Utah's R.S. 2477 Statewide litigation strategy. The courts are exactly where these issues should be decided. The strategy has been successful in organizing and coordinating a very large and difficult litigation. The "process" outlined in the

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MOU is described as “an empowering resolution outside of courts for roads that meet the agreed criteria”. This is certainly true. USA-ALL understands the desire to ‘narrow’ the scope of the Quiet Title litigation. They understand the advantages of a “process” for VER acknowledgment and agree there is a value in a recordable disclaimer. This process described in the MOU will provide these features, but at a price. Because of the magnitude of the value associated with these rights-of-ways and the realization that adherence to the terms of the agreement would constitute a voluntary relinquishment of a county held property right, USA-ALL strongly encourages the County to think carefully before applying for a disclaimer under the terms and conditions of this agreement. He outlined some things to consider regarding the MOU.

**(3)**

**APPOINTMENT TO EMERY COUNTY BOARD OF ADJUSTMENT.**

There were no applications to consider.

**(4)**

**APPOINTMENT TO EMERY COUNTY WATER CONSERVANCY DISTRICT.**

Commissioner Sitterud explained that traditionally appointments to the Emery County Water Conservancy Board have been presidents of irrigation boards throughout the county. However, the Commission did not get the representation they anticipated from the various canal companies. At this time it was recommended to appoint Kash Winn from the south end of the county, Craig Johansen from the central part of the county and Earl Fillmore from the north end of the county. Commissioner Hatch did not agree with breaking with tradition. A motion to appoint as recommended was not forthcoming. Therefore, Commissioner Sitterud stepped down to make a motion to appoint Kash Winn, Craig Johansen and Earl Fillmore to the Emery County Water Conservancy District. The motion was seconded by Commissioner Gary Kofford. Commissioner Hatch voted aye on the motion with note that he was not opposed to the people who are being appointed, he is opposed to breaking precedence with regard to appointing presidents of irrigation and canal companies to the Water Conservancy District. Jay Mark Humphrey, President of the Water Conservancy Board informed the Commission that Clyde Conover will be retiring from the Water Conservancy District Board after serving 43 years. He suggested sending a letter from the Commission thanking him for his years of dedication and service to the Water Conservancy Board.

**(5)**

**CONSIDERATION AND APPROVAL OF EMPLOYEE CONTRACTS FOR ARCHIVES.**

Kathleen Truman, State History proposed continuation of a contract with State History and BLM to provide funds for employees for the History Archives program. Dottie Grimes has been working on a 90-day temporary assignment, as assistant to Shirley Spears, History Archives Administrator. Dottie's 90 days have expired. She has been off for two weeks as per personnel policy. Shirley Spears is also due for reassignment at this time. Kathleen wondered if there wasn't something else we could do to avoid the two-week lay off each time she is up for reassignment. Commissioner Ira Hatch made a motion to approve another 90-day assignment for Dottie Grimes and to look at the policy to explore other options in that 90 days time. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Kathleen also proposed a continuation of the History Archives grant contract with State Historical Society and Emery County. The grant is for another \$20,000.00 and will extend the date to June 30, 2005. Commissioner Ira Hatch made a motion to approve the continuation of History Archives subject upon approval of the grant document from Attorney David Blackwell. The motion was seconded by Commissioner Gary Kofford and approved by all members present. The motion will be ratified in next Commission Meeting.

**(6)****DISCUSSION OF TRAILER FOR PORT-A-JOHNS.**

Road Supervisor Rex Fund explained that originally the department thought that they could construct the trailers to transport the port-a-johns. The trailers have to be OSHA approved. They have looked into the cost to construct them and have determined that it would be cost effective to purchase the trailers. He estimates the trailers to cost about \$900.00 to \$1,000.00 each. He asked for approval to go out to bid for the three trailers. The Board of Commissioners gave permission for Rex to go out to bid for the three trailers.

**(7)****CONSIDERATION AND APPROVAL OF GRAMA POLICY**

The Commission passed on this item.

**(8)****RATIFICATION OF CONTRACT WITH CITY SANITATION FOR ROLL-OFF**

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APRIL 15, 2003

**CONTAINER AT PUBLIC SAFETY COMPLEX.**

Commissioner Gary Kofford made a motion to approve the contract with City Sanitation to provide roll-off containers( trash dumpsters) at the Public Safety Complex. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #154238 through and including #154408 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
12-03	Cold Water High Pressure Washer Highway	1,650.00	Approved
13-03	Air Compressor w/Trade-in Highway/Landfill	325.00	Approved
14-03	Mosquito Fogger Weed/Mosquito	8,475.00	Approved
15-03	6x6 ATV, Polaris Ranger Weed/Mosquito	8,247.00	Approved

There was discussion on available funds to purchase the cold water pressure washer for Landfill. It was suggested to purchase the pressure washer from the landfill budget and funds will be provided when the Commission opens the budget later this year.

Dispositions were presented for the following:

<u>ASSET</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
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410-3664	1982 Compressor	Traded	Approved
410-5050	2 way radio	Junked	Approved
146-5702	Calculator	Junked	Approved
146-	Calculator	Junked	Approved

Commissioner Hatch discussed the fixed assets and the approaching shifting of offices due to the courts, justice court and attorney offices being vacated. He suggested having a memo sent out to remind departments to identify all assets shifted to another department or sent to prepare for an auction. Commissioner Hatch made a motion to send a memo to department heads and officials to remind departments to identify assets shifted or removed from or added to their department. Departments are to identify and report any asset changes to the Clerk/Auditor's office. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Recorder

Requested approval to hire Sherman Miller for another up to 90 day temporary term. The previous term ended April 12<sup>th</sup>. Sherman will be off work until April 28<sup>th</sup> when, if approved he will begin the new term. He will work until the grant funds run out.

Sheriff's Office

The recruitment process to hire a secretary at the Sheriff's Office has been completed. The Sheriff recommends hiring Nicole Deabenderfer at 4A beginning April 28<sup>th</sup>. The secretary position is full time with full benefits.

Public Lands

Ray Petersen has successfully completed his six-month orientation on April 28<sup>th</sup>. Request was

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made to give him a step increase which will be effective the pay period beginning April 28<sup>th</sup>.

Library

Request was made to begin the recruitment process for the position of Assistant Branch Librarian in Ferron. This is a part time position, working less than 20 hours per week but the person who fills the position will only be scheduled to work eight hours per week. The position is not eligible for benefits.

Commissioner Gary Kofford made a motion to approve the personnel action as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated April 1, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all member present.

**(12)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported that under the MBA they are in the process of advertising for bids to construct metal building at the Sheriff's Complex.

He attended a tour with Fran Sherry, Administrative Assistant to Kathleen Clark at the BLM out of Washington, D.C. They met at Goblin Valley.

*Commissioner Hatch*

Commissioner Hatch attended the Utah State Rehab/Workforce Service Training Seminar at CEU. They presented reports on what they have been able to accomplish. They have been very successful in their programs. He attended State SITLA Board meeting in Salt Lake. He received an update on their RMP planning process for SITLA land.

All three Commissioners met with Forest Service representatives on the proposed ATV bridge in Ferron Canyon. They looked at several locations for the bridge. They suggested some options that the Forest Service had not looked at yet.

COMMISSION MEETING MINUTES  
APRIL 15, 2003

Our cooperative project with the Forest Service for laying down Mag-Chloride on Ferron Canyon Road is progressing very well.

*Commissioner Sitterud*

Commissioner Sitterud reported that he, Rex Funk and Ray Petersen met with SUWA on Dugout Springs Road. SUWA protested the work that was to be done on the washed out road. The Commission convinced them that the road had been washed out. They have dropped the protest.

The tour with Fran Sherry, State Director Sally Wisely at Goblin Valley went well. Sheriff Guymon traveled with them on the tour and put a lot of politicking into the visit. They took them to several campsites to observe the use. They pointed out the campsites that have been closed off. He has told the office to readdress the campsites after Easter. They pointed out the need for more restrooms. They visited Green River City. Green River City requested to redo their slide show on the River at the museum. They anticipate about \$50,000.00 to redo the slide show.

Mr. Sherry commented as they were leaving that BLM owns 80% of that land, they need to be a major contributor to the slide show project. It was an excellent opportunity for open dialog regarding some important issues. They praised our county road shop for the condition of the roads.

Last year Emery Town had a big rain storm that flooded much of the town. They had some anticipated \$80,000.00 bids out to provide reservoirs to collect the water. When the actual bid came in it was around \$300,000.00. Emery Town works on a yearly \$4,000.00 budget. They are going to CIB for funding. Commissioner Sitterud has contacted several CIB Board Members. They will see what they can do to help Emery Town.

The pay phone has been taken out of Emery Town. People coming off of I-70 in the middle of the night are knocking on peoples doors to get help from the sheriff or get gas. Commissioner Sitterud has sent a letter to the people who had the phone there. We have not heard back from them yet. Commissioner Kofford indicated that he has looked into a radio phone. He is getting the pricing on that. Another option is to put in a phone with a direct line to Sheriff's Office for about \$30.00 a month through Emery TelCom.

**(13)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An Executive Session was not needed.

**(14)**

8

COMMISSION MEETING MINUTES  
APRIL 15, 2003

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

MAY 6, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Rick Benson. The pledge was led by Bruce Funk.

(1)

**MESIA NYMAN, FOREST SERVICE, QUARTERLY UPDATE.**

LeLand Matheson, Manti-LaSal National Forest provided the following update:

✦ The recreation development at Lake Canyon Dispersed Recreation Sites and ATV Trail has its EIEA draft out for review. The comment period ended last week. They are working on the comments. If approved this will provide some fifteen self contained restrooms along the Lake Canyon/Miller's Flat area.

✦ The Fortuna Gas Wells, west of Middle Mountain, the Lowry Water Well and Upper Joe's #4 in Scad Valley have an EIS in progress. The company has hired a third party contractor to write the document.

✦ ATV Jamboree for Ferron City decision notice is not finished yet. They are in the final process of getting archeological work and wildlife issues taken care of.

✦ Regarding James Canyon drilling by PacifiCorp at Skyline Mine. They have had trouble with bits sheering off. It will be at least the end of May before they will be doing anything more with that.

✦ By the end of the month the gates on Cottonwood Road, Joe's Valley will be open. Possibly Miller's Flat Road and eventually the lower gates opening the loop for passage. This all depends upon the weather.

✦ The snow is going fast on the mountains.

✦ Grazing permites will be asked to go with less numbers and a shorter season.

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(2)

**DERRIS JONES, DWR, QUARTERLY REPORT.**

Derris Jones, DWR, provided the following quarterly update:

✦ Youth Fishing Day was successful. The weather was miserable but the kids turned out to have a full day of fishing.

✦ Legislature has approved fishing license increase for 2004. They have earmarked \$250,000.00 for community fishing ponds to provide more opportunity for enticing youth to fish and potentially become lifetime fishermen. They will be having a big marketing campaign to try to counteract purchasing resistance due to the fee increases. They will be promoting fishing as a great family outing.

✦ Low range is in tough shape due to the drought and army cutworms defoliating almost all vegetation.

✦ They are working on a wolf management group. The group will be made up of representatives from several groups with interest in wolf management. The group will be preparing a management plan for review.

✦ Regarding depredation in the agriculture community, they have had two individuals request to have deer removed from the property. They are working with the individuals to minimize the problem.

(3)

**PAT GUBBINS, BLM, QUARTERLY UPDATE.**

Pat Gubbins was not able to make it to the meeting.

(4)

**RICK BENSON, DISCUSSION AND APPROVAL OF TAX ABATEMENT OF THE THREE SEVENS RANCH.**

Rick Benson, First Baptist Church of Emery County, came before the Board of County Commissioners to request a tax abatement. In November of 2002 a 50% abatement was allowed on ranch property which was used as a religious retreat. Since then he has purchased and received notices for two other pieces that have now been combined into one parcel. He requested abatement for parcel #05-0094-0003. The total amount of back taxes is \$328.49 including interest and penalties. There was some discussion by Commissioner Kofford of the need to look at the whole situation prior to next year and determine what is being used for religious purposes. Commissioner Ira Hatch made a motion to abate 50% of the tax due \$140.48, adding that he pays the interest and penalties at 100%, \$47.52 (total \$188.00). The motion was seconded by Commissioner Gary Kofford and approved by all members present.

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(5)

**ALLEN JENSEN, DISCUSSION AND APPROVAL OF TAX ABATEMENT ON FORECLOSURE PROPERTY.**

Assessor, Chris Bell explained that this is property in Cleveland that was a bank foreclosure. The property was originally in one parcel. The bank sectioned the property off and sold one piece to Allen Jensen (#1-56-11). A new parcel was made from the other piece of the property sold to Allen Jensen. (#1-56-23) This parcel is owned by the bank. The back taxes from the original parcel #1-56-11 were all shifted to Allen Jensen's parcel. Another section was sold to Cleveland Town and a new parcel made. (#1-56-24) The taxes all went to the one parcel because that is where the house was. There is an old home on the bank's parcel and a trailer on Cleveland Town's parcel. Mr. Jensen's request was to have the taxes distributed among the other parcels so they are not all on his property. Commissioner Ira Hatch made a motion to prorate the taxes on the properties including proportionate amounts of interest and penalties for each parcel and to write a letter to each owner explaining what has happened. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CRAIG JOHANSEN, CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN UDOT AND EMERY COUNTY TO CONSTRUCT PHASE I OF THE SOUTH MOORE CUTOFF ROAD.**

Craig Johansen, Johansen and Tuttle Engineering discussed a cooperative agreement between UDOT and Emery County to construct Phase I of the South Moore Cutoff Road. A Certificate of Right-of-way has been acquired. We need to certify J & T Engineering as the design engineer of record. To meet with date constraints the certificates were signed last week and need to have the action ratified. Commissioner Gary Kofford made a motion to ratify the action taken. The motion was seconded by Commissioner Ira Hatch and approved by all member present.

(7)

**REQUEST FOR DONATION TO THE 100<sup>TH</sup> BIRTHDAY CELEBRATION OF THE MANTI-LASAL FOREST SERVICE.**

Commissioner Ira Hatch made a motion to donate \$250.00 to the 100<sup>th</sup> Birthday Celebration of the Manti-LaSal Forest Service. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

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**CITIZEN CONCERNS**

Treasurer, Steve Barton requested to waive up to \$25.00 in interest and penalties at his discretion without coming to the Commission each time. He explained that on occasion his office receives payments that are short of the amount due in interest and penalties. He would like to be able to waive these fees up to the \$25.00 maximum. The Commission asked if he could generate a monthly report of the fees waived. Mr. Barton indicated he could do that. Commissioner Gary Kofford made a motion to approve Steve Barton's request to waive fees up to \$25.00 and provide a monthly report to the Commission. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**APPOINTMENT TO THE EMERY COUNTY BOARD OF ADJUSTMENT.**

No action was taken.

(10)

**RATIFICATION OF CONTRACT BETWEEN EMERY COUNTY AND DIVISION OF STATE HISTORY.**

Commissioner Ira Hatch made a motion to ratify the motion made April 19, 2003 between Emery County and Division of State History. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF REQUEST FOR EASEMENT FROM CHEVRON TEXACO.**

Chevron Texaco requested Emery County grant an easement across a portion of Little Bear Campground. The easement will be used as a utility corridor to move production from a nearby well to their central production facility. The production will be moved via buried pipelines. The easement covers two segments of land, 1,708.98 feet in length being 103.574 rods.

Commissioner Ira Hatch made a motion to grant the easement as requested with approval of BLM. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF 2003 PROPERTY TAX EXEMPTIONS.**

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Commissioner Gary Kofford made a motion to approve the 2003 Property Tax Exemption List. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

**DISCUSSION OF REVISED ORDINANCE FOR LIBRARY BOARD AND SETTING OF PUBLIC HEARING.**

An ordinance granting certain responsibilities to the Emery County Library Board and providing basic guidelines and procedures for library operations has been drafted and proposed by Utah Association of Counties attorneys. An ordinance change must be advertised and have a public hearing to receive public comment before it can be adopted. Therefore, Commissioner Gary Kofford made a motion to advertise the proposal the required amount of time in the local newspaper and set a public hearing for June 3, 2003 at 5:00 p.m. to receive public comment on adopting this ordinance. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF BID AWARD FOR NEW FURNACE/AC SYSTEM FOR GREEN RIVER LIBRARY AND ASSOCIATED PAPERWORK.**

Bids for a new furnace/air conditioner at the Green River Library were discussed. The Library Board recommended accepting the low bid from Dugmore Heating and Appliance at \$4,289.00. Commissioner Gary Kofford made a motion to accept the low bid from Dugmore Heating and Appliance. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF CONTRACT FOR CONSIDERATION OF LOG POLE FRAMES AND DOWN PAYMENT.**

Kathleen Truman, State History explained that bids were put out for the construction of log pole frames to put in each town for information kiosks. No bids were forthcoming. Kathleen called around to several people and got one response. Shawn Jeffs agreed to construct the frames. He asked to have \$800.00 down payment to begin work on them. Commissioner Gary Kofford made a motion to approve Shawn Jeffs to construct the poles and pay the \$800.00 down payment as requested. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #154652 through and including #154813 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
16-03	(3) 2003 Dodge Durangos Sheriff	\$78,897.00	Approved
17-03	Semi Trailer Tank Road	2,850.00	Approved
18-03	1999 Volvo Rock Truck Landfill	139,500.00	Approved
19-03	100 MB Fiber Switches/Cable Library	3,669.90	Approved
20-03	Riding Lawn Mower Airport	899.99	Approved

Dispositions were presented for the following:

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
415-5859	1979 Cat D8K Dozer Class B Roads	Trade in	Approved
000-0000	2 way radio Class B Roads	Junked	Approved
160-1347	Folding Chair		
160-3096	Folding Chair		
160-1399	Folding Chair		

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160-2937	Folding Chair Courthouse	Junked	Approved
210-6051	Copy Machine	Trade in	Approved

Additional claims were presented for consideration. They included a claim for Talon Resources in the amount of \$22,000.00 for employee credits per contract. Mr. Funk expressed concern because the contract and minutes, dated March 19, 2002, state that the employees must be working on the property in order to qualify for these credits. Talon Resources is not operating their business from the industrial park site, which is the property to which the contract refers.

Commissioner Gary Kofford made a motion to have this matter tabled. His concerns were as follows:

1. The original contract, dated March 19, 2002, calls for payment to be made based on the W-2's for Talon Resource employees working on the property site. There is no business or employees located at the industrial park property.
2. A new contract, dated May 2, 2003, is not a valid contract and cannot be used to approve payment to Talon Resources for employee credit. David Blackwell, County Attorney, reviewed this contract and had some concerns. He agreed that the new contract should not have been signed.
3. Commissioner Kofford felt that an investigation is necessary into the intent of the new contract dated May 2, 2003 and signed by Commission Chairman Drew Sitterud, without board approval.

Commission Chairman Drew Sitterud explained his position on the matter. A claim for \$31,000.00 to Talon Resources for employee credits was tabled in an earlier meeting due to some questions. Talon Resources, Allan Childs, purchased the entire piece of property at the industrial site and signed a contract with the understanding he would be reimbursed for the purchase price of the property by submitting employee W2's (same agreement signed previously by the owners at the restaurant at the industrial park). However, the language in the contract stated reimbursement for employees working on the property site. The Industrial Park board met and a new contract was drafted changing language to reflect original intent of the Board's negotiations.

Marlin Eldred, Emery County Economic Development director indicated that it was not his intention to bring this claim before the board today since he missed the Clerk/Auditor's deadline for when claims are due. He thought he would have time to talk to the other commissioners before it went through a meeting. He agreed with Commissioner Sitterud, that the intent of the contract was to reimburse the purchaser for purchase price of property by paying employee

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credit based on W2's submitted, not necessarily for employee's working on the property. Mr. Childs indicated to the Industrial Park Board that he had no intention of building on the property for two to four years and the Industrial Board was made aware of this.

Commissioner Hatch felt this item needed more discussion and seconded the motion to table this matter. The motion was approved.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, with exception to the Talon Resources claim, the requisitions and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

Recorder

A request was made to begin the recruitment process for Deputy Recorder, 4A \$8.04/hr. Dixie Swasey has requested that this be a regular part time position, 20-39 hours (3/4 time), eligible for benefits on a prorated basis. This vacancy occurs as Karen Peacock retires. Karen has been employed by the county since November, 1980. Commissioner Ira Hatch made a motion to approve beginning the recruitment process to hire a Deputy Recorder as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Weed and Mosquito

A request was made to begin hiring up to 90-day temporaries beginning with Cory Worwood on May 12, 2003, at a rate of \$10.26/hr. The department is budgeted for three 90-day temporaries and James Nielsen plans to bring the help on as the season progresses. It is requested that, as we did last year, it not be necessary to bring individual names to the Commission for approval, but that James has approval to hire two more 90-day temporary workers and he will confer with Commissioner Hatch as he does so. The wage for each will be \$10.26/hr. Commissioner Gary Kofford made a motion to approve hiring three 90-day temporaries as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(18)

**APPROVAL OF COMMISSION MEETING MINUTES.**



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Commissioner Gary Kofford made a motion to approve the minutes dated April 15, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(19)**  
**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford provided a review of the 2003 Emery County Fair. He reported on the Emery County flag contest. The plan is to have a flag put together by the end of May. The flag will be introduced at the opening of the PRCA Rodeo. It will be displayed at the State Fair also. He attended a meeting with Forest Service people regarding Wild and Scenic Rivers suitability study for Huntington Creek.

*Commissioner Hatch*

Commissioner Hatch reported on the status of the last phase for U24 Goblin Valley Road. He reported on the meeting that was held with OHV/ATV users. They will have another meeting June 10<sup>th</sup>, 2003 after the Public Lands meeting.

*Commissioner Sitterud*

Commissioner Sitterud reported on a meeting with Joe's Valley Marina owner, Road Department, Emery Water Conservancy District and Forest Service people regarding application for low water boat ramp for Joe's Valley. He reported that the Rural Loan Division will be moving its office the Provo. A letter has been sent to inquire as to why they would move the office to Provo because Provo is not a rural community. Driver's License Division has informed the County that they will change the time that a Driver's License Examiner comes to Castle Dale. They are looking at every other month to have an examiner here. The Commission is looking to get that changed.

**(20)**  
**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

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An Executive Session was not necessary.

**(21)**  
**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

MAY 20, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Commissioner Gary Kofford. The pledge was led by Leslie Bolinder.

(1)

**WENDY WHITTLE AND EMERY HIGH HISTORY FAIR WINNERS,  
PRESENTATION OF THEIR WINNING PROJECTS.**

Emery High History Fair Winners, Curtis Jensen, Spencer Colby, Jeremy Gilbert, Michael Reed and Megan Rogers presented the Board of Commissioners with a presentation of their winning projects. Curt, Spencer and Jeremy made their presentation first. Their video presentation on the San Rafael Swell won 1<sup>st</sup> place in region and 2<sup>nd</sup> in state. They are now advancing to national finals competition. Next Megan Rogers made her presentation. Megan's video presentation was on the Japanese/American internment after WWII. Megan won 1<sup>st</sup> in state with her presentation and will also move on to national finals. The group will be traveling with their advisor Wendy Whittle to Washington, D.C. to attend national finals in June. Curt Jensen made request on behalf of the group for financial assistance to travel to Washington, D.C. Commissioner Kofford explained that for a group or individual to receive funds from the county the purpose must be for the betterment of the county and its citizens. Since the presentation was about the San Rafael Swell a donation to the group was in line with the request. Therefore, Commissioner Ira Hatch made a motion to donate \$250.00 to the group to assist in their travel to Washington, D.C. The motion was seconded by Commissioner Gary Kofford and approved by all member present.

Mark H. Williams announced that the OHV Club will match the county's donation to the group. American Legion Post 42 will donate \$100.00 and American Legion Auxiliary Unit 42 will donate \$100.00.

(2)

**CITIZEN CONCERNS**

Commissioner Sitterud announced that due to a statewide budget shortfall the Castle Dale driver's license office will be shut down. This directive affects all satellite offices in the state.

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After July 1<sup>st</sup> service should resume in the Castle Dale area. The Price office, located at 940 South Carbon Avenue is open Monday thru Friday. The office hours are from 8:00 am to 5:00 pm.

Commissioner Hatch reported that the Travel Bureau has an opening from the eastern portion of Emery County. Commissioner Ira Hatch made motion to begin the process to fill the opening in Emery County Travel Bureau from the eastern portion of the county. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sheriff Guymon presented a contract bid for \$75.00 a month from Doug and Sharon Richards to maintain the grounds at the Sheriff Complex in Green River. Commissioner Kofford wanted to know if the county requires liability insurance from independent contractors who do these type of service contracts with the county. The library in Green River needs a grounds keeper also. Commissioner Gary Kofford made a motion to table the signing of this contract until they have a chance to talk to Dennis Fuller to find someone to service all the county facilities in Green River.

The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Sheriff Guymon thanked the Commissioners for their attendance and support at the MECCA Bike Ride dinner. They had approximately 130 riders attend this years bike ride.

In a previous Commission Meeting Treasurer, Steve Barton requested approval to negotiate contracts with those property owners facing loss of property to a property tax sale. He presented contracts from Ricki Edwards and Zina Willard. The contracts are contingent upon receiving payment by November 30, 2003 or the county will take action. Commissioner Ira Hatch made a motion to approve the contracts as negotiated. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Steve Barton also requested updating bank signature cards on the district accounts. Many accounts still have previous officials listed as authorized signatures. He requested the Commission review and update these accounts as necessary. Commissioner Ira Hatch made a motion to update all the signature card on all accounts with the banks as necessary. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Mark H. Williams reported that plans are moving forward for the ATV Jamboree in Ferron. Ferron City Council member, Jo Sanservero has made arrangements to have Stan Adams from the BLM Office in Richfield available at Ferron City Hall on Tuesday, May 27, 2003 at 7 pm. Mr. Adams will provide a power point presentation of the Piute Trail and its affects on community and business. This will be beneficial in our efforts with Emery County's Arapeen Trail and the San Rafael Swell.

**(3)****DISCUSSION OF HAVA AND EMERY COUNTY'S PARTICIPATION.**

Clerk/Auditor, Bruce Funk explained that federal legislation enacted HAVA (Help America Vote Act). Five million dollars in funds have been allocated to the state to update voting equipment. By the 2004 elections audio visual touch screens will be available for hearing and sight impaired. Next the plan is to replace the punch cards. The state's program will provide 38 touch screen voting machines at a cost of \$8,100.00. We would need at least 20 more machines at an additional cost of \$50,000.00. Many counties are trying to figure out how to pay for the additional machines they will need to purchase. In 1996 Emery County went to the optical scan ballot. This has been a worthwhile investment for the county. Mr. Funk recommended that the county stay with the optical scan ballot because it is working well. Even if we stay with the optical scan ballot we will still have the audio and visual touch screens for the hearing and sight impaired. The majority of the counties are not in agreement with the state's plan. Clerks and Commissioners in the state have voiced concerns to the committee. Most of the money allocated to the state is put into promotion. Mr. Funk asked for the Commission to indicate where they want to be on the election equipment. Commissioner Gary Kofford made a motion to stay with the optical scan ballot. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(4)****CONSIDERATION AND APPROVAL OF CONTRACT FOR INDEPENDENT AUDITOR.**

Emery County has a contract with Kimball and Roberts as our independent auditors. They require a letter of engagement each year. The document was reviewed by the Commissioners and Attorney David Blackwell. Commissioner Ira Hatch made a motion to sign the letter of engagement with Kimball and Roberts to conduct the 2002 audit. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(5)****APPOINTMENT OF LEGISLATIVE CONTACT PERSON FOR EMERY COUNTY.**

Commissioner Ira Hatch made a motion to appoint Gary Kofford as legislative contact person for Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(6)**

**CONSIDERATION AND APPROVAL OF BEER LICENSE FOR TRAIL MOUNTAIN RESORT.**

Commissioner Gary Kofford made a motion to table this matter to allow time to get a legal opinion. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

A business license was presented for Maxie Jones DBA: Trail Mountain Lodge. Commissioner Gary Kofford made a motion to approve the business license for Maxie Jones DBA: Trail Mountain Lodge as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

A business license was presented for Robert K Kelly DBA: RK Enterprises. Mr. Kelly will be storing saddle racks and delivering them to retailers. Commissioner Ira Hatch made a motion to approve the business license for Robert K Kelly DBA: RK Enterprises as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND AP&P FOR DRUG TASK FORCE. RATIFICATION OF DRUG TASK FORCE GRANT APPLICATION.**

The agreement allows Emery County to join with Drug Task Force with Adult Probation and Parole. The Commission had a question regarding the voting ability of the County Attorney as a member of the board. The document stated that the Attorney would be a non voting member. Commissioner Ira Hatch made a motion to approve the agreement between Emery County and AP&P for Drug Task Force subject to deleting the line regarding Attorney shall not be a voting member. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to ratify the signing of the Drug Task Force Grant Application which had to be signed and returned by a certain date. Commissioner Ira Hatch had left the room for a few minutes. Therefore, Commissioner Drew Sitterud stepped down to the second the motion. The motion was approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF GRANT APPLICATION FOR**

**INVESTIGATIVE EQUIPMENT.**

Commissioner Gary Kofford made a motion to approve the grant application as written. Commissioner Hatch was out of the room, therefore, Commissioner Drew Sitterud stepped down to second the motion. The motion was approved by all members present.

**(10)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List #154979 through and including #155143 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
21-03	(6) 5ft Circular Tables/Museum History Grant	\$ 1,238.10	Approved

There were no dispositions.

Bruce Funk informed the Commission that he was contacted by Fausett Mortuary to assist with two indigent burials. He will bring the request before the Commission when he has all the details.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List and Requisitions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

**Library**

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Request was made to hire Becky Jewkes, Assistant Librarian, Ferron Library. This is a part time position, 8/hours/wk., not eligible for benefits.

Valynn Huffaker, janitor, Ferron Library, has submitted her resignation effective May 30<sup>th</sup>. A request was made to begin the recruitment process to fill the vacancy. The janitor works 10 hours/wk. The beginning wage is \$5.15/hr.

Commissioner Gary Kofford made a motion to approve hiring Becky Jewkes as Assistant Librarian at the Ferron Library and approval to begin the recruitment process to fill the vacancy for the janitor. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

### **Recorder**

Sharon Boyle will assume supervisory duties upon Karen Peacock's retirement. Dixie requested a three-step raise for her effective beginning the next pay period. Commissioner Ira Hatch made a motion to approve the three step increase for Sharon Boyle as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Karen Peacock has less than 192 hours accrued in her sick bank. However, since she is retiring, she would like to use whatever is in the bank to pay for health insurance. Recorder, Dixie Swasey

expressed her desire to have consideration for her twenty-three years of loyal service to Emery County by allowing her to have insurance beyond her employment. The Board of Commissioners were concerned for setting precedence and breaking with policy by allowing insurance coverage in exchange for sick bank hours. Commissioner Gary Kofford made a motion to deny her request to use her accrued sick hours to pay for insurance premiums, however, based on her longevity of employment with the county to allow the county to pay for three months insurance premiums. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

### **Temporary up to 90 days**

#### **Extension**

Kortney McMullin has been hired starting May 19, 2003.

#### **Clerk/Auditor**

Kali Yost has been hired starting May 19, 2003.



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Commissioner Ira Hatch made a motion to approve the actions of department heads and elected officials in hiring temporary up to 90 day employees. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

### **Sheriff**

Request was made to hire Rory Bradley to fill the BLM position. He will start immediately. Rory will start out in dispatch and receive training before assuming the BLM position. Ray Jeffs is patrolling BLM until Rory has completed his training.

Commissioner Ira Hatch made a motion to approve the hiring of Rory Bradley to fill the BLM position as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

### **(12)**

#### **APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve the minutes dated May 6, 2003 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

### **(13)**

#### **COMMISSION REPORTS**

##### *Commissioner Hatch*

Commissioner Hatch reported on the preconstruction of the Bott Lane Bridge. The contractor is beginning work on the bridge. Expected completion is sixty days. He attended a meeting on RS2477 and a process to validate the information compiled. He met with Dan Johnson from Chevron/Texaco. Mr. Johnson indicated he would like to instigate a safety awareness training inviting industry, community and county officials involved in safety in our communities.

##### *Commissioner Kofford*

Commissioner Kofford reported that Dixie Swasey headed up the committee to judge the Emery County Flag contest. The committee met and determined that they needed two more weeks to solicit more designs for the flag. The Forest Service asked the Commissioners head up the suitability portion of the study of Wild & Scenic Rivers. The first meeting has been set up for Thursday, May 22, 2003 at 1:30 pm.

##### *Commissioner Sitterud*

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Commissioner Sitterud met with Bret Mills and communications people from four counties regarding the television transmission changing from analog to digital. We need to start the process to update all of our equipment. The group is going to write a grant to take to CIB for funding. They will bring a request for support to Emery County sometime later, it may be a year down the road. The upgrade must be complete by 2009. After 2009 analog television set will not work anymore.

Commissioners Kofford and Sitterud met with UPL officials last week. They indicated that the notice of intent for unit 4 has started. They are seeking an air quality permit at this time. If they do build unit 4 here it will be a 575 mega watt unit. They would upgrade all scrubbers so that there is no more pollutants in the air then what there is right now. The Delta Plant has also filed a notice of intent. The most feasible one gets the new unit. There will be some political work to get the other states on board. Utah is only 40% of PacifiCorp. Wyoming is fighting it. Oregon does not want it. UPL officials felt good about it coming to Huntington. Best case scenario is to have it on line by 2007. They are hoping for 2011.

Commissioner Sitterud thanked Dixie Swasey for helping with the 2<sup>nd</sup> grade classes who recently visited the courthouse. He thanked the offices that took the time to talk to the students. 2<sup>nd</sup> graders learn about local government as part of their social studies curriculum.

**(14)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An Executive session was not necessary.

**(15)**

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

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Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Ray Petersen . The Pledge was led by Ira Hatch.

A moment of silence was observed due to the recent loss of Deputy Jeremiah Johnson, Richard Snowball and Gerald Barton.

(1)

**MAYOR NEAL PEACOCK, DISCUSSION OF SWIMMING POOL FUNDING CONCERNS AND OLD JAIL FACILITY AND POSSIBLE SOLUTIONS.**

Castle Dale Mayor, Neal Peacock thanked the Board of Commissioners for the county's financial support for the swimming pool through the Recreation Special Service District. He reported that the swimming pool is an important asset to the county as a whole. He estimated that approximately one hundred people utilize the pool each day. Groups use the pool for aquasize, lap swimming, physical therapy, family nights, swimming lessons as well as general use by the public. He reported that the pool brings in about \$35,000.00 a year but it cost around \$70,000.00 a year to maintain. Castle Dale City plans on approximately \$40,000.00 a year in repairs and maintenance. The funds provided by the Recreation Special Service District help to offset maintenance cost. He asked that the Board of Commissioners continue to keep the swimming pool a high funding priority. He also asked about the possibility of having the barbed wire fence around the old jail removed since the building was no longer being used as a jail facility. He offered the help of Castle Dale City maintenance workers and possibly city equipment. He indicated the desire of Castle Dale City to have the safety and appearance of the facility improved. The Board of Commissioners will look into the matter.

(2)

**EMERY TELCOM REPRESENTATIVE, QUARTERLY REPORT.**

Mike McCandless, Emery TelCom reported that he has been reassigned within the Emery Telcom staff. He is now over product development. Emery TelCom has hired Larry Salazar as their new public relations manager. Mr. Salazar was introduced to the Board of Commissioners.

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Mr. Salazar provided a brief background and an update of his activity since beginning his new position at Emery TelCom.

(3)

**DELENA FISH, WFS, QUARTERLY REPORT.**

Delena Fish, Work Force Services provided a quarterly report as follows:

- ✦ Unemployment is 10.9% in Emery County.
- ✦ They have provided workshop for employees.
- ✦ They met with the Sheriff's Department, providing training for inmates to prepare to re-enter the workforce.
- ✦ They have experienced an increase in individuals coming in to improve their skills to be better prepared to enter the workforce and meet employers requirements.

(4)

**REQUEST FOR DONATION TO MECCA.**

Steve Barton made a formal request on behalf of the Mostly Emery County Cycling Association (MECCA) organization. The funds will be used for their annual San Rafael Bike Festival. The Board of Commissioners usually direct this type of request to the Recreation Special Service District. Due to budget constraints and the timing of mineral lease funds coming in, the Recreation District is short of funds at this time of year. Commissioner Ira Hatch made a motion to donate \$250.00 to the MECCA organization and to direct this donation back to the Recreation District for next year. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**CITIZEN CONCERNS**

Commissioner Gary Kofford reported that the design selection process for a county flag is complete. Dixie Swasey headed a judging committee which selected a design from the fifteen entries. Tyrell Jewkes ran the program to solicit the designs. The committee chose the design submitted by Dirk Jones. Dirk will receive \$100.00 and the county will hold all rights to the design. The design will be given to the Fair Board for modifications. Colonial Flag was contacted to get the flag produced. It will cost \$250.00 to produce one flag. Commissioner Kofford proposed having four flags produced at \$1,000.00. The unveiling of the flag will be at the Emery County Fair. One flag will be used at the state fair. Commissioner Gary Kofford made a motion to have four flags produced at \$250.00 each. The County will help fund if the Fair Committee can not find the funds to fully pay for production. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**5:00 P.M. PUBLIC HEARING- To receive public comments on an Ordinance of Emery County granting certain responsibilities to the Emery County Library Board of Directors and establishing certain policies and procedures for the exercise thereof.**

Commissioner Gary Kofford made a motion to come out of regular Commission Meeting and open a public hearing to receive comments on an ordinance of Emery County granting certain responsibilities to the Emery County Library Board of Directors and establishing certain policies and procedures. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Kofford explained that in the 2003 general session of the state legislature a bill was passed to delegate certain responsibilities to library boards and provide basic guidelines and procedures for library operation. Utah Association of Counties proposed making changes to conform with the legislature passed. The proposed ordinance has been advertised for three weeks. It is now time to receive public comment on the proposed ordinance.

The Board of Commissioners and Attorney David Blackwell proposed some wording changes in the document.

The meeting was opened for public comment.

Being no comment from the public Commissioner Ira Hatch made a motion to come out of the public hearing. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Ira Hatch made a motion to resume regular Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**ADOPTION OF EMERY COUNTY ORDINANCE GRANTING CERTAIN RESPONSIBILITIES TO THE EMERY COUNTY LIBRARY BOARD OF DIRECTORS AND ESTABLISHING CERTAIN POLICIES AND PROCEDURES FOR THE EXERCISE THEREOF.**

Commissioner Ira Hatch made a motion to accept the suggestions for changes to the ordinance to have Attorney David Blackwell make the changes and bring back to the next Commission Meeting for adoption. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Commissioner Ira Hatch made an amendment to his previous motion to adopt the ordinance as rewritten by Attorney David Blackwell. The motion was seconded by

Commissioner Gary Kofford and approved by all members present.

(8)

**NOTIFICATION OF LIBRARY BOARD VACANCY AND APPROVAL TO ADVERTISE FOR APPLICANTS.**

According to the Library Board's bylaws a board member may serve only two terms. Marilyn Olsen has served two terms representing the North-Cleveland/Elmo area. Commissioner Gary Kofford made a motion to advertise for applicants to fill the North area on the Library Board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**BID OPENING FOR NEW ROOFING ON THE CLEVELAND AND EMERY LIBRARIES. CONSIDERATION OF BID APPROVAL AND ASSOCIATED PAPERWORK.**

Bids were opened for new roofing on the Cleveland and Emery Libraries. Bids were received from Stilson Construction for \$9217.00 and Bob Allen Construction for \$11,725.00. Commissioner Gary Kofford made a motion to award the bid to low bidder Stilson Construction for \$9,217.00. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF APPLICATION TO RENEW PERMIT TO OPERATE LANDFILL.**

Commissioner Gary Kofford made a motion to approve and sign the application to renew the permit to operate the landfill. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**BID OPENING FOR OIL/ANTI-FREEZE CONTRACT FOR EMERY COUNTY ROAD DEPARTMENT. CONSIDERATION OF BID AWARD AND ASSOCIATED PAPERWORK.**

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Vendors were contacted to supply bids for a three year contract to supply oil and antifreeze for the Emery County Road Department. Bids were received from Pierce Oil Company, Rhinehart Oil Company and B.K.'s Stop and Shop. Commissioner Ira Hatch made a motion to accept the bids and authorize Rex Funk and Ira Hatch to establish a matrix from the bids received to determine the best price and award the bid based on that recommendation and ratify that award at the next Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**DISCUSSION OF DBT'S REQUEST FOR LETTER OF SUPPORT TO UDOT FOR NEW ACCESS TO THEIR PROPERTY.**

Commissioner Kofford explained that DBT in Huntington has requested the County send a letter of support to UDOT in support of their request for an access to their facility off Highway 10. Commissioner Gary Kofford made a motion to send a letter of support to UDOT in support of DBT's request for a Highway 10 access to their facility. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

**DISCUSSION OF MISS EMERY SCHOLARSHIP FUNDING/ACCOUNTING.**

With the rising cost of higher education the state is pushing for the scholarship pageant to go from \$1,000.00 to \$2,500.00 for the pageant winner. Natalie Blackwell, Miss Emery Scholarship Pageant Director is in the process of soliciting funds for the scholarship fund. Mrs. Blackwell requested that funds received be earmarked for this purpose. Commissioner Gary Kofford made a motion to have a line item set up to receive funds donated for the Miss Emery County Scholarship fund. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**RATIFY/ADOPT FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, INC. FY 2004 MENTAL HEALTH AND SUBSTANCE ABUSE ANNUAL PLAN.**

Bob Greenberg, Director of Four Corners Community Behavioral Health, Inc. for Carbon, Emery and Grand Counties was required to complete and present to the governing body of each county

a mental health and substance abuse annual plan. Mr. Greenberg has completed that plan and was present to provide a copy to the Board of Commissioners. He asked that the county formally recognize and adopt the plan. Commissioner Gary Kofford made a motion to accept the FY 2004 Mental Health and Substance Abuse Annual Plan as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

**RATIFY/ADOPT SOUTHEASTERN UTAH DISTRICT HEALTH DEPARTMENT BUDGET FOR FY2004.**

Commissioner Gary Kofford made a motion to ratify and adopt the Southeastern Utah District Health Department budget for 2004. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

**CONSIDERATION AND APPROVAL OF CHEVRON TEXACO REQUEST FOR RIGHT-OF-WAY AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.**

Previously Chevron Texaco requested an easement through Little Bear Campground to place a pipeline which Emery County approved based upon receiving approval from the BLM. Emery County has since been told they cannot grant an easement but can grant a right-of-way. The county cannot accept the funds for the right-of way. The funds to pay for the right-of-way have to go to the Recreation Special Service District because they manage the maintenance of the campground. Commissioner Gary Kofford made a motion to approve Chevron Texaco's request for right-of-way and an inter local agreement between Emery County and Emery County Recreation Special Service District subject to the approval and consent of Joan Hubbert, BLM. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

**DISCUSSION OF PUBLIC PHONE IN EMERY TOWN.**

Commissioner Sitterud explained that for some time now Emery has experienced people coming off I-70 at all hours of the night knocking on doors to use a phone. There are no pay phones in Emery and cell phones do not work in Emery or I-70. The County has contacted several cell phone providers. They were not interested. Emery Telcom provided some ideas, but all led to a



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dead end. The County has talked with other providers who offered to put in a phone at approximately \$980.00 with a \$29.00 a month service. The County is at loss as to what to do to help the people in Emery. Commissioner Gary Kofford made a motion to pursue further putting a phone of some kind in Emery. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(18)

**CONSIDERATION AND APPROVAL OF BEER LICENSE FOR TRAIL MOUNTAIN RESORT.**

This item was tabled in last Commission Meeting to give Sheriff Guymon to do some research. Commissioner Ira Hatch made a motion to approve the beer license for Trail Mountain Resort pending signature and approval of Sheriff Guymon. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(19)

**CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND EMERY COUNTY SPECIAL SERVICE DISTRICT #1 ON SOUTH MOORE CUT-OFF ROAD.**

Commissioner Ira Hatch made a motion to approve and sign the agreement between Emery County and Emery County Special Service District based on review and approval of County Attorney. The agreement will be ratified in the next Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(20)

**RATIFICATION OF CONTRACTS FOR TAX EXTENSIONS.**

Treasurer, Steve Barton previously requested approval to offer contracts to those individuals facing a delinquent tax sale. He had contracts for Ricki Edwards and Zina Willard. The contracts are for six months including interest and a lien on the property. If the property owner does not pay then the county may hold a tax sale at their choosing. Commissioner Gary Kofford made a motion to ratify the contracts for tax extensions and proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(21)

**DISCUSSION TO POST DELINQUENT TAX INFORMATION ON COUNTY WEB**

**SITE.**

Treasurer, Steve Barton made a request to post delinquent tax information on the county web site. He indicated that several other counties are posting on their web sites. He is just requesting approval but, that it will not be available until the end of the year. Commissioner Gary Kofford made a motion to pursue posting delinquent tax information on the county web site. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(22)****DISCUSSION OF BACK TAXES ON ANNEXED PROPERTY IN GREEN RIVER CITY.**

Treasurer, Steve Barton explained that some properties in recently annexed Green River City came owing back taxes owed to Grand County. He proposed Emery County collect the back taxes on these properties and remit a check to Grand County. Commissioner Ira Hatch made a motion to approve the proposal to collect back taxes from the recently annexed Green River City property owners and remit a check to Grand County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(23)****RATIFICATION AND APPROVAL OF AUTHORIZATION APPROVING CHANGES ON SIGNATURE CARDS FOR BANK ACCOUNTS.**

Treasurer, Steve Barton previously requested authorization to update signature cards for the bank accounts. Commissioner Gary Kofford made a motion to ratify the approval to update signature cards for the bank accounts as requested. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(24)****CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND THE UTAH ADMINISTRATION OFFICE OF THE COURTS TO OBTAIN PUBLIC INFORMATION.**

IT Director, Jeff Guymon explained that since the courts have moved to the new building the title companies cannot access the courts files for public information. A contract between Emery County and the Utah Administration Office of the Courts to obtain public information is needed to gain access. Dixie Swasey, Recorder indicated that the three major title companies will split

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the \$30.00 a month fee and the one time \$25.00 registration fee. All other users will be assessed a ten cents a minute fee. The fees and service charges will be collected when the title companies pay their regular fees each month. Commissioner Gary Kofford made a motion to approve the contract between Emery County and the Utah Administration Office of the Courts. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(25)**

**CONSIDERATION AND APPROVAL OF REQUEST TO DISCOUNT AMBULANCE BILLING OF LLUVIA AMEZCUA.**

Commissioner Gary Kofford made a motion to approve fifty percent discount on an ambulance bill for Lluvia Amezcua. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(26)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #155258 through and including #155361 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
22-03	HP Laser Jet 2200d Printer Sheriff	726.17	Hold
23-03	(3) Port-a-Potty Trailers Road	3,705.75	Approved
24-03	ATV Polaris Ranger 6X6 Weed/Mosquito	8,247.00	Approved
25-03	12 Seer Air Conditioner Library/Emergency	1,420.00	Approved

Dispositions were presented for the following:

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<u>ASSET</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
143-5444	Mailing Machine	Traded In	Approved
143-5445	Scale, Mailing Machine	Traded In	Approved
143-5332	Terminal, w/kb monochrome	Junked	Approved
143-4656	Typewriter	Junked	Approved
143-5131	Typewriter	Junked	Approved
143-5133	Copier	Not available	Approved
143-5331	Terminal, w/kb monochrome	Junked	Approved
143-6928	Printer, HP 720c Laser	Parted out	Approved
143-6979	Computer, 450 system	Parted out	Approved
143-6980	Computer, 450 system	Parted out	Approved
143-6983	Computer, 450 system	Parted out	Approved
143-6655	Computer,	Parted out	Approved
143-6845	Computer. Pentium 233	Parted out	Approved
143-6846	Computer, Pentium 233	Parted out	Approved
143-6926	Validator, Tax Receipt	Junked	Approved
143-5808	Stand, Copier	Junked	Approved
143-6081	Chair, Brown Hon	Junked	Approved
143-6462	Computer,	Parted out	Approved
143-6532	Computer system	Parted out	Approved
143-5333	Terminal, w/kb monochrome	Junked	Approved

They discussed the requisition for the printer for the Sheriff's Department. Jeff Guymon indicated he had two newer 2200d HP printers that he will be rotating out of the libraries. The library has grant funds to purchase new printers.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, requisitions with the exception of the printer for the Sheriff, and the dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(27)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Due to the recent loss of Richard Snowball, Pat Snowball did not attend the meeting. Leslie Bolinder presented the following personnel action:

Recorder

Dixie Swasey has completed the interview process and requests approval to hire Doris Quinn to

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fill the position of Deputy Recorder, 4A. Dixie would like her to report to work on Wednesday, June 4, 2003. Commissioner Ira Hatch made a motion to approve hiring Doris Quinn as Deputy Recorder as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sheriff

Request was made to approve "Post Certified" increase to Corrections Officer for Jeff Newland and Tasha Barnett. Pat will complete the necessary paperwork when she returns to work. Commissioner Gary Kofford made a motion to approve pay increases for "Post Certification" for Jeff Newland and Tasha Barnett as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(28)**

**APPROVAL OF COMMISSION MEETING MINUTES .**

Commissioner Ira Hatch made a motion to approve the minutes dated May 20, 2003 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(29)**

**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch reported that he recently attended Emery Council on Aging and Regional Council meetings in Green River. In that meeting he learned that the nutrition program is cutting back on one congruent meal per week at Ferron and Green River City. Seniors will receive congruent meals at a voluntary donation of \$2.50 a meal at all centers. He reported on the success of the recent 100 year celebration of the combining of the Manti-LaSal Forest.

*Commissioner Kofford*

Commissioner Kofford reported that he attended an airport meeting in Salt Lake with Troy Atwood, Huntington Airport. Troy is looking into getting a computer for pilots to file flight plans. Jeff Guymon is working with Troy to get that service available at the airport. The cost will be for the internet charges.

12  
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*Commissioner Sitterud*

Commissioner Sitterud reported that Emery County is the third county to begin the RS2477 mapping process. They are taking pre 1967 maps and comparing them to current maps. He reported that the meeting held in Ferron where Stan Adams provided a power point presentation on the Piute Trail was very informative and well attended.

**(30)**  
**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An Executive session was not necessary.

**(31)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

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Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Jeff Guymon. The pledge was led by Jerilyn Mathis.

(1)

**JEFF KELSEY, CONSIDERATION AND APPROVAL OF INSURANCE RENEWAL AND ASSOCIATED PAPERWORK.**

Jeff Kelsey, Regional Manager of Inter-Mountain Benefit Administrators provided an update of last years health plan and claims. The plan in 2002 experienced a 5% decrease because of how well the plan ran. The plan for 2003 is up by 12%. Our current re-insurance carrier is very competitive. The new plan is up for renewal at this time. Mr. Kelsey had the documents for signatures to begin the renewal process. Commissioner Ira Hatch made a motion to accept the insurance renewal and to authorize the signing of the re-insurance contract, administrative service agreement and the plan disclosure statement. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**KAY KIMBALL, PRESENTATION OF THE 2002 INDEPENDENT FINANCIAL AUDIT.**

Tabled

(3)

**DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Deb Dull, Utah Power, provided the following quarterly update:

- ✦ She provided a review of PacifiCorp's hiring practices and available job offers at Huntington Plant.
- ✦ PacifiCorp is seeking proposals from third parties to fulfill a portion of the supply-side resource need to serve its customers' growing demands as identified in their

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Integrated Resource Plan.

✦ They are working closely with the Commissioners on the Wild and Scenic eligibility study. They have involved Energy West Mining's Environmental Engineer, Huntington Plant's Environmental Engineer and PacifiCorp's legal department to help them reply the Manti-LaSal National Forest request and possibly the request of the BLM on the eligibility study of Huntington Creek.

✦ The first of four Request for Proposal (RFP) is out for Unit Four. The second one will go out late summer. The third one will go out in late fall. The fourth will go out in the first part of 2004.

**(4)**

**MARLIN ELDRED, APPOINTMENT TO THE ECONOMIC DEVELOPMENT BOARD.**

Marlin Eldred, Economic Development reported that Larry Salazar, Emery TelCom was nominated and unanimously elected to the Economic Development Board at their meeting held June 3, 2003. Larry will take Sue McNee's place while Sue will take Mike McCandless' place. He submitted the name of Larry Salazar for approval. Commissioner Ira Hatch made a motion to appoint Larry Salazar to the Economic Development Board as approved by their board. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(5)**

**JACKIE WILSON, DISCUSSION OF INDUSTRIAL PARK CONTRACTS.**

This discussion is a result of a request for an investigation into the intent of a new contract dated May 2, 2003 and signed by Commissioner Drew Sitterud without board approval. An original contract was approved and signed on March 19, 2002 and calls for payment to be made to Talon Resources based on the W-2's for employees located at the industrial park property. The new contract dated May 2, 2003 is not a valid contract and cannot be used to approve payment to Talon Resources for employee credit. A claim for \$31,000.00 Talon Resources for the employee credits was tabled in an earlier meeting due to some questions.

Rosann Fillmore, Spokesperson for the Industrial Park Committee provided a history of the problems related to selling the property owned by Huntington City and Emery County at the Industrial Park. Brochures were circulated that offered incentives for businesses to locate at the site. The incentive was an effort to provide jobs and add to the economy in Emery County. The Board heard that Talon Resources was looking to leave the incubator site in Price. The Board felt like Talon Resources would be an asset to the community and county so they offered them an incentive to locate in Emery County. The incentive was to have them purchase the property and the county would pay them \$500.00 for each W-2's produced for employees working on the property for up to four years or until the purchase price for the property was returned to Talon.



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The sample contract the board was looking at required Talon Resources to build within a year and that the W-2's would be paid based on the employees working on the property. Allen Childs and Larry Johnson, Talon Resources were up front with the Board and told them that they could not build within a year. The board told Talon that the county did not want the property used for speculation and they were advised to build within a certain amount of time. Because of Talon's situation the requirement to build within a year was removed from the contract but unfortunately the phrase regarding paying for W-2's for employees working on the property was missed and remained in the contract by mistake. The board understood that many of the W-2's would be part time, temporary jobs. However, Talon Resources was a young and growing company and the board felt it would be worth it to have that business operating in Emery County. Everyone entered into the contract in good faith. They actively wanted Talon in the community and welcomed them into the community. Whatever was done inappropriately in the contract was not done to cause any problems. The board was unaware of the problem with the contract and as far as they knew everything was taken care of. The Industrial Park Board met and a new contract was drafted changing language to reflect original intent of the Board's negotiations.

Allen Childs, Talon Resources addressed his concerns. He felt an honest deal was worked out. He signed a contract. He wrote out a check for the property with the understanding that he would be reimbursed the purchase price of the property by submitting employee W-2's. A conveyance of business was established. A procedure was established for reimbursement for employees W-2's. He submitted a claim for reimbursement. The claim has not been paid. He stated that he is an innocent bystander in this issue. He signed the contract in good faith. He has the original contract which is still intact. Talon Resources intent was to use the reimbursement money for seed money to put back into the business and one day be able to build a building on the property.

Sheriff LaMar Guymon commented that the way he sees it this problem has nothing to do with Talon Resources and everything to do with the contract and the second contract that was not legally signed. The problem is a misunderstanding with Emery County and the contract itself.

The second contract has been destroyed and the original contract still stands.

Commissioner Gary Kofford made a motion to accept and stand on the original contract as written and pay the claim for 62 W-2's. Commissioner Ira Hatch made an amendment to the motion to include that Talon will supply an implied business plan to build on the property. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Jackie Wilson reminded the Board of Commissioners that since the Industrial Park Board is no longer functioning it needs to be dissolved and a decision made on what to do with the remainder of the funds in the account.

The Board of Commissioners will do this in the next meeting.

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**(6)**

**CONSIDERATION AND APPROVAL OF BID AWARD FOR HUNTINGTON AIRPORT LAYOUT PLAN REPORT CONSULTANT AND ASSOCIATED PAPERWORK.**

Tabled

**(7)**

**CITIZEN CONCERNS**

Sheriff LaMar Guymon requested permission to officially retire Emery County Sheriff Drug Dog, Enzo and to transfer title of the animal to his trainer and companion, Deputy Blake Gardner. He indicated that normal procedure would be to transfer title of the dog to the officer working with the animal or have the animal put down. Neeko, a new drug dog was purchased in 2002 and has been training with Deputy Gardner. Neeko is now ready to begin working. Commissioner Gary Kofford made a motion to retire Emery County Sheriff Drug Dog, Enzo and to transfer ownership of Enzo to Blake Gardner. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

The Miss Utah Pageant is this week in Salt Lake City. Miss Emery County Pageant Coordinator Natalie Blackwell is attending the pageant with Emery County contestants Janell Jones, Miss Emery County and Barbara Burke, Miss Utah State Fair.

Commissioner Sitterud reported that last year Emery County made a resolution authorizing a fund transfer to the Emery County Recreation Special Service District to get the rodeo started. At the end of the rodeo the Recreation District paid us back. The Recreation District is in the same situation this year. He did not have a resolution or the amount at this time but he wanted to let the other Commissioners know that he will have the papers put together for the next meeting to get those funds transferred to get the rodeo going. Commissioner Gary Kofford made a motion to proceed with the documentation needed to get funds to the Recreation District to get the rodeo going. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)**

**CONSIDERATION AND APPROVAL OF THE PROPOSED TAX RATE FOR 2003.**

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Senior Deputy Clerk/Auditor Brenda Dugmore presented the proposed tax rate for 2003. The tax rate determines the amount of property taxes that the county receives. This year Emery County shows approximately thirty nine million dollars worth of new growth. The amount of revenue for the general fund if we go with the proposed certified rate is four million six hundred seventy-five thousand dollars. The library fund will be five hundred forty-one thousand dollars. The certified rate is set to collect the same amount of revenue as the prior year. This year the rates are coming in lower and we do not have a judgment levy. This could equate to an overall decrease in property taxes for the home owner. Commissioner Ira Hatch made a motion to accept the proposed certified tax rate for 2003. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**

**CONSIDERATION AND APPROVAL OF YEARLY RETIREMENT CONTRIBUTION RATE.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the proposed yearly retirement contribution rate. Each year the State of Utah evaluates the contribution rate and makes adjustments according to whatever levels they have to maintain. The last couple of years the rate has gone down. This year there is a rate increase in the main employees contribution. The rate will go up to 11.61%, which is a .93% increase. The rate for public safety is 16.24% which is a 2.35% increase. Commissioner Ira Hatch made a motion to approve the proposed yearly retirement contribution rate. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)**

**DISCUSSION OF WORLDCOM, ETC. PROPERTY TAX DECISION.**

Treasurer Steven Barton discussed the recent property tax decision of appeal for WorldCom.Etc. He provided a summary report showing the result of WorldCom Etc. property tax appeal. The assessment was originally \$21,467.51. WorldCom's appeal to the Property Tax Division awarded them an adjusted taxable value which equated to \$6,655.00 in taxes. There will not be a levy. WorldCom has filed bankruptcy.

**(11)**

**RATIFICATION OF TREASURER'S ADJUSTMENT FOR MAY 2003.**

Treasurer Steven Barton presented a summary report detailing treasurer's adjustments made in

**COMMISSION MEETING MINUTES  
JUNE 17, 2003**

May 2003 as requested by the Board of Commissioners. The total treasurer's adjustment was \$53.00.

(12)

**RATIFICATION OF INTER LOCAL AGREEMENT BETWEEN EMERY COUNTY AND EMERY COUNTY SPECIAL SERVICE DISTRICT #1 ON SOUTH MOORE CUT-OFF ROAD.**

Commissioner Ira Hatch made a motion to ratify an inter local agreement between Emery County and Emery County Special Service District #1 on the South Moore Cut-Off Road. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**NOTIFICATION OF BOARD MEMBER VACANCIES ON NORTH EMERY WATER USER'S SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD AND APPROVAL TO ADVERTISE FOR VOLUNTEERS.**

Terms have expired for Joy Barton, Mike McCandless and Ben Grimes. Commissioner Ira Hatch made a motion to advertise for volunteers to fill vacancies on North Emery Water User's Special Service District Administrative Control Board. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**RATIFICATION OF OIL/ANTI-FREEZE CONTRACT FOR EMERY COUNTY ROAD DEPARTMENT.**

Emery County Road Department Supervisor, Rex Funk explained that in last Commission Meeting bids were opened for oil/anti-freeze contract. An award was not given at that time. Rex was instructed to put together a spreadsheet to assist in determining the low bid. Commissioner Ira Hatch made a motion to award the oil bid to Rhinehart Oil Company and the anti-freeze/grease bid to B.K's Stop and Shop. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND THE ADMINISTRATIVE OFFICE OF THE COURTS FOR PERIMETER SECURITY SERVICES.**

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Tabled

**(16)**

**CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND THE ADMINISTRATIVE OFFICE OF THE COURTS FOR BAILIFF SERVICES.**

Tabled

**(17)**

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY ROAD DEPARTMENT AND COTTONWOOD IRRIGATION COMPANY.**

Road Supervisor, Rex Funk presented an agreement between Emery County Road Department and Cottonwood Irrigation Company. The agreement allows for bulk water load out from the Mammoth Canal. The Commissioners had some questions regarding terms in document. Commissioner Ira Hatch made a motion to authorize Commissioner Gary Kofford to get with Attorney David Blackwell and Craig Johansen, make the necessary changes in the agreement and bring it back to Commission for approval. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to assign the County's eleven water shares with Cottonwood Irrigation Company to the Emery County Road Department for use to procure the water for their needs. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(18)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Bruce Funk, Clerk/Auditor presented the Warrant Check Edit List # 155535 through and including #155702 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
27-03	Furnace/AC Green River Library	4,289.00	Approved

**COMMISSION MEETING MINUTES  
JUNE 17, 2003**

28-03	Toshiba Satellite Laptop Computer Drug Task Force	1,109.24	Approved
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There were no dispositions.

Bruce Funk asked for discussion regarding the yearly lease amount for state court. The Board of Commissioners reviewed the numbers put together by Bruce. The numbers reflect the cost of the courts facility that were paid for with MBA funds. These are the numbers that will be used to determine the amount the state court will pay for the lease. State court is looking to get a yearly figure to use for determining their budget for operation and maintenance of the courts facility. Commissioner Ira Hatch made a motion to authorize Gary Kofford to use the figures to work out the details, coordinating with Paul Platt, State Courts, to amend the current contract with the courts and to bring to the next Commission Meeting for approval. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(19)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

Consideration and approval of Agreement between Utah Retirement Systems Public Employees Health Program and Emery County.

Commissioner Gary Kofford made a motion to approve an agreement between Utah Retirement Systems Health Program and Emery County to provide \$50,000.00 in the line of duty insurance for police officers. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Planning/Zoning -Building Inspection

Marcee Morris resigned her position as secretary effective June 11, 2003. Request was made to ratify approval of action taken to post the position in-house from June 10<sup>th</sup> through June 16<sup>th</sup>, 2003. Commissioner Ira Hatch made a motion to ratify the action taken to post in-house to replace Marcee. The motion was seconded by Commissioner Gary Kofford and approved by all

**COMMISSION MEETING MINUTES  
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members present.

Road Department

Gordon Nielsen, Equipment Operator/Driver, continues to have health problems that cause time away from work. Gordon has asked Rex Funk, Road Supervisor for contributed time. Rex has given his approval. Request is made to advise employees so that they may contribute time to Gordon. Commissioner Ira Hatch made a motion to post notice to employees authorizing them according to Personnel Policy to contribute time to Gordon Nielson. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Treasurer's Office

Joyce Staley has assumed added responsibilities, including supervisory duties. Treasurer, Steve Barton requested a three-step raise for Joyce effective beginning the next pay period. Commissioner Gary Kofford made a motion to approve a three-step raise for Joyce Staley as requested. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Library

Recruitment for Ferron Library janitor has been completed. Library Director, Jerilyn Mathis recommended Paul Jensen be hired beginning immediately. Commissioner Gary Kofford made a motion to hire Paul Jensen as Ferron Library janitor as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Sheriff's Office

Sheriff LaMar Guymon requested approval to begin the recruitment process to replace Jeremiah Johnson. Commissioner Gary Kofford made a motion to begin the recruitment process to replace Jeremiah Johnson. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Other

Commissioner Gary Kofford made a motion to proceed with planning sessions with elected officials and department heads on employee wages and mobility. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**COMMISSION MEETING MINUTES  
JUNE 17, 2003**

**(20)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated June 3, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(21)**

**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch, Commissioner Sitterud and Commissioner Kofford attended a wilderness meeting set up by UAC to put together a state sponsored wilderness bill. The Commissioners will bounce the particulars of the bill off the Public Lands Committee at their next meeting. They will then make a decision whether to participate or not. Commissioner Hatch reported on the OHV meeting with city officials and other interested parties to discuss city ordinances in place regulating OHV travel within cities. An interim plan has been worked out to help Ferron with their June Jamboree.

*Commissioner Kofford*

Commissioner Kofford reported that construction has begun on the sheriff's metal storage building.

*Commissioner Sitterud*

Commissioner Sitterud reported that the National Guard is interested in acquiring the White Sands Missile Base in Green River. They will make it an artillery test range. Assuming ownership will depend upon an environmental assessment. Grand County is pushing for the National Guard to take ownership.

Emery Water Conservancy District is interested in putting electronic kiosk in various locations in and around Emery County. The Museum of the San Rafael has one of the kiosk on display. The kiosk can be programmed to give out information as deemed necessary.

**(22)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL**



11

**COMMISSION MEETING MINUTES  
JUNE 17, 2003**

**MATTERS.**

An Executive session was not needed.

**(23)**

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:\_\_\_\_\_ COMMISSIONER:\_\_\_\_\_**

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

JULY 1, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Steven Barton. The pledge was led by Kris Bell.

(1)  
**KAY KIMBALL, PRESENTATION OF THE 2002 INDEPENDENT FINANCIAL  
AUDIT.**

Commissioner Gary Kofford made a motion to table this item. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)  
**CITIZEN CONCERNS**

John Ryan from the pipe fitters union was present to receive any information regarding Utah Power & Light's proposed Unit 4. The Board of Commissioners informed him that the only notice that they have received was that a notice of intent for air quality has been submitted.

(3)  
**CONSIDERATION AND APPROVAL OF LEASE AGREEMENT, SPACE  
REIMBURSEMENT, AND OPERATIONS AND MAINTENANCE WITH THE STATE  
OF UTAH ADMINISTRATIVE OFFICE OF THE COURTS AND EMERY COUNTY  
FOR COURT SPACE AT THE NEW COURT FACILITY.**

The courts hold fifty-eight percent of the shared space at the new facility. Negotiations have been completed and a lease agreement document which outlines the space reimbursement and operation and maintenance for the courts was presented for Commission approval. The State of Utah Administrative Office of the Courts has opted to pay monthly rather than yearly. Commissioner Gary Kofford made a motion to accept the lease agreement with the State of Utah Administrative Office of the Courts for space reimbursement and operations and maintenance as provided in the agreement. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF LEASE AGREEMENT AND SPACE REIMBURSEMENT WITH THE STATE OF UTAH ADULT PROBATION AND EMERY COUNTY FOR COURT SPACE AT THE NEW COURT FACILITY.**

Cheryl Searle, State of Utah Adult Probation had some problems getting the documents to the Commissioners before the meeting. The terms are basically the same as the agreement with Office of the Courts for space reimbursement at the new courts facility. Commissioner Gary Kofford made a motion to approve the lease agreement upon review by Attorney David Blackwell and Commissioner Kofford. They will bring the documents to be ratified at the next Commission Meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND THE ADMINISTRATIVE OFFICE OF THE COURTS FOR PERIMETER SECURITY SERVICES.**

Commissioner Gary Kofford wanted this tabled from the last meeting to look into the dollar amount of the reimbursement from the services. He questioned whether the dollar amount was enough to compensate for the services rendered. The agreement did have a one thousand dollar increase over last year. The amount of the reimbursement is not to exceed \$7,000.00. Commissioner Gary Kofford made a motion to approve the MOU between Emery County and the Administrative Office of the Courts for perimeter security services. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND THE ADMINISTRATIVE OFFICE OF THE COURTS FOR BAILIFF SERVICES.**

The amount of the reimbursement is not to exceed \$4,500.00. Commissioner Gary Kofford made a motion to approve the MOU between Emery County and the Administrative Office of the Courts for Bailiff services. Commissioner Ira Hatch made an amendment to the motion to change the date on the agreement to reflect the date July 1, 2003 to June 30, 2004. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND ADOPTION OF AMBULANCE RATE INCREASE.**

The Board of Commissioners received a letter from the State of Utah Bureau of Emergency Medical Services requesting an immediate re-basing of all rates by an 11.37% rate increase. Their request was based on a reduction in revenue to ambulance providers due a change in Medicaid reimbursement. The division of Health Care Financing reviewed the ambulance payments and calculated that the actual impact of the Medicaid reduction in payment to be a decrease in fees paid to ambulance providers by 3.5%. Therefore, they recommend the following rates: **Basic Life Support**-\$294.26 per call, **Advanced Life Support-Intermediate**-\$349.42 per call, **Advanced Life Support-Paramedic inter-facility transports**, \$441.40, **Advanced Life Support-Paramedic-transports under physician medical direction**, \$584.86 per transport. **Mileage Rate**: \$12.89 per mile or fraction thereof.

**Surcharges**: a surcharge of \$29.20 per transport may be assessed for emergency responses. A surcharge of \$29.20 per transport may be assessed for ambulance service between the hours of 8pm and 8am. Where the ambulance is required to travel for ten miles or more on unpaved roads, a surcharge of \$24.31 may be assessed.

**Special Provisions**: Waiting time, an ambulance shall provide 15 minutes of time at no charge at both point of pickup and point of delivery, and may charge \$16.22 per quarter hour for fraction thereof thereafter. On round trips, 30 minutes at no charge will be allowed from the time the ambulance reaches the point of delivery until starting the return trip. At the expiration of the 30 minutes, the ambulance service may charge \$16.22 per quarter hour or fraction thereof thereafter.

Non-transport rate, where an ambulance is summoned to a medical emergency by a dispatch agency, but does not transport, a charge of \$243.32 may be assessed.

Commissioner Ira Hatch made a motion to adopt the new ambulance rate. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**RATIFICATION OF AGREEMENT BETWEEN EMERY COUNTY ROAD DEPARTMENT AND COTTONWOOD IRRIGATION COMPANY.**

Commissioner Gary Kofford made a motion to ratify the decision made June 17, 2003 to approve an agreement between Emery County Road Department and Cottonwood Irrigation Company which allows for bulk water load out from the Mammoth Canal. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)  
**DISCUSSION AND DISSOLUTION OF INDUSTRIAL PARK BOARD. APPROVAL OF DISTRIBUTION OF INDUSTRIAL PARK FUND BALANCE.**

The Commissioners still had many unanswered questions. Therefore, Commissioner Ira Hatch made a motion to table any action on a dissolution of the Industrial Park Board , that we move forward and contact Huntington City to find out where they are coming from, work up an agreement on the distribution of the funds and figure out what we have yet to pay out to Talon Resources which would put us in a position to either hold that in escrow or whatever and then divide the balance of the funds according to whatever agreement we work out with Huntington City. Get with Huntington city, look at remaining money owed Talon Resources and any other remaining contract and proceed to close the Industrial Park Board. If we find out it needs to be dissolved. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(10)  
**CONSIDERATION AND APPROVAL OF TRANSFER OF FUNDS TO EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.**

The transfer of funds (\$37,000.00) will provide stock for the rodeo during the Emery County Fair. The terms of Resolution 7-1-03 refer to an inter local agreement for repayment of the funds back to Emery County. The Recreation Special Service District will pay the county back with proceeds from the gate after the fair or the county may retain the funds from their fourth quarter mineral lease distribution. Commissioner Gary Kofford made a motion to approve Resolution 7-1-03 and the inter local agreement for repayment to the county as discussed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #155824 through and including #155939 for payment.

One Requisition was presented:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
28-03	HP Laserjet 2200 Printer Sheriff	\$ 726.17	Approved

COMMISSION MEETING MINUTES  
JULY 1, 2003

Dispositions were presented for the following:

141-7226, 2901, 143-1234, 1274, 142-4555, 210-6827, 621,6082, 144-1119, 144-6220, 999-5359, 138-6404 all parted out or are going to the county auction. RSVP items that will be going to the County auction 663-0009, 1034, 1276, 1418, 1468, 1475, 3414, 4135, 4466, 4468, 4602, 4603, 4604, 5195, 5358, 5463, 6001, 6267, 6465, 6573, 6814, 6944, 6555. The following are electronic items that are out dated and have been disposed of from the old Data Processing office 136-0318, 0319, 0320, 1067, 1070, 3706, 3805, 4925, 4926, 4927, 4928, 4929, 4930, 4931, 4932, 4933, 4934, 5207, 5208, 5209, 5210, 5321, 5322, 5323, 5324, 5325, 5326, 5327, 5328, 5329, 5330, 5334, 5337, 5338, 5342, 5347, 5348, 5734, 5348, 5734, 5813, 5824, 6002, 6016, 5236, 6265, 6405, 6516, 6704, 6705, 6706.

Sheriff LaMar Guymon discussed a need to replace the 1999 Dodge Durango that was destroyed. The county received \$16,000.00 for the replacement of the vehicle and \$6,700.00 for the replacement of the equipment from the insurance company. He requested permission to pursue getting the same state bid price for a new Durango. Commissioner Gary Kofford made a motion to pursue pricing for a replacement Durango. If the price is not the same Sheriff Guymon is instructed to come back to Commission for approval. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

A cell phone reimbursement application was presented for Shaun Bell for \$45.00 for Drug Court. Increases were requested for Bill Downard and Kyle Ekker from \$45.00 per month to \$80.00 per month. Commissioner Gary Kofford made a motion to approve the cell phone reimbursements as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims, requisition and dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

Clerk/Auditor

Based on her performance, Bruce Funk requested a three step raise for Carol Cox effective beginning the next pay period July 7, 2003. Commissioner Ira Hatch made a motion to approve the three step raise for Carol Cox as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

COMMISSION MEETING MINUTES  
JULY 1, 2003

Sheriff

A. Sheriff Guymon recommended a promotion for Detective Deputy Robert Blackburn to Detective Sergeant effective the next pay period beginning July 7, 2003. Commissioner Ira Hatch made a motion to approve the promotion for Robert Blackburn as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

B. Lieutenant Bill Downard and Sergeant Jeff Thomas were promoted January 20, 2003. They will complete six months in their positions on July 20, 2003. The Sheriff recommends a one-step increase for both of them effective on the pay period on July 21, 2003. Commissioner Gary Kofford made a motion to approve the one step increase for Bill Downard and Jeff Thomas as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Planning & Zoning/Building Inspection/Public Lands/County Attorney(courthouse office)  
Secretary.

Commissioner Gary Kofford made a motion to advertise outside of the courthouse to fill the secretary position for P/Z, Building Inspection, Public Lands and courthouse County Attorney. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Library

The Elmo Library janitor has submitted her resignation effective immediately. She was hired in December. At that time there was an alternate identified. Because of the short period of time since the recruitment, they ask if it would be acceptable to the Commission to offer the job to the alternate. Commissioner Ira Hatch made a motion to offer the job to the alternate identified at the time of recruitment. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated June 17, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**COMMISSION REPORTS**

COMMISSION MEETING MINUTES  
JULY 1, 2003

*Commissioner Kofford*

Commissioner Kofford attended a meeting with the Forest Service on Wild and Scenic Rivers suitability study. They hope to have the first draft ready at their next meeting. He attended a meeting with the BLM on the same subject with Ray Petersen and Craig Johansen. Discussion was what is the County's role in the Wild & Scenic Rivers. The discussion got a little heated but the BLM seemed to be more receptive to the County's concerns and alternatives.

*Commissioner Hatch*

Commissioner Hatch met with Commissioners from Carbon and Sanpete Counties to discuss the hydrologic situation at Skyline Mine. At the conclusion of the meeting they decided to solicit for a consultant to help decide a course of action relative to getting that situation resolved.

He attended a SITLA board meeting in Price where they had a field tour of natural gas wells in various stages of operations in and around the Price area. They discussed the requisition and disposition of trust lands.

He received a call from Danny Washburn, Project Engineer for the Moore Cut-off Road. Apparently there was a hold at the State office on the project due to a mix-up in crediting the County's account following the I-70 Enhancement Project. That has been cleared up now. The project is scheduled to go to bid July 5, 2003.

He will be attending a meeting on July 15, 2003 relative to the Highway 6 Reconstruction Project.

*Commissioner Sitterud*

He attended a wilderness meeting in Richfield where they discussed a proposal to introduce a new wilderness bill bases on 1992 inventory of WSA. They hope to have the bill ready for introduction by August. They will be setting up the public process. Mike Walsh thinks the climate is good at this time to get the bill passed.

Shared Access Alliance has threatened a law suit with the County due to the fact that the County has a contract to provide law enforcement on BLM land on the desert.

He discussed a proposal from a company from Texas to put a Class 5 landfill in Green River.

**(15)**  
**ADJOURNMENT**



8

COMMISSION MEETING MINUTES  
JULY 1, 2003

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_

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

JULY 15, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Sheriff LaMar Guymon, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Jerilyn Mathis. The pledge was led by Randall Stilson.

(1)  
**KAY KIMBALL, PRESENTATION OF THE 2002 INDEPENDENT FINANCIAL AUDIT.**

Tabled

(2)  
**SETTING OF DATES AND TIMES OF 2003 BOARD OF EQUALIZATION.**

Commissioner Ira Hatch made a motion to set the date and time for the 2003 Board of Equalization for Tuesday, August 19, 2003 from 12:30 pm to 3:30 pm in Green River, Utah, and Wednesday, August 20, 2003 from 9:00 am to 3:00 pm in Castle Dale, Utah. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)  
**DISCUSSION OF SETTING PUBLIC HEARING FOR TEMPORARY ATV USE ON COUNTY ROADS NEAR FERRON/EMERY DURING ARAPEEN ATV JAMBOREE.**

Commissioner Drew Sitterud explained that a committee is in place to address ATV use of roads and trail systems in the County. The committee is currently working on a master plan. Because an ATV Jamboree is planned in Ferron, the organizers of the event need a temporary use permit to allow ATV use on county roads in the Ferron and Emery area. A public hearing is necessary to receive public input for a temporary use permit of county roads and trail systems by ATV's during the event. Commissioner Ira Hatch made a motion to set a public hearing for August 5, 2003 at 5:00 p.m. to receive public input for temporary ATV use of roads and trails in Emery County during the Jamboree. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF 90-DAY TEMPORARY CONTRACT FOR ARCHIVES.**

Commissioner Ira Hatch explained that Dottie Grimes has been working on a project through a history grant. Her temporary contract was up before she completed the project. She has been off for 2 weeks as per policy. Commissioner Ira Hatch made a motion to approve another 90 day temporary contract for Dottie Grimes to continue work on a history project as long as the grant funds remain available. The contract would be from July 22, 2003 through October 21, 2003. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**APPOINTMENT TO EMERY COUNTY LIBRARY BOARD OF DIRECTORS.**

Commissioner Gary Kofford made a motion to appoint Natalie Gardner to a four year term on the Emery County Library Board of Directors. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**APPOINTMENT TO EMERY COUNTY TRAVEL BUREAU.**

Commissioner Ira Hatch made a motion to appoint Kerry Bigelow as a representative from the eastern part of Emery County to serve on the Emery County Travel Bureau. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**DISCUSSION AND APPROVAL OF CONSULTANT FOR HUNTINGTON AIRPORT LAYOUT PLAN REPORT AND ASSOCIATED PAPERWORK.**

Commissioner Ira Hatch explained that Bevan Wilson as a member of the Special Service District #1 and himself, as Commissioner over the airport were appointed to solicit bids for a proposal for an airport improvement plan. An airport plan has to be in place to be able to receive state and federal funds. They received eight bid proposals. Jones and Demille from Richfield was the low bid. Commissioner Gary Kofford made a motion to award the contract for the airport improvement plan to the low bidder Jones and Demille. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**DISCUSSION OF SOLITUDE LANDFILL PROPOSAL IN GREEN RIVER.**

Commissioner Drew Sitterud explained that a company has purchased 311 acres of blue clay hills in the newly annexed into Emery County section of Green River. The company is putting a municipal landfill on this property. They have a Class I landfill permit. Green River City Council has voted 5 to 1 to allow the landfill. The company is currently working on getting a Class V landfill permit which will allow them to accept refuse from other states. The refuse goes through a compression process where all the hazardous material is removed as well as all the moisture and air. It is then compressed into huge wrapped bales. It is then transported to the landfill where they are stacked. The landfill will accept loose refuse but only from Green River City. They plan to employ approximately 25 people mostly from the Green River area. At this time they are requesting support of the Emery County Commission to obtain a Class V Landfill Permit. Commissioner Ira Hatch made a motion to go on record as in support of the project. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)****CONSIDERATION AND APPROVAL OF LETTER OF UNDERSTANDING FOR SERVICES TO BE PROVIDED BY LEPC CO-ORDINATOR.**

Captain Kyle Ekker explained that the letter of understanding is for the services provided by Judy Lang as assistant to Martin Wilson. Martin is the lead man for Emery County on the local emergency planning committee. Commissioner Gary Kofford made a motion to approve the letter of understanding providing for the services of Judy Lang as assistant to Martin Wilson. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)****DISCUSSION OF FIRE RESTRICTION IN THE COUNTY.**

Commissioner Ira Hatch made a motion to adopt the same fire restrictions for Emery County as adjoining property owners, i.e. state and federal agencies. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #156116 through and including # 156224 for payment.

Commission Meeting Minutes  
July 15, 2003

A claim from Jones Ace Hardware for a cell phone for the Sheriff was discussed. Also discussed was the water rates in Green River City. Green River has the county departments rated at the higher commercial rates. Commissioner Gary Kofford made a motion to write a letter to Green River City requesting they remove the commercial rates from all the departments located in town. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
29-03	(10) 4' Snowflake Decorations Courthouse	\$ 2,280.00	Approved
30-03	PRO-100DS Radar Sheriff	1,514.00	Appro ved
31-03	Intoxilizer S-D2 Breath Tester Sheriff	368.99	Appro ved
32-03	Radio, Siren, Lightbar set-up Sheriff	2,752.10	Appro ved
33-03	Photo receptor Cartridge Justice Court	359.00	Approved

Dispositions were presented for the following:

<u>ASSET</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
410-5872	486DX2-66 Computer Road	Junked	Approved
410-XXXX	Monitor Road	Junked	Approved
410-3529	Roadstar 40 Radio Road	Junked	Approved
410-5416	Zenth VCR		

Road

Junked

Approved

(3) Verizon cell phones and (2) Cellular One cell phones from the Road Department that were junked.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims, with exception of cell phone claim for the sheriff, requisitions and dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present. The claim for the cell phone will be looked into and may be presented in the next meeting.

(12)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

Sheriff

The Sheriff has recommended that Kathy Jensen receive a three-step increase citing her excellent performance. If approved, this increase would begin with the first of the next pay period, July 21, 2003. Commissioner Ira Hatch made a motion to approve the three-step increase for Kathy Jensen as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commission

The Commissioners have recommended that Leslie Bolinder receive a three-step increase citing her excellent performance. If approved, this increase would begin with the first of the next pay period, July 21, 2003. Commissioner Ira Hatch made a motion to approve the three-step increase for Leslie Bolinder as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Ira Hatch expressed his concern for the requests coming in for increases for certain employees. The Commissioners have committed to looking into mobility for next year. He questioned if the county needs to look at an across the board increase as opposed to increases for specific employees.

Pat Snowball felt that coming to the Commission for an increase is a way for the elected official or department head to recognize a certain employee.

### Library

A. Elmo Library. Based on approval given in last commission meeting, Jerilyn offered the Janitor job to Carolyn Atwood after the resignation of Yvonne Oliver. Carolyn accepted the offer. Commissioner Ira Hatch made a motion to ratify the action taken to hire Carolyn Atwood as janitor at the Elmo Library. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

B. Green River Library. A request was made to recruit for someone to clean, do general maintenance, yard work, and snow removal. The board of Commissioners discussed the problems they have had trying to find an individual to work under a contract. They also discussed the need to find the same type of work for the Sheriff and Ambulance in Green River. Commissioner Gary Kofford made a motion to recruit for an individual to do janitor work, general maintenance and yard work in Green River with the idea that the job may include the Sheriff Complex, Ambulance garage and Library. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

### **(13)**

#### **CITIZEN CONCERNS**

Commissioner Drew Sitterud has received calls from two vendors requesting a faster turn around time for payment of claims. Clerk/Auditor Bruce Funk indicated that it is just not feasible to issue special checks or checks to be issued that have not gone before the Commission for approval first.

Rex Funk asked for a minute entry requesting the power pole on South Moore Cut-Off Road be moved by UPL. The Commissioners were sure they had already made a motion in an earlier meeting. However, Commissioner Ira Hatch made a motion to ask UPL officially to move the power pole on the South Moore Cut-Off Road as requested by UPL. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Randall Stilson passed on comments made by visitors to the Orangeville Cemetery during Memorial Day. They would like to see signs posted indicating roads, washes and rivers in the county.

### **(14)**

#### **APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated July 1, 2003 as

corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford commented on the upcoming Emery County Fair. He expressed his thanks to the Fair Committee. He reported that vendor participation is up because of the web page. There will be new events this year such as a tractor show and a Scottish music group. He also reported on a report released by DOGM regarding findings related Electric Lake and Skyline Mine.

*Commissioner Hatch*

Commissioner Hatch reported on a recent meeting with the Travel Bureau in Green River . According to the Castle County Information Center visitation is down this year. He reported on a meeting that he along with Assessor Kris Bell and Commissioner Drew Sitterud attended with the State Tax Commission where they discussed the centrally assessed problems.

*Commissioner Sitterud*

Commissioner Sitterud expressed his appreciation to Commissioner Kofford for the efforts of the Emery County Fair Board in preparing for the Emery County Fair. He reported on a recent phone call from Washington D.C. regarding the RS 2477 appeal.

**(16)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSION:** \_\_\_\_\_



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

AUGUST 5, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Drew Sitterud. The pledge was led by Gary Kofford.

(1)

**CLEVELAND TOWN, REQUEST FOR TAX ABATEMENT.**

Jamie Jensen, Cleveland Town came before the Board of Commissioners to request an abatement of the taxes on a piece of property Cleveland Town has recently acquired. At the time they acquired the property back taxes for the year 2001 and 2002 were attached as well as penalty and interest. 2001 property taxes were \$184.55 , 2002 property taxes were \$179.87, penalty and interest were \$36.23. Property taxes for 2003 are \$141.16. Total property taxes owing was \$505.58. Commissioner Ira Hatch made a motion to abate all the penalty and interest and one half of the property taxes owed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Jamie indicated the property will be used to extend the existing city park and add a skate park.

Jamie also praised the Fair Board for the decision to have Tyrell Jewkes as Assistant Fair Director this year. He is doing a super job.

She also asked for the reasoning behind the decision to eliminate the Bunko game from the fair activities. Commissioner Kofford indicated that games involving dice and gambling are illegal in Utah. Attorney David Blackwell indicated that initially they were going to charge to play and that he suggested not charging to play and have prizes. Jamie wondered why the Bunko game was eliminated and the Horse Races were allowed when betting goes on at the races.

Commissioner Kofford pointed out that betting on the races may go on but it is not condoned by the racing association or the county. He indicated that the game has been eliminated and replaced with checkers and chess.

(2)

**KAY KIMBALL, PRESENTATION OF THE 2002 INDEPENDENT FINANCIAL AUDIT**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the 2002 Independent Financial Audit on behalf of Kimball & Roberts, contracted independent auditors for Emery County. She provided an overview of the report. The Commissioners discussed the need for some name changes on the report. The report was double the size of years past because of the GASB 54 requirements. Commissioner Gary Kofford made a motion to accept the 2002 Independent Audit report with the name changes. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED INTERLOCAL AGREEMENT WITH OTHER MEMBERS OF UTAH ASSOCIATION OF COUNTIES INSURANCE MUTUAL, RELATING TO THE ESTABLISHMENT, FUNDING, AND OPERATION OF UTAH ASSOCIATION OF COUNTIES INSURANCE MUTUAL.**

A resolution approving and authorizing the execution of an Amended Interlocal Cooperation Agreement with other members of Utah Association of Counties Insurance Mutual was presented for approval. The Mutual has broken away from the parent company (UAC). They will now be called Utah Counties Insurance Pool. They have done away with by-laws and will now use agreements. Commissioner Ira Hatch made a motion to approve Resolution 8-5-03 approving and authorizing the execution of an amended agreement with Utah Counties Insurance Pool as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF AMENDED INTERLOCAL COOPERATION AGREEMENT BETWEEN MEMBER OF THE UTAH ASSOCIATION OF COUNTIES MUTUAL AND THE STATE OF UTAH.**

Commissioner Gary Kofford made a motion to approve the amended inter local cooperation agreement between Utah Counties Insurance Pool and the State of Utah. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND FEDERAL HIGHWAY ADMINISTRATION FOR EPHRAIM-ORANGEVILLE PROJECT DEVELOPMENT.**

Commissioner Hatch explained that the road between Orangeville and Ephraim is considered a federal highway. The U.S. Department of Transportation and Federal Highway Administration (FHWA) is in the process on upgrading the road. A portion of this road is in Emery County. The FHWA needs an agreement in place to upgrade that portion which is in Emery County. The project is federally funded. Emery County will be responsible for the operation and maintenance of the road after the project is complete. Commissioner Hatch pointed out that the road description referred to in the agreement needs to be corrected. Commissioner Ira Hatch made a motion to approve the agreement, with the corrected description, between Emery County and FHWA for the Ephraim- Orangeville Project Development. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(6)**

**5:00 P.M.- PUBLIC HEARING to discuss temporary ATV use on county roads near Ferron/Emery during Arapeen ATV Jamboree.**

Commissioner Drew Sitterud opened the meeting and informed those present that the Public Hearing was to received public comment on temporary ATV use of certain county roads in Emery County specifically roads in the Ferron and Emery areas during the Arapeen ATV Jamboree.

He read a letter from the Access Management Sub-Committee for Public Lands. The Committee identified and recommended the following roads be temporarily designated as open to ATV travel to accommodate the Arapeen ATV Jamboree:

723 (Millsite), 701 (Ferron Canyon) from Millsite State Park to Ferron City Boundary, Millsite to Forest Service boundary, 611 (Molen) from Ferron City boundary to intersection with 612 (Clawson/Molen), 612 from intersection with 611 in intersection with 705 (Dutch Flat), 705 from intersection with 612 for approximately 2.5 miles to “the ball field”. In the Emery area, 904 (Emery Old State), 928 (Cove Spur), 901 (Coller/Peacock), those portions which are part of the old state highway, 806 (Muddy Creek) from SR-10 approximately 3.7 miles to “the Hole” trail, 911 (Lynx Canyon), 905. Also that portion of “D” road, formerly the old state highway, that is located between Emery City boundary and county road 928.

The Access Management Sub-Committee recommended the county roads be designated open to ATV travel August 13, 14, 15, and 16, 2003 only, and that those using said roads during that period of time be subject to all applicable state and county law.

The meeting was opened to the public for comment.

Representatives from Ferron and Emery were in approval of the identified roads. Participants will have to be escorted by the Emery County Sheriff's Office from the monument to the Muddy Creek on U-10. Sheriff Guymon has given his approval of the designated route.

Being no other comments from the public, Commissioner Gary Kofford made a motion to close the Public Hearing. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF RESOLUTION ALLOWING TEMPORARY USE ON COUNTY ROADS.**

Commissioner Gary Kofford made a motion to approve the proposed designated roads as open to ATV travel August 13, 14, 15, and 16, 2003 only to allow for the Arapeen ATV Jamboree. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF LEASE AGREEMENT AND SPACE REIMBURSEMENT WITH STATE OF UTAH ADULT PROBATION FOR SPACE AT THE NEW COURTS FACILITY.**

Clerk/Auditor, Bruce Funk requested approval of a lease agreement and space reimbursement with the State of Utah of Utah Adult Probation for space at the new courts facility. Adult Probation uses 181 square feet of space in the new courts facility for their office. The lease is for five years at \$4,349.20 a year. The reimbursement is broken down for space and operation and management as follows: Space reimbursement \$3,331.20/year, \$277.60/month, Operation and maintenance \$1,018.00/year, \$84.875/month. The total monthly payment is \$362.43.

Attorney David Blackwell reviewed the document and suggested deleting the word "Commission" in the opening paragraph wherein the agreement is made between "Emery County Commission" (Lessor) which should read "Emery County". Commissioner Ira Hatch made a motion to approve the lease agreement and space reimbursement with the State of Utah Adult Probation for space at the new courts facility with the change discussed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF COMMUNICATION SITE SUB-LEASE WITH NEXTEL.**

Tabled

(10)

**BRET MILLS, REPORT ON FEDERAL MANDATES (CHANGES/UPGRADES) TO TELEVISION RECEPTION/COMMUNICATION.**

Bret Mills, Communications explained the channel changes in the county as a result of channels being sold. Due to lower frequency the reception is much better. He explained the changes in Green River and Emery. He explained that it has been mandated that by 2006 all signals will be digital. Analog will no longer be available. Televisions are now coming equipped with digital receivers. Those who do not have newer televisions will need a box receiver (under \$100.00) to get television reception. At this time there are no rules in place regulating digital translators. A group is working on getting in place rules and regulations from the Federal Communications Commission. Bret would like to work on getting at least one channel at Horn Mountain available for digital reception. Several counties are working together to get grants to fund a microwave signal. They hope to be able to put at least three to four channels on one microwave. They are looking at getting mineral lease money also. Getting the digital signals ready is a huge project and will be costly. The digital channels will be pure digital.

Bret also discussed the National Weather Station for which Emery County was awarded a \$50,000.00 grant. The grant will fund a transmitter station. Emery county will provide the space and power. He would like to get the station built before the snow flies. He requested a motion to go out to bid for the installation of the weather station. Commissioner Gary Kofford made a motion to go out to bid for installation of a weather station. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**STEVEN BARTON, EMERY COUNTY TREASURER REPORT OF INTEREST/PENALTY ADJUSTMENTS**

Previously Treasurer, Steven Barton was given authority to adjust up to \$25.00 a month in interest and penalties as he deemed necessary. He was to provide a monthly report to the Commissioner's as to the amount of the adjustments. He reported 0 adjustments for June and \$7.42 for July. He has reported for four months and asked if the Commission wanted him to continue reporting the monthly adjustments. Commissioner Gary Kofford made a motion to end the reporting of treasurer adjustments as long as the adjustments stay within the parameters of the last four months. The motion was seconded by Commissioner Ira Hatch and approved by all

members present.

**(12)****RATIFICATION OF SOUTH MOORE ROAD PROJECT BID AWARD.**

U.D.O.T. received nine bids for construction of South Moore Cut-off Road. The top five bids were all \$400,000.00 under the engineers estimates. The top five bidders were as follows:

Brown Brothers, Meadow Valley, Nielson Construction, W.W. Clyde,  
and LeGrand Johnson.

The low bidder was Brown Brothers at \$1,358,912.99. Commissioner Ira Hatch made a motion to ratify the decision to award the bid for the South Moore Cut-Off Road Project to Brown Brothers as the low bidder for the project. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(13)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 156404 through and including #156576 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
34-03	Television Processors (4) GR/Television	\$3,940.00	Approved
35-03	Television Processors (4) Ferron Cnyn/Television	3,940.00	Approved
36-03	Television Processors (4) Huntington Cnyn/Television	3,940.00	Approved

Dispositions were presented for the following:

410-0094 Quickbooks pro 99 Software that was junked, 410-1031 Hotpoint Gold Refrigerator that was junked.

In additional claims, a claim (Jones Radio Shack, \$244.95) for a new cell phone for Sheriff Guymon was discussed again. The cell phone/pager reimbursement contract that was signed by

Sheriff Guymon states that: Employee agrees and understands that Emery County will pay the approved reimbursement amounts directly to the employee at the address shown. This monthly payment is to reimburse employee for use of their personal cellular phone and/or pager for county business. ....Employee will be responsible for all phone charges, phones, pagers and any other future costs incurred in the use of said equipment. Employee shall have cell phone available during regularly scheduled working hours. Attorney David Blackwell stated in his opinion the claim should be paid because the Sheriff is on duty twenty-four hours a day. The Sheriff's Department poses a special circumstance in that the phone could be damaged while struggling with a suspect or helping a victim. In his opinion the Sheriff should be compensated for his phone if it is damaged. Commissioner Hatch did not agree with that. After much discussion on the matter Commissioner Gary Kofford made a motion that if the Sheriff has the money in his budget to pay the claim for the cell phone. Commissioner Drew Sitterud stepped down to second the motion. Commissioner Ira Hatch voted Nay.

A business license for Danny Daley DBA: Specialty Pet Foods was presented for approval. Danny will be selling specialty pet foods from his home in Lawrence. Zoning Director, Bryant Anderson has signed the license. Commissioner Ira Hatch made a motion to approve a business license for Danny Daley as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball Personnel Director presented the following Personnel action:

County Attorney

Based on her performance, David Blackwell requested approval of a three step wage increase for Nancy Orgill, Legal Secretary, effective beginning the next pay period, August 18, 2003. Additionally, David requests consideration of making Nancy a full time employee. Because of the office work load, she consistently works 39 hours per week as a 3/4 time employee. This would be effective beginning the next pay period, August 18, 2003. Discussed was the fact that the Attorney does not have money in his budget to pay for the increase or the benefits if they make Nancy full time. Commissioner Gary Kofford made a motion to make Nancy Orgill a full time employee with a full step increase from 8H to 8I. The motion died without a second. More discussion ensued. Commissioner Gary Kofford made a motion to make Nancy Orgill a full time employee remaining at 8H. Commissioner Drew Sitterud stepped down to second the motion.

Commissioner Ira Hatch voted Nay to the motion.

David Blackwell requested approval to hire Shari Tuttle, temporary up to 90 days beginning July 1, 2003 at \$5.15/hr. There was discussion regarding policy in regards to hiring 90 day temporary. David Blackwell had the understanding that a temporary could be hired and receive Commissioner ratification within 30 days. Again they discussed the fact that the Attorney does not have money in his budget to pay for a temporary. Funds will have to be moved from somewhere else to accommodate the two requests from the Attorney. Commissioner Gary Kofford made a motion to approve hiring Shari Tuttle as up to 90 day temporary as proposed. Commissioner Drew Sitterud stepped down the second the motion. Commissioner Ira Hatch voted Nay to the motion.

#### Road Department

Rex Funk requested approval to promote Wayde Nielsen from Equipment Operator Driver to Maintenance Crew Leader effective the next pay period beginning August 18, 2003. This is the position previously held by Morris Sorensen. Rex explained the history of this type of Crew Leader and pay associated with it. After much discussion Commissioner Ira Hatch made a motion to approve promotion of Wayne Nielson to Maintenance Crew Leader at 15K as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

#### P&Z/Bldg. Inspector/Public Lands/County Attorney

Request was made to hire Margaret McMullin as secretary effective immediately. Commissioner Gary Kofford made a motion to hire Margaret McMullin at 4E as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

#### EMT Time Sheets

It was requested that the Commission issue a directive to EMT supervisors as follows:

Time Sheets must reflect all compensable time for the month in which the time was accrued and submitted to the Clerk/Auditor's Office on the Monday following the end of the pay period. Time sheets received after the deadline will be included in the next payroll. Any time sheets received for periods later than one month will not be accepted for payment. Time sheets must be signed by the EMT and his/her supervisor.

Commissioner Gary Kofford made a motion to adopt a directive to EMT supervisors as proposed effective September 1, 2003 which allows time to get letters out to the EMT's. The



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August 5, 2003

motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

**CITIZEN CONCERNS**

Road Supervisor, Rex Funk requested permission to go out to bid for an air conditioner for the Green River Road Shop. He estimates the cost would be under \$500.00. Commissioner Ira Hatch made a motion to go out to bid for an air conditioner at the Green River Road Shop. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(16)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the Commissioner Meeting Minutes dated July 15, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported on the Emery County Fair activities thus far and upcoming.

(18)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Commissioner Ira Hatch made a motion to move into executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Present at executive session was Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Ira Hatch, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

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Commission Meeting Minutes

August 5, 2003

Upon return to regular meeting Commissioner Ira Hatch made a motion to reject the offer from case # UALD- A3-0677 EEDC-35C-A30677 and notify the Department of Labor as such. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(19)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY/SHERIFF COMPLEX  
GREEN RIVER, UTAH

AUGUST 19, 2003

Present at the meeting were Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Sr. Deputy Clerk/Auditor Brenda Dugmore, other elected officials and citizens.

A prayer was offered by Ira Hatch. The pledge was led by Gary Kofford.

(1)  
**APPOINTMENT TO NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT BOARD.**

There are three openings on the North Emery Water Users Special Service District Board. Applications were received from Mike McCandless, Joy Barton and Kevin Jensen. Commissioner Hatch made a motion to appoint the above three to the Board of the North Emery Water Users Special Service District. The motion was seconded by Commissioner Kofford and approved by all members present.

(2)  
**CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION AND CONTRACT AGREEMENT WITH SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS, AREA AGENCY ON AGING AND EMERY COUNTY TO ADMINISTER OLDER AMERICANS ACT PROGRAMS IN EMERY COUNTY.**

Maughn Guymon, Agency Director, presented the Commission the new contract for fiscal year 2003-2004. The contract runs from July 1, 2003 to June 30, 2004. The contract is received from the State after which Mr. Guymon puts it into County form. The new contract is about \$1,600.00 less than the contract from the prior year. Most of the loss was in the nutrition program. There was minimal loss in the socialization program. Commissioner Hatch stated that he sits on the Southeastern Utah Association Board and wanted to give Mr. Guymon a vote of thanks for his work in this program. He has done a lot of good work in coming up with a budget that allows the program to be maintained even with the loss of revenue. Commissioner Hatch made a motion to approve the contract with the Southeastern Utah Association of Local Governments Area Agency on Aging. The motion was seconded by Commissioner Kofford and approved by all members present.

**(3)**

**CITIZEN CONCERNS.**

Glen D. Johnson, Green River City Mayor, discussed with the Commission a CDBG grant that the County has committed to help with the matching funds. Mayor Johnson stated that the City has been reimbursed \$50,000.00 from the CDBG and the project has been completed. They are now waiting for reimbursement from Emery County. Commissioner Sitterud stated that he had talked to the Association of Local Governments Office (AOG) and that they stated that all of the bills have not been paid and to hold off until the grant has been closed. Commissioner Hatch made a motion to approve payment to Green River City of up to \$10,000.00 matching funds for the CDBG grant pending clarification from the AOG and Green River City on the total cost of the project and after making sure that everything has been paid. The motion was seconded by Commissioner Kofford and approved by all members present.

The Commission also discussed with Mayor Johnson the water bills that Emery County is paying to Green River City. The County facilities have been classified as commercial buildings. Emery County petitioned Green River City to not be classified as commercial. The City Council denied that request. The current water bill for the sheriff's complex is over \$400.00 this month. Mayor Johnson requested that the County send him copies of the water bills from the other Cities and he would present the request to the City Council for consideration again.

Mayor Johnson also stated that Melon Days will be held September 19-20, 2003. There are lots of activities that are planned for the event.

**(4)**

**RATIFY BUSINESS LICENSE APPROVED AT LAST MEETING.**

Commissioner Hatch made a motion to ratify the business license that was approved during the last meeting for Danny Daley, D.B.A. Specialty Pet Foods. The motion was seconded by Commissioner Kofford and approved by all members present.

**(5)**

**CONSIDERATION AND APPROVAL OF COMMUNICATIONS SITE SUB-LEASE WITH NEXTEL.**

Attorney David Blackwell has a few minor problems with the contract and has requested that this item be tabled until the next meeting.

**(6)****CONSIDERATION AND APPROVAL OF US FOREST SERVICE PAYMENT OPTIONS.**

Commissioner Hatch discussed that the Federal government through the Forest Service makes payments for federal lands that are not taxed. This payment is not the same as PILT. The payment is for timber, grazing fees and recreation fees. Fifty percent of the payment is given to the schools and fifty percent of the payment goes toward roads. Several years ago there was an option to choose either the full payment method or the traditional payment method. The full payment method is based on an average payment for a ten year period, 1989 to 1999. The traditional payment method would pay the County twenty-five percent of all of the fees that were collected. At the time the County opted to take the traditional payment method. In 2001 the County received \$19,252 and in 2002 \$17,873. If the County changed to the full payment option the payment for 2004 would be \$25,300. It was Commissioner Hatch's recommendation to change to the full payment option. Commissioner Hatch made a motion to change to the full payment option with fifty percent going to schools and fifty percent going to road. The motion was seconded by Commissioner Kofford and approved by all members present.

**(7)****CONSIDERATION AND APPROVAL OF SUPPLEMENT NO. 1-03 TO THE FOREST SERVICE ROAD AGREEMENT.**

Morris Sorensen, Road Dept., presented to the Commission two contracts from the Forest Service, Supplement 1-02 and Supplement 1-03. Supplement 1-02 is an agreement from the top of the dugway to the CCC structure in Ferron Canyon. The Forest Service will furnish all of the materials and the Road Dept. will provide a grader, roller and water truck. Supplement No. 1-03 will provide improvements on the Horn Mountain road. The Forest Service will do the construction work and provide the materials. The Road Dept. will lay the gravel on the road. Commissioner Kofford made a motion to approve the two contracts with the Forest Service. The motion was seconded by Commissioner Hatch and approved by all members present.

**(8)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 156755 through and including #156906 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
37-03	Weather Station Transmitter Parts-Talley/Communications	\$17,156.59	Approved
38-03	Toshiba Laptop Drug Task Force	1,490.78	Approved
39-03	Kenwood High Power Mobile Radios (2) Sheriff	2,367.50	Appro ved
41-03	2003 Dodge 4x4 Truck Sheriff	22,831.00	Appro ved
42-03	Camper Shell-Terry's Tops Sheriff	1,100.00	Appro ved
43-03	Window Cooler Unit (1) Green River Road Shop	379.00	Approved

In additional claims, a claim for advertising for the rodeo was discussed. There was some question as to whether the claim should be paid for by the Recreation District. Commissioner Kofford stated that he had agreed to pay for the rodeo advertising in exchange for the Recreation District running the Bullnanza.

Commissioner Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Hatch and approved by all members present.

(9)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTIONS.**

Pat Snowball was unable to attend the meeting. There was one item of personnel action:

Clerk/Auditor

The Clerk/Auditor's office requested approval to advertise for a 3/4 employee. The position

would be up to 39 hours with prorated benefits. Commissioner Hatch made a motion to allow the Clerk/Auditor's office to advertise for the above position. The motion was seconded by Commissioner Kofford and approved by all members present.

**(10)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Hatch made a motion to approve the Commissioner Meeting Minutes dated August 5, 2003 as corrected. The motion was seconded by Commissioner Kofford and approved by all members present.

**(11)**

**COMMISSION REPORTS.**

*Commissioner Kofford*

Commissioner Kofford reported that the fair is over and was a success. There have been a few suggestions for next year. Commissioner Kofford expressed his appreciation to those who participated.

Commissioner Kofford also reported that the Utah Association of Counties is discussing drafting a statewide wilderness plan. The Commissioners are seeking input from the citizens of Emery County on whether the Commission should actively participate in these meetings. UAC is proposing that we use the 1994 preferred acreage on wilderness. If we could join and get the acreage from 1994 it may be to our advantage. There are meetings schedule to receive public input on this issue.

*Commissioner Sitterud*

Commissioner Sitterud reported that the Solitude Landfill has called and asked for the minutes of commission meeting and public lands meeting where support of the project was given. Commissioner Sitterud has forwarded the minutes to the requester. This project would be very beneficial to Green River City and the Commission continues to support it.

Commissioner Sitterud also reported that the upper segment of the Muddy River was eliminated from the Wild and Scenic Rivers. This is the only one that has been dropped at this point.

6

Commission Meeting Minutes

August 19, 2003

(12)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

There were no matters for executive session.

(13)

**ADJOURNMENT**

Commissioner Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

SEPTEMBER 2, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Ray Petersen. The pledge was led by Mark H. Williams

(1)

**BID OPENING FOR WORK ASSOCIATED WITH INSTALLATION OF A NOAA WEATHER STATION. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

The Commission received two bids for work associated with installation of a NOAA Weather Station. The two bids were from: Dean Allen Electric for \$4,400.00 and Lofthouse Electric for \$5,420.00. Commissioner Ira Hatch made a motion to award the bid to the low bidder, Dean Allen Electric for \$4,400.00. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**GLENYS SITTERUD, DISCUSSION OF EMERY TOWN'S REQUEST FOR LETTER OF SUPPORT FOR PROPOSAL TO ESTABLISH AN ATV TRAIL WITHIN UDOT RIGHT-OF-WAY ALONG SR10.**

Glenys Sitterud made a request on behalf of Emery City. In order to get from Emery City to the Hole Trail they need to create an ATV trail within the highway right-of-way. She has talked to a UDOT representative on the phone. UDOT indicated that at the moment they have no criteria for creating this type of trail. He asked that the city put together a proposal which would need to include a letter of support from Emery City and a letter of support from the Emery County Commission. Commissioner Sitterud indicated he is willing to back this proposal provided the Access Management Committee, which Glenys is a member of, is in support of the proposal. Glenys indicated that this is the best alternative. The road that was being used in the past, the old highway to what is called the monument site, crossing through what used to be Rainbow Ranch, now belongs to SUFCO is leased to Castle Valley Ranch and they do not want people to travel on it. All the city wants is an ATV trail that goes from the monument site to the road that goes

up the Muddy a distance of 1.7 miles. The request was for a letter of support from the Emery County Commission for the proposal. Commissioner Ira Hatch made a motion to give a letter of support to Emery City for this proposal based upon their making contact with the Access Management Committee and they give their approval for the proposal then the Emery County Commission will issue a letter of support for Emery City's proposal. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(3)**

**CONSIDERATION AND APPROVAL OF COMMUNICATION SITE SUB-LEASE WITH NEXTEL.**

Kevin Brewer, Nextel Communications, Inc., was present to discuss a communications site sub-lease agreement between Emery County and Nextel Communications, Inc. The agreement provides for leased space on the tower and one hundred forty-four square feet of leased space in the building located on Horn Mountain. The document has been reviewed by Attorney David Blackwell. Commissioner Gary Kofford made a motion to approve the communication sub-lease agreement between Emery County and Nextel Communications, Inc. as written. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Mr. Brewer informed the Commission that a tower will be put in Emery City to provide service to Emery and the I-70 area as well as Green River City. The hope is that problems associated with cell phone service in the Emery area and people seeking help off I-70 will soon be resolved.

**(4)**

**PAT GUBBINS, BLM, QUARTERLY UPDATE.**

Pat Gubbins, BLM, provided the following update:

- ✦ The draft alternatives for their resource management plan will be released soon.
- ✦ The law enforcement officer on the San Rafael/BLM is going well. Deputy Ray Jeffs has helped a lot with public education on the Swell.
- ✦ They have hired a new field officer, Fred O'Ferrell. Mr. O'Ferrell deals with lands and minerals.

Sheriff Guymon asked who makes the decisions to close a particular road, trail or campsite. Mr. Gubbins indicated that they go by the Route Designation Plan but if they see anything that we need to be aware of to contact him or Tom Gnojek.

**(5)****MESIA NYMAN, FOREST SERVICE, QUARTERLY UPDATE**

Mesia Nyman, Forest Service, provided the following update:

- ✦ Fire restrictions will be lifted on September 5, 2003.
- ✦ There have been seventeen fires in Emery County this year, mostly on BLM land.
- ✦ They had a busy Labor Day weekend. There were several ATV accidents.
- ✦ Forest roads approved for standard travel are also approved for ATV travel.
- ✦ They have placed water monitoring devices in Joe's Valley Reservoir and Electric Lake.
- ✦ They have a field trip planned for the Gentry allotment with grazing permittees.

Rue Ware asked about Mary's Lake, south and west of Joe's Valley Reservoir. There are problems with the pipe leading from the spring to feed the lake. Only 20% of the water is making it from the spring into the lake. The Forest Service was going to do some rehab to fix the problem. Rue wanted to know if anything more had been done. Mesia did not know anything about it. She will check into it and get back with him. Rue also asked if the rumor, that the road from Joe's Valley to Mary's Lake was going to be closed, was true? Mesia indicated that as far as she knows that is just a rumor.

**(6)****DERRIS JONES, DWR, QUARTERLY UPDATE.**

Derris Jones, DWR, provided the following update:

- ✦ Archery hunt is going on now. Compliance with the laws has been fairly decent. There has been one illegal kill of a four point.
- ✦ Bear Season is on now also. They have had problems with illegal bear bating in Sanpete County.
- ✦ Stripers are boiling at Lake Powell.
- ✦ They are collecting samples from deer for Chronic Wasting Disease (CWD). Herds are down which means the disease will not spread as fast.
- ✦ West Nile has been confirmed in Emery, Carbon and Uintah counties in horses and chickens only. No confirmed cases in humans mostly because of the cost to test for the disease.
- ✦ Drought continues to be a problem.

**(7)**

**RUE WARE, CONSIDERATION AND APPROVAL FOR RENAMING OF COUNTY ROAD #503.**

Rue Ware petitioned the Commissioners to approve naming a road outside Orangeville City limits, a county road, that connects the Mill Dam Road to Coal Haul Road. He provided a brief history of the origin of the road. The city would like to put a historical marker near the road to pay homage to those who built it. He identified several other roads in Orangeville that he and others felt would benefit the community if there were signs to identify them. He indicated he had funds to pay for the signs he just needed permission to put them up. Four signs need to be put in Orangeville, eighteen signs need to be erected in the county and four signs need to go along State Road U-29. The signs along U-29 would have to go through UDOT for approval. Commissioner Ira Hatch made a motion to hold in abeyance the naming of road #503 until the addressing project has been completed. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Commissioner Gary Kofford made a motion to give the list of requested signs to Rex Funk, Highway Supervisor to pursue at his will. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)****CITIZEN CONCERNS**

Sharpe Snow, Joe's Valley Marina requested tax relief for his personal property taxes. The drought and low water at the reservoir has led to poor business at the Marina. Boats cannot dock at the reservoir. The total tax due was \$428.00. He has made payments of \$409.46 leaving the penalty and interest of \$18.54. He requested to have the \$18.54 abated. Commissioner Ira Hatch made a motion to approve abatement of the penalty and interest in the amount of \$18.54 as requested. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)****CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY, UTAH DIVISION OF FORESTRY, FIRE, AND STATE LANDS, CARBON COUNTY, AND MANTI-LA SAL NATIONAL FOREST FOR FUNDING A FULL TIME WILD LAND FIRE WARDEN POSITION.**

Gary Cornell, State Lands Forestry discussed the difficulty the Division has had maintaining a quality individual for fire warden position when the job is seasonal position. The division has been pursuing an opportunity to obtain funding to make this a full time position. The agreement for funding assistance would be with the Manti-La Sal Forest Service in conjunction with the Division of Forestry, Fire, and State Lands, Carbon County and Emery County. They have a gentleman, Rudy Sandoval, who is in the position now. The division has put a lot of time and

effort into training him and getting him better qualified to do the job. In an effort to try and keep Rudy in the position, Mr. Cornell began the process to try and get this position full time with some benefits. He indicated that in discussions last year, when developing the budget, we were looking at extending the position from a five month to a seven month. Emery County budgeted approximately \$4,300.00 for that seasonal warden position. He proposed to set it up as a full time position and split up the cost. Basically Emery County would be paying for 40% of 1/3 the cost of that full time position which would equate to about \$4,800.00 a year. He suggested that funds could be pulled from the budgeted Wildland Fire Suppression Fund. The Administration and Congress had not adequately funded the Forest Service for their Wildland Fire Suppression cost and are now pulling money back from the Forest Service out of various operating budgets to cover fire suppression costs. He must get the agreement signed by both counties and get it to the Forest Service fairly quickly or the funds set aside to participate in this agreement would be lost and the opportunity would be lost. The Forest Service and the BLM are actively attempting to recruit Rudy away from the Division. He felt that would be a detriment to the Wildland Fire program in Carbon and Emery County. Commissioner Gary Kofford expressed his concern with the way the Division has billed Emery County for Wildland Fire Suppression. He indicated that there has been no contact regarding any of this proposal until now. He felt there should have been some discussions going on before now. Mr. Cornell indicated that the problem he has run into is that he is working with three different fiscal years. Federal fiscal year (October) for the federal side of this agreement, state fiscal year (July) and county fiscal year (January). Unfortunately, with the way funding Congress and the Administration is with budgeting funds for the Forest Service, this may be a one time only arrangement. We may be looking at doing something else next year for Carbon and Emery County. Commissioner Gary Kofford made a motion to accept the agreement with the provision that the agreement spell out the amounts Carbon and Emery County pays. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)**

**CONSIDERATION AND APPROVAL OF AGREEMENT FOR SERVICES BETWEEN EMERY COUNTY AND DYNAMIC FEEDBACK.**

Dynamic Feedback is the company contracted to compile a public opinion survey regarding the San Rafael Swell designation as a national monument. The State of Utah agreed to pay for the survey to provide information relevant to making a decision. Emery County agreed to accept the funds and contract with an appropriate to develop and conduct a public opinion survey. The county agreed to pay Dynamic Feedback \$97,733.81 for performance of this survey contingent upon Emery County receiving at least \$97,733.81 from the state. The State of Utah has sent a request to Emery County for financial help in paying Dynamic Feedback. Commissioner Gary Kofford made a motion to table the request to allow time to look into the matter. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**STEVE BARTON, EMERY COUNTY TREASURER, REQUEST TO ACCEPT CREDIT CARD PAYMENTS, VIA OFFICIAL PAYMENTS CORPORATION, FOR COUNTY TAXES.**

Treasurer, Steve Barton made a request to accept credit card payments for county taxes, via Official Payments Corporation. A fee for the service would be charged to the taxpayer. The tax amount would be sent to the county and fee would be retained by the corporation.

Commissioner Gary Kofford made a motion to give Steve Barton the latitude to set up the payments via Official Payments Corporation. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

**APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND JONES & DEMILLE ENGINEERING FOR AIRPORT IMPROVEMENT PLAN.**

On July 15, 2003 the Commission awarded a bid to Jones & Demille Engineering for a proposal for an airport improvement plan. The plan must be in place in order to receive funds from state and federal sources to fund other projects. The funds will come to the Special Service District #1 through mineral lease funds. Projects are funded with UDOT with a ninety/ten split basis. The county has an agreement with Special Service District #1 to share revenues. The agreement between Emery County and Jones & Demille Engineering was proposed for signing. Commissioner Ira Hatch made a motion to approve the agreement between Emery County and Jones & Demille. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF BLOCK GRANT FOR RADAR UNITS TO UPDATE OLD EQUIPMENT.**

Sergeant Gayle Jensen reviewed the status of radar units currently being used by the Sheriff's Department. Many are older models and have been retired due to inefficiency. The Sheriff's Department has been able to obtain a block grant for law enforcement support to purchase 6 new radar units. Total project costs is \$8,499.00 with a \$7,500.00 (90%) federal grant and a \$999.00 (10%) local match. Commissioner Gary Kofford made a motion to approve a 10% local match for a block grant to purchase 6 new radar units for the Sheriff's Department. The motion was

seconded by Commissioner Ira Hatch and approved by all members present.

**(14)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 157029 through and including #157149 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
44-03	Cross-Cut Shredder Treasurer	\$ 415.48	Approved
45-03	Microwave Radio System Sheriff	64,027.00	Approved

One disposition for asset #6729, paper shredder, from the Treasurer's office was presented for approval.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims, requisitions and disposition with the exception of a credit card claim as discussed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)****DISCUSSION OF AMENDING COUNTY POLICY TO PROVIDE HEALTH INSURANCE FOR FAMILIES OF EMPLOYEES KILLED ON THE JOB.**

Commissioner Sitterud read a letter from Lisa Johnson, widow of Deputy Jeremiah Johnson who was killed in the line of duty May 27, 2003. The letter was a request to provide health insurance for families of employees killed on the job. Personnel Director, Pat Snowball was not sure if the county's insurance carrier would allow coverage for a family not employed by the county. Cobra insurance is available for six months which gives the family time to obtain insurance. Lisa should be getting social security, workers comp and medicaid for the children until they are 18. Commissioner Ira Hatch made a motion to table this to allow time to look into the matter. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)****PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Pat Snowball, Personnel Director presented the following personnel action:

**Sheriff's Office**

Sheriff Guymon requests a promotion for Martin Wilson from Patrol Deputy to Sergeant in charge of Special Operations. Martin handles : Education, Emergency Services, and Homeland Security. The increase would from a 15K to 17L beginning with the next pay period, September 15, 2003. Sheriff Guymon indicated that this is a position that had not previously been filled. Commissioner Ira Hatch made a motion to table this until we can look at it more. The motion died due to lack of a second. Commissioner Gary Kofford made a motion to approve the promotion for Martin Wilson as proposed. Commissioner Drew Sitterud stepped down to second the motion. The motion was *not* approved by all members present.

**Assessor's Office**

Assessor, Kris Bell requested a three step increase for Carol Riddle, Senior Appraiser. Carol has assumed additional duties since Kris was elected. The increase would begin the next pay period, September 15, 2003. Commissioner Ira Hatch expressed concern for the flood of requests for three step increases for employees. The County has a compensation committee made up of elected officials and department heads in place to look at potential increases for employees. He agreed that the employees probably do deserve the increases but somewhere it needs to stop. The department probably has the funds for this year but what about next year. Commissioner Drew Sitterud stepped down to make a motion to approve the request for a three step increase for Carol Riddle as other requests have been approved. Kris has been able to show she has the funds to pay for the increase in the Assessor budget this year. The motion was seconded by Commissioner Gary Kofford. Commissioner Ira Hatch voted nay.

Pat Snowball asked to have the Commission direct elected officials and department heads to hold off on any further requests to allow the compensation committee time to develop a plan.

Commissioner Hatch disagreed with Pat's suggestion to hold off future requests. He felt it was not fair to those departments with requests in line for next time. Especially since the Commission has approved all the requests that have come before them thus far.

Commissioner Kofford explained the problems associated with the requests for pay raises for employees. The Commission is concerned with how to meet the needs of the employees and keep the services going for the public with the funds they have available. Departments may have the funds for raises this year but at the same time the raises need to be factored into that



department's budget for the years to come. They are looking at the budget for next year and considering the path that the county needs to take.

#### Treasurer's Office

Chris Hansen has successfully completed his six-month orientation period. Steve Barton recommends the routine increase which would be effective beginning the next pay period, September 15, 2003. Commissioner Ira Hatch made a motion to approve the routine increase for Chris Hansen as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

#### Road Department

Road Supervisor, Rex Funk requested a promotion for Keith Sorensen to fill the position vacated by Mike Jensen. Commissioner Ira Hatch made a motion to approve the promotion for Keith Sorensen and he will get with Rex to work on the duties of the position. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)

#### **APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated August 19, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(18)

#### **COMMISSION REPORTS**

##### *Commissioner Sitterud*

Commissioner Sitterud reported on the White Sands Missile Site. SITLA owns a tract of land in the Missile Site. Most of the site is in Grand County. He attended a meeting with the new UDOT, District 4 Director, Hugh Kirkham. Funding has been approved for construction of Highway 6, most of the way through the canyon. We are to expect at least two hour delays in the canyon.

##### *Commissioner Hatch*

Commissioner Hatch reported on Board of Equalization in Castle Dale and Green River. He recently attended an Insurance Mutual board meeting in Ogden where they discussed insurance premiums and their efforts to hold the line on the costs. He and Rex Funk met with Energy West regarding the road to Rilda Canyon and their proposal to construct a new portal and to change the entry point on to U-10. Energy West expects to be on line in three years. He reported on the efforts of the Mosquito department to hold down the incidence of West Nile in Emery County concentrating heavily on those areas where the virus has been found in animals thus far.

**(19)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Commissioner Gary Kofford made a motion to table executive session due to lack of council. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(20)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 16, 2003

Present at the meeting was Commissioner Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by LaMar Guymon. The pledge was led by Carol Cox.

(1)  
**MAYOR JOHNSON, GREEN RIVER CITY, REQUEST COMMISSION OPEN/AMEND THE 2003 BUDGET TO ALLOW UNALLOCATED FUNDS TO BE ALLOCATED TO THE EMERY COUNTY TRAVEL BUREAU BUDGET.**

Rescheduled

(2)  
**MAYOR JOHNSON, GREEN RIVER CITY, REQUEST CLARIFICATION ON COUNTY COST ASSOCIATED WITH SERVICES IN GREEN RIVER AND REQUEST BREAKDOWN OF COST FOR OTHER CITIES IN EMERY COUNTY.**

Rescheduled

(3)  
**CITIZEN CONCERNS**

Rob Midgley, Flight Instructor, outlined the plans for pilot instruction at the Huntington Airport. He is working on getting all the proper documents in place for legal flight instruction. He will be instructing through continuing education at CEU provided there are at least eight students enrolled in the class. He is working with Troy Atwood to provide flying services for corporations such as UPL, Questar and Texaco as well as private flight tours. Commissioner Hatch informed Mr. Midgley of the contract with Jones and DeMille to prepare an airport improvement plan. They are working on gathering the data for that plan at this time. The plan must be in place in order to receive state a federal funds for other projects. A public meeting has been planned to identify the present and future needs of the airport and the role of the airport in providing services to residents of Emery County and other counties as well. Commissioner Hatch encouraged

everyone to attend the meeting and provide input.

Kris Bell, Assessor explained that the law requires the county to hold Board of Equalization open for forty-five days from the mailing date of disclosure notices. The forty-five days are now up. Ms. Bell requested to close Board of Equalization. Commissioner Ira Hatch made a motion to close Board Of Equalization effective today September 16, 2003. The motion was seconded by Commissioner Gary Kofford and approved by all members present. The motion will be ratified in the next commission meeting.

**(4)**

**APPOINTMENT OF COUNTY VETERAN AFFAIRS CONTACT PERSON.**

Ira Hatch has been the contact person for Veteran Affairs in Emery County for several years. Dixie Swasey has accepted the position as the new county veteran affairs contact person. Dixie will have access to all available services and information for veterans. Commissioner Ira Hatch made a motion to assign Dixie Swasey as county veteran affairs contact person. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Commissioner Kofford thanked Commissioner Hatch for his years of service in this capacity.

**(5)**

**RATIFICATION OF TAX ABATEMENT FOR SHARPE SNOW**

Commissioner Gary Kofford made a motion to ratify the decision made on September 2, 2003 to abate \$18.54 in penalty and interest for Sharpe Snow, Joe's Valley Marina. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(6)**

**CONSIDERATION AND APPROVAL OF PAYMENT TO DYNAMIC FEEDBACK.**

Dynamic Feedback is the company contracted to compile a public opinion survey regarding the San Rafael Swell designation as a national monument. The State has asked Emery County for financial help to pay Dynamic Feedback. The State has already paid \$50,000.00 of the \$97,733.81 which the county was to pay for the survey contingent upon receiving the funds from the state. In the last commission meeting a motion was made to table any decision to provide financial aid to the state for this purpose to allow time to look into where we can come up with funds. Commissioner Sitterud indicated that Emery County can come up with \$25,000.00 to

help pay this bill. Commissioner Hatch expressed concern for sending the check to Dynamic Feedback. He suggested we send the check to the State and let them pay Dynamic Feedback to avoid any confusion. Bruce Funk expressed concern for spending funds that were never approved by the people for this purpose. Commissioner Sitterud felt that by helping to pay this bill may help to heal future relations with the governor's office. Commissioner Gary Kofford made a motion to approve paying \$25,000.00 to Dynamic Feedback. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF BUILDING MAINTENANCE AGREEMENT FOR GREEN RIVER LIBRARY.**

Commissioner Gary Kofford discussed a proposed agreement with Nathan Thayn and Marcy Thayn, DBA: Thayn's Janitorial Service for maintenance of the Green River Library. He expressed concern for some wording in the agreement. Commissioner Gary Kofford made a motion to table this decision until the next commission meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

After more discussion on the matter, Commissioner Ira Hatch made a motion to resend the table of the previous motion. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to approve the agreement with Nathan Thayn and Marcy Than dBA: Thayn's Janitorial Service for maintenance of the Green River Library with the name changes. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List and additional claims #157324 through and including #157486 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
46-03	Portable Electronic Diagnostic Kit W/laptop computer Highway	3,406.28	Approved
47-03	Laminator, 40" CRL Sheriff/Safe Communities	2,499.00	Approved

There were no dispositions.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List and additional claims for payment and the requisitions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Library

A. Dorothy Taylor has requested to step down from Branch Librarian in Ferron to Assistant Branch Librarian in Orangeville. She will be working 19 hours per week and will not be eligible for benefits. This change will occur beginning the first pay period in November which is November 10, 2003.

B. It is recommended that Colleen Murdock, Assistant Branch Librarian in Orangeville, be promoted to Branch Librarian in Ferron to fill the vacancy left by Dorothy Taylor. This will be full time with benefits, effective the first pay period in November which is November 10, 2003.

There will be pay adjustments for Colleen and Dorothy. The Library Board is agreeable with these changes.

Commissioner Ira Hatch made a motion to approve the library board's request to move Colleen Murdock and Dorothy Taylor as proposed effective November 10, 2003. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Clerk/Auditor

The recruitment process is complete for the job of Deputy Clerk/Auditor. There were many excellent applications for this position. The Clerk/Auditor's office interviewed four applicants. It was recommended that Janalee Luke be hired effective September 17, 2003. This is a 3/4 time position eligible for prorated benefits. Commissioner Ira Hatch made a motion to approve hiring Janalee Luke as Deputy Clerk/Auditor as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Because of the level of responsibility and performance of job duties, it is recommended that Senior Deputy Clerk/Auditor Brenda Dugmore receive a three-step increase effective beginning the next pay period, September 29, 2003. Commissioner Ira Hatch made a motion to approve a three-step increase for Brenda Dugmore as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

A. Discussion of changes to county health insurance policy to continue coverage for dependents of employees killed on the job.

The request from Lisa Johnson was tabled in the last commission meeting to allow time to do some research. Commissioner Ira Hatch made a motion to deny the request to change county health insurance policy to continue coverage for dependents of employees killed on the job. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve commission meeting minutes dated September 2, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)**

**COMMISSION REPORTS**

*Commissioner Gary Kofford*

Commissioner Kofford reported that Emery County had a booth at the State Fair. Linda Schade from the Extension office took that assignment and did an excellent job. Her efforts were appreciated.

*Commissioner Ira Hatch*

Commissioner Hatch reported on the public hearing on a proposed UAC sponsored wilderness bill in Congress. The comments received at the public hearing will be used to help put together a proposal to be involved in that process.

He attended a preconstruction meeting on the Moore Cut-off Road. Brown Brothers have the bid. They have a one hundred fifty day construction period. They are mostly doing rock work right now. The project will be done in phases. This is just the first phase of the project. The Joint Highway Committee helps to fund this project. The paving will be done in the last phase of the project. Roads will not be closed during the construction period. He will be attending a meeting soon with the Joint Highway Committee where a request will be made for funding of the second phase of the project.

A representative from the retirement office was here on September 15, 2003. He was kept quite busy. He gave some good advice. He is willing to come again. Thanks to Pat Snowball for arranging for him to be here.

Dr. License Division will be back in the County again. They will be set up in the old attorney's office for now. Signs will be put up to direct people to the office.

Green River Melon Days is Saturday, September 20, 2003. He invited all elected officials and department heads to be involved.

We have another confirmed case of West Nile Disease in a horse in Emery County. There are no cases in humans.

*Commissioner Drew Sitterud*

Commissioner Sitterud reported that the public hearing for the proposed UAC sponsored wilderness bill was not well attended but the input was very good from those who did attend. When the bill is written they will come back for more public hearings to receive more input. The Commission appreciated the comments they did receive. He invited others to comment.

On Thursday, September 18, 2003 the Solid Waste Board will be in Green River to look over the proposed landfill site in Green River. They will also tour the ECDC landfill in Carbon County.

(12)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**



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September 16, 2003

Commissioner Ira Hatch made a motion to move into executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Upon returning to regular Commission Meeting Commissioner Ira Hatch made a motion to proceed with negotiations on case #001-203 CSC to resolve the personnel issue discussed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(13)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 7, 2003

Present at the meeting was Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Ira Hatch was not present. Commissioner Drew Sitterud will step down to carry out motions.

A prayer was offered by Commissioner Gary Kofford. The pledge was led by Judy Lang.

(1)

**MAYOR JOHNSON, GREEN RIVER CITY, REQUEST COMMISSION OPEN/AMEND THE 2003 BUDGET TO ALLOW UNALLOCATED TRT FUNDS TO BE ALLOCATED TO THE EMERY COUNTY TRAVEL BUREAU BUDGET.**

Mayor Johnson reviewed the budget for the information center in Green River City. Before the annexation of eastern Green River into Emery County, Grand County was helping to fund the information center. Green River City is currently maintaining the information center which is operating in the red at this time. The request from Green River City was to fund the information center for one half of the year, from July 1 through December 31, 2003 at a cost of approximately \$21,000.00. Transient Room Tax will not be available until 2004. The Commissioners discussed how to help Green River City for this year. Commissioner Gary Kofford made a motion to table this matter until the next Commission Meeting to give time to discuss the matter with the Travel Council. The motion was seconded by Commissioner Drew Sitterud and approved by all member present.

(2)

**MAYOR JOHNSON, GREEN RIVER CITY, REQUEST CLARIFICATION ON COUNTY COSTS ASSOCIATED WITH SERVICES IN GREEN RIVER CITY AND REQUEST BREAKDOWN OF COST FOR OTHER CITIES IN EMERY COUNTY.**

Mayor Johnson complimented and thanked the departments who provide services in Green River City. He addressed the County's request to change the water rate from commercial to residential for the departments stationed in Green River City. The request was denied by the Green River City Council. Commissioner Hatch attended the city council meeting where the discussion ensued regarding the water rates. He pointed out to the Green River City Council the services that are

provided by the county to Green River City and the cost associated for those services. Mayor Johnson disagreed with the amount of funds that were identified as being spent in Green River City and wanted to see how they would compare to those services provided to other cities in Emery County. Mayor Johnson agreed that the water rates for the county departments should be residential rates but due to the fact that the city is running in a deficit from installing new water and sewer facilities in the city the request was denied. He suggested the county approach the city council again in the spring with the same request.

Mayor Johnson reported on the progress of the application for a Class V Landfill permit. The hazardous waste committee visited the site and indicated that they will probably not approve the permit for a Class V permit unless they can receive assurance that the landfill will not be sold right away. Things are generally moving along.

**(3)**  
**DELENA FISH, WFS, QUARTERLY UPDATE.**

Not present.

**(4)**  
**LARRY SALAZAR, EMERY TELCOM, QUARTERLY UPDATE.**

Not present

**(5)**  
**MARTIN WILSON AND JUDY LANG, OVERVIEW OF NEIGHBORHOOD WATCH PROGRAM AND CONSIDERATION AND APPROVAL OF RESOLUTION DECLARING OCTOBER CRIME PREVENTION MONTH.**

Martin Wilson and Judy Lang provided an overview of the Neighborhood Watch Program. They asked that the Board of Commissioners approve a proclamation declaring October as Crime Prevention Month. Commissioner Gary Kofford made a motion to approve Resolution 10-7-03 declaring October as Crime Prevention Month in Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(6)****RATIFICATION OF APPLICATION FOR FINANCIAL ASSISTANCE UNDER THE STATE AND LOCAL ASSISTANCE PROGRAM (SLA).**

Commissioner Gary Kofford made a motion to ratify the decision made in last Commission Meeting to approve an application for financial assistance under the state and local assistance program. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(7)****CONSIDERATION AND APPROVAL OF UTAH EMERGENCY MEDICAL SERVICES GRANT APPLICATION.**

Martin Wilson explained that the grant application is to provide for three high school students to attend EMT classes providing an opportunity to increase EMT's in rural communities. Rachel Dunham, Rebecca Thornton and Dawna Marie Maldonado from Green River. The courses are \$750.00 per student. The funds will be provided by the State. Commissioner Drew Sitterud made a motion to accept the grant applications as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)****JO SANSERVERO, REQUEST DONATION FOR ARAPEEN ATV JAMBOREE 2004 BROCHURE.**

Jo Sanservero presented a request on behalf of the Arapeen Trail Jamboree organization. They presented a draft of a tri-fold brochure that they would like to produce. The brochure would be available at trade shows, ATV dealers, motels and information centers. They are hoping to find some kind of hook to entice participants in the Jamboree. They need \$1,500.00 to produce the brochures and ask that the Commission fund production of the brochures. Attorney David Blackwell reviewed the Shorts Decision and the restrictions associated with donations using tax payer funds. In his opinion the Recreation District should help fund this project. Commissioner Sitterud expressed desire to market recreation in Emery County. He expressed concern for where to find the funds to help fund the brochures. The Smart Site in Green River has the capabilities to produce the brochures. It was suggested to get a quote from the Smart Site and keep the funds in the county. Commissioner Gary Kofford made a motion to table this matter and look at the request in the next Commission Meeting.

**(9)**

**CITIZEN CONCERNS**

There were no citizen concerns.

**(10)****RATIFICATION OF BOARD OF EQUALIZATION CLOSURE.**

Commissioner Gary Kofford made a motion to ratify the decision made in last Commission Meeting to close Board Of Equalization for 2003. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)****CONSIDERATION AND APPROVAL OF CIRCUIT BREAKER, VETERAN, BLIND TAX, AND OTHER ABATEMENTS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the list of Circuit Breaker, Veteran and Blind abatement applicants. All applications have been checked for ownership and income requirements. Commissioner Gary Kofford made a motion to approve the list of Circuit Breaker, Veteran and Blind abatement applicants as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Indigent abatements were considered for the following:

Harriet Bishop	\$254.14
Elizabeth Terrill	334.47
Ann Minnick	138.67
Coleen Thompson	124.12
Vern Hinton	181.36

All applicants have provided the required letter from their doctor, a letter stating their hardship and met the income requirements. Indigent abatements are granted by the Commission based on their circumstances and provides for up to fifty percent of their property tax. Commissioner Drew Sitterud made a motion to abate half of the property taxes for the applicants proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)****CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CHANGES.**

Assessor Kris Bell presented the 2003 Board of Equalization changes. Commissioner Gary Kofford made a motion to approve the 2003 Board of Equalization changes as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(13)****DISCUSSION AND SETTING OF DATE FOR COUNTY-WIDE AUCTION.**

Commissioner Gary Kofford made a motion to set Saturday, November 1, 2003 at 10:00 A.M. as the date for a county surplus property sale. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(14)****CONSIDERATION AND APPROVAL OF A BUSINESS LICENSE.**

A business license was presented for Bill and June Adams, Green River DBA: Bill & June Adams. The business is representing two companies. 1. EBMS, Inc, advertising and setting up accounts for internet businesses. 2. Newways, a network marketing company who manufactures non-carcinogenic and toxic free products. The application has been reviewed and approved by Zoning Administrator, Bryant Anderson. Commissioner Gary Kofford made a motion to approve a business license for Bill and June Adams DBA: Bill & June Adams. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit list and additional claims #157783 through and including #157959 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
48-03	File dividers		
	Assessor	370.00	Approved
49-03	Laptop/ArcView updates		
	IT	5,204.50	Approved
50-03	Colt AR-15-A3 Rifle		

Sheriff (replacement)	935.00	Approved
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Dispositions were presented for the following:

210-6308, typewriter, 210-6309, typewriter, 145-6574, desk, 410-1684, foot roller, a 3 station lube pump bay, crane running gear, 410-4243, parts washer, a wire feeder, 2 small tool boxes for truck, 1989 Holland auto hoist crane, 410-4242, parts washer, 410-4160, wheel balancer, 410-6184 1992 kleen king recycler, 410-1610, lincoln welder, 410-1595, hobart welder, 410-4162, hunter wheel balancer, 410-4248, matco alternator tester, 410-2257, 1974 JD 310 backhoe, 410-5423, 1989 Ford F450 pickup, 410-5422, 1989 Ford F450 pickup w/o engine, 1989 Dodge bed for 3/4 ton truck, 410-4247, air compressor, 410-4225, 1962 storage van shop trailer, 410-6565, 1974 Dodge van bus, 663-6814, 1991 Chevrolet Caprice, 160-5518, 1991 Chevy Caprice, 160-6762, 1989 Chevy Astro Van and an Avenger three wheeler from Weed/Mosquito (no tag). All items are being sent to the county surplus property sale.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims requisitions and dispositions. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

### (16)

#### **PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

- A. Discussion and approval of Risk Manager/Safety Officer for County.
- B. Discussion and approval of amendments to Risk Management policy for compliance and related matters.

Commissioner Gary Kofford made a motion to table items A and B. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

#### Sheriff's Office

Nicole Deabenderfer will complete her six-month orientation period on October 21, 2003. She is eligible at that time for an increase and the Sheriff has recommended the action occur. It will be effective beginning the first pay period of October 27, 2003. Commissioner Drew Sitterud made a motion to approve the six-month orientation increase for Nicole Deabenderfer as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

#### Network Services/GIS

A request was made to hire Sherman Miller, temporary up to 90 days at a rate of \$8.00/hr., effective September 30, 2003. This term will end December 28, 2003. Sherman will be working on RS2477 and Addressing. Commissioner Drew Sitterud made a motion to approve hiring

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Sherman Miller for up to 90 days as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)

**CONSIDERATION AND APPROVAL OF RESOLUTION OF APPOINTMENT AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INSURANCE POOL MEMBERSHIP MEETING.**

Commissioner Gary Kofford made a motion to appoint Commissioner Ira Hatch as county representative to the Utah Counties Insurance Pool Membership Meeting with Commissioner Drew Sitterud as alternate representative. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(18)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated September 16, 2003 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(19)

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported that Jan Petersen and Richard Seely have been recognized by the Humanities Council for their efforts in working with the museums in Emery County.

He reported on the meeting that he, Commissioner Hatch, Bruce Funk and Brenda Dugmore attended with the State Tax Commission regarding centrally assessed properties.

He reported on the Airport Planning meeting held in the courthouse this day. Jones & DeMille the engineers hired to conduct the planning strategy for the airport were here to answer questions. Commissioner Sitterud encouraged everyone to provide comments.



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October 7, 2003

(20)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Commissioner Gary Kofford made a motion to move into executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Present at executive session was Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

They discussed possible litigation involving a personnel matter.

(21)

**ADJOURNMENT**

Upon returning to regular meeting Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_

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

OCTOBER 21, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Steve Barton. The pledge was led by Ira Hatch.

(1)

**JO SANSERVERO, REQUEST DONATION FOR ARAPEEN ATV JAMBOREE 2004 BROCHURE.**

This request was tabled in last Commission Meeting to seek ways for a donation to qualify under the Shorts Ruling. Commissioner Drew Sitterud made a recommendation to refer this donation request to the Economic Development Council. Commissioner Gary Kofford made a motion to refer the request for donation for Arapeen ATV Jamboree 2004 brochures to the Economic Development Council for consideration and recommend they assist in this project. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**DEB DULL, UTAH POWER QUARTERLY UPDATE.**

Deb Dull, Utah Power and Light provided a brief update of activity at Utah Power and Light. The Bridger Mine in Rock Springs is undergoing a change from surface to under ground, estimated to be complete by 2006. They are still working on the Electric Lake issue with the Huntington Plant and the Gooseberry Narrows issue for the Carbon Plant. She introduced Carl Colastro, Director of Administration of Mining at Energy West. Mr. Colastro reported that Energy West is currently working on development of the Mill Fork tract in Rilda Canyon in Huntington. Deer Creek has approximately two years of production left. They are hopeful that the Mill Fork tract will produce for at least fifteen years. The Mill Fork Access Development had twenty new hires with over 200 applicants for the eight off the street positions available.

(3)

**CITIZEN CONCERNS**

Randal Stilson, Orangeville City asked if it would be possible to have a vehicle listed as going to the county surplus property auction donated to Orangeville City. No decision was made and action was taken.

In last commission meeting the Commission tabled a decision to appoint a risk management leader. They discussed the reason for having a risk management leader and accident review team. Utah Counties Insurance Pool provides the county with a list of insurance management concerns that when addressed provide the county with points which credits the county on their insurance premium. A team is appointed to address UCIP's list of concerns and provide accident reviews. Commissioner Ira Hatch made a motion to appoint Rex Funk as leader of the Risk Management Accident Review team with the standing committee to be reappointed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL TO OPEN/AMEND 2003 BUDGET TO ALLOW UNALLOCATED TRT FUNDS TO BE ALLOCATED.**

Mayor Glen Johnson, Green River City attended last commission meeting and requested the Commission open and amend the 2003 budget to allow unallocated transient room tax dollars to be allocated to Green River City for funding of the information center currently housed in the John Wesley Powell Museum in Green River. He asked for \$22,000.00 to fund the information center for the last half of 2003 and the first half of 2004. At that time the request was tabled to allow time to look at TRT responsibly. At this time he reviewed for the Commission the history of TRT payments for 2003. Commissioner Hatch explained how TRT funds are received. Mayor Johnson stated that he felt TRT dollars that are generated in Green River should be used in Green River to assist the city in promoting tourism. He stated he did as Commissioner Hatch suggested and made the request before the Travel Bureau. He was now asking for the funds to be transferred to the Travel Bureau to meet his request of funding the information center in Green River. Sheriff Guymon who is on the Travel Bureau explained that the Travel Bureau should be making the request to have the 2003 budget opened and amended to allow unallocated TRT funds to be allocated to *them* so they can meet the request made, *not* the City. Green River also put in a request for \$33,000.00 from the Travel Bureau for funds to replace the roof on the John Wesley Powell Museum. Commissioner Ira Hatch made a motion to suggest the Travel Bureau review Green River City's request and the Commission will consider a request from the Travel Bureau to open the budget. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF AMENDMENT #3 TO CONTRACT 030845**

**BETWEEN EMERY COUNTY AND THE DEPARTMENT OF WORKFORCE SERVICES.**

Economic Development Director, Marlin Eldred explained that the amendment changes the amount of the contract. The original contract was for \$24,975 for 250 surveys at \$14.25 per survey. The amendment increases the amount to \$32,070.00 for 750 surveys at \$14.25 per survey. He further explained that Emery County does not pay anything until the funds have been transferred to Emery County. This is a pass through contract between Work Force Services and Emery County. Commissioner Gary Kofford made a motion to approve amendment #3 to contract 030845 between Emery County and Work Force Services as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**DISCUSSION OF CONCERNS REGARDING BLM'S WSA AND WILD AND SCENIC RIVERS PROCESSES.**

Commissioner Kofford expressed concern regarding BLM's process working through the WSA and Wild and Scenic Rivers designation. He suggested writing a letter to the BLM pointing out the County's concern regarding water issues on industry and agriculture and to ask to be a part of that process. Commissioner Gary Kofford made a motion to draft a letter to the BLM raising the County's objections to the process and continue to be involved in the process on the Route Management Plan and Wild and Scenic Rivers. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**DISCUSSION AND APPROVAL OF OUT-OF-STATE TRAVEL FOR ECONOMIC DEVELOPMENT.**

Commissioner Sitterud explained that there is a person who has moved to Emery County who owned a company in California that made wiring harnesses. The person that she sold the company to has contacted her and asked her to come back to California and work for him. She told him she would not move back to California but if he would move the company here she would work for him. A team will travel to California to make a presentation to the business owners to try and encourage them to locate in Emery County. The main resource needed for the plant is power, which we have plenty of. Commissioner Ira Hatch made a motion to approve out of state travel for Economic Development. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**REVIEW AND APPROVAL OF CONTRACT BETWEEN NIELSON CONSTRUCTION /EMERY COUNTY FOR TRADE OF GRAVEL.**

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Commissioner Sitterud read a contract between Nielson Construction and Emery County for trade of gravel. The County has surface rights to crushed gravel on property owned by Bill Jones. Nielson Construction would like to use the gravel because it meets the quality needed to produce the asphalt needed to meet regulations for state road base. Nielson's would trade the same amount of crushed gravel from one of their pits to the county. Rex Funk, Road Supervisor was concerned for the trade of a quality crushed product for an inferior quality product. Commissioner Ira Hatch made a motion to table any decision for now to allow time to work out the details of the contract. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF LOW INCOME TAX ABATEMENT FOR MARGARET JONES.**

Senior Deputy Clerk/Auditor, Brenda Dugmore discussed a circuit breaker application for Margaret Jones. According to her application she exceeded the income limitations. A letter was sent to her explaining that she did not qualify due to income requirements. Ms. Jones phoned the Clerk/Auditor's office where she was told she would need to verify her income with a tax return. She indicated she did not have to file a return. Since Board of Equalization is closed and the deadline for property tax abatements with the state have passed, if the Commission chooses to grant her an abatement, it will need to be a Commission adjustment. Commissioner Ira Hatch made a motion to approve a Commission adjustment the same as the circuit breaker subject to verification of income. Commissioner Gary Kofford refrained from voting on the motion due to the fact that he is related to Margaret Jones. Commissioner Drew Sitterud stepped down to second the motion.

(10)

**CONSIDERATION AND APPROVAL OF CIRCUIT BREAKER/OTHER TAX ABATEMENTS.**

Brenda Dugmore explained that Grand County had three circuit breaker applications from the newly annexed portion of Green River City that were not forwarded to Emery County in time to meet the states deadline. All three applicants meet the criteria. Because Emery County's books are closed out any action would need to be a Commission adjustment. Commissioner Ira Hatch made a motion to approve Commission adjustments for the three circuit breaker applications. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFFS.**

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Brenda Dugmore explained that this is a request from JCI Billing with whom Emery County is contracted to expedite ambulance billings. This is an accident on I-70 with several Hispanic individuals whom JCI has not been able to locate. They could not speak English very well and information was very sparse and questionable. The write-offs were proposed as follows:

Francisco Arroyo	875.33
Refugio Saaverdra-Fuentes	879.33
Luis Gargallo-Blanco	969.33
Salvador Damian-Sierra	538.00
Vidal Tadeo	519.00
Silverio Romero-Arroyo	547.50
Magil Tamajo	562.50
Onorio Gutierrez-Castillo	1514.50
Miguel Tamayo-Hernandez	1551.50

A total of \$7,956.99 was proposed to be written off. The hospital has already written off their charges. Commissioner Gary Kofford made a motion to write-off the ambulance billing charges in the amount of \$7,956.99 for the individuals indicated. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(12)**

**CONSIDERATION AND APPROVAL OF FY2004 TENTATIVE BUDGET FOR EMERY COUNTY, CASTLE VALLEY SPECIAL SERVICE DISTRICT AND OTHER ENTITIES AS REQUIRED BY LAW.**

Senior Deputy Clerk/Auditor Brenda Dugmore explained that the County is required by law to adopt a tentative budget for 2004 by November 1, 2003. A tentative budget is just a starting point. From this point they can have budget meetings to consider request. The tentative budget does not reflect any cost of living increases for employees. Commissioner Gary Kofford made a motion to approve a FY2004 tentative budget for Emery County, Castle Valley Special Service District and other entities. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(13)**

**DISCUSSION OF GIFT FOR UAC CONVENTION**

Commissioner Gary Kofford made a motion to have Dixie Swasey and Kris Bell pursue finding

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an appropriate gift for UAC Convention in November. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List and additional claims # 158038 through and including # 158162 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
51-03	(7) Radars (6 Grant paid, 1 county) Sheriff	9,915.50	
52-03	Chainlink Fencing Highway/Class B	6,971.00	
53-03	(3) Snowplow Units Highway	9,600.00	
54-03	Digital Camera w/accessories Highway	353.00	
55-03	Trailer, Weed Sprayer Highway	772.00	

Dispositions were presented for the following:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>
210-0064	1983 GMC JIMMY	AUCTION
210-2393	1979 GMC PICKUP	
210-5466	1990 DODGE RAMCHARGER	
210-5524	1991 DODGE RAMCHARGER	
210-6063	1995 FORD CROWN VICTORIA	
210-6221	1996 FORD EXPLORER	
210-6315	1996 FORD BRONCO	
210-6575	1996 FORD BRONCO	
210-6578	1996 FORD BRONCO	
210-6825	1999 FORD CROWN VICTORIA	

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210-6830	1999 DODGE DURANGO	
210-7271	2000 DODGE DURANGO	
210-8136	1991 MERCURY COUGAR	
211-6064	1995 FORD CROWN VICTORIA	
211-6155	1995 FORD CROWN VICTORIA	
211-6156	1995 FORD CROWN VICTORIA	
212-6054	1994 FORD EXPLORER	
212-6157	1995 FORD CROWN VICTORIA	
212-6826	1999 FORD CROWN VICTORIA	
318-5058	1992 FORD CROWN VICTORIA	
253-6227	1995 FORD F-150 PICKUP W/SHELL	
97-5037	1977 DODGE W40W40 FIRE TRUCK	
NA	1989 CHEV S/VSV2 VAN	
NA	1988 DODGE RAMB35	
NA	1978 DODGE CB3 KRV BOX VAN	
143-6494	HP 870CXI PRINTER	
410-4132	1982 WACKER COMPACTOR	
210-5983	RADAR	DAMAGED/JUNKED
210-6893	COLT M-16 RIFLE	GUN STORAGE
210-7451	PORTABLE BREATH TESTER	DAMAGED/JUNKED
210-6827	1999 DODGE DURANGO	DAMAGED/SALVAGE
410-6128	CRIMP MACHINE	AUCTION
410-5409	1989 AUTO CRANE ECON TON HOIST	
410-4171	BUSHMAN TIRE CHANGER	
410-4215	1979 FIAT ALLIS 745C LOADER	
410-4161	COATS SAFETY CAGE	

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Extension Office



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Lynda Schade, Extension Service Secretary has taken a position as Extension Agent in Duchesne County. Therefore, the Extension Office requested approval to recruit for a secretary, full time, with benefits, \$8.04. Commissioner Ira Hatch made a motion to approve recruiting for a full time secretary for the Extension Office as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Highway

Rex Funk, Road Department Supervisor asked to allow employees the opportunity to contribute time to Gordon Nielson. Gordon has no time left in his bank and has had surgery recently and will be off work to recover. Commissioner Ira Hatch made a motion to give employees the opportunity to contribute time for Gordon Nielson. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sheriff's Office

Emery County is required by the federal government to complete a Premitigation Disaster Plan by December 11, 2003. The Emery County Sheriff's Office has received a federal grant for over \$5,000.00 to complete the project. The Sheriff's office was desirous to contract out the work. They contacted Terry Langston who has agreed to perform the necessary work to complete the project. She will attend all the required meetings, computer work necessary to edit, compile and complete the plan and all expenses related to the project. If approved the contract provides for Terry to be paid in three payments of \$1,000.00 each for a total of \$3,000.00 for the project. Funds will be paid from the federal grant. Commissioner Ira Hatch made a motion to approve the contract for services with Terry Langston to complete a Premitigation Disaster Plan as stipulated in the contract. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve commission meeting minutes dated October 7, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(17)**

**COMMISSION REPORTS**

*Commissioner Kofford*

COMMISSION MEETING MINUTES  
OCTOBER 21, 2003

Commissioner Kofford reminded the other Commissioners of a meeting on Friday, October 24, 2003 with the Forest Service regarding the Wild and Scenic Rivers.

*Commissioner Hatch*

Commissioner Hatch reminded the other Commissioners and elected officials of the UCIP membership meeting during UAC convention. They will be electing a new board of directors. The Huntington Airport Improvement Plan is moving along well. He has been meeting with Jones and DeMille, the company contracted to prepare the plan.

*Commissioner Sitterud*

Commissioner Sitterud reported on meetings with our legislative representative regarding mineral lease monies. They questioned why the funds have to go to the State Tax Commission before they come to the county. He met with bond attorneys regarding the bonds obligated by the property owners in Green River who are now in Emery County due to the recent annexation. The bonds were obligated to Grand County when they were in Grand County and they still have to continue to pay them even though they are now in Emery County. He reported that the Carbon County Railway will be dismantling the railway on the 2.2 miles in Emery County. Carbon County has asked if Emery County wants to purchase the right-of-way to that 2.2 miles.

**(18)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Commissioner Ira Hatch made a motion to move into executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Those present at executive session were: Commissioner Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Personnel Director Pat Snowball and Deputy Clerk/Auditor Carol Cox.

They discussed pending litigation regarding a personnel matter.

**(19)**

**ADJOURNMENT**

10

COMMISSION MEETING MINUTES  
OCTOBER 21, 2003

Upon returning to the regular meeting Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

NOVEMBER 4, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Steve Kemple. The pledge was led by Ira Hatch.

(1)  
**CITIZEN CONCERNS**

Troop 305 from Orangeville was present to observe a local government meeting to qualify for their citizenship merit badge. Present were: Rob Midgley, Kyle Davis, Tyler Cox and Andrew Brinkerhoff.

(2)  
**CONSIDERATION OF AMENDMENT TO AWARD NO. 05-79-03606**

This is amendment #4 to the current Economic Development Administration Strategy Grant Project # 05-79-03606 which extends the date of completion to November 30, 2003. Commissioner Ira Hatch made a motion to approve amendment #4 to EDA Strategy Grant as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)  
**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND UTAH DIVISION OF FORESTRY, FIRE , AND STATE LANDS.**

In the September 2, 2003 Commission Meeting, Gary Cornell, State Lands Forestry, discussed with the Board of Commissioners a proposal to provide financial assistance for paying a fire warden position in Carbon and Emery Counties. At that time a motion was made to accept the agreement between Emery County and Utah Division of Forestry, Fire, and State Lands provided the agreement spelled out the amount the two counties were to pay. A new agreement was presented for ratification which spelled out the dollar amount as Carbon County, \$7,200 and Emery County, \$4,800.00. Commissioner Gary Kofford made a motion to ratify the decision to

COMMISSION MEETING MINUTES  
NOVEMBER 4, 2003

approve the agreement between Emery County and Utah Division of Forestry, Fire, and State Lands. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(4)**  
**CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND ROBERT K. WEIDNER.**

Robert K. Weidner is the lobbyist in Washington D.C. under contract with Emery County to lobby the Legislature on the County's behalf. All but two county's in the state use Mr. Weidner. The new contract is for two years. The Board of Commissioners had some concern for signing a two year contract. Attorney David Blackwell indicated he had not had time to review the contract. Commissioner Ira Hatch made a motion to table this matter to allow time to review the contract. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(5)**  
**CONSIDERATION AND APPROVAL OF CONTRACT WITH NIELSON CONSTRUCTION FOR EXCHANGE OF GRAVEL.**

Commissioner Hatch made a motion to table this matter to allow time for Attorney David Blackwell to re-work the contract with Nielson Construction for exchange of gravel. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(6)**  
**RATIFICATION OF APPOINTMENT OF REX FUNK AS RISK MANAGEMENT LEADER.**

Commissioner Gary Kofford made a motion to ratify the decision to appointment Rex Funk as Risk Management Leader. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(7)**  
**KRIS BELL, ASSESSOR, REQUEST FOR COMMISSION ADJUSTMENTS.**

Kris Bell, Assessor requested the following Commissioner adjustments:

Darl Taylor, personal property tax in the amount of \$7.99 was not paid for 2003 so it was attached to their house property taxes. The penalty added was \$100.00. The Taylor's failed to

COMMISSION MEETING MINUTES  
NOVEMBER 4, 2003

report that they did not operate the business in 2003 because Darl had cancer and they spent most of the year in Salt Lake City. Kris requested to have \$107.99 adjusted. Commissioner Gary Kofford made a motion to remove 50% of the penalty. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Bonnie Freeman, problem with last years BOE value rolling over correctly in the amount of \$7.43. Shirl McArthur, problem with last year's BOE value rolling over correctly in the amount of \$156.61. Commissioner Ira Hatch made a motion to adjust the tax due to computer problems. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

John Williams, home is in very poor condition and is no longer livable. Value adjustment requested was from \$16,735.00 to \$5,500.00. Commissioner Gary Kofford made a motion to approve the value adjustment for John Williams as requested. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Gary Arrington, parcel should not have a lot value. Value adjustment requested was from \$12,000.00 to \$560.00. Commissioner Ira Hatch made a motion to approve the value adjustment for Gary Arrington as requested. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #158374 through and including #158481 for payment.

Requisitions were presented for the following:

<b><u>REQUISITION</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>	<b><u>ACTION</u></b>
57-03	Passport Camera Clerk/Auditor	535.00	Approved
58-03	Air Tasers Sheriff	799.00	Appro ved
59-03	2003 Dodge Quad Pickup Sheriff	21,250.00	Appro ved

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Dispositions were presented for the following:

143-5355	PRINTER, OKIDATA 320	122-5273	PRINTER, ML 393
142-5349	PRINTER, OKIDATA 320	580-6588	PRINTER, HP DESKJET 680C
663-6944	PRINTER, HP 649C	580-6589	PRINTER, HP DESKJET 680C
580-6556	PRINTER, HP DESKJET 680C	620-7338	PRINTER, EPSON STYLUS 740C
180-7281	PRINTER, CANON BJ5100	318-5397	PRINTER, FX1050
210-5956	PRINTER, DOT MATRIX	180-6820	PRINTER, HP 680C
663-6465	FAX MACHINE/PHONE	318-6023	NOTEBOOK COMPUTER, 486
620-6083	APPLE PRINTER	620-6245	APPLE MAC COMPUTER
580-7329	COMPUTER, P2 500	610-6603	COMPUTER, P 100
610-6843	COMPUTER, P 233	122-6456	COMPUTER, P 133
210-6264	COMPUTER, 486	141-7205	MONITOR, 17"
181-6517	COMPUTER, P100	143-1018	TABLE, 21/2 FT
610-1441	PROJECTOR, OVERHEAD 3M	145-4972	TRANSCRIBER, STANDARD
210-5499	COMPUTER, HYUNDAI	620-6859	SCANNER, MACINTOSH
141-7204	MONITOR, 17"	141-520	TRANSCRIBER
141-5205	TRANSCRIBER		
316-5739	1988 FORD CHATEAU CTV 35C AMBULANCE		
146-3824	CALCULATOR, SANYO		
146-	CAMERA, VIVITAR PS 120	146-5197	CAMERA, PENTAX
146-5196	CAMERA, PENTAX	NA	CAMERA, PENTAX
NA	CAMERA, VIVITAR	NA	CAMERA, VIVITAR

Bruce Funk thanked those who helped with the county surplus property auction held on Saturday, November 1, 2003. Items sold for reasonable prices to the public. He recommended an auction be held each year.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, requisitions and dispositions. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Hatch reminded all departments that November 18, 2003 is the last time to accept requisitions for 2003.

(9)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Sheriff

Casey Alton passed his POST certification and is eligible for an increase from Corrections Officer to Patrol Deputy effective beginning the next pay period which is November 10, 2003.

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Commissioner Ira Hatch made a motion to approve the increase to Corrections Officer for Casey Alton as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Assessor

Vicki Wilbanks will be taking accrued leave from October 30<sup>th</sup> to November 11<sup>th</sup> as part of family leave to help with an immediate family member's health problem. If she uses all her time she will be on unpaid leave. Commissioner Ira Hatch made a motion to approve family leave for Vicki Wilbanks as requested. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Ira Hatch made a motion to move into executive session relative to personnel matters. Commissioner Gary Kofford made a motion to move to item #10 and 11 and then to move into an executive session. Commissioner Ira Hatch rescinded his motion and seconded Commissioner Kofford's motion to move to item #10 and 11. Attorney David Blackwell inquired as to the purpose for executive session. Commissioner Hatch indicated it was to discuss personnel matters regarding the library's request. Mr. Blackwell questioned the legality of an executive session. Commissioner Hatch disagreed with Mr. Blackwell's interpretation of the appropriateness for an executive session. Commissioner Gary Kofford withdrew his motion.

Library

Dorothy Taylor requested approval for what was intended to be post-retirement employment which resulted in some confusion relative to dates of termination, retirement, and rehire. Request was made to review the intended request. On August 26, 2003 Dorothy Taylor presented a letter that went before the Library Board. The letter stated her intent to retire. Dorothy failed to give a date for retirement. She would like to go to work at the Orangeville Library beginning in November of 2003. There were no dates in the letter. The letter stated her desire to step down from head librarian in Ferron to assistant librarian in Orangeville. The Library Board approved her request. On September 16, 2003 the Board of Commissioners acted on the request by approving to move Colleen Murdock to head Librarian in Ferron and moving Dorothy Taylor as assistant librarian in Orangeville, with the anticipation that this would take place on November 10, 2003. On the 23rd of October the State called for a retirement date. We did not have a retirement date. Everyone had anticipated October 31, 2003. There was some discussion about a ten day absence. The Commissioners felt like they needed to bring it back and make some clarification. The personnel policy states that if a person terminates from the county they do have the opportunity to apply again for a position once a position is open. The policy spells out a few things such as: to re-enter the county work force it needs to be at the entry grade and step for the position to be filled as specified by the county compensation plan. Re-hired employees will be subject to the same terms and conditions as a newly hired employee that has never worked for the county before. Prior years of service do not count for seniority or



COMMISSION MEETING MINUTES  
NOVEMBER 4, 2003

experience when applying for a position. Commissioner Kofford read a second letter from Dorothy Taylor. The letter indicated the dates required for Dorothy to retire from her full time job and be moved to the Orangeville Library as assistant librarian. She indicated she will terminate her job as head librarian in Ferron on November 14, 2003 where she has worked for 21 and ½ years in order to get her retirement. Retirement will begin on November 16, 2003. She requested to be rehired by Emery County for 19 hours per week at the Orangeville Library beginning November 24, 2003. She indicated her termination date was November 14, 2003. Her state retirement date is November 16, 2003. Because of the actions taken by the Board of Commissioners on September 16, 2003 Commissioner Kofford made a recommendation to accept Dorothy Taylor's retirement as of November 14, 2003 and to rehire Dorothy effective November 24, 2003 as assistant librarian in Orangeville at 4T \$11.41. He stated the County appreciated her years of service with Emery County. He asked for an exception to the personnel policy by rehiring Dorothy at the 4T \$11.41 hour step and grade. Commissioner Ira Hatch expressed concern for making an exception to the personnel policy due to the fact that there are several others working for Emery county that are in the same position that Dorothy is in. If they make an exception to the personnel policy in this case will they be expected to do the same for the others that come along? His suggestion was to have her come back into the work force for the County as the policy indicates which would be entry level step and grade. Dorothy Taylor explained that she did not know that there was a stipulation in the policy. She indicated she told her department head and the Library Board at that time that she would only retire now if she could retain a part time job. She indicated she could not live off of her retirement pay without a part time job to supplement. If she could not have a part time job, then she would not retire. She assumed that this had all been taken care of. She had no idea she was asking for anything special. She did not feel she should have to re-apply for her job. Commissioner Hatch expressed concern that the policy has been in place for several years and if they make an exception then they will be bound to make the exception for anyone else who comes along. Commissioner Kofford did not feel the County will be bound to make an exception for all others that come along as each case will be reviewed on there own. The Commission can act on each case as they see fit. Commissioner Sitterud added that the minutes from the September 16, 2003 reflected that Dorothy was stepping down as Head Librarian and do not indicate that she is retiring. This action was presented as stepping down. Pat Snowball stated that it was presented to the Commission not with Dorothy's intent but with Pat's understanding of what she wanted. She indicated this was mis-represented to the Commission through her. What needs to be done now is to clarify a misunderstanding. Attorney David Blackwell stated that there are two people who rely on the action taken on September 16, 2003. Colleen has been put in as Head Librarian in Ferron and Dorothy has been made assistant Librarian in Orangeville as well as put in for her termination date to the retirement board as a result of the action. Mr. Blackwell felt that fair dealing with her should override the policy. He did feel the action will apply to everyone who comes through. It was his recommendation to say this is a special situation that we got caught in. He stated that it is not a policy that we are changing but rather an exception to the policy and under these specific circumstances you can go ahead and approve this as it was originally requested to the Library Board even though that request did come to you as a retirement and re-

COMMISSION MEETING MINUTES  
NOVEMBER 4, 2003

hire. Pat agreed with David Blackwell. There are circumstances surrounding this issue that will not be there in the next issue. Bruce Funk asked if Pat Snowball had the letter when she made the original request to the Commission. Pat indicated that she did not have the letter. He recalls he questioned when this would take affect. He indicated that he asked Gerilyn Mathis, Head Librarian if this would involve a change in salaries which she indicated it would. He has since found out it amounted to only a few cents an hour in wage change. He expressed concern that the Commission maintain the policy, because if you over-ride the policy you will set a precedence. David Blackwell indicated that the Commission approved what was presented, but it went back to Dorothy that what she wanted was approved, even though that is not what was presented. Pat expressed concern that Dorothy will be made to suffer because of what Pat conveyed to the Commission. Commissioner Gary Kofford stated that he had a motion on the floor. Commissioner Hatch expressed that it was his understanding when the Commission took the action, at that time, that she would move into the assistant librarian position. There was no mention of the fact that she would receive her full retirement and her full salary also and not re-enter the work force at entry level. He had no problem with her moving into the assistant librarian position but in accordance with the policy he felt she would qualify for the position, but that is not the way the system was set up. Commissioner Sitterud again asked the question if there was a way to do this and stay within the policy. David Blackwell indicated he did not see a way to stay in policy but in fairness to Dorothy overrides the policy and he recommends doing this. After more discussion on this issue Commissioner Gary Kofford repeated his original motion that upon recommendation from County Attorney David Blackwell to accept Dorothy Taylor's letter of termination being November 14, 2003 and her state retirement date being November 16, 2003 then to make an exception to personnel policy 5.4 under 'Hiring A New and Vacant Position' (5.4 a.b.c.) which says that you can re-hire an employee after advertising for that position. The employee has to come in at entry level with no seniority. He wanted to make an exception on, 1. re-hiring Dorothy effective November 24, 2003. 2, changing her classification to assistant librarian at the Orangeville Library at a rate of 4T \$11.41/hr. adding to that exception that she will be treated as a new employee with no seniority, no vacation or sick time being carried forward or benefits. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Dorothy Taylor expressed her appreciation for the action taken and apologized for any confusion that this caused.

(10)

**APPROVAL OF COMMISSION MEETING MINUTES**

COMMISSION MEETING MINUTES  
NOVEMBER 4, 2003

Commissioner Ira Hatch made a motion to approve the minutes dated October 21, 2003 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)**

**COMMISSION REPORTS**

*Commissioner Ira Hatch*

Commissioner Hatch encouraged everyone to visit the interpretation signs on I-70.

*Commissioner Gary Kofford*

Commissioner Kofford reminded everyone of the open house for the new Court's Facility November 7, 2003 at noon. People will be led through the courts facility down through the tunnel into the holding facility and into the sally port. There will be punch and cookies.

In MBA Meeting there was talk about naming the facility. There was talk of changing the name of this building, the courthouse, but agreed that this building should stay the courthouse. They are soliciting suggestions for naming the new facility.

PacifiCorp has filed a conditional use permit to expand their coal receiving facility at the Hunter Plant. They need to move a county road. There are negotiations going on for a piece of land from Ross Huntington.

*Commissioner Sitterud*

Commissioner Sitterud reported on his trip to California to make a presentation to a company named 'Conesishas' interested in expanding their business into Emery County. The company builds wiring for aerospace, automobile air bags and any heavy industrial use. He along with toured their facility and met with the corporation CEO. The company would bring in approximately 100 jobs to the county. They never made us any guarantees. After the first of the year, there will be representatives from the company in Emery County to take a look at us. He is staying in touch with the company, by letter, each week.

**(12)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL**

COMMISSION MEETING MINUTES  
NOVEMBER 4, 2003

**MATTERS.**

An executive session was requested by Commissioner Hatch but overruled by Attorney David Blackwell.

(13)

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

NOVEMBER 18, 2003

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Ray Petersen. The pledge was led by Randall Stilson.

(1)

**CONSIDERATION AND APPROVAL OF REQUEST FOR TAX ABATEMENT FOR ROCKY MOUNTAIN WEST BAPTIST MISSION.**

Commissioner Drew Sitterud discussed Rocky Mountain West Baptist Mission parcels #05-0094-0005, 05-0094-0003, 05-0094-0006, 05-0093-0007. In 2002 Rocky Mountain West Baptist Mission was granted a fifty percent Commission adjustment on parcel # 05-0094-0005. This year they have come back to ask for exempt status for the four parcels discussed. Commissioner Sitterud made a call to the Utah State Tax Commission to find out if they qualify for exempt status. The State Tax Commission confirmed that they did qualify for 100% exempt status under religious exemption. Commissioner Ira Hatch made a motion to abate parcel #05-0094-0005 \$1,438.82, parcel# 05-0094-0003 \$230.16, parcel # 05-0094-0006 \$10.54, parcel #05-0093-0007 \$24.76 and to add them to the Property Tax Exemption List with an evaluation each year. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**AVATOR CORPORATION, PRESENTATION OF PROPOSAL TO DO UTILITY AUDITING FOR EMERY COUNTY.**

Chris Hatch, Avator Corporation presented the Board of Commissioners with a proposal to do a utility audit. He explained that he performs audits of utility companies for government entities and corporations. He gathers data from the utility companies which goes through an analysis process to determine if the entity is being over charged on rates, demand charges, usage problems, etc. He then negotiates with the utility company on the entity's behalf. The entity usually receives a credit on their account or a check for the overage. He reported he was successful in recovering \$50,000.00 in Weber County. There is no up front fee or service fee for this service. He asks for 50% of the savings realized by the entity as a result of his audit. The Commissioners voiced their concerns and asked questions. Clerk/Auditor Bruce Funk stated he had a call from another company wanting to do the same type of audit. Commissioner Gary

COMMISSION MEETING MINUTES  
NOVEMBER 18, 2003

Kofford made a

motion to table this for now to allow time to look into the matter and possibly advertise for this type of service. The motion was seconded by Commissioner Ira Hatch and approved by all members present. The Commissioners invited Mr. Hatch to come back with examples of savings from other entities. Bruce Funk will contact Mr. Hatch when the matter is on the Commission agenda again.

(3)

**DISCUSSION OF UDOT APPLICATION FOR PRESERVATION OF EMERY TOWN CHURCH.**

Kathleen Truman, Historic Preservation discussed with the Board of Commissioners an application for historic preservation of the old church in Emery Town. The application must come from Emery Town because they have the legal responsibility for the church. Kathleen will be helping Emery to write the grant application with UDOT. When the grant application is complete a letter of support for the project will be needed from Emery County to accompany the application. Commissioner Ira Hatch made a motion to consider a letter of support for the preservation of the Emery Town church as the application process with UDOT and to consider the level of support for the project as Ms. Truman returns to Commission Meeting with the application from Emery Town and what they need. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**CELLULARONE, PRESENTATION OFFERING DISCOUNT ON CELL PHONE SERVICE TO COUNTY EMPLOYEES AND THEIR FAMILIES.**

Mark Palacios, CellularOne Manager in Price and Brody Heath, Major Account Executive for CellularOne presented the Board of Commissioners with a proposal to offer discount cell phone service to county employees and their families. Both new and existing customers would qualify for 12% discount on all rate plans \$30.00 and higher. They requested to send a memo and brochure to the employees. Commissioner Sitterud informed the CellularOne representatives that as a county they can not endorse any particular company or product. They could set up in the building and a memo could be sent to the departments to announce to the employees that they will be here on a specific date and time available to meet with those individuals interested in finding out about their offer. Commissioner Ira Hatch made a motion to give authority to Pat Snowball to work with CellularOne to set up a day to be available in the courthouse to meet with employees who would like to know more about their offer and to provide that opportunity to the employees by way of a memo to the department heads and elected officials. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)  
**CONSIDERATION AND APPROVAL OF GREG OLIVER, CLEVELAND TOWN'S  
NEW FIRE CHIEF TO EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE  
DISTRICT'S ADMINISTRATIVE CONTROL BOARD.**

Commissioner Gary Kofford made a motion to appoint Greg Oliver, Cleveland Town's Fire Chief to the Emery County Fire Protection Special Service District Administrative Control Board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)  
**CONSIDERATION AND APPROVAL OF ALLOCATING MINERAL LEASE  
LIABILITY ACCOUNT TO SPECIAL SERVICE DISTRICTS.**

Commissioner Sitterud explained that an educated guess was made when the mineral lease funds were sent. Seeing that some of the funds would have to be sent to Carbon County the funds were put in a liability account until time to disperse to Carbon County. It is apparent that request is not forth coming. The special service districts are really struggling and need those funds. The Commission suggested allocating those funds to the districts realizing that if the funds request does come in then the funds will be deducted from the districts' next allocation. Commissioner Gary Kofford made a motion to reallocate the funds to the special service districts. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)  
**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY  
COUNTY AND EMERY TELEPHONE TO PROVIDE AND MAINTAIN E911 SERVICE  
THROUGHOUT THE COUNTY.**

Commissioner Sitterud explained that the Board of Commissioners is not ready to act on this agreement yet. He opened discussion on the matter. It was suggested to have Greg Killpack, Emery TelCom attend the next Commission Meeting to open discussion. Attorney David Blackwell will compare the new agreement with the new statute regulating 911 emergency calls. Commissioner Ira Hatch made a motion to table this matter for further review and invite Greg Killpack to attend the next Commission Meeting where the Commission will discuss this again. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)****CITIZEN CONCERNS**

Commissioner Gary Kofford announced that the Southeastern Mental Health Board has a board member opening that needs to be filled from the Green River area. Commissioner Gary Kofford made a motion to advertise for applicants to fill the vacancy on the Southeastern Mental Health Board from the Green River area. The motion was seconded by Commissioner Ira Hatch and approved by all members present. The motion will be ratified in the next Commission meeting.

Commissioner Sitterud announced that LaMar Guymon was elected UAC President during UAC Conference in St. George last week. He was chosen out of 29 counties to be the President. Commissioner Sitterud thanked Kris Bell and Dixie Swasey for being responsible for getting Emery County's door prize to the convention.

Randall Stilson commented on the open house for the new courts facility.

**(9)****CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT AND EMERY COUNTY REGARDING LITTLE BEAR CAMPGROUND PIPELINE ROW.**

All the proper documents were not ready to approve this agreement. Commissioner Gary Kofford made a motion to table this matter to allow time to get the paperwork from Attorney David Blackwell. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)****SETTING OF BUDGET MEETINGS WITH ELECTED OFFICIALS/DEPARTMENT HEADS.**

Commissioner Ira Hatch made a motion to set budget meetings for the following days:

Monday, November 24, 2003 beginning at 9:00 am

Monday, December 1, 2003 beginning at 1:00 pm

Friday, December 5, 2003 beginning at 9:00 am

Monday, December 8, 2003 beginning at 9:00 am

The motion was seconded by Commissioner Gary Kofford and approved by all members present.



(11)  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List #158556 through and including #158701 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
60-03	Hand Held Radio Public Lands	624.00	Approved
61-03	Power supply for Dispatch Console Sheriff	1040.00	Approved
62-03	Service Awards Non-Departmental	1182.00	Approved
63-03	4Wheeler Trailer Sheriff	1850.00	Appro ved
64-03	Light bar, Speaker, Siren Sheriff-Desert Patrol	1616.10	Approved
65-03	Xerox Copier/Printer/Scanner Capital Replacements	13400.00	Appro ved
66-03	Radio, Speaker & Mounts Sheriff- Desert Patrol	1254.10	Approved

There were no dispositions.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)****PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented a departmental request for personnel action in a effort to be more clear and correct with employee action. She submitted a Departmental Request For Personnel Action Form. The form identifies the employee and any personnel action requested by the department head or elected official. She asked for approval to use the form to take any action for an employee. If approved she would forward a copy to each department along with a memo outlining the use. Commissioner Gary Kofford made a motion to approve the immediate use of the new employee action form adding that any future personnel action for employees will not be considered without the approved personnel action form. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Colleen Murdock, was recently approved to move from Assistant Librarian part time, to Head Librarian. As a part time employee Colleen worked for the county for 12 years. Is she eligible for longevity benefits, ie, accrual of 10 hours sick and vacation the same as any employee who has worked for the county for 12 years? Commissioner Hatch pointed out that the Board of Commissioners have determined that the policy is straightforward in that it indicates that a part time employee is not a career service employee and therefore not eligible for the longevity benefit. The policy also indicates that she is now considered a new employee starting from scratch. The Board Of Commissioners were in agreement that they will stand by the policy.

**(13)****APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated November 4, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(14)****COMMISSION REPORTS**

*Commissioner Gary Kofford*

Commissioner Kofford reported on the ribbon cutting ceremony and open house at the new courts facility. He expressed his appreciation to those who worked to make it a success.

He reported on a November 12, 2003 Planning/Zoning meeting where the board approved an Energy West conditional use permit. It involves moving, realigning county road 419 around the expanded coal receiving area at the Hunter Power Plant.

COMMISSION MEETING MINUTES  
NOVEMBER 18, 2003

*Commissioner Ira Hatch*

Commissioner Hatch reported on the UAC Insurance Mutual Pool meeting during UAC Convention in St. George. He has been assigned as a task force member from the Division of Natural Resources, County Association of Governments and State Land Board to look at wild fire and how to finance that.

Dan Johnson from Chevron Texaco in conjunction with CEU Museum has put together a traveling exhibit of dinosaurs. Cleveland/Lloyd Dinosaur Quarry will be the focal point for the exhibit. This will be a mobile exhibit that can travel around the state to schools and seminars. They will kick that off at the Museum of the San Rafael on December 6, 2003.

*Commissioner Drew Sitterud*

Commissioner Sitterud asked Ray Petersen to report on the White Sands Missile Base meeting he attended in Green River on November 13, 2003.

While at UAC Convention last week he met the other seven mineral producing counties in the state. Uintah has done an extensive survey and figure that they have been shorted about seven million dollars in the last year on the mineral lease funds. A committee will be put together to follow their line and see where they came up with their figures. They will put together figures and see where the other counties stand.

Bids were put out for painting the older part of the Nursing Home. There was a bid from Salt Lake for \$16,000.00 and a local bid for \$6,000.00. The bid was awarded to the local contractor.

He and Commissioner Hatch met in a Centrally Assessed meeting to discuss escape property tax from 1997. They have moved forward with that litigation. The State Property Tax Commission called the Commissioners and told them it was not a win able case. They do not know where that will go.

Mark Ward, Attorney for Public Lands for the State met with Ray Petersen, Gary Kofford and Drew Sitterud. He was here to give some reference to write in the alternatives to help Emery County with their response to the alternatives. He was impressed with the work that has already been done. He indicated that Emery County was in much better shape than surrounding counties. He indicated the Price Field Office has worked well with us.

He attended the Governor Walker's Inauguration. He did not have good seats. He did get to shake her hand and ask a few Public Lands questions.

8

COMMISSION MEETING MINUTES  
NOVEMBER 18, 2003

He reminded everyone of the County Employee Christmas Party on December 4th.

(15)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not necessary.

(16)

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

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

DECEMBER 2, 2003

Present at the meeting was Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

The Commission heard quarterly reports from BLM, DWR and Forest Service before moving on to the agenda.

Joan Hubbert, BLM, Price District Office reviewed upcoming projects.

Cleveland-Lloyd Dinosaur Quarry is under renovation to bring the facility up to code. Commissioner Hatch suggested they include improvements to the access road into the quarry in the EA plan. The County could work with the BLM on a cooperative basis to upgrade and improve the road.

Temple Mountain- they are working on upgrades to the campgrounds and trails in the Goblin Valley area.

Commissioner Hatch informed her that the funding for the Goblin Valley road is through the State Park Road Access Program. Funding will begin in 2006. He suggested that the BLM could help in that process by providing assistance from technical personnel defraying some of the cost, putting more of the funds into the road itself.

Mesia Nyman, Forest Service reviewed past and future activity.

She provided a snow report for the forest and where you can access roads. Things are looking better, however this is just the beginning of the new water year.

Christmas tree sales were opened up earlier this year to allow families to use Christmas tree hunting as a family event during the Thanksgiving week.

Black Dragon seeding has been completed. Due to the drought several hundred acres of vegetation died. Thanks to a contribution from the Conservancy District they were able to seed more acres than anticipated.

Energy West is looking at a break-out at their Rilda Canyon mine. It will entail an EA analysis for the new facility.

They are treating beetle killed spruce trees, once they have fallen, as hazardous fuels.

Derris Jones, DWR reviewed quarterly activity.

Buck and bull hunts are over now. The antler-less hunt is underway.

COMMISSION MEETING MINUTES  
DECEMBER 2, 2003

Applications for turkey hunting are out this month.

January is the time to apply for Buck and Bull hunts.

Ron Hodson has received a promotion and moved to the office in Ogden. They have not replaced him yet.

Sheep survey on the San Rafael shows that the numbers are down a little this year.

They now have five cases of Chronic Wasting Disease. Mostly Grand County and San Juan County. A new case was found in Uintah County last year and in Fountain Green this year.

Poaching of trophy animals continues to be a problem.

Ferron Reservoir will hopefully be filled by next spring. They are filling it slowly to check for leaks.

Duck Fork treatment is complete. They are planting Colorado Cutthroat, brood fish and tiger trout.

Bobcat trapping has seen a jump in illegal trapping due to the higher cost for the pelt

(1)

**CONSIDERATION AND APPROVAL OF CONTRACT FOR SERVICES OF SHARI TUTTLE.**

Shari Tuttle has been contracted to scan and edit the emergency plan. Commissioner Gary Kofford mad a motion to approve a contract for services for Shari Tuttle as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT AND EMERY COUNTY REGARDING BEAR CAMPGROUND PIPELINE ROW.**

Chevron USA, Inc. needs to bring a gas and water line through Huntington Canyon. Emery County owns and controls patent property known as Bear Campground located at the mouth of Huntington Canyon. The Recreation Special Service District has been established for the purpose of administering recreational facilities located in Emery County, including Bear Campground. The District is responsible for the maintenance and other costs associated with the property. Chevron USA, Inc. is purchasing a non-exclusive right-of-way through the property in the amount of \$3,107.22. The BLM administers the granting of patent properties and restrictions related. It is proper for the monies to pass directly to the District to help with the costs of maintaining the property for recreational purposes. Emery County, upon receipt of the funds shall pay the said amount directly to the Recreation Special Service District. The District agrees to use the funds solely for the purpose of maintaining or improving the property. An inter-local agreement has been prepared by Attorney David Blackwell to facilitate the exchanging of the funds. Commissioner Ira Hatch made a motion to approve an inter-local agreement between

COMMISSION MEETING MINUTES  
DECEMBER 2, 2003

Emery County and Emery County Recreation Special Service District regarding Little Bear Campground ROW. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**KATHLEEN TRUMAN, CONSIDERATION OF LETTER OF SUPPORT FOR GRANT APPLICATION FOR RESTORATION OF EMERY CHURCH.**

Kathleen Truman, State History/Emery County Archives made a request for a letter of support for a grant application for restoration of Emery Church. In the last Commission Meeting Ms. Truman was instructed to return to the Commission when the application was prepared and the level of support was identified. The application process is now ready to be submitted. A letter of support from the governing board of the county in support of the project must accompany the application. Commissioner Ira Hatch made a motion to write a letter of support to accompany the application for restoration of Emery Church. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**EMERY COUNTY CHAMBER OF COMMERCE REQUEST FOR DONATION TO ANNUAL SENIOR CITIZENS CHRISTMAS DINNER/PARTY.**

Sharon Earl representing the Emery County Chamber of Commerce made a request for donation to the annual Senior Citizens Christmas Dinner/Party. Emery County as part of the Senior Citizen program in years past had sponsored a Thanksgiving Dinner for the Senior Citizens. The Chamber Of Commerce also had a Christmas Dinner for the Senior Citizens. It was suggested to have the Chamber of Commerce and Emery County co-sponsor a Christmas Dinner/Party and Emery County could possibly sponsor a social in the spring. Commissioner Gary Kofford made a motion to contribute whatever was budgeted this year for the dinner and to contact the Chamber of Commerce with an amount. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Sharon also showed the Commissioners a copy of a directory that the Chamber of commerce would like to produce. The first five pages of the directory would be devoted to the County, its offices, officials, what each office does. She asked the Commissioners to consider an ad in the directory to help with the publishing. They plan to produce 3000 copies to be sent to prospective businesses looking to locate in Emery County. The deadline is February 15, 2004 to place an ad in the directory. They hope to have them out by March 2004.

She reminded the Commissioners of their membership drive currently going on. Emery County is a contributing member of the Chamber of Commerce. Commissioner Kofford asked that they

COMMISSION MEETING MINUTES  
DECEMBER 2, 2003

get the statement in as soon as possible for membership renewal in 2004 as the dollar amount of the dues must be plugged into the budget for 2004.

(5)

**KRIS BELL, REQUEST COMMISSION TAX ABATEMENT FOR FRANK BURGESS AND GREEN RIVER CITY.**

Deputy Assessor, Nadine Thompson presented Commissioner's Adjustment requests for the following:

Parcel #01-154A-0023 is now owned by Green River City and they would like their taxes abated.

The amount requested to be abated was \$54.14. Commissioner Gary Kofford made a motion to abate 50% of the requested amount for Green River City in the amount of \$27.07. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Parcel # 01-0152-0015 owned by Gregory Vetere came over from Grand County with the incorrect amount of acres because of a segregation. The amount requested to be abated was \$126.97. Commissioner Gary Kofford made a motion to abate the requested amount of \$26.97 for Gregory Vetere. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Parcel #02-0116-0014 owned by Frank Burgess was land acquired in 2000 that was in green belt. The new owners were sent green belt applications but failed to file for green belt for two years. They are asking to have the roll back taxes in the amount of \$313.09 abated. Commissioner Gary Kofford made a motion to decline the request to abate the roll back taxes in the amount of \$313.09 for Frank Burgess. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL TO RENEW LEASE WITH MBA FOR COURTS COMPLEX AND AUTHORIZE CHAIRMAN TO EXECUTE THE NECESSARY DOCUMENTS.**

Commissioner Ira Hatch made a motion to approve and renew the lease with MBA for courts complex and authorize Commission Chairman, Drew Sitterud to execute the necessary documents. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)



**AVATOR CORPORATION, PRESENTATION OF PROPOSAL TO DO UTILITY  
AUDITING FOR EMERY COUNTY.**

Avator Corporation withdrew their request.

**(8)**  
**CONSIDERATION OF LETTER OF REQUEST TO CASTLE DALE CITY FOR  
ZONING CHANGE FOR HEADSTART.**

A few months back Head Start representatives came before the Board of Commissioners to request leasing the old sheriff's building to locate the Head Start program. At that time the Board of Commissioners had not made a decision as to the use of that building and questioned if the zoning would allow for a school. Head Start representatives met with Castle Dale Planning and Zoning Board to request a change of zoning to allow for a school. The request was denied. Emery County owns the building and therefore must make the request for a change in zoning. Head Start representatives Janel Boyer and Michelle Cornett discussed with the Commission the needs of the Head Start. Janel indicated that the Planning and Zoning Committee for Castle Dale City stated that the request for change in zoning must come in writing from Emery County. Commissioner Kofford indicated he was in favor of having Head Start lease the building. He suggested getting the zoning cleared and then everyone can sit down and hammer out an agreement. Commissioner Ira Hatch made a motion to go ahead and petition Castle Dale City Planning and Zoning for a change in the zoning to have it used as a school. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**  
**RATIFICATION OF ADVERTISING FOR FOUR CORNERS MENTAL HEALTH  
BOARD MEMBER REPRESENTING THE EASTERN SIDE OF EMERY COUNTY.**

Four Corners Mental Health informed the Board of Commissioners that they are a non-profit private organization and they can appoint board members without going through the Emery County Commissioners. They will advertise for board members on their own. Commissioner Gary Kofford made a motion to not advertise for a board member for Four Corners Mental Health. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND**

6

COMMISSION MEETING MINUTES  
DECEMBER 2, 2003

**DISPOSITIONS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #158878 through and including #159113 for payment.

There were no requisitions or dispositions.

Commissioner Hatch reminded the departments that all spending should end for 2003. The only claims coming in should be utilities and credit cards.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List and additional claims for payment. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

Bret Mills, Communications has been working under the Bello Plan of the Fair labor Act. This is an agreement between an employer and employee with regard to overtime. After review of his time sheets it was suggested to take Brett off the Bello Plan. His wage would remain the same and he would be paid for the overtime. Commissioner Ira Hatch made a motion to approve removing Brett Mills from the Bello Plan effective December 8, 2003. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)**

**CITIZEN CONCERNS**

No concerns were expressed at this time.

**(13)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated November 18, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(14)**

**COMMISSION REPORTS***Commissioner Sitterud*

Commissioner Sitterud and Commissioner Kofford were at the Capitol last week where they met with the new Governor and Lt. Governor. The meeting was about mineral lease money and the problems the producing counties see regarding lost money to MMS. All of the producing counties will be meeting together in Price next week to identify what money they think they are missing. One of the problems brought up was that Carbon and Emery county are paying every penny that goes into the Constitutional Defense Fund at this time. They asked for help with the problem. They agreed to assign a point man, Randy Johnson over the matter to see he can help us out. Uintah County Commissioner brought up the fifteen wells that Governor Leavitt, as he left, wrote a protest about. Governor Walker signed the bill. They asked her to override the bill and do away with the bill. She wanted to leave it where it was at. Commissioner Sitterud felt it was a good meeting. It was worth their time to go and air some things. Blaine Luke, State Parks in Green River for thirty years is retiring. There will be an open house for Blaine at the John Wesley Powell Museum in Green River at noon on Thursday, December 4, 2003. Saturday, December 6, 2003 Chevron/Texaco will introduce their traveling dinosaur exhibit at the Museum of the San Rafael from 5:30 until 7pm. The dinosaur exhibit will then travel to schools throughout Utah.

*Commissioner Hatch*

Commissioner Hatch reported on a recent UDOT State Board Meeting held in Castle Dale. They were able to inform UDOT of some of the County's transportation issues especially Highway 6 and Highway 10. Commissioner Kofford made a presentation regarding the intersection at Hunter Plant. There are plans being worked on now to make that intersection a safe passage.

*Commissioner Kofford*

Commissioner Kofford expressed his appreciation to Search and Rescue team and their efforts of the last two weeks. The rescue in Chute Canyon was on the news again. We have a lot of exceptional people who volunteer their time to help. It is not always recognized and he wanted to express the Commissions gratitude to the Sheriff and the Search and Rescue Team for all that they do.

**(15)****EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

8  
COMMISSION MEETING MINUTES  
DECEMBER 2, 2003

An Executive Session was not needed.

**(16)**  
**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 16, 2003

Present at the meeting was Commissioner Ira Hatch, Commissioner Gary Kofford, Sheriff LaMar Guymon, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Drew Sitterud was absent from the meeting. Commissioner Ira Hatch conducted the meeting and stepped down to negotiate motions.

A prayer was offered by James Nielsen. The pledge was led by Ray Petersen.

(1)

**AVATOR CORPORATION, PRESENTATION OF PROPOSAL TO DO UTILITY AUDITING FOR EMERY COUNTY.**

Chris Hatch, Avator Corporation returned to Commission Meeting with a new contract for services to do utility auditing for Emery County. He explained that he will only search out historical errors back for twenty-five months. He will not look at any future savings. Clerk/Auditor Bruce Funk relayed that he had recently been contacted by another company interested in providing this service who wanted to go back two years plus three years into the future. This other company declined to bid on the service but recommended going with Avator Corporation because of their terms and the Commission's desire to not go into any future savings. The only cost to the County would be to split 50/50 any savings found. Commissioner Gary Kofford made a motion to give Avator Corporation an opportunity to see what they can find and to approve the agreement based on Attorney David Blackwell's review and approval of the agreement. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF FY2004 OPERATING PLAN FOR LAW ENFORCEMENT AGREEMENT BETWEEN EMERY COUNTY AND MANTI-LASAL NATIONAL FOREST.**

Sheriff Guymon indicated that this is the same contract as last year with the exception of changing the mileage reimbursement to the new years rate of 37.5 per mile. Commissioner Kofford made a motion to approve the contract FY2004 Operating Plan for Law Enforcement between Emery County and Manti-LaSal National Forest crossing out the mileage reimbursement amount of 36.5 changing it to 37.5. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(3)****CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED INTERLOCAL AGREEMENT WITH OTHER MEMBERS OF UTAH ASSOCIATION OF COUNTIES INSURANCE MUTUAL, RELATING TO THE ESTABLISHMENT, FUNDING AND OPERATION OF UTAH ASSOCIATION OF COUNTIES INSURANCE MUTUAL.**

Commissioner Ira Hatch made a motion to ratify and approve changes voted on in membership meetings at Utah Association of Counties Convention in November 2003 by approving Resolution 12-16-03A. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(4)****DISCUSSION AND APPROVAL OF CURRENT TAX LATE PENALTY REQUESTS.**

Treasurer, Steve Barton made the following request:

1. Ferron City purchase property for a new fire station in October, 2003. The property tax notice was sent to the former owners of the property. The taxes were not taken care of at the sale of the property by the previous owners. Ferron City asked to have the property tax in the amount of \$375.76 abated. Mr. Barton proposed abating 50% of the tax as had been done in previous cases on municipalities purchasing property from taxpayers. Commissioner Gary Kofford made a motion to abate 50% of the tax in the amount of \$187.88. The motion was seconded by Commissioner Ira Hatch and approved by all members present.
2. A taxpayer in Green River who said he did not receive his tax notices called on December 2, 2003 and asked for the amount of taxes and mailed the payment in. The taxpayer asked to have the penalty and interest abated for property in the name of Shanti, Inc. in the amount of \$221.94 and L.A.L. Inc. in the amount of \$29.93. Mr. Barton recommended to not approve the request because the taxpayer was familiar with the process and he assumed the tax notices were received because they were not returned to his office as undeliverable. Commissioner Gary Kofford made a motion to deny the request to abate the penalty and interest for the two properties discussed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.
3. Mr. Barton advised the Commissioners that the delinquent tax list will be published in the Emery County Progress December 30, 2003 edition. His office has notified those on the list and have given them a chance to eliminate their name from the list.

**(5)**

**CONSIDERATION AND APPROVAL OF AGREEMENT TO PROVIDE AND MAINTAIN E911 SERVICE THROUGHOUT EMERY COUNTY.**

Commissioner Kofford and David Blackwell met with Emery TelCom to clear up some outstanding bills and review the agreement to provide and maintain E911 service in Emery County. Attorney David Blackwell has reviewed the agreement and recommended signing the document. Commissioner Gary Kofford made a motion to approve the agreement with Emery TelCom to provide and maintain E911 service in Emery County. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

They discussed the need to update the E911 equipment. The state is looking at going to a statewide E911 service program. If this goes through then the County will be eligible for funds to help with the cost of replacing the existing system. If the program does not go through they could possibly look at a homeland security grant to obtain needed funds to do the upgrade.

(6)

**DISCUSSION OF ENCROACHMENT PERMIT FOR ENERGY WEST ON COUNTY ROAD #426-HUNTER /PRICE ROAD.**

Rex Funk, Road Department explained that in order to expand the coal blending facility at the Hunter Plant it is necessary to relocate the road. They have been through the planning process and received approval through the Planning and Zoning process. They have the designs in place. Dennis Oakley, Energy West explained that EW needed a right-of-way through a land owners property. The land owner was not willing to negotiate for the right-of-way. EW has ended negotiations with the property owner and now seeks an encroachment permit to go around the land owners property. Commissioner Gary Kofford made a motion to grant an encroachment permit to Energy West to do the whole project for that portion relative to the coal hauling facility. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**REQUEST APPROVAL TO BID LANDFILL COMPACTOR.**

Rex Funk, Road Department made a request to go out to bid to rebuild the compactor at the landfill. There are seven companies that do this type of repair. He asked to send out requests for bids to these businesses including a break down of approved repairs adding that anything over and above the repairs listed on the bid request would have to be approved by Rex Funk and Commissioner Kofford before work can begin. Commissioner Gary Kofford made a motion to give Rex Funk approval to advertise for bids to repair the landfill compactor. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

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Rex Funk discussed options for disposing of the crimp machine that was not purchased during the County Auction. Commissioner Ira Hatch made a motion to allow Rex to solicit bids to purchase the crimp machine. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**APPROVAL TO ADVERTISE FOR HUNTINGTON AIRPORT MANAGER.**

Commissioner Hatch explained that the Huntington Airport manager Troy Atwood has given his sixty days notice of intent to terminate his contract with the County as of December 1, 2003. Commissioner Ira Hatch made a motion to advertise for a Huntington Airport manager. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(9)

**APPROVAL TO ADVERTISE FOR BOARD MEMBERS ON EMERY WATER CONSERVANCY DISTRICT.**

Emery Water Conservancy District has board members whose terms will be up December 31, 2003. Lee McElprang from the north, Jack Curtis from central and Tracy Behling from the south. Commissioner Gary Kofford made a motion to advertise for board members to serve on the Emery Water Conservancy District. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**APPROVAL TO ADVERTISE FOR BOARD MEMBERS ON THE PUBLIC LANDS COUNCIL.**

Public Lands Council has board members whose terms will end December 31, 2003. Craig Johansen, Vernell Rowley, Kirk Johansen and two empty spots. Commissioner Gary Kofford made a motion to advertise for five board members to serve on the Public Lands Council. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**PUBLIC HEARING-5:30 PM- To receive public comment on amendments to FY2003 budgets for the Emery County General Fund, Special Revenue Funds, Capital Project Funds, and for the Castle Valley Special District.**

Commissioner Ira Hatch opened the public hearing.



COMMISSION MEETING MINUTES  
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Senior Deputy Clerk/Auditor Brenda Dugmore presented amendments to the 2003 budget for the Emery County General Fund, Special Revenue Funds and Capital Projects Funds. She explained that this is to clean up the year. Darrell Leamaster presented amendments to the Castle Valley Special Service District's capital project fund.

Commissioner Gary Kofford made a motion to move out of the public hearing.

(12)

**PUBLIC HEARING-6:00 PM- To receive public comment on Fy2004 budgets for the Emery County General Fund, Special Revenue Funds, Capital Project Funds, and for the Castle Valley Special Service District.**

Commissioner Ira Hatch opened the public hearing the receive comments on the 2004 budget.

Senior Deputy Clerk/Auditor Brenda Dugmore presented the 2004 budget for the General Fund, Special Revenue Funds and Capital Project Funds. Explained that the 2004 budget included a 2% merit increase for all employees and elected officials. The figures also included an anticipated 8% increase in insurance.

Darrell Leamaster, Castle Valley Special Service District presented their 2004 operation and maintenance budget, capital project budget and debt service budget. He explained that water and sewer rates have remained the same for twenty-five years. CVSSD proposed a \$3.00 increase for water and \$3.00 increase for sewer. They will have to hold public hearings and receive public comment for the raise in rates. They hope to have the new rates in place by July 1, 2004. They have included the anticipated new revenue in their budget.

Commissioner Gary Kofford made a motion to come out of the public hearing. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF AMENDMENTS TO FY2003 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Gary Kofford made a motion to approve Resolution 12-16-03B Amendments to FY2003 Budgets for the Emery County General Fund, Special Revenue Funds, Capital Project Funds and for the Castle Valley Special Service District. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

COMMISSION MEETING MINUTES  
DECEMBER 16, 2003

**CONSIDERATION AND APPROVAL OF FY2004 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Gary Kofford made a motion to approve Resolution 12-16-03C FY2004 Budgets for the Emery County General Fund, Special Revenue Funds, Capital Project Funds and for the Castle Valley Special Service District. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF 2004 COMMISSION MEETING SCHEDULE AND HOLIDAY SCHEDULE.**

Commissioner Ira Hatch reviewed the proposed Commission Meeting Schedule and Holiday Schedule as follows:

January 6, 2004	4:00 p.m.
January 20, 2004	9:00 a.m.
February 3, 2004	4:00 p.m.
February 17, 2004	9:00 a.m.
March 2, 2004	4:00 p.m.
March 16, 2004	9:00 a.m.
April 6, 2004	4:00 p.m.
April 20, 2004	9:00 a.m.
May 4, 2004	4:00 p.m.
May 18, 2004	9:00 a.m.
June 1, 2004	4:00 p.m.
June 15, 2004	9:00 a.m.
July 6, 2004	4:00 p.m.
July 20, 2004	9:00 a.m.
August 3, 2004	4:00 p.m.
August 17, 2004	4:00 p.m. * To follow
	Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.
September 7, 2004	4:00 p.m.
September 21, 2004	9:00 a.m.

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October 5, 2004	4:00 p.m.
October 19, 2004	9:00 a.m.
November 16, 2004	4:00 p.m.
December 7, 2004	4:00 p.m.
December 21, 2004	4:00 p.m.

2004 HOLIDAY SCHEDULE

New Year's Day 2004	Thursday	01-01-04
Human Rights Day	Monday	01-19-04
President's Day	Monday	02-16-04
Memorial Day	Monday	05-31-04
4 <sup>TH</sup> Of July	Monday	07-5-04
Pioneer Day	Friday	07-23-04
Labor Day	Monday	09-06-04
Columbus Day	Monday	10-11-04
Veterans Day	Thursday	11-11-04
Thanksgiving	Thursday	11-25-04
Break	Friday	11-26-04
Christmas	Thursday	12-23-04 (1/2 day)
Break	Friday	12-24-04

Commissioner Gary Kofford made a motion to approve the Commission Meeting Schedule and Holiday schedule for 2004 as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**DISCUSSION AND APPROVAL OF MILEAGE RATE FOR 2004.**

Commissioner Hatch explained that historically the County adopts whatever the IRS has set as the mileage reimbursement rate. The rate is currently at 36.5. The IRS rate for 2004 is 37.5. Commissioner Gary Kofford made a motion to adopt the IRS rate of 37.5 for 2004. The motion was seconded by Commissioner Ira Hatch and approved by all members present..

**(17)****CONSIDERATION AND APPROVAL OF AGREEMENT WITH ROBERT K. WEIDNER.**

Commissioner Hatch explained that Robert K. Weidner is the lobbyist for UAC in Washington, DC currently under contract with Emery County to lobby in the Legislature on Emery County's behalf. The contract under consideration asked for \$16,000.00 and for two years. The county had been paying, in the past, \$15,000.00 under a one year contract. Commissioner Gary Kofford made a motion to counter offer \$15,000.00 for a one year contract from January 1, 2004 through December 31, 2004. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(18)****CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH FOR GIS/DATA DEVELOPMENT FOR RS2477 RIGHTS-OF-WAY.**

Commissioner Hatch explained that the contract is for \$10,000.00 to continue the GIS Data development for RS2477 rights-of-way. This will continue the effort to map and verify RS2477 roads in Emery County. Ray Petersen, Public Lands Director indicated that this is the end of the funding for this project. The completion date is June 2004. Attorney David Blackwell has reviewed and approved the contract. Commissioner Ira Hatch made a motion to approve the contract with the State of Utah for GIS Data Development for RS25477 rights-of-way. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(19)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITION.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #159189 through and including #159349 for payment.

9

COMMISSION MEETING MINUTES  
DECEMBER 16, 2003

There were no requisitions or dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List and additional claims as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(20)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball presented the following personnel action:

**Recorder**

Doris Quinn has completed her six month orientation period. She is now eligible for an increase from Grade 4A \$8.04 to 5A effective December 22, 2003. Commissioner Gary Kofford made a motion to approve the routine increase for Doris Quinn as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(21)

**CITIZEN CONCERNS**

There were no citizen concerns.

(22)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated December 2, 2003 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(23)

**COMMISSION REPORTS**

The Commissioners did not have any reports at this time.

(24)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

10  
COMMISSION MEETING MINUTES  
DECEMBER 16, 2003

An executive session was not needed at this time.

**(25)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JANUARY 6, 2004

Present at the meeting was Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Ira Hatch, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by Rob Midgley. The pledge was led by Gary Kofford.

(1)

**APPOINTMENT OF CHAIRMAN OF THE EMERY COUNTY BOARD OF COMMISSIONERS FOR 2004.**

Commissioner Gary Kofford made a motion to reappoint Drew Sitterud as Chairman of the Board of Emery County Commissioners for 2004. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF 2004 COMMISSION RESPONSIBILITIES.**

Commissioner Gary Kofford made a motion to approve the 2004 commission responsibilities as follows:

Ira W. Hatch

Airport  
BLM  
Clerk/Auditor  
ECSSD#1  
Extension (USU)  
GR Medical Center  
Personnel  
Public Lands  
Road Department  
Senior Citizens  
Travel Council  
Tri-County Water Bd.  
Weed/Mosquito  
Work Force Services

Animal Control  
Attorney  
Chamber of Commerce  
County Facilities  
Homeland Security  
Fair  
Fire District  
Justice Court  
Landfill  
Library  
Mental Health  
Planning/Zoning  
Public Health  
Public Lands  
Treasurer  
USFS  
Wildland Fire  
Drew Sitterud  
Chairman

Ambulance/EMT's  
AOG  
Assessor  
Canyon Country  
Care Center  
DWR  
Economic Development  
IT  
Housing Authority  
Museum/History  
Public Lands  
RD&D  
Recreation District  
Recorder  
TV/Communications  
Sheriff

Gary Kofford

(3)

**MARK H. WILLIAMS, REQUEST LETTER OF SUPPORT FOR ARAPEEN TRAIL/SAN RAFAEL SWELL SYSTEM**

Mark H. Williams made a presentation before the Board of Commissioners regarding a possible trail system linking BLM managed lands (San Rafael Swell Trail System) with the Arapeen Trail System. This trail system has been designed similar to the Piute Trail System. He will be meeting with the BLM soon and requested the Board of Commissioners support in the form of letter. After discussion Commissioner Gray Kofford made a motion to submit a letter of support for a possible trail system linking BLM managed lands (San Rafael Trail System) with the Arapeen Trail System that the board agrees with the concept of the proposal, but acknowledges many areas need to be evaluated and studied by the Public Lands Access Committee before they would endorse a trail system within county boundaries. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

**CITIZEN CONCERNS**

Randal Stilson, Orangeville City Council member asked if the Board of Emery County Commissioners was ready to address some of the problems with the county animal control ordinance. He asked questions regarding the Zoning Co-ordinator and zoning changes. He also inquired as the status of the existing animal control building in Orangeville.

(5)

**CONSIDERATION AND APPROVAL OF AGREEMENT FOR PUBLIC DEFENDER SERVICES.**

Attorney David Blackwell indicated that the contract with David Allred for Public Defender services was the same as last year with the exception of a clause providing for insurance. Emery County will no longer provide insurance for Mr. Allred. Emery County will offer Cobra Insurance to him until he is able to obtain insurance elsewhere. Commissioner Gary Kofford made a motion to approve the contract with David Allred for Public Defender services for Emery County. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)



COMMISSION MEETING MINUTES  
JANUARY 6, 2004

**NOTIFICATION OF EMERY COUNTY CARE AND REHABILITATION  
ADMINISTRATOR .**

Commission Chairman Drew Sitterud introduced and welcomed Jason Gingres as the new Emery Care and Rehabilitation Administrator. Jason is from Farmington. He is currently looking for a house so he can move his family here.

(7)

**REX FUNK, DISCUSSION OF COUNTY SNOW PLOW PROCEDURES.**

Road Supervisor, Rex Funk provided the Board of Commissioners with list of priorities and procedures for snow removal in Emery County.

He also asked for permission to begin looking for the one ton truck he has budgeted for in 2004.

(8)

**CONSIDERATION AND APPROVAL OF AGREEMENT FOR FAIR DIRECTOR.**

Commissioner Gary Kofford made a motion to approve the contract with Kathy Justice as Fair Director for 2004. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List #159582 through and including #159631 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
01-04	Ladder Sheriff/Jail	\$ 385.00	Approved
02-04	Cell Phone Highway/Replacement	175.00	Approved
03-04	Pams Remote Assessors Office (3) HP 2300 Printers	2,000.00 3,077.16	

COMMISSION MEETING MINUTES  
JANUARY 6, 2004

(25) P4 Optiplex Computers Capital Replacements	34,258.00	Approved
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One disposition was presented for a cell phone lost on crusher site.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims requisitions and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Requests for bids were sent out to rebuild the compactor at the landfill. Bids were due to the Clerk/Auditor's office by 5:00 pm on Monday, January 5, 2004. Three bids were received. Bruce Funk opened the bids as follows:  
Steve's Diesel, Helper bid \$25,028 with a completion date of February 17, 2004.  
Wheeler Machinery, Salina bid \$32,413.00 with a completion date of February 10, 2004  
Evolution, Cleveland bid \$78,775 with no completion date indicated.

Commissioner Ira Hatch made a motion to authorize Commissioner Gary Kofford to get with Rex Funk and Bruce Funk, review the proposals and award the contract based on the content of the bid. If the bids do not meet the requirements they will bring the proposals back to Commission Meeting for further consideration. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

GIS

Jeff Guymon requested approval to hire Sherman Miller temporarily, up to 90 days beginning January 5, 2004 and ending April 3, 2004. Sherman will be finishing up the addressing project. Commissioner Ira Hatch made a motion to approve hiring Sherman Miller for up to 90 days as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sheriff

Robert Blackburn has successfully completed six months in his promoted position of Detective Sergeant and Sheriff Guymon recommends a one step increase effective the next pay period, January 19, 2004.

COMMISSION MEETING MINUTES  
JANUARY 6, 2004

Sheriff Guymon requested approval to hire Clayton Rue Bell as Dispatcher. This will help replenish the Office's workforce after the loss of Jeremiah Johnson.

Commissioner Ira Hatch made a motion to approve the one step increase for Robert Blackburn and new hire of Clayton Rue Bell as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Library

Jerilyn Mathis requested approval to increase Bonnie Day's hours from less than 20 hour per week to 32 hours per week which time will be shared equally between the Elmo Library and the Cleveland Library. This will not change Bonnie's classification as Assistant Librarian, nor will it change her wage but she will be eligible for prorated benefits. The change will become effective the next pay period, January 19, 2004.

Request was made to promote Flora Motte from Assistant Branch Librarian at the Cleveland Library to Branch Librarian at the Huntington Library as a result of Geraldine Mortensen's retirement. She will be eligible for full benefits. The promotion will become effective on the next period, January 19, 2004.

Becky Jewkes is Assistant Librarian at the Ferron Library. She has completed her six-month orientation period and Jerilyn Mathis recommends a one step increase for her which will become effective the next pay period, January 19, 2004.

Huntington Branch Librarian, Geraldine Mortensen has submitted her letter of intention to retire. Her termination date is January 15, 2004. Her retirement date is January 16, 2004.

Commissioner Gary Kofford made a motion to approve increasing Assistant Librarian Bonnie Day's hours from less than 20 hours to 32 hours, promoting Flora Motte to Branch Librarian at the Huntington Library, a one step increase for Becky Jewkes and accepting the letter of intent to retire from Geraldine Mortensen with a termination date of January 15, 2004 and a retirement date of January 16, 2004 as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Ms. Snowball informed other elected officials of the workers compensation changes for 2004. Utah Association of Counties Insurance Mutual has changed to Utah County's Insurance Pool. The Insurance Pool provides the County's liability insurance. They will now be providing our workers compensation as well. Procedures and forms are just a little different. The dollar savings to the county is the reason for the carrier change.

(11)

**APPROVAL OF COMMISSION MEETING MINUTES**

COMMISSION MEETING MINUTES  
JANUARY 6, 2004

Commissioner Ira Hatch made a motion to approve Commission Meeting minutes dated December 16, 2003 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**COMMISSION REPORTS**

*Ira Hatch*

Commissioner Hatch reported that Sue Jones, Senior Citizens Director has retired. He expressed the gratitude of the Commissioners for fine work she has done over the years. Advertisement went out to find a replacement for Sue. Interviews have been completed. Kelly Jo Nelson has been hired for Senior Citizen Director. This position is funded by different sources, Federal, State and County, which is managed by the Area Agency on Aging.

(13)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Commissioner Ira Hatch made a motion to move into executive session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Present at Executive Session was Commissioner Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Personnel Director Pat Snowball, Lieutenant Bill Downard, and Clerk/Auditor Carol Cox.

They discussed possible litigation regarding a personnel matter.

Upon returning to regular Commission Meeting, Commissioner Ira Hatch made a motion to have the attorney proceed as instructed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

7

COMMISSION MEETING MINUTES  
JANUARY 6, 2004

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JANUARY 20, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**EMERY COUNTY TRAVEL BUREAU, REQUEST CONSIDERATION OF  
AUTHORIZING A RESTAURANT TAX IN EMERY COUNTY.**

Olive Anderson, Emery County Travel Bureau board member came before the Commission as a representative of the Travel Bureau and Green River City to request the consideration of authorizing a restaurant tax in Emery County. She stated that the purpose of the tax would be to help offset the impacts of tourism in Green River City. They estimated that approximately \$30,000.00 could be generated from the restaurant tax. Green River City is aggressively seeking ways to supplement the impact of tourist passing through the city. A restaurant tax would be one way the tourist would help to pay for that impact. The tax would not impact convenience stores that mostly sell fuel and offer a quick bite to eat as they go out the door described as immediately consumable food. It would not impact charitable organizations who sell food for fund raising purposes. It would only affect restaurants and fast food establishments where consumers are offered the meal to be eaten in the establishment or taken out. Carbon County as well as most of the counties in the state already have the restaurant tax which is one cent for every dollar of the meal. Throughout the state the tax is administered through the county travel bureaus. She has talked to other counties to find out how the program is administered. Who collects the money and does any of the money go to the state? There are still many questions to be answered.

The Travel Bureau proposes your strong consideration of authorizing a restaurant tax in Emery County. Commissioner Ira Hatch suggested taking the request under advisement and to bring it back as an agenda item if determined to proceed then to begin the process to authorize a restaurant tax in Emery County. She asked that after the Commission has considered this matter that they provide feedback and rationale to the Travel Bureau for their decision.

(2)

**MS. UNGERMAN, REQUEST DONATION FOR LEADERSHIP CONFERENCE.**

Ms. Ungerman did not attend the meeting.

(3)

**R.S.V.P. REQUEST DONATION FOR SENIOR AFFAIRS FAIR.**

Lauri Pitchforth, R.S.V.P. Coordinator introduced Lou Sanservero, President of their Advisory Council, Council members Marlin Gardner and Jan Bass. Lauri reviewed some of the projects that R.S.V.P. has been involved with this last year. They are planning a Senior Affairs Fair for February 19, 2004 at the Museum of the San Rafael from 1:00 to 5:00 p.m. The fair will promote health and well being, both physically, mentally and financially as well as a source of continuing education for senior citizens. They plan on having mini workshops with booths set up to receive additional information. She has talked to Maughn Guymon who will send someone to talk about emergency preparedness. Prescription Utah will be coming from Salt Lake. Utah Power and Light, doctors from our area, medical center, dentists, and many more. Lauri indicated that the reason she is here today is because R.S.V.P. is a non-profit organization and in order for them to do a project like this it is necessary to partner with other organizations. They have a limited income and feel that this a beneficial project for our senior citizens. She asked for a donation to help with this project. Commissioner Ira Hatch made a motion to contribute the standard \$250.00 donation to this worthwhile project. The motion was seconded by Commissioner Gary Kofford and approved by all member present.

(4)

**KENT LARSEN, REPRESENTING COG, DISCUSSION OF BUILDING INSPECTION PROPOSAL.**

Ferron Mayor Kent Larsen representative for Council Of Governments reported that they met a week ago in their regular meeting and discussed the need for a building inspector for every city. In this discussion Commission Kofford indicated to the mayors that the county would not be in favor of joining with the cities to provide a building inspector. The mayors felt like one way or another they will need to combine forces to provide a building inspector. There is no way that the cities can come up with the \$80,000.00 for a building inspector. They felt it would be in the best interest of the cities and the county if we could somehow come up a combined building inspector. They realize, as mayors, that there is a hurdle to overcome on funding. They requested the Commission be willing to set forth a task force to study this issue further. They felt that with members of the county and some of the mayors on the Council of Governments they could put together a very good task force to see if they could come up with some kind of fee structure to fund the program. One of the issues discussed was liability. The cities felt that a underlying clause could be written to each of the respective city's insurance company to cover the liability. Another issue was a uniform fee schedule for inspections so that one city does not charge more than another. Commissioner Gary Kofford made a motion to set up a task force to review the possibilities and see if we can come to a conclusion and come back to the Commission with a proposal. The motion was seconded by Commissioner Ira Hatch and approved by all members present. They discussed the structure of the task force. It was stressed

COMMISSION MEETING MINUTES  
JANUARY 20, 2004

that the mayor or appointed representative from each city must be on the task force as well as the Commissioners and some citizens at large. They discussed the need to have this in force by March 1, 2004.

**(5)**  
**CITIZEN CONCERNS**

Commissioner Gary Kofford asked to have a public hearing to gather input about substance abuse and mental health services. The hearing will be part of the regular scheduled Commission Meeting as close to 5p.m. as practical. The hearing would be held to review existing services, identify needs and gaps in services and provide a mechanism for public input and suggestions. They ask for the county's input would be helpful in creating a Emery County Area Substance Abuse and Mental Health Services. Commissioner Gary Kofford made a motion to set a public hearing for February 3, 2004 at 5p.m. to receive input regarding the creation of a substance abuse and mental health service in the Emery County area. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(6)**  
**STEVEN BARTON, REQUEST CONSIDERATION OF ABATEMENT OF PENALTIES AND INTEREST ON PROPERTY OWNED BY LEAH WORLD AND JACKETTE W. BREWER.**

Steve Barton, Treasurer discussed property owned by Leah World and Jackette W. Brewer. The property was being sold to Mark Evans making Leah World and Jackette W. Brewer the lien holders of the property. Mr. Evans is in bankruptcy. As soon as Ms. Brewer discovered Mr. Evans is in bankruptcy she made payment on the taxes which are now paid in full. She is appealing the penalties and interest which is \$249.63 interest and \$40.00 penalty for a total of \$289.63. The Board of Commissioners received a letter from the property owners requesting an abatement of the penalty and interest. Mr. Barton cautioned the Commission on precedence, that there are other taxpayers who could make an appeal such as this. Should she have inquired earlier if the taxes were paid? That is for you to decide. Commissioner Ira Hatch made a motion to abate 50% of the interest and penalty. The motion was seconded by Commissioner Gary Kofford and approved by all member present.

**(7)**



**CONSIDERATION AND APPROVAL OF LETTER OF AGREEMENT BETWEEN  
FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, INC. AND EMERY  
COUNTY FOR DRUG COURT.**

This is the same contract as last year. The contract is for \$63,073.00 that Four Corners will pay Emery County to operate a Drug Court program. The funds will be distributed quarterly. Commissioner Gary Kofford made a motion to approve the agreement with Four Corners Community Behavioral Health, Inc. as presented. The motion was seconded by Commissioner Ira Hatch upon approval from Attorney David Blackwell and approved by all members present.

**(8)**

**RATIFICATION OF BID AWARD FOR COMPACTOR REPAIRS.**

In the last Commission Meeting bids were opened for repair of the compactor at the landfill. At that time Steve's Diesel was the low bidder. When Steve was contacted he miss bid the repair and added \$4,000.00 to his bid. A letter was written to Steve indicating that Emery County would not negotiate on the bid amount and that we would decline his bid. Authority was given to Commissioner Gary Kofford, Rex Funk and Bruce Funk to determine the outcome of the bid award. After consideration it was decided to reject Steve's Diesel's bid and award the bid to the second lowest bidder which was Wheeler Machinery. Commissioner Gary Kofford made a motion to award the bid to Wheeler Machinery. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(9)**

**RATIFICATION OF ADVERTISING FOR WEED/MOSQUITO BOARD VACANCY.**

There are two vacancies on the Weed and Mosquito Board. The recent death of Richard Snowball left a vacancy on the north end of the county. Mr. Silliman has moved from Green River and has therefore resigned from the board. James Nielson, Weed and Mosquito has indicated that one board member from Green River is all that is needed therefore the vacancy in Green River does not need to be filled. Commissioner Ira Hatch made a motion to advertise for applications to fill the board vacancy of the Weed and Mosquito Board from the north end of the county. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(10)

**REQUEST TO ADVERTISE FOR BOARD MEMBER ON THE EMERY COUNTY TRAVEL BUREAU.**

The term is up for Travel Bureau board member LaMar Guymon from the western part of the county. Commissioner Ira Hatch made a motion to advertise to fill a vacancy on the Emery County Travel Bureau from the western side of the county. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(11)

**REQUEST TO ADVERTISE FOR BOARD MEMBERS FOR EMERY COUNTY PLANNING COMMISSION.**

Terms have expired for Mike McCandles and Glenys Sitterud. Commissioner Gary Kofford made a motion to advertise to fill board member vacancies on the Emery County Planning Commission. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

**RATIFICATION OF UTAH EMERGENCY MEDICAL SERVICES GRANT.**

Commissioner Gary Kofford made a motion to ratify approval of Utah Emergency Services Grant. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF GRANT PROPOSALS FOR REPAIR OF SWINGING BRIDGE AND MICROFILMING REGIONAL RECORDS.**

Kathleen Truman discussed two grant proposals for consideration by the Commission. She proposed a grant proposal for repairs to the Swinging Bridge on the San Rafael Swell. The bridge is becoming dangerous but it is considered a historical structure. Holes on the deck have previously been repaired but is in need of other more intensive repairs. Kathleen discussed a grant to do the repairs on the bridge. The grant was for \$5,000.00. She indicated that the grant proposal may involve assistance from the county and road department.

Rex Funk indicated that the bridge was not structurally sound. He suggested the bridge be fenced off to keep people off of it to avoid a liability problem. He felt the repairs would be much more than \$5,000.00.

COMMISSION MEETING MINUTES  
JANUARY 20, 2004

Sylvia Nelson, Historical Society suggested that there may be funds available through other means to assist in the repair to the bridge. She was in favor of doing the repairs and keeping the bridge open to the public as it is a well know landmark in the county to many local citizens and visitors to the area.

Commissioner Ira Hatch made a motion to give approval to proceed with the application process for the grant, to do the planning and make a determination as to what needs to be done to bring the bridge up to safe standards for the public. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Kathleen also discussed a grant proposal to do microfilming of regional records for \$3,000.00. This would be with the cooperation of the State Archives. The grant is being offered to Emery County because we are one of four counties with functioning county archives. Many of the cities and districts are hesitant to send their records in to the state archives but may not be opposed to bringing them to the courthouse for microfilming. Commissioner Ira Hatch made a motion to give approval to proceed with the grant application process for microfilming of regional records. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**

**DISCUSSION OF NEED TO SCHEDULE COURTHOUSE ROOMS FOR MEETINGS.**

Commissioner Sitterud asked that anyone needing to use a room in the courthouse for a meeting should schedule the room through Leslie Bolinder in the Commission Office.

**(15)**

**DISCUSSION OF THE REQUEST TO RELEASE EMERY COUNTY OVERALL SALES INFORMATION FOR BROAD MARKET PLAN OF CASTLE VALLEY.**

Commissioner Sitterud received a phone call from DeLynn Fielding in Carbon County. Price City is doing a marketing plan to see what sales tax actually reaches the county. They hired a consultant based on population base. They expanded the study to include Carbon County rather than just Price City. The call from Mr. Fielding indicated that they still had population money left. Would Emery County like to be included in the study and they would include the whole region? Price City is footing the bill for this. All Emery County would get is a study of the region, the Castle Valley area. The information would be of benefit to Economic Development and would identify the amount of retail and or manufacturing business being lost to Utah County. Emery County will need to release our sales tax information. We will need to write a letter to the State Tax Commission asking them to release the information to the consultant conducting the study. Commissioner Gary Kofford made a motion to write a letter to the State

COMMISSION MEETING MINUTES  
JANUARY 20, 2004

Tax Commission to release the sales tax information as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(16)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Senior Deputy Clerk/Auditor, Brenda Dugmore presented the Warrant Check Edit List # 159740 through and including #159882 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
08-04	2004 Ford F360 Ambulance Ambulance	98,600.00	Approved

One disposition was presented for a Hoover vacuum Cleaner from Ferron Library.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, requisitions and dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Sheriff

Approval was requested to move Jeff Newland from Corrections Officer to Patrol Deputy. Jeff is currently performing patrol duties. The action would be effective the beginning of the next pay period, February 2, 2004. Commissioner Gary Kofford made a motion to approve moving Jeff Newland to Patrol Deputy as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Public Defender

The Public Defender contract with David Allred was approved in last Commission Meeting. Attorney David Blackwell explained that there was a conflict with the amount allowed for insurance apparently the figures used were for last years insurance amount of \$976.00 per month

COMMISSION MEETING MINUTES  
JANUARY 20, 2004

which have gone up to \$1,112.00 per month for a family. Commissioner Gary Kofford made a motion to have the county absorb the difference in the two monthly insurance amounts for two months to allow time for Mr. Allred to acquire insurance elsewhere. Beyond the two months he will have to pay the full \$1,112.00 per month for insurance. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(18)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated January 6, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(19)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford discussed a problem that has developed at the Huntington Library. The men's restroom linoleum bubbled. Dennis Fuller, Castle Valley Maintenance tore the flooring out to see what the problem was. Apparently water condensation from the furnace in the flooring was causing water to build up. Dennis called a few places to get assessments for repairs. Commissioner Kofford proposed getting those individuals who provided the assessments together and get a verbal determination of how to proceed with making the repair. Pat Snowball indicated that she will need some information to send to the county's insurance to help compensate for the cost.

Legislature session started this week. He suggested that everyone keep track of bills before the legislature. You should look at how the bill will affect you. If you have concern for a particular bill contact a commissioner. He expressed concern for the way Governor Walker's budget is shaping up. She is looking for money to put into education. She is looking at Class B Road Funds.

*Commissioner Hatch*

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Commissioner Hatch and Commissioner Kofford traveled to Green River to meet with the conservation working group that approves practices and pay scale. He met with the Emery County Travel Bureau in their regular meeting on Monday. Olive Anderson was voted Vice Chairman of the Travel Bureau. They discussed the Restaurant Tax as she presented today. He reminded them that if the county does get into the restaurant tax that it will be a county tax, not just for Green River City. They are in their budgeting process. He cautioned them to make disbursements from the transient room tax on a quarterly basis because that is the way the funds come in to the county.

He reported that the Society for Range Management International Convention will be in Salt Lake City Monday through Thursday of next week. Commissioner Hatch is on the committee that host tours for the convention.

He reported on Council of Governments meeting held last week. He attended a SITLA meeting. He reiterated to the committee that if they do anything with regard to land exchanges in Emery County that the Commission wanted to be informed up front.

*Commissioner Sitterud*

Commissioner Sitterud reported that the new nursing home director is functioning at the nursing home and doing a great job.

The new web pages are being set up through Jeff Guymon. Jeff will have some lunch meetings where he will instruct the offices on how to maintain their own web page.

There was a meeting last week on mineral lease money. The group is a little hesitant to bring up mineral lease at this time because the Governor is looking to take money from somewhere. Randy Johnson is our point man for mineral lease funds.

Thanks to Jordan Hatch we have been able to procure a seat for cattlemen on the DWR helicopter fly by for Elk count. They have competed the fly by from Salina Canyon to Lake Fork.

Access Committee met last week. They are going over every road in the county. They determine when the road was built, how, by whom, its use, etc. It is a slow and tedious process. But it is a worthwhile and beneficial effort.

10  
COMMISSION MEETING MINUTES  
JANUARY 20, 2004

**(20)**  
**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not necessary.

**(21)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

FEBRUARY 3, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A prayer was offered by LaMar Guymon. The pledge was led by Darrell Leamaster.

(1)

**CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING THE SALE AND ISSUANCE OF APPROXIMATELY \$1,273,300 OF CASTLE VALLEY SPECIAL SERVICE DISTRICT GENERAL OBLIGATION PUBLIC PURPOSE BONDS, SERIES 2004A; AND PROVIDING FOR RELATED MATTERS.**

Kent Michie, Zions Public Finance and Darrell Leamaster, Castle Valley Special Service District requested to have a resolution passed to approve the sale of bonds in the amount of \$1,273,300.00 from the State of Utah through the Community Impact Board. Along with the bond they received a grant in the amount of \$636,700.00. The total of the bond and the grant comes to \$1,910,000.00. This money will be used for street projects. 45% of the money will go towards construction of new streets. 25% of the money will be used for curb and gutter projects. Storm drains and sewer projects, small culinary water line extension and a secondary irrigation project will take the balance of the money. Kent Michie reviewed the terms of the bonds. The bonds will be sold to the State of Utah and are part of the voter approved tax levy on property taxes. The interest rate is 2.5%. They are general obligation bonds payable by property taxes. Darrel explained that the funds are melded into the repayment structure of the budget and taxes will not have to be raised to repay the bonds. Resolution 2-03-04 was presented for approval to authorize the sale and issuance of approximately \$1,273,300.00 of Castle Valley Special Service District general obligation public purpose bonds series 2004A and provides for related matters. The resolution authorizes officers to sign the final documents at closing on March 17, 2004. The resolution lays out all of the details of the bond, the amortization of payments, etc, and provides for the publication of a notice of bonds to be issued which will be published in the Emery County Progress inviting any protest from citizens as to the process. Mr. Michie recommend the approval of the resolution. Commissioner Gary Kofford made a motion to approve Resolution 2-03-04 authorizing the sale and issuance of approximately \$1,273,300.00 of Castle Valley Special Service District general purpose bonds, Series 2004A and providing for related matters. The motion was seconded by Commissioner Ira Hatch and approved by all members present.



(2)

**MESIA NYMAN, FOREST SERVICE QUARTERLY REPORT.**

Mesia was not able to attend the meeting.

(3)

**DERRIS JONES, DWR, QUARTERLY REPORT.**

Derris Jones, DWR introduced Wade Paskett Damage Specialist for DWR. Derris provided the following quarterly update:

➤ He thanked Emery County and particularly the Sheriff's Department for their response in the recent death of BLM Conservation Officer Jon (Kip) Draper.

➤ DWR is busy putting together mitigation projects. Coalbed methane, wells that are put in on critical winter range pay into a mitigation fund. Some of the projects are in the planning stages at this time. They have a fifty acre pinion-juniper push south of Mohrland probably on SITLA land. Also at Poison Springs a five hundred acres hydro-ash treatment of young pinion-juniper. Another pinion-juniper push at Buzzard Bench primarily for deer.

➤ They had a wild fire at Range Creek on the Wilcox Acquisition. There is about two hundred twenty acres that they will need to be-seed.

➤ Fall and winter is typically their survey time. He provided a spreadsheet showing the two desert units that they surveyed for big horn sheep.

➤ They have completed their winter elk aerial survey on the Manti and Range Creek Units. He provided a spreadsheet showing the survey of these two units.

➤ Wildlife; they transplanted turkeys into Range Creek. Deer; they are hopeful of turning the numbers around on the deer. The remainder of the winter will be the key now.

➤ Outreach Section, there will be an annual Bald Eagle day at Desert Lake on February 7, 2004 from 9 am until 3 pm.

➤ Aquatics; construction of a fish trap at duck fork reservoir acquisition is out for bid now. It will probably remain open until June. They released five thousand tiger trout last fall. Colorado Cutthroat will be catch and release.

➤ Joe's Valley, the funding has been approved for a low water boat ramp. A \$190,000.00 total package grant with \$126,000.00 Wallet Bro money, which is an excise tax on motor boats, fuels for motor boats, etc. with other funds coming from Parks and Recreation and Emery County.

➤ This spring they will start their Burrio Toad work again. They did find one burrio toad on North Horn. They have traps set out to see if there is more than one there.

➤ They plan to gill net Joe's Valley and Millsite around mid May. An annual program to keep track of what is going on with the chubs.

➤ They have habitat projects planned for Rigley Reservoir and Mary's Lake. They are trying to secure some funding for those projects.

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➤ Law Enforcement, they had a fairly quiet fall. Recently, however they made a case on Poison Springs during the cow hunt. They found a buck with its' head cut off in Huntington Canyon. Someone found eight elk dead between Ferron and Emery. It looked like a thrill killing nothing was taken. They have articles in the paper asking for information to help solve these cases.

➤ He read a letter from Kevin Conway, Division Director. A check was presented for \$2,751.31 for 2003 contractual in-lieu tax payment on land the Division of Wildlife Resources owns in Emery County. The money used to pay the in-lieu tax is provided by sportsmen.

**(4)**  
**PAT GUBBINS, BLM, QUARTERLY REPORT.**

Pat was not able to attend the meeting.

**(5)**  
**KRISTA UNGERMAN, REQUEST FOR DONATION TO LEADERSHIP CONFERENCE.**

Krista Ungerman requested financial assistance to attend a leadership conference in Pennsylvania. Commissioner Ira Hatch made a motion to contribute \$50.00 to Krista to assist her in attending the conference. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(6)**  
**BID OPENING FOR CRIMP MACHINE, CONSIDERATION AND APPROVAL OF BID AWARD.**

The Board of Commissioners advertised for two weeks the sale of the crimp machine from the road department. The machine was not sold during the surplus property sale in October as no bids were received for the minimum sale price. Two bids were received. Jim Sherman offered \$260.00 and Priam Young offered \$525.00. Priam Young was the high bidder. Commissioner Ira Hatch made a motion to award the bid to Priam Young for \$525.00. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(7)**

**DISCUSSION AND APPROVAL OF UTAH STATE TAX COMMISSION ORDER TO REIMBURSE UNITED PARCEL SERVICE.**

Several years ago, Emery County was informed that UPS had overpaid personnel property tax. They have sent a letter requesting payment of the overpayment. Treasurer, Steve Barton has figured the amount owed by the different entities and will inform them of the amount they owe to UPS. Commissioner Gary Kofford made a motion to make payment of the amount Emery County owes for the overpayment. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)**  
**CITIZEN CONCERNS**

Rex Funk as chairman of the Loss Prevention/Risk Management Committee reported on a need to bring the Elmo Library entrance into compliance with the ADA. Commissioner Gary Kofford made a motion to place the situation under the Library and he will see that the Library is brought into compliance. The motion was seconded by Commissioner Ira hatch and approved by all members present.

Also Commissioner Ira Hatch made a motion to appoint Lee McElprang, Ross Hinkins and Tracy Behling to the Emery Water Conservancy District Board. The motion was seconded by Commissioner Gary Kofford and approved by all members present. The motion will be ratified in the next Commission Meeting.

Commissioner Gary Kofford made a motion to leave regular Commission Meeting and open the scheduled Public Hearing. Commissioner Drew Sitterud stepped down to second the motion, Commissioner Ira Hatch was detained for a few seconds. The motion was approved by all members present.

**(9)**  
**5:00 PM- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON SUBSTANCE ABUSE AND MENTAL HEALTH NEEDS AND SERVICES IN EMERY COUNTY.**

Commissioner Gary Kofford explained that the purpose of the Public Hearing was to hear what residents think about substance abuse and mental health needs and services. Utah law designates the County Commission as the substance abuse and mental health authority for Emery County. The County provides substance abuse and mental health services in collaboration with Carbon

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and Grand Counties through a sole-source contract with Four Corners Community Behavioral Health, Inc. Each year by March 1<sup>st</sup>, the Commission is required to submit an annual substance abuse and mental health plan to the state. This plan is developed for the Commission's approval by Four Corners based on the county's needs and available funding. Public input on Emery County's mental health and substance abuse needs is a key part of the planning process, according to Bob Greenburg, Four Corner's Director. The draft annual plan is developed by Four corner's staff, reviewed and approved by the Four Corner's Board of Trustees and then submitted to the County for its approval. Commissioner Gary Kofford introduced Bob Greenburg, Four Corner's Director and turned the time over to him.

Bob Greenburg introduced board members and staff as follows: Kent Wilson, Emery County board member, Emery Jones, staff, who will be retiring this spring, Lance Wright, Geraldine Wright, Megan Boyle, Kerry Larsen, Jennifer Thomas, Kari Alton, Lorna Jensen, Angie Jensen, Jason Hales, Janice Winn, Dorian Heaton and Marilyn Mitchel, Assistant Director. Mr. Greenburg provided a brief review of the programs Four Corners offers. He provided a breakdown of hours spent in Emery County for the many services that Four Corners provides to the County.

The meeting was opened up to the public to provide for comment.

Sheriff Guymon reported on incidents of problems at Castle View Hospital associated with assistance with psychological medical screening before transport of an inmate or suspect. Mr. Greenburg explained the problem associated with community hospitals and agency shared responsibilities.

Diane Butler commented on the LDS Church's substance abuse program, Addiction Recovery Program for which she and her husband, Jack Butler have been called to serve. They have a twelve step program for helping men and women with prescription drug abuse problems and other additional problems. They hold regular weekly meetings on Thursdays at the seminary building in Castle Dale. She indicated that the program has been working wonderful. They have been trained through the church.

Commissioner Ira Hatch suggested the Butlers could benefit from the wealth of resources that Four Corners has to offer.

Sheriff Guymon commented on the success of the Drug Court Program. He commented that Drug Court is one of the few positive things in law enforcement. It is an excellent program. He thanked Four Corners and their support for this program. Judge Scott Johansen hears the cases and determines if the person is a candidate for the program. The person is assigned a tracker who tracks their progress in the program.

Dorian Heaton commented that as a part of the Drug Court program the person is required by the

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judge who hears their case to work forty hours a week and become a productive member of society. They concentrate not only on rehabilitation but also on becoming productive.

Commissioner Kofford commented that Emery County is one of the few counties in the state that have the option to use the program. As he has traveled around the state he has found that it is a great desire of other counties and agencies to be able to participate in the drug court program. We are fortunate to be able to have this program in the county.

Kent Wilson asked if this is a temporary pilot program? Bob Greenburg indicated that it is no longer a pilot program and the program will be around as long as the funding is available. Four Corners has a contract with the state that pays most of the cost to run the program. There is a tremendous amount of pressure to bring other counties on board with the program.

Kent Wilson asked if we will ever be challenged for the funding if other counties come on board?

To which Mr. Greenburg answered, 'No'.

Commissioner Hatch commented that we need to continue to produce productive citizens and not slack off in the program or we may be challenged.

Commissioner Kofford commented on behalf of Wade Allinson, Adult Probation/ Parole Officer. Wade appreciates Four Corners and what they do for his program. It co-ordinates very well with his program.

Commissioner Kofford commented on the annual audit report of Four Corners. He indicated it was a good clean audit. He expressed the appreciation of the county for the excellent service that Four Corners provides to the citizens of Emery County.

Mr. Greenburg indicated that he will be required to present the audit to the Board of Commissioners at some future date.

Commissioner Gary Kofford made a motion to return to the regular Commission Meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)**

**RATIFICATION OF EMERGENCY REPAIRS TO HUNTINGTON LIBRARY.**

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Commissioner Gary Kofford reported on emergency repairs to the Huntington Library. The water damage from the furnace was contained to the restrooms and equipment room. Pat Snowball checked with the County's insurance carrier for eligibility but was told the incident was not covered by insurance. Two bids were obtained to do the repairs in the two restrooms only.

Robert Allen bid \$5,119.00 and Ken Stilson bid \$4,660.00. The bid was awarded to the low bidder Ken Stilson. He started work on the restrooms last week. Commissioner Gary Kofford made a motion to ratify the contract bid award for Ken Stilson. to repair the restrooms at the Huntington Library. The motion was seconded by Commissioner Ira Hatch and approved by all members present. They will address the problem in the furnace and equipment room later.

(11)

**APPOINTMENT OF PUBLIC LANDS COUNCIL BOARD MEMBERS.**

Commissioner Ira Hatch made a motion to appoint Vernell Rowley, Tory Killian, Clyde Magnuson, Bruce Wilson and Sherrel Ward to the Public Lands Council Board. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF LOW INCOME TAX ABATEMENT FOR EVELYN MORGENSEN.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented an application for low income abatement from Evelyn Morgensen. After review of the application Commissioner Ira Hatch made a motion to table any decision to allow time to get more information. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 160048 through and including #160227 for payment.

Requisitions were presented for the following:

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<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
9-04	2004 Chevrolet Silverado Truck Sheriff	\$ 29,204.00	Approved
10-04	2004 Dodge Quad Cab 1500 2004 Dodge Durango Sheriff	\$78,743.00	Approved
11-04	2004 Dodge Diesel Truck (2) Road Department	\$56,562.00	Approved
12-04	Welder with 125 cylinder Road Department	716.42	Approved

Dispositions were presented for #410-6296, vhf radio from the Road Department, #210-6598, scanmaker flatbed scanner and #210-7799, typewriter from the Sheriff's Department.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, requisitions and dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**

**CONSIDERATION AND APPROVAL OF ELDERLY AND PEOPLE WITH  
 DISABILITY TRANSPORTATION VEHICLE LEASE AGREEMENT.**

Commissioner Ira Hatch talked about a program that provides vehicles for elderly and people with disability through Utah Department of Transportation.. Emery County made application for a vehicle through the program a few years back which he indicated are a few years out on being awarded. Our application was approved and we were awarded a vehicle this year through the Senior Citizen program. It is a fifteen passenger, handicap equipped van. It will be placed in Green River and the vehicle currently in Green River will come here. As part of the program, Emery County paid \$6,800.00 for the van. The county's insurance will not insure the van unless it is owned by the county. We can, however, put a leased vehicle on the County's insurance. Therefore, a vehicle lease agreement needs to be signed. Commissioner Ira Hatch made a motion to approve the lease agreement with the Area Agency on Aging to lease the van for \$1.00

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per year. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Extension

Request was made to hire Gaylene Conder, in the Extension Office to perform clerical duties. This is a full time job with benefits. If approved she would begin work February 4, 2004. Commissioner Ira Hatch made a motion to approve hiring Gaylene Conder in the Extension Office to perform clerical duties. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Library

- a. Vickie Jacobsen, Branch Librarian at the Emery Library, terminates employment on Friday, February 13, 2004 and begins retirement on Monday, February 16, 2004.
- b. Jerilyn Mathis requested approval to recruit for a part time Assistant Librarian at the Emery Library, working 8/hrs a week, no benefits.
- c. Jerilyn Mathis requested approval to promote Marian Mangum from Assistant Librarian at the Emery Library to Branch Librarian, working 32/hrs a week, eligible for prorated benefits, effective the first pf the next pay period, February 16, 2004.
- d. Jerilyn Mathis requested approval to increase Becky Jewkes, Assistant Librarian at the Ferron Library to 19.5 hrs a week

Commissioner Gary Kofford made a motion to approve the proposed requests from the Library Board as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Sheriff

- a. Sheriff Guymon requested approval to recruit for a dispatcher, full time, with benefits.
- b. Tosha Barnett requested Family and Medical Leave for the birth of her baby. Estimated date



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of leave will be March 3, 2004 and estimated date of return is June 14, 2004.

Commissioner Ira Hatch made a motion to approve Sheriff Guymon's request to recruit for a dispatcher and Tosha Barnett's requested Family Medical Leave as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**  
**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated January 20, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(17)**  
**COMMISSION REPORTS.**

*Commissioner Drew Sitterud*

Commissioner Sitterud reported on the low water boat ramp for Joe's Valley Reservoir. The total package of funding came to \$190,000.00 with \$22,000.00 as match amount coming from Emery County, Water Conservancy District, Forest Service and Division of Wildlife. Funding will be for a boat ramp only. There will not be any other facilities. They hope to begin construction in early spring maybe late fall.

*Commissioner Ira Hatch*

Commissioner Hatch attended the 10 year anniversary celebration for Perkie at Active Re-Entry in Price. Perkie is the program whereby a vehicle is made available to transport people from Emery and Carbon County to Provo to receive cancer treatments. Active Re-Entry presented Emery County with a memento to thank the county for its participation in the program for the ten years. He presented the trophy to Chairman Drew Sitterud.

**(18)**  
**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

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An Executive Session was not needed.

**(19)**  
**ADJOURNMENT.**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

FEBRUARY 17, 2004

Present at the meeting was Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commission Chairman Drew Sitterud was out of town. Commissioner Ira Hatch was acting Chairman for this meeting and stepped down throughout the meeting to execute motions as needed.

**(1)**

**REQUEST FOR DONATION TO EMERY COUNTY COMMUNITY THEATER.**

Karen Truman, President of the Emery County Community Theater Board of Directors provided a brief background of the Emery County Community Theater. It was organized for the purpose of fostering, promoting and increasing public knowledge and appreciation of the arts by all citizens; to provide an outlet for amateur and professional expression of talent and promote the actual production of plays and theatrical performances for the educational, recreational and professional development of members and inhabitants of the local communities while promoting the involvement of the local citizens in these activities. Their production for 2004 is "Annie", which will be performed on April 29<sup>th</sup> and 30<sup>th</sup> and May 1<sup>st</sup> and 3<sup>rd</sup>, 2004. Community Theater has depended upon the generosity of business, county and city government and citizens to give them the resources they have needed to keep them going all these years. They find themselves in need of new head worn microphones at this time. The ones they have been using for about the last ten years are no longer working. New ones will cost \$355.00 each. Therefore, they are asking the county to help with this expense. They will need at least ten new microphones. They have received in the past the usual \$250.00 donation. This year they ask for at least enough to pay for one new microphone set. Commissioner Gary Kofford explained that the county donates to the production cost each year. A donation to this production is legal under the Shorts decision. Commissioner Gary Kofford made a motion to donate \$500.00 to the Emery County Community Theater to assist them in this years production. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(2)**

**REQUEST FOR DONATION TO UTAH RANGE COALITION FOR RANGE SCHOOL.**

Commissioner Ira Hatch discussed a recent Range School held in Moab. Emery County Public Lands Council sent representatives to the Range School. Public Lands Council has arranged for

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a Range School to be held here through cooperation of the Forest Service, BLM, and Rural Community and Development. They are asking that the County participate in bringing this worthwhile Range School to Emery County. It will be held on March 4<sup>th</sup> at the Museum of the San Rafael in Castle Dale. Commissioner Ira Hatch made a motion to donate \$250.00 to participate in bringing the Range School to Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(3)**

**DISCUSSION OF PROPERTY EXCHANGE WITH HUNTINGTON CITY.**

Commissioner Ira Hatch discussed a proposed property exchange with Huntington City. He explained that UDOT previously had a maintenance station in Huntington located at 1<sup>st</sup> west and 1<sup>st</sup> north. They have moved to the old Cox Rock location in Huntington. The facilities at their previous location are located on property owned by Emery County for which we have a 99 year lease with UDOT. Huntington City is in need of a maintenance facility. Huntington City owns property adjacent to the County owned ball park in Huntington. Part of the parking lot at the ball park lies within Huntington City property boundaries. He indicated that the Commission will propose some kind of transfer of property to take place so the city can use the old UDOT facilities and the county can get more property at the ball park. Once an exchange has been made it would be up to Huntington City to work out some sort of arrangement to compensate UDOT for the facilities on the property. Attorney David Blackwell has looked at the proposal and agrees that a proposed exchange of property is doable. One of the Commissioners will approach Huntington City at their next City Council Meeting to present the proposal. Commissioner Gary Kofford made a motion to proceed with negotiations with Huntington City on 13.2 acres belonging to Huntington City in exchange for 2.5 acres, corner lot formally housing UDOT Huntington Station, that Huntington City assume a 99 year lease with UDOT and if we proceed with the agreement that Huntington City pay one half of the closing cost. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(4)**

**CONSIDERATION AND APPROVAL OF AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK**

Commissioner Ira Hatch explained that the Extension Service is an arm of Utah State University. Each year Emery County enters into an agreement with Utah State University to provide clerical work and office space for the Extension Program. Commissioner Gary Kofford made a motion to approve an agreement with Utah State University for the Extension Program as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(5)****CONSIDERATION AND APPROVAL OF DRUG TASK FORCE GRANT.**

Sheriff Guymon explained that this is the same grant as in past years. The county's match for the grant is the salary for the person assigned to the Drug Task Force. Commissioner Gary Kofford made a motion to proceed with signing of the grant. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(6)****APPOINTMENT TO THE EMERY COUNTY TRAVEL BUREAU.**

This item was tabled.

**(7)****RATIFICATION OF APPOINTMENTS TO EMERY WATER CONSERVANCY DISTRICT.**

In last Commission Meeting the Board of Commissioners made a motion to appoint Lee McElprang, Ross Hinkins and Tracy Behling to the Emery Water Conservancy District. Therefore, Commissioner Gary Kofford made a motion to ratify the action taken to appoint these members to the Emery Water Conservancy District. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)****CITIZEN CONCERNS**

Commissioner Gary Kofford explained that the Commissioners had received several complaints that the libraries are not open late enough. He met with Jerilyn and the Library Board and asked to have the libraries stay open until 6:00 p.m. for a three month trial and to track patron use.

Comments were heard from Carole Larsen, Orangeville, Marian Mangum, Emery, Colleen Murdock, Ferron, Loyette Holdaway, Elmo and Roxanne Bohn, Castle Dale. Comments were not favorable regarding the staying open until 6pm. According to the Branch Librarians patron use had not increased. Being open after dark in the winter was a safety concern for some. The Board of Commissioners listened to their concerns but asked that they continue the three month trial and continue to track patron use.

(9)

**DISCUSSION OF IMPROVED PARKING FOR WINTER SPORTS IN HUNTINGTON CANYON.**

Commissioner Ira Hatch addressed this issue due to the concerns raised by users of U-31 over Huntington Canyon regarding additional parking for snowmobilers, snowboarders, etc. in the canyon. He recognized that the problem area is mostly in Sanpete County. He has made contact with UDOT and will continue contact with them regarding the need.

(10)

**CONSIDERATION AND APPROVAL OF MANAGER FOR HUNTINGTON AIRPORT.**

Commissioner Ira Hatch reported that advertising was done to receive proposals for the Huntington Airport Manager. Proposals were received from Mark Johansen and Rob Midgely. After review of the proposals it was decided to accept the proposal from Rob Midgely. They will be meeting with Rob to work out the details of a contract to manage the Huntington Airport. The current manager will be leaving at the end of February and the Commission would like to have the new manager in place by the first of March. Commissioner Ira Hatch made a motion to approve Rob Midgely as Huntington Airport Manager contingent upon working out a contract that meets with Attorney David Blackwell's approval. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF SLA AND LEPC COORDINATOR.**

Captain Kyle Ekker explained that the SLA and LEPC Coordinator is the assistant to Sergeant Martin Wilson to provide Emergency Operations Planning in Emery County. Cheryl Cox has agreed to be the coordinator. Cheryl will assist at meetings and provide minutes for the meetings, assist in revising the Emergency Response Plan for Emery County and complete records as needed. Funds are provided through a grant from the State of Utah, Department of Homeland Security and Emergency Services, will not exceed \$3,000.00 for the year and will be billed as service is rendered. Commissioner Gary Kofford made a motion to approve the grant for funding a SLA and LEPC Coordinator as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND**

**DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List and additional claims # 160300 through and including #160451 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
13-04	Polaris Ranger 6x6 Weed/Mosquito	\$ 8,397.00	Approved
14-04	2004 Chevrolet Impala Courthouse fleet	15,164.00	Approved

Dispositions were presented for the following:

#7276, letter folder from Clerk/auditor's office  
#4132, chair, blue swivel from Assessor's office  
#6515, computer tower from Sheriff's office  
#5490, laserjet printer from Sheriff's office  
#6702, computer tower from Sheriff's office

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(13)**

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

A business license was presented for Richard Diamond DBA: Diamond Gun Smithing. The application has been reviewed and approved by Planning and Zoning Administrator Bryant Anderson. Commissioner Ira Hatch made a motion to approve the business license application for Richard Diamond as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

COMMISSION MEETING MINUTES  
FEBRUARY 17, 2004

Pat Snowball, Personnel Director presented the following personnel action:

Library

Colleen Murdock, Branch Librarian, has successfully completed her three month probational orientation period. Jerilyn Mathis has completed a performance appraisal and recommends that Colleen receive a one step increase. The increase would be effective the next pay period, March 1, 2004. Commissioner Gary Kofford made a motion to approve the one step increase for Colleen Murdock as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Planning/Zoning/Building Inspection/Public Lands

Margaret McMullin, Secretary for P&Z/Building Inspection/Public Lands, has successfully completed her six month orientation period and is eligible for the routine grade increase. Bryant Anderson has completed the performance appraisal and recommends the action. The increase would become effective beginning the next pay period of March 1, 2004. Commissioner Gary Kofford made a motion to approve the routine grade increase for Margaret McMullin as proposed.. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**

**CONSIDERATION AND APPROVAL OF EEOP FOR EMERY COUNTY**

Personnel Director, Pat Snowball discussed the Equal Employment Opportunity Plan with the Commissioners. The EEOP was originally approved in 2000. She explained that each of the grants that the county applies for requires an effective date for having the EEOP in place. At this time the State is requiring an effective date be noted in the minutes. Commissioner Ira Hatch made a motion to approve the Equal Employment Opportunity Plan effective February 17, 2004 and will be reviewed annually as needed to reflect any changes in the law. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford asked that it be noted in the minutes that Emery County is an Equal Employment Employer and we will continue to monitor the laws governing the plan to stay up to date.

**(16)**



COMMISSION MEETING MINUTES  
FEBRUARY 17, 2004

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated February 3, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported that the legislative session is on going. They are in the funding phase at this time. He reminded everyone to continue to monitor the bills that are being introduced and to voice any concerns. He added that many are concerned for the cut in medicaid benefits. This cut will dramatically affect Four Corners Mental Health and their ability to provide services.

*Commissioner Hatch*

Commissioner Hatch reported that he met with Energy West and UPL on the South interchange proposal.

Rex Funk reported that the coal yard road project is moving along ahead of schedule as long as the weather permits. Nielson Construction has the contract to expand the coal receiving facility and relocation of access to the facility.

He reported on a UDOT project proposal on I-70 which involves all of the view areas. It involves upgrading toilet facilities and providing for lighting as well as installation of picnic areas. It is a 1million dollar project. The Commission will be meeting with UDOT to give them their ideas.

He along with Commission Kofford, Commissioner Sitterud and Sheriff Guymon attended County Official Day at the Legislature where they were interested in the updates on current bills that affect Emery County. He commented on the efforts of LaMar Guymon as he is the new UAC President.

He reminded everyone about the Senior Affairs Fair to be held February 19, 2004 at the Museum of the San Rafael from 1:00 p.m. until 5:00 p.m. Also there will be a memorial service for June Maxwell today at 1:00 p.m. at the Huntington Senior Center.

8  
COMMISSION MEETING MINUTES  
FEBRUARY 17, 2004

**(18)**  
**EXECUTIVE SESSION**

An executive session was not needed.

**(19)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 2, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**JAYNEE LEVY, BLM, DISCUSSION IF INSTALLATION OF SAN RAFAEL SWELL PORTAL SIGNS ON EMERY COUNTY ROADS.**

Jayne Levy, BLM reviewed proposed sites for installation of San Rafael Swell portal signs on Emery County Roads. The six sites proposed are all on San Rafael Swell access roads in Emery County. The signs will be made of wood and placed in stone bases. Because the Division wanted to infuse dollars back into the economy of Emery County they asked for names of individuals in the County who do stone work. Commissioner Hatch asked that they consider the right-of-way and maintenance zones as the proposed sites. Commissioner Ira Hatch made a motion to support the BLM in their decision to install San Rafael Swell portal signs on Emery County Roads. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**DELENA FISH, WFS QUARTERLY UPDATE.**

Delena Fish, Work Force Services provided a quarterly update as follows:

- The department goes to Green River once a month working out of the Sheriff's Complex. Cheryl Keener who works at the Sheriff's Complex has been very helpful in taking applications and faxing them to the department.
- Emery County continues to have the highest unemployment rate in the State. It is right around 10.5%.
- ALCO store is anticipated to be opened in the next two weeks. They had 255 applicants for jobs at the store. All were excellent applicants. They interviewed 150 people and hired 21 all from this area. They hired four individuals for management positions only one was from Price, the rest were from the Emery County.
- Voice 2 Insights, a transcription service is recruiting for more individuals in rural areas.
- They continue to work with individuals who have run out of unemployment and are now needing other types of assistance.
- Roger Sparks, Regional Director for WFS out of Price is retiring after thirty-five years of

COMMISSION MEETING MINUTES  
MARCH 2, 2004

service.

(3)

**DEB DULL, UTAH POWER QUARTERLY UPDATE.**

Ms. Dull was not able to attend the meeting.

(4)

**LARRY SALAZAR, EMERY TELCOM QUARTERLY UPDATE.**

Larry Salazar, Public Relations, Emery TelCom provided a quarterly update as follows:

- They have recently acquired Malard Cablevision who will provide service to Cleveland/Elmo. They were in bankruptcy and Emery TelCom felt it would be a good thing to acquire and provide cable service to the Cleveland/Emo area.
- They are installing new copper cable in Castle Dale.
- They are anticipating a FCC regulation to provide land phone/cell phone number carry-over.
- They are currently working a Community Endowment project in the schools. The project is a teacher of the year award program.

(5)

**EMERY HIGH SCHOOL RODEO CLUB, REQUEST FOR DONATION.**

Bailey Bohn, Emery High School Rodeo Club read a prepared request for financial assistance to the Board of Commissioners. They proposed to host a high school rodeo on April 16 and 17, 2004. They requested a Diamond Sponsorship donation of \$250.00. Commissioner Ira Hatch made a motion to refer the club to the Emery County Recreation Special Service District for the sponsorship donation adding that if they were not successful in acquiring the \$250.00 to come back to the Commission for the sponsorship. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**MARK WILLIAMS, REQUEST DONATION FOR THE ARAPEEN ATV JAMBOREE.**

Mark Williams discussed the proposed plans for the Arapeen ATV Jamboree on September 6th through 10<sup>th</sup>, 2004. They have had many request for information on the Jamboree. He showed the Commissioners the ads in trade magazines. They are also advertising in Utah 2004, another magazine which highlights events in Utah. He indicated that he felt the Jamboree is a benefit to the county. Many people come to the area to participate. They asked for \$2,500.00 to cover the cost of advertising. Commissioner Kofford indicated that the Commission would have to explore the possibility of a donation of that size. The Commission was not sure where they could

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MARCH 2, 2004

find \$2,500.00 to donate to the club. Mr. Williams informed the Board of Commission that there are close to 2,000 ATV's in the County which the county collects property taxes in the amount of \$54,000.00 from. Jo Sanservero asked if there was a mechanism in place that allows for a short term loan. Attorney David Blackwell advised that there is no statute allowed for short term loans such as they would need.

(7)

**STEVE BARTON, EMERY COUNTY TREASURER, REQUEST TO APPROVE  
RELEASE OF LIENS AND UPDATE CENTRALLY ASSESSED PROPERTY TAX  
APPEALS.**

Steve Barton, Treasurer reminded the Commissioners that there were two tax payers, Zina Willard and Rikki Edwards who requested extra time to pay their taxes to avoid being sold for back taxes. Both individuals have met their obligations. Steve asked to have the lien on the property formally released. Commissioner Ira Hatch made a motion to release the lien on the two properties as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Steve reviewed with the Commissioners the current centrally assessed property tax appeals.

(8)

**CITIZEN CONCERNS**

Steve Barton asked that the Commissioners remember the MECCA group will also be coming to the Commission for consideration of a donation for their annual bike ride.

(9)

**APPOINTMENT TO THE EMERY COUNTY TRAVEL BUREAU.**

Tabled

(10)

**APPOINTMENT TO WEED/MOSQUITO BOARD.**

Commissioner Hatch explained that no applications were received for the Weed/Mosquito Board. The Commission has asked around for suggested individuals for the Weed/Mosquito board. However, none of the suggested individuals had made any application for board considerations. He indicated that Allen Staker, Elmo has applied for several other boards. This board appointment would replace Richard Snowball, Elmo who recently passed away. Commissioner Ira Hatch made a motion to appoint Allen Staker to the Weed/Mosquito Board. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Commissioner Hatch and James Nielsen will contact Mr. Staker.

(11)  
**APPOINTMENTS TO PLANNING COMMISSION**

Tabled

(12)  
**DISCUSSION OF CURRENT BUSINESS LICENSE OF VENDORS/CONTRACTORS DOING WORK FOR THE COUNTY.**

A question was raised when the Recreation Special Service District did not use a vendor because they did not have a business license. Therefore, the question was raised should the county require proof of a business license from vendors doing business with the county. Bruce Funk asked for clarification of the requirements to obtain a business license as County Zoning Ordinance dated 7-9-1980 is vague in that respect. Commissioner Gary Kofford made a motion to review the County Ordinance to see what is needed and possibly make recommendations for any changes. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)  
**RATIFICATION OF PROCLAMATION DESIGNATING NATIONAL FFA WEEK.**

Commissioner Gary Kofford made a motion to ratify the decision to designate February 21 through 28, 2004 as National FFA Week. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)  
**DISCUSSION AND APPROVAL OF 2004 SCHEDULE A AND PROJECT AGREEMENT FOR FERRON-MAYFIELD ROAD PROJECT #50007.**

Road Supervisor, Rex Funk explained that the agreement with the Forest Service is the usual agreement wherein the County blades and provides maintenance for Forest roads in the County. The only change in the agreement is the length of the roads serviced has been extended. Rex indicated that the Road Department receives allocation funds to help compensate for the cost which is usually not nearly enough to cover the cost to service the roads. Commissioner Ira Hatch made a motion to approve Schedule A Maintenance agreement with the Forest Service as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

The Ferron-Mayfield Road Project #50007 provides for Magnesium Chloride maintenance for

COMMISSION MEETING MINUTES  
MARCH 2, 2004

Forest Service roads. They purchase the Mag-Chloride and the County Road Department dispenses it on Forest Service roads. Commissioner Ira Hatch made a motion to approve the Ferron-Mayfield Road Project #50007 agreement. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

**APPROVAL OF HUNTINGTON AIRPORT LEASE/MANAGEMENT AGREEMENT.**

In last Commission meeting the Board of Commission approved Robert Midgley as the new Huntington Airport Manager. Attorney David Blackwell worked through some details in the agreement and it is now ready for approval. Commissioner Ira Hatch made a motion to approve the Huntington Airport Lease/ Management Agreement with Robert Midgley. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Hatch explained that the carpet in the airport house needs to be replaced on an emergency basis. He asked Clerk/Auditor to contact local carpet vendors and receive bids to replace the carpet. Two bids were received from Affordable Flooring for \$1,905.56 and Red Carpet for \$1,706.40. Commissioner Ira Hatch made a motion to award the bid to Red Carpet with the low bid of \$1,706.40. The motion was seconded by Commissioner Gary Kofford adding that the item will be ratified in the next meeting. The motion was approved by all members present.

**(16)**

**APPROVAL OF BUSINESS LICENSE**

Business license applications were reviewed for Lenny Parlo DBA: Three Sevens Ranch for a bookstore and snack shack, and Robert Midgley DBA: Huntington Municipal Airport Management for airport operations. The applications have been reviewed and signed by Zoning Administrator, Bryant Anderson. Commissioner Gary Kofford made a motion to approve the business license applications for Lenny Parlo and Robert Midgley as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(17)**

**DISCUSSION AND APPROVAL OF UNPAID AMBULANCE BILLS AND WRITE-OFFS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the names of those individuals who have requested to have unpaid ambulance bills written off. Those individuals were as follows:  
• Glenda Hansen; letter of request, Commissioner Ira Hatch made a motion to refer her back to JCI Billing to request payments. The motion was seconded by Commissioner Gary Kofford and

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approved by all members present.

• Casey Conover; incarcerated, Commissioner Gary Kofford made a motion to pursue the bill as he is no longer incarcerated. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

• J. Charles Lofley; Commissioner Ira Hatch made a motion to write-off the unpaid ambulance bill for Charles Lofley. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

• Laura Nielsen; Commissioner Ira Hatch made a motion to pursue the bill. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

• Karly Dunn; Commissioner Gary Kofford made a motion to write-off the unpaid ambulance bill. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

• James Alexander; the Board of Commissioners tabled this and will look at it next time.

• Helen Manley; Commissioner Ira Hatch made a motion to write-off the unpaid ambulance bill for Helen Manley. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(18)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #160666 through and including #160788 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
15-04	HP Laser Jet 120 Color Printer Sheriff/Predisaster Mitigation Grant	\$1,180.98	Approved
16-04	AC Power Adapter Ambulance	840.00	Approved
17-04	Heavy Duty Vehicle Seat Simulator Sheriff/SEUDH Grant	1,620.00	Approved

One disposition was presented for a monitor from the Sheriff's Department. The monitor does not work.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner



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Ira Hatch and approved by all members present.

(19)

**PAT SNOWBALL, PERSONNEL DIRECTOR, PERSONNEL ACTION**

Assessor

Request was made to hire Melinda Wilbanks, temporary worker, up to 90 days, beginning February 23, 2004. Commissioner Ira Hatch made a motion to ratify the decision to hire Melinda Wilbanks as temporary worker in the Assessor's Office up to 90 days as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Clerk/Auditor

Janalee Luke, Deputy Clerk/Auditor, has successfully completed her six-month orientation period and it was Bruce Funk's recommendation that she receive the routine grade increase effective the first of the next pay period, March 15, 2004. Commissioner Gary Kofford made a motion to approve the routine grade increase for Janalee Luke as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Library

Request was made to hire Ann Marie Anderson as Assistant Librarian at the Emery Library. This is a part time position, less than 20 hours per week, not eligible for benefits to begin March 3, 2004. Commissioner Gary Kofford made a motion to approve hiring Ann Marie Anderson as Assistant Librarian in Emery as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Treasurer

Chris Hansen, Deputy Treasurer, is eligible to receive a routine grade increase. It was Steve Barton's recommendation that he receive the increase effective the first of the next pay period, March 15, 2004. Commissioner Ira Hatch made a motion to approve the grade increase for Chris Hansen as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(20)

**APPROVAL OF COMMISSION MEETING MINUTES**

COMMISSION MEETING MINUTES  
MARCH 2, 2004

Commissioner Gary Kofford made a motion to approve the minutes dated February 17, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(21)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported on AOG Conference and Training on Planning. He also reported on Education Week at the Legislature.

*Commissioner Hatch*

Commissioner Hatch recently attended an insurance meeting where he received information regarding insurance and unemployment compensation. He encouraged all employees to answer questionnaires soon to be distributed to employees. He attended a meeting with the Governor on wilderness issues. He, Commissioner Kofford and Commissioner Sitterud also attended a meeting in Richfield regarding RS2477 issues and strategies to deal with litigation involving SUWA. He and Commissioner Kofford conducted a warranty walk through on the courts complex. Representatives from the state courts and Sahara, contractors on the project were also present. He attended the farewell for Roger Sparks, DWFS. He also attended a retirement open house for Jolene Petty. Jolene has worked for Senior Citizens for Twenty-Four years and several years as the director of the Ferron Senior Citizen Program.

*Commissioner Sitterud*

Commissioner Sitterud reported on the recent land trade with Huntington City. They have agreed to pay one half the closing cost as the county requested. They will also assume the lease with UDOT and they will negotiate the trade with them. He also reported to expect as much as two hour delays on Highway 6 and 10 this summer. UDOT will be working on the Helper exchange and redoing the Colton Bridge on Highway 6. They will also be working on the Muddy Creek Bridge towards Emery. He also reported on reconstruction projects at the Nursing Home in Ferron.

**(22)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

9

COMMISSION MEETING MINUTES  
MARCH 2, 2004

An executive session was not needed.

**(23)**

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

MARCH 16, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Sitterud told citizens at the meeting that Sheriff Guymon had to leave the meeting at 10:00 a.m.. As we move through the agenda as we come close to the time Sheriff Guymon must leave the meeting Commissioner Sitterud will move into an executive session and return to the regular meeting after executive session.

**(1)**  
**DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Deb Dull was not able to attend the meeting and asked to be moved to the April 6, 2004 meeting.

**(2)**  
**JAN PETERSEN, MUSEUM OF THE SAN RAFAEL, DISCUSSION OF HIRING AN EMPLOYEE DUE TO GREEN THUMB CUT BACKS.**

Jan Petersen, Museum of the San Rafael explained that due to federal budget cuts the museum has lost two employees. Green Thumb is a federally funded program which the museum has taken advantage of for over ten years to staff the museum. The current Green Thumb employees are Willard Young and Revolla Whittle. The federal budget for Green Thumb has been cut so the program will no longer be available to them to staff the museum. They have lost two of their staff members and have had to close the Pioneer Museum. The Museum Board suggested hiring Revolla Whittle to staff the Museum of the San Rafael and taking the funds from the museum budget to pay her. She would work twenty hours a week at \$5.00 per hour. Jan suggested that she be paid through a claim in the same manner that she is now paid. Commissioner Sitterud expressed concern that there may not be enough in the museum budget to handle this request. Commissioner Hatch suggested that the Transient Room Tax that comes back to the county is partially earmarked for tourist development. Emery County is partially funding the John Wesley Powell Museum through the Travel Council. Historically, the county has funded the Museum of the San Rafael through the general fund. He suggested approaching the Travel Council to request some funding assistance. The County may have to make up the difference through the general fund. Commissioner Hatch will approach the Travel Council with the request. Commissioner Gary Kofford made a motion to approve hiring Revolla Whittle as a part time employee with no benefits for twenty hours a week at minimum wage \$5.15. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

**DARRELL LEAMASTER, PRESENTATION AND APPROVAL OF THE EMERY COUNTY PCIFB PRIORITY LIST.**

Darrel Leamaster, Castle Valley Special Service District presented the Permanent Community Impact Fund Board Local Capital Improvement List. He reviewed the medium term list and the short term list with the Board of Commissioners. Commissioner Ira Hatch made a motion to approve the Emery County PCIFB Priority List as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**CITIZEN CONCERNS**

Commissioner Ira Hatch reported that Rob Midgley is the new Huntington Airport Manager. He is making real progress and marked improvements at the airport.

Sheriff Guymon discussed a growing problem regarding the landfill. His department has noticed several loaded vehicles heading out to the landfill on Mondays. They have had complaints of garbage, tree limbs and other debris being dumped in the cedars as a result of not having the landfill open on Monday.

(5)

**APPOINTMENTS TO THE PLANNING COMMISSION.**

Commissioner Gary Kofford made a motion to re-appoint Mike McCandless and Glenys Sitterud to the Planning Commission. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**SETTING OF PUBLIC HEARING FOR LEVEL III CONDITIONAL USE PERMIT FOR MAC'S MINING.**

Commissioner Gary Kofford made a motion to set a Public Hearing for Tuesday, April 20, 2004 at 10:00 a.m. to discuss a compliance issue with regards to Mac's Mining equipment yard and to assign Leslie Bolinder to do the advertising. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF AMENDMENT #4 TO CONTRACT 030849 BETWEEN EMERY COUNTY ECONOMIC DEVELOPMENT AND THE DEPARTMENT OF WORKFORCE SERVICES.**

Marlin Eldrid, Director, Economic Development reported that about a year and a half ago

Department of Workforce Services contracted with Emery TelCom to conduct three types of phone calls. They called individuals looking for jobs through Workforce Services, employees of Workforce Services and those who actually got jobs through Workforce Services. The calls are required annually by the federal government. The contract had to be administered through a county entity, so Emery County is merely a flow through for the funds. This amendment is for the final phase funding (September 2004) for this project. There is a possibility it may be extended another year. Marlin recommended charging an administration fee if we do extend for another year. Commissioner Gary Kofford made a motion to approve Amendment #4 to contract #030849 between Emery TelCom and Department of Workforce Services as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)**

**APPROVAL OF APPOINTMENTS TO EMERY COUNTY ECONOMIC DEVELOPMENT COUNCIL, INC.**

Commissioner Ira Hatch made a motion to approve Board appointments to the Emery County Economic Development Council, Inc. as follows:

Rob Midgley, at large, Jon Sorensen, Karen Truman, Larry Salazar, Jared Haddock, Darrell Bossards, Julie Jones and Jo Sanserveo. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**

**APPROVAL FOR OUT-OF-STATE TRAVEL FOR SHERIFF'S DEPARTMENT.**

Sheriff Guymon indicated that the travel will be for two deputies to travel to Washington, D.C. to attend a ceremony wherein Jeremiah Johnson's name will be placed on the Police Hall of Fame Memorial Wall. Jeremiah's widow, Lisa will be attending the ceremony and two deputies, Kyle Ekker and Gayle Jensen will accompany her. Sheriff Guymon indicated his budget does not reflect the funds to support the travel and asked for financial assistance. Commissioner Gary Kofford made a motion to approve up to \$5,000.00 to assist in sending the two deputies to the ceremony, possibly pulling the funds from Dues and Contributions. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)**

**DISCUSSION OF BUSINESS LICENSE ORDINANCE.**

In a previous Commission Meeting, Attorney David Blackwell was assigned to look into the Business license Ordinance to see if it needed to be updated. He reported that in 1985 the Business License Ordinance was challenged. The lower court ruled that the additional fee portion of the ordinance was beyond the scope of Utah Statute and it was struck down. It was appealed to the Supreme Court where it was upheld. That nullified certain sections of the ordinance. Apparently additional fees were being charged to the mines. The portion of the ordinance where a minimum fee of \$25.00 for a business license is still in effect.

Deputy Attorney Alan Thorpe could not recall anything new after the court ruling. Mr. Blackwell asked if the Commission wanted to look at updating the ordinance? Commissioner Gary Kofford made a motion to have Attorney David Blackwell pursue and update that portion

of the ordinance that pertains to the mines and additional fees. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Sitterud explained that the Board of Commissioners will use the Business License Ordinance that the County has and will ask for proof of business license as part of the bidding process.

**(11)**

**APPOINTMENT TO THE EMERY COUNTY TRAVEL COUNCIL.**

Upon recommendation from the Emery County Travel Council Commissioner Ira Hatch made a motion to re-appoint LaMar Guymon to the Emery County Travel Council. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #160863 through and including #161156 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
18-04	Lightbar/Siren/Speaker (2) Durangos/Sheriff	\$3232.20	Approved
19-04	Lights/Flashers/Speakers Detective/Sheriff	855.60	Approved
20-04	Titanium two piece litter Posse/Sheriff	1334.90	Approved
21-04	Fire Wall Sheriff	782.83	On Hold
22-04	Laptop Computers (4) Sheriff/Weapons/Mass Destruction	7910.76	Approved
23-04	Mobile Radios 110 Watt (50) Communications	66685.00	Approved
24-04	Hand Held Radios 5 Watt (50)		

	Communications	32339.00	Approved
25-04	Fire Extinguishers (8) Airport	461.20	Approved

One Disposition was presented for Asset#136-7225 a 17" monitor from the Treasurer. It will be stored until the next surplus property sale.

Bruce reported that the county has received a refund and credit from two utilities as a result of the recent utility audit performed by Avatar Corporation. He also asked if there was a need to continue to pay for power and heat in the old Sheriff's building. It is costing the County quite a bit each month to pay for power and heat at that building.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions with the exception of requisition #21-04 for the firewall. Commissioner Gary Kofford made an amendment to the motion by approving the requisition based upon meeting with Bret Mills and Jeff Guymon to discuss the need for the firewall. The motion was then seconded by Commissioner Gary Kofford and approved by all members present.

**(13)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Sheriff's Department

Martin Wilson received a promotion in September, 2003. He has successfully completed the orientation period and it is recommended that he receive a step increase which would become effective the first of the next pay period, March 29, 2004. Commissioner Gary Kofford made a motion to approve the step increase for Martin Wilson as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Tosha and John Barnett have a new baby boy, born March 11, 2004. Tosha has asked that she be able to use John's sick leave as a part of her Family Leave. Under the policy an employee may only contribute forty hours of sick leave. While Family Leave has been approved, Tosha's own accrued leave is not sufficient for her to take all paid leave. John and Tosha are requesting an exception to the policy in this case. After discussion on this matter, Commissioner Ira Hatch made a motion to adhere to the policy and advertise for volunteers to donate sick time to Tosha and if there is not enough time donated to return to Commission Meeting for more discussion. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Library



Jerilyn Mathis received word from Dorothy Taylor that she quit her job. Dorothy was recently placed in the Orangeville Library as Assistant Librarian. Jerilyn asked for approval to advertise for a replacement at the Orangeville Library. Commissioner Gary Kofford expressed concern for doing anything until the County has a letter of resignation from Dorothy Taylor. He was not opposed to advertising for a librarian at twenty hours or less at base wage. Advertising can be done for applications only. However, the position will not be filled until we receive the letter from Dorothy. Commissioner Gary Kofford made a motion to do nothing until we receive a letter of resignation from Dorothy Taylor but to allow posting for a position at twenty hours a week or less at base wage. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(14)**

**OTHER BUSINESS**

Clerk/Auditor Bruce Funk asked for consideration of a business license. He has placed it on the agenda for the next Commission Meeting to have it ratified. The business license was for Bruce and TedAnn Funk DBA: B&T Builders. B&T Builders is a building and painting contractor. The application has been approved by Zoning Administrator, Bryant Anderson. He also asked to accept his statement of interest as B&T Builders is his own personal business and he does business with the county. Commissioner Gary Kofford made a motion to approve the business license application for B&T Builders and to ratify in the next Commission Meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated March 2, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(16)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported that in the Emery County Progress this week will be the request for bids a project manager for remodeling the courthouse. Site showing will be mandatory on the 25<sup>th</sup> of March. The bids will be opened in MBA meeting on April 6, 2004 at 2:00p.m.

He discussed the old Sheriff's buildings. He suggested having another surplus property sale to get rid of all the stuff lying around the buildings. He met recently with the representatives from Head Start who a year ago requested to use the 1400 sq. ft. office area for classrooms. They asked that if the County would contribute the floor space then they would pay for the reconstruction and utilities. Commissioner Kofford suggested that he would ask the Head Start group look at other options, perhaps pursuing a grant to build a new building. The old Sheriff's

building is not structurally safe.

*Commissioner Ira Hatch*

Commissioner Hatch reported that he has met with the Council of Government to discuss building inspections. They are sending out requests for proposals to provide this service. He met with Skyline Weed Committee they are moving ahead with funds they have received from USDA to work on projects in the county. Commissioner Hatch traveled to Green River to attend Travel Council meeting.

*Commissioner Drew Sitterud*

Commissioner Sitterud attended CIB Board meeting in Moab. The Recreation Special Service District has received a \$130,000.00 grant to replace all the picnic tables at Bear Creek Campground. They will also do some work at the Huntington Ball Complex. They will move the dugouts, put nets over the spectator area, provide lighting at the tennis courts and fence the hill by the parking lot. They will also put in new trap houses at the Sheriff's shooting range.

RAC meeting for bucks and bulls will be tonight in Green River. Anyone interested in permits for bucks and bulls was encouraged to come.

He met with Governor McCackney in a meeting in St. George where they discussed pushing a state wide wilderness bill. Senator Bennett was willing to put it together but not sponsor it. He was hoping to get democrats to sponsor it with him as a co-sponsor. This was all just in the speaking stage. There is no bill written. It was decided that the counties did not want to push a statewide bill. The counties would rather push a bill county by county. Which raised concerns because most of the counties that go through first will not have any concerns. Sixteen of the twenty-nine counties in Utah that have WSA's in them are the only counties who will be meeting from now on.

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

MARCH 16, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Sitterud told citizens at the meeting that Sheriff Guymon had to leave the meeting at 10:00 a.m.. As we move through the agenda as we come close to the time Sheriff Guymon must leave the meeting Commissioner Sitterud will move into an executive session and return to the regular meeting after an executive session.

(1)

**DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Deb Dull was not able to attend the meeting and asked to be moved to the April 6, 2004 meeting.

(2)

**JAN PETERSEN, MUSEUM OF THE SAN RAFAEL, DISCUSSION OF HIRING AN EMPLOYEE DUE TO GREEN THUMB CUT BACKS.**

Jan Petersen, Museum of the San Rafael explained that due to federal budget cuts the museum has lost two employees. Green Thumb is a federally funded program which the museum has taken advantage of for more than ten years to staff the museum. The current Green Thumb employees are Willard Young and Revolla Whittle. The federal budget for Green Thumb has been cut so the program will no longer be available to them to staff the museum. They have lost two of their staff members and have had to close the Pioneer Museum. The Museum Board suggested hiring Revolla Whittle to staff the Museum of the San Rafael and taking the funds from the museum budget to pay her. She would work twenty hours a week at \$5.00 per hour. Jan suggested that she be paid through a claim in the same manner that she is now paid. Commissioner Sitterud expressed concern that there may not be enough funds in the museum budget to handle this request. Commissioner Hatch suggested that the Transient Room Tax that comes back to the county is partially earmarked for tourist development. Emery County is partially funding the John Wesley Powell Museum through the Travel Council. Historically, the county has funded the Museum of the San Rafael through the general fund. He suggested approaching the Travel Council to request some funding assistance. The County may have to make up the difference through the general fund. Commissioner Hatch will approach the Travel Council with the request. Commissioner Gary Kofford made a motion to approve hiring Revolla Whittle as part a time employee with no benefits, twenty hours a week at minimum wage \$5.15.

The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

**DARRELL LEAMASTER, PRESENTATION AND APPROVAL OF THE EMERY COUNTY PCIFB PRIORITY LIST.**

Darrel Leamaster, Castle Valley Special Service District presented the Permanent Community Impact Fund Board Local Capital Improvement List. He reviewed the medium term list and the short term list with the Board of Commissioners. Commissioner Ira Hatch made a motion to approve the Emery County PCIFB Priority List as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**CITIZEN CONCERNS**

Commissioner Ira Hatch reported that Rob Midgley is the new Huntington Airport Manager. He is making real progress and marked improvements at the airport.

Sheriff Guymon discussed a growing problem regarding the landfill. His department has noticed several loaded vehicles heading out to the landfill on Mondays. They have had complaints of garbage, tree limbs and other debris being dumped in the cedars as a result of not having the landfill open on Monday.

(5)

**APPOINTMENTS TO THE PLANNING COMMISSION.**

Commissioner Gary Kofford made a motion to reappoint Mike McCandless and Glenys Sitterud to the Planning Commission. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**SETTING OF PUBLIC HEARING FOR LEVEL III CONDITIONAL USE PERMIT FOR MAC'S MINING.**

Commissioner Gary Kofford made a motion to set a Public Hearing for Tuesday, April 20, 2004 at 10:00 a.m. to discuss a compliance issue with regards to Mac's Mining equipment yard and to assign Leslie Bolinder to do the advertising. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF AMENDMENT #4 TO CONTRACT 030849  
BETWEEN EMERY COUNTY ECONOMIC DEVELOPMENT AND THE  
DEPARTMENT OF WORKFORCE SERVICES.**

Marlin Eldrid, Director, Economic Development reported that about a year and a half ago Department of Workforce Services contracted with Emery TelCom to conduct three types of phone calls. They called individuals looking for jobs through Workforce Services, employees of Workforce Services and those who actually got jobs through Workforce Services. The calls are required annually by the federal government. The contract had to be administered through a county entity, so Emery County is merely a flow through for the funds. This amendment is for the final phase funding (September 2004) for this project. There is a possibility it may be extended another year. Marlin recommended charging an administration fee if we do extend for another year. Commissioner Gary Kofford made a motion to approve Amendment #4 to contract #030849 between Emery TelCom and Department of Workforce Services as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)**  
**APPROVAL OF APPOINTMENTS TO EMERY COUNTY ECONOMIC  
DEVELOPMENT COUNCIL, INC.**

Commissioner Ira Hatch made a motion to approve Board appointments to the Emery County Economic Development Council, Inc. as follows:

Rob Midgley, at large, Jon Sorensen, Karen Truman, Larry Salazar, Jared Haddock, Darrell Bossards, Julie Jones and Jo Sanservero. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**  
**APPROVAL FOR OUT-OF-STATE TRAVEL FOR SHERIFF'S DEPARTMENT.**

Sheriff Guymon indicated that the travel will be for two deputies to travel to Washington, D.C. to attend a ceremony wherein Jeremiah Johnson's name will be placed on the Police Hall of Fame Memorial Wall. Jeremiah's widow, Lisa will be attending the ceremony and two deputies, Kyle Ekker and Gayle Jensen will accompany her. Sheriff Guymon indicated his budget does not reflect the funds to support the travel and asked for financial assistance. Commissioner Gary Kofford made a motion to approve up to \$5,000.00 to assist in sending the two deputies to the ceremony, possibly pulling the funds from Dues and Contributions. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)**

**DISCUSSION OF BUSINESS LICENSE ORDINANCE.**

In a previous Commission Meeting, Attorney David Blackwell was assigned to look into the Business license Ordinance to see if it needed to be updated. He reported that in 1985 the Business License Ordinance was challenged. The lower court ruled that the additional fee portion of the ordinance was beyond the scope of Utah Statute and it was struck down. It was appealed to the Supreme Court where it was upheld. That nullified certain sections of the ordinance. Apparently additional fees were being charged to the mines. The portion of the ordinance where a minimum fee of \$25.00 for a business license is still in effect. Deputy Attorney Alan Thorpe could not recall anything new after the court ruling. Mr. Blackwell asked if the Commission wanted to look at updating the ordinance? Commissioner Gary Kofford made a motion to have Attorney David Blackwell pursue and update that portion of the ordinance that pertains to the mines and additional fees. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Sitterud explained that the Board of Commissioners will use the Business License Ordinance of the County and now will for proof of business license as part of the bidding process.

(11)

**APPOINTMENT TO THE EMERY COUNTY TRAVEL COUNCIL.**

Upon recommendation from the Emery County Travel Council Commissioner Ira Hatch made a motion to reappoint LaMar Guymon to the Emery County Travel Council. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #160863 through and including #161156 for payment.

Requisitions were presented for the following:

COMMISSION MEETING MINUTES  
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<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
18-04	Lightbar/Siren/Speaker (2) Durangos/Sheriff	\$3232.20	Approved
19-04	Lights/Flashers/Speakers Detective/Sheriff	855.60	Approved
20-04	Titanium two piece litter Posse/Sheriff	1334.90	Approved
21-04	Fire Wall Sheriff	782.83	On Hold
22-04	Laptop Computers (4) Sheriff/Weapons/Mass Destruction	7910.76	Approved
23-04	Mobile Radios 110 Watt (50) Communications	66685.00	Approved
24-04	Hand Held Radios 5 Watt (50) Communications	32339.00	Approved
25-04	Fire Extinguishers (8) Airport	461.20	Approved

One Disposition was presented for Asset#136-7225 a 17" monitor from the Treasurer. It will be stored until the next surplus property sale.

Bruce reported that the county has received a refund and credit from two utilities as a result of the recent utility audit performed by Avatar Corporation. He also asked if there was a need to continue to pay for power and heat in the old Sheriff's building. It is costing the County quite a bit each month to pay for power and heat at that building.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions with the exception of requisition #21-04 for the firewall. Commissioner Gary Kofford made an amendment to the motion by approving the requisition based upon meeting with Bret Mills and Jeff Guymon to discuss the need for the firewall. The motion was then seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**Sheriff's Department

Martin Wilson received a promotion in September 2003. He has successfully completed the orientation period and it is recommended that he receive a step increase which would become effective the first of the next pay period, March 29, 2004. Commissioner Gary Kofford made a motion to approve the step increase for Martin Wilson as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Tosha and John Barnett have a new baby boy, born March 11, 2004. Tosha has asked that she be able to use John's sick leave as a part of her Family Leave. Under the policy an employee may only contribute forty hours of sick leave. While Family Leave has been approved, Tosha's own accrued leave is not sufficient for her to take all paid leave. John and Tosha are requesting an exception to the policy in this case. After discussion on this matter, Commissioner Ira Hatch made a motion to adhere to the policy and advertise for volunteers to donate sick time to Tosha and if there is not enough time donated to return to Commission Meeting for more discussion. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Library

Jerilyn Mathis received word from Dorothy Taylor that she quit her job. Dorothy was recently placed in the Orangeville Library as Assistant Librarian. Jerilyn asked for approval to advertise for a replacement at the Orangeville Library. Commissioner Gary Kofford expressed concern for doing anything until the County has a letter of resignation from Dorothy Taylor. He was not opposed to advertising for a librarian at twenty hours or less at a base wage. Advertising can be done for applications only. However, the position will not be filled until we receive the letter from Dorothy. Commissioner Gary Kofford made a motion to do nothing until we receive a letter of resignation from Dorothy Taylor but to allow posting for a position at twenty hours a week or less at a base wage. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**OTHER BUSINESS**

Clerk/Auditor Bruce Funk asked for consideration of a business license. He has placed it on the agenda for the next Commission Meeting to have it ratified. The business license was for Bruce and TedAnn Funk DBA: B&T Builders. B&T Builders is a building and painting contractor. The application has been approved by Zoning Administrator, Bryant Anderson. He also asked to accept his statement of interest as B&T Builders is his own personal business and



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MARCH 16, 2004

he does business with the county. Commissioner Gary Kofford made a motion to approve the business license application for B&T Builders and to ratify in the next Commission Meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated March 2, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(16)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported that in the Emery County Progress this week will be the request for bids for a project manager for remodeling the courthouse. Attendance at a site showing will be mandatory on the 25<sup>th</sup> of March. The bids will be opened in MBA meeting on April 6, 2004 at 2:00p.m.

He discussed the old Sheriff's buildings. He suggested having another surplus property sale to get rid of all the stuff lying around the buildings. He met recently with the representatives from Head Start who a year ago requested to use the 1400 sq. ft. office area for classrooms. They asked that if the County would contribute the floor space then they would pay for the reconstruction and utilities. Commissioner Kofford suggested that he would ask the Head Start group to look at other options, perhaps pursuing a grant to build a new building. The old Sheriff's building is not structurally safe.

*Commissioner Ira Hatch*

Commissioner Hatch reported that he has met with the Council of Government to discuss building inspections. They are sending out requests for proposals to provide this service. He met with Skyline Weed Committee they are moving ahead with funds they have received from USDA to work on projects in the county. Commissioner Hatch traveled to Green River to attend Travel Council meeting.

COMMISSION MEETING MINUTES  
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*Commissioner Drew Sitterud*

Commissioner Sitterud attended CIB Board meeting in Moab. The Recreation Special Service District has received a \$130,000.00 grant to replace all the picnic tables at Bear Creek Campground. They will also do some work at the Huntington Ball Complex. They will move the dugouts, put nets over the spectator area, provide lighting at the tennis courts and fence the hill by the parking lot. They will also put in new trap houses at the Sheriff's shooting range.

RAC meeting for bucks and bulls will be tonight in Green River. Anyone interested in permits for bucks and bulls was encouraged to attend.

He met with most of the counties' representatives in St. George where they discussed pushing a state wide wilderness bill. Senator Bennett was willing to put it together, but not sponsor it. He was hoping to get some democrats to sponsor it with him as a co-sponsor. This was all just in the speaking stage. There is no bill written. It was decided by the counties in attendance that they did not want to try to push a statewide bill. The counties would rather push a bill county by county. This raised concerns because most of the counties that go through first will not have any concerns. They do not have WSA's and SUWA would not be looking at them. Sixteen of the twenty-nine counties in Utah that have WSA's in them are the only counties who will be meeting from now on. They intend to bring SUWA and all users to the table to talk things over.

RS2477 is moving along slowly. The RS2477 Committee met after the meeting in St. George. They will try to get another ten roads cleared to begin the process.

A wolf management meeting will be held Thursday, March 18, 2004 at 10:00 a.m. in Price at the Castle Valley Center. They will discuss wolf management in Utah and will receive input on how we as a county want wolves managed in our county. They need input from as many people as possible.

He will be meeting with the engineers at Joe's Valley Reservoir for the low boat ramp. They hope to begin work on the ramp in May.

(17)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Commissioner Gary Kofford made a motion to move into an executive session to discuss possible litigation and personnel matters.

Present at the session was Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Personnel Director Pat Snowball and Deputy Clerk/Auditor Carol Cox.

Discussed was pending litigation regarding a personnel matter.

(18)

**ADJOURNMENT**

Upon returning to the regular meeting Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 6, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Sheriff LaMar Guymon, Sr. Deputy Clerk/Auditor Brenda Dugmore, other elected officials and citizens.

(1)

**KRIS BELL, PERSONAL PROPERTY TAX ABATEMENT FOR EDITH BEMIS.**

Assessor Kris Bell presented the Commission with a request to abate personal property taxes for Edith Bemis. The taxes were due on January 31, 2004. Ms. Bemis was in the nursing home at that time and died in February 2004. Ms. Bemis gave the trailer to her sister so she could sell it and have money to pay for her funeral expenses. There are \$413.00 owing in taxes. The current amount of interest owing is \$7.14. Commissioner Gary Kofford made a motion to abate 50 percent of the taxes owing. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Deb Dull, Utah Power, gave the Commission an update of changes occurring at Utah Power. On April 1, 2004 Bill Landels retired and Richard Walje became the executive vice president for Utah Power. Also on April 1, 2004 Utah Power was granted a new electric rate increase. Due to the high demand for power in the summer months a three tier pricing system will be implemented from May through September to try to curb the usage of central air. Currently, central air usage accounts for 30 percent of the power used in the average home.

In the Spring of 2003 Utah Power began a program called See You Later Refrigerator. Utah Power will pay customers \$40.00 for their old refrigerator. Currently the program has replaced 13,000 old refrigerators.

The Director of the Utah Energy Office will be giving a presentation to Governor Olene Walker tomorrow concerning the interaction of drought and its affects on energy production. They wanted to question Utah Power on Carbon/Huntington because of the Electric Lake situation. Utah Power does not intend to lease water this year at the Huntington plant however, the loss of snow pack in the month of March has taken away much of their margin of error. Work is being done with Huntington/Cleveland Irrigation Company to improve efficiency on the Huntington Creek drainage. Utah Power is highly dependent on getting back to a normal moisture cycle.

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The good news from the company is during the last eight months Utah Power has hired eighteen employees at Hunter Plant, one employee at Huntington Plant, three employees at the Carbon Plant, five service foremen and sixteen temporary underground miners at Energy West. The majority of these new hires were from the area.

**(3)**

**REQUEST TO SET DATE/TIME OF PUBLIC HEARING ON THE REVISED EMERY COUNTY ZONING ORDINANCE.**

The Planning & Zoning Commission has been working on revisions to the Emery County Zoning Ordinance, particularly housing in the County. Commissioner Gary Kofford made a motion to set a public hearing for May 4, 2004 at 5:00 p.m. to address the proposed changes. The motion was seconded by Commissioner Ira Hatch and approved by all members present. There will be time after the public hearing to make changes if necessary. The notice will need to be published in the paper two weeks before the hearing.

**(4)**

**CITIZEN CONCERNS.**

***Youth and Families with Promise***

Diane Tadehara, site coordinator for the Youth and Families with Promise, discussed with the Commission the need for funding in order to continue the program. Federal funding has been cut. Last year a fund raiser was held in conjunction with the hair stylists in the County. One dollar per cut was donated during the month of August. Senator Orrin Hatch has been able to get some money appropriated to keep the program in operation but the individual counties have to come up with matching funds. When the program began a year and a half ago there were 4 kids in the program. This year there are 17 kids and 12 young adult mentors. Commissioner Ira Hatch will get with Dennis Worwood and go over the budget to see if there is any money available in the extension budget to help with the program.

**Swinging Bridge**

Bert Oman, Historical Society, discussed with the Commission concerns over the restoration of the swinging bridge. He stated that he and Mervin Miles inspected the bridge and they feel it is in good condition. Kathleen Truman, State History, is working on a grant for \$4,500.00 through the State Historical Society. People from State History will come down and develop a plan for the restoration and give us the guidelines that will have to be followed since it is a historical site. Commissioner Kofford stated that he felt the Commission all agreed that the bridge has great historical significance and should be preserved. Commissioner Hatch stated that a plan needs to be developed. Because the State has regulations on how the money can be spent we need to make sure the plan fits into their guidelines. Commissioner Hatch stated his support for efforts

to maintain the site as a historic location.

(5)

**STEVE BARTON, UPDATE ON EMERY TELCOM TAX APPEAL.**

Emery County Treasurer Steven Barton gave the Commission an update on the Emery Telcom tax appeal. The taxes appealed are for 2003. There was property reported as plant in service when in reality it was not in service. The total amount that is due back to Emery Telcom is \$15,492.48. The amount of Emery County's share would be \$5,116.29. This is the biggest appeal for the current year thus far.

(6)

**CONSIDERATION AND APPROVAL OF AGREEMENT WITH UTAH DEPARTMENT OF CORRECTIONS AND EMERY COUNTY FOR TELEPHONE SERVICE.**

Jay Schelin, Facilities Manager, presented the Commission with a contract for telephone services. The contract is for 5 years and provides for payments to the County for up to \$12,000.00. If that amount is exceeded, the contract will need to be amended. Commissioner Gary Kofford made a motion to sign the contract with the Utah Department of Corrections. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**RATIFICATION OF MOA TO DOCUMENT AN ORAL HISTORY ABOUT THE MUDDY CREEK BRIDGE AND SURROUNDING GENERAL SETTLEMENT.**

Commissioner Gary Kofford made a motion to ratify the MOA to document an oral history about the Muddy Creek bridge and surrounding general settlement. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF LSTA GRANT CONTRACT APPROVAL FOR THE EMERY COUNTY LIBRARY.**

Jeff Guymon, IT Director, applied for a LSTA grant for the library. The grant is for \$7,490.00. The grant will enable the library to purchase seven more computers. There is no match required for the grant. Commissioner Gary Kofford made a motion to approve the LSTA grant. The motion was seconded by Commissioner Ira Hatch and approved by all members present. Loyette Holdaway is going to take over writing and submitting the grants for the libraries.

(9)

**DISCUSSION OF JOE'S VALLEY BOAT RAMP PROJECT AND SEEK APPROVAL**

COMMISSION MEETING MINUTES  
APRIL 6, 2004

**TO AWARD BID.**

Commissioner Sitterud discussed the Joe's Valley boat ramp project. Last year the County applied for a grant. It was denied. Early last fall the grant was applied for again and it was approved. The grant is to put a boat ramp on the east side of Joe's Valley Reservoir. The mud is silting in where the existing boat ramp is and the cost to remove the mud was so great that it was not feasible. Historically the water does not rise until the end of April. The lake has already started to rise. Every foot of water that raises causes a loss of sixteen feet of boat ramp. The lake has already risen two feet. The project has been put on a fast track. There was a site showing last Wednesday. The bids will be in on Thursday. The 404 permit has not come through yet. This is the permit that will allow work to be done within the water inundation line of the lake. Commissioner Sitterud is seeking approval to move forward with this project if the bid that is received is under the engineer's estimate. Commissioner Ira Hatch made a motion to give Commissioner Sitterud authority to award the bid if the bid comes in at or under the engineer's estimate and ratify the action at the next meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present. The boat ramp will be designed so it can be poured as far down as the water will allow up to 500 feet. If the water level goes down more in the fall more cement will be poured then.

**(10)**

**SETTING DATE AND ADVERTISEMENT FOR MAY TAX SALE.**

Sr. Deputy Clerk/Auditor presented May 25, 2004 at 10:00 a.m. for the tentative date for the May tax sale. Commissioner Ira Hatch made a motion to set the date for the May tax sale as May 25, 2004 at 10:00 a.m. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)**

**RATIFICATION OF BUSINESS LICENSE FOR B&T BUILDERS.**

This item was approved last meeting but was not on the agenda. Commissioner Ira Hatch made a motion to ratify the business license for B&T Builders. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Commissioner Ira Hatch would like to put together a committee for a flower fund for the County. There seems to be duplication of flowers being sent to funeral services. Commissioner Hatch will bring back suggestions to the next meeting.

COMMISSION MEETING MINUTES  
APRIL 6, 2004

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #161279 through and including #161495 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
26-04	Paging Terminal/VHF Radios Power Supply/Antenna/Sheriff	\$9,896.00	Approved
27-04	(2) Base Stations/Repeater/ Repeater Duplexer/Sheriff	18,896.28	Approved
28-04	HP Design Jet Plotter/ IT	16,200.00	Approved
29-04	(3) Fuel Tanks/Pumps/Key Boxes Highway	5,000.00	Approved
30-04	Fuel Pumping Station Landfill	920.00	Approved
31-04	(1) Flat Bed Highway	1,229.00	Approved
32-04	Window Blinds Airport	356.60	Approved
33-04	Furnace/Airport Terminal Airport	1,100.00	On-Hold
34-04	Furnace Circuit Boards Airport	275.00	Approved

The following dispositions were presented:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>DEPARTMENT</u>	<u>ACTION</u>
3158	Executive Chair	Commission	Approved
4990	Executive Chair	Commission	Approved
6429	Desk	Commission	Approved
3386	Armchair	Commission	Approved
3325	Credenza	Commission	Approved
3316	Bookcase	Commission	Approved



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2276	Chair	Library	Approved
6685	Computer System	Sheriff	Approved
3566	Chair	Commission	Approved
6014	Executive Chair	Commission	Approved
580-6918	Chair	Library	Approved
3705	Calculator	Commission	Approved
3293	Armchair	Commission	Approved
6609	Television	Commission	Approved
7223	Laptop Computer	Commission	Approved
6483	Cellular Phone	Commission	Approved
3377	Desk	Commission	Approved
6329	Printer	Commission	Approved
5716	Overhead Projector	Commission	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions with the exception of requisition #33-04 for the furnace at the airport terminal.

Cell phone reimbursement requests were presented for Dennis Worwood and Christine Jensen from the Extension office. Commissioner Ira Hatch made a motion to approve the cell phone reimbursement for Dennis Worwood and hold the request for Christine Jensen. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**  
**A. CONSIDERATION AND APPROVAL OF RESOLUTION ESTABLISHING**  
**HIPAA PRIVACY POLICY.**

*Sheriff*

LeeAnn Scoggins has submitted a letter advising the Sheriff that she will be retiring effective June 16, 2004. Her last day of work will be June 11, 2004. Sheriff Guymon is requesting approval to begin the recruitment process to fill the vacancy. Commissioner Ira Hatch made a motion to authorize Pat Snowball to begin the recruitment process and suggested that the new hire begin work the last week that LeeAnn Scoggins will be employed to enable some training of the new hire before LeeAnn retires. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Pat Snowball explained the reasons the County needs to adopt a HIPAA privacy policy. Employers with small health care plans must comply with the federal law by April 14, 2004. Since Emery County maintains a health insurance plan for the benefit of employees, the County must be in compliance by that date.

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Commissioner Gary Kofford made a motion to adopt Resolution 04-06-04 establishing the health insurance portability and accountability act (HIPAA) privacy policy. Included in the motion was to appoint Pat Snowball as the privacy officer. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Pat Snowball discussed with the Commission the need to amend the Administrative Service Agreement to include a Business Associate Agreement in order to allow Corporate Benefit Services to administer our health insurance claims. Commissioner Gary Kofford made a motion to approve the amendment to the Administrative Service Agreement. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(14)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated March 16, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(16)**

**COMMISSION REPORTS**

***Commissioner Sitterud***

There was a site showing at the ball complex in Huntington. The Recreation District applied for a grant from the Community Impact Board. The grant will provide new fencing for the entire ball complex. The grant will also replace all of the wooden picnic tables at Little Bear Campground with aluminum tables. There will also be improvements made at the trap range located near the landfill that is operated by the sheriff's office.

Commissioner Sitterud went with the State to look at the trail grooming program. The snow pack is not in good shape. All of the lower snow up Joe's Valley has melted.

A wolf management meeting was held on March 18, 2004. Emery County is in a unique position because all of the wolves south of I-70 will still be classified as endangered. The wolves on the north side of I-70 will be managed by a plan from the State.

There was a meeting on Wednesday to meet the Executive Vice President of Utah Power, Rich Walje. Mr. Walje has ties back to Green River which should be good for rural Utah.

Commissioner Sitterud met with Deb Dull at the Economic Development Council meeting. Unit 4 for the Hunter plant is still being worked on. The air quality permit has not come through.

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There was no definite answer on where unit 4 was going but the work that has been done so far looked good.

Kresha Eastman, RC&D, has resigned from her position. The position requires a four year degree in biology or zoology. The candidates for this position will not be interviewed. The selection will be from resume only. Preference would be given to someone from the County if they meet the qualifications.

Commissioner Sitterud also discussed the problem with the Green River canal. The canal is filling with silt. There is seven miles of canal and only eleven feet of drop. There is discussion of putting in a pressurized water system.

***Commissioner Hatch***

Commissioner Ira Hatch and Commissioner Gary Kofford met with Conoco Phillips. The methane gas production outlook is anything but rosy. Commissioner Hatch also attended the Trust Lands Board meeting and the Utah Association of Counties Insurance Pool meeting. The retirement party for Bill Landels was also held that day in Salt Lake City. The Workforce Service Council also met in Moab on Friday and he attended these events.

A meeting was held to discuss the Lawrence Cemetery. This cemetery is the only one in the County under the jurisdiction of Emery County. The rest of the cemeteries are operated and maintained by the cities. A plan of action is being established for the management of the Lawrence Cemetery.

A meeting was held in the NRCS office in Price concerning the Millsite sedimentation problem. The meeting took a different turn than was expected. They were trying to get the funding online. It was determined that the studies that were required only covered half of the project. More studies will have to be completed before the funding will be provided. A funding request has been submitted to Senator Bennett's office.

James Nielsen, Weed Supervisor, attended a meeting for coordinating agencies in Moab.

The BLM is proposing to erect entrance signs into the San Rafael Swell. Commissioner Sitterud was our representative. The following are six locations where the BLM proposes to erect signs:

- 1) Buckhorn
- 2) Cleveland

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- 3) Woodside
- 4) Temple Mountain
- 5) Dutch Flat
- 6) Moore Cut-off

There will also be a COG meeting tonight to discuss the county wide addressing system and a unified system for building inspections through out the county.

**(17)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_

**COMMISSIONER:** \_\_\_\_\_

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

APRIL 20, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Ira Hatch needed to leave the meeting early to attend a meeting in Ogden. Commissioner Drew Sitterud stepped down during the remaining of the meeting to execute motions as needed.

(1)  
**ROBERT GREENBERG, PRESENTATION OF AUDIT FOR FOUR CORNERS  
MENTAL HEALTH.**

Robert Greenberg, Four Corners Mental Health reviewed their 2003 audit report with the Board of Commissioners. Issues identified in the management letter have been addressed. They had a clean audit. The state requires certification of review of the audit report. The Board of Commissioners signed the certification and thanked Mr. Greenberg for the great services Four Corners provides the county.

(2)  
**PRESENTATION FROM "FRIENDS OF THE GREEN RIVER POSITIVE ACTION  
COMMUNITY TEAM" AND REQUEST FOR DONATION.**

Mary Wilmarth, Chairman of Friends of the Green River Positive Action Community Team, Jim Huffaker and Connie Copenhaver came before the Board of Commissioners to discuss their plans to organize fund raising efforts to build a community center, assisted living facility and affordable housing development in Green River City. They requested \$5,000.00 to be used as seed money to begin the 501C3 non-profit organization process, do a feasibility study and a needs assessment. She explained that their goal is to provide positive community goals. The first thing they have chosen to do is to build a community life complex which will consist of an eight bed assisted living facility, a large community center and eight affordable housing units. There will be convention space, a large gym, a bowling alley, office space and space dedicated to distance learning.

Jim Huffaker, CEU explained that they are interested in providing distance education and continuing education similar to the system provided at the Spartan Center. They hope to provide a place for Social Services also. Commissioner Hatch expressed concern that there may be a duplication of services in the county or water down other programs already provided in the area.

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Mr. Huffaker explained that it was not their goal to diminish other programs. They just want a central location for all the programs. The request was made for \$5,000.00 to help defray the cost of grant requirements. Commissioner Hatch expressed concern for where to come up with the \$5,000.00 to give them. Commissioner Ira Hatch made a motion to table any decision to allow time to explore options to see if or when the county can participate. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**EMERY COUNTY YOUTH LEADERSHIP COUNCIL, REQUEST FOR DONATION TO THE CASTLE VALLEY YOUTH LEADERSHIP CONFERENCE.**

Gay Lee Jeffs came before the Board of Commissioners representing the Emery County Youth Leadership Council. The Council is made of advisors to youth city councils from the various city councils in the county. These advisors are: Huntington, Julie Jones, Orangeville, Dannette Waite, Castle Dale, Gay Lee Jeffs, Ferron/Emery, Nancy Jensen, Cleveland/Elmo is currently in need of an advisor. Every year there is a youth leadership conference in Logan which cost the youth approximately two to three hundred dollars each. The cost to attend the conference is high for some of the youth. The youth leadership council decided they could host their own conference combined with Carbon County youth council members. They plan on hosting the conference on May 21 and 22, 2004 here in Castle Dale. There are costs associated with hosting a conference. They are currently looking for a speaker. They have planned workshops, a service project and fun activities. They will have a banquet at the end of the conference where they will award scholarships. The funds for the scholarships comes from the lamb fry held the previous year. They will be giving away a computer at the end of the conference. Each of the city councils have committed to funding a meal during the conference. They requested a donation from the county to help fund the conference. Commissioner Gary Kofford made a motion to donate \$250.00 to the Emery County Youth Leadership Council. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING CASTLE VALLEY SPECIAL SERVICE DISTRICT TO ENTER INTO A MUNICIPAL LINE OF CREDIT WITH ZIONS BANK FOR \$200,000.00.**

Darrell Leamaster, Castle Valley Special Service District explained that the last few years CVSD has had to use tax anticipation borrowing to have enough cash to get them through the year. They have done an cash flow analysis to anticipate their financial needs through the remainder of the year and have determined they will need funds to get them through August and September. They propose a standby tax and revenue anticipation note with Zions Bank. They propose signing an agreement with Zions. The funds will not be pulled until they are needed. The terms are at .75 of prime or not to exceed \$200,000.00. Commissioner Ira Hatch made a motion to

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approve signing Resolution 4-20-04 authorizing Castle Valley Special Service District to enter into a municipal line of credit with Zions Bank for \$200,000.00. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(5)**  
**RATIFICATION OF THE CONTRACT WITH STATE HISTORY FOR  
PRESERVATION WORK ON THE SWINGING BRIDGE**

Commissioner Ira Hatch made a motion to ratify the signing of a contract with State History for work on the Swinging Bridge. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(6)**  
**CITIZEN CONCERNS**

Jeff Guymon, IT requested approval for a Memorandum of Understanding between Emery County and Southeastern Utah Association of Local Governments (ALG). The purpose of the MOU is to provide the ALG with data and maps indicating the location, quality, and type of each housing units within the survey area as prescribed by ALG staff. ALG has agreed to reimburse Emery County \$7,000.00 to provide the data and maps relative to the housing quality/type survey.

Commissioner Ira Hatch made a motion to approve the MOU with ALG and to ratify the signing of the MOU in the next Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(7)**  
**10:00 a.m.-PUBLIC HEARING- To accept public comment on Level III Conditional Use Permit for Mac's Mining of Huntington, Utah.**

Commissioner Gary Kofford made a motion to move into a Public Hearing to accept comment on a Level III Conditional Use Permit for Mac's Mining of Huntington, Utah. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Mac Huntington, Planning Commission reported that the application has been reviewed by the Planning Commission. The Commission recommended granting the permit. Growth of the business has pushed them into county boundaries. Huntington City did not want to annex the property into the city at this time. This permit recognizes Mac's Mining as being in compliance with the zoning ordinance.

Zoning Director, Bryant Anderson commented that Mac's Mining has done an excellent job of

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meeting or exceeding any requirements. Gary Kofford echoed Mr. Anderson's comment, expressing gratitude to Mac's Mining for the professional manner in which they operate their business.

There were no other comments from the public. Commissioner Gary Kofford made a motion to close the public hearing. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)**  
**CONSIDERATION AND APPROVAL OF LEVEL III CONDITIONAL USE PERMIT FOR MAC'S MINING.**

Commissioner Gary Kofford made a motion to approve a Level III Conditional Use Permit for Mac's Mining as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(9)**  
**CONSIDERATION AND APPROVAL OF LETTER OF INTENT WITH UTAH POWER FOR ENERGY AUDIT.**

Commissioner Gary Kofford discussed a letter of intent from Utah Power to perform an energy analysis at no cost to the county. The analysis will determine potential energy savings available from the installation of energy efficiency measures at the courthouse located at 75 East Main in Castle Dale. Attorney David Blackwell has reviewed the letter of intent and recommends approval. Commissioner Gary Kofford made a motion to approve signing a letter of intent with Utah Power for an energy audit as outlined in the letter. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)**  
**CONSIDERATION AND APPROVAL OF PROPERTY TAX DEFERRAL REQUESTS.**

Treasurer, Steven Barton discussed two taxpayers's request to extend payment of their property taxes until November 30, 2004. He presented extension agreements for:

Bruce and Loyette Myerhoff, and James and Pam Anderson.

Commissioner Ira Hatch made a motion to approve entering into an agreement with Bruce and Loyette Myerhoff and James and Pam Anderson granting them an extension of property tax payments to November 30, 2004. The motion was seconded by Commissioner Gary Kofford and approved by all members present.



**(11)****CONSIDERATION AND APPROVAL OF 2004 ELECTION JUDGES.**

Clerk/Auditor Bruce Funk presented a list of proposed 2004 Election Judges. Commissioner Gary Kofford made a motion to approve the 2004 Election Judge list as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Mr. Funk recommended considering the current amount of \$60.00 per day for election judges and satellite registrars stating it has been the same amount for several years. He recommended raising the amount to \$70.00 per day. Election judges receive \$10.00 plus mileage at 37.5 per mile for attending Election Judges training on June 7, 2004. Commissioner Ira Hatch made a motion to approve \$70.00 per day for election judges and satellite registrars. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Bruce also presented the names of Satellite Registrars for approval as follows:

Huntington, Francie Handley

Ferron, Ted Ann Funk

Green River, Norma Dean Hawkinson

The Clerk/Auditor's office handles Castle Dale and Orangeville.

Commissioner Ira Hatch made a motion to approve the satellite registrars as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)****CONSIDERATION AND APPROVAL OF 2004 PROPERTY TAX EXEMPTION LIST.**

Deputy Clerk/Auditor, Carol Cox presented the 2004 Property Tax Exemption List. Affidavits were received in the Clerk/Auditor's Office as required by Utah Code. Orient Lodge in Green River did not send in an affidavit. They were contacted by phone and advised of the deadline. As of the April 20, 2004 Commission Meeting the affidavit was not received. Commissioner Gary Kofford made a motion to approve the 2004 Property Tax Exemption List as presented with the exception of Orient Lodge. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(13)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #161665 through and including #161811 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
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36-04	Office Software Licenses Capital Replacements	\$3,392.30	Approved
37-04	Server Hard Drive IT	685.86	Approved

Bruce Funk presented the additional claims for consideration. He expressed concern for a claim from High Velocity for forty-two gift certificates for the Sheriff's Department. Captain Kyle Ekker indicated he believed that they were for Christmas and that the bill was late coming in. Bruce expressed concern for a department purchasing gift certificates for employees over and above what the county already gives each year and also for singling out one business. It was his recommendation to not pay the claim to High Velocity from the Sheriff's budget.

He also discussed the claim for repairs on the landfill compactor. The amount of the claim will push the project over budget. He expressed concern for projects being approved out of a published open meeting.

Commissioner Ira Hatch had to leave the meeting early so Commissioner Drew Sitterud stepped down to make a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Deputy Clerk/Auditor Carol Cox presented a business license application from Thomas Memmott DBA : Millsite Restaurant. Mr. Memmott would like to have the restaurant open by May 1<sup>st</sup> and the next Commission meeting is on May 4<sup>th</sup>. Zoning Director, Bryant Anderson has signed the application. Commissioner Gary Kofford made a motion to approve the business license for Thomas Memmott DBA: Millsite Restaurant and to ratify the decision in the May 4<sup>th</sup> Commission Meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(14)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Library Department Head, Jerilyn Mathis reported that advertising and interviewing for an assistant librarian at the Castle Dale library has been completed. The Library Board recommended hiring Jackie Collard. She will work 19 ½ hours a week at the base rate. Kay Jeffs will go to the Orangeville Library. Commissioner Gary Kofford made a motion to approve hiring Jackie Collard as assistant librarian at the Castle Dale Library as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)**

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**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated April 6, 2004 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)**  
**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud asked Ray Petersen to report on the recent Forest Service Land Management Plan Meeting. Several public meetings are planned to receive comments on the plan.

**(17)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 4, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**PATRICK GUBBINS, BLM, QUARTERLY UPDATE.**

Mr. Gubbins was not able to attend the meeting today.

**(2)**  
**MESHIA NYMAN, FOREST SERVICE, QUARTERLY UPDATE.**

Michael Davis, Forest Ranger provided a quarterly update of activity:

- He discussed a South Manti timber sale
- EIS is out for comment on the SITLA East Mountain Access for timber harvest and oil and gas exploration.
- They have a couple of Environmental Assessments for Fortuna at Lowry Water and Miller's Flat area. They have planned a well for this year and one for next year.
- Drought continues to be a concern. They will be looking at the range and what it can sustain as far as grazing and fuel concerns as a result of the drought.
- As a result of fire hazards due to the drought they will be implementing fuels projects to hopefully cut down on the hazard.
- They will mechanically treat about six acres in Joe's Valley. They will have a prescribed burn at Willow Campground.
- They will do a mechanical treatment around Ferron Reservoir
- There will be a NEPA analysis at Whispering Pines.
- Outfitter and Guide permits are now being issued.
- They are moving forward with a requirement to have Muddy Creek Lodge be dismantled.
- UPL using herbicide treatments along ROW's
- The Orangeville/Ephriam road will be re-aligned this summer.
- They have had a inquiry into re-opening Birdseye Quarry to provide stone for re-habilitation of the State Capital building.
- They have reconstruction going on at Indian Creek Campground this summer. The campground will remain open during the process.
- The Lake Canyon timber sale draft EIS will be out for comment in the next thirty to forty-five days.
- They will have a Conservation Day on May 19, 2004 at Old Folks in Huntington Canyon.

- A Wasatch Plateau Allotment EIS which evaluates continuing affects of grazing will be out for comment in the next sixty days.
- They have a joint document they are doing with the BLM over Rilda Canyon. It is called Rilda Breakout evaluation .
- He reviewed decisions in the process of appeals regarding coal bed methane wells behind the Huntington Power Plant in Huntington Canyon. East Clear Creek exploration wells have been appealed also.

(3)

**DERRIS JONES, DWR, QUARTERLY UPDATE.**

Derris Jones, DWR, provided the following update of activity:

- Bull and buck draw results are out now.
- The wildlife people are finishing up spring classification. On the Manti we lost a few fawns but are still better off this year than in past years with ratio of fawns to does especially considering the condition of the winter range with the dying sagebrush in the lower elevations.
- They lost Wade Passic as damage control specialist. He is now the biologist in Emery County. Wade has been replaced by Robert (Grizz) O'Lean.
- Sage grouse have been found on Horn Mountain for the first time in six years.
- Damage complaints due to deer have been light this spring.
- Habitat people have been busy with Utah Partners for Conservation and Development. This organization is composed with the efforts of fifteen agencies and the support of the governors office. The purpose is to find common ground to improve rangeland health.
- May 13, 2004 they will have a Range Creek Management Plan initial meeting. They are looking for input for what direction to go with managing Range Creek.
- They have hired a new Conservation Officer in Emery County. His name is Jay Topim.
- Fishery people are working permit with FS to get equipment up to Duck Fork to begin work on the fishery trap. As soon as the snow melts up there they plan to get the contract out on bid again so that the contractors can actually look at the site to be able to bid on the project.
- They had a habitat project planned to do some fencing at Rigley working with the FS and permittees. That project has changed a little bit. Instead of fencing they will be piping water from a spring into Rigley.
- They will be planting 12,000 rainbow trout at Millsite this month. They plan to gill net Joe's Valley and Millsite this month also.
- Kid's Fishing Day is on the 15<sup>th</sup> of this month at the Huntington Game Farm Pond. They will have a big celebration with prizes.
- They took about 300 emery County students and Boys Scouts on tours of Desert Lake this year. They instructed the students about the ecosystems and wetland habitat.

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### CITIZEN CONCERNS

Jan Hess, President of American Legion Auxiliary discussed Operation Home Support. The American Legion Auxiliary has put together items that the servicemen need such as socks, baby wipes, hand cream, books, cards, hard candy, chicken in a pouch and much more. She indicated that she shipped a 19 pound box recently that cost \$35.64 to get to the A.P.O. in New York to be shipped to the soldiers for free from there. Donation boxes for the items are available at various locations in the county. She requested a donation from the Board of Commissioners to help pay the cost of shipping the needed items to the soldiers. Commissioner Gary Kofford made a motion to contribute \$250.00 to the American Legion Auxiliary. The motion was seconded by Commissioner Ira Hatch and approved by all members present. Because the item was not listed on the agenda for today's meeting. Approval will be ratified in the next Commission Meeting.

Commissioner Gary Kofford informed the Commissioners that there is a vacancy on the Library Board. Jimmy Jones' term of service has ended. According to the bylaws of the Library Board the individual must sit out for one year before they can be appointed for another term. Commissioner Gary Kofford made a motion to advertise for applications for a board member from the Huntington, Cleveland, Elmo area and to ratify the motion in the next Commission Meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

### 5:00 PM- PUBLIC HEARING- To receive public comments on the revised Emery County Zoning Ordinance.

Commissioner Ira Hatch made a motion to move to a Public Hearing to receive public comment on the revised Emery County Zoning Ordinance. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Mac Huntington, Chairman of the Planning Commission addressed the public. He informed the public that the Planning Commission is an advisory council to the Board of County Commissioners. The Planning Commission has the job of maintaining the General Plan and the Zoning Ordinance. They began reviewing the Zoning Ordinance several years ago and it has taken some time to get it to this point. The Board of Commissioners have the option of approving the amendments as they are presented to them, they can reject the amendment or they may approve what is given to them by amending some of the things that come to them. When the Planning Commission began this review to recommend some changes the Planning Commission used the resources of the county to conduct the land use inventory of what is in the county. They used the records of the Recorder's Office, the Assessor's Office and most timely the data base and other useful information available in the IT or Mapping Department. From that the Planning

## COMMISSION MEETING MINUTES

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Commission was able to a land use inventory of things in the county. They were able to map and identify the infrastructure available in the unincorporated area of the county. They were able to identify roads, power grids, gas line services, water utilities, etc. They also did an extensive amount of mapping themselves in that Bryant Anderson, Zoning Director who serves a staff function to the Planning Commission went out with the GIS Mapping department and physically located every building in the unincorporated area of the county. Bottom line was many of the changes that the Planning Commission was asking the Board of Commissioners to make were based on findings of fact of what is out there in the county. The Planning Commission provided to the public, a list of the changes and previously met with the Board of Commissioners in a work study meeting to apprise them of the proposed changes. Their review of all of these things took place by breaking it down into sub-committee categories and had the sub-committee review a specific item and brought it back to the full Planning Commission to let it go through the public process. A summary of the changes was listed on the front page of the review copy provided tot he public.

Commissioner Drew Sitterud opened the meeting to the public for comment.

Mac summarized the A-1 Zone which was of the most concern to many. Mike McCandless and Judy Scott served on the sub-committee that reviewed the A-1 Zone. The proposed changes in the A-1 eliminates the requirement of irrigation water right ownership as a condition for obtaining a zoning clearance. You still have to have to have a minimum lot size of ten acres but you don't have to present water certificates to show that you are a farmer. However, if you are going to build on the ten acres you must meet the requirements of the point system which the Planning Commission feels makes it more difficult to build there in that it requires you have the needed infrastructure such as electricity, roads and water before you can live out there.

Mike McCandless reviewed the water requirements and lot size requirements.

There has been a lot of discussion over the years about lot size and water requirements. There are very few existing lots left in the unincorporated area of the county that are under the existing ten acres requirement. The majority of those lots under the ten acre requirement are called legal non-conforming lot. They would have been there prior to the existence of the zoning ordinance. When you take those into account, there are so few of those lots available to build on, they could find no justification to change the requirement of ten acres to build on. They are not opposed to a change in the acreage, however based on fact they could not come up with an acreage that would be appropriate to justify the change.

LaMar Guymon wanted to know how he could build on a five acre lot.

Mike explained that as the Zoning Ordinance stand now the minimum lot size to build on is ten acres. The Zoning Ordinance has within it provisions for the public to initiate the process to make changes within a zone.

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Sheriff Guymon asked about those lots that start out as ten acres and are now an acre.

Mike reported that the Planning Commission is involved in the issuance of building permits. They do not maintain the property after the permit was issued. If the person makes a change later the problem will arise when that person tries to sell the property or acquire financing. The banks will not finance the property because it does not conform to the Zoning Ordinance.

Zoning Director, Bryant Anderson spoke of non-conforming lots which are lots that are under the ten acre requirement. Legal Non-Comforming is the same as grand-fathered and Illegal Non-Conforming means the lot was made illegal.

Mike explained that the county has a large block of legal non-conforming lots in Lawrence. Basically all the lots in Lawrence are under ten acres lots, put there before the Zoning Ordinance was in existence. The Sub-Committee looked at the situation and decided to leave it legal non-conforming

Commissioner Hatch ask if there was a process to receive a variance on a specific thing or do we need to address the whole ordinance to change the acreage requirement.

Mac explained the process for appealing the acreage requirement. The person must appeal to have the ordinance changed. They may be referred to the Board of Adjustments.

Allan Thorpe, Council for the Planning Commission explained that the Board of Adjustments does not have the authority to change the ten acre requirement.

Mac stated that to change the ten acre requirement the person would have to go through the public process to change the ordinance.

Alan Thorpe explained that the original purpose for the ten acre requirement was to prevent people from building homes outside the city limits. When people built outside the city limits it created a need for services that the county was not able to provide. Inside city limits they had Castle Valley Special Service District to provide services. The original intent was to restrict the agricultural zone to strictly agricultural.

Commissioner Kofford commented on the acreage requirements and asked the question as to what kind of density we want in the county. He added that the Planning Commission worked long and hard to come up a conclusion on the question of acreage requirement. The Planning Commission's feeling was that ten acres is about the density they wanted to see in the county.

Dixie Swasey, Recorder stated that her office hears from many people looking for acreage to build on. These people want two, three, five acres to build on. We they tell them that they have



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to have ten acres to build on in the county and that if they only want that much acreage that they should look for acreage or lots in the cities. It is very hard to find anything within city limits.

Mac stated that one thing that the Planning Commission looked at carefully in the process was that in making a change that they do not want to extend the resources of the county beyond what the infrastructure will carry. We need to be careful as planners and commissioners that we don't set the number too low and get to much density to supply water and power services to.

Mike cited an example in the one line in North Emery Water Users system that is capable of a legal fire hydrant and that is the main line coming down the canyon. There is not one line in our system that runs around Cleveland and Elmo that is able to handle what is recommended by the state fire marshal. All the fire hydrants in Cleveland and Elmo are colored green to let the fire department know that it is not a standard, fire capable hydrant. When you start increasing the density that problem becomes even greater. NEWUSSD has made great strides since they have become a special service district but they are not even close to being able to handle that kind of a growth increase to be able to handle this kind of fire issues.

Commissioner Hatch commented that he was surprised at the lack of people ( in attendance at the meeting this day) that have taken an interest in the acreage issue. Through this public process the public is able to voice their concerns for certain issues.

Mac drew the Commissioners attention to the summary of uses both conditional and permitted in the county in a table provided in the proposed document on review.

The Planning Commission asks the Board of Commissioners to put authority and language in the ordinance that recognizes a new conditional use. If someone comes in with a novel land use and it conveys a substantial benefit to the county. It gives you the authority to act on that and process it and at the same time amend the ordinance to grant that use.

Many thanked Allen Thorpe for his countless hours and professional work he has done on the Zoning Ordinance.

Bevan Wilson, Lawrence added comments regarding water requirements and lot sizes. Lawrence still has many lots that are under ten acres. What is going to happen to those people who have held on to those under ten acre lots for many years when they want to come back to the county to build on. His family owns property in the lower section of Huntington where many people have been trying to find lots to build on. Many people have been forced to move to other areas in the county because they could not find property to build on where they wanted to be. There is just not may build-able lots in the city limits throughout the county. He felt that there should be a way, a process by which a permit could be considered on a case by case basis. He felt that a variance board or some other governing board could be used to allow changes in this

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manner.

He expressed his gratitude to the Planning Commission and the Board of Commissioners for their efforts.

Commissioner Kofford added that the variance board is regulated by state statute. There are many things that need to be worked out in this Zoning Ordinance. This public process is only the beginning.

Allan Thorpe stated that there are ways to be more flexible in this ordinance. If you want him to investigate them, present them to the Planning Commission and come back with alternate suggestions he will. One thing that the Commissioners should appreciate in this amendment is that the point system does allow flexibility that was not there before. There is no reason why you could not establish some conditions for having smaller lots and award points based on that. You could also develop some other kinds of zones. There are a number of things that could be looked at.

Kathleen Truman commented on the point system and the points assigned to being on the power grid. What if the person wants to use solar power or a generator. She also had questions on the size of the dwelling and points associated with that. She asked that the Planning Commission re-look at the point system.

Mike stated that the intention of putting a size regulation was to add to the tax base. The tax coming into the county needs to reflect the service being provided. The points system is an incentive program to locate near the provided services.

Commissioner Ira Hatch made a motion to come out of the Public Hearing and return to the regular Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to table any decision for thirty days to allow for comment period and to accept written comment. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Gary Kofford made a motion to advertise in the Progress for a thirty-day written and oral comment period and to make available through the Clerk/Auditor's Office and the Commission Office to the public a copy of the proposed amendment. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**RATIFICATION OF BUSINESS LICENSE FOR MILLSITE RESTAURANT.**

Commissioner Gary Kofford made a motion to ratify the approval of a business license for Thomas Memmott DBA: Millsite Restaurant. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(7)**  
**CONSIDERATION AND APPROVAL OF BEER LICENSE FOR MILLSITE RESTAURANT.**

This item was tabled.

**(8)**  
**CONSIDERATION OF BUSINESS LICENSE.**

A business license application was presented for Natalie Gardner DBA: Natalie's Trophy and Engraving. The application has been reviewed and signed by Zoning Director Bryant Anderson. Commissioner Ira Hatch made a motion to approve a business license for Natalie Gardner DBA: Natalie's Trophy and Engraving. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**  
**RATIFICATION OF MEMORANDUM OF UNDERSTANDING WITH SOUTHEASTERN UTAH ASSOCIATION OF GOVERNMENTS FOR MAPPING.**

Commissioner Gary Kofford made a motion to ratify the signing of a MOU with Southeastern Utah Association of Local Governments to provide maps and data that will help them in their pursuit of state and federal funds for which SUALG will reimburse the county \$7,000.00. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)**  
**CONSIDERATION AND APPROVAL OF AMBULANCE BILL WRITE-OFF FOR KELLY HANSEN.**

Commissioner Drew Sitterud read a letter to the Commission requesting ambulance bill write-off for Kelly Hansen who is deceased. The ambulance bill was in the amount of \$443.72. Kelly had MS as does his wife and two of their three children. The family is on disability and has no means to pay the ambulance bill. Commissioner Gary Kofford made a motion to approve

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writing off the ambulance bill for Kelly Hansen in the amount of \$443.72. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)**  
**CONSIDERATION AND APPROVAL OF SIGN LEASE.**

Commissioner Gary Kofford made a motion to approve a lease of property for advertising purposes between Jack N and Hazel Allred for the county billboard sign. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(12)**  
**DISCUSSION OF MUSEUM OF SAN RAFAEL STAFFING.**

Commissioner Gary Kofford made a motion to table this item until the next Commission Meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(13)**  
**APPROVAL OC CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Sr. Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 161930 through and including #162040 for payment.

One requisition was presented for #38-04, a Colt Rifle AR15 at a cost of \$777.89 from the Sheriff's Department.

Now that the Sheriff's Department has moved into their new building they have had the opportunity to clean up their fixed asset list. The following is a list of assets from the Ambulance, Animal Control and Sheriff's Department that Sheriff Guymon requested approval as dispositions:

➤	3166061	Computer, 486	94	1936.00
➤	3164975	Printer, Laser Jet III	92	1694.04
➤	3166106	Printer, 24 Pin	95	219.95
➤	3166969	Printer, DOT Matrix LQ570	99	259.95
➤	3166121	Gurney, Cot 35 A 451 Burg Mat	95	1592.94
➤	3166072	Oximeter, Pulse hand held	95	640.00
➤	3166071	Oximeter, Pulse hand held	95	640.00
➤	3166060	Gurney, Roll-in Ambulance	94	1524.00

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➤	3165491	Radio, Mobile Delta Six	90	2396.60
➤	3165719	BackBoard, Smooth Mover	88	200.00
➤	3161957	Ambulance, 1074 Chevrolet	74	9000.00
➤	3161971	Ambulance, 1976 GMC MT Rescue	76	4000.00
➤	3161883	Oxygen Kit, Portable	77	50.00
➤	3161879	Oxygen Kit, Portable	77	50.00
➤	3160077	Splint, Traction Hare	83	189.00
➤	3160076	Gurney, 30-C	83	591.00
➤	3160041	Port-A-Power Set	82	395.00
➤	3162041	Pager, Standard	76	199.00
➤	3161958	Radio, Veetec RCA	79	1000.00
➤	3161970	Radio, Veetec RCA	79	1000.00
➤	3162227	Radio, Syntor Motorola	82	1792.00
➤	3162226	Radio, Syntor Motorola	82	1792.00
➤	3165084	Monitor, Blood Pressure	91	1005.09
➤	3165085	Monitor, Blood Pressure	91	1005.09
➤	3165086	Monitor, Blood Pressure	91	1011.75
➤	3165087	Monitor, Blood Pressure	91	1011.75
➤	3165088	Monitor, Blood Pressure	91	1011.75
➤	3165040	Suction Unit, Lateral	82	375.00
➤	3165039	Suction Unit, Lateral	82	375.00
➤	3165032	Rescue Tool, W/Power Supplies	82	5000.00
➤	3165031	Rescue Tool, W/Power Supplies	82	5000.00
➤	3165025	Extraction Device, Medi KED	82	187.00
➤	3165024	Hammer, Air Ajax	82	285.00
➤	3165023	Anti-Shock Pants	82	325.00
➤	3165014	Intubation Model, Adult Train	82	596.50
➤	3165013	Infusion Trainer	82	179.45
➤	3162233	Frac-Kit, EMT Ambulance	82	225.00
➤	3162232	Frac-Kit	82	225.00
➤	3166213	Defibrillator, Lifepack 300	96	6485.00
➤	3166214	Defibrillator, Lifepack 300	96	6485.00
➤	3165999	Defibrillator,	94	6565.00
➤	2532558	Cage, Confinement	80	25.00
➤	2532554	Typewriter, Manual Royal	60	50.00
➤	2532564	Shell, Camper Top-It	80	275.00
➤	2535367	Shell, Truck	92	836.00
➤	2532563	Truck, 1078 Ford Super Cab	78	7000.00
➤	2532565	Radio, RCA	80	126.00
➤	2100037	Software, Norton Anti Virus	02	49.95
➤	2102174	Print Search Kit, Latent	78	140.00
➤	2102173	Blood Test Kit	78	129.00

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➤	2101807	Camera, Sirchie	77	40.00
➤	2105443	Laser Dispatch System	85	60000.00
➤	2105282	Air Conditioner	87	250.00
➤	2105285	Raft, 10 man	87	200.00
➤	2105286	Raft, 10 man	87	200.00
➤	2105287	Truck Shell, W/Boot	87	440.00
➤	2101723	Desk, Shaw-Walker 3/6	76	300.00
➤	2101728	Chair, Swivel Hon	80	96.50
➤	2101729	Chair, Swivel Hon	80	96.50
➤	2101730	Chair, Swivel Hon	80	96.50
➤	2101731	Chair, Swivel Hon	80	96.50
➤	2101732	Chair, Kimball BR	80	96.50
➤	2101733	Chair, Delwood	76	75.00
➤	2101734	Chair, Delwood	76	75.00
➤	2102375	Chair, Chrome Naugahyde Bk	80	75.00
➤	2102376	Chair, Chrome Naugahyde Bk	80	75.00
➤	2102377	Chair, Chrome Naugahyde Bk	80	75.00
➤	2102378	Chair, Chrome Naugahyde Bk	80	75.00
➤	2102379	Chair, Chrome Naugahyde Bk	80	75.00
➤	2102380	Chair, Chrome Naugahyde Bk	80	75.00
➤	2100092	Gun, Radar Traffic Kustom	84	1856.00
➤	2100093	Gun, Radar Traffic Kustom	84	1856.00
➤	2102193	Gun, Radar KR10	81	1495.00
➤	2102194	Gun, Radar KR10	81	1495.00
➤	2102195	Gun, Radar KR10	81	1495.00
➤	2102196	Gun, Radar KR10	81	1495.00
➤	2102197	Gun, Radar KR10	81	1495.00
➤	2102198	Gun, Radar KR10	81	1495.00
➤	2105292	Gun, Radar Kustom HR 12	88	1395.00
➤	2105293	Gun, Radar Kustom HR 12	88	1395.00
➤	2100273	Typewriter, 700M Panasonic	87	1305.00
➤	2101714	Typewriter, IBM Electric	72	300.00
➤	2101735	Chalkboard, Porcelain	80	76.56
➤	2101736	Typestand, Black	80	150.00
➤	2101738	Typestand, Wood Alma	76	450.00
➤	2101803	Typewriter, Manuel Adler	70	75.00
➤	2101854	Typewriter, Electric Adler	80	302.00
➤	2101864	Typewriter, Manuel Remington	70	50.00
➤	2125861	Computer System	95	1821.70
➤	2105991	Copier, Xerox	94	10075.00
➤	2106333	Printer, Laser Jet 5	96	1496.40
➤	2106515	Computer System	97	1486.05

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➤	2106523	Computer, System for Lab	97	5502.00
➤	2106682	Fax Machine, Canon Laser	96	1398.00
➤	2100050	Radio, MT500	83	823.00
➤	2100057	Radio, Pak St Motorola	83	1235.00
➤	2100066	Radio, Maxar80	81	1227.50
➤	2100067	Radio, Maxar80	81	1227.50
➤	2100068	Radio, Maxar80	81	1227.50
➤	2100069	Radio, Maxar80	81	1227.50
➤	2100070	Radio, Maxar80	81	1227.50
➤	2100091	Radio, Maxar80	81	1227.50
➤	2101976	Radio, Motorola	80	1000.00
➤	2101977	Radio, Motorola	80	1000.00
➤	2101978	Radio, Motorola	80	1000.00
➤	2101979	Radio, Motorola	80	1000.00
➤	2101980	Radio, Motorola	80	1000.00
➤	2101981	Radio, Motorola	80	1000.00
➤	2101986	Radio, Motorola	80	1000.00
➤	2101987	Radio, Motorola	80	1000.00
➤	2101989	Radio, Motorola	80	1000.00
➤	2101990	Radio, Motorola	80	1000.00
➤	2101991	Radio, Motorola	80	1000.00
➤	2101992	Radio, Motorola	80	1000.00
➤	2101993	Radio, Motorola	80	1000.00
➤	2101994	Radio, Motorola	80	1000.00
➤	2101995	Radio, Motorola	80	1000.00
➤	2102206	Radio, Handheld	82	1610.00
➤	2102207	Radio, Handheld	82	1000.00
➤	2102221	Radio, Motorola	82	805.00
➤	2102220	Radio, Motorola MI500	82	3220.00
➤	2102222	Radio, Motorola	84	1000.00
➤	2102228	Radio, W/Pager	82	800.00
➤	2102229	Radio, W/Pager	82	800.00
➤	2102244	Radio, W/Pager	82	891.00
➤	2102245	Radio, W/Pager	82	891.00
➤	2102394	Radio, Motorola	82	800.00
➤	2105002	Radio, Motorola	82	800.00
➤	2345289	Radio, W/Charger	88	570.00
➤	2105290	Radio, W/Charger	88	570.00
➤	2105291	Radio, W/Charger	88	570.00
➤	2105447	Radio, Delta SX	90	1086.00
➤	2105448	Radio, Delta SX	90	1086.00
➤	2105449	Radio, Delta SX	90	1086.00

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➤	2105450	Radio, Delta SX	90	1086.00
➤	2105451	Radio, Delta SX	90	1086.00
➤	2105720	Radio, Mobile	88	1577.0 0
➤	2105721	Radio, Mobile	88	1577.0 0
➤	2105722	Radio, Mobile	88	1577.0 0
➤	2105723	Radio, Mobile	88	1577.0 0
➤	2105724	Radio, Mobile	88	1577.00
➤	2105725	Radio, Mobile	88	1577.0 0
➤	2105726	Radio, Mobile	88	1577.0 0
➤	2105727	Radio, Mobile	88	1577.0 0
➤	2105728	Radio, Mobile	88	1577.0 0
➤	2105729	Radio, Mobile	88	1577.0 0
➤	2105737	Radio, Delta	88	1518.00
➤	2100046	Pager, Motorola	82	230.00
➤	2100047	Pager, Motorola	82	230.00
➤	2100048	Pager, Motorola	82	230.00
➤	2100049	Pager, Motorola	82	230.00
➤	2100051	Pager, Motorola	83	296.00
➤	2100052	Pager, Motorola	83	296.00
➤	2100053	Pager, Motorola	83	296.00
➤	2100054	Pager, Motorola	83	296.00
➤	2100055	Pager, Motorola	83	296.00
➤	2100056	Pager, Motorola	83	296.00
➤	2101951	Pager, Motorola	81	236.00
➤	2101952	Pager, Motorola	81	236.00
➤	2101953	Pager, Motorola	81	236.00
➤	2102204	Pager, Motorola	82	235.00
➤	2102205	Pager, Motorola	82	235.00
➤	2102208	Pager, Spirit	82	200.00
➤	2102209	Pager, Spirit	82	200.00
➤	2102210	Pager, Spirit	82	200.00
➤	2102211	Pager, Spirit	82	200.00
➤	2102212	Pager, Spirit	82	200.00



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➤	2102213	Pager, Spirit	82	200.00
➤	2102214	Pager, Spirit	82	200.00
➤	2102215	Pager, Spirit	82	200.00
➤	2102217	Pager, Motorola	82	275.00
➤	2102218	Pager, Motorola	82	275.00
➤	2102219	Pager, Motorola	82	275.00
➤	2102234	Pager, Spirit	82	259.00
➤	2102235	Pager, Spirit	82	230.00
➤	2102236	Pager, Spirit	82	230.00
➤	2102237	Pager, Spirit	82	230.00
➤	2102238	Pager, Spirit	82	230.00
➤	2102246	Pager, Pagecom	82	199.00
➤	2102247	Pager, Pagecom	82	199.00
➤	2102248	Pager, Pagecom	82	199.00
➤	2102249	Pager, Pagecom	82	199.00
➤	2105294	Pager, Reach Vip II	88	328.00
➤	2105295	Pager, Reach Vip II	88	328.00
➤	2105296	Pager, Reach Vip II	88	328.00
➤	2105297	Pager, Reach Vip II	88	328.00
➤	2105299	Pager, Reach Vip II	88	328.00
➤	2105300	Pager, Reach Vip II	88	328.00
➤	2105301	Pager, Reach Vip II	88	328.00
➤	2105302	Pager, Reach Vip II	88	328.00
➤	2105303	Pager, Reach Vip II	88	328.00
➤	2105304	Pager, Reach Vip II	88	328.00
➤	2105305	Pager, Reach Vip II	88	328.00
➤	2105306	Pager, Reach Vip II	88	328.00
➤	2105307	Pager, Reach Vip II	88	328.00
➤	2105308	Pager, Reach Vip II	88	328.00
➤	2105309	Pager, Reach Vip II	88	328.00
➤	2105310	Pager, Reach Vip II	88	328.00
➤	2105311	Pager, Reach Vip II	88	328.00
➤	2105313	Pager, Reach Vip II	88	328.00
➤	2105314	Pager, Reach Vip II	88	328.00
➤	2105315	Pager, Reach Vip II	88	328.00
➤	2105490	Printer, Laserjet	90	2195.00
➤	2105130	Copier, Xerox 1012	89	6561.00
➤	2105047	Fax Machine, Fujitsu DEX 160	92	895.00
➤	2102391	Copier, Xerox 2600	81	3130.00
➤	2102124	Calculator, MIDA 1200 P	80	150.00
➤	2105501	Computer System, 386SX	91	1987.00
➤	2105949	Computer System	93	1299.00

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➤	2106027	Computer w/Printer Leading Edge	94	1800.00
➤	2106241	Computer, CPU Intel P750	95	2254.00
➤	2105741	Computer, IBM Comp	88	2048.00
➤	2105742	Computer, IBM Comp	88	2048.00
➤	2102122	Recorder, Sony TC55	78	200.00
➤	2102121	Recorder, Sony M-101B	79	200.00
➤	2102120	Recorder, Sony TC55	80	285.00
➤	2102119	Recorder, Sony TC55	80	285.00
➤	2102118	Recorder, Sony TC55	80	285.00
➤	2102117	Recorder, Sony BM-15	80	287.00
➤	2102116	Recorder, Sony BM-15	80	287.00
➤	2102176	Recorder, Cassette Tape	78	150.00
➤	2102108	Recorder, Sony M 101 B	79	189.00
➤	2101350	Chairs, Folding Clarin (29)	78	1740.00
➤	2101222	Chair, Steno Hon Blk	70	50.00
➤	2101037	Chair, Steno Hon Grn	70	50.00
➤	2101142	Chair, Hon	78	50.00
➤	2101141	Chair, Hon	78	50.00
➤	2101139	Chair, Hon Or	77	50.00
➤	2101117	Chair, Steno Gr	80	70.00
➤	2101138	Chair, Hon Br	77	50.00
➤	2101332	Chair, Wooden (2)	56	200.00
➤	2104331	Chair, Jury wooden	56	100.00
➤	2101319	Chairs, Wooden (12)	56	1200.00
➤	2101716	Chair, Triple Delwood	77	75.00
➤	2101715	Chair, Triple Delwood	77	75.00
➤	2105748	Typewriter, Portable Brother	88	170.00
➤	2105749	Typewriter, Portable Brother	88	170.00
➤	2345270	Test Set, For Motorola Radios	86	1161.00
➤	2345081	Radio, Mobile Base	83	1120.00
➤	2345179	Radio, Mobile w/system control	89	1574.00
➤	2345178	Radio, Mobile w/system control	89	1574.00
➤	2345157	Radio, Mobile w/system control	89	1574.00
➤	2345153	Radio, Mobile w/system control	89	1574.00
➤	2101845	Gun, Radar Speedgun	80	480.00
➤	2101847	Gun, Radar Speedgun	80	480.00
➤	2101848	Gun, Radar Speedgun	80	480.00
➤	2101849	Gun, Radar Speedgun	80	480.00
➤	2101850	Gun, Radar Speedgun	80	480.00
➤	2101851	Gun, Radar Speedgun	80	480.00
➤	2336564	Phone Visitation,	97	370.00
➤	2340090	Multimeter, Digital Fluke	83	389.00

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➤	2101417	Rack, Coat	60	100.00
➤	2101027	Cabinet, File 2 Drwr	84	100.00
➤	2101026	Cabinet, File 2 Drwr	84	100.00
➤	2101025	Cabinet, File 2 Drwr	84	100.00
➤	2100209	Cabinet, File 2 Drwr Hon	84	230.00
➤	2101196	Cabinet, File 4 Drwr Blk	79	329.00
➤	2101198	Cabinet, File 4 Drwr	75	50.00
➤	2101205	Book Shelves, 6 Shelf Burrough	80	300.00
➤	2101076	Bookcase, Metal 7 Shelf	70	50.00
➤	2101130	Bookcase, 4 shelf Hon	80	115.00
➤	2101218	Desk, Shaw-Walker	75	75.00
➤	2101219	Desk, Shaw-Walker	75	75.00
➤	2101087	Table, Shaw-Walker	70	50.00
➤	2101146	Desk, Shaw-Walker	70	50.00
➤	2101144	Desk, Hon	78	100.00
➤	2101187	Desk, Secretarial Left hand return	70	400.00
➤	2101717	Desk/Typestand, Wood Alma	76	450.00
➤	2101194	Credenza, Shaw-Walker	80	450.00
➤	2101193	Desk, Shaw-Walker	70	500.00
➤	3165452	Rescue Tool, w/Power Pack	90	3600.00
➤	2101335	Chair, Folding Clarin	78	60.00

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

Library

Flora Mott was promoted January 19, 2004. She has successfully completed her orientation period and Jerilyn Mathis, Library Director has recommended that she receive a step increase effective the pay period of May 10, 2004. Commissioner Gary Kofford made a motion to approve the step increase for Flora Motte as per policy. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

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### Sheriff

Nicole Deabenderfer is eligible for her routine progressive increase effective the pay period of May 10, 2004. Commissioner Ira Hatch made a motion to approve the routine increase as per policy. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

### GIS/IT

Sherman Miller recently completed a temporary assignment of up to 90 days. Because of the addressing project, Jeff Guymon has requested that Sherman be brought back for another temporary assignment of up to 90 days beginning May 3, 2004, at a wage of \$8.00. This temporary period will end July 31, 2004. Commissioner Ira Hatch made a motion to approve the temporary assignment of up to 90 days for Sherman Miller as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

### **APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to accept the minutes as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(16)**

### **COMMISSION REPORTS**

#### *Commissioner Hatch*

Commissioner Hatch and Personnel Director Pat Snowball recently attended a Personnel Conference in Ogden.

The County recently realized some savings on their insurance premium as a result of the Risk Managements efforts to bring the county into compliance with insurance requirements. At this time Emery County is at 62% and received a refund of \$5,034.00.

Utah Association of Counties Management Conference was held last week in St. George. Commissioner Hatch attended a Utah Joint Highway Committee meeting where he made a pitch for funds to complete the South Moore Road. The next meeting will be held in Richfield in September.

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Commissioner Hatch and Rex Funk attended a meeting where they discussed the Americans with Disabilities Act and bringing building entrances into compliance with the ADA.

*Commissioner Kofford*

Commissioner Kofford discussed the need to bring the Elmo and Cleveland library's entrances into ADA compliance by providing handrails. Commissioner Gary Kofford made a motion to advertise for bids to install handrails on the Cleveland and Elmo library entrances and to ratify the motion in the next Commission Meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

He reported that the Olsen Family sold two, two acre lots in Joe's Valley to an individual. The individual approached the Planning Commission to get clearance to build on the lots. According to the Zoning Policy and State Statute you must have eighty acres in mountain property to build on. He asked the Planning Commission to draft a letter to the individual who purchased the property and advise them that it is illegal to build on.

*Commissioner Sitterud*

Commissioner Sitterud reported on his recent tour of Nine Mile Canyon with the Barrett Group an environmental group eager to put a stop to gas exploration in Nine Mile Canyon.

He reported on the progress of a low water boat ramp at Joe's Valley Reservoir.

Little Bear Campground will be getting new tables installed in time for Memorial Weekend. There will be reconstruction work at the Huntington Ball Complex also.

Merlin Christiansen is retiring after 16 years of service.

Bids have gone out for installation of a sprinkler system at the Nursing Home.

The Commission has received word that Unit 4 is a go. They hope to know more soon. Also Consol Mine will be starting back up in about three weeks.

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**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An Executive session was not needed.

**(18)**  
**ADJOURNMENT.**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

MAY 18, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DISCUSSION OF PROPOSED ORDINANCE/AGREEMENT WITH UAC REGARDING TRANSIENT ROOM TAX COLLECTION SERVICES.**

Commissioner Sitterud explained that Utah Association of Counties has set up a department to collect transient room tax. The state had been collecting the tax for a 3% fee and the county was not able to keep any of the interest. UAC will provide this service for 1.5 % as well as the county will be able to keep the interest. Emery County's transient room tax tripled when we acquired the annexed portion of Green River City. Transient room tax is earmarked for tourism only. The funds are transferred directly to the county through the Treasurer's Office. A public hearing is required to receive comment on adopting an ordinance/agreement to accept the funds. Commissioner Ira Hatch made a motion to advertise for a public hearing to be held on June 15, 2004 at 10:00 a.m. to receive comment on a proposed county ordinance/agreement with UAC regarding transient room tax collection services. The motion was seconded by Commissioner Gary Kofford and approved by all members present. The proposed agreement will be available to the public for review at the Clerk/Auditor's Office.

(2)

**REQUEST TO ADVERTISE FOR VACANT POSITION ON THE EMERY COUNTY TRAVEL BUREAU.**

Doug Richards has resigned as board member on the Emery County Travel Bureau. His term expires on December 31, 2005. The E.C. Travel Bureau asked to advertise for a board member to fulfill the term of Doug Richards. Commissioner Ira Hatch made a motion to advertise for applications to fill the unexpired term of Doug Richards from the eastern part of the county on the Emery County Travel Bureau. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF PROPOSED SITLA RIGHT OF ENTRY FOR SEISMIC SURVEY.**

Commissioner Ira Hatch made a motion to give approval to what ever SITLA needs for the

seismic survey. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**DISCUSSION OF MUSEUM OF SAN RAFAEL STAFFING.**

Green Thumb, the federal program that pays retired people to work at museums, has been funding three employees at the Museum of the San Rafael. As these employees have left the program, Green Thumb has not replaced them because the program has ended. When Willard Young leaves the program in June the museum will need an employee to take care of the grounds and building maintenance. Ravolla Whittle was on the Green Thumb program but is now being paid by the county through a contract. The Board of Commissioners discussed making Ravolla a county employee under twenty hours a week at \$5.15 per hour. They will need to advertise for an employee to keep up the grounds and building maintenance. Jan Petersen, Museum of the San Rafael Director and Pat Snowball, Personnel Director were assigned to write up a job description for the two positions at the museum. Commissioner Gary Kofford made a motion to accept two individuals as employees at the Museum of the San Rafael at 5.15/hr. under twenty hours per week effective today. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

**RATIFICATION OF DONATION TO AMERICAN LEGION AUXILIARY.**

Commissioner Gary Kofford made a motion to ratify a donation of \$250.00 to the American Legion Auxiliary. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**REQUEST FOR DONATION TO BRITTANY UNGERMAN.**

Brittany Ungerman is a student at Emery High School. Brittany is an athlete and cheerleader. She and Roxanne Jackson have been chosen to attend Cheer Hawaii USA, cheer camp, at the University of Hawaii July 2 through 8, 2004. Commissioner Drew Sitterud suggested that it would be best to have them approach the Recreation Special Service District for a donation.



(7)  
**DISCUSSION/APPROVAL OF LETTER TO BLM CONCERNING REHABILITATION PLAN FOR THE SAN RAFAEL SWINGING BRIDGE.**

Commissioner Sitterud reported that he along with Kathleen Truman, Dixie Swasey, Rex Funk, Ray Petersen, Gary Kofford and Cory Jensen, Natural History Specialist and other state people went out to the Swinging Bridge on the San Rafael. They discussed whether to allow usage of the bridge for ATV travel. The state people said it was in no way safe for any motorized vehicle travel. There was no reason to use it for travel when there is a new bridge ten feet away that can be used for motorized travel. It was their suggestion to leave the bridge as natural as possible. They suggested that the bridge should be used for pedestrian use only. They suggested replacing rotting timbers in the deck and minimal painting to leave the bridge as natural as possible. The county has a grant for \$9,000.00 to fund the rehabilitation project with the county providing one half in kind work and the state \$4,500.00. The Historical Society has \$1,000.00 to paint the bridge. As the rehabilitation is done they will try to put the bridge back to as original as they can. As part of the rehabilitation funding process from the state comment is needed from the BLM. Commissioner Ira Hatch made a motion to approve a letter to Joan Hubbert, BLM to get comment on a rehabilitation plan for the San Rafael Swinging Bridge. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)  
**DISCUSSION OF HANDRAILS AT CLEVELAND AND ELMO LIBRARIES**

Commissioner Gary Kofford discussed handrails at Cleveland and Elmo Library. The entrances are not ADA compliant. He called several welding companies as asked them to attend a bid showing. He had one company bid on the job. The bid was well over what he expected. He talked to Rex Funk at the Road Department about county employees doing the job. Rex indicated that the employees would not have time to do the job during the week but would be able to work on it Friday and Saturday. Commissioner Kofford estimated that with paying the overtime for the employees and the equipment they could cut the cost to do the job in half. Funds would have to be transferred from the Library to Highway to cover the cost of the project. Commissioner Gary Kofford made a motion to allow Rex Funk to proceed with putting up the handrails at the Cleveland and Elmo Libraries. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**CITIZEN CONCERNS**

Jan Petersen discussed a growing concern at the Museum of the San Rafael. There are no marked handicap parking lanes or other parking lanes around the perimeter of the building. She was not sure if it was a Castle Dale City problem or a county problem.

Public Lands will be sponsoring a meeting Monday, May 24, 2004 at the Museum of the San Rafael. The meeting will be to clarify the county's position on RS2477 Roads and receive comment on the recent US ALL lawsuit. There will be representatives from State BLM and the Attorney General's office, Public Lands Council, Emery County Commission, Emery County Attorney, and the Sheriff's Department.

MECCA recently held their annual San Rafael Mountain Bike Festival. They had one hundred forty-eight participants from all over the state. There were no reportable accidents. All went well. It was well attended and covered by Channel 5.

(10)

**CONSIDERATION AND APPROVAL OF AMENDED EMERY COUNTY TRAVEL RULES AND REGULATIONS.**

This was tabled to allow time to review.

(11)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #162213 through and including #162371 for payment.

One requisition was presented from the Ambulance for a Monitor IV Stored Voice Pager in the amount of \$373.00.

Commissioner Ira Hatch discussed removing the Road Department truck that was wrecked from the asset list. Rex would like to use the truck as salvage to put with another truck to make one good truck. The insurance company has totaled the vehicle. We received word that the salvage value is \$917.00.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, Requisition and disposition of the truck from the Road Department as presented. The motion was seconded

by Commissioner Ira Hatch and approved by all members present.

**(12)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Road Department

Zen Majors will assume the position of Equipment Operator/Driver beginning with the pay period of May 24, 2004. Commissioner Ira Hatch made a motion to approve Zen Majors assuming the position of Equipment Operator/Driver as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Carol Ware has requested Family Leave which began May 6, 2004 and is expected to end July 29, 2004. Commissioner Ira Hatch made a motion to approve Family Leave for Carol Ware as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

While Carol Ware is on Family Leave, Lynda Smith will assume additional duties. It was requested that her wage be adjusted commensurate with the added duties. Commissioner Ira Hatch made a motion to give Lynda a two step increase on a permanent basis. Commissioner Gary Kofford discussed the possibility of giving Lynda a \$2.45/hr increase for up to 90 days while Carol is off and then have her pay return to what it was before. They can re-evaluate her position and pay when Carol returns to work. Therefore, Commissioner Gary Kofford amended Commissioner Ira Hatch's motion to approve giving Lynda a \$2.45/hr. pay increase for up to 90 days and to revert back to her old position's pay and to re-evaluate her position after Carol's return to work. This would be effective the next pay period. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Request was made to hire temporary up to 90 days clerical help. According to policy a department can hire up to 90 day temporary and advise the Commission within thirty days. Commission gave their approval to hire up to 90 days clerical help.

Weed & Mosquito

Cory Worwood began an up to 90 day temporary assignment as Weed and Mosquito Control Technician on May 17, 2004. This temporary assignment will end August 14, 2004. Commissioner Ira Hatch made a motion to approve the temporary assignment of Cory Worwood to the Weed and Mosquito Department as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

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Economic Development

Marlin Eldred has submitted his resignation effective June 4, 2004. Request was made to begin the recruitment process to fill the vacancy left by Marlin. Commissioner Ira Hatch made a motion to accept Marlin Eldred's resignation and subject to discussion with the Economic Development Board and begin the recruitment process to fill the vacancy in Economic Development if deemed appropriate. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Library

Marian Mangum has completed her orientation period after her promotion. Jerilyn Mathis has recommended that she receive a two step increase effective the pay period of May 24, 2004. Commissioner Gary Kofford made a motion to approve the two step increase for Marian Mangum as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(13)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Ira Hatch made a motion to approve the minutes dated May 4, 2004 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**

**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch attended a meeting at the Huntington Airport with the state aeronautical engineer. Bevan Wilson from UDOT Highway Commission was present at the meeting also. They looked over the Huntington Airport Plan. Everything is moving along. Rob Midgley, Huntington Airport Manager has been providing courier service, charter flights, fuel and scenic tour services to the public as well as search and rescue for the Sheriff's Department.

He met with Rex Funk, Craig Johansen, a representative from the Federal Highway Administration and US Forest Service regarding re-habilitation of the Orangeville/Ephriam Road.

He met with Dave Shaver, Genwal Coal Company to discuss a mine plan in Crandal Canyon. They plan to put a new portal on the south side of the canyon. They intend to mine out a section behind the old Swisher #4 which was closed by Swisher some twenty years ago. They have

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purchase new long wall equipment that is equipped to handle low coal.

He and Pat Snowball attended Utah County Insurance Pool Board Meeting meetings in Moab where they discussed the UCIP agreement and attended the personnel management workshop.

He reminded everyone of the Third Annual Rural Business Conference in Richfield on May 25, 2004. The conference is sponsored by Senator Bob Bennett and Utah Rural Development Council.

*Commissioner Kofford*

Commissioner Kofford met with UAC representative Carl Hendrikson regarding State Tax Commission and centrally assessed and state assessed property.

He attended a DOGM meeting where they discussed the Rilda Canyon break-out for Energy West.

He was disappointed at the lack of public attendance at a Forest Service public meeting to discuss the management plan. The left fork of Huntington Canyon is eligible for Wild and Scenic designation. The right fork is recreational. They are looking for public comment.

*Commissioner Sitterud*

Commissioner Sitterud reported on progress of a low water boat ramp at Joe's Valley reservoir. Water is up at the reservoir so the contractor will hold off on the work until October.

The nursing home is getting a new sprinkling system.

He attended a meeting with State Parks where Ferron City pushed for funding for another nine holes at Millsite Golf Course. Land across the street from the golf course has been donated to the city for that purpose. The problem is how to get to the other side of the road. UDOT will not let them put up a stop sign. They will have to go over the road which is very costly or under it which has eight feet surface water to contend with.

Plans to move along with upgrading the road from U-24 to the entrance into Goblin Valley are moving along.

Emery Town council voted unanimously to approve the new addressing system. Ferron City is next.

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He met with a man who is a lube oil specialist interested in starting back up the oil refining program in Green River.

The people who are putting in the landfill in Green River are not happy about how long it is taking to complete everything. They are looking now at the end of the year.

Green River City will have a Public Hearing for the White Sands Missile Base. Green River City wants to purchase the abandoned base.

Mineral lease payments have been good from the last two quarters and look to be same for the next quarter.

Commissioner Gary Kofford made a motion to recess until twelve o'clock and at that time to return for an executive session to discuss pending litigation with Attorney David Blackwell. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**  
**EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION AND PERSONNEL MATTERS.**

Present at an executive session was Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Public Lands Director Ray Petersen and Deputy Clerk/Auditor Carol Cox.

Pending litigation was discussed.

**(16)**  
**ADJOURNMENT**

Upon returning to regular meeting, Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

June 1, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**DELENA FISH, WFS, QUARTERLY UPDATE.**

Delena Fish, WFS provided a quarterly update as follows:

The unemployment rate is still up around 10.5, the highest in the state. She reviewed job seeker activity, work load activity, food stamp accuracy and timeliness.

**(2)**  
**DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Deb Dull was not able to attend the meeting this time.

**(3)**  
**LARRY SALAZAR, EMERY TELCOM, QUARTERLY UPDATE.**

Larry Salazar was not able to attend the meeting this time.

**(4)**  
**DECLARATION OF UTAH MILITARY APPRECIATION WEEK JUNE 12-19, 2004.**

In recognizing the exceptional contribution of our fellow Utah citizens serving in the Armed Forces, Governor Olene Walker declared the week of June 12-19, 2004 as Utah Military Appreciation Week. She asked that we join her in supporting our military men and women through community involvement and in recognizing and celebrating Military Appreciation Week. She requested that all community members display the American Flag for the entire week. Commissioner Ira Hatch made a motion to declare the week of June 12-19, 2004 as Utah Military Appreciation Week in Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**SELECTION OF AN AGENT FOR PURPOSES OF BEING SERVED UNDER THE GOVERNMENTAL IMMUNITY ACT.**

Attorney, David Blackwell explained that under the re-write of the Governmental Immunity Act there is notice provisions wherein we, Emery County must identify an agent for purposes of being served. Historically this has been the Clerk/Auditor's office. Bruce Funk indicated the chain of command for being served was from the Clerk/Auditor to the Attorney and also Personnel. Under the provision of the GIA the county must provide by way of a memo the name and address of the agent for the county. Pat Snowball indicated the memo would be beneficial for her reporting to UCIP. Commissioner Gary Kofford made a motion to designate the Clerk/Auditor as the agent for purposes of being served under the Governmental Immunity Act. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF AMENDED EMERY COUNTY TRAVEL RULES AND REGULATIONS.**

Last month the Commission met with department heads and officials to discuss amending the Emery County Travel Rules and Regulations. The amendment being considered was a result of that meeting. Bruce Funk addressed his concerns. He felt that the amendment leaves latitude to officials with regard to expenses for spouses and does not identify dollar amounts for meals. The work area needs to be identified and what constitutes a paid meal in the work place. He finds it hard to enforce and felt there would be abuse involved. He was not comfortable with the amendment.

Dixie Swasey addressed her concerns also. She felt the amendment needs to be more definitive. What is fair and reasonable to one person may not be to another. The amendment being considered is left wide open for abuse.

Commissioner Ira Hatch made a motion to approve the amended Emery County Travel Rules and Regulations. Commissioner Drew Sitterud stepped down to second the motion. Commissioner Gary Kofford voted nay on the motion. The motion passed with one nay vote.

(7)

**APPOINTMENT TO EMERY COUNTY LIBRARY BOARD.**

Commissioner Gary Kofford stated that advertisement went out for applications to serve on the library board from the north end of the county. Two applications were received. The library



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board was polled and recommended appointing Buleah Oveson to the library board. Commissioner Gary Kofford made a motion to appoint Buleah Oveson to the library board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)**  
**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR  
ENHANCEMENT OF BOATING FACILITIES AT JOE'S VALLEY RESERVOIR.**

Tabled

**(9)**  
**DISCUSSION AND CONSIDERATION FOR TRT ORDINANCE AND AGREEMENT.**

Attorney David Blackwell stated that a Public Hearing was not required. The ordinance needs to be available for review by the public in the Clerk/Auditor's office and be posted in the Progress as such. The Commissioners still had questions that needed to be answered. Commissioner Ira Hatch made a motion to table the TRT ordinance and agreement until the Commission has had the opportunity to review it more and to cancel the Public Hearing. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)**  
**CONSIDERATION AND APPROVAL OF GRANT CONTRACT WITH UTAH STATE  
HISTORY.**

Shirley Spears, Emery County Archives reported that the EC Archives applied for and got an oral history grant. The grant is a matching grant for \$3,000.00. The name of the grant is Castle Valley Women on the Home Front During WWII. The contract was presented for approval and signatures. Commissioner Ira Hatch made a motion to approve the grant as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Sitterud asked Shirley to explain the EC Archives ongoing project. Shirley has been hired by Utah State Archives to microfilm government records for Emery County. After finishing Emery County they will then be microfilming Grand County, San Juan County and Carbon County. The attorney's old office is being used because of its size and no windows in the room. On June 9<sup>th</sup> Stewart Priest and Bryan Carpenter from the State Archives will be here for a training seminar on keeping records.

**(11)**

**DISCUSSION OF COMMISSION MEETING STARTING TIME.**

Commissioner Drew Sitterud received a few requests to change the starting time of Commission Meeting to better accommodate the public. The Commission discussed the possible times for Commission Meeting. All agreed that having one meeting at nine in the morning and one at four in the afternoon was accessible to the public. They will look into it some more.

**(12)****REPORT ON MAY TAX SALE.**

Senior Deputy Clerk/Auditor, Brenda Dugmore reported on the recent May Tax Sale. Property Parcel #1 had taxes owing in the amount of \$894.50 and sold for \$3,125.00. Property Parcel #2 was struck back to the county. There were no bids. Property Parcel #3 had taxes owing in the amount of \$475.02 and sold for \$700.00. Property Parcel #4 had taxes owing in the amount of \$2,710.00 and sold for \$10,000.00.

Brenda indicated that the map that was on display at the beginning of the sale made the property parcel #2 appear to be land locked when it actually is not. She felt that is why there were no bids for the property. She asked the Commission what they wanted to do about the property struck back to the county. Commissioner Gary Kofford made a motion to advertise the property to the highest bidder. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Ira Hatch made a motion to set August 3, 2004 as the day to open the bids to sell the property. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Brenda reported that there is a lien on property parcel #4. Attorney David Blackwell will look at the documents and advise as to what action will be needed.

**(13)****CITIZEN CONCERNS.**

Commissioner Kofford reported that the signs on the Buckhorn Wash Pictograph Panel were recently stolen. The BLM and the Emery County Historical Society have joined together to offer a \$500.00 reward for information leading to finding those responsible for the damage. He recommended adding another \$500.00 to the pot to make a \$1000.00 reward to hopefully speed things up a bit. Commissioner Gary Kofford made a motion to match the \$500.00 reward to make \$1000.00 reward for information leading to finding those responsible for the damage at the Buckhorn Wash Pictograph Panel. The motion was seconded by Commissioner Ira Hatch and

5  
COMMISSION MEETING MINUTES  
JUNE 1, 2004

approved by all members present.

**(14)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #162494 through and including #162578 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>APPROVAL</u>
40-04	Priority Dispatch Cardset Dispatch/Sheriff	444.00	Approved
41-04	Explosive Proof Electrical For Pump System at Landfill	1,380.00	Approved

Dispositions were presented for the following:

2103395	Desk, Steno Kimball	81	647.23
2103380	Table, Conference Round	81	350.00
2103389	Cabinet, 5 drawer tan file	81	474.33
2103327	Chair, Kimball Executive	81	249.00
2102530	Cabinet, 4 drw card file	79	329.00
2102543	Cabinet, File Hon	81	300.00
2102397	Table, Folding	82	100.00
2102396	Table, Folding	82	100.00
2102395	Chair, Chrome Naugahyde black	80	75.00
2102390	Cabinet, Storage 2 Door 2 sh	77	350.00
2105646	Chair, Secretary Hon	93	299.00
2105647	Chair, Secretary Hon	93	299.00
2102389	Bookshelf, Wooden 7 shelves	81	300.00
2102388	Cabinet, File 4drw Wesco	80	300.00
2102387	Cabinet, File 4drw Wesco	80	300.00
2102386	File, 2drw Anderson-Hickey	80	300.00
2102385	Chair, Executive	80	350.00
2101806	Table, White top	80	150.00
2101805	Cabinet, File 2 drw black	80	138.28

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2101800	Desk	80	400.00
2102384	Desk, Shaw-Walker	80	450.00
2102383	Desk, W/Return Anderson-Hickey	80	450.00
2102382	Chair, Steno Black	80	70.00
2102381	Chair, Steno Black	80	70.00
2102224	File Lateral Teak Wood top	82	638.28
2101948	Table, Conference Walnut Top	80	370.00
2101712	Printer, Courier	79	4,295.00
2100045	Pager, Motorola	82	230.00
2101707	Microfische Reader, 3M	78	300.00
2100042	Radio, Mobile Pace	82	675.00
2102069	Pager, Standard	76	199.00
2102068	Pager, Standard	76	199.00
2102067	Pager, Standard	76	199.00
2102066	Pager, Standard	76	199.00
2102065	Pager, Standard	76	199.00
2102064	Pager, Standard	76	199.00
2102021	Pager, Standard	76	199.00
2102020	Pager, Standard	76	199.00
2102170	Vest, Armour Hide	78	130.00
2102169	Vest, Armour Hide	78	130.00
2102168	Vest, Armour Hide	78	130.00
2102167	Vest, Armour Hide	78	130.00
2101996	Radio, Handheld Motorola	79	1,000.00
2101997	Radio, Handheld Motorola	79	1,000.00
2101998	Radio, Handheld Motorola	79	1,000.00
2101999	Radio, Handheld Motorola	79	1,000.00
2102000	Radio, Handheld Motorola	79	1,000.00
2105021	Pager, Pagecom Motorola	82	199.00
2105019	Pager, Spirit	82	230.00
2105018	Pager, Spirit	82	230.00
2105015	Radio, Handheld MT 500	82	805.00
2105020	Radio, Handheld MT 500	82	805.00
2105012	Radio, Handheld MT 500	82	950.00
2105010	Radio, Handheld MT 500	82	980.00
2105022	Radio, Handheld MT 500	82	805.00
2105074	Radio, Handheld Motorola	81	955.00
2105028	Radio, MT 500 PAK	82	805.00
2105027	Radio, Handheld MT500	82	805.00
2105026	Radio, Handheld MT 500	82	805.00
2105148	Gun, Radar Dual Ant	89	1,785.00
2105147	Gun, Radar Dual Ant	89	1,785.00

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2102171	Laminator, ID DL2	79	50.00
2101623	Desk, Brown Top	75	200.00
2101690	Desk, Shaw Walker 3x6	77	300.00
2101463	Bookcase, 2 shelf gray	75	75.00
2101457	Cabinet, 2 Door	77	100.00
2101431	Bookcase, Shaw-Walker 7 shelf	70	50.00
2101432	Bookcase, Shaw-Walker 7 shelf	70	50.00
2101691	Desk, Anderson Hickey	76	250.00
2101692	Bookcase Walnut	80	250.00
2101706	Bookcase walnut	80	250.00
2101695	Credenza, Shaw-Walker	76	400.00
2101696	Chair, Swivel Delwood	80	150.00
2101697	Chair, Swivel Shawwalker green	77	75.00
2101708	Chair, Double Delwood	77	50.00
2101709	Chair, Double Delwood	77	50.00
2101710	Desk/Typestand, Anderson Hickey	76	300.00
2105258	Solar Panel	85	310.00
2105252	Processor, Color Print	85	1,800.00
2102172	Camera, Super 8 Sound Elmo	78	150.00
2105255	Stereo, Midland	85	130.00
2105256	Recorder, Olympus	85	107.00
2105240	Radio, Veetec RCA	84	400.00
2105237	Radio, Veetec RCA	84	400.00
2105239	Radio, Veetec RCA	84	400.00
2105223	Radio, Motrac Mobile Motorola	84	1,000.00
2105221	Radio, Veetec Mobile RCA	84	1,000.00
2105219	Radio, Veetec Mobile RCA	84	1,000.00
2105283	Drill, Cordless Mikata	87	140.00
2105267	Rubber Raft	86	300.00
2105257	LightBar w/acc	85	600.00
1387200	Plotter, HP 3000	00	8,573.00
1378028	Cart, Plotter	03	149.00

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, Additional Claims, Requisitions and Dispositions. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

COMMISSION MEETING MINUTES  
JUNE 1, 2004

Pat Snowball, Personnel Director presented the following Personnel action:

Sheriff's Department

Jerod Curtis passed his POST training. He is now classified as a Patrol Officer and is eligible for a wage increase effective the pay period of June 7<sup>th</sup>. Commissioner Ira Hatch made a motion to approve a wage increase for Jerod Curtis as per policy. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Extension Office

Cassie Jensen has been hired temporarily, up to 90 days, beginning May 21<sup>st</sup> and ending August 19<sup>th</sup>. Commissioner Ira Hatch made a motion to approve the temporary hire of Cassie Jensen in the Extension Office as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Recorder's Office

- A. Sharon Boyle has requested Family Leave beginning May 24<sup>th</sup>. Her father is ill.
- B. Doris Quinn is eligible for her routine progressive wage increase effective the pay period of June 7<sup>th</sup>. This in compliance with the policy and has been recommended by Dixie Swasey.

Commissioner Gary Kofford made a motion to approve Family Leave for Sharon Boyle and a wage increase for Doris Quinn as per policy. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Assessor's Office/Road Department

It was proposed to bring Melinda Wilbanks back for a second temporary up to 90 day assignment in the Assessor's Office on a part time basis. At the same time she would work temporary up to 90 days in the Road Department, part time. The period would begin 7<sup>th</sup> and end September 4<sup>th</sup>. Commissioner Ira Hatch made a motion to approve Melinda Wilbanks as a temporary up to 90 days in the Assessor's Office and the Road Department as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Economic Development

Commissioner Sitterud discussed plans to recruit for a Economic Development director. In the May 18, 2004 Commission Meeting a motion was made to begin the process to fill the vacancy

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left as a result of Marlin Eldred's resignation. It could take up to two months to get the position filled. Linda Jewkes from the Economic Development expressed the desire of the board to have someone with knowledge and experience. They have a very active board at this time. They will continue to function with volunteers for now.

Pat indicated she needed a memo outlining who gets the notice of claim for Utah Counties Insurance Pool. Commissioner Ira Hatch made a motion to give the Personnel Department authority to write the memo needed for UCIP. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Ira Hatch made a motion to approve Commission Meeting minutes dated May 18, 2004 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(17)**

**COMMISSION REPORTS.**

*Commissioner Kofford*

Commissioner Kofford reported on the Utah Board of Mental Health meeting he attended. They are redoing their by-laws. They will be electing five county commissioners to their board.

*Commissioner Hatch*

Commissioner Hatch recently attended a Western Inter-Regional Conference meeting in Ogden. One thing that they discussed was the wind power proposal by UPL.

*Commissioner Sitterud*

Commissioner Sitterud, Gary Petty and his wife Jolene attended the White Sands Missile Base hearings in Green River. They discussed three options regarding the two dump sites that are in Emery County at the missile base. Number one was to do nothing. Number two was to remove it. Number three was to seal it and watch it. Removing the dump sites to E.C. D.C. in Carbon County was the preferred option. Green River City wants the property. The base's buildings are in the county. Ninety percent of the base is in Grand County.

The tables at Little Bear Campground have now been replaced. The old tables were donated to

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cities in the county.

He attended a salinity meeting in Green River where they discussed farmers and cities secondary water issues. The meeting was poorly attended.

He attended the Rural Conference in Richfield. Senator Bob Bennett sponsored the conference. He felt it was an excellent conference with a great program and speakers.

Work has begun on the softball complex in Huntington.

Kresha Eastman has now retired. Her job is up for recruitment. It is a federal position that requires a biology degree.

**(18)**  
**EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION AND PERSONNEL MATTERS.**

An Executive Session was not needed.

**(19)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

JUNE 15, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**KAY KIMBALL, PRESENTATION OF 2003 INDEPENDENT FINANCIAL AUDIT**

Kay Kimball, Kimball and Roberts, presented the Board of Commissioners with copies of the 2003 independent audit report. He commented that Emery County has good, helpful employees. The internal test went well. Emery County is in good financial shape. They found no exception with anything. The nursing home audit found everything in order there as well. He reported that as an independent auditor he is audited by the state in what is called a 'peer review' every three years. His company received no letter of comment, meaning everything was in order.

Commissioner Ira Hatch made a motion to accept the independent financial audit as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**LARRY SALAZAR, EMERY TELCOM, QUARTERLY UPDATE.**

Mr. Salazar was not able to attend the meeting.

(3)

**JEFF ADAMS, PRESENTATION OF RESOLUTION FOR APPROVAL TO ACCEPT THE SEUALG NATURAL HAZARD PRE-DISASTER PLAN.**

Jeff Adams, SEUALG explained that back when the Federal Emergency Management Act was first enacted the intent was to rebuild houses destroyed after natural disasters. The cost for this began to be overwhelming. The government shifted funds to pre-mitigation efforts. Martin Wilson is the lead man for Emery County for the natural hazard pre-disaster plan. The plan points out what we would do if a natural disaster were to occur. A resolution for approval to accept the plan must be adopted by the county and the municipalities. At this time it was being presented to the county for approval. Commissioner Gary Kofford made a motion to adopt Resolution 6-15-04 to accept the SEUALG Natural Hazard Pre-Disaster Plan. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(4)****CITIZEN CONCERNS**

No concerns.

**(5)****CONSIDERATION AND APPROVAL OF QUIT CLAIM DEED INVOLVING DICK NIELSON PROPERTY.**

Recorder, Dixie Swasey, explained that Professional Title was asked to do a title search on the property previously owned by Dick Nielson. The title search found that the property was sold at a tax sale back in 1939. The tax sale record indicates that this one hundred sixty acres on the SW corner of Section 8 of Township 16 S, Range 7 E which is up Huntington Canyon in the vicinity of Crandall Canyon. The tax sale record showed underground rights only, but had been erased. Another tax sale record showed it did not have underground rights. All in all the recorder at that time considered this to be both underground and surface rights, so she put the owner which was Dick Nielson's great-grandfather on record as having both surface and underground rights. It has been this way since 1939. Taxes have been being paid on the property. It is state assessed property. Dixie suggested Emery County should issue a quick claim deed to Dick and Guinevere Nielson. Based on the research done by Dixie Swasey and at the request of the family, Commissioner Ira Hatch made a motion to issue a quick claim deed to Dick and Guinevere Nielson. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(6)****CONSIDERATION AND APPROVAL OF AMENDMENTS TO THE EMERY COUNTY ZONING ORDINANCE.**

In May, 2004 a Public Hearing was held to hear comment on amendments to the Zoning Ordinance. Public participation at that hearing was very low. At that time a thirty day comment period was set up to receive public comment on the amendments to the zoning ordinance. That thirty day comment period is now over. Comments that were received during that time were the same concerns expressed in the meeting. The need for smaller building lots in the county were a concern as well as acreage requirements for building on mountain property lots. Regulations on non-compliant areas such as Lawrence were also a concern. One question that has not been resolved is, if we were to change to a lesser acreage requirement, what would that do to those who presently own ten acres. Commissioner Gary Kofford made a motion to accept the amendments to the Emery County Zoning Ordinance as originally presented.

The motion was seconded by Commissioner Ira Hatch and approved by all members present. Commissioner Kofford will take the ordinance back to the Planning Committee to look at the

Lawrence and Joe's Valley Subdivision area. We need to get these areas in compliance and answer questions that have been presented.

(7)

**DISCUSSION OF LETTER FROM PRIVATE PROPERTY OMBUDSMAN.**

Commissioner Sitterud reported that the Board of Commissioners received a letter from the Private Property Ombudsman. Attorney David Blackwell explained that ombudsman deals with private property issues. This particular issue is from a few years back regarding whether the county has the right to widen a road. He felt it was a dead issue. Commissioner Ira Hatch made a motion to give David Blackwell authority to write a letter to the ombudsman relative to this issue advising him of the decision of the County at that time. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Commissioner Gary Kofford made a motion to appoint David Blackwell as contact person for Emery County regarding the Private Property Ombudsman. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR ENHANCEMENT OF BOATING FACILITIES AT JOE'S VALLEY RESERVOIR.**

Tabled

(9)

**CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT FOR JOE'S VALLEY BOAT RAMP.**

Commissioner Gary Kofford made a motion to approve the engineering contract for Joe's Valley Boat Ramp. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF ORDINANCE/AGREEMENT WITH UTAH**

**ASSOCIATION OF COUNTIES REGARDING TRANSIENT ROOM TAX  
COLLECTION SERVICES.**

A letter was written to Utah Association of Counties expressing the County's objection to the way the collection of Transient Room Tax was set up. Commissioner Hatch suggested that the county not enact the ordinance at this time. He suggested writing a letter to the State Tax Commission informing them that we do intend to either collect and report the tax ourselves or have UAC collect the tax. We need to inform the State Tax Commission by the first of July. Commissioner Ira Hatch made a motion to table the ordinance and write a letter to the State Tax Commission opting out of having them collect the tax. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)**  
**DISCUSSION/APPROVAL OF REPLACEMENT AIR CONDITIONER FOR EMERY  
LIBRARY.**

The Library Board received three bids for replacement of an air conditioner for Emery Library. The bids were as follows: Dugmore Heating and Appliance, \$1,589.00, Snow's Heating and Air Conditioning, \$2,500.00 and Ram's Industries, \$1,795.00. The Library Board recommended awarding the bid to the low bidder, Dugmore Heating and Appliance. Commissioner Gary Kofford made a motion to award the bid for replacement of an air conditioner for Emery Library to Dugmore Heating and Appliance. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(12)**  
**APPOINTMENT TO EMERY COUNTY TRAVEL BUREAU.**

Tabled

**(13)**  
**CONSIDERATION AND APPROVAL OF RETIREMENT CONTRIBUTION RATES  
FOR JULY 1, 2004 TO JUNE 30, 2005.**

Senior Deputy Clerk/Auditor, Brenda Dugmore presented the retirement contribution rates for July 1, 2004 to June 30, 2005 as follows: Contributory and Non-Contributory - 13.08%  
Public Service- 19.08%

The retirement contribution rates will take effect on July 1, 2004.  
Commissioner Ira Hatch made a motion to accept the retirement contribution rates as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF THE PROPOSED TAX RATE FOR 2004.**

Senior Deputy Clerk/Auditor, Brenda Dugmore presented the proposed tax rates for 2004 as follows: General Fund 0.003702 Library 0.000428 Assessing and Collecting 0.000233. These rates are set by the State Tax Commission and must be approved by June 22, 2004. Commissioner Ira Hatch made a motion to approve the proposed tax rates for 2004 as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(15)

**FINALIZATION OF DATES AND TIMES OF 2004 BOARD OF EQUALIZATION.**

Board of Equalization dates were tentatively set when the 2004 Commission Meeting Schedule was approved. It is necessary to finalize the dates to be printed on the disclosure notices which will be sent out in July. The proposed date and time for BOE are as follows:

Green River- August 17, 2004 from 12:30 p.m. until 3:30 p.m. with Commission Meeting following at 4:00 p.m. in Green River.

Castle Dale-August 18, 2004 from 9:00 a.m. until 3:00 p.m.

Commissioner Ira Hatch made a motion to approve the proposed dates and time for BOE as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(16)

**CONSIDERATION AND APPROVAL OF REQUEST FOR AMBULANCE WRITE-OFF.**

Senior Deputy Clerk/Auditor Brenda Dugmore read a letter of request from JCI Billing on behalf of Mario Miragliotta requesting ambulance billing write-off in the amount of \$1,005.50. Mr. Miragliotta lost his wife and was left a paraplegic as a result of the automobile accident. A lawsuit settlement did not amount to much. His attorney indicated there is no way Mr. Miragliotta would ever be able to pay the bill. Commissioner Ira Hatch made a motion to approve the request for ambulance write-off for Mr. Mario Miragliotta. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #162752 through and

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including #162898 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
42-04	Digital Televison Transcoder Television	7,900	Approved
43-04	Multipod and raptor foot set Posse/Sheriff	3,300.00	Approved
44-04	Supply cabinets Sheriff	2,665.68	Approved
45-04	Pickup truck topper shell/ 2 Sheriff/Blackburn/Mills	2,175.00	Approved
46-04	Central Air Unit/Emery Library	1,589.00	Approved

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, Additional Claims and Requisitions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(18)

**DISCUSSION OF JUSTICE COURT JUDGE APPOINTMENT.**

The Board of Commissioners discussed with Attorney David Blackwell the process of appointing a Justice Court Judge. Mr. Blackwell explained that the Commission Chair is the appointing authority. However, a person cannot perform the duties of a judge until they have been board certified and approved by the Judicial Council. The next session for the Judicial Council is scheduled for sometime in September. Commissioner Gary Kofford reported that until a new judge has been appointed Judge Betty Burns from Green River will assume his duties in Castle Dale. She has requested an agenda to cover his work load until a replacement has been made. Commissioner Kofford suggested advertising to fill the position. The Commissioners discussed the need for a job description. Commissioner Gary Kofford made a motion to set up a task force made up of the Commissioners, Attorney David Blackwell, Sheriff Guymon and Pat Snowball to create a job description, the amount of hours involved, travel, salary, etc, prior to

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advertising for applicants to fill the position. The motion was seconded by Commissioner Ira Hatch and approved by all members present. Commissioner Gary Kofford made a motion to begin the process of soliciting for applications to fill the position of Justice Court Judge. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(19)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

GIS

Jeff Guymon hired Tyrell Jewkes, temporary up to 90 days beginning June 3, 2004 and ending August 31, 2004. Commissioner Ira Hatch made a motion to approve hiring Tyrell Jewkes for up to 90 days temporary in the GIS Department. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sheriff's Office

The recruitment for Corrections Secretary has been completed. Through the process 67 resumes were processed. The Sheriff recommended Jennifer J. Jensen for the position. This is a full time position with benefits. Commissioner Gary Kofford made a motion to approve hiring Jennifer J. Jensen as Corrections Secretary. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Road Department

J.D. Seely, Crew Leader Mechanic , has submitted his resignation. Request was made to begin the recruitment process to fill this vacancy. Commissioner Ira Hatch made a motion to begin the recruitment process to fill the vacancy left by J.D. Seely's resignation. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Travis Winn, who is currently Lead Mechanic, will temporarily assume the duties of crew leader mechanic. It is recommended that he receive a three step increase for the time he performs these duties. Commissioner Ira Hatch made a motion to approve a three step increase for Travis Winn during the time he assumes the additional duties. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Wayde Nielsen, Crew Leader Road Maintenance, has assumed additional duties within the area

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of road maintenance. It is recommended that he receive a three step increase.

When the crusher is in operation it is necessary to have a designated lead person who for the time of operation assumes considerable responsibilities. It is recommended that the person who assumes those duties while the crusher is in operation receive a seventy cent an hour differential. Commissioner Ira Hatch made a motion to approve both actions, three step increase for Wayde Nielsen and a seventy cent an hour differential for the person who assumes responsibility while the crusher is in operation. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(20)**

**CONSIDERATION AND APPROVAL OF HEALTH INSURANCE RENEWAL.**

Jeff Kelsey discussed renewal of health insurance for 2004-2005. He discussed carrier options with the Board of Commissioners. Staying with the current carrier, Alliance Underwriters, Inc. and the same options, Emery County will experience a 17% increase. Commissioner Kofford suggested looking at increasing employees deductible and the co-pay. They discussed other ways to cut down on premium costs. Commissioner Gary Kofford made a motion to stay with the current plan, providing Emery County review the options to see if there is a way to corral the escalating costs. He recommended going with Novia rather than Alliance. Commissioner Ira Hatch seconded the motion and made an amendment to the motion by adding to have Pat Snowball, Jeff Kelsey and the Commissioners look at the total coverage package by budget time in September/October and determine which option is best for the county. The motion was approved by all.

**(21)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated June 1, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(22)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reviewed the progress of installing handicap accessible handrails at the Elmo Library. He also reported on a recent tour of Range Creek and the Wilcox properties.



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There is an archaeological survey/inventory being conducted at this time.

*Commissioner Sitterud*

Commissioner Sitterud reported on a recent discussion group with Republican candidate for Governor, Gary Herbert and Enid Green at AOG building in Price. Commissioner Kofford also attended the meeting along with many mayors from Emery County. They talked about schools, sales tax, water, land use, RS 2477, Wild and Scenic River and more. There will be another group discussion in October with Democratic candidate for Governor, Scott Matheson. The Emery County Housing Board was audited last week. The board is working on some items that the federal people discussed with them. He attended a meeting with the state historical people regarding microfilming. Shirley Spears, who has been hired by the state, is currently microfilming records from all over the state in the attorney's old office here in the courthouse.

He provided a progress report on the Huntington ballfield.

Commissioner Gary Kofford made a motion to recess until 1:00 p.m. at which time the Board of Commissioners will hold an executive session. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(23)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was held at 1:00 p.m. with the following in attendance:

Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Ira Hatch, Attorney David Blackwell, Public Lands Director Ray Petersen and Clerk/Auditor Bruce Funk.

Upon returning to the regular meeting Commissioner Ira Hatch made a motion to give direction to the Public Lands Board to design a travel plan for Emery County to amend the Emery County General Plan to reflect that map so it can be submitted to the BLM during their open comment period and to authorize Attorney David Blackwell and Public Lands Director Ray Petersen to meet with USA-ALL and our attorneys to come up with a resolution to the RS2477 lawsuit. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(24)

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded

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by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

JUNE 29, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Sr. Deputy Clerk/Auditor Brenda Dugmore, other elected officials and citizens.

The purpose of the special meeting was to discuss the procedures for filling the vacancy in the Justice Court Precinct #1.

Commissioner Gary Kofford is over the justice court department. Mr. Kofford has been in touch with Judge Betty Burns from Precinct #2. Judge Burns has been working with court clerks Melany Bentley and Tammy Bentley. A tentative schedule for court has been set up. Judge Burns will hold the necessary courts in Castle Dale until a replacement has been appointed.

Commissioner Sitterud stated that no judge can be on the stand until September, after they have been through the training and certified by the judicial council. The class of court is determined by the number of cases that are heard. Our justice court is classified as class 2 - 201-500 cases, therefore the new justice court judge would be appointed as a full time judge.

Discussion of requirements for the justice court judge position were then discussed. Following is a list of requirements:

- Citizen of the United States
- Must be 25 years of age or older
- Resident of the State of Utah for 3 years
- Resident of the Precinct for 6 months
- Qualified voter of the Precinct
- Diploma from High School
- Demonstrate maturity of judgment
- Ability to apply law unbiasedly
- Receive State Justice Court Judge Certification

The position is an appointment by the Commission Chairman with the approval of the majority of the Commissioners. The County Attorney must submit an opinion of qualifications and the appointment must also be approved by the Judicial Council.

Commissioner Hatch suggested the need to advertise the position to narrow the search. It was decided to advertise July 6 and 13, 2004 in order to have an appointment ready for the meeting August 17, 2004 in Green River.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 6, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Gary Kofford was on vacation. Commissioner Drew Sitterud stepped down throughout the meeting to execute motions as needed.

(1)

**CITIZEN CONCERNS**

Treasurer, Steve Barton requested approval to add electronic check to the available methods of tax payments in his office. The service will be provided by the same company providing the credit card service. The company will charge a minimal \$3.00 service charge for the use of the electronic check. Commissioner Ira Hatch made a motion to approve Treasurer, Steve Barton to set up the electronic check as a method of tax payment in the Treasurer's Office and to put it on the agenda for next Commission Meeting to ratify the motion. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**REQUEST FOR PUBLIC HEARING ON LEVEL III CONDITIONAL USE PERMIT FOR WASTEWATER TREATMENT LAGOONS AND OUTFALL LINES FOR FERRON CITY**

Planning & Zoning Director, Bryant Anderson explained that Ferron City requested a conditional use permit to move the wastewater treatment lagoons and outfall lines approximately four miles. Some of the old lagoons will be backfilled and others used for storm water retention. Commissioner Ira Hatch made a motion to set a Public Hearing for August 3, 2004 at 5:00 p.m. to receive comment on a Level III Conditional Use Permit for Wastewater Treatment Lagoons and Outfall Lines for Ferron City. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**APPOINTMENT TO THE EMERY COUNTY PLANNING COMMISSION.**

Commissioner Ira Hatch explained that the Emery County Planning Commission is made up of several voting members and two non-voting members. Julie Johansen and Chris Rowley are non-voting members. The E.C. Planning Commission recommended appointing Julie and Chris as

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voting members on the board. Commissioner Ira Hatch made a motion to appoint Julie Johansen and Chris Rowley as voting members of the Emery County Planning Commission. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**DISCUSSION AND APPROVAL OF POSITION LETTER ON WILD/SCENIC RIVERS ACT.**

Commissioner Drew Sitterud explained that the Planning Document Draft for Wild and Scenic Rivers is coming out soon. The Commissioners have contacted each congressman asking them to sign a letter to support the County's position regarding no Wild and Scenic designation. Many of the congressmen have agreed to sign a letter of support. Commissioner Sitterud read the letter out loud which was written by Public Lands Director Ray Petersen. Commissioner Ira Hatch made a motion to authorize Commission Chairman Drew Sitterud to sign and send a position letter on the Wild and Scenic Rivers Act to the state congressional delegation for their signatures and then to send a copy of the letter to the BLM and Forest Service planning teams to be included as they move forward in their process. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**APPOINTMENT TO EMERY COUNTY TRAVEL BUREAU.**

Tabled.

(6)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR ENHANCEMENT OF BOATING FACILITIES AT JOE'S VALLEY RESERVOIR.**

Commissioner Drew Sitterud explained that the county has received the contract from the state. The figures are not listed in the contract yet as the federal funds have not been approved. Those figures should be here by the end of the week. Attorney, David Blackwell has reviewed and approved the contract. The contract agreement needs to go to the Special Service District meeting on Monday, July 12, 2004 as they will be the pass through agency for the funds on this project. Commissioner Sitterud requested approval to approve and sign the agreement and insert the numbers when they are received. Commissioner Ira Hatch made a motion to approve the Cooperative Agreement for Enhancement of Boating Facilities at Joe's Valley Reservoir and an Interlocal Agreement between Emery County Special Service District #1 and Emery County to handle the funds. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)  
**CONSIDERATION AND APPROVAL OF URS ELECTRONIC TRADING PARTNER AGREEMENT.**

Utah Retirement will be broadening the exchange of information through their web site "URS for Employees". Because of this they are increasing the security controls required for this exchange. This increased security requires them to issue a new User ID and password that requires that we, Emery County, enter into an "Electronic Trading Partner Agreement". Commissioner Ira Hatch made a motion to approve the URS Electronic Trading Partner Agreement. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)  
**REQUEST FOR AMBULANCE WRITE-OFF.**

Senior Deputy Clerk/Auditor, Brenda Dugmore presented requests on behalf of two individuals. Ann Jensen is on Social Security and not able to pay her bills. She has offered to pay \$10.00 a month. She is asking for any kind of a reduction. Commissioner Ira Hatch made a motion to abate one half of the amount owed and to set up a payment plan. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Walter Banker and his wife were involved in a serious automobile accident. His wife died as result of injuries in the accident and Mr. Banker's injuries were such that he will never be able to work again. Their insurance company has paid all that they will pay. Mr. Banker requested to have the remainder of the bill written-off. Commissioner Ira Hatch made a motion to write-off the balance of the ambulance bill. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)  
**REQUEST FOR DONATION TO EMERY COUNTY RECREATION DISTRICT.**

Commissioner Drew Sitterud discussed a request from the Recreation District for a donation of \$2,500.00 to purchase a piano to be used at the Recreation Center. A used piano has been located from the College of Eastern Utah for \$2,500.00. It was suggested that having a piano available at the Recreation Center would be a good thing for the county especially at fair time. A donation for this purpose falls within the guidelines for donation to organizations. Commissioner Ira Hatch made a motion to approve a donation of \$2,500.00 to the Recreation District for the purpose of purchasing a piano and suggested to set up a policy for monitoring the use of the piano. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND THE ADMINISTRATIVE OFFICE OF THE COURTS FOR BAILIFF SERVICES.**

Commissioner Ira Hatch made a motion to approve the MOU between Emery County and the Administrative Office of the Courts in the amount of \$4,500.00 per year to provide bailiff services recognizing that the amount of the reimbursement is approximately half the cost to provide the service. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND THE ADMINISTRATIVE OFFICE OF THE COURTS FOR PERIMETER SECURITY SERVICES.**

Commissioner Ira Hatch made a motion to approve the MOU between Emery County and the Administrative Office of the Courts in the amount of \$7,000.00 per year for perimeter security services; again recognizing that the reimbursement amount is approximately half of what it cost to provide the service. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**RATIFICATION OF EMERY COUNTY DRUG TASK FORCE GRANT.**

Commissioner Ira Hatch made a motion to accept the Emery County Drug Task Force Grant in the amount of \$65,456.84 to enhance the existing Drug Task Force. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF FY2005 INTER LOCAL COOPERATION AND CONTRACT AGREEMENT WITH SOUTHEASTERN UTAH AREA AGENCY ON AGING.**

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Commissioner Ira Hatch made a motion to accept the FY2005 Inter local Cooperation and contract Agreement with Southeastern Utah Area Agency on Aging. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(14)**

**CONSIDERATION AND APPROVAL OF A BUSINESS LICENSE.**

Commissioner Ira Hatch made a motion to approve a business license for Bernice Payne: DBA The Payne-ting Place. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)**

**RATIFICATION OF CERTIFIED TAX RATE AMENDMENT.**

Senior Deputy Clerk/Auditor Brenda Dugmore explained that the Tax Commission Office has implemented another change in the way they calculate the certified tax rates as follows:

General Fund.....	0.003610
Library.....	0.000417
Assessing/Collecting....	0.000227

Commissioner Ira Hatch made a motion to approve an amendment to amended certified tax rates to reflect the new rates as directed by the State Tax Commission. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

When the annexation in Green River went through the citizens annexed into Emery County were still responsible for a voter approved tax on four bonds. Grand County Water Conservancy District submitted their certified tax rate with operation and maintenance included.

Commissioner Drew Sitterud made a motion to pay only original debt of the bond and not the operation and maintenance. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(16)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 163024 through and including #163245 for payment.



6  
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Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
47-04	GT-77 Herd Spreader CMCA Grant/Green River Weed	316.00	Approved
48-04	Fogger w/Remote CMCA Grant/Green River Weed	7,600.00	Approved
49-04	Honda Foreman TRX 450 ATV CMCA Grant/Green River Weed	5,200.00	Approved
50-04	(3) Folding Tables Courthouse	666.00	Approved
51-04	Tactical Headset, Switches & Cable Sheriff	1,216.00	Approved
52-04	Geo Explorer XT w/Arcpad IT	5,500.00	Approved

Dispositions were presented for the following:

Asset # 4367 and 4368 altimeters from Huntington Airport. Whereabout is unknown.  
Asset # 4363 folding table from Huntington Airport. Whereabout is unknown.  
Asset #4759 Unicom radio from Huntington Airport. Whereabout is unknown.  
Asset #4364 Unicom King radio from Huntington Airport. Whereabout is unknown.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, Additional Claims, Requisitions and Dispositions as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(17)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

Economic Development

Skyler Tanner has been hired temporarily up to 90 days beginning June 21, 2004 and ending

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September 29, 2004. Commissioner Drew Sitterud made a motion to approve the hiring of Skyler Tanner temporarily up to 90 days as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Road Department

A. Brandon Conover resigned effective June 24, 2004

B. Russell Dull has been hired temporarily up to 90 days beginning June 29, 2004 and ending September 26, 2004 as an equipment operator/driver. Commissioner Ira Hatch made a motion to approve the hiring of Russell Dull temporarily up to 90 days as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Weed and Mosquito.

Dane Worwood has been hired temporarily up to 90 days beginning June 28, 2004 and ending September 26, 2004. Commissioner Ira Hatch made a motion to approve hiring Dane Worwood temporarily up to 90 days as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Sheriff's Office

A. Greg Funk will go from Detective/Drug Task Force to Patrol. Greg will receive on call pay for Spanish interpretation.

B. Brook Smith will go from Patrol to Detective/Drug Task Force.

C. Dustin Butler. As a Corrections Officer with 7 years service in the jail, it is recommended that he be recognized for a job well done and his years of service in corrections. Sheriff LaMar Guymon recommended a promotion to Corporal for Dustin Butler.

D. Nicole Deabenderfer. Since Lee Ann Scoggins' retirement Nicole has assumed additional duties. Sheriff Guymon recommended a pay increase for Nicole.

Commissioner Drew Sitterud made a motion to approve the pay increases and promotion in the Sheriff's Office as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

These payroll adjustments will be effective with the pay period of July 19, 2004.

**(18)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the Commission Meeting minutes dated June 15, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved

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by all members present.

Commissioner Ira Hatch made a motion to approve the minutes of the Board of Canvassers held on July 6, 2004. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(19)

**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch reported on a meeting with the water people concerning DOGM. He along with Ray Petersen will be attending a 'sufficiency hearing' on Lila Canyon Mine. SUWA has protested the meeting calling it an exclusive meeting. Ira felt like someone should be at the meeting so he and Ray will attend. SITLA board is considering changing rules in the way they grant access across state lands similar to RS2477 routes, particularly tract of lands that they sell. They will discuss that in the board meeting that he will also be attending tomorrow.

*Commissioner Sitterud*

Last Monday Commissioner Sitterud started in St. George with Congressional Hearings on RS 2477. All three congressman from Utah were there.

He attended a tour of Range Creek. He talked about the national media that visited there. He reported on the day on the tour. He talked about his interview with the media at the Wedge on the San Rafael.

Ray Petersen met Thursday night with the ATV group where they approved the map of roads and the ordinance written to enforce and maintain the roads in Emery County. It will be presented at the next commission meeting where it will be considered. In that meeting the Commission will need to set up a committee to review the ordinance for safety reasons and set a Public Hearing.

He spent the day with the BLM at Swasey's Cabin along with Gary Kofford and Ray Petersen going over dispersed camping. The BLM recognized that they had not recognized several roads that led to camping spots.

He met with a company out of California that is interested in locating their business here. They are Sunrise Quarterhorse. They had a hard time finding land. They want thirty acres of land close in the major infrastructure facilities on which to build a horse arena. They do not want to be beyond the Castle Dale area because they will be shipping semen and it has to be to its destination within 24 hours. The owners sent a business plan to the Commission that is written for Emery County.

The BLM wants to put special force at Range Creek and talked of road

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closure. Carbon and Emery County do not agree with the request for road closure.

**(20)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

**(21)**

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JULY 20, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Ira Hatch, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**EMERY HIGH SCHOOL MARCHING BAND REQUEST FOR DONATION.**

Representatives from the Emery High School Marching Band: Kory Gunderson, Heidi Hill, Lara Cook, Karla Gunderson and Director Reed Fehlberg came before the Board of Commissioners to request a donation to assist the band members with expenses to travel to California. The band will be performing as lead band in the Disneyland Parade. They have 62 students, 10 chaperones and 3 directors going on the trip. The band has worked hard all year and had several fund raisers to help fund the trip. Commissioner Ira Hatch made a motion to donate \$250.00 to the Emery High School Marching Band. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**RATIFICATION OF AUTHORIZATION OF ELECTRONIC TRANSFERS FOR PAYMENT OF PROPERTY TAXES.**

Commissioner Gary Kofford made a motion to ratify the decision to approve authorization of electronic transfers for payment of property taxes. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

**SETTING OF PUBLIC HEARING FOR AMENDMENTS TO EMERY COUNTY MASTER PLAN.**

Commissioner Gary Kofford made a motion to set a Public Hearing for Monday, August 16, 2004 at 4 p.m. to receive public comment on amending the Emery County Master Plan to include sections on RS-2477 Roads, grazing, and wild and scenic river designation. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

**RAY QUINN, AMERICAN LEGION, REQUEST FOR DONATION FOR MEMORIAL PLAQUES FOR COUNTY VETERANS.**

Commissioner Hatch explained that the Huntington American Legion Post #73 would like to implement a project to put plaques in Huntington, Lawrence, Cleveland and Elmo cemeteries as a memorial to veterans in the county. Commissioner Ira Hatch made a motion to donate \$250.00 to the American Legion to install memorial plaques in the cemeteries. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**CITIZEN CONCERNS**

Rob Midgley, Airport Manager asked if it would be possible to place a sign at the road entrance to the Huntington Municipal Airport. The sign that identifies the airport is a small green sign with an airplane symbol and an arrow directing a motorist to the airport. Commissioner Hatch suggested that putting a sign up will have to be approved by UDOT. Rex Funk was assigned to check with UDOT regarding putting a sign up to identify the municipal airport.

(6)

**DISCUSSION AND APPROVAL OF PRICING FOR COLOR COPIES.**

Jeff Guymon, IT reviewed the cost to provide color copies using the new document plotter in the IT office. The IT department has been experiencing the blunt of the cost for copies. He asked for some direction on how to be reimbursed for the use of the copier. Several departments as well as other entities have requested color copies. How to bill the other entities and departments for copies needs to be determined. He recommended \$.25 per page for departments to use the copier. Commissioner Gary Kofford made a motion to charge \$.25 per page to departments for use of the copier and for Jeff to bring back to the Commission a recommendation for billing other entities. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**APPROVAL OF LETTER OF SUPPORT FOR VALUE ADDED PRODUCER GRANT.**

Commissioner Hatch explained that this is a federal grant provided through the Agriculture Department. The grant is a marketing tool to promote grass and alfalfa fed beef. Commissioner Gary Kofford made a motion to approve a letter of support for a value added producer grant which would be available to all interested beef producers in the county. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List and additional claims #163420 through and including #163575 for payment.

There were no requisitions or dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List and additional claims as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(9)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

**Road Department**

Jeanette Bray is off work for a workers comp injury sustained while on the job. She will be off work for a prolonged period of time has not accrued enough time and needs contributions. Rex Funk requested approval to advise employees of the need for contributed time. Commissioner Ira Hatch made a motion to approve advising employees of the need for contributed time for Jeanette Bray. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**Sheriff's Department**

Sheriff Guymon requested approval to hire Michael VanWagoner in Dispatch, effective Wednesday July 21, 2004. This is a full time position with benefits. Commissioner Gary Kofford made a motion to approve hiring Michael VanWagoner in Dispatch as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)**  
**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud stepped down and made a motion to approve the minutes dated July 3, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and Commissioner Gary Kofford abstained from voting as he was not present at said meeting.

**(11)**  
**COMMISSION REPORTS***Commissioner Hatch*

Commissioner Hatch reported that he and Ray Petersen attended a DOGM meeting regarding Lila Canyon Mine where they made a statement to be entered into record indicating Emery County is favorable for the projects approval. He met with SITA board where they tabled a proposal for granting road right-of-way across SITLA land to state parcels of land up for sale. The Moore Cut-Off Road has passed inspection. The second phase of the project can now begin.

*Commissioner Kofford*

Commissioner Kofford reported on the Miss Emery County Pageant on the 17<sup>th</sup>. There were five contestants: Allison Wells, Holli Myerhoff, Natalie Newland, Valery Bell and Tawni Bigelow. Because there were only five contestants they awarded two winners: Tawni Bigelow, Miss Emery County and Allison Wells, Ist Attendant. He expressed his appreciation to the pageant committee, the contestants and all those who worked on the pageant. The Emery County Fair is quickly approaching. The fair guide was included with the Emery County Progress this week. They will begin putting up the tents on Monday. The Castle Valley Pageant will begin on July 29<sup>th</sup>, as well as the Rodeo on the 29<sup>th</sup> and 30<sup>th</sup> and the Lamb Fry on July 29,30,and 31<sup>st</sup>. Each L.D.S. Stake in the county is responsible for a night to provide entertainment in conjunction with the Lamb Fry. The MBA will have a site showing at the new court/jail facility for finishing up gutter work and blacktop behind the building. He reported on the UPL lighting incentive program.

*Commissioner Sitterud*

Commissioner Sitterud reported that the recently purchased piano for the Recreation Special Service District will remain at the Recreation Center and will not leave the center without the expressed permission of the Recreation Board and or Board of Commissioners. The Commissioners can override any request to use the piano. The play equipment at the Huntington Ball Complex experienced some damage over the 4<sup>th</sup> of July weekend. Someone built a fire under the dinosaur. The cost to replace the structure is \$5,000.00. They will hold off working on the building in the middle of the ball complex until after local ball tournaments. The skeet range bid has been awarded . A Range Creek Tour has been canceled due to a nearby fire. Emery County received a call from Pacificorp regarding sales tax that had been diverted to another county for the past two years. Emery County will receive approximately \$21,000.00 to \$23,000.00.



(12)  
**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An Executive Session was not needed.

(13)  
**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

AUGUST 3, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 163828 through and including # 164003 for payment.

Requisitions were presented for the following:

<b><u>REQUISITION</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>	<b><u>ACTION</u></b>
53-04	(7) Computers Library -LTSA	9,096.85	Approved
54-04	(8) Fire Turnout Gear Hazmat-Homeland Security Grt	10,224.40	Approved

There were no dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, Additional Claims and Requisitions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members presented.

(2)  
**BOB GREENBERG, FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH  
FY 2005 AREA PLAN**

Bob Greenberg, FCCBH, explained that Utah Code vests the authority for mental health and substance abuse services with the county commission. The counties of Emery, Carbon and Grand contract together and with Four Corners Community Behavioral Health to provide those services.

Each year the county is required to provide to the state (May 1) an area plan for mental health and substance abuse services. In 2003 Emery County held a public hearing to solicit input from

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community members as to the needs and requirements for this type of service. Based on that public hearing and the funds that are available a plan has been put together. The plan has been reviewed by the board of trustees and is recommended for approval. He reviewed the plan with the Commissioners. Commissioner Gary Kofford made a motion to accept the Carbon, Emery and Grand Local Substance Abuse and Mental Health Authorities Substance Abuse and Mental Health FY 2005 Area Plan. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF**

Senior Clerk/Auditor Brenda Dugmore presented a request from Marlo Kemple to write-off an ambulance balance of \$135.07. Commissioner Gary Kofford made a motion to approve the write-off of \$135.07 for Marlo Kemple. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

**OPENING OF BIDS FOR SALE OF PROPERTY IN EMERY. CONSIDERATION AND APPROVAL OF BID AWARD.**

Clerk/Auditor Bruce Funk opened two bids for the sale of property in Emery. The property was previously up for sale during the 2004 May Tax Sale. The property was misrepresented as being land locked. The property was advertised for sale in the local newspaper through the bid process. The two bids for the property were from Miracle Rock Mining for \$7,000.00 and Steve Bellis for \$4,701.00. Commissioner Gary Kofford made a motion to accept the high bid of \$7,000.00 from Miracle Rock Mining. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

**STEVEN BARTON, TREASURER, REQUEST TO CONSIDER GTE GLOBAL NETWORKS, INC. FOR HANDLING OF BANKRUPTCY.**

Steve Barton, Treasurer explained that in November of 2002 Emery County became aware of a bankruptcy filing for Genuity, Inc. and certain of its subsidiaries. His office continued to receive correspondence from bankruptcy court through December of 2003 when the case was settled. Their assets were sold to a company, Level III and put into a liquidating trust. The Treasurer's office continued to send quarterly tax statement to all past due tax payers including GTE Global Network and also reported to the State because they are centrally assessed as is Genuity, Inc. GTE knew that they owed the tax as did Genuity. Included in the paperwork that

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the Treasurer's Office received regarding the bankruptcy is a proof of claim, the formal form that the county completes and sends back to the bankruptcy court outlining the dollars that the county has claim on and listed on the proof of claim was fifteen subsidiaries not including GTE Global Network Inc. May of 2004 he received a call from a representative of the liquidating trust telling him that she had in her possession a post card from our office that said that they owed the back taxes. She indicated that they are no longer responsible because of the bankruptcy and the liquidation. Steve told her that he disagreed with her and asked to speak with someone in their legal department. Steve spoke with an attorney who referred him to an attorney in the bankruptcy court. Both attorneys agreed that the case was closed and that we, Emery County no longer had a claim. Steve contacted the State Tax Commission and explained the situation. The State Tax Commission referred him to the Salt Lake County Attorney's office where he spoke with Jason Rose, who is an expert on bankruptcy. Mr. Rose explained that it is not uncommon for big companies to reach a point of bankruptcy before it alerts anyone such as a government agency. Our claim is that we were not given sufficient notice. Emery County was never advised that GTE was a subsidiary of Genuity. Steve then met with Deputy Attorney Alan Thorpe to discuss the alternatives. Emery County could make a claim. It would require litigation. The question is, would it be worth the expense. It was Mr. Thorpe's opinion that it would be expensive and we may not come out a net winner. The amount of tax involved is \$22,234.77 plus penalty and interest for a total of \$25,111.84. Attorney David Blackwell responded by agreeing that it would be costly and we would probably not come out with anything because they have nothing left. Commissioner Ira Hatch made a motion to abate the tax with penalty and interest. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

Road Department

Recruitment for the position of mechanic has been completed and Rex Funk requested approval to hire Tate Manzanares for the position. Commissioner Ira Hatch made a motion to approve hiring Tate Manzanares for the position of mechanic at the Road Department. This would entail a six months probation period wherein Tate would qualify himself for the position. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Travis Winn has been temporarily acting as Mechanic Crew Leader within his current classification. Rex Funk would now like to recommend his being promoted to the Mechanic Crew Leader position with the appropriate increase. Commissioner Ira Hatch made a motion to promote Travis Winn to Mechanic Crew Leader position with the appropriate pay increase. This

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position would be a working mechanic position not merely a supervisory job. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

The proposal to hire two mechanics was also discussed and it was agreed to hire one at this time and wait a period of time to see how the present organization would work out before hiring another mechanic.

Sheriff's Office

J.R. Macdonald, Dispatcher, is having health problems and requested to go on Family Leave beginning July 30, 2004. Expected date of return is September 17, 2004. Additionally, J.R. does not have enough time to have the leave paid and the Sheriff's Office is requesting approval to ask for contributed leave. Commissioner Gary Kofford made a motion to approve Family Leave and contributed time for J.R. Macdonald as requested. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Other business

Carol Ware completed Family Leave on July 29, 2004 and has not returned to work. Commissioner Ira Hatch explained that during the time of her Family Leave she did not remain in contact with her supervisor. She was contacted by phone to inquire as to her intention. There is an option in the personnel policy that if additional time is needed then the employee can make written application through the department head for continuation of leave. During Family Leave, Emery County continues to pay the employees health benefit. At the end of Family Leave the benefit is no longer available through the county at which point the employee must pay the insurance premium if they want to keep it. Emery County did not receive a letter from Carol requesting extended leave. Emery County Commission instigated a letter to Carol on July 29<sup>th</sup> reiterating the policy and some things that she needed to do while on leave. The County has not heard back from the letter. Commissioner Hatch suggested that we give her a week to reply to the request for information and at the end of that time make a determination. As of the 29<sup>th</sup> her health benefits would be her responsibility. Commissioner Ira Hatch made a motion to give Carol Ware a grace period until August 6, 2004 to respond to the County in writing with a specific date that she will return to work. If she does not return to work by that date then she will be automatically terminated. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Pat reported that several employees have seen posted in doctors offices notices that after September 1, 2004 they will no longer belong to the CCN Network which is Emery County's Preferred Provider Network. She has done some checking into it and talked with Jeff Kelsey to find out what is happening. She will continue to look into it and keep the Commissioners advised on the situation.

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Commissioner Ira Hatch made a motion to leave Commission Meeting to hold a Public Hearing to receive public comment on Ferron City Waste Water Treatment Lagoons and Outfall Lines. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**5:00 P.M. PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON FERRON CITY WASTEWATER TREATMENT LAGOONS AND OUTFALL LINES.**

There were no written comments received.

Planning Commission Director, Mac Huntington addressed the public. He reviewed a Level III Conditional Use Permit application. Under the terms of the statute and the Zoning Ordinance no federal, state or local government is exempt from the ordinance. Since it is a Level III permit it must be granted by the County Commission. What they want to do is move the lagoon a distance from Ferron and make a new lagoon and transmission line. The Planning Commission has reviewed the permit, endorses the project and recommends that the permit be granted.

Darrell Leamaster, Castle Valley Special Service District reviewed the plans with the public and the Commission. In a bond election which was held in 2001 CVSSD included in that bond roughly 2.1 million dollars to relocate the Ferron Lagoons. That project has moved along and they have received all the clearances to begin the project. The main reason that the lagoons are being moved is odors. Houses have moved closer and have complained. They discussed sending a letter to planning and zoning requesting that they zone around all the lagoons for 1000 ft. so that homes cannot be built within state regulation 1000 ft.

Commission Drew Sitterud asked for any comment from the public.

There were no comments.

Commissioner Gary Kofford made a motion to return to regular Commission Meeting.

Commissioner Gary Kofford made a motion to approve a Level III Conditional Use Permit for Ferron City Wastewater Lagoons and Outfall Lines. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

This action taken today will be ratified at the next Commission Meeting.

(8)

**CITIZEN CONCERNS**

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Mark H. Williams stated that he has sat on the Access Management Team for over a year looking at county roads open to ATV travel. He thinks it is time for a public hearing to see how the public feels about this and move ahead with an ordinance. The Commissioners will take his request under advisement

Rex Funk, Road Department requested approval to advertise for bids to install and hook-up the fuel tank system recently purchased. He will return to the Commission with proposals for their approval. He is reluctant to have the tanks on the ground over the winter. Commissioner Ira Hatch made a motion to approve advertising for proposals to install and hook-up fuel tanks at the Road Department and to return to the Commission with a proposal. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**

**DISCUSSION OF FIVE COUNTY TELEVISION ASSOCIATION**

Commissioner Sitterud discussed creating a Five County Television Association. He explained that by the year 2006 Emery County television has to be on digital programming. Right now we are on analog programming. It will cost Emery County approximately \$500,000.00. The five counties will cost \$2,600,000.00. We can fix ours but it won't do us any good because we have to collect signals from Carbon County. We send our signals on to San Juan County. Carbon County sends to Duchesne County and they send to Unita County. The five counties met with the CIB and asked them to suspend the rules and allow them to come to the CIB as a group as all five counties are contributing counties. They told them that if they would form an association, similar to the AOG they could then grant money directly to the association. The rules say they can only give out a million of grant a trimester. They said they would suspend the rules enough to give them a little more than a million but not the whole \$2.6 million. With the approval of the Commission they would like to form a Five County Television Association. Each of the five counties is taking this same request to their Commission for approval. Commissioner Sitterud has discussed this proposal with County Attorney David Blackwell. Emery County will take the lead and Commissioner Sitterud will be the chairman of the group at this time. They will go after \$2.6 million by the end of the year to change all the television systems over. There is one problem in that the University of Utah owns the receiving station at Pilot Mountain that sends the broadcast to Price. U of U is getting out of that area. They pay a \$99.00 lease to the owner. The association would have to pay that lease so there would be a small budgeting item from here on out for that group. They would have to have an independent audit and have to be the owner of the property that is leased to the group. The plus is that right now if Carbon County decided that they were not going to provide Emery County with a signal anymore, we would be stuck. San Juan, Duchesne, Uninta all of us would not receive television over the air anymore. In the agreement, that Commissioner Sitterud has agreed to write, if one county pulled out of the association the equipment and the site become property of the association. At a meeting that was

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held with all five county's commissioners and television technicians they agreed that there would be a board created to maintain the association made up of five commissioners and four technicians. They will call it an electronic board. He asked for approval to move forward with forming this association. There is urgency in creation of this association in order to procure the funds that may be available in the fourth quarter CIB funding trimester. Attorney David Blackwell suggested that the agreement should be an inter local agreement between all the counties involved. Commissioner Gary Kofford made a motion to go ahead with forming a Five County Television Association. To create an inter local agreement between all five counties involved and to bring back to the Commission for approval. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF JOE'S VALLEY BOAT RAMP AGREEMENT  
BETWEEN EMERY COUNTY AND SPECIAL SERVICE DISTRICT #1**

Commissioner Sitterud reported that Special Service District #1 agreed to take on the Joe's Valley Boat Ramp Project. We signed an agreement with SSD#1. As we moved forward with the project we realized that Emery County bid out the project, not SSD#1. So they could not take on the project. We have renegotiated with the contractor. Attorney David Blackwell has drawn up a new agreement. Commissioner Gary Kofford made a motion for approval of the agreement between Emery County and SSD#1 for the Joe's Valley Boat Ramp Project. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF TIMBER SALE CASH BOND.**

Commissioner Kofford explained that this is a Level II Conditional Use Permit issued by Planning Commission on the 14<sup>th</sup> of May, 2004. It is for timber sale east of Electric Lake. The cash bond is a \$5,000.00 performance bond to be kept in an account in the event the permittee, Arthur Northup, is in breach of contract or the permit is not complied with or timber payments or county fees are in arrears. According to the Emery County Timber Harvest Permit the funds may be used for purposes of cleanup and reclamation of the landowner's property and/or payment for timber removed from the property and/or county fee payment. The document has been reviewed by Attorney David Blackwell. Commissioner Gary Kofford made a motion to approve a Timber Sale Cash Bond as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**DISCUSSION OF POLITICAL SIGNS AT THE FAIRGROUNDS.**



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The Board of Commissioner discussed political signs at the fairgrounds. It was decided to recommend to Kathy Justice, Emery County Fair Director that all signs be inside a booth.

(12)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated July 20, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Ira Hatch made a motion to approve the minutes dated July 29, 2004. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**COMMISSIONER REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported that Sevier County Commissioner called and would like the Emery County Commissioners to write a letter in support of the EIS on the Quitchinpah Road. The letter of support should specify the benefits for the workers to be able to get to the SUFCO Mine, cabin owners accessibility, recreation accessibility and grazing. He told them he did not think they could write of support for grazing. They have not seen the EIS draft proposal. Commissioner Hatch stated he would be in support of those things if they were adequately covered and mitigated in the approved EIS, but he has not seen it yet. Commissioner Ira Hatch made a motion to not write a letter of support until after reviewing the EIS draft proposal. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Sitterud received a call from Derek Bigelow regarding reopening an oil refinery in Green River.

Commissioner Gary Kofford made a motion to move into an executive session to discuss pending litigation and personnel matters. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Present at an executive session was Commission Chairman Drew Sitterud, Commissioner Ira

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Hatch, Commissioner Gary Kofford, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

Discussed was pending litigation.

**(15)**  
**ADJOURNMENT**

Upon returning to regular Commission Meeting Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY SHERIFF'S COMPLEX IN GREEN RIVER, UTAH

AUGUST 17, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Sr. Deputy Clerk/Auditor Brenda Dugmore, other elected officials and citizens.

The meeting was called to order at 4:00 p.m.

(1)

**CONSIDERATION AND APPROVAL OF AMENDMENTS TO THE EMERY COUNTY GENERAL PLAN.**

Emery County has been working on amending the county plan to strengthen the resource management plan. There was not anything in the general plan on the wild and scenic rivers. Positions need to be strengthened on grazing, ATV use and tourism. Planning & Zoning held a public hearing last Wednesday. Emery County held a public hearing on Monday night. There has to be a 14 day public comment period before the amended plan can be adopted. Deputy Attorney Allen Thorpe stated some of the changes to the general plan include adopting a map of the county travel plan including the RS2477 claims at this point. The plan needs to recognize that recreation is growing. The plan also needs to strengthen the position of the county on access of public lands. The plan also needs to state the County's opposition to any attempt to designate any waterways as wild and scenic rivers and anything that attempts to affect our water rights in the future. Commissioner Ira Hatch made a motion to set a public hearing for September 7, 2004 at 5:00 p.m. to finalize proposed amendments to the general plan. The motion was seconded by Commissioner Gary Kofford and approved by all member present.

(2)

**CONSIDERATION OF SPONSOR FOR EMERY HIGH SCHOOL SPORTS BROADCASTS.**

A request was received by the commission office to be a radio sponsor for Emery High Football. Commissioner Ira Hatch made a motion to refer the request to the Recreation Board to see if they are able to contribute. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(3)****DISCUSSION OF STATE TRUST LANDS INTENT TO BUILD A TRUCK STOP AT GREEN RIVER I-70 EXIT.**

Connie Copenhaver, Green River Chamber of Commerce, discussed the proposed truck stop at the last Green River I-70 exit. The parcel of land being discussed was leased by Odell and Olive Anderson with the idea that a truck stop would be built. Green River City would not give them water to facilitate the building of the truck stop. The State Trust lands want the lease to be developed. If the Anderson's are not going to build the truck stop there is another company interested. The Chamber's position is that the new truck stop would be very detrimental to the downtown area. If there is a truck stop on the interstate there will be no need for people to exit the interstate. Presently Green River City will not provide water to any area outside of the city limits. If the property was annexed into the city, Green River would have to provide them water. The property owners have to petition the city for annexation and at this point in time the Anderson's have not made that petition. Ms. Copenhaver just wanted to make the Commission aware of this situation.

**(4)****DISCUSSION OF ESTABLISHING A RESTAURANT TAX IN EMERY COUNTY.**

Connie Copenhaver, Green River Chamber of Commerce, requested that the Commissioners consider implementing a restaurant tax. Howard Hastings, Carbon County, informed the Commission that Carbon County does implement the restaurant tax. The tax is administered by a Board made up of restaurant owners. The revenue generated from the restaurant tax has paid for signs and displays which have increased visitation. The idea of a restaurant tax has been brought up because Green River's economy is falling and they can no longer just depend on cars coming off the freeway. Green River needs to be advertised as a destination not just a stop for fuel.

**(5)****DISCUSSION OF JUSTICE COURT ADMINISTRATION.**

Commissioner Kofford reported on the status of the Justice Court Administration. Since Judge Truman passed away, Judge Burns has been covering both justice court precincts. Judge Burns has been spending two to three days every other week in the Castle Dale precinct. Judge Burns workload has increased significantly. Forty-nine Applications for the judge position were received and the process for filling the position is underway. The appointment will have to receive state certification and could be sitting on the bench by the end of January. Judge Burns addressed the Commission with her concerns. It was her understanding that the new Judge would be operating by September. If it is going to be January she feels she needs to be compensated for the additional workload. It was Commissioner Sitterud's recommendation to compensate Judge Burns for travel and accommodations while operating the court in Castle

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Dale. Commissioner Gary Kofford made a motion to pay a \$7,500.00 bonus to Judge Burns as compensation for additional workload until the time a new judge is appointed and functioning. Judge Burn's base salary will remain the same and the bonus will be divided equally among the remaining pay periods for 2004. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**APPOINTMENT TO EMERY COUNTY TRAVEL BUREAU.**

There is a vacancy in the Emery County Travel Bureau for the eastern side of the County. The Board appointment is to fill a vacancy left by Doug Richards. Commissioner Ira Hatch made a motion to appoint Cathy Gardner to the Emery County Travel Bureau. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**RATIFY LETTER OF SUPPORT FOR QUITCHUMPAH ROAD.**

Quitichumpah Road is just south of Emery. It would mainly be used for Suffco Mine traffic in Sevier County. The proposal is to have the road meet Highway 10 three miles south of Emery. The road would primarily be in Sevier County. A letter of support was requested because there are about 25 miners that travel to the mine. It would take about sixty miles off the trip to work. Commissioner Ira Hatch made a motion to finalize the letter of support specifying the benefits to Emery County which include the shorter distance for the workers to travel, cabin owners accessibility and the recreation accessibility potential. The letter needs to include when the EIS becomes available if there are problems they can be addressed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**RATIFICATION OF PUBLIC HEARING AND APPROVAL OF LEVEL III  
CONDITION USE PERMIT FOR WASTEWATER TREATMENT LAGOONS AND  
OUTFALL LINE FOR FERRON CITY.**

This item was not on the agenda two weeks ago. Commissioner Gary Kofford made a motion to ratify the action taken two weeks ago approving the level III conditional use permit for the waste water treatment lagoon project. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

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**RATIFY AREA ANNUAL SUBSTANCE ABUSE AND MENTAL HEALTH PLAN.**

Bob Greenburg, Four Corners Mental Health, presented the substance abuse and mental health plan for fiscal year 2005 last commission meeting. Commissioner Gary Kofford made a motion to ratify the action taken two weeks ago to accept the substance abuse and mental health plan. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 164004 through and including # 164165 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
55-04	Microwave System/Green River to Castle Dale	52,300.00	Approved

There were no dispositions.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, Additional Claims and Requisitions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members presented.

(11)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director, was unable to attend the meeting. Commissioner Ira Hatch presented the following for commission approval:

***Weed and Mosquito***

Brian Johnson has been hired temporarily, up to 90 days, as a weed and mosquito technician beginning August 4, 2004 and ending November 1, 2004. Commissioner Ira Hatch made a motion to approve the hiring of Brian Johnson. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

***Planning and Zoning/Public Lands***

COMMISSION MEETING MINUTES  
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Margaret McMullin is eligible for a routine grade increase. This is in compliance with the County policy. Department Head Bryant Anderson agrees with the increase. Commissioner Ira Hatch made a motion to approve a routine grade increase for Margaret McMullin. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**CITIZEN CONCERNS.**

***Tom Burr, Green River City Council:*** Mr. Burr stated that back in February a letter was written requesting the implementation of a restaurant tax. The majority of the restaurant owners in Green River were previously paying the tax while in Grand County. Mr. Burr also asked about the collection of transient room tax. Commissioner Hatch stated that the Utah State Tax Commission had been notified that beginning October 1, 2004 Emery County will begin collecting its own transient room tax.

***Jo Baxter:*** Ms. Baxter thanked the Commission for including the paint out in conjunction with the Emery County Fair.

***Mayor Johnson, Green River City:*** Melon Days will be held September 18, 2004.

There have been good comments on the mosquito control this year. The mosquitos have not been as bad as last year. Commissioner Hatch stated that James Nielsen, Weed & Mosquito Director, works diligently to maintain this program. Mr. Nielsen applied for a \$20,000 grant for mosquito abatement in Green River area. New equipment has been purchased. Commissioner Hatch stated he appreciates the cooperative efforts of Green River City in this effort. Green River City contributed \$5,000 cash and \$10,000 in-kind services.

Mayor Johnson reminded the Commissioners that he is still requesting \$18,000 reimbursement for attorney fees for the Green River annexation. Commissioner Hatch stated that Emery County paid more than half of the attorney fees and the last payment should have wiped the bill off the books.

Mayor Johnson informed the Commission that he had met with the Army Reserves last week. They are interested in moving onto the missile base south of the freeway. The proposal is to swap private land that the US Army owns with land the BLM owns. There are four options:

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- 1) Do nothing on the base
- 2) Acquire the land and transfer it to the Army Reserves for use as a mobile training facility
- 3) Make the facility to store equipment
- 4) Build a facility there and actually man it with full time people.

The area within the Green River City limits will not be used. The clean up process of that area has begun.

The landfill has been permitted. They are applying for a right-of-way to widen the road. As soon as they get the permit they will begin work on the road. They will then apply for the building permits necessary to build their facility. They are actively seeking contracts.

**Joni Pace** Ms. Pace questioned whether Emery County provides money to Four Corners Mental Health (FCMH). Ms. Pace is requesting that more services be provided in Green River. Emery County is mandated by State law to provide funding to FCMH. Commissioner Kofford stated that the FCMH's budget is down \$200,000-\$300,000. They are now trying to make sure that the people they work with have the ability to pay. There is also a transient problem along I-70. If a person is picked up in Emery County and they are admitted to the mental hospital, Emery County is charged for that person. Commissioner Kofford requested Ms. Pace to contact him with concerns over mental health services.

**Kristine Monroe, Green River Community Center:** Three years ago a Positive Action Community Team (PACT) was established. Average attendance at the meetings are 12 people per month. The purpose of the meetings are to cross flow information and to coordinate activities. Last year a nonprofit organization was established called Friends of the PACT. It has a seven member board. The goal of the Friends of the PACT is to provide creative solutions for local problems and to be a funnel for those finances. Their first project is the community life complex which also now includes affordable housing. If there is a funding source for brick and mortar please remember this organization.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated August 3, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**COMMISSIONER REPORTS**



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***Commissioner Kofford***

Commissioner Kofford reported that the fair was completed last week. Tawny Bigelow was crowned Miss Emery County and did a good job representing the County during the fair. Commissioner Kofford thanked Kathy Justice, Fair Director, and all those who helped with the fair.

***Commissioner Hatch***

Commissioner Hatch attended the State Aging Council on the Department of Human Resources. Medicaid and medicare reimbursements are much lower than they have been in the past. Through reshuffling and postponing hiring our program is still able to offer the services that they have in the past.

The SITLA Board met on August 12, 2004. Commissioner Hatch also attended the Utah Counties Insurance Pool meeting in Salt Lake City.

***Commissioner Sitterud***

Commissioner Sitterud attended the rural summit in Cedar City. Senator Hatch spoke along with Governor Olene Walker and Congressman Chris Cannon. Commissioner Sitterud attended classes in wild and scenic rivers, RS 2477, public lands RMP management and grazing.

Commissioner Sitterud has also been involved in the Range Creek RMP. One day there were 250 journalists covering every major news station. The Today show broadcast one morning from the wedge. It was interesting to see the people's reaction to the scenery. One full day was spent in Range Creek. Emery County is working to get our museums as the procurement museum.

There will be no overnight camping in Range Creek. A permit is available for day use. A pictured I.D. will be required and have to be carried at all times. Range Creek will only be open to walking.

Emery County is working with two companies right now. One company is a gas plant in Green River. That company is looking for \$200,000 to bring the plant up to standards. The plant would employ 20 people. There is also another plant that makes rubberized tracks. Emery County is one of the final three. A decision will be made on October 30, 2004. This company would employ about ten people. Sunrise Quarter horses has purchased property in Emery County. They hope to be operating by January.

Commissioner Sitterud complimented Commissioner Kofford on the fair and thanked Sheriff Guymon for the effort his department puts forth to help operate the fair.

8  
COMMISSION MEETING MINUTES  
AUGUST 17, 2004

**(15)**  
**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

There was no executive session.

**(16)**  
**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting at 5:50 p.m.. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 7, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**5:00 P.M. PUBLIC HEARING- To receive public comment on proposed amendments to Emery County General Plan.**

Commissioner Gary Kofford made a motion to move out of regular Commission Meeting and into a Public Hearing to receive public comment on proposed amendments to the Emery County General Plan. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Deputy Attorney Allan Thorpe explained that the original purpose in amending the General Plan was to clarify the County's position on certain management practices by the BLM. Changes that have been discussed include water rights, recreation and the value to county tourism, access to public land, scenic and historic access as well as RS 2477 ROW. Language has been strengthened to reflect the County's opposition to any wilderness classification, Wild and Scenic River designation, to support livestock grazing, and to protect and acquire right-of-ways on SITLA land. The ordinance provides instruction to the Planning Commission staff to insert language into the Plan that conforms and reformats the plan to reflect the needs of the County.

Commissioner Drew Sitterud opened the meeting to the public for comments.

There were no comments.

Commissioner Ira Hatch made a motion to come out of the public hearing. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Ira Hatch made a motion to return to the regular Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

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(2)

**CONSIDERATION AND APPROVAL OF AMENDMENTS TO EMERY COUNTY  
GENERAL PLAN.**

Commissioner Gary Kofford made a motion to approve the amendments to the Emery County General Plan as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

**PAT GUBBINS- BLM, QUARTERLY UPDATE**

Mr. Gubbins was not able to attend the meeting.

(4)

**MESIA NYMAN, FOREST SERVICE, QUARTERLY UPDATE.**

Mesia Nyman, Forest Service provided the following update:

- \* Joe's Valley, WUI, Wildland-Urban Interface Project
- \* Fuels treatment's on Little Nelson Mountain about 800 acres.
- \* Noxious weed treatment's about 460 acres district wide.
- \* The draft EIS for 25 sheep grazing allotments will be out for review by end of September.
- \* South Manti timber sale appeal period is not over yet.
- \* East Mountain a well pad for drilling and access for state on SITLA land review team looking at the project.
- \* Recent fire in the Six Mile area was started by lightning. Approximately 220 acres have burned on the Pines area. The fire has died down somewhat, but has burned many bug killed pines and is in a prescribed burn area.
- \* Regarding inventoried roadless areas, they must re-evaluate roadless areas that may have wilderness characteristics. There will be more public meetings.
- \* The Healthy Forest Restoration Act provides opportunity for local government to submit projects on public land for fuel treatment-restoration projects. Bug kill areas qualifies for that proposal. The proposal must come from the local government. It cannot come from the Forest Service. She urged the Commission to look at possible projects to submit such as bug kill or restoration treatment say from Huntington Canyon to Potter's. You must be specific in your request.

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**(5)**  
**DERRIS JONES, DWR, QUARTERLY UPDATE.**

Mr. Jones was not able to attend the meeting.

**(6)**  
**CITIZEN CONCERNS**

Gary Petty voiced his concern for a support letter drafted by the Commission for the Quitchupah Road Project. He was concerned that the road would not be accessible for the cattlemen. Emery Town does not support the project. He would like to see a trail and/or overpass for the cattlemen.

Commissioner Hatch pointed out that the letter of support was dependent upon review and agreement of the EIS and the negotiations talked about during the planning phase of the project. As of this date, the Commission has not had an opportunity to review the EIS.

Commissioner Gary Kofford commented that the Emery County Public Lands Department responded to the 2001 EIS draft in a letter dated February 26, 2002 for the proposed Quitchupah Creek Road. Emery County's position in this letter indicated alternative D with modifications noted in the memo is the only alternative which satisfies the purposes and needs identified in the DEIS while addressing the concerns of the County. The Emery County Commissioners have not changed or modified their position from the date of this letter.

**(7)**  
**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF.**

Sr. Deputy Clerk/Auditor Brenda Dugmore discussed a request for ambulance write-off from Dorothy Childs. Medicare has refused to pay the bill because she was transported to Utah Valley Hospital instead of CastleView Hospital. Mrs. Childs's doctor had requested she be transported to Utah Valley Hospital however Medicare will only pay to the nearest facility. Commissioner Gary Kofford made a motion to abate fifty percent of the bill. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)**  
**RATIFICATION OF RELEASE OF LIEN.**

Treasurer, Steven Barton discussed a situation wherein a tax payer, Dona Ralphs Roberts was

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granted a six month extension on property taxes to avoid being placed on the May Tax Sale. Ms. Roberts has since paid the taxes however the release of lien was not completed. An emergency came up and the release of lien was signed. The action now needs to be ratified. Commissioner Ira Hatch made a motion to ratify the approval to release a lien for Donna Ralphs Roberts. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF CONTRACT 030845- AMENDMENT #5 BETWEEN EMERY COUNTY ECONOMIC DEVELOPMENT AND THE DEPARTMENT OF WORKFORCE SERVICES.**

This is a grant for services to be performed by Emery TelCom for Workforce Services. Since Work Force Services cannot contract with a private entity they must go through Economic Development. Commissioner Gary Kofford made a motion to approve Contract 030845- Amendment #5 between Emery County Economic Development and the Department of Workforce Services. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF GIS GRANT APPLICATION.**

Commissioner Gary Kofford made a motion to approve a GIS application for RS 2477 mapping, cadastral mapping and addressing. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #164432 through and including #164610 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
56-04	Xantrex AC Power Inverter Drug Task Force	\$1,265.00	Approved

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57-04	Supply & Personnel Cabinets Sheriff	\$3,864.00	Approved
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There were no dispositions.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Bruce Funk opened bids for construction of a reinforced concrete fuel tank containment structure at the Castle Dale Road Shop. The bids were as follows:

1. Wall Contractors, Orangeville, Utah \$14,580.00
2. Ernest J. Jensen, Contractor, Castle Dale, Utah \$11,260.00
3. B. Hansen Construction, Inc., Wellington, Utah \$12,320.00

Commissioner Gary Kofford made a motion to award the bid to the lowest bidder, Ernest J. Jensen, Contractor for \$11,260.00 with the understanding that if the contractor is going to be longer than November 1, 2004 then the Commission will contract with the next lowest bidder in order to have the project completed before winter. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

Extension Office

Gaylene Conder has successfully completed her six-month orientation period and is eligible for a wage increase which would be effective the pay period of September 13, 2004. Commissioner Ira Hatch made a motion to approve the wage increase for Gaylene Conder as prescribed by the Personnel Policy. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Clerk/Auditor' Office

Janalee Luke is eligible for the routine/progressive wage increase on September 16, 2004 which would be effective the pay period of September 27, 2004. Commissioner Gary Kofford made a

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motion to approve the routine/progressive wage increase for Janalee Luke as prescribed in the Personnel Policy. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Economic Development

The recruitment process is complete for an Economic Development Director. They interviewed nine applicants for the position. It was recommended that Mike McCandless be hired for the position. Commissioner Ira Hatch made a motion to hire Mike McCandless as Economic Development Director. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Road Department

A request was made to re-appoint Melinda Wilbanks to an additional temporary assignment of up to 90 days. If Melinda is unavailable to take another 90 day assignment, request was made to hire another temporary worker. Melinda's two week furlough between assignments began September 3, 2004. Commissioner Ira Hatch made a motion to approve another 90 day assignment for Melinda Wilbanks and if she is not available to approve hiring another temporary worker. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve the Commissioner Meeting minutes dated August 17, 2004 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**COMMISSION REPORTS.**

*Commissioner Gary Kofford*

Commissioner Kofford attended a meeting with DOGM where they discussed the disappearance of surface water in relation to mining.

He attended a meeting with Bryant Anderson and Allan Thorpe regarding the Fillmore Subdivision in Joe's Valley. In 1976 covenants were made with regard to zoning in the Fillmore Subdivision. These covenants have expired. Owners say that the county has no authority to



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zone there. Commissioner Kofford felt that somehow we need to get involved with that again. There were two parcels sold to an individual and his son that were eighty acres. They have put in a septic tank and platforms, they have a camp trailer on the lot. They have been informed that they are not in compliance with zoning. The county may have to cite them and proceed with legal action.

*Commissioner Ira Hatch*

Commissioner Hatch attend an insurance board meeting. He attended a UCIP Risk Management Training Conference with Attorney David Blackwell, Sr. Deputy Clerk/Auditor Brenda Dugmore, Risk Management board member Carol Cox and Personnel Director, Pat Snowball. They learned several things to help the county with keeping down the cost of Worker's Comp. premiums and ways to make the county less vulnerable.

He invited everyone to review the Huntington North Reservoir RMP alternatives. He provided copies of the RMP newsletter.

*Commissioner Drew Sitterud*

Commissioner Sitterud met with the BLM regarding Wild and Scenic River designation. The final meeting on the Joe's Valley Boat Ramp was held last week. The contractor, Nielson Construction will begin working on the project on the 15<sup>th</sup> of September.

He took a group of state and federal agency department heads to Range Creek. We met with the BLM subgroup to discuss camping on the Wedge as proposed in the RMP and suggesstions from recreation planners. That is in draft form at this time.

Governor candidate Jon Huntsman will be at the AOG office in Price at 11:00 am on September 8<sup>th</sup>.

Commissioner Ira Hatch made a motion to move into an executive session to discuss possible litigation. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Present at an executive session was Commissioner Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, and Deputy

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Clerk/Auditor Carol Cox.

Commissioner Ira Hatch, upon returning to regular Commission Meeting, made a motion to review the Airport Operator contract and determine when it is up for renewal and between now and then re-write the policy to reflect the hanger rental will be handled by the county and to include in the policy that the hangers are to be used for licensed, legally operating aircraft and make arrangements with the airport operator to have him reimbursed for the hanger rental. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**  
**ADJOURNMENT.**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 21, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Ira Hatch, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**ORANGEVILLE YOUTH CITY COUNCIL, REQUEST TO USE FORMER  
JAIL/SHERIFF OFFICE FOR HAUNTED HOUSE.**

Alissa Cox and Danette Waite from the Orangeville Youth City Council came before the Board of Commissioners requesting to use the old sheriff's building to hold a haunted house fund raiser. Instead of charging admission they would ask for donations in the form of canned food to be donated to the food bank.

Commissioner Sitterud addressed the request by pointing out that currently the building is being used to house surplus computers and equipment. It would take a lot of man-hours to move all the equipment. Another concern is the liability of having people in the building which has been deemed unsafe. The Commissioners suggested looking for other locations. They offered the use of the incubator site in Huntington as it is a big, vacant, warehouse without windows. Commissioner Sitterud thanked them for coming and stated he felt it was a worthy project and wished them luck in finding a location to hold their haunted house.

(2)

**SHARON EARL, DISCUSSION OF SENIOR CITIZEN CHRISTMAS PARTY.**

Sharon Earl, Chamber of Commerce came before the Board of Commissioners to request assistance with the Senior Citizen Christmas Party. Last year the Chamber obtained the food for the dinner and turned in the bills to the county to pay. The dinner averaged out at about \$4.50 a plate. They will hold the party in the Recreation Center this year because it is a larger facility. Last year's party was very well attended but was crowded. They have reserved the Recreation Center for December 8, 2004. The party will begin at 6:30 p.m.

Maughn Guymon, SEUALG spoke in favor of holding the Senior Christmas Party at the Recreation Center. He also was in favor of the County and the Chamber Commerce working together to bring this party about. He will see that all the buses are running to transport as many Seniors to the party as want to attend. He thanked the County Commissioners and the Chamber

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of Commerce for their continued support of the Senior Citizen program. Commissioner Gary Kofford made a motion to allow \$800.00 for food to help with the Senior Citizen Christmas Party. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CLOSURE.**

Senior Deputy Clerk/Auditor Brenda Dugmore explained that the requirements for Board of Equalization have been met. BOE was held open for forty-five days after the disclosure notices were mailed. It is now time to close BOE. Commissioner Ira Hatch made a motion to close Board of Equalization for 2004. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**RATIFY AWARDED E. JENSEN BID FOR CEMENT WORK AROUND FUEL TANKS.**

Two weeks ago in Commission Meeting the bids were opened for the construction of a reinforced concrete fuel tank containment structure at the Castle Dale Road Shop. At that time the bid was awarded to E. Jensen with the low bid of \$11,260.00 to expedite the work before the cold weather hit. That action needs to be ratified. Commissioner Gary Kofford made a motion to approve the action taken two weeks ago to award the bid for the construction of a reinforced concrete fuel tank containment structure at the Castle Dale Road Shop to E. Jensen. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

**CITIZEN CONCERNS**

Sharon Earl expressed concern for the closure of small businesses in the county. As a business owner in the county she was dismayed to hear that nineteen new businesses are opening in Price while Emery County has had six businesses close. She expressed appreciation that a new Economic Development Director, Mike McCandless has been hired. It was her hope to see the Economic Development Revolving Loan Program be used to not only introduce new business into the county but to maintain a customer base. Emery County businesses have lost a lot of business to Walmart. It has been great to have ALCO open a business here. We need to get together and find a way to keep business in the County instead of sending it to Price.

Commissioner Gary Kofford discussed the Fair Board's plans to improve the Emery County Fair next year. The board discussed possibly budgeting to bring in a big name for a concert such as Sawyer Brown. They did some research and found out that it would cost \$50,000.00 to bring in such a big name attraction. Even if you sold out the Spartan center at \$20.00 a ticket you would

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not break even. They would need to look at getting sponsors. Rob Midgley suggested that they call Torrey, Utah and find out how they funded a concert with Sawyer Brown last summer. Leslie Bolinder suggested talking to other counties to see how they fund for concerts. Rob Midgley -Airport Manager informed the Commissioners that GENCO AIR has been paying for the fuel at the airport. Fuel taxes are paid up front and the state sends back a portion to the county. About \$30.00 to \$60.00 is returned to the county.

He also suggested to the Chamber of Commerce that the \$100.00 a year membership is to steep for him to pay and if it was lowered he be willing to join the Chamber and participate.

(6)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN UTAH  
DEPARTMENT OF TRANSPORTATION AND EMERY COUNTY ON MUDDY CREEK  
BRIDGE PROJECT.**

Commissioner Ira Hatch explained that Utah Department of Transportation is replacing the Muddy Creek Bridge. The project is primarily financed from Federal-aid highway funds. A Memorandum of Agreement signed by the State Historic Preservation Officer, the Advisory Council on Historic Preservation, the Federal Highway Administration, Emery County and UDOT stipulates measures for taking into account the adverse effects on the historic Muddy Creek Bridge, including providing funding to Emery County for historic preservation and the management of the funds for this purpose was presented for approval. Emery County will provide a scaled replica of the historic Muddy Creek Bridge which will be located at the existing roadside interpretive stop on State Route 10 as well as an oral history on the settlement history of the Muddy Creek area. The Board of Commissioners reviewed the agreement with Attorney David Blackwell and a few minor changes were agreed upon. The sentence "This work must precede demolition of the bridge." will be stricken from the agreement. Also the term 'termination date' will be changed to 'completion date'. Commissioner Gary Kofford made a motion to approve an agreement between Utah Department of Transportation and Emery County on Muddy Creek Bridge Project with the changes discussed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF GRANT FOR HUNTINGTON AIRPORT  
IMPROVEMENT PROJECT WITH UDOT/AERONAUTICAL OPERATIONS  
DIVISIONS.**

Commissioner Ira Hatch explained that in subsequent meetings with UDOT/Aeronautical Operations Division regarding an previously funded improvement project to provide lighting at the Huntington Airport they discussed widening and grading the airport before beginning the

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lighting project. UDOT/Aeronautical Division has provided a grant to do the widening and grading improvements. The grant is for \$12,000.00 with 90% coming from the State and 10% from the County. The runway will be widened from 60' to 75'. Commissioner Ira Hatch made a motion to approve a project application and grant agreement for State aid for development of public airports with UDOT/Aeronautical Operations Divisions. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)**

**CONSIDERATION AND APPROVAL OF AMENDED COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND ECSSD#1 FOR HUNTINGTON AIRPORT IMPROVEMENT PROJECT.**

Commissioner Gary Kofford made a motion to approve a cooperative agreement between Emery County and SSD#1 to provide funds for the Huntington Airport Improvement Project and to be reimbursed from grant monies provided by UDOT through the County. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(9)**

**DISCUSSION OF TRT PROGRAM.**

Commissioner Ira Hatch discussed the Transient Room Tax program. Emery County has been in the process of changing over from the state collecting the TRT funds and remitting a portion back to the county. There has been a lot of controversy on this issue. This past year the county had been working on the option for the county to collect the funds themselves. Then UAC came up with a proposal to act as agents to collect the funds for the counties. It appears that there is a duplication of services. Some of the counties want the flow to come from the vendor (hotel, etc,) to the county then the county send it to UAC with the reporting. Our position is if we are going to have to be involved to the extent that we are collecting and policing the funds, then why not do it ourselves. With the Commissioners Council coming up next week this will be an item of discussion. There has been a sub-committee working on this. There has been a lot of controversy back and forth. The sub-committee has not been listening to what some of the counties have been trying to get incorporated into an agreement. We do not have to make a decision today. After the discussion at the council meeting we will be in a better position to address this. At this point in time, if they do not make some changes to lessen the impact on the counties, Steve Barton, Brenda Dugmore and Himself will make the recommendation to go ahead and do it ourselves. Grand County has been doing it themselves and is getting along plenty well. Brenda and Ira will be meeting with Grand County next week find out how they are doing with the process. They will know more after the meeting with Grand County and the Commissioners Council meeting.

**(10)****CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF.**

Senior Deputy Clerk/Auditor presented a letter of request for ambulance write-off from Shirley Tsaousis. Her husband, Anthony Tsaousis was in an accident and was transported to Grand Junction to St. Mary's Hospital where he was pronounced dead. Mrs. Tsaousis indicated that there was no insurance and she has no money with which to pay the ambulance bill. Commissioner Gary Kofford made a motion to write-off the ambulance bill for Anthony Tsaousis in the amount of \$2,057.37. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #164736 through and including #164866 for payment.

There were no requisitions or dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List and additional claims as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(12)****PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

**Library**

Mary Ann Anderson has successfully completed her six-month orientation period and is eligible for a step increase, as per policy, effective the pay period of September 27, 2004. Commissioner Gary Kofford made a motion to approve a step increase for Mary Ann Anderson as per policy. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**Assessor**

Kris Bell, Assessor requested approval to recruit for an appraiser. She proposed recruiting for a full time employee starting out at a lower wage with subsequent increases as the prospective

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employee successfully completes appraiser certification classes. It was suggested having a letter of understanding that the prospective employee signs to ensure that the employee certifies. If the prospective employee does not successfully complete any of the certification classes he or she will be terminated. Workforce Services will be testing the applicants in mathematics and logic and a great deal of the selection process will be guided by the tests results. Commissioner Gary Kofford made a motion to approve the process for recruiting and acquiring an appraiser in the Assessor's Office as outlined by Pat Snowball and Kris Bell. The motion was seconded By Commissioner Ira Hatch and approved by all members present.

Insurance

Pat informed the Commissioners of First Continental Life's recent take over by a dental provider company. First Continental Life is the provider for additional life insurance provided for employees as part of our benefit package. Jeff Kelsey, at Pat's request, has researched for another company that would take our group. One has been found, however, the premium is higher than the current premium. She asked the Commissioners if they want to change companies or sit with the current company. Attorney David Blackwell suggested getting with the current company and get their input. Pat would like to schedule IBA to come to the County with documents in the event we decide to change company. Commissioner Hatch felt that the offer of additional insurance is a voluntary thing for the employee. It does not cost the county anything to have it available. Commissioner Gary Kofford made a motion to allow Pat to proceed with her proposal to contact those people currently participating in the additional insurance program and invite IBA to come in with a proposal. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated September 7, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**COMMISSION REPORTS**

*Commissioner Hatch*



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Commissioner Hatch, and UDOT Commissioner Bevan Wilson attended a Non-Urban Road Committee and Joint Highway Committee meeting in Richfield. Emery County was successful in getting an additional \$250,000.00 to go with the already programmed \$250,000.00 to work on Temple Mountain Road as it leaves Highway 24 over to Goblin Valley Road. That is a fifty-fifty split with the State and the County. Special Service District #1 has indicated that it is a high priority project on their part and they would be willing to put up the match for the \$250,000.00. The project is moving ahead. The permit work is going on for the archeological and other permits needed along the route.

He participated in the recent Green River Melon Days parade along with other elected officials from the County.

State Route 10 Corridor study team working on the State Route 10 from Price to I-70 will hold an open house today between 1 and 4 p.m.. They are working on the section between Ridge Road and US 6. They will present several alternatives. It will be at the Old Carbon Elementary in Price.

*Commissioner Kofford*

Commissioner Kofford, Commissioner Hatch and Commissioner Sitterud attended and unofficial open house for the new Ferron Fire Station. An official open house will be held during National Fire Prevention Week, October 8, 2004.

*Commissioner Sitterud*

Commissioner Sitterud reported on the recent Economic Summit held here last week. It was a huge success. The attendance goal was for one hundred people. They went well over the goal. It was very well attended. All the feedback has been positive. He complemented all the people who were involved in the planning and production of the event.

During Peach Days there was a celebration at the Nursing Home to raise funds for the facility. It went very well.

A special legislative meeting was held last week regarding Range Creek. They approved \$150,000.00 for security measures to keep the area from being vandalized through the winter. Emery County had heard that CEU has asked for funds for a new museum to host the artifacts that come out of Range Creek. Emery County was opposed to that because Range Creek is in Emery County. Apparently that request was never discussed during the meeting. He contacted Brad Johnson and let him know that Emery County has two museums perfectly capable of handling anything that comes out of Range Creek.

The gas plant in Green River has sold. The owner is going to open the plant and guarantees between ten and twenty high paying jobs. Emery County has been behind him all the way. He

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has acquired some state money to get going with. Emery County will come up with a match for the funds. The owner will pay for the paint and Emery County Economic Development board members will help with the painting for our portion of the match. Green River City will match people with however many people we send down to work on the project.

He attended the Green River Melon Days Pageant. Five girls tried out for the contest. All were great. Miss Emery County sang at the pageant.

Joe's Valley Boat Ramp is now under construction. They will try to complete the project before the snow falls on the mountain.

**(15)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

**(16)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

OCTOBER 5, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DELENA FISH, DWS, QUARTERLY UPDATE**

Delena Fish, DWS provided the following update:

- ❖ They have published a Utah Careers guide focusing on Utah's hottest jobs, today's job market and the skills that employees want, tips on interviewing writing a resume and job success. The guide is available on their web site and in hard copy format.
- ❖ They have targeted three job markets in the state to focus support and education. The three targeted areas are medical, financial and construction. Because of the economy in our area, local staffers have targeted two additional areas, government and energy.
- ❖ The state goal is to place 100 people in each of these targeted markets. Eastern Region goals are to place 11 people in each of these markets by the end of 2005.
- ❖ Previously the youth program was administered by a carrier who bid on the job. This year, however DWS will administer the program themselves.
- ❖ PCN which is a program that offers health coverage to adults who do not have coverage will have open enrollment October 4-29, 2004.
- ❖ Learn Key which is a massive group computer learning program is available in the Castle Dale Center free of charge if you are enrolled in the DWS program, \$5.00 for a group to attend.
- ❖ DBT in Huntington previously hired through SOS in Price. DWS will now be processing job orders for the company.

(2)

**DEBRA DULL, UTAH POWER/PACIFICORP, QUARTERLY UPDATE.**

Debra was not able to attend the meeting.

(3)

**LARRY SALAZAR, EMERY TELCOM, QUARTERLY UPDATE.**

Larry Salazar, Emery TelCom provided the following update:

- ❖ He reported on DSL upgrades.
- ❖ FCC upgrade approval for portability.
- ❖ In Community Involvement: they donated \$8,000.00 to Emery High School for scholarships.
- ❖ Crystal Apple Award's first year went very well. One teacher from Emery County and one from Carbon County were chosen as well as an overall winner which was from Green River. The overall winner is nominated for the National Rule Award who, if chosen could win \$5,000.00 in technology money for his/her classroom.
- ❖ Emery TelCom continues to donate to communities and schools.

(4)

**CITIZEN CONCERNS**

Road Supervisor, Rex Funk requested access to Class B Roads equipment line item where \$50,000.00 was budgeted to purchase a used semi tractor. He requested to go out to bid for the purchase of the semi tractor. Commissioner Gary Kofford made a motion to allow Rex to proceed with the bidding process to purchase a used semi tractor provided the funds are available. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Rex also discussed a problem at the landfill with disposal of refrigerators. Disposing of the Freon has been a costly process. He suggested charging a \$5.00 fee to dispose a refrigerator at the landfill to defray the cost of disposing of the Freon. The Board of Commissioners are still in the process of working on an ordinance which identifies the many fees charged in the county. They suggested that Rex budget for the extra cost of disposing of the Freon for now until that fee structure is complete.

(5)

**CONSIDERATION AND APPROVAL OF COUNTY COLLECTING TRT REVENUE.  
PRESENTATION OF PROPOSED ORDINANCE AND SETTING OF PUBLIC  
HEARING. RATIFICATION OF NOTIFICATION LETTER.**

Commissioner Hatch explained that UAC has set up a program to collect TRT. As a county we have been discussing whether or not to collect the TRT on our own. The Commissioners could

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not see any benefit to having UAC collect the tax. Grand County has been collecting the TRT on their own. Commissioner Hatch and Brenda Dugmore met with Fran Townsend and her staff in Grand County to go over the process to see if it would be something the county could handle on their own. Commissioner Hatch and Brenda came away from that meeting with a favorable forecast for that to happen. An ordinance was put together in Grand County that establishes the guidelines for collecting the TRT. A copy of that ordinance was brought back to the county to provide a structure guideline for creating an ordinance in Emery County to collect the TRT. There will need to be a Public Hearing to propose an ordinance to collect the TRT in Emery County. Commissioner Ira Hatch proposed holding the Public Hearing on November 16, 2004 at 5:00 p.m. A letter was sent to the state indicating that Emery County intends to collect the TRT here. Commissioner Ira Hatch made a motion to ratify the letter sent to the State informing them of Emery County's intention to collect TRT as of January 1, 2005. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Commissioner Gary Kofford made a motion to hold a Public Hearing on November 16, 2004 at 5:00 p.m. to review and receive comments on a proposed ordinance to collect TRT in Emery County. Commissioner Gary Kofford amended the motion by adding to post notice of the public hearing in the Emery County Progress in the October 12 and 19, 2004 issues. The motion was then seconded by Commissioner Gary Kofford and approved by all members present. Commissioner Hatch explained that TRT funds are identified and appropriated for specific use which is mainly promoting tourism.

**(6)**

**APPROVAL OF PRICING FOR COLOR COPIES FOR COUNTY EMPLOYEES.**

Commissioner Sitterud explained that the county has purchased a color copier which is in the GIS/IT office. Color copies are available to departments. The cost for the copies is currently being absorbed by the IT department budget. Jeff Guymon, IT has had several requests for color copies outside of the courthouse, mainly the Libraries. These requests are coming from customers. The Board of Commissioners previously asked Jeff to research to see if anyone in the county offers color copies as part of their business. Jeff indicated that the only business offering color copies is Office Etc. in Price. The cost for a color copy at Office Etc. is ninety-nine cents per page, eighty-nine cents for 50 to 200 pages, eighty-three cents for over 200 pages and one dollar and ninety-eight cents for a 11 x 7 copy. Jeff suggested one dollar per copy if the county were to allow the public copies. He recommended employees copies be made after hours. After discussion on the matter Commissioner Gary Kofford made a motion to allow color copies for county use only at twenty-five cents a copy and develop a cost for each size the copier is capable of making. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(7)**

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF.**

Clerk/Auditor Bruce Funk discussed an ambulance write-off request from Joanna Ballew. Her daughter Amanda was involved in a four wheeler accident while visiting friends at a cabin in the county. The accident and subsequent hospitalization took place outside of their insurance coverage but because it was a potentially life threatening accident their insurance they paid for a portion of the bill. She asked that the Board of Commissioners accept the insurance payment as payment in full. The total amount due was \$1172.00 of which the insurance paid \$951.30 leaving a balance of \$220.70. Commissioner Gary Kofford made a motion to abate the balance due of \$220.70 for Amanda Ballew as requested. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(8)****CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CHANGES.**

Commissioner Gary Kofford made a motion to approve Board of Equalization changes as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(9)****CONSIDERATION AND APPROVAL OF CIRCUIT BREAKER, VETERAN, BLIND, AND OTHER ABATEMENTS.**

Clerk/Auditor Bruce Funk presented circuit breaker, veteran, blind and indigent abatement applications for consideration and approval. Commissioner Ira Hatch made a motion to approve the circuit breaker, veteran, blind and indigent abatement applications. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List, additional claims, requisitions and dispositions for approval.

Requisitions were presented for the following:

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<u>REQUISITIONS</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>APPROVAL</u>
58-04	Emergency Lighting/Hazmat truck Sheriff/Homeland Security Grant 04	\$2807.70	Approved
59-04	Kenwood 2 way Hazmat Truck Sheriff/Homeland Security Grant 04	1254.10	Approved
60-04	Employee Christmas Cards,Shp,Print Commission	318.00	Approved
61-04	2005 Tropical National RV Command Post/ Sheriff Homeland Security Grant 04	173,255.00	Approved
62-04	Truck, 2005 Diesel Sheriff-Homeland Security Grant 04		On Hold

Dispositions were presented for the following:

Filing Cabinets #1246 and 1247 from the Treasurers office to be junked. Approved

The Commissioners discussed requisition 62-04 the 2005 diesel truck. Sheriff Guymon requested permission to purchase the truck from Community Motors in Price. State bid for the truck was not know at this time. It was recommended that the requisition be held to allow time to find out about state bid for vehicles. Sheriff Guymon will bring the requisition back to the next Commission meeting for approval.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions with the exception of the truck purchase. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)**  
**DISCUSSION OF PROCESS TO DISPOSE OF FORFEITED/SEIZED/ABANDONED VEHICLES.**

Clerk/Auditor Bruce Funk received a request from a local vendor requesting to dispose of the abandoned vehicles at the Weed/Mosquito yard in Castle Dale. The vehicles are mostly drug seizure vehicles. Attorney David Blackwell has researched the VIN numbers and vehicle descriptions and have not found any documentation on transfer or sale of the vehicles. They

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have been in the same spot for numerous years. Sheriff Guymon was not opposed to having the vehicles disposed of. Commissioner Gary Kofford made a motion to dispose of the vehicles. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

**DISCUSSION OF RANGE CREEK RMP**

Commissioner Drew Sitterud discussed Range Creek RMP. Drew, LaMar Guymon, Kathleen Truman, Ray Petersen and Gary Kofford are all on a state DWR committee created to manage Range Creek. The committee met recently to create a temporary Resource Management Plan for Range Creek. It is a simple document identifying entry into Range Creek by permit on horseback or hiking only. You must have a picture ID and the permit on you. The permit is available at the DWR at no cost. The state DWR is trying to give the writing of the RMP to the BLM. Commissioner Sitterud stressed the importance of Emery County maintaining control of Range Creek. Emery County does not want BLM to write the RMP for Range Creek. CEU has applied in a special session of the legislature for funds to build a building to house the items from Range Creek. Commissioner Sitterud informed the state that Emery County is capable of housing those items in the two museums located in Emery County.

(13)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Voluntary Group Life Insurance

As a part of the comprehensive benefit package offered to employees, the county has offered employees, at their cost, the opportunity to increase their life insurance by participating in voluntary group life coverage.

The county was advised recently that the current voluntary group life carrier of many years was going under the control of another company and since service had been in a slow decline we asked Jeff Kelsey if he would see if the life insurance carrier under the health insurance would allow employees to pay for additional group life insurance coverage over and above what the county's plan covered. The main concern was that in a new agreement the current voluntary group would be "grandfathered in". That company, AIG American General, agreed.

Christy Hillier from Jeff Kelsey's office was here to provide a brief breakdown of the premium cost associated with the additional coverage and to provide the documents for signature if the Commission approved the new coverage package for the employees. Pat Snowball indicated she had contacted the employees affected by the change and that the employees have been advised of the slight increase in the premium. All of the employees were in agreement with the change.

They company will also accept new employees into the plan. Commissioner Gary Kofford made



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a motion to change the company with which Emery County offers voluntary group life insurance to its employees to be effective October 1, 2004. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Road Department

Road Department requested approval to bring Russell Dull, equipment operator/driver back for another up to 90 day temporary assignment beginning October 12, 2004. Commissioner Ira Hatch made a motion to approve another 90 day temporary assignment as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

GIS

Request approval to hire Jackson Pace, temporary up to 90 day days, beginning September 27, 2004. Commissioner Gary Kofford made a motion to approve an up to 90 day temporary assignment for Jackson Pace as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Sheriff's Office

Request approval to begin the recruitment process for dispatcher. This would be a full time position, eligible for benefits. Commissioner Gary Kofford made a motion to approve beginning the recruitment process for a dispatcher as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Administrative Law Judge

The final step in the grievance process is a hearing before the Career Service Council. The Utah Code, section 14-33-4.5 allows the Career Service Council to refer an appeal to an administrative law judge who holds a hearing and makes a recommendation to the Career Service Council. The ALJ the county has used in the past advised us that his services are no longer available. It has been necessary to locate another ALJ. There are two essential qualifications we require in an ALJ: 1) An expertise in dealing with public employment issues and 2) An expertise in dealing with law enforcement issues. Mr Ken Wallentine possess both of those qualifications. He is an administrative Counsel for Utah Peace Officer Standards and Training. He also serves as an Administrative Law Judge, hearing disciplinary and termination appeals for the Utah Career Service Review Board. He is a charter member of the Salt Lake City Police Department Disciplinary Board, is affiliated with the American Inns of Court, where he serves as a Mater if the Inns, is a principal of Public Safety Solutions, a law enforcement risk management and training consulting service. His fee is the same as the last ALJ \$75.00 per hour.

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Attorney David Blackwell and Pat Snowball recommend Mr. Wallentine be appointed as Administrative Law Judge for Emery County's Career Service Council.

Commissioner Gary Kofford made a motion to approve Mr. Ken Wallentine as Administrative Law Judge for Emery County's Career Service Council. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the Commission Meeting Minutes dated September 21, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(15)

**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch and Brenda Dugmore traveled to Grand County to meet with Fran Townsend regarding the process of collecting Transient Room Tax. He and James Nielsen attended a Mosquito Abatement Conference. Relative to Mosquito Abatement, Grand County had a Green River Mosquito Abatement District of which a good portion was recently annexed into Emery County. Grand County suggested dissolving that district. They would like to meet with Emery County to work out a contract to accomplish that work outside of Emery County on the Grand County side of the river.

The County has received an encroachment permit from the state on the Rilda Canyon approach road. This is the road going up Rilda Canyon for the proposed UPL breakout. The Emery County Special Service District #1 will be working under the County's direction for this project.

We needed a letter on the Moore Road Phase II project to receive the funds. Two letters were sent to UDOT. One designating the engineer of record and one to have UDOT get with Emery County and the SSD#1 to review the plans.

Commissioner Ira Hatch made a motion to ratify the letters sent out to UDOT regarding the Moore Road Phase II project and an appeal letter requesting to get in line for additional funding for the project. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

*Drew Sitterud*

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Commissioner Sitterud and the Recreation Special Service District met with the Emery County School District regarding recent decision to discontinue use of the Spartan Center by county athletics groups and charging for use of the school facilities.

The Commissioners have started talks with applicants for Justice Court Judge. They have forty-nine applicants to work through.

Joe's Valley Boat Ramp construction is underway. The pad has been layed there will be approximately 540 feet of boat ramp.

Commissioner Sitterud has been accepted to the BLM RACK Committee.

**(16)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not necessary.

**(17)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

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Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Ira Hatch was not able to attend the meeting, therefore Commissioner Drew Sitterud stepped down to execute the motions.

(1)

**RURAL WATER ASSOCIATION- PRESENTATION OF SOURCE WATER PROTECTION.**

Bob Lowe, Rural Water Association made a presentation regarding source water protection. The Rural Water Association assists rural water systems in Utah. They help with drinking water, administration, wells, valves and others. Mr. Lowe's responsibility reaches to communities with regard to source water protection. His presentation focused on sources of contamination, protection zones, management programs, land use authority, regulatory land management strategies and how local government can help in this effort.

(2)

**GREEN RIVER HIGH SCHOOL REQUEST FOR DONATION TO THE CLOSE-UP STUDENTS.**

Commissioner Sitterud explained that every other year Green River High School participates in the Close-Up Program. The program orients senior students to the legislative system. Twenty senior students from Green River High School will be traveling to Washington, D.C. The students hold fund raisers to help with the \$1,385.00 per student needed for the trip. The group requested a donation from the county to help with the cost. Commissioner Gary Kofford made a motion to donate the standard \$250.00 to Green River High School for participation in the Close-Up Program. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH FOR CADASTRAL MAPPING AND PARCEL AUTOMATION.**

Jeff Guymon, IT applied for additional funds to keep the cadastral mapping and parcel automation. Emery County was awarded \$22,000.00 to keep this program going. Some of the funds will be used for RS2477. Attending training sessions is a requirement for receiving the funds, therefore Drew Sitterud and Jeff Guymon will be attending the training sessions. Commissioner Gary Kofford made a motion to approve a contract with the State of Utah for Cadastral Mapping and Parcel Automation. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**NOTIFICATION OF INVITATION TO BID FOR ASSEMBLY, ADAPTION , AND INSTALLATION OF USED FUEL STORAGE AND DISPENSING SYSTEM AT THE EMERY COUNTY ROAD DEPARTMENT.**

The Road Department has set up the containment area for the fuel storage system. They now need the hook-up and wiring done. The advertising process for this project was approved in an earlier meeting. Commissioner Gary Kofford made a motion to set October 26, 2004 at 10:00 A.M. to open the bids for the assembly project. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF RESOLUTION OF AN EMERY COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INSURANCE POOL ANNUAL MEMBERSHIP MEETING.**

Commissioner Gary Kofford made a motion approve Resolution 10-19-04 re-appointing Commissioner Ira Hatch as Emery County's representative and Pat Snowball as alternative representative for the Utah Counties Insurance Pool Annual Membership Meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**DISCUSSION OF CEDAR MOUNTAIN COMMUNICATION SITE.**

Commissioner Drew Sitterud explained that Emery County has been working with a five county committee complied to go to CIB to get a three million dollar grant to update communication service to digital. They have since found out that Cedar Mountain is not owned by Emery

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County. Green River City owns Cedar Mountain. The buildings and equipment are owned by Emery County. It was determined that the site cannot be used by anyone other than a government agency. Cell phone companies cannot use the space. Discussions have begun with Green River City. The CIB is in full support of the project. They expect to get one million per quarter and expect to be able to meet the 2006 deadline.

(7)

**DISCUSSION OF PROPOSED ORDINANCE FOR COLLECTION OF TRANSIENT ROOM TAX.**

County Attorney David Blackwell discussed the proposed ordinance. He pointed out that the ordinance was drafted similar to the one from Grand County but more in line with UAC's as it incorporated state statute. A few things were changed to fit our needs. The ordinance is available for review at the Clerk/Auditor's office and asked for any suggestions. The ordinance will be available for the public to review. The advertising process will begin for the Public Hearing to be held on November 16, 2004 at 5:00 p.m.

(8)

**SETTING OF BUDGET WORK MEETINGS.**

Commissioner Gary Kofford made a motion to set budget meetings dates and times as follows:

October 25, 2004 all day  
October 29, 2004 from 9:00 am until 1 pm.  
November 5, 2004 all day  
November 8, 2004 from 9:00 am until 12:00 pm.  
November 17, 2004 from 9:00 am until 12:00 pm.  
November 19, 2004 all day  
November 22, 2004 all day

The motion included the Clerk/Auditor's office sending out a letter to all the departments informing them that the last day that requisitions will be accepted is November 16, 2004. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF FY2005 TENTATIVE BUDGET FOR EMERY COUNTY, CASTLE VALLEY SPECIAL SERVICE DISTRICT AND OTHER ENTITIES AS REQUIRED BY LAW.**

Commissioner Gary Kofford made a motion to approve the 2005 tentative budget for Emery County and other entities. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Gary Kofford made a motion to approve the 2005 tentative budget for Castle Valley Special Service District. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #165275 through and including #165417 for payment.

There were no requisitions or dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit and additional claims as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)****PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

**Assessor**

Kris Bell proposes a promotion for Nadine Thompson to Real Property Appraiser. This is a full time position with benefits. While Nadine is not certified at this time and will have to become certified over a period of time, she will act as an "appraiser trainee" assisting the certified appraisers. The promotion will become effective the pay period of October 24, 2005.

The promotion was addressed after the recruitment for a full time real property appraiser. With Nadine moving to that position, the position open for recruitment is the Personal Property Appraiser which is part time (3/4 time) eligible for benefits. It is proposed that the applicants for

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the full time position be advised that the position being offered has become part time and ask them if they would still like to be considered for the position.

Commissioner Gary Kofford made a motion to approve the promotion for Nadine Thompson to Real Property Appraiser, full time and recruit for a part time, Personal Property Appraiser. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Library

Based on Jerilyn Mathis' job duties as a department head, it is proposed to increase her salary effective the pay period of October 25, 2004. Commissioner Gary Kofford made a motion to approve the pay increase for Jerilyn Mathis. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated October 5, 2004 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**COMMISSION REPORTS**

*Commissioner Gary Kofford*

Commissioner Kofford reported on the progress at the new Public Safety Complex. He reported on a recent Council of Governments meeting with the mayors of the county. In the meeting they discussed building inspector problems the cities are experiencing. The cities have requested that the county fund for a building inspector in the county. The cities need to adopt a new fee structure to meet the 1997 building code uniform fees. Only two of the cities have adopted the fee structure. They discussed the cost to budget for a building inspector. Commissioner Kofford has asked Attorney David Blackwell to draft an interlocal agreement to present to the cities. He will be reporting on the progress of these discussions during the budgeting process and in the December Commission Meeting.

*Commissioner Drew Sitterud*



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Commissioner Sitterud reported on the Bucks and Bulls RAC meeting to be held in Green River tonight. He encouraged the public to attend. He will travel to Provo the next day to be sworn in on the BLM RAC board.

He reported on the recent Emergency Preparedness Conference held in the Spartan Center last week. Martin Wilson and Judy Lang presented a great conference. Displays were set up from various vendors in the county.

He met with the applicants for Justice Court Judge. There were forty- nine applicants of which forty-seven showed up. Now that they have been met the interview process will begin.

**(14)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not necessary.

**(15)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

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Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Ira Hatch, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**5:00 PM- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON THE PROPOSED ORDINANCE IMPOSING A TRANSIENT ROOM TAX FOR EMERY COUNTY AND IDENTIFYING THE PURPOSES FOR WHICH THE TAX IS IMPOSED, PROVIDING DEFINITIONS, PROVIDING COLLECTION AND REMITTANCE PROCEDURES, PROVIDING APPEAL PROCEDURES AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Drew Sitterud opened the public hearing for comment.

Commissioner Ira Hatch provided opening remarks, explaining that the proposed ordinance will enable Emery County, as a legislative body, to collect transient room tax instead of having the state collect the tax. The proposed ordinance has been available for review in the Clerk/Auditor's Office. There have been no written comments received. The ordinance proposes collecting and reporting on a quarterly basis effective January 1, 2005 with the first reporting due on March 31, 2005. Emery County has requested a vendor list from the state.

Remarks from the public were as follows:

Bruce Funk, explained that the funds will come to the county and be distributed by the county to the Travel Council. The statute is specific on what the funds can be used for.

Mark H. Williams asked what safeguard the County has to ensure that the vendors are being honest in their reporting. Commissioner Hatch replied that there is an auditing process.

Commissioner Hatch commented that five other counties have chosen to collect their own TRT also. The Clerk/Auditor's office in conjunction with the Travel Council will administer the program.

There were no more comments.

Commissioner Gary Kofford made a motion to come out of the Public Hearing and return to the regular Commission Meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF THE TRANSIENT ROOM TAX  
ORDINANCE OF THE COUNTY OF EMERY.**

Commissioner Ira Hatch made a motion to approve the Transient Room Tax Ordinance of the County of Emery. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**5:30 PM- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON THE  
PROPOSED RESOLUTION TO INCREASE COUNTY BUILDING PERMITS**

Commissioner Gary Kofford made a motion to move into a Public Hearing to receive public comments on the proposed resolution to increase county building permits. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Deputy Attorney, Alan Thorpe addressed the Commissioners and the public. He explained that he was asked to scribe into legal form the proposed resolution. A number of the cities and towns within Emery County have expressed a desire to enter into an Interlocal Agreement with the County under which the County's Building Official would provide building inspection services within the incorporated boundaries of such cities or towns. The expansion of the duties and services of the Building Official will require increased financial resources. The fees charged by Emery County for Building permits have not kept pace with the fees charges by other counties in this state. The resolution sets forth the fees based on the tables in the Universal Building Code from 1997. The county finds that the fees set forth in this resolution are reasonably necessary to offset the costs of providing building inspection services, issuing building permits and creating and maintaining records of such activities.

Commissioner Gary Kofford added the cities and towns have been asked to adopt the same fee structure.

Commissioner Sitterud opened the meeting up to the public for comments and questions.

Kris Bell asked if the fees are set in stone. She suggested that the fee is too high all at once. A lot of people don't get building permits now. This raise in fees may deter people from getting permits. She suggested raising the fees by 100% instead of 300%. Maybe penalize those who do not get a building permit and not charge those who do get a building permit quite so much.

Bryant Anderson discussed the fact that a lot of people do not get a building permit. Technically people should get a permit for siding, roofing, heating, water heaters, etc.

Commissioner Kofford relayed past discussions with city mayors during Council of Government

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meetings regarding this issue. Providing building inspection service for the cities will be costly to the county. Bryant has been doing the job, but he is spread thin. The county would need to hire another employee, provide benefits and possibly another vehicle.

Commissioner Hatch added that regardless of whether the county provides the service for the cities, the fee structure needs to be changed.

Attorney Alan Thorpe stated that building inspection is mandated by state law.

After continued discussion on this issue, Commissioner Gary Kofford made a motion to come out of the public hearing and return to the regular meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF THE RESOLUTION TO INCREASE BUILDING PERMIT FEES.**

Commissioner Gary Kofford made a motion to approve Resolution 11-16-04 B a resolution to increase building permits as outlined. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF SIGNING ZIONS BANK AFFINITY.**

This item was put on hold to allow time to gather more information.

(6)

**RATIFICATION OF AMENDMENT #1 TO COOPERATIVE AGREEMENT 050669-JOE'S VALLEY BOAT RAMP.**

Commissioner Sitterud explained that because the water level in Joe's Valley Reservoir has lowered the contractor was able to put down more concrete. The contract was for 500 ft. of concrete. They were able to put down 525 ft. of concrete. The extra concrete cost an additional \$6,000.00. Amendment #1 to Cooperative Agreement 050669 will allow for the extra funds. The funds have been approved by the state. Commissioner Gary Kofford made a motion to approve the signing of Amendment #1 to Cooperative Agreement 050669 Joe's Valley Boat Ramp. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF ADDENDUM TO AGREEMENT BETWEEN**

**EMERY COUNTY AND ECSSD#1.**

An Addendum to an agreement between Emery County and Emery County Special Service District #1 is needed for the Joe's Valley Boat Ramp project because the project is being administered through the ECSSD#1. The addendum will allow the funds to flow between Emery County and ECSSD#1. Commissioner Ira Hatch made a motion to approve an addendum to an agreement between Emery County and ECSSD#1. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS, CARBON COUNTY, AND MANTI-LA SAL NATIONAL FOREST FOR COOPERATIVE FIRE PROTECTION.**

This is an ongoing agreement between Emery County and Utah Division of Forestry, Fire and State Lands, Carbon County, and Manti-La Sal National Forest for cooperative fire protection. The agreement is for \$4,000.00 for the year 2005. Commissioner Gary Kofford made a motion to approve the agreement. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**PRESENTATION OF ACCESS PLAN BY DESOLATION CANYON COALITION.**

Tabled

(10)

**DISCUSSION AND APPROVAL OF ENTERPRISE/INDUSTRIAL ZONES DESIGNATION.**

Economic Development Director, Mike McCandless explained the Enterprise/Industrial Zones Designation. Emery County must renew with the state in order to retain our status with state to designate zones as industrial zones to be able to offer tax credits to businesses for relocating or expanding an existing business in the county. This is a special designation only available to nine counties in the state. Commissioner Gary Kofford made a motion to approve renewing with the state for Enterprise Industrial Zone Designation. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**RATIFICATION/APPROVAL OF RELEASE OF LIEN.**

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Treasurer, Steven Barton explained that on October 28, 2004 his office received a request for release of lien on A. J. Properties. The lien was filed in 1999 and has been satisfied. There are no past due taxes. To expedite the process Commissioner Sitterud signed the release.

Commissioner Ira Hatch made a motion to ratify the signing of a release of lien on A. J. Properties. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Mr. Barton requested approval for release of lien on other properties as follows:

Terry Dorrell, lien dated in 1988 has been satisfied and there are no back taxes.

Marjorie Potter, lien dated 2001 has been satisfied and there are no back taxes.

Wayne Allred, lien dated 2001 has been satisfied and there are no back taxes.

Robert Wetherington, 2 parcels, lien dated 1994 has been satisfied and there are no back taxes.

Commissioner Gary Kofford made a motion to release the lien on the properties presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Mr. Barton will file and record the appropriate paperwork with the Recorder's Office.

**(12)**

**DISCUSSION OF SUNRISE AIRLINES, INC. BANKRUPTCY.**

Mr. Barton explained that Sunrise Airlines, Inc. filed for bankruptcy in November of 2000. Sunrise Airlines, Inc. is state assessed property. The last date to file a claim was in January of 2001. After speaking with the attorney and the state people he has found out that there is nothing left to make a claim on. Attorney David Blackwell suggested that it would not be cost effective to file a claim because there is nothing left to obtain. Mr. Barton indicated that the taxes left owing are \$61,000.00, with penalty and interest that comes to \$86,000.00. He requested approval to remove Sunrise Airlines, Inc. from the records. Commissioner Ira Hatch made a motion to approve Treasurer, Steven Barton's request to remove Sunrise Airlines, Inc. from the Emery County Tax Roll. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(13)**

**CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENTS.**

Assessor, Kris Bell presented the following adjustment requests:

Merlin Lyons- this parcel was segregated to create a new parcel and the home was also moved to the new parcel, this work was completed on September 16, 2003. Paperwork to reflect this calculation is in the chart, but as the rollover to the new year was completed the deleted numbers have surfaced or resurrected themselves. An adjustment needs to be made to correct this

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situation. The tax difference would be \$313.70.

Scot and Lori Oliver- this parcel was removed from Greenbelt and the computer work was done to reflect that, but during the rollover to the new year the code calculated the value in both agriculture and greenbelt totals. This has created a double taxation. The tax difference would be \$62.53.

Gilly's Incorporated- it was brought to the Assessor's office attention details that were not known previously about the buildings. The year built was off a little as well as some of the square footage. She re-figured the property and came up with a new value. The tax difference would be \$2,415.18.

Commissioner Gary Kofford made a motion to approve Commission Tax Adjustments for the properties presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(14)**

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented a letter of request from an attorney for ambulance patient Dorothy Childs. The Board of Commissioners previously approved to abate one half of an ambulance bill for Mrs. Childs. A request was now made to write-off the other half of the bill claiming it was the ambulance's responsibility to inform her that they were obligated to take her to the nearest hospital. After discussion on this issue, Commissioner Gary Kofford made a motion to abate the \$494.41 remaining balance of the ambulance bill for Dorothy Childs. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

A business license for Paul Simmons DBA: Extreme Automotive was presented for consideration and approval. The application has been reviewed and signed by Zoning Administrator, Bryant Anderson. Commissioner Ira Hatch made a motion to approve a business license for Paul Simmons DBA: Extreme Automotive as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

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Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #165836 through and including #166042 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
67-04	GPS Mobile Mapper Unit Highway	\$2,495.00	Approved
68-04	Laser Printer Recorder	1,043.61	Approved
69-04	HP Deskjet 130 NR Plotter Recorder	1,786.69	Approved
70-04	(2) 21" CRT Monitors IT	822.84	Approved
71-04	Canon Copy Machine Capital Rep- Attorney	5,736.36	Approved
72-04	2001 Kenworth Semi-Tractor Highway	49,250.00	Approved
73-04	2005 Dodge Truck Sheriff-Hazmat Homeland Security	27,582.00	Approved

There were no dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, and requisitions noting that the purchase of the 2005 Dodge truck for the Sheriff's Department be made from Community Motors. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(17)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Pat Snowball presented the following personnel action:



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Library

Jacki Collard successfully completed her six-month orientation period and Jerliyn Mathis has recommended the standard increase which would be effective the pay period beginning November 22, 2004. Commissioner Ira Hatch made a motion to approve the standard pay increase for

Jacki Collard as per policy. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sheriff's Office

Garret Conover became POST certified and is eligible to progress from Corrections Officer to Patrol Deputy. The wage increase would be effective the pay period beginning November 22, 2004. Commissioner Gary Kofford made a motion to approve the promotion and wage increase for Garret Conover as per policy. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Assessor's Office

Recruitment for the position of deputy assessor/personal property appraiser has been completed. Kris Bell recommends hiring Melinda Wilbanks effective November 17, 2004. This is a part time position (3/4 time) eligible for prorated benefits. Commissioner Gary Kofford made a motion to approve hiring Melinda Wilbanks as deputy assessor/personal property appraiser. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Road Department

Melinda Wilbanks is currently working at the Road Department as a 90 day temporary. As a result of the newly approved hiring of Melinda at the Assessor's Office this leaves the Road Department without help in the office. Rex Funk requested approval to allow the Road Department to recruit for a 3/4 time position at the Road Department to replace Melinda. Commissioner Gary Kofford made a motion to allow the Road Department to recruit for a 3/4 time position. The motion was seconded by Commissioner Ira Hatch and approved by all members present. Rex will get with the Assessor's Office to work out a schedule for Melinda until the recruitment process is completed.

Other Business

A Resolution amending the personnel policy was presented for consideration and approval. The Resolution, in brief accomplishes the following:

- ✦ Places a "disclaimer" at the front of the policy which states the policy does not

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- constitute a contract;
- + Amends Section 9, Fringe Benefits to comply with the law relative to different types of leave;
- + Amends Section 12, Employee Conduct to expand the harassment policy to cover all types of harassment.

Commissioner Gary Kofford made a motion to approve Resolution 11-16-04A amending the personnel policy. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(18)**

**CITIZEN CONCERNS**

Rob Midgley has submitted his resignation as Huntington Airport Manager. Commissioner Ira Hatch made a motion to go out to bid for a new airport manager at the Huntington Airport. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(19)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve the Commission Meeting minutes dated October 19, 2004 and October 26, 2004 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(20)**

**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch reported that the bids was awarded for the fuel containment system at the road department. Work on the system is nearly completed.

He attended two UCIP Board of Directors meetings.

He attended a pre-construction meeting on the Huntington Airport Lighting Project. The project is moving along well. However, the project is on hold for the winter.

He attended an open house for the Forest Service revision on the Forest Plan. It was a good turnout. The Forest Service is open to suggestions for Wild and Scenic River. They are willing to work with the county on designation.

He attended meetings in St. George during UAC's annual conference. He thanked Dixie Swasey and Kris Bell for arranging for the County's gift for the drawing at the conference.

*Commissioner Kofford*

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Commissioner Kofford reported that the final inspection of curb, gutter and asphalt at the Sheriff's Complex is today. Landscaping will be done in the spring. He attended a Homeland Security meeting with Martin Wilson. Funds provided by Homeland Security were used to fund a Mobile Command Center which will be useful, especially for search and rescue.

*Commissioner Sitterud*

Commissioner Sitterud reported that the Rural Economic Summit will be in Carbon County next year. He encouraged everyone to attend.

Joe's Valley Boat Ramp is near completion. The parking lot will be done after the winter. He met with a group representing oil and gas production concerned about the BLM's Resource Management Plan. He encouraged everyone to provide comments to the BLM regarding the RMP. The deadline for comments is November 29, 2004. The battle still rages regarding dispersed camping on the Wedge. He signed the cops grant for fighting drugs. He attended his first Utah State B.L.M. Resource Advisory Council meeting. The State R.A.C board is an advisory board to the BLM.

**(21)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

**(21)**

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

11  
COMMISSION MEETING MINUTES  
NOVEMBER 16, 2004

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

DECEMBER 7, 2004

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Ira Hatch, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**RATIFICATION OF LETTER SIGNED BY MARK WARD, DATED NOVEMBER 15, 2004, WHICH WAS SUBMITTED AS EMERY COUNTY'S POSITION ON 69 FR 42636, 69 FR 42648 AND ROADLESS/UNROADED REVIEW AND EVALUATION EFFORTS.**

Commissioner Gary Kofford made a motion to ratify the sending of a letter signed by Mark Ward, dated November 15, 2004, which was submitted as Emery County's position on 69 FR 42636, 69 FR 42648 and Roadless/ Unroaded review and evaluation efforts. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**RATIFICATION OF COMMENTS ON THE PRICE FIELD OFFICE DRAFT RESOURCE MANAGEMENT PLAN (RMP) AND ENVIRONMENTAL IMPACT STATEMENT (EIS).**

Public Lands Director, Ray Petersen prepared comments on the Price Field Office Draft Resource Management Plan (RMP) and Environmental Impact Statement (EIS) for Emery County. The comments had to be sent in by November 29, 2004. Therefore, the comments needed to be ratified. Commissioner Ira Hatch made a motion to ratify the comments on the Price Field Office Draft RMP and EIS for Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**MESIA NYMAN, FOREST SERVICE, QUARTERLY UPDATE.**

Mesia Nyman, Forest Service, provided the following update:

- \* She reviewed conditions on the forest, focusing on the snow amounts and conditions of the roads to frequently visited areas.
- \* Projects, just finishing Wasatch grazing EIS, analyzing grazing allotments.
- \* They just completed gully plugs with the help of the local scouts.
- \* The South Manti Timber Sale is in litigation for the second time.
- \* Fuel treatments of Pinion Juniper in the North Dragon, Middle Mountain and Orange

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Olsen area.

- \* They are in the middle of selling Christmas Tree tags. They recommend that people not harvest young spruce or Ponderosa Pine. They have sold approximately 600 tags between Carbon and Emery Counties.
- \* The muddy creek drainage roads and trails analysis has been completed. A proposal for travel will be put together for NEPA.
- \* They have project to move the trail head on the Muddy which is on private land onto the forest.
- \* They will be rerouting Scad Valley Horse Creek Trail.
- \* They are recommending placing warning signs near the end of the paved road in Joe's Valley. It is very dangerous especially for those who are not aware that the dugway is so narrow.

(4)

**DERRIS JONES, DWR, QUARTERLY UPDATE.**

Derris Jones, DWR, provided the following update:

- \* There have been discussions regarding seasonal road closures in the Pines on the Muddy drainage. The closure helps with depredation and safety issues with deer and elk.
- \* Range Creek, Hunt Oil trade for Cold Springs is still in negotiations. They expect to have completed by first of year. The draft interim plan for Range Creek is ready to be sent out for review and comment.
- \* Some aquatics funds have been set aside for the development of community fisheries. The next one is planned for the fairgrounds in Price. They have filled the vacancy in the aquatics department.
- \* DWR will make a presentation at Public Lands Council meeting in December regarding endangered species and where and how funds are spent to keep species off the list.
- \* DWR is looking for additional funds for Duck Fork Project to take eggs from the Colorado Cutthroat in the spring.
- \* Desert Lake is drying up. The future is not bright. It is hard to maintain as a waterfowl management area in light of the fact of the drought and the irrigation systems recently installed in the area. He asked for some suggestions from the Commission on how to go about purchasing some water for the lake. The Commission suggested starting with the irrigation company to see if they have any water shares available.
- \* They have closed down the sagebrush habitat projects for the winter. They will start back up in the spring.
- \* They are working with the gas companies to ensure that the wildlife is protected in the areas of production. Commissioner Hatch mentioned a recent study in Wyoming it was

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found that more wildlife tracks were found surrounding quieter wells.

- \* Sheep surveys were made on the south San Rafael. Lamb production is up.
- \* Five new cases of CWD were found in deer taken in the LaSals during the rifle hunt. They will do a study next year to see if the disease is spreading to other areas. West Nile disease had less impact this year than expected, probably due to drought.
- \* There was a substantial improvement in the number of harvested bucks this year. There were good snowy conditions. There were more mature bucks in the harvest. Success was up.
- \* The Canadian Lynx in the area was captured by the Colorado Fish and Wildlife and will be released closer to its home.
- \* Elk from an elk hunting park in Carbon County escaped. One of the elk, which had a tag in its ear, was harvested by a hunter. Another elk was spotted by a hunter and is still wandering. These elk came from a farm in Colorado that had been tested for CWD.
- \* Sixty turkeys will be released in Spring Canyon. Students from Carbon High School will participate in adopt-a-flock and will monitor their activity.

He answered questions from the public.

Mark H. Williams asked about the ATV trail up to the Muddy Creek for fishing. Derris asked if the ATV group would be willing to develop and maintain a trail. Mark indicated that the ATV group had funds left that could be used for that purpose.

Ray Petersen asked if the DWR completed the project at Wrigley. Derris indicated that it was not completed.

**(5)**  
**PAT GUBBINS, BLM, QUARTERLY UPDATE.**

Pat Gubbins, BLM, provided the following update:

- \* He thanked the County for their hard work provided on the RMP. They received approximately 60,000 comments on the RMP. The comment period ended on November 29, 2004. There were many different interest. There is a lot a work ahead of the them to go through all the comments.
- \* Temple Mountain project construction crew out of Moab put up fences where they should not have. They have no intention of closing these roads. They will be working on rectifying this problem.
- \* He thanked the Commissioners for their involvement on the Wedge. Their input has been very helpful. They will be working on a more defined plan for usage on the Wedge that will be equitable for everyone.

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\* He reviewed some of the new people who have been hired to fill vacancies in the BLM office.

**(6)**  
**CITIZENS CONCERNS**

Mike McCandless, Economic Development made a request on behalf of Green River Chamber of Commerce and GRATE (Green River Action Team). They are planning to sponsor an Economic Summit on January 29, 2005 in Green River. The request was for a donation to the Chamber to help facilitate the summit. Commissioner Ira Hatch made a motion to donate \$300.00 to the Green River Chamber of Commerce to help facilitate an Economic Summit in Green River City. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(7)**  
**CONSIDERATION AND APPROVAL OF COMMISSION ADJUSTMENTS.**

Assessor, Kris Bell presented the following commission adjustment requests:

Reva Fillmore: this parcel, 04-0057-0003, was segregated to create a new parcel. Paperwork to reflect this calculation was in the chart, but as the rollover to the new year was completed the deleted numbers resurrected themselves. An adjustment needs to be made to correct this situation. Previous market value was \$88,349.00 and the new market value is \$53,192.00. Previous tax was \$523.22 and the new tax is \$363.98. This is a tax difference of -\$159.24 for the county.

Lucille Willson: this parcel, 01-0072-0001, had a code change for the land. When the rollover was executed in January the deleted code resurrected. An adjustment needs to be made to correct this situation. Previous market value was \$25,062.00 and the new market value is \$15,062.00. Previous tax was \$247.44 and the new tax is \$162.71. This is a tax difference of -\$84.73 for the county.

Lucille Wilson: this parcel, 01-0073-0019, had a code change for the land. When the rollover was executed in January the deleted code resurrected. An adjustment needs to be made to correct the situation. Previous market value was \$30,694.00 and the new market value is \$15,694.00. Previous tax was \$403.61 and the new tax is \$241.83. This is a tax difference of -\$161.78 for the county.

Commissioner Ira Hatch made a motion to approve the requested adjustments as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Connie Wilstead, John and Larry Adams, Tyler and Laura Wilstead: this parcel, 03-0061-0022,



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was put on Greenbelt. The Assessor's Office had some problems getting a new application on file. It did make the deadline but it was close and it was removed in the computer and rolled back. It was put back on Greenbelt, but the other calculations were not removed, so it has been doubled with the rollback. An adjustment needs to be made to correct this situation. The previous market value was \$2,146.00. The rollback penalty is 81.70. The new market value is \$2,146.00. Previous tax was \$105.09 and the new tax is \$3.98. This is a tax difference of -\$101.11 for the county. Commissioner Ira Hatch made a motion to approve the requested adjustment as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Johnnie Downard: the home on parcel, 01-0128-0005, burned down in November, 2004. They are requesting any help with taxes that the Commissioners may seem as fair. Commissioner Ira Hatch made a motion to abate fifty percent of the tax due. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)**

**CONSIDERATION AND APPROVAL OF TAX LIEN EXTENSION FOR BRUCE MYERHOFF.**

Treasurer, Steven Barton presented a request from Bruce Myerhoff for a tax lien extension. He was granted an extension last April to avoid having his property sold at the May Tax Sale. At that time the county entered into an agreement with Bruce Myerhoff to extend his payment until November 30, 2004. On November 30, 2004 Bruce Myerhoff requested another 30 day extension to allow time to release a federal lien on the home. He was not able to borrow the money to pay the taxes because of the federal lien. Steven indicated that he asked Bruce to make his request for a thirty day extension in writing, which he did. Commissioner Ira Hatch made a motion to grant the thirty day extension for Bruce Myerhoff, at which time, if he has not satisfied the taxes, the county will proceed with action to sell the home to recover the taxes. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**

**CONSIDERATION AND APPROVAL OF SLA AND SLEP GRANT APPLICATIONS.**

Presented for consideration were applications under the State and Local Assistance Program (SLA) for the State and Local Emergency Preparedness (SLEP) program. One application was for the Emery County Emergency Management Coordinator, who will coordinate planning efforts with local jurisdictions on County emergency planning efforts through briefings at local town council meetings, established EMS and volunteer fire meetings and other hospital, and first responder coordination meetings. The second grant was for Hazardous Material Emergency Preparedness (HMEP). This will provide a local emergency preparedness coordinator (LEPC)

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who will continue to update the County emergency Response plan, train with EMS, Fire , Road, public works, and law enforcement on Hazmat response, and work on adopting a regional hazmat response plan. Commissioner Gary Kofford made a motion to approve the SLA and SLEP grant applications. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(10)****DISCLOSURE OF AFFIDAVITS OF PERSONAL INTEREST.**

Affidavits of personal interest are required by statute to be filed each year. Affidavits were presented for the following:

- ❖ Bruce Funk, DBA: B&T Builders
- ❖ Richard Bret Mills, DBA: Mills Electronics
- ❖ Paul Simmons, DBA: Extreme Electronics
- ❖ Jeffrey J. Guymon, DBA: Guymon Construction

Commissioner Gary Kofford made a motion to accept the affidavits of personal interest. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(11)****CONSIDERATION AND APPROVAL OF 2005 COMMISSION MEETING SCHEDULE.**

The 2005 Commission Meeting schedule was presented for approval as follows:

January 4, 2005	4:00 p.m.
January 18, 2005	9:00 a.m.
February 1, 2005	4:00 p.m.
February 15, 2005	9:00 a.m.
March 1, 2005	4:00 p.m.
March 15, 2005	9:00 a.m.
April 5, 2005	4:00 p.m.
April 19, 2005	9:00 a.m.
May 3, 2005	4:00 p.m.
May 17, 2005	9:00 a.m.
June 7, 2005	4:00 p.m.
June 21, 2005	9:00 a.m.

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July 5, 2005	4:00 p.m.
July 19, 2005	9:00 a.m.
August 2, 2005	4:00 p.m.
August 16, 2005	4:00 p.m. * To follow Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.
September 6, 2005	4:00 p.m.
September 20, 2005	9:00 a.m.
October 4, 2005	4:00 p.m.
October 18, 2005	9:00 a.m.
November 1, 2005	4:00 p.m.
November 15, 2005	9:00 a.m.
December 6, 2005	4:00 p.m.
December 20, 2005	4:00 p.m.

Commissioner Gary Kofford made a motion to approve the 2005 Commission meeting schedule as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(12)**

**CONSIDERATION AND APPROVAL OF 2005 HOLIDAY SCHEDULE.**

The 2005 Holiday schedule was presented for approval as follows:

New Year's Day 2005	Friday	12-31-04
Human Rights Day	Monday	01-17-05
President's Day	Monday	02-21-05
Memorial Day	Monday	05-30-05
4 <sup>TH</sup> Of July	Monday	07-04-05
Pioneer Day	Monday	07-25-05
Labor Day	Monday	09-05-05
Columbus Day	Monday	10-10-05

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Veterans Day	Friday	11-11-05
Thanksgiving	Thursday	11-24-05
Break	Friday	11-25-05
Christmas	Friday	12-23-05 (1/2 day)
Break	Monday	12-26-05

Commissioner Ira Hatch made a motion to approve the 2005 Holiday schedule as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT TO BAILIFF SERVICE CONTRACT #921289.**

Commissioner Gary Kofford made a motion to approve a contract amendment to Bailiff Service Contract #921289. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List #166253 through and including #166433 for payment.

There were no requisitions.

Dispositions were presented for the following:

415-5869, 1088 Peterbuilt 379 Tractor which was traded in on a 2001 Kenworth Tractor.  
144-6744, HP Designjet 430 Printer which was traded in on a new HP Designjet 130nr Printer  
160-6094, Microwave from the employee lounge that was replaced with a new one this year.

Commissioner Ira Hatch referred to a claim for \$800.00 from Castle Dale City to pay a perpetual care charge for two burial lots in the Castle Dale Cemetery. The lots are held for indigent burials in Castle Dale City Cemetery.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, additional claims and dispositions as presented. The motion was seconded by Commissioner Gary Kofford

9

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and approved by all members present.

**(15)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

Museum

Ravola Whittle, a clerk at the museum, has successfully completed her six-month orientation period. It is recommended that she receive the routine increase as prescribed in the policy. Commissioner Ira Hatch made a motion to approve a routine wage increase as per policy. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Road Department

Recruitment for the part time clerical position at the Road Department has concluded. Request was made to hire Brooke Riley, effective December 8, 2004. She will be eligible for prorated benefits. Commissioner Gary Kofford made a motion to approve the hiring of Brooke Riley as part time clerical at the Road Department as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve Commission Meeting minutes dated November 16, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(17)**

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud will be traveling to Temple Mountain with BLM people to look at

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proposed road closures. They have closed one road not on the travel plan. The BLM claims the EA gives them the right to put up a fence. Commissioner Sitterud requested a copy of the EA and compared it to the one that he had. The two were a little different. They will take the EA with them to Temple Mountain and fight that fight there. The BLM is willing to look at the roads with the County.

He met with Lieutenant Governor elect, Gary Herbert in discussions regarding Wild and Scenic River, the BLM's RMP, board assignments, cabinet appointees, and others. Commissioner Sitterud was a little concerned that the RMP will go before Mr. Herbert as Lt. Governor for evaluation and clarification of state law. He has not had a lot of public land experience and he will have the last approval. Commissioner Sitterud took Mark Ward, attorney from AOG office with him to meet with Mr. Herbert. Mr. Herbert asked to have the AOG put together a package to help him with the evaluation process. It is the county's hope that Mr. Herbert will ask Mark to help with the RMP evaluation.

He attended a meeting at the Wedge. They are looking at the county's alternative suggestions.

*Commissioner Kofford*

He has been in BLM meetings with state BLM staff where discussions were led regarding Wild and Scenic River designation. He feels that the county has made some good headway regarding designation.

*Commissioner Hatch*

Two weeks ago Commissioner Hatch met with John Spendlove, Engineer from Jones and DeMille and Kirk Nielson, UDOT Aeronautical Engineer on the airport improvement plan. They reviewed the plan draft. Jones and DeMille are putting together a public meeting for January where they will present the plan to the public. John has sent a draft of the plan to the BLM. Because of the work being done at the airport use is restricted to day use only. There was a mistake in the advertising for an airport manager. Advertising will begin in the next weeks paper. Applications will be in by the 27<sup>th</sup> of December at which time we can look at taking some action. If we do not get anyone to manage the airport we may need to look at other options.

He went to Green River where he attended Green River Senior Citizen retirement for director Earline Nielson. They have hired Joyce Powell as the new Sr. Citizen director in Green River.

He met with UDOT, InterWest Mining, UPL and J&T Engineering regarding Rilda Canyon Intersection SR-31 Project. They are into the process of acquiring ROW's for the project. Attorney David Blackwell has an agreement to review concerning the road closure at the upper end of road where the mine facility will be constructed.

He attended annual Utah County Insurance Pool meeting at Thanksgiving Point.

He met with Mike Mansfield on SR-10 Intersection Project. That project is still in review.

**(18)**  
**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

**(19)**  
**ADJOURNMENT.**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 21, 2004

Present at the meeting was Commissioner Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**RATIFY LETTER OF SUPPORT FOR EMERY COUNTY AMBULANCE LICENSE RENEWAL APPLICATION.**

Commissioner Gary Kofford made a motion to ratify a letter of support for Emery County Ambulance License Renewal application. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**DERRIS JONES, DWR, PRESENTATION OF PILT CHECK**

Derris was not able to attend the meeting.

(3)

**5:30 P.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON AMENDMENTS TO FY 2004 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Ira Hatch made a motion to move into a Public Hearing to receive public comment on amendments to FY 2004 budgets for the Emery County General Fund, Special Revenue Funds, Capital Project Funds and for the Castle Valley Special Service District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Senior Deputy Clerk/Auditor Brenda Dugmore presented amendments to the FY 2004 budget. She explained that the budget adopted in January was increased to allow for grants and increased revenue, departments were adjusted to allow for overages and to bring the budget into compliance with state law.

Brenda reported that there were no amendments to Castle Valley Special Service District's FY 2004 budget.



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Commissioner Drew Sitterud opened the meeting up for comment from the public.

There were no comments from the public.

Commissioner Ira Hatch made a motion to come out of the Public Hearing. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**6:00 P.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON FY 2005 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Ira Hatch made a motion to move into a Public Hearing to receive comment on the proposed FY 2005 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds and for the Castle Valley Special Service District.

Senior Deputy Clerk/Auditor Brenda Dugmore explained that the FY 2005 proposed budget is different from the tentative budget in that it comes as a result of numerous budget meetings involving the Board of Commissioners, department heads and elected officials. The revenue balance and expenditures includes a one percent wage increase for all employees and elected officials. Brenda added that agenda item #10 had to be addressed in a public hearing because it involved elected officials.

Darrell Leamaster, Castle Valley Special Service District reviewed the proposed FY 2005 budgets for CVSSD which included a two percent wage increase for all employees. He added that CVSSD employees did not receive a wage increase in 2004.

Tom Humphrey, Orangeville wanted to publicly thank Darrell Leamaster for what Castle Valley Special Service District has accomplished over the years. In his opinion CVSSD is one of the best things to ever happen to Emery County.

Rex Funk, Emery County Road Department echoed Tom Humphrey's comment.

Commissioner Ira Hatch agreed, adding that Darrell is very skilled and does an excellent job of going to the Community Impact Board prepared and able to answer the Board's questions. He is well respected by the Community Impact Board and usually gets whatever he goes after.

Commissioner Gary Kofford noted that 2004 vs 2005 budget is down approximately

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\$400,000.00. In 1991 property taxes paid by UPL were nineteen million five hundred thousand. In 2002 it had dropped to approximately thirteen million. This year it is ten million five hundred thousand. So as you look at the decrease, this is what centrally assessed and UPL has been able to convince the state of Utah. As far as he is concerned that plant is worth every bit the same today as in 1991 if not more because of appreciation. We are not getting a fair shake out of the state with regards to centrally assessed taxes. We are continually addressing this issue with the state. It is falling on deaf ears. Nobody listens to us. In the mean time we are all realizing the consequences of this. He directed his next comments about wages and benefits. In 2003 our wages were roughly three point three million dollars. In 2004 they went up to three point six million dollars this year they stayed at three point six million dollars. Between 2003 and 2004 there was an eight point eight percent increase in wages. Regarding benefits, in 2003 we had one point six million dollars in benefits and one point nine million dollars in 2004. Benefits are projected to be two point one million dollars in 2005. When you look at the increases, that is a eighteen percent increase in 2003. We were paying roughly fifty-four percent of our wages in benefits. This year we will go up another twelve percent from 2004. One of the things causing this is state retirement contributions for employees has gone up two percent. Secondly, insurance premiums such as hospitalization, dental and eye care have gone up seventeen percent. We are told by our insurance people, that in July, when our insurance is up for renewal, to expect another 14 percent increase. From the 2003 budget to the 2005 budget wages were increased due to the four percent wage increase in 2004. Benefits, in three years went up almost \$600,000.00. If this trend continues, with tax revenue going down \$400,000.00 a year and benefits going up \$200,000.00 a year, you are on a collision course. Until we resolve where we are at and how to control all of this then he is against a one percent wage increase for all employees. It is not that the doesn't think that the employees deserve the raise, they deserve for more than that. He thinks that at this time the county cannot afford to give the one percent increase for all employees.

For the employee's sake, I would like to continue to paying the benefits we do pay. As a taxpayer myself, I don't think we can continue at this rate. Somewhere we are going to have to ask some hard questions. Rather than putting another \$50,000.00 out there to have to budget for where we know we are going to be in the same place next year, lets hold the line and see what we can resolve.

Darrell Leamaster stated that CVSSD left the county's insurance and went with Blue Cross Blue Shield and saw a twelve percent increase. We will assume another twelve to fifteen percent increase next year. They are probably going to have to make some changes somewhere along the line. It is a national problem.

Commissioner Ira Hatch commented on the concerted efforts of the County to get a handle on centrally assessed taxes. The tax commission has not been receptive to our needs. We though we were on solid ground when Scottish Power bought Pacificorp. However, they have a battery of

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lawyers dedicated to just fighting centrally assessed taxes. We have just one lawyer and limited funds for defending our point. They just have to file an appeal with the state tax commission and without exception they know that they are going to get something. We know, from past history, that we are not going to win. It is not just UPL that appeals there taxes. We have had Emery Telcom, the gas companies, cable companies and others. It is not that we are not trying to do something. Commissioner Kofford is right in the fact that centrally assessed taxes are going one way and the local assessed is going another. We have established a level of service and people have come to expect. He appreciated what Commissioner Kofford said about our salary/benefits package. They are out of whack! But, where do you stop it? Are we willing to not grade a road, to not provide television service, you don't clean a sewer. What people have got to understand is that you have to pay for what you get. People in general are just not willing to accept that fact. People need to wake up to the fact that if they do not want their taxes raised then we need to cut back on services. He talked about how the county has worked hard to avoid having to operate on a Tax Anticipation Note each year until tax revenues come in in November. We can fund our operation for a year if we had to without having to operate on a TAN. Regarding our benefit package, each year our insurance people put out bids to provide our benefit package. They look for the best options for our area. It is a benefit. In a lot of cases 60 to 70% of a individuals salary is their benefit package. People do not look at that. They look at what they take home in the green on payday. We have looked at options. It may be that if the employee wants the level of insurance that they have continued to enjoy they may have to pay some of the premium. The Board of Commissioners have agonized over what is best for our people. Emery County is in the black. Any of our departments could use extra funds. But we don't have it. The departments have done a fantastic job of pulling in the reigns and doing with less. He thinks we are doing a great job for what we have got.

Commissioner Sitterud added that he is for the one percent wage increase for employees. He thinks we have men working out there for very little money. Yes the couple of dollars more on payday is not much, but gas has gone up. If it helps to buy one tank of gas that is great. If we put it back into the MBA we will just build more buildings. We cannot afford to build any more buildings. He thinks we need to maintain what we have. We need to maintain our people. It is \$50,000.00 well spent.

Jay Mark Humphrey comment on experience he has had with catastrophic medical expenses.

Mike Dunwoody, Green River asked that the Commission tighten their belt. The average tax payer that helps to generate the tax revenue would like to have new cars or equipment. We understand that the economy is tough all over. It really hurts when we have to cough up those taxes and we see county departments not go without. The taxpayer appreciates when they see sacrifices being made.

Commissioner Ira Hatch made a motion to come out of the Public Hearing. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF AMENDMENTS TO FY2004 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Ira Hatch made a motion to approve Resolution 12-21-04A amending the FY 2004 budget for the Emery County General Fund, Special Service Revenue Funds, Capital Projects Funds, and for the Castle Valley Special Service District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF FY2005 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Ira Hatch made a motion to approve Resolution 12-21-04B and 12-21-04C adopting the FY 2005 budgets for the Emery County general fund, special service revenue funds, capital project funds and for the Castle Valley Special Service District as presented. Commissioner Drew Sitterud stepped down to second the motion. Commissioner Gary Kofford voted nay to the motion. The motion passed.

(7)

**CITIZEN CONCERNS**

Commissioner Ira Hatch informed the public of two vacancies on the Castle Valley Special Service District. Board members Paul Crawford and Tom Humphrey's terms expire on January 1, 2005. Commissioner Hatch was not sure if the by-laws stipulate that the board members must be from different areas of the county or if the appointments are all inclusive to the county. He will check this out and have the advertising reflect the need. Commissioner Ira Hatch made a motion to advertise for two board members for the Castle Valley Special Service District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Ira Hatch made a motion to advertise for a Weed and Mosquito board member from Green River. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**DISCUSSION AND APPROVAL OF MILEAGE RATE FOR 2005**

Commissioner Ira Hatch informed the public that the county, as a rule, adopts the IRS mileage reimbursement rate, which for 2005 is \$.40.5. He felt that the current \$.37.5 per mile is

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sufficient for reimbursement. According to the travel policy the mileage reimbursement rate is set by the County Commission. Commissioner Ira Hatch made a motion to leave the mileage reimbursement rate at \$.37.5 for 2005. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(9)

**APPROVAL OF LETTER TO STATE OF UTAH REQUESTING ASSISTANCE WITH FIRE SUPPRESSION COSTS.**

Commissioner Drew Sitterud discussed a letter from Gary Cornell, Area Manager of Division of Forestry, Fire and State Lands requesting payment \$11,282.40 for fire suppression cost on the Big Canyon fire in Emery County. Emery County's 2004 budgeted amount for fire suppression is \$5,000.00. A letter needs to be sent to the state along with the County's \$5,000.00 indicating that Emery County has paid their portion. Commissioner Gary Kofford made a motion to approve sending a letter to the state and to pay the \$5,000.00 to the state for Emery County's portion of fire suppression. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF INCREASE FOR EMERY COUNTY ELECTED OFFICIALS.**

This item was addressed in the Public Hearing.

(11)

**CONSIDERATION AND APPROVAL OF INTER LOCAL COOPERATIVE AGREEMENT FOR THE PURPOSE OF FORMALIZING AND MEMORIALIZING THE CREATION OF THE EASTERN UTAH TELEVISION AND TECHNOLOGY ASSOCIATION.**

This is an interlocal cooperative agreement for the purpose of formalizing and memorializing the creation of the Eastern Utah Television and Technology Association. The five participating counties are Carbon, Duchesne, Emery, San Juan and Uintah. The purpose of the association is to give the counties the ability to go the Community Impact Board to request funding to purchase equipment to change the television signal equipment from analog to digital. All five of the counties involved are tied into each other for the television signal. It is estimated that the cost to replace the equipment would be approximately three million dollars. After the agreement has been approved by all five cooperating counties it will then go to Bill Howell at the Association

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of Governments. Mr. Howell will write the grant that will go the CIB to request funds for the equipment. Commissioner Gary Kofford made a motion to approve and sign an interlocal cooperative agreement for the purpose of formalizing and memorializing the creation of the Eastern Utah Television and Technology Association. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

**RECOMMENDATION AND CONSIDERATION OF APPOINTMENT OF PRECINCT ONE JUSTICE COURT JUDGE.**

Commissioner Drew Sitterud explained that due to the passing of Judge Stan Truman earlier this year there is a vacancy in Precinct One for a Justice Court Judge. The Commission advertised for applicants for the position to fulfill the remaining two years of the Justice Court Judge's four year term. The Board of Commissioners interviewed forty-nine applicants who applied for Precinct One Justice Court Judge. Applications were narrowed down to twelve. In a special Commission Meeting held on Tuesday, December 14, 2004 the Commission interviewed eleven people. Commission Chairman Drew Sitterud recommended Steven L. Stream as Precinct One Justice Court Judge. Commissioner Ira Hatch made a motion to appoint Steven L. Stream as Precinct One Justice Court Judge recognizing that Mr. Stream will have to meet the requirements of, and be appointed by, the Judicial Council and when and if the opportunity arises explore the possibility of combining Precinct One and Two. Commissioner Gary Kofford commented that he realizes that this is a political appointment. He realizes that the state code states that the Chairman of the Commission has that responsibility. He does not appreciate the way things were handled. He doesn't think it was done very professionally. He thought the process drug out to long. He would not second the motion. Commission Chairman Drew Sitterud stepped down and seconded the motion. Commissioner Drew Sitterud and Commissioner Ira Hatch voted yea on the motion and Commissioner Gary Kofford voted nay on the motion.

(13)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #166510 through and including #166646 for payment.

There were no requisitions or dispositions.

Additional claims were presented. Clerk/Auditor Bruce Funk asked for direction on how to handle a bill from Stilson Construction for doors in the metal shed at the Sheriff's complex. Apparently the doors that were installed when the building was initially constructed were not high enough to accommodate the new mobile command center. Commissioner Kofford

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indicated that he was contacted by Sheriff Guymon regarding replacing the doors. Commissioner Kofford felt the doors should be replaced and indicated that Stilson Construction should do it because they constructed the building. He told Sheriff Guymon that he needed to go to the other commissioners to get their approval to do the work. Which he did not do. Sheriff Guymon had Lt. Downard call and get a bid from Stilson's to install the doors. Commissioner Kofford thinks that there was a mis-communication because the next time he inquired about the doors the work was already done.

Bruce Funk explained the problem his office has closing out the year and amending the budget when bills like this come in at the last minute. He suggested that the bill from Stilson Construction in the amount of \$3,266.00 be re-submitted after the first of the year and take it out of the Sheriff's 2005 budget. Commissioner Sitterud's concern was that Stilson's would be waiting three weeks to get paid. Commissioner Gary Kofford made a motion to pay the bill now out of the 2004 budget. The motion died due to the lack of a second.

Commissioner Ira Hatch made a motion to re-submit the bill from Stilson Construction to be paid out of the Sheriff's 2005 budget. Commissioner Drew Sitterud stepped down to second the motion. The motion was passed by two Commissioners and Commissioner Gary Kofford voted nay to the motion. The motion carried.

Commissioner Ira Hatch made a motion to approve the Check Edit List and Additional claims as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Kofford further commented that he could appreciate what the other Commissioners are trying to do in making a point with the Sheriff. However, he thinks that it is being done at the expense of a contractor who did work in good faith. The point you are trying to make is catching a contractor in the crossfire and can be handled internally. Commissioner Kofford made a motion to pay the contractor now and whatever needs to be done to satisfy Sheriff Guymon's needs can be done, whether that means carry it forth and put it in next year's budget or whether it is paid out of this year's budget that can be determined at a later date. At this point Commissioner Drew Sitterud asked if Commissioner Hatch was willing to withdraw his motion. Commissioner Hatch indicated that he would be willing to withdraw his motion to have the contractor re-bill and pay out of the 2005 budget, but he also wanted the message to get across to Sheriff Guymon that we have this sort of thing every year. He agrees with Commissioner Kofford that we would be penalizing the contractor to make him wait until 2005 to get paid. He thinks that the amount should be deducted from the Sheriff's 2005 budget being approved today. Commissioner Hatch seconded Commissioner Kofford's motion to pay the contractor. The motion was approved by all members present.

(14)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

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Sheriff

Jennifer Jensen, Corrections Secretary, has successfully completed her six-month orientation period and is eligible for a wage increase as outlined in the policy. She has been recommended for the increase by Sheriff Guymon. The wage increase would be effective the next pay period on January 3, 2005. Commissioner Ira Hatch made a motion to approve the wage increase for Jennifer Jensen as outlined in the policy. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated December 7, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Commissioner Gary Kofford made a motion to approve the minutes of the Board of Canvassers dated November 16, 2004 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(16)**

**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch reported that he talked with CEU representatives. They are launching into an expansion program with the CEU Museum. They are gathering input from around the area to assist them in obtaining possible avenues of funding and support for the program. They intend to raise upwards to fifty million dollars to expand the CEU Museum. He told them that while the County supports the concept he asked them to consider broadening their scope and include the Museum of the San Rafael and the John Wesley Powell Museum in their program. He discussed with them the need support to expand and house the things from Range Creek in the Museum of the San Rafael.

He and Mike McCandless attended the Regional Work Force Council Meeting in Moab. What they would like to do is explore providing a youth program to help with projects throughout the County. If they can work out the details. He told them that he was concerned about the liability. Commissioner Hatch will report any new developments on this later.

*Commissioner Sitterud*



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Commissioner Sitterud reported on the Senior Citizen Dinner. They had approximately two hundred seniors attend. The weather was bad but they had a good crowd. Everyone had fun. The County employees party was a success again this year.

He, Sheriff Guymon, Commissioner Kofford along with several representatives from the BLM Price and Moab offices met at Temple Mountain. Apparently fences were put up to try and control camping. One of the fences crossed one of the roads on their travel plan. Commissioner Sitterud and Commissioner Kofford discussed some the County's concerns regarding the Temple Mountain and San Rafael Wedge areas with the BLM while on the desert.

At the CCP meeting SITLA representatives came and told the County that all counties will have to purchase all ROW across state land now. San Juan County has already negotiated a price for SITLA. He attended a meeting with Lt. Governor elect, they will take to AG office to see if we don't have a ROW by prescriptive use. This is a fight that is coming down the road. He will keep the other Commissioners informed on this matter.

He attended a RAC meeting where they discussed a proposed five year study on the bear. They are trying to get more permits for bear. Until the study is complete, bear permits will remain the same.

(17)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 4, 2005

Present at the meeting was Commissioner Drew Sitterud, Commissioner Ira Hatch, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Gary Kofford was out of town. Commissioner Drew Sitterud stepped down throughout the meeting to execute motions.

**(1)**  
**APPOINTMENT OF CHAIRMAN FOR 2005.**

Tabled

**(2)**  
**DISCUSSION AND APPROVAL OF COMMISSION RESPONSIBILITIES.**

Tabled

**(3)**  
**OPENING OF FILTER BIDS FOR ROAD DEPARTMENT.**

Clerk/Auditor, Bruce Funk opened bids for filters at the Road Department. Bids were received from the following: J&D Automotive

Bookcliff Sales  
Kenworth Sales  
Wheeler Machinery  
Wards 4X4  
Rhineheart Oil  
Lake City International

Commissioner Ira Hatch made a motion to authorize Rex Funk and Ira Hatch to review the bids and return to the next Commission Meeting with a recommendation. Commissioner Drew Sitterud stepped down to second the motion. The motion was approved by all members present.

(4)

**CONSIDERATION OF AWARDING BID FOR FILTERS.**

Tabled

(5)

**CITIZEN CONCERNS**

Treasurer, Steven Barton discussed a motion made on December 7, 2004, wherein, Bruce Myerhoff was granted a thirty day extension to pay property taxes on his home that are five years delinquent. In the motion made by Commissioner Hatch it was stipulated that the county would proceed with action to sell the home to recover the taxes. The thirty days have now passed and the Treasurer's office has not received payment or been contacted by Bruce Myerhoff. The Board of Commissioners have two options. They can have a special sale and sell the property now, or the property can be included on the May Tax Sale next which would be in May of 2005. Commissioner Ira Hatch made a motion to place the property on the list to be sold at the 2005 May Tax sale. Commissioner Drew Sitterud stepped down to second the motion. The motion was approved by all members present.

Road Supervisor, Rex Funk requested permission to start looking for a track hoe. The track hoe has been budgeted for in the 2005 budget. The Board of Commissioners approved looking for a track hoe and bringing in a proposal.

(6)

**CONSIDERATION AND APPROVAL OF MOA BETWEEN ROBERT K. WEIDNER AND EMERY COUNTY.**

Mr. Weidner is the Washington, D.C. government relation's advisor to Emery County and other counties of the Rural Public Lands County Council. Mr. Weidner will report to and receive guidance from council members and Commissioners of participating counties in the RPLCC. He will lobby Congress and departments of the executive Branch of the government as well as many other duties as stated in the MOA. The MOA asked for \$16,000.00 for Mr. Weidner's services. However, Emery County budgeted \$10,000.00 in 2005 for this service. Attorney, David Blackwell indicated that the contract indicates that Mr. Weidner's services shall be computed based upon the number of hours actually expended by Weidner multiplied by an hourly rate of \$250.00 per hour. Provided, however, that in no event shall the fees incurred exceed the total amount stated above unless agreed to by both parties. Mr. Blackwell recommended striking the amount of \$16,000.00 for his services and replacing it with \$10,000.00. Commissioner Ira Hatch made a motion to give authority to Commission Chairman Drew Sitterud to strike the \$16,000.00 and replace it with \$10,000.00 and to sign the MOA between Robert K. Weidner and Emery County. Commissioner Drew Sitterud stepped down to second the motion. The motion

was approved by all members present.

(7)

**MIKE MCCANDLESS, ECONOMIC DEVELOPMENT DIRECTOR, UPDATE OF DEPARTMENT ACTIVITIES.**

There are a surprising amount of agencies doing economic development work. One of the challenges the Economic Development Council has is coordination of this large number of agencies providing the same services. He will be working on formalizing relationships with these agencies to prevent duplication of services. He will be working on getting more benefits to our area from the Small Business Development Center. Part of that is to have a SBDC person in the courthouse one to two days a week to help people with business plans, business training, those kind of resources. We have money budgeted from the federal government towards these types of services to the county. He will be focusing efforts on seeing that the money and the time are spent here helping people in Emery County.

Other areas that the Economic Development Council is working on are: participating in Targeted Industry Task Force working with Work Force Services in identifying the greatest needs that employers have in the area. The state has identified two core areas: training for miners and training for health care. Facilities, throughout the nation, have a shortage of nurses and training for health care professionals. On the mining side, there is a shortage of qualified applicants for miners. The Applied Technology College is working to develop a certificate that would include a one hundred hour mining course which would include not only the basic thirty two hour mining class but also hydraulics, electronics, human resources and work skills. Vocational Rehab and DWFS will assist with the financing and coordination of the program.

He talked about the Green River Economic Summit coming up this month. Five Economic Development bills are being lobbied for this year. There is a campaign to get Emery County businesses to add one new employee this year. The Economic Development Council is looking for ways to capitalize on Range Creek. He talked about a push by Back County Pilots Association to promote back country airports.

(8)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #166825 through and including #166913 for payment.

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There were no requisitions or dispositions.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List and additional claims as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL MATTERS**

Pat Snowball, Personnel Director presented the following personnel action:

Museum

Willard Young, Museum Groundskeeper, has successfully completed his six-month orientation and has been recommended for the routine wage increase effective beginning the pay period of January 17, 2005. Commissioner Ira Hatch made a motion to approve the six-month orientation increase for Willard Young as per policy. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Sheriff's Office

Steve Stream's appointment to Justice Court Judge leaves the position of Corrections Sergeant vacant. The Sheriff requested approval to begin the promotion process.

At this point in time, the Sheriff's Office is in the middle of the selection process which was approved in October to hire one individual. With the vacancy that will occur, he requested approval to consider hiring a second individual from the current group or if that is not feasible, that he has the approval to begin a new recruitment process.

Commissioner Ira Hatch discussed the possibility that the position of Corrections Sergeant may be filled without the promotion process. Therefore, Commissioner Ira Hatch made a motion to approve the Sheriff's Office to fill two positions by using the current roster. If filling the two positions using the current roster is not feasible the Sheriff is to inform the Commissioners and begin the process to recruit persons for a hiring roster. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Steve Stream's official resignation date is December 31, 2004.

Recorder

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The Archive program lost its other government funding. Dixie Swasey has offered her office to assume authority for the Archive. Shirley Spears is the individual occupying the position of archivist and it is proposed that Shirley be hired by the County as a part time (less than 20 hours a week) employee to continue the duties of the Archivist. It is proposed that she receive the wage she has previously received (\$10.08); that she would begin employment with the County immediately. Commissioner Ira Hatch made a motion to put Archives under the direction of the Recorder and to hire Shirley Spears as a part time, less than 20 hrs/wk employee at \$10.08/hr. effective January 5, 2005. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Ira Hatch made a motion to approve the minutes dated December 21, 2004 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)**

**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch reported that the Planning Commission has two board members, Mac Huntington and Kent Stilson, whose terms have expired. Commissioner Ira Hatch made a motion to advertise for two board member positions on the Planning Commission. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

The advertising process for proposals to manage and operate the Huntington Airport has been completed. No proposals were received. The Commissioners are looking for options. There will be a public meeting on January 18, 2005 at 6:00 p.m. regarding the Airport Improvement Plan. Jones and DeMille the design engineers will review the plan with the public. He asked for approval to send letters to vendors nearby that may be interested in operating and maintaining the airport.

He attended Governor Huntsman's inaugural celebration at Abravanel Hall in Salt Lake City.

*Commissioner Sitterud*

Commissioner Sitterud will be traveling to Green River on behalf of Governor Huntsman to

6

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handout over three hundred and fifty volunteer awards. There are more volunteers per capita in Green River City than in any other city or town in the State of Utah.

He participated in a phone meeting with three rural Association of Local Governments to discuss everything that they wanted the new Governor and Lt. Governor to know about the Consistency Review regarding the Price Office BLM RMP.

(12)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

Executive session was not needed.

(13)

**ADJOURNMENT**

Commissioner Ira Hatch made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 18, 2005

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor, Carol Cox, other elected officials and citizens.

(1)

**APPOINTMENT OF CHAIRMAN 2005**

Commissioner Gary Kofford made a motion to appoint Ira Hatch as Commission Chairman for 2005. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**DELENA FISH, PRESENTATION OF WORK SITE PROGRAM.**

Workforce Services Director, Delena Fish introduced Wayne Tuttle who took Dale Roper's position at WFS. Delena reviewed the department's Worksite Learning Employee Agreement with the Commissioners. The agreement sets guidelines for employers participating in DWS Worksite Learning Opportunities. Employers can choose the type of work opportunities they are willing to offer. There are four types to choose from; unpaid internships, paid internship (including summer youth employment opportunities, on the job training or OJT, and registered apprenticeships. Regarding the unpaid internship and the paid internship, the employer provides a training opportunity for an individual to learn soft working skills such as getting up each morning, dressing for work, arriving at work on time, focusing on a designated skill or task and accountability. On these internships DWS pays the employee. The OJT is different in that the employer intends to provide permanent employment at the end of the training period. There are four groups of prospective employees; youth (14 to 17), adult (18 and older), single adult with children and single adult without children. There are employment counselors assigned to each individual. She presented an agreement for the Commissioners to consider.

(3)

**SHARON EARL, DISCUSSION OF CHAMBER OF COMMERCE**

Sharon Earl was not present at the meeting.



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(4)

**DISCUSSION AND APPROVAL OF COMMISSION RESPONSIBILITIES.**

Motion to accept 2005 Commissioner responsibilities was made by Commissioner Gary Kofford and seconded by Commissioner Ira Hatch. The motion was approved by all members present.

Ira W. Hatch  
Chairman

Airport  
BLM  
Clerk/Auditor  
ECSSD#1  
Extension (USU)  
Historical Preservation  
Personnel  
Public Lands  
Road Department  
Senior Citizens  
Travel Councils  
Weed/Mosquito  
Work Force Services

Ambulance/EMTS  
Animal Control  
Attorney  
C.O.G.  
Chamber of Commerce  
County Facilities  
Economic Development  
Homeland Security  
Fire District  
Landfill  
Library  
Mental Health  
Planning/Zoning  
Public Health  
Public Lands  
Treasurer  
USFS  
Wildland Fire

AOG  
Assessor  
Canyon Country  
DWR  
Housing Authority  
IT  
Justice Court  
Museum  
Public Lands  
RC&D  
Recreation District/Fair  
Recorder/Archives  
TV/Communications  
Sheriff

Drew Sitterud

Gary Kofford

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(5)

**CITIZEN CONCERNS**

Commissioner Hatch reported that the Historical Preservation Society was created by Emery County by ordinance in 1984. After a few years of inactivity it was brought back to life. In 1999 the group re-certified as a historical society. At that time a new board was put into place. The terms of those board members have now expired. The by-laws of the society call for the board members to have specific attributes. Commissioner Ira Hatch made a motion to advertise for individuals interested in serving on the Historical Preservation Society board. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR USU  
EXTENSION EDUCATIONAL WORK- 2005**

Attorney David Blackwell has reviewed the agreement. It is the standard agreement from previous years. Commissioner Ira Hatch made a motion to approve of a cooperative agreement for USU Extension Educational Work- 2005. The motion was seconded by Commissioner Gary Kofford and approved by all members present

(7)

**AWARD OF FILTER BID FOR ROAD DEPARTMENT**

Bids were opened for filters at the Road Department in the January 4, 2005 Commission Meeting. At that time the bid was not awarded to allow time to review the bids. After review of the bids Commissioner Ira Hatch made a motion to award the bid to Book Cliff Sales. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON PROPOSED  
ADDRESSING ORDINANCE.**

Commissioner Gary Kofford made a motion to set a public hearing for February 1, 2005 at 5:30 p.m. and to advertise said public hearing in the Emery County Progress for two weeks prior to that date. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**DISCUSSION AND APPROVAL OF PROPOSED LETTER TO GOVERNOR HUNTSMAN ADMINISTRATION WITH RESPECT TO THE GOVERNOR'S CONSISTENCY REVIEW OF BLM/FOREST SERVICE MANAGEMENT PLAN REVISIONS.**

Because this will be Governor Huntsman's first consistency review, the Board of Commissioners and the Association of Government Attorney Mark Ward felt it would be beneficial to list items of concern regarding the BLM/Forest Service Price Field Office Resource Management Plan for the Governor and his administration to consider. Public Lands Director, Ray Petersen asked that the Commission consider adding 'utilizing other state agencies' in the letter. Commissioner Drew Sitterud indicated that the letter from Emery County addresses the specific needs of our area. Letters from other counties will be sent to the Governor also which will address the specific needs of that particular area. Commissioner Ira Hatch made a motion to authorize Commission Chairman Drew Sitterud to sign the letter to submit to the AOG. Commissioner Gary Kofford indicated he would second the motion but asked to add to the letter a phrase 'that the planning official and other state agencies be involved in the process'. The motion was approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF INDIGENT TAX ABATEMENT.**

An indigent personal property tax abatement application was presented for Jody Shupe. A letter from his doctor explaining his condition and reason for not being able to work was attached to the application as well as a personal letter from Mr. Shupe. However, the income section of the application was not complete. Commissioner Gary Kofford made a motion to table any decision until Mr. Shupe has completed the income portion of the application. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF ORANGEVILLE CITY'S REQUEST TO STORE SCHOOL CROSSING SIGNS ON COUNTY PROPERTY.**

Orangeville City's school crossing signs needed a place to be stored. The school crossing is at the corner of the Orangeville City Library. The City made a request to place a box with a lock on it behind the Orangeville Library sign located on the front lawn of county library property. The box is out of sight. Commissioner Gary Kofford made a motion to allow the City to leave the box behind the sign at the Orangeville City library for now. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(12)****RATIFICATION OF 2006 GRANT APPLICATIONS FOR EMT'S AND AMBULANCE.**

Commissioner Ira Hatch made a motion to ratify the signing of grant applications for EMT and Ambulance for 2006. The motion was seconded by Commissioner Gary Kofford and approved by all members present. The applications were date specific and had to be signed earlier than the date of this meeting to meet application deadline.

**(13)****CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFFS.**

Ambulance write-off requests were presented for the following:

Adam and Jared Mustafa, total bill \$954.00. Insurance has been exhausted on other bills in association with their automobile accident. At this date no attempt has been made to pay anything on the bill. They are requesting to have the bill reduced down. Commissioner Gary Kofford made a motion to deny the request until some attempt to pay has been made. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Dennavor H. Price, total bill \$317.00. Ms. Price had an allergic reaction to sulfa. She called 911 and an ambulance was dispatched. The EMT treated her, but did not transport. Her letter requested to have the \$243.00 charge for the ambulance dismissed. Commissioner Gary Kofford made a motion to deny the request until some attempt to pay has been made on her part. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Jerald Barton: On June 1, 2003 Mr. Barton was transported to Castle View Hospital but was sent back to Emery County Care and Rehabilitation Center because there was nothing that could be done for him. Mr. Barton passed away shortly afterwards. Medicare was billed for the ambulance service but it was denied. The bill was reverted back to the receiving facility which was ECCRC.. Emery County Care and Rehabilitation is asking to have the bill written-off. Commissioner Ira Hatch made a motion to write-off the ambulance bill for Jerald Barton. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit list #167031 through and including #167159 for payment.

Requisitions were presented for the following:

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<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
01-05	Distance measuring instrument Highway	600.00	Approved
02-05	2004 Ford F-360 Ambulance Ambulance	98,600.00	Approved
03-05	14 Computers, 1 laptop 1 color laser printer, 1 Ipod Capital Replacements	19,839.68	Appro ved

Dispositions were presented for the following:

<u>ASSET</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
141-6972	Shredder/ C/A office	Junked	Approved
410-4993	Vehicle measuring instrument/Road	Junked	Approved
160-5886	Canon 4050 Copier/Courthouse	Junked	Approved

A cell phone reimbursement application was presented for Steve Stream, Justice Court Judge. The reimbursement amount was the standard \$45.00 per month.

Commissioner Gary Kofford wanted to know why Requisition 01-05 from the Road Department for a Distance measuring instrument was not for the lowest bid. He asked to have approval of this requisition put on hold until clarification from Rex Funk who had left the meeting temporarily.

Commissioner Ira Hatch made a motion to approve the Warrant Check Edit List, the requisitions for the ambulance, computers and printer, the dispositions and cell phone reimbursement for Steve Stream as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Rex Funk, Road Supervisor explained the reason for recommending purchase of the higher priced distance measuring instrument. He explained that he has had better performance and dependability from a nu-metric unit than the other units that were bid. After receiving clarification from Rex Funk on the recommendation for purchase of the distance measuring unit Commissioner Gary Kofford made a motion to approve the purchase of the measuring unit as recommended by Rex. The motion was seconded by Commissioner Ira Hatch and approved by

7

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all members present.

**(15)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Nothing today.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Ira Hatch made a motion to approve the minutes dated December 13, 2004 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Ira Hatch made a motion to approve the minutes dated January 4, 2005 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Commissioner Gary Kofford was not present at the meeting, therefore Commissioner Drew Sitterud stepped down to second the motion.

**(17)**

**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch met with the Travel Council in Green River on the tenth. The main thing that came out of that meeting was that Emery County is now collecting our own Transient Room Tax. Letters have been sent to all the vendors explaining the remittance process .

He met with Mark Mansfield from UPL's Hunter Plant on the clover leaf road access process. They are working on a plan to present to the County and UDOT for a revised clover leaf process.

There will be a public hearing today at 5:00 p.m. for the Huntington Airport Improvement Plan. In order to receive possible state and federal funds for improvements at the airport we need to have an approved improvement plan in place. We contracted with Jones and DeMille to write the plan. They will present the proposed plan during a public hearing today. This will not define management but will define where certain facilities can be placed to be in compliance with the FFA. John Spendlove, Engineer, Jones and DeMille will be here to present the plan to the public and receive comments.

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*Commissioner Kofford*

Commissioner Kofford reported that the state legislature reconvened yesterday. If anyone has any concerns that he should take to our legislators get with him. UAC day with the legislators will be February 4, 2005. It will be an interesting year with a new governor in office.

*Commissioner Sitterud*

Commissioner Sitterud and Mike Dmitrich handed out volunteer awards at a RSVP awards banquet in Green River City.

He met with BLM staff on the Wedge. They are moving forward with a proposal for camping on the Wedge. Emery County provided some input on the proposal.

He attended a UAC Board meeting. They are still moving forward to replace Mark Walsh.

The fence that the BLM had to move to the other side of the road has been done now. The road has been brought into compliance. The play area for kids on four wheelers was a concern because it was adjacent to the main road with a cliff on one side and a wash on the other side. Until they can do a study and move the play area further down the road, the county would rather close that area down.

He will be going to BLM State RAC meeting next week if anyone has something to take to that meeting get with him. They will be looking at an OHV ordinance. The National Wildlife Federation has written a letter of concern for the deer and elk habitat as a result of alleged abuse OHV use. The OHV dealers association in the state have asked that the RAC look at this situation.

**(18)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

9

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An executive session was not needed.

(19)

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_



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

FEBRUARY 1, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**REQUEST FOR DONATION FOR EMERY COUNTY COMMUNITY THEATER**

Brian Dawes, a member of the Emery County Community Theater came before the Board of Emery County Commissioners to request a donation for their annual performance. This year they will be performing "Shenandoah". Performances will be on February 10,11,12 and 14, 2005. Commissioner Gary Kofford made a motion to donate \$500.00 to the Emery County Community Theater. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**PAT GUBBINS, BLM QUARTERLY UPDATE.**

Wayne Ludington, BLM provided an update of BLM activity.

- ✦ Work at Temple Mountain will continue through part of the summer.
- ✦ They are going ahead with an EA on road and disposed camping improvements at the Wedge.
- ✦ They will be short of staff to patrol during Easter weekend and are looking for other means to help with the patrol. They hope to have Temple Mountain ready and usable for the influx of people who will visit over Easter Weekend.
- ✦ Over 60,000 letters were received regarding the RMP of which they have gleaned 6,000 substantive comments pertaining to something in the RMP that needs to be changed.

Commissioner Hatch asked for the BLM to consider working as a co-op partner to help gain a new access road at the Cleveland-Lloyd Dinosaur Quarry. The road needs to be moved to high ground for maintenance. Commissioner Sitterud asked that the BLM move faster to construct collection ponds behind Emery to avoid flooding in Emery as they have had in the past. Mr. Ludington indicated he would relay their concerns to Pat Gubbins.

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(3)

**MESIA NYMAN, FOREST SERVICE QUARTERLY UPDATE.**

Mesia did not attend the meeting.

(4)

**DERRIS JONES, DWR QUARTERLY UPDATE.**

Derris Jones, DWR provided the following update:

- ✦ DWR has a new director, Mike Styler with assistants Darren Bird and Robin Pearson.
- ✦ Buck Skin was traded for Cold Spring in October 2004.
- ✦ They will have a tour of Range Creek during the RAC meeting sometime next summer.
- ✦ The Sage Grouse working group will meet in March. The group is formulating information on the sage grouse regarding the push to have it put on the endangered species list. DWR, BLM, Forest Service and Carbon and Emery County will be combining efforts to avoid having the sage grouse listed.
- ✦ Buck and bull permit numbers will be discussed in the next RAC meeting on March 16.
- ✦ February's RAC meeting is a information only meeting.
- ✦ The number of dedicated hunters is on the decline. They need 7,000 dedicated hunters for the program to pay for itself. They will go for another year and see how it goes.
- ✦ He presented the Board of Commissioners with the contractual in-lieu tax payment on land the Division of Wildlife Resources owns in Emery County. The money used to pay the in-lieu tax is provided by sportsmen.

Commissioner Hatch asked for a report on the effects of winter on the deer and elk.

(5)

**CONSIDERATION AND APPROVAL OF RESOLUTION CONFIRMING THE SALE AND AUTHORIZING THE ISSUANCE OF \$1,200,000 GENERAL OBLIGATION PUBLIC PURPOSE BONDS, SERIES 2005 A OF CASTLE VALLEY SPECIAL SERVICE DISTRICT; AND PROVIDING FOR RELATED MATTERS.**

Darrell Leamaster, CVSSD and Alex Buxton, Zions Public Finance discussed a resolution authorizing the issuance of \$1,200,000.00 General Obligation Public Purpose Bonds, Series 2005A of Castle Valley Special Service District. Darrell explained that the first payment on the bond will begin in 2007. Interest will begin March 2006. Closing will be on March 15, 2005. Funds will be used to complete street projects. Mr. Buxton explained that this bond puts CVSSD half way through the tax payer, voter authorized twelve million bond amount approved in 2001. Commissioner Gary Kofford made a motion to approve Resolution 02-01-05A confirming the sale and authorizing the issuance of \$1,200,000.00 General Obligation Public

COMMISSION MEETING MINUTES  
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Purpose Bonds, Series 2005 A of Castle Valley Special Service District; and providing for related matters. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**5:30 P.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON THE PROPOSED ADDRESSING ORDINANCE.**

Commissioner Drew Sitterud made a motion to come out of the regular Commission Meeting and into a public hearing to receive public comment on the proposed addressing ordinance. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

IT Department Head, Jeff Guymon explained that he has visited public hearings in Emery Town, Ferron City, Huntington City, and Orangeville City regarding addressing proposal and had the interlocal agreement between the city and Emery County signed. A committee was formed to formulate the proposed ordinance. The committee is made up of the following people: Building Inspector, Bryant Anderson, a representative from the Road Department, Deputy County Attorney Allen Thorpe, Bliss Mead, Emery County Sheriff's Office, Dixie Swasey, Recorder, Bruce Funk, Emery County Clerk/Auditor, a representative from Emery TelCom, Deb Dull, PacifiCorp, Emery County Commissioners, IT staff members. The committee has met several times in an exhausting effort to address problems foreseen, to formulate the ordinance and interlocal agreement between the municipalities and the county. There are municipalities yet to hold public hearings to receive public input and sign the interlocal agreement. After gleaning the comments received at the public hearings and addressing any problems brought forth, the committee will bring back to the Commission an ordinance that will be most consistent and complete.

Deputy Attorney Allen Thorpe addressed some issues that have been brought out regarding the ordinance draft. Suggestions were made regarding some wording changes.

Once the ordinance is in place there will be entities that will want maps and digital data. How much to charge and who must pay for the maps and data was discussed.

Commissioner Gary Kofford made a motion to come out of the public hearing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF ADDRESSING ORDINANCE FOR EMERY COUNTY.**

Commissioner Gary Kofford made a motion to get together with Allen Thorpe and the committee to incorporate the suggestions made today plus any others they have received and to return to Commission Meeting on February 15, 2005 and if acceptable consider the ordinance at that time. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)****CONSIDERATION AND APPROVAL OF LAW ENFORCEMENT AGREEMENT NO. 00-LE011041000-06.**

Commissioner Drew Sitterud made a motion to accept and approve a law enforcement agreement between Emery County sheriff's Office and the United States Department of Agriculture, Manti-La Sal National Forest as written. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)****REQUEST FOR DONATION FOR CLOSE-UP PARTICIPANTS.**

The Emery County Commissioners received a letter of request from Close Up participants from Green High School. The request was for a donation to for participants to travel to Washington, D.C. to explore government from the inside to see how it really works. So far they have been able to raise \$11,012 of the \$12,600 needed for the week long Close Up program. Commissioner Drew Sitterud made a motion to donate \$250.00 to Green River High School Close Up participants to assist with participation in the Close-Up program. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)****APPOINTMENT TO EMERY COUNTY WEED/MOSQUITO BOARD.**

Commissioner Drew Sitterud made a motion to appoint Blaine Evans to the Emery County Weed and Mosquito Board to represent the Green River area. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)**

**APPOINTMENT TO EMERY COUNTY SPECIAL SERVICE DISTRICT#1.**

Commissioner Drew Sitterud made a motion to appoint Richard Jensen and Merrill Swasey to the Emery County Special Service District #1 Board. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)****APPOINTMENT TO EMERY COUNTY PLANNING COMMISSION.**

Commissioner Gary Kofford made a motion to appoint Mac Huntington and Catherine Cowley to the Emery County Planning Commission Board. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(13)****CONSIDERATION AND APPROVAL OF INDIGENT ABATEMENT.**

In last Commission Meeting an indigent abatement application for Jody Shupe was presented to the Commissioners for consideration. The income section of the application was not complete. A decision on the application was tabled and the Clerk/Auditor's Office was instructed to inform Mr. Shupe that the information was needed to proceed with any decision on an abatement. Mr. Shupe was contacted and he has provide the required information. Mr. Shupe's taxes were \$46.51. Commissioner Drew Sitterud made a motion to abate fifty percent of the tax owing for Jody Shupe. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)****CONSIDERATION AND APPROVAL OF RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS).**

Sheriff LaMar Guymon explained that the National Incident Management System is the system that establishes a single, comprehensive approach to domestic incident management to ensure that all levels of government across the nation have the capability to work efficiently and effectively together. In order for Emery County to qualify for federal grants and other funding it is necessary for the County to adopt the NIMS. Attorney David Blackwell has reviewed the resolution. Commissioner Gary Kofford made motion to adopt Resolution 02-01-05B adopting the National Incident Management System (NIMS). The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)**

**CONSIDERATION AND APPROVAL OF MOU'S REGARDING GENERAL BUILDING INSPECTOR SERVICES AND IMPLEMENTATION OF PROGRAM.**

Emery County has MOU's with all the municipalities except Clawson. Commissioner Gary Koffod made a motion to table this item until next Commission Meeting to allow time to resolve the issue with Clawson. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion begin the recruitment process for a building inspector. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)****CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF.**

An ambulance write-off request was presented for Stephanie Penovich. Family members stated she was trying to enroll with Medicaid. However, she is still not eligible and Medicaid tells us they probably would not enroll retroactive back to May of 2004. When a previous request was made for write-off on behalf of Stephanie the Commissioners wanted to wait and see if she would get Medicaid. It appears that is not going to happen. The total bill is \$904.00. Commissioner Gary Kofford made a motion to abate the ambulance bill for Stephanie Penovich in the amount of \$904.00. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(17)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 167332 through and including #167468 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
04-05	(6) Two Way Radios Highway	2172.00	Approved
05-05	(2) Steel flat files/base Highway	807.00	Approved

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06-05	2002 Komatsu Excavator Highway	94900.00	Approved
07-05	Communications Base Station Sheriff/GR	17488.00	On Hold
08-05	(21) Pagers Ambulance/EMS Grant	7833.00	Approved
09-05	Cat Skid Loader Sheriff/Homeland Security Grant	39424.00	Approved
10-05	Wacker Light Tower Sheriff/Homeland Security Grant	8200.00	Approved
11-05	Camper Shell- Hazmat Truck Sheriff	1335.00	Approved
12-05	10 Channel Synthesized Receiver Sheriff	3495.00	Approved
13-05	Rescue Randy Manikin/Casualty simulator Ambulance/EMS Grant	1291.13	Approved
14-05	Compactor Cleats (4) Highway	24622.56	Approved
15-05	Tac View Camera, Monitor, fiber optics Sheriff/Drug Task Force	1880.00	Approved

Dispositions were presented for the following:

Tag #4884, 1988 JD 690DL Excavator, Highway, to be traded in on a newer one.

Tag #7440, Palm III electronic organizer, Treasurer, to be sent to next auction.

Tag #7485, Palm M505 electronic organizer, Sheriff, to be sent to next auction.

Tag #7806, Fax Machine, Sheriff, to be sent to next auction.

Tag #8075, Cell Phone, Sheriff, to be sent to next auction.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims, requisitions, except for the Communications Base Station, and the dispositions. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

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Sheriff Guymon was directed to find out what line item in his budget the Communications Base Station will be coming from and then re-submit the requisition.

**(18)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director, presented the following personnel action:

Sheriff's Office

Sheriff LaMar Guymon requested approval to hire two individuals from the latest recruitment process. He recommended hiring Robert Riley and Kurt Price. They will be hired as dispatchers, full time with benefits, beginning February 2, 2005. Commissioner Drew Sitterud made a motion to approve the hiring of Kurt Price and Robert Riley at the Sheriff's Department as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Road Department

Tate Manzanaras will successfully complete his six month orientation on February 19, 2005. Rex Funk recommends that he receive a step increase which would be effective beginning the pay period of February 28, 2005. Commissioner Gary Kofford made a motion to approve the step increase for Tate Manzanaras as prescribed in the personnel policy. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Extension

Gaylene Conder is eligible for the routine progressive wage increase on February 4, 2005, which would be effective beginning the pay period of February 14, 2005. Commissioner Gary Kofford made a motion to approve a routine progressive wage increase as prescribed by the personnel policy for Gaylene Conder. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(19)**

**APPROVAL OF COMMISSION MEETING MINUTES.**



COMMISSION MEETING MINUTES  
FEBRUARY 1, 2005

Commissioner Drew Sitterud made a motion to approve the minutes dated January 18, 2005 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(20)

**COMMISSION REPORTS.**

*Commissioner Drew Sitterud*

Commissioner Sitterud reported that he attended a State BLM RAC meeting in Kanab. They met as a BLM RAC with the Monument RAC from five different states most of which are scientists. They have received letters from two sportsman groups on OHV problems. They have listed the top ten problem areas in the state of Utah and number two was the San Rafael Desert. The letter indicated the problem as enforcement and education. The BLM RAC has published a letter indicating that there is a enforcement officer on the desert for enforcement of all state laws.

They also discussed the problems associated with RMP's. They are thick., big and confusing.

They are looking for ways to simplifying the RMP process.

Senator Bennett's office has contacted the Commission Office to have the county put together a list of places we think will be a flooding problem in the spring. Commissioner Sitterud suggested that all our drainages could be problem areas.

The E-911 system went down. It is very old. We were going to wait until the end of the year when we had enough money in the E-911 account to get a new one. We have \$83,000.00 in the account now. We need to find the money to upgrade the E-911 system as soon as possible.

Commissioner Gary Kofford made a motion to authorize the Sheriff's Office to go out to bid for E-911 upgrade. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

*Commissioner Kofford*

Economic Development will hold an Economic Summit in Green River on the 22<sup>nd</sup> of February, 2005 at the John Wesley Powell Museum from 10 a.m. until 4 p.m. The cost is \$10.00 per person. He invited everyone to participate.

*Commissioner Hatch*

COMMISSION MEETING MINUTES  
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Commissioner Hatch and Commissioner Kofford recently attended a Division of Wildlife Resources meeting in Green River where emphasis was placed on the rehabilitation of sage brush habitat. The focus was slated to the wildlife side. It was suggested to broaden the focus and include other things.

He met with Phil Palmer, Engineer for Carbon Canal Company regarding putting a stock water system north of Elmo. The Canal Company will work out the details and come back to the Commission with a proposal and interlocal agreement for the County to review and approve. The system would not cost the county anything and may be of benefit to the ranchers and farmers in the area.

(21)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not necessary.

(22)

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 15, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford. Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**REQUEST FOR DONATION TO YOUTH CITY COUNCIL LEADERSHIP  
CONFERENCE.**

Alissa Cox, Danette Waite, Gaylee Jeffs and Suzanne Larsen were present representing the Youth City Council. Alissa Cox explained to the Commissioners that their Youth City Council will hold a conference on April 16, 2005 for all youth in Carbon and Emery Counties. They will have workshops and service activities. John Bytheway will be a speaker at the conference and the musical group T Minus Five will entertain them. They will have drawings for prizes one of which is a computer. They will hold the conference in the Ferron Stake Center in Ferron, Utah. Ms. Cox requested a donation from the Board of Commissioners to help with the funding of the conference. Commissioner Drew Sitterud made a motion to donate \$250.00 to the Youth City Council Leadership Conference. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND  
DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List for checks #167579 through and including #167744 for payment.

Upon review of the warrants, Bruce asked if the dumpster was still needed at the Huntington Airport, if not needed he asked to terminate the service. The county is paying a monthly fee for dumpsters not currently being used. He asked for permission to go out to bid for the garbage pickup service to see if the county could experience a savings with another provider. Sheriff Guymon indicated that the dumpster at the old Sheriff's office was no longer needed. Commissioner Hatch asked Bruce to terminate dumpster pickup at the airport and old sheriff's office and check and see if the county has any kind of contract or agreement with City Sanitation and if not to do what we need to do to advertise for bids for garbage/dumpster pickup service.

There were no requisitions or dispositions.

COMMISSION MEETING MINUTES  
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Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List and additional claims as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**CITIZEN CONCERNS**

Connie Copenhagen, representing Green River Positive Action Community Team and the Green River Economic Action Team. Both are non-profit organizations serving the community. She reminded the Commissioners that Green River will hold their first Economic Action Summit on February 22, 2005 and she invited the Commissioners to attend. She told the Commissioners that the Chamber of Commerce would like the Commission to reconsider the restaurant tax. They felt it would be a good source of revenue. She also invited the Commission to join the Green River Chamber of Commerce. Dues are \$300.00 for the Commission Office, Sheriff's Office and Economic Development Office. Commissioner Gary Kofford made a motion to join the Green River Chamber of Commerce for \$300.00 which includes the Commission Office, Sheriff's Office and Economic Development Office. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Rex Funk, Road Department informed the Commissioners that his department sent out letters asking for bids on #2 low sulfur dye fuel. He missed getting this as an agenda item and asked to have the bids opened and considered at this time and ratified in the next meeting. Bids were sent to the Clerk/Auditor's office as indicated in the letter. Clerk/Auditor Bruce Funk opened the two bids that were received in his office. The two bids were from BK's/ Pierce Oil Co. and Castle Valley Co-Op. Commissioner Gary Kofford made a motion to table this matter until later in the meeting to allow Rex time to calculate the price and determine the low bidder. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Steve Barton, Treasurer informed the Commissioners that his office was in the process of notifying property owners whose property is in jeopardy of being placed on the May Tax Sale. These owners have been given until March 15, 2005 to clear their tax obligations before the process begins. He received a request for an extension from Garney L. Madsen. Mr. Barton asked for approval to enter into an agreement with Mr. Madsen for an extension until November 2005. Commissioner Drew Sitterud made a motion to grant an extension until November 2005 to pay back property taxes to Garney L. Madsen as requested. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Road Supervisor Rex Funk completed his calculations on the bids for #2 low sulfur dye fuel. The low bidder was BK's/Pierce Oil Co. Commissioner Gary Kofford made a motion to award the bid for #2 low sulfur dye fuel to BK's/Pierce Oil Co. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

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Mark H. Williams informed the Commissioners that the Arapeen ATV Jamboree received some national attention through an article written by Corey Bluemel and featured in 'Dirt Wheels Magazine'. The editor of the magazine called him and needed information about local businesses and what to expect when coming to Emery County. He congratulated Corey on having an article put in a national magazine. Mr. Williams has been invited to participate in an hour long show with Doug Miller. He will be discussing the Arapeen ATV Jamboree. He discussed ATV permits and where they can be purchased in the county. Currently Maverick Country Stores sell the permits. He was asked by the Commissioners to check into what is required to be an outlet for selling the ATV permits. The Commissioners complimented Mr. Williams for his efforts on the Arapeen ATV Jamboree event.

Reed Martin asked for any information regarding the vandalism on the Buckhorn Wash Panel. Sheriff Guymon indicated that one of the individuals has been arrested and is in the system going through the judicial process. The other individual has not been caught yet. Reed indicated that he goes out to the Buckhorn Panel on a regular basis to check on it and service the area. Each time he drives out there he drives out to the Swinging Bridge. He noticed how damaged the bridge has become. The San Rafael Swinging Bridge is such a unique thing. There are very few of these types of bridges left in the state. He asked if there have been any plans to restore or repair the bridge. Commissioner Hatch explained that there has been some preliminary planning done on the preservation of the bridge. The original plan was to re-deck the bridge. The Historic Preservation Committee has \$1,000.00 to go towards the project. The Emery County Historic Preservation Committee, which will be re-established today with the appointment of new board members will be working on this and other preservation projects in the county. However, there are limitations to what can be done to the bridge. Reed suggested that holding a Public Lands day event at the bridge with volunteers helping to do the restoration work would be a good thing. Public Lands Director, Ray Petersen suggested that Reed come to Public Lands Meeting and suggest that.

Public Lands Director, Ray Petersen reported on the efforts of the Public Lands Safety Subcommittee to compile and complete a proposed OHV Designation Ordinance. He suggested the Commissioners set a public hearing to receive public input on the proposed ordinance. Commissioner Drew Sitterud made a motion to set April 5, 2005 at 5:30 p.m. to receive public comment on a proposed OHV Designation Ordinance. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Drew Sitterud reported that the Small Business Development Center (SBDC) would like to house a SBDC office in Emery County and have asked if there is an office available in the courthouse that they can use for two days a week. Currently they are housed in the AOG office in Price. The SBDC felt that the training and counseling they can provide for small business owners and potential small business owners would be of benefit to the County. Commissioner Drew Sitterud made a motion to provide office space in the courthouse to the SBDC for two days a week for the purpose of training and counseling small business owners.

The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF AGREEMENT WITH UTAH DIVISION OF FORESTRY, FIRE, AND STATE LANDS FOR WILD LAND FIRE PREVENTION, PRE-SUPPRESSION, DETECTIONS, AND SUPPRESSION OF WILD LAND FIRES WITHIN EMERY COUNTY.**

Commissioner Kofford discussed the agreement with the Utah Division of Forestry, Fire and, State Lands for wild land fire prevention, pre-suppression, detections, and suppression of wild land fires withing Emery County. The agreement is basically the same as in prior years. The agreement is a co-operative agreement with the state to provide a Carbon/Emery Fire Warden. Commissioner Gary Kofford made a motion to approve the agreement with Utah Division of Forestry, Fire, and State Lands for Wild Land Fire as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**RATIFICATION OF COOPERATIVE AGREEMENT WITH UDOT FOR SOUTH MOORE PHASE II CONSTRUCTION.**

Commissioner Ira Hatch explained that in order to expedite the bidding process on the construction phase of the project the agreement it had to be signed and sent off. The signing of that agreement must now be ratified. Commissioner Gary Kofford made a motion to ratify the signing of a cooperative agreement with UDOT for South Moore Phase II construction. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**RATIFICATION OF AGREEMENT BETWEEN ECSSD#1 FOR FUNDING SOUTH MOORE PHASE II CONSTRUCTION.**

Commissioner Drew Sitterud made a motion to ratify the signing of an agreement between Emery County and ECSSD#1 for funding and administering the South Moore Phase II construction project. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF ADDRESSING ORDINANCE FOR EMERY COUNTY.**

IT Director, Jeff Guymon reported that as per the Commissioner's recommendation the committee has gone back and applied the changes suggested at the public hearing. He is now returning the ordinance to the Commission as requested. Attorney David Blackwell has

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reviewed the ordinance and he recommends signing it. If there are any discrepancies found at the remaining towns still to hold public hearings on the addressing ordinance he will bring the ordinance back to the Commission to be amended. Commissioner Gary Kofford made a motion to adopt the addressing ordinance for Emery County as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**

**APPOINTMENT TO EMERY COUNTY PUBLIC LANDS COUNCIL.**

Commissioner Drew Sitterud made a motion to appoint Dixon Huntington, Eric Luke, Gary Petty and Tory Killian to the Public Lands Council. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**

**APPOINTMENT TO PLANNING COMMISSION.**

Commissioner Hatch explained that Mac Huntington and Kathy Cowley were appointed to the Planning Commission in the February 1, 2005 Commission meeting. Upon contacting Kathy Cowley she indicated that she would have to decline due to the meetings being held on Wednesday. Commissioner Gary Kofford made a motion to appoint William Dellos to the Planning Commission. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**

**APPOINTMENT TO EMERY COUNTY PRESERVATION COMMISSION.**

Commissioner Hatch explained that the five member board has lost several people and the board needs to be reconstituted. There are a couple of projects coming up that the board needs to coordinate. He recommended appointing Ray Petersen, Evelyn Huntsman, and Shirley Spears to the Emery County Preservation Commission. Commissioner Gary Kofford made a motion to appoint to the Emery County Preservation Commission Ray Petersen, Evelyn Huntsman, Shirley Spears and adding a fourth person to the board by appointing Reed Martin. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Commissioner Gary Kofford made a motion to appoint Commissioner Ira Hatch to the Emery County Preservation Commission. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)**

**APPOINTMENT TO EMERY COUNTY WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS.**

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Commissioner Gary Kofford made a motion to appoint Morris Sorensen to a two year term on the Emery County Water Conservancy District Board. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**APPOINTMENT TO CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Gary Kofford made a motion to appoint Tom Humphrey and Paul Crawford to the Castle Valley Special Service District. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**BOB GREENBERG, FOUR CORNER BEHAVIORAL HEALTH AUDIT REVIEW.**

Bob Greenberg, Four Corner Behavioral Health, brought an annual audit to the Commissioners for review as required by state statute. The audit was found to be clean with adequate controls. Commissioner Gary Kofford made a motion to accept the annual audit review from Four Corner Behavioral Health. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Mr. Greenberg asked the Commissioners to set a public hearing date and time for the collection of comments regarding Four Corner Behavioral Health - Mental Health Plan for Emery County. Commissioner Gary Kofford made a motion to set a public hearing for April 5, 2005 at 5:00 pm. for the receiving of comments regarding the county's mental health plan. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(14)

**PAT SNOWBALL, PERSONNEL DIRECTOR, PERSONNEL ACTION.**

A. Consideration and approval of policy for EMT's.

In order to maintain a more current listing of EMT's not only for payroll but for liability and workers compensation the following procedure is submitted for consideration and approval:

*Individual EMT's who elect not be placed on regular schedules to accept calls for emergency medical assistance for six (6) months or longer shall be removed from the payroll listing at the beginning of six (6) months of inactivity. In order to reactivate the EMT must complete the appropriate payroll paperwork.*

Commissioner Drew Sitterud made a motion to approve of the EMT payroll procedure. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

B. Consideration and approval of EEO for FY2005.



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Pat Snowball submitted for review and approval the annual update of the county's Equal Employment Opportunity Plan for 2005. Commissioner Drew Sitterud made a motion to approve the 2005 EEO plan. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

C. IT request.

IT Director, Jeff Guymon requested permission to begin the recruitment process for a full time IT/GIS Technician. Commissioner Drew Sitterud made a motion to approve the recruitment process for a full time IT/GIS Technician. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

D. Library requests

Mickie Carter, branch librarian in Cleveland, has submitted her notice to retire on March 1, 2005. Her termination date is February 25, 2005. Vickie Hansen, janitor at the Cleveland Library has submitted her resignation effective February 25, 2005. Jerilyn Mathis requested approval to take the following actions:

Carolyn Atwood, janitor at the Elmo Library working 10 hrs/wk will also clean the Cleveland Library. This will continue to be part time, less than 20 hours per week, not eligible for benefits. Her wage will not change. If approved this would be effective February 28, 2005. Commissioner Gary Kofford made a motion to approve Carolyn Atwood increase in hours to clean the Cleveland and Elmo Libraries as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Loyette Holdaway, branch librarian at the Elmo Library will transfer to the Cleveland Library as the branch librarian. No change in her status will occur. Commissioner Gary Kofford made a motion to approve Loyette Holdaway moving from the Elmo Library to the Cleveland Library as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Bonnie Day, assistant branch librarian at the Elmo Library if approved will be promoted to branch librarian for the Elmo Librarian. She will be full time, eligible for benefits, at a new rate of 11 entry. If approved this would be effective February 28, 2005.

Commissioner Gary Kofford made a motion to approve the promotion for Bonnie Day as proposed. The motion was seconded by Commissioner Drew Sitterud and approved

by

all members present.

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Request was made to recruit for two assistant librarians for Elmo and Cleveland, part time less than 20hrs/wk, no benefits. Commissioner Gary Kofford made a motion to approve the recruitment process for two assistant librarians as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

E. Road Department requests

Rex Funk, Road Supervisor request approval to recruit for an equipment operator/driver, temporary up to 9 months at 12 Entry not eligible for benefits. Commissioner Gary Kofford made a motion to approve the recruitment for an equipment operator/driver, temporary up to 9 months for \$10.50/hr depending on the qualifications of the applicant. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

F. Approval of employment contracts for Brent Langston and Teresa Manzanares.

Attorney, David Blackwell has updated the employment contracts for Brent Langston and Teresa Manzanares, and requested approval of said contracts. Commissioner Gary Kofford made a motion to approve employment contracts for Brent Langston and Teresa Manzanares as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

G. Museum

Request was made to hire Jan Petersen, as the Museum Administrator. Jan is currently holding this position and is being paid by contract amount \$280.00 every two weeks. If approved Jan would be a new employee, paid \$12.01/hr, under 20 hrs/wk. no benefits. Commissioner Gary Kofford made a motion to approve hiring Jan Petersen as the Museum Administrator as proposed to be effective immediately. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Jan Petersen has not been paid for the last two contract amounts which is \$560.00. Therefore, Commissioner Gary Kofford made a motion to pay Jan Petersen the contract amount still owing amounting to \$560.00 and to begin immediately on the new hire of Jan Petersen. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

H. Sheriff's Office

Rory Bradley has completed Corrections Officer training and is eligible for a wage increase. If approved he will go from Dispatch to Corrections Officer effective

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February 28, 2005. Commissioner Drew Sitterud made a motion to approve the wage increase for Rory Bradley and move to Corrections Officer as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated February 1, 2005 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)**

**COMMISSION REPORTS.**

*Commissioner Sitterud*

Commissioner Sitterud reported on proposed closures of Huntington North State Park and Green River Golf Course State Park . He met with state senators who indicated that the division of parks is looking to save approximately \$300,000.00 and have slated eleven parks to close down. The senators assured Commissioner Sitterud that the two parks in Emery County that were listed will not be closed.

The Commission wrote a letter of opposition regarding the changing of the make-up of the CIB Board. Apparently Senator Bush from Uintah County is pushing for that change.

*Commissioner Kofford*

There will be a retirement party for Cleveland Branch Librarian, Mickie Carter on February 25, 2005.

He attended LEPC meeting where he met with Division of Forestry, Fire and State Lands Director, Gary Cornell. They discussed developing a county fire plan. The up side of a plan would be to put pressure on the Forestry people to address and treat water shed conditions and timber conditions. It is to the county's advantage to come up with a fire plan. He will be talking with the Planning Commission to coordinate development of the plan.

*Commissioner Hatch*

He recently attended Elected Official Day at the Legislature. Good contacts were made. He

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commended Commissioner Kofford and Commissioner Sitterud for keeping on top of what is of interest to our county that is going on in the legislature. Our legislators know who we are and that we are here and that we care about things that affect our area and people.

Sheriff Guymon reported that he will be sending twelve members that make up the Hazmat Entry Team to Gunsite, Arizona for training.

(17)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An Executive Session was not needed.

(18)

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 1, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**JODY PORTER, 4-H TEEN COUNCIL VOLUNTEER LEADER, PRESENTATION OF APPRECIATION TO THE EMERY COUNTY BOARD OF COMMISSIONERS FOR SUPPORT AND DISCUSSION OF PROPOSED SERVICE PROJECT.**

Jody Porter, 4-H Group Teen Council Volunteer Leader, presented the Board of Commissioners with a treat made by the volunteer group in attendance who were: Beverly Gilpin, Reporter, Tawnie Conder, Representative, John Conder, Representative, Sarah Jensen, Secretary. The youth members provided a report of recent activity. Jody reported on a service project the group has proposed for this year. The service project is to put up welcome signs in communities welcoming visitors and acknowledging that the county has a functioning 4-H program. They will be combining with Carbon County 4-H leaders to hold their annual 4-H camp in July at Little Bear Campground. Commissioner Hatch thanked Jody and the teen 4-H leaders. He also acknowledged and thanked Christine Jensen, our area Extension Agent for leadership opportunities she provides to the youth of Emery County.

(2)

**DELENA FISH, WFS, QUARTERLY REPORT**

Delena Fish, Workforce Services reviewed with the Commissioners the activity of the Workforce Service Office. Dale Roper recently retired. Wayne Tuttle has assumed Dale's duties within the department. They have hired an employment counselor, Barbara Petersen. Delena reviewed future training opportunities in the mining and medical field. There has been an increased need for nurses in our area. The energy field is looking for better trained workers for the mines.

(3)

**LARRY SALAZAR, EMERY TELCOM, QUARTERLY REPORT.**

Larry did not attend the meeting.

(4)

**RATIFICATION OF NATIONAL FFA WEEK PROCLAMATION AND REQUEST FOR DONATION FOR EMERY CHAPTER FFA ANNUAL BANQUET.**

On Friday, February 25, 2005 the Board of Commissioners met with Emery Chapter FFA members. They provided a treat for the Commissioners and reported on FFA activity. They requested the Board of Commissioners support for National FFA Week and requested a donation for the Emery Chapter FFA Annual Banquet. Because of scheduling problems the students were not able to attend the regular Commission Meeting. Therefore, they asked that the proclamation declaring National FFA Week, February 28 through March 5, 2005 be signed. Commissioner Gary Kofford made a motion to ratify a proclamation declaring the week of February 28, through March 5, 2005 as National FFA Week in Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. The request for donation will be considered at another time.

(5)

**CITIZEN CONCERNS**

Commissioner Gary Kofford under a directive from the Commissioners and Public Lands Council has directed a letter to five congressmen asking for their support regarding the Price BLM Resource Management Plan. It was suggested that the Commission letter be separate from the letter from the Public Lands Council. Commissioner Gary Kofford made a motion to authorize the Emery County Board of Commissioners to sign letters to the five congressmen regarding the Price BLM RMP and to authorize Dennis Worwood to sign a letter from the Emery County Public Lands Council for the same purpose. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**RATIFICATION OF BID AWARD FOR ROAD DEPARTMENT DIESEL FUEL.**

As directed in the last Commission Meeting, the bids for diesel fuel have been calculated and were awarded to the lowest bidder, Pierce Oil/BK's. The bid award needs to be ratified. Commissioner Drew Sitterud made a motion to ratify the bid award for Road Department diesel fuel to Pierce Oil/BK's. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List #167914 through and including #168024 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
17-05	Color Laser Printer and scanner Library-Donation	2,465.25	Approved
18-05	Gas Monitor with sensors Landfill	1,645.00	Approved
19-05	Light Fixtures and bulbs Weed/Mosquito	911.72	Approved

Dispositions were presented for the following:

580-5494 Hoover Vacuum, 580-7218, Hoover Vacuum, 580-6268, Hoover Vacuum.  
All approved.

Commissioner Drew Sitterud made a motion to approve the Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

Treasurer

Chris Hansen, Deputy Treasurer, is eligible for his routine grade increase in compliance with the policy and is recommended by Treasurer, Steve Barton. If approved the increase will be effective the pay period of March 14, 2005. Commissioner Gary Kofford made a motion to approve the grade increase for Chris Hansen as per policy. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

4

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(9)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated February 15, 2005 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**COMMISSION REPORTS**

Commissioner Kofford

Commissioner Kofford reported on a meeting with WildLand Urban Fire Interface. Last year House Bill 146 was passed that requires training sessions for certification. The training will be either March 11, or 18, 2005.

Commissioner Sitterud

Commissioner Sitterud met with the committee working on the television grant. The grant will be for three million to be used for equipment only. The equipment will become the property of the county and will be maintained and insured by the county. Funds will be dispersed in trimesters at approximately \$650,000.00 per trimester. The group will meet with the CIB in April to begin the process.

He reported on a RS2477 meeting. Emery County has currently one road in quiet title and are in notice of intent to sue.

He attended the Green River Economic Summit. It was well attended.

Emery County Recreation Special Service District will be going to CIB for funding of future Recreation District projects.

He reported on recent discussion to close some state parks in the state two of which are in Emery County. The parks will not be closed they are now fully funded.

Commissioner Hatch

Commissioner Hatch reported on a recent visit by delegation from the Emery High FFA Chapter.



5

COMMISSION MEETING MINUTES  
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He attended an information meeting with UPL representatives on Electric Lake regarding resolving the problems there.

He attended a meeting with Pat Gubbins and Sally Wisely, BLM Price Field Office where he received an update on the RMP process and solicited the County's concerns regarding the RMP.

He attended a UCIP board meeting in Salt Lake City and also a SITLA Board open house for past and present board members. They had a rural caucus where he was able to make some good contact with legislators.

He attended a Weed Conference in Cedar City with James Nielsen.

(11)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

(11)

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 15, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**CONSIDERATION AND APPROVAL OF INCLUDING DAGGETT COUNTY IN THE EASTERN UTAH TELEVISION AND TECHNOLOGY ASSOCIATION.**

Commissioner Sitterud explained that the Eastern Utah Television and Technology Association was created by five counties, Emery, Carbon, Duchesne, Uintah, and San Juan. The association was created to more efficiently provide television and related technology services for their citizens. With the association in place they can prepare and submit applications for loans or grants to funding organizations or sources such as the federal government, state of Utah and CIFB. Funds may be used for equipment only. The maintenance of the system and equipment will be the responsibility of the county where located in accordance with maintenance agreements. The Inter local Cooperative Agreement which has been signed by each of the counties affected provides for adding other counties to the association by a majority vote of the association representatives. Daggett County has expressed a desire to participate in the association. Each of the counties must vote on whether to add Daggett County to the group. Adding Daggett County will add \$200,000.00 to the three million dollar request already made to the PCIB. It will not affect the status of the request. Commissioner Gary Kofford made a motion to allow Daggett County to join the association and be under the same requirements as the other counties in the association. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**DISCUSSION OF DISPOSITION OF SCALES LOCATED AT THE PUBLIC SAFETY COMPLEX.**

Road Supervisor, Rex Funk explained that the old Morris scales located at the Public Safety Complex are no longer needed and are in the way. He has talked with two interested parties regarding removing the scales. The cost to remove the scales would be more than they are worth. He asked for approval to advertise in the paper to sell the scales. He did not anticipate any takers but maybe they could sell them for salvage. Commissioner Gary Kofford made a motion to advertise in the paper to sell the scales at the Public Safety Complex and if there is no one interested in buying them then to authorize Rex to remove the scales and haul to the landfill or salvage if possible. The motion was seconded by Commissioner Drew Sitterud and approved

by all members present.

(3)

**CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND CITIES IN REGARD TO ADDRESSING.**

Jeff Guymon, IT discussed an inter local agreement between Emery County and the incorporated cities in the county in regard to addressing. Ferron, Orangeville and Emery are ready to sign the agreement. Other cities are close to being ready. He was in Green River recently where the city officials were very supportive of the change. They discussed changing wording in the contract as follows: under County's Obligations, number 3, add- "through the Emery County IT

Department". Under Participant's Obligations, number 5, add "within thirty days of the signing of this agreement". The signature page needs to have a signature line for each city official's signature. Commissioner Gary Kofford made a motion to approve an inter local agreement between Emery County and the cities in Emery County with the changes discussed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**APPROVAL TO ADVERTISE ROOF REPAIR FOR ROAD DEPARTMENT BUILDING.**

Road Supervisor, Rex Funk discussed a problem with a leaking roof at the Road Shop. Runoff from snow melting on the roof is leaking onto the power board system in the middle bay of the building. The Board of Commissioners discussed the need to replace the roof rather than fix the problem. Commissioner Gary Kofford made a motion to solicit bids to replace the roof at the Road Shop. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**CITIZEN CONCERNS**

Commissioner Ira Hatch presented the Permanent Community Impact Board Local Capital Improvement List- short term and medium term for Castle Valley Special Service District. The list has gone to the Council of Governments for prioritizing and is now ready to be sent to the AOG to be submitted to PCIB for possible funding. Commissioner Drew Sitterud made a motion to approve the PCIB Local Capital Improvement List- short term and medium term for Castle Valley Special Service District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF AGREEMENT FOR PUBLIC DEFENDER SERVICES.**

Commissioner Drew Sitterud made a motion to table this matter to allow for future information. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**SETTING OF MAY TAX SALE.**

Commissioner Drew Sitterud made a motion to set the May Tax Sale date and time for May 26, 2005 at 10:00 A.M. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #168142 through and including #168302 for payment.

One requisition was presented from the Sheriff's Department for Laptop Computer for Bill Downard in the amount of \$1,806.02.

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims and requisition as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(9)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Pat Snowball presented the following Personnel action:

**Library**

Recruitment for two assistant librarians has been completed. There were 26 applicants and 7 were interviewed. Request was made to hire the following:

Marilyn Olsen- Elmo Library at 4A, part time, 16 hours/wk, no benefits, effective March 16, 2005.

Natalie Gardner- Cleveland Library at 4A, part time, 16 hours/wk, no benefits,

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effective March 16, 2005.

Commissioner Gary Kofford made a motion to approve to hire Marilyn Olsen and Natalie Gardner as assistant librarians in the Elmo and Cleveland Libraries as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Economic Development

Mike McCandless will complete his six-month orientation period on March 22, 2005. It is recommended that he receive a 2% wage increase effective the next pay period, March 28, 2005. Mike will also assume the duties of the Planning and Zoning Administrator effective immediately. If approved he will receive a 2% wage increase for the additional responsibility effective the next pay period March 28, 2005. If approved Mike will have to step down as board member on the Planning and Zoning Board. Therefore, you will need to advertise for a replacement board member. Commissioner Gary Kofford made a motion to approve a 2% wage increase for Mike McCandless for completing his six-month orientation period and receive a 2% wage increase for the added responsibility of assuming Planning and Zoning Administrator. Also to advertise for a replacement Planning and Zoning Board Member. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

IT Department

Two temporary, up to 90-days technicians have been hired, effective March 14, 2005, ending June 11, 2005. They are Tyrell Jewkes and Cody Powell. Commissioner Drew Sitterud made a motion to approve hiring Tyrell Jewkes and Cody Powell for up 90-days as technicians in the IT Department. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Request was made to give Mick Robinson a merit increase effective March 28, 2005. Commissioner Drew Sitterud made a motion to approve a merit increase for Mick Robinson effective March 28, 2005. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Rex Funk, Road Supervisor discussed a problem he is having finding the temporary backup help he needs as landfill screener. He asked if it was possible to have a category designed for this type of temporary help. The person may only be needed occasionally, like when Mark Hymas or Ken Anderson need vacation or sick time. The person would have to be trained and willing to work on a call-in basis. Commissioner Gary Kofford made a motion to allow Pat Snowball to check into various temporary employee/job situations and to come back to the Commissioners with some suggestions. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

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Pat Snowball asked for approval to fill-out a questionnaire for Utah County's Insurance Pool (UCIP) to aid in their putting together a health insurance bid package. She assured the Commissioners that UCIP is not asking for personal information about employees, just demographics to get an idea of the insurance needs of the county employees. Commissioner Gary Kofford made a motion to allow Pat to fill-out the questionnaire for UCIP. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve Commission Meeting minutes dated March 1, 2005 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)**

**COMMISSION REPORTS.**

***Commissioner Kofford***

On March 29<sup>th</sup> at the Green River Senior Citizen Center, Congressman Jim Matheson's staff members will be available to answer questions regarding veteran affairs, medicare, social security, and other concerns.

On the 30<sup>th</sup> of March there will be a county fire plan progress meeting at 9:00 am.

Red Rock CERT (County Emergency Response Team) exercise in Moab on the 8<sup>th</sup> and 9<sup>th</sup> of April. Emery County will be sending participants to that exercise.

Recently Representative Matheson asked if Emery County had any road projects to put on a highway appropriation funding bill. We submitted two. One was for the road off Highway 24 from Hanksville Road up to Temple Mountain or the Goblin Valley turnoff. That was for 3 million dollars. The other was for the Moore Cut-Off Road which is under construction. We have done Phase 1 of that project. We have funding and will be working on Phase 2 in the near future. This would be for Phase 3 and 4 and to blacktop the whole seventeen miles of road. They did obtain funding for the Moore Cut-Off Road. Emery County's share would be \$500,000.00. It did pass through the House. It still has to go through the Senate. He asked for approval to write a letter of thanks to Representative Matheson for his consideration. And a letter of request for support to Senators Hatch and Bennett as that funding bill moves into the Senate for approval. Commissioner Drew Sitterud made a motion to approve writing a letter of thanks to Representative Matheson for his consideration and letters of request for support to Senators Hatch and Bennett as the funding bill moves into the Senate. The motion was seconded by

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COMMISSION MEETING MINUTES  
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Commissioner Gary Kofford and approved by all members present.

*Commissioner Sitterud*

He and Jeff Guymon went to Green River and proposed the new addressing. They anticipated some flack because Green River will have to be changed a lot. We were received very well. No problems. They were in full support of the changes.

He, along with LaMar Guymon, Patsy Stoddard and Jan Petersen went to the Green River Museum to the opening of the Range Creek exhibition. The exhibit does not have a lot of items at this time but what is there is very interesting. This is just the start there will be more. It will tour the museums. The talks were interesting. Waldo Wilcox, Derris Jones and Duncan Metcalf spoke. KUED will air a program featuring Waldo Wilcox and the exhibition on March 31, 2005 at 8:30 pm.

He attended an open house at the horse ranch on Saturday. A woman who also works with horses purchased the property across the street. She has hunters jumping horses. They are interested in putting in a horse arena. They are waiting to see what Castle Dale City does with their plans to build an arena.

DWR Regional R.A.C. Bucks and Bulls will meet in Green River on Wednesday, March 16, 2005. It gets pretty wild. They have the ranchers on one side and the sportsmen on the other and it gets a little crazy.

*Commissioner Hatch*

We had a Employee Benefits Fair on Tuesday March 8, 2005. It was well attended. We had defensive driving certification, workshops from retirement, safety, workers comprehension and drug free work place. There were demonstrations in the parking lot. He thanked the Risk Management Team for putting the benefits fair together.

He attended a UDOT planning meeting for our specific area. They heard from Bret Hadley, Local Government UDOT representative who went over proposed projects to get on the state transportation improvement projects list.

He, LaMar Guymon and Mike McCandless met with Emery County Travel Council in Green River on Wednesday, March 16, 2005.

(12)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

COMMISSION MEETING MINUTES  
MARCH 15, 2005

Commissioner Drew Sitterud made a motion to move into an Executive Session to discuss possible litigation and personnel matters. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Present at Executive Session was Commissioner Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Public Lands Director Ray Petersen and Deputy Clerk/Auditor Carol Cox.

Discussed was pending litigation matters.

Ray Petersen left the meeting.

Discussed pending personnel matters.

**(13)**

**ADJOURNMENT**

Upon returning to the regular Commission Meeting, Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_



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

APRIL 5, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Sheriff LaMar Guymon, Deputy Attorney Allen Thorpe, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**CONSIDERATION OF SALE OF COUNTY OWNED PROPERTY PARCEL # 1-50B-6.**

Commissioner Hatch read a letter from the Lee and Hazel McMullin Trust. Mr. McMullin recently passed away and the family is in the process of preparing the estate to sell the property. There is a piece of property owned by the county that the family would like to purchase. It is 1.08 acres on the corner of a hayfield that they own. Emery County acquired the property from a tax sale a few years back. There is a discrepancy with the property description that needs to be corrected. A title search will need to be done to determine the county's clear title on the property then we will need to advertise and place the property up for bid. Other adjoining property owners will need to be notified that the property will be up for bid to be sold. All interested persons can then bid on the property. Commissioner Drew Sitterud made a motion to advise adjoining property owners of the county's intent to dispose of the property. To advertise that the property will be sold to the highest bidder. The minimum acceptable bid will include all expenses incurred to prepare the property to be sold. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**SHARON EARL, EMERY COUNTY CHAMBER OF COMMERCE, DISCUSSION OF CHAMBER ACTIVITIES AND REQUEST FOR COUNTY SUPPORT.**

Sharon Earl, Emery County Chamber of Commerce, came before the Board of Commissioners to request county support for chamber activities.

\*\* Emery County Chamber of Commerce's Business Directory and Information Guide was presented to the Commissioners. The guide is just in a draft form for now. They are hoping to find the funds to have the directories printed. The directories will be available in various locations in the county and mailed to individuals requesting information on Emery County. Mike McCandles stated that there are Small Business Development funds available from the Association of Governments through the Applied Technology College that could possibly be used to print the directories.

\*\* Senior Citizen Christmas Dinner. The Chamber did not spend all of the allocated \$800.00 due to the fact that the weather was bad and Green River senior citizens were not able to attend.

The

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Chamber requested using the remainder of the allocated funds to host a BBQ sometime in May for the Green River Senior Citizens and any senior citizens from the rest of the county who would like to attend. Commissioner Gary Kofford made a motion to approve the Chamber's request to use the remaining allocated funds to host a BBQ in Green River for all Senior Citizens. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

\*\* Use of Channel 26. Channel 26 is owned and operated by Emery County. Advertising for a non-profit, community event is free. Advertising for businesses is \$30.00 a month. The Chamber would like to promote/spotlight businesses in the county but cannot afford to pay the \$30.00 a month. They asked to utilize Channel 26 for promoting/spotlighting businesses in the county. The Commissioners pointed out that the fee for business advertising is according to county policy.

If the Chamber were to list several businesses on one ad that could be considered as one business ad for \$30.00. Multiple ads would have to be looked at in the policy and the Commissioners will take their request under advisement. The Chamber's other option for the promotion of businesses in the county is to use displays to spotlight businesses and place the displays in high traffic areas in the county such as the courthouse lobby. They intend to spotlight every business in the county throughout the year. Commissioner Gary Kofford made a motion to allow the Chamber to place a display in the courthouse lobby with the request that the display be maintained on a regular basis. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Commissioner Sitterud requested to have the Chamber use their displays in the County's booth during the County Fair also.

\*\* Lamb Fry. The Chamber of Commerce does the Lamb Fry during the Pageant/Fair Days. This year there have been some changes in that the fair has been pulled back to three days. The chamber is considering moving the lamb fry to an area near the pageant site. They would like to construct a village like atmosphere with vendors, attractions, the lamb fry, etc. Last year they served 4,000 people at the lamb fry. There were over 25,000 people who attended the pageant. They feel that the lamb fry will do much better if it is in the traffic flow of the pageant attendees. She felt that they were not coming anywhere close to what the lamb fry could do. This pageant is one of three in the United States and she feels personally that Emery County is doing a very bad job of supporting that event. She felt that pageant attendees were not being given anything. She was told that last year we went without and nobody cared. The ramifications of not having a lamb fry will be shown this year and next year. She felt that people will go home and say that they had no fun here, that we had nothing to offer them. Commissioner Hatch disagreed with her stating that the LDS church came to the Commissioners and asked them to have the fair dates coincide with the pageant dates. Emery County has supported the fair. It is not the County's fault if the lamb fry is going kabunk. For several years the county bank rolled the lamb fry. Commissioner Hatch felt it would enhance the lamb fry by having it in conjunction with the fair. Sharon asked if the Commissioners could explain why the lamb fry is not attracting more of the people attending the pageant. Commissioner Hatch answered that he felt it was because people cannot afford to pay the \$7.00 or \$8.00 a plate to take their whole family to the lamb fry. Commissioner Sitterud commented that the fair is more than three days. The rodeo runs for two

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days. The pageant does not run on Monday, Tuesday there is nothing, Wednesday the fair begins.

When the lamb fry was held at the Castle Dale City they served 10,000 people and when they moved the lamb fry to the rodeo grounds those numbers dropped significantly. Commissioner Hatch explained that the fair was moved to the rodeo grounds because the board of health told us we had to. You would be facing the same problem up at the pageant site. You have to have facilities to serve the public. Sharon asked what the county is doing to accommodate the 20,000 people who come into our community for eight days. Commissioner Hatch stated that the pageant is the drawing card for the fair. If the fair committee has some things that they want the commission to look at to support activities going on during the fair then they need to make those recommendations. Commissioner Hatch feels personally that the county has improved the fair considerably. We all want to see Emery County grow. If the Chamber has something specific that they want the county to do then they need to get with us.

**(3)**

**CITIZEN CONCERNS.**

Ray Petersen, Public Lands Director informed the Commissioners that State Parks will be advertising for a Season OHV Volunteer Coordinator.

Commissioner Hatch read a letter from Royce Gillins who is working on his Scout merit badge. Royce asked to have a copy of the current county budget e-mailed to him and he will be attending the public hearing to witness the working of local government.

Commissioner Drew Sitterud made a motion to come out of regular commission meeting and move into a scheduled public hearing to receive comment of mental health and substance abuse needs in Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(4)**

**5:00 P.M.- PUBLIC HEARING- To receive public comment on mental health/substance abuse needs in Emery County.**

Commissioner Hatch turned the time over to Bob Greenburg, Director of Four Corners Behavioral Health. Mr. Greenburg explained that as part of their annual planning process they must bring their plan for meeting mental health and substance abuse needs in Emery County before the local body of government for review in a public setting. He reviewed statistics and programs available to the citizens of the county. He talked about prevention programs and

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problems associated with funding shortages. He introduced Jennifer Thomas who replaced Emery Jones. Jennifer introduced staff members who were in attendance. Also in attendance were board members Kent Wilson and Glen Johnson. Comments and questions were received by the public. Steve Barton asked if the statistics quoted were averages, state wide, per capita. Mr. Greenburg indicated that they were averages state wide. He commented that Emery County is well ahead of the game compared to the rest of the state. Over time funds have shifted to other parts of the state. His department provides more services per capita because they have more resources. Sharon Earl asked if funding is based on the number of patients that they see. Mr. Greenburg indicated that funding is not based on patients but is assessed evaluations and population. Commissioner Kofford read a letter the Commissioners received. The letter was from a mother with ADD/HD and how the Wrap Around Program has helped her and her family. Mrs. Bob Hill commented on how the programs offered by Four Corners has helped their son. They especially praised their family advocate and asked for continued support of the programs offered there.

In Mr. Greenburg's final comments he praised his staff for their amazing ability to provide more services with less staff. He hopes that they will be able to keep that up and they will continue to find ways to keep providing these services. There have been some tragic years in the number of young people who have taken their lives. They are working to provide better prevention programs. There will be enormous challenges ahead. Government is cutting into mental health. They are already seeing the beginning of these cuts. He hopes that they will be able to continue to provide the quality of services that the county and its citizens have come to know and expect. Commissioner Sitterud commended Mr. Greenburg and his department for the Drug Court program which has been a very successful program in the county. Commissioner Hatch stated that Emery County will continue to support the Four Corners Mental Health/Substance Abuse Program. He thanked Mr. Greenburg and his staff members for attending the meeting.

Commissioner Drew Sitterud made a motion to come out of the Public Hearing and return to the regular Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Drew Sitterud made a motion to come out of the regular meeting and into a public hearing to receive public comment on proposed ordinance designating Emery County roads, streets, or highways open for off-highway vehicles and establishing regulations. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**5:30 P.M.- PUBLIC HEARING- To receive public comment on proposed Ordinance designating Emery County roads, streets, or highways open for off-highway vehicles and establishing regulations related thereto.**

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Commissioner Hatch presented opening comments. We have been involved in this process for several years. We have had some good people working on this project through the Access Management Council and Emery County Public Lands Council. Bruce Wilson, Chairman of the Public Lands Council, is here tonight as well as several over lay council members. The purpose of this public hearing is to receive public comment on the proposed ordinance designating Emery County roads, streets, or highways open for off-highway vehicles and establishing regulations. This is the document that will be the governing document to the specifics. Of most interest to many of you here will be the routes that will be designated closed or open by Emery County. These are county roads and routes. The BLM has routes and roads that they have jurisdiction on. We are working diligently to receive ownership and ROW to the bulk of the roads that we feel are included. We will discuss the ordinance first and if there is time we will discuss particular routes.

He turned the time over to Ray Petersen, Public Lands Director. Mr. Petersen reviewed the draft ordinance. The draft was generated by the Public Lands Council and Safety Review Committee who has taken recommendations and incorporated them into the proposed draft ordinance. He referred to Utah Code 41-22-10.5 regarding to vehicles-local ordinances. Utah State code allows Emery County or cities to adopt ordinances that designate open routes for specific purposes. These routes may not be along, across, or within the boundaries of an interstate freeway or limited access highway. Highway 10 is a limited access highway. A person may not operate an off-highway vehicle on any street or highway for any other purpose than to gain direct access to or from a private or public area open for off-highway vehicle use. Sub section three does not apply to off-highway implements of husbandry when used in accordance with said section. This would mean farm equipment. It was the recommendation of the Public Lands Council and Safety Review Committee that a valid Utah drivers' license be in possession of operators operating on county roads.

Comments relating to the draft ordinance were from the following:

James Nelson, asked about pushing snow from driveways and parking lots with an ATV in the city.

Fred Hays, recommended that age limits as specified in section two should not be split out. This breakout is inconsistent with Utah Code.

Owen Olsen, cautioned that ordinances are destroying our freedoms.

Scott Wheeler voiced his concern for age restrictions.

Boyd Wilson felt that we should stay with state law regarding age restrictions and supervision because of safety issues.

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Eric Luke expressed concern for age restrictions and the need for supervision.

Mike McCandless suggested determining the surface of the road when determining age restrictions.

Commissioner Hatch asked if there were anymore comments regarding the ordinance itself. After which, comments were received regarding recommended county roads which do not provide access to private or public areas open for off-highway vehicle use, and as such, do not comply with state law. These were the county roads suggested by the Public Lands Council and Safety Review Committee:

111 Victor Cemetery  
113 Day Spur  
302 Mohrland Rd. From SR-10 to Ferron State Park  
316 North Huntington Bus Loop  
317 Sherman/Larsen  
318 Wilson/Brown  
319 Sherman  
321 West Huntington Lake  
328 Lawrence/Cleveland from junction with 202 to junction with 332  
330 Buffalo Bench Loop  
Des Bee Dove from SR 29 to BLM boundary above 417  
422 Hunter Plant Bypass  
423 Jeffs Spur  
425 Fish and Game Farm  
504 Orangeville Cemetery route on private land?  
510 Justesen Farm  
602 Clawson Bench  
606 Ralphs Spur  
612 Muddy Lane from Molen Road to the northern end  
801 Moore Old State Rd. From downtown Moore, north to end.  
906 Emery Old State  
910 Twist Spur  
926 Little Black Mountain Not open. Park policy is "Licenced vehicles with licensed driver only within Capital Reef National Park"

Randal Stilson reported that Orangeville City received a lot of input from all types of users before the city considered a city ordinance. He thinks, personally, that all roads can be open through law enforcement. He encouraged the Commission to make a decision on a county ordinance and not use any more committees.

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Tom Lloyd read a comment from Mesia Nyman, USFS, who urged the Commissioners to complete the connecting of communities to public lands. The connecting of BLM and Forest land can be imperative to attracting recreation visitors and customers to our area. Connecting communities to communities is vital.

Mark H. Williams, SEUOHV Club commented on the growth of the ATV population in Emery County. He suggested keeping Bott Lane open to connect users to Orangeville and the well trails and rock canyon. Buckhorn Wash is a very popular area for campers and ATV users as well as provides access to the Swell. Ferron Canyon road connects to the Arapeen Trail. He felt education and appropriate signing is the best way to enhance safety.

Dixon Huntington commented from the cattle grazers perspective. He is opposed to the ordinance. He expressed concern for age restrictions and the criteria used for safety issues. He also had concerns for the damage to natural resources.

James Nelson recommended a staging area near the golf course in Ferron Canyon.

Ramal Jones would like to see the Buckhorn Wash road be left open. Bott Lane may be a busy road but not too busy for users to access communities. He doesn't want the county to ignore the recreation opportunity that the ATV users can benefit from.

Richard Beardall, USALL, commented on the suggested closing of Buckhorn Wash, Bott Lane and Ferron Canyon Road. These roads provide access to popular areas of use.

Mike McCandless, Economic Development, recently had an opportunity to show Emery County Travel literature to over 1000 visitors at an outdoor recreation show in Salt Lake City. He had many inquiries regarding recreation in our area. Like it or not we will see an impact as a result of recreation in our county. He expressed the need for county roads to tie into the BLM Price Field Office Resource Management Plan. He also expressed the importance for staging areas.

Glenys Sitterud, Emery, stated that tourism and recreation is the biggest money market in America today. Emery County has got to get on board. She urged the Commissioners to have trails and routes usable and the shortest route possible to access areas of use.

Merlin Christensen urged the Commissioners to not drag their feet and get these roads accessible for ATV use. Tourism is growing. He would like to see access to Link Canyon, Muddy Creek and Miller Canyon.

Wade Allinson urged the Commissioners to not close roads without data to substantiate the closure. He suggested leaving the roads open for a year and do a study to see what safety issues arise. He encouraged the Commissioners to look further into the implement husbandry law as it is not as liberal as it come across to be.

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Reed Martin commented that he was one of the few people in the county who does not own an ATV, but he does have a jeep and hikes and bike rides a great deal on the Buckhorn. He wants to see the roads left open. He felt it was dumb to have to roads closed in certain areas because of having to load the equipment onto a trailer to move down the trail/road and unload again. He also expressed concern for safety issues.

Scott Wheeler expressed concern for the level of supervision as suggested in the ordinance. He suggested keeping with state law requirements. He also suggested removing the words ' trail and Class D Roads' from the ordinance.

Dale Bartholomew, Equal Access Alliance, suggested not creating a quagmire of which roads are open. He is a advocate for access to public land. As a tour guide he took tourist up Ferron Canyon and spent approximately \$2,200.00 for the amount of people that he had in the group. He estimated that the average person coming into this county as a tourist spends around \$200.00.

Jack Fielder expressed concern that if we close some of these roads we are locking out elderly people from access to these areas.

Glen Johnson, Mayor, Green River City, encouraged the Commissioners to pass the ordinance. He expressed concern for age restrictions and restoring family recreation.

Jerry Jones, Utah State Parks, Millsite State Park is open for OHV travel and access to trails and county roads and he hopes it stays that way. He felt that children need to be riding with adults/parents to foster safety issues. Parents and adults teach children by example.

Eric Luke had mixed emotions. Economically he sees the need to keep roads open. However, safety is an issue. It is written the draft document. Posted speed limits must be observed. He would like to see roads left open for family recreation use. Drivers not licensed must be supervised by adults. Closing roads will make outlaws out of otherwise outstanding citizens.

Gil Bowden, Mayor, Ferron City, does not see safety as a factor if the law is obeyed regarding posted speed limits. We need to educate children to not be on the roads without adult supervision. Unsupervised children destroy property. Educate local people and deal with the real issues and not close roads.

Jackie Wilson, Mayor, Huntington, has talked with Sheriff Guymon a great deal about this issue. Huntington City did pass an OHV ordinance contingent upon the county passing their ordinance. She agrees that there is still the issue of safety and law enforcement.

Randy VanBuren asked if there was a route from Castle Dale to the San Rafael desert.

There is not a route at this time.



Eric Luke ATV use is a big issue, there is no getting around it. He hates to see people doing things that they shouldn't. We need to police ourselves and not disobey the law.

After exhausting all public input at this time, Commissioner Drew Sitterud made a motion to return the to regular Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF ORDINANCE DESIGNATING EMERY COUNTY ROADS, STREETS, OR HIGHWAYS OPEN FOR OFF-HIGHWAY VEHICLES AND ESTABLISHING REGULATIONS RELATED THERETO.**

Tabled.

(7)

**CONSIDERATION AND APPROVAL OF GREEN RIVER CITY'S REQUEST FOR REIMBURSEMENT OF ANNEXATION COSTS.**

Mayor Glen Johnson of Green River was present to request reimbursement of annexation costs. According to Mayor Johnson \$18,500.00 needs to be reimbursed to Green River for the costs associated with the annexation. Commissioner Hatch pointed out that the county has paid Green River City over half, \$25,000.00, of the \$40,000.00 annexation costs. In the opinion of the Commissioners, the county's obligation has been more than met. Mayor Johnson contends that the county agreed to pay the costs associated with the annexation. The Commissioners contend that Emery County did not agree to pay all the costs. There are costs associated with the annexation that were not paid by Green River City, such as the costs to the Recorder's office for data and maps from Grand County and other costs associated with converting data.

Commissioner Gary Kofford made a motion to pay one half of the amount requested which is \$9,250.00. The motion died for lack of a second as Commissioner Sitterud felt that the county does not owe Green River City the money.

(8)

**CONSIDERATION AND APPROVAL OF FINAL PAYMENT TO TALON RESOURCES FOR EMPLOYEE CREDITS AS PER AGREEMENT.**

Commissioner Drew Sitterud made a motion to pay Talon Resources the final payment of \$15,731.00 as per agreement. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**  
**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

A business license application was presented for McKette Allred DBA: 6M Furniture. The business involves ordering furniture and having it delivered at the customers premise. The application has been reviewed and approved by Zoning Administrator, Bryant Anderson. Commissioner Drew Sitterud made a motion to approve a business license for McKette Allred DBA: 6M Furniture. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)**  
**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF.**

Commissioner Kofford discussed an ambulance write-off request from Cowlshaw. The ambulance bill was for her husband Bert Cowlshaw who was transported to and from the nursing home. Mr. Cowlshaw later died. Mrs. Cowlshaw used all their savings to bury her husband. She has paid \$437.67 of the bill and asks that the remaining \$345.50 be written-off by Emery County. Commissioner Gary Kofford made a motion to write-off the balance of the ambulance bill for Bert Cowlshaw. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)**  
**DISCUSSION OF COUNTY AUCTION**

Commissioner Sitterud will come back to the next Commission Meeting with a proposed date and auctioneer for a spring county auction.

**(12)**  
**DISCUSSION OF MUSEUM OF SAN RAFAEL BOARD OF DIRECTORS**

This item was tabled to obtain more information.

**(13)**  
**RE-APPOINTMENT OF EMERY COUNTY HISTORIC PRESERVATION COMMISSION MEMBERS.**

Commissioner Drew Sitterud made a motion to re-appoint LaMar Guymon, Jan Petersen and Montel Seely to the Historic Preservation Commission. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Ray Petersen, Evelyn

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Huntsman, Shirley Spears and Reed Martin were appointed earlier this year to the Historic Preservation Commission. This action makes the board complete.

**(14)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #168552 through and including #168734 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
21-05	Electrical for ChemPak Rm Sheriff/Homeland Security Grant	2,625.00	Approved
22-05	Infocus Overhead Projector Sheriff/Homeland Security Grant	3,353.40	Approved
23-05	Infocus LP815-portable projector Sheriff/Homeland Security Grant	2,567.65	Approved
24-05	Cassette Recorder ,mic mixer, wiring Sheriff/Homeland Security Grant	6,623.80	Approved
25-05	Computer Sheriff/Homeland Security Grant	3,183.84	Approved
26-05	(3) Dodge Durangos @ 25,592. Sheriff	76,776.00	Appro ved
27-05	ImageRunner 1310 copier Justice Court	727.78	Approved
28-05	Dispatch Command Post Sheriff/Homeland Security	1,395.00	Approved

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Gary Kofford

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COMMISSION MEETING MINUTES  
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and approved by all members present.

**(15)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director, presented the following personnel action.

Road Department

Request was made to hire Dustin Deto, temporary up to nine months beginning April 6, 2005 and ending on or before December 31, 2005. He will not be eligible for benefits. Commissioner Gary Kofford made a motion to hire Dustin Deto, temporary up to nine months as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Economic Development

Commissioner Kofford explained that after consideration of action taken on March 15, 2005 to turn the duties of the Planning and Zoning Director over to Michael McCandless it was determined that Mike had his plate full and requested that action be rescinded. Bryant Anderson will remain the Planning and Zoning Director. Mike was given a 2% wage increase as compensation for the added responsibility. Commissioner Kofford suggested that Mike's wage remain the same as that approved in the March 15, 2005 meeting. Also, at that time Mike stepped down as a member of the Planning and Zoning Board. Commissioner Gary Kofford made a motion to rescind the action taken March 15, 2005 and for Michael's wage to remain the same, also Michael will be reinstated to the Planning Commission Board. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)**  
**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the minutes dated January 18, 2005 a Public Hearing for the Huntington Airport Improvement Plan as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to approve the Commission Meeting minutes dated March 15, 2005 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(17)**

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**COMMISSION REPORTS**

No reports.

**(18)**  
**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

**(19)**  
**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 19, 2005

Present at the meeting was Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Hatch was in Murray, Utah attending Utah Counties' Insurance Pool Coordinator's Workshop. Commissioner Drew Sitterud conducted the meeting and stepped down throughout the meeting to execute motions as needed.

(1)  
**CHUCK SEMBORSKI, ENERGY WEST, DISCUSSION OF REQUEST FOR OHV TRAIL THROUGH DES BEE DOVE MINE AREA.**

Tabled.

(2)  
**APPOINTMENT TO THE EMERY CARE AND REHABILITATION BOARD OF DIRECTORS.**

Commissioner Gary Kofford made a motion to appoint Connie Nelson to replace Louise Funk on the Emery Care and Rehabilitation Board of Directors. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)  
**CITIZEN CONCERNS.**

Commissioner Gary Kofford reported that PacifiCorp has presented a working design for the Hunter Plant coal yard road interchange to UDOT and the Planning Commission. The Planning Commission recommended adopting the plan. Hunter Plant Manager, Mark Mansfield and Engineer Kyle Singleton, reviewed the plans with the public. Mark indicated that everything now depends on State approval. They hope to begin work on June 1, 2005 and have the interchange completed in the fall. Commissioner Gary Kofford made a motion to accept the Hunter Plant coal yard interchange working design. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**DISCUSSION OF STORM DRAIN DISCHARGE AND PERMITTING FOR COUNTY FACILITIES AND ROADS.**

Road Supervisor, Rex Funk discussed a letter he received from the Department of Environmental Quality dated April 1, 2005. In a memo to the Commissioners dated April 12, 2005 Rex explained that the county is to obtain a plan and permit for storm water discharges from roads, properties and sites conducting industrial activities such as landfills and vehicles maintenance facilities. He indicated that this is another overwhelming mandate from the State and will require specific site plans and permits signed by a State registered professional engineer. He envisioned having site specific plans and permits for the landfill, Castle Dale Road Shop, Weed and Mosquito, plus Green River Road Shop. He cited references from an earlier letter dated March 21, 2005 from Michael Fazio, State Hydraulics Manager. This letter seems to follow the "theme" of storm water discharges except his policy focuses on effects from offsite discharges into state storm water collector systems targeting roads and structures transmitting storm waters. This of course means that we (the county) will need extensive engineering assistance. He asked for advise on how to proceed with this latest State development.

Commissioner Gary Kofford made a motion to allow Rex to look into the cost and procedures for this latest state development. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(5)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Chief Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #168902 through and including #169036 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
29-05	P4 512M Computer Library/Donation	1,061.28	Approved
30-05	(7) HP 5590 Scanners Library	2,402.75	Approved
31-05	Alignment apparatus for lift system Highway	12,000.00	Approved

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COMMISSION MEETING MINUTES  
APRIL 19, 2005

32-05	Lift System Highway	43,500.00	Approved
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There were no dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball attended the UCIP Coordinator's Conference with Commissioner Hatch. Commissioner Drew Sitterud presented personnel items for review by the Commissioners.

Sheriff's Office

The Sheriff is recommending that Dusty Butler be promoted to the Jail Sergeant, the position vacated by Steve Stream. Dusty would go from Corrections "corporal" 12K \$14.49/hr to Jail Sergeant grade 17 and the Sheriff's recommended step is I \$17.25/hr., which would be effective the pay period beginning April 25, 2005.

Nicole Deabenderfer is eligible for her routine wage increase from 6F \$9.78/hr. To 7F \$10.21/hr. Effective the pay period beginning April 25, 2005,

Commissioner Gary Kofford made a motion approve proposed personnel action for Dusty Butler and Nicole Deabenderfer as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present

(7)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve Commission Meeting minutes dated April 5, 2005 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**COMMISSION REPORTS**

Commissioner Gary Kofford



COMMISSION MEETING MINUTES  
APRIL 19, 2005

Commissioner Kofford reported that there will continue to be fire planning meetings. The next meeting is scheduled for April 27, 2005 at 10 a.m.

*Commissioner Drew Sitterud*

Commissioner Sitterud reported that the Range Creek exhibit held recently at the Museum of the San Rafael was well attended. There were approximately 150 people who attended. He heard many good comments.

(9)

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not necessary.

(10)

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 3, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**RATIFICATION OF APPROVAL FOR PACIFICORP'S WORKING DESIGN FOR THE HUNTER PLANT COAL YARD ROAD INTERCHANGE WHICH WILL BE SUBMITTED TO UDOT.**

Commissioner Gary Kofford made a motion to ratify the signing of the working design for the Hunter Plant Coal Yard Road Interchange to be submitted to UDOT. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF ORDINANCE DESIGNATING EMERY COUNTY ROADS, STREETS, OR HIGHWAYS OPEN FOR OFF-HIGHWAY VEHICLES AND ESTABLISHING REGULATIONS RELATED THERETO.**

Commissioner Gary Kofford made a motion to adopt an ordinance designating Emery County roads, streets, or highways open for off-highway vehicles and establishing regulations related thereto with a disclaimer in section seven that states that all roads are closed unless designated as open through mapping or signs. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**PATRICK GUBBINS, BLM, QUARTERLY UPDATE.**

Patrick Gubbins, BLM, provided the following update of BLM activity:

- + Their Resource Management Plan is in the public comment phase.
- + The Wedge Overlook EA is not complete. There will be an open house to gather public comments. The process is on schedule for the end of May.
- + They will be hiring a Lead Coal, Mining Engineer position. This position will be shared with the Forest Service on a 75% BLM and 25% FS basis. They will also be hiring a geologist. This will be a BLM position.
- + They will hold a State Resource Advisory Council meeting on June 13-14, 2005 in Castle Dale. They are putting together a half day field trip somewhere in the

county.

(4)

**MESIA NYMAN, FOREST SERVICE, QUARTERLY UPDATE.**

Mesia did not attend the meeting.

(5)

**DERRIS JONES, DWR, QUARTERLY UPDATE.**

Derris Jones, DWR, provided the following update of division activity:

- + They have a new director, Jim Karpowitz.
- + Drew Sitterud will re-apply to the Southeastern Resource Advisory Council for another two year term.
- + Currently the access road to Range Creek is closed for another two to three weeks. Even after the road is accessible the water may be too high to allow access until at least June. Those citizens wishing to visit Range Creek may obtain a day use permit by accessing the DWR website. Sales of day use permits shut off at twenty eight for that particular day. They are looking into involving the three local museums by providing computers at the museums to allow access to the website to purchase the day use permits.
- + Habitat projects are in full swing.
- + Range conditions are improving daily.

(6)

**CITIZEN CONCERNS.**

Road Supervisor, Rex Funk discussed a need to replace windows and a new door at the landfill facility. They have a problem with glare on the screening equipment. Therefore, they need glare proof windows. Rex received bids from two vendors to install the windows and door. The bids were from Stilson and Sons for \$1,553.00 and Robert Allen and Sons for \$1,350.00. Rex indicated that he has \$2,000.00 in his budget for this project. Commissioner Gary Kofford made a motion to award the bid for the window and door replacement to the low bidder, Robert Allen and Sons for \$1,350.00. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Sitterud discussed a situation with the radio translators. Bret Mills indicated that

COMMISSION MEETING MINUTES  
MAY 3, 2005

KSOP is no longer on the air as the translator is down. The translators are all over 25 years old and the parts are no longer available. The next translator failure could possibly be the FM 100 translator. To replace the translators would cost about \$4,500.00 for each translator.

Commissioner Hatch suggested that Bret put together a proposal for replacing the translators to present to the Commission for consideration.

(7)

**APPROVAL OF AMENDING EMERY COUNTY PERMANENT COMMUNITY  
IMPACT BOARD LOCAL CAPITAL IMPROVEMENT LIST.**

Commissioner Sitterud indicated that the TV Communications group is going before the PCIB Board next week asking for a 2.9 million dollar grant to replace all the TV stations with digital signal. They did not realize that the request was not on the Community Impact Board request list. A request from the MBA was on the high priority list so the TV Communications request could be moved to that spot on the list. Therefore, they need to move the TV Communications request from the medium term list to the high priority list. He will need a letter from the Commission to take to the PCIB Board stating that the grant request has been moved to the high priority list. Commissioner Sitterud made a motion to move the TV Communications grant request from the medium term list to the high priority list and have the Commission write a letter to the PCIB Board stating that the Commission has done the process. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**DISCUSSION AND APPROVAL OF MUSEUM OF THE SAN RAFAEL BYLAWS AND  
APPOINTMENT OF BOARD MEMBERS.**

Tabled

(9)

**DISCUSSION OF SUPPORT FOR NEW SWIMMING POOL.**

Commissioner Sitterud relayed a discussion with Castle Dale Mayor Neal Peacock. At the end of this swim season Castle Dale City will close the swimming pool and tear down the building. Castle Dale City and Commissioner Sitterud approached the Recreation Special Service District to see if they would be interested in taking on a new swimming pool. The district voted unanimously to look into the process. Castle Dale City will give the district \$10,000.00 a year for fifteen years to help with the project. The city also felt that the donation be based on the School District's willingness to donate land near the High School for a new swimming pool so it could also be used for school activities such as a swim team. They approached the School Board with the proposal. However, the School Board did not say no, but they were not in high favor

COMMISSION MEETING MINUTES  
MAY 3, 2005

of the proposal. The School Board will let them use the parking lot if the land adjacent to the parking lot could be obtained. The School District is willing to put up property to negotiate a trade to get the land needed. Commissioner Sitterud asked for support to look into the process further. If everything falls into place the Recreation District hopes to go to the PCIB for help with funding in January 2006 for April 2006 funding.

Commissioner Drew Sitterud made a motion to support the concept of constructing a new pool. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)**

**BID OPENING AND CONSIDERATION AND APPROVAL OF BID AWARD FOR REPLACEMENT ROOF AT THE EMERY COUNTY ROAD DEPARTMENT BUILDING.**

Commissioner Gary Kofford indicated that advertising was done to compile bids for replacement roof at the Emery County Road Department building. Five contractors were present at a mandatory site showing. Three contractors submitted bids as follow:

Stilson and Sons for \$28,119.00

Summit Roofing for \$28,800.00

Bob Harvey Roofing, Inc. for \$35,654.00

Commissioner Kofford indicated that re-roofing the building had been budgeted for in a two year phase, \$20,000.00 for this year and \$15,000.00 for a new cool/fan system. So there is \$35,000.00 in capital replacements for the replacement of roofing for that building.

Commissioner Kofford felt it was in the best interest of the county to replace the whole roof this year. Commissioner Gary Kofford made a motion to award the bid to Stilson and Sons with the low bid of \$28,119.00 replacing the whole roof at the Road Department building. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)**

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF REQUEST.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented a request for an ambulance write-off. This was a non transport. Usually the insurance company will deny the charge if the patient was not transported. This was a husband and wife who were treated by the ambulance but not transported. The insurance paid for all the supplies used. The patient has paid some on the bill. Commissioner Sitterud made a motion to abate one of the transport rates \$243.00. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)**

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

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Business licence applications were presented for the following:

Jordan Jay Leonard DBA: Millsite Golf Course Pro Shop

Gerald D. Stotter DBA: The Ole' Millsite Restaurant

Blaine Luke DBA: Trail Mountain Resort

Zoning Administrator, Bryant Anderson has reviewed and signed the applications.

Commissioner Drew Sitterud made a motion to approve the business license applications as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF 2005 CHARITABLE AND RELIGIOUS PROPERTY TAX EXEMPTIONS.**

The 2005 Charitable and Religious Property Tax Exemption List was presented for review and approval. Commissioner Gary Kofford made a motion to approve the 2005 Charitable and Religious Property Tax Exemption List as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Copy of list attached.

(14)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 169154 through and including #169261 for payment.

Requisitions were presented for the following:

<u>REQUISITION#</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
33-05	Refrigerator Sheriff	\$498.95	Approved
34-05	Software for Deed Plotter Recorder	689.00	Approved
35-05	(3) Computers IT	3,183.89	Approved
36-05	Windows and Door replacement Highway	1350.00	Approved

6

COMMISSION MEETING MINUTES  
MAY 3, 2005

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims, and requisitions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following personnel action:

Request was made to recruit for a building inspector with ICC residential and commercial certification. This is a full time job eligible for benefits. The wage will be based on experience and certification. Commissioner Gary Kofford made a motion to proceed to advertise for a full time building inspector. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated April 19, 2005 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(17)**

**OTHER BUSINESS**

Commissioner Kofford discussed the mandate by the State Department of Environmental Quality to plan and permit sites in the county with storm water discharges. Rex figures there are four identified sites in the county. Emery County Landfill, Castle Dale Road Shop, Weed and Mosquito Shop Yard and Green River Road Shop need to be identified and send in the \$500.00 per site to register the sites. Failure to register a site is a \$10,000.00 per day penalty. Commissioner Gary Kofford made a motion to send in the \$2,000.00 to register the four identified sites in the county and allow Rex to proceed with this process. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(18)**

**COMMISSION REPORTS.**

*Commissioner Sitterud*

COMMISSION MEETING MINUTES  
MAY 3, 2005

Commissioner Sitterud reported on his recent attendance at UAC meetings. He was made aware of an opportunity to obtain funds to finish the corner markers in the county. Randy Jensen has purchased property in Huntington to put in a call center that will employ approximately twenty people. The landfill in Green River has had some interest again. They have a road way right-of-way from the BLM. They are just waiting for a railroad access right-of-way. The AOG had a loan out to a company in Blanding that defaulted on the loan. They put their equipment out to bid and Guymon's Machining in Cleveland got the bid on that equipment. He was glad to see the equipment go to a local company.

Carbon County had a manufacturing company that wanted to locate there. However, they were not able to locate there because Utah Power and Light was not able to provide enough power to them. It would have been very costly. They would have provided about two hundred jobs to the area. They needed as much power as Salt Lake International Airport would need.

*Commissioner Gary Kofford*

The Economic Development Council has put together an education council to address areas that traditional schooling does not address such as paleontology. Several camps will be held this summer for Emery County students in several different subjects and age groups.

A Sub RAC group made a recommendation to the BLM regarding the campground at the Wedge. It was suggested to invite interested citizens to spend a Saturday out on the Wedge helping with projects.

*Commissioner Ira Hatch*

He recently meet with Sally Wisely and Pat Gubbins as well as other state people to start the Title V process.

He and Pat Snowball recently attended an Insurance Coordinators Conference.

He reported on the funding progress for projects in the county through the Joint Highway Committee and State Parks Commission.

**(18)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.



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COMMISSION MEETING MINUTES  
MAY 3, 2005

**(19)**  
**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

MAY 17, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DENNIS OAKLEY, ENERGY WEST, DISCUSSION AND APPROVAL OF AGREEMENT TO TEMPORARY SUSPENSION OF THE RILDA CANYON ROAD.**

Dennis Oakley and Scott Childs, Energy West discussed plans for suspending Rilda Canyon Road. While the suspension is under construction they will limit road access to county officials, emergency responders, and state and federal officials. They expect the NEPA to be completed by July 15, 2005. Dependent upon permitting completion they hope to begin shortly afterwards. Commissioner Ira Hatch asked that a clause be included in the agreement stating that Energy West will contact Emery County Commissioners by letter to notify them of intent to begin construction. The Commissioners suggested modifications to the agreement as follows: adding a statement that will lift the restricted access in the event that Energy West delays construction, maintenance of the road all the way to the gate, the Trail Head parking area may be retained at the option of Emery County, said road re-establishment shall follow the reconstruction plans outlined in PacifiCorps mining and reclamation plans as approved by the Utah Division of Oil, Gas & Mining subject to the discretion of Emery County Upon review and discussion of the agreement Commissioner Gary Kofford made a motion to accept the agreement with Energy West for temporary suspension of the Rilda Canyon Road with the discussed modifications to the agreement. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF FOUR CORNERS REQUEST FOR SCHOLARSHIP DONATION TO ATTEND UNIVERSITY OF UTAH SCHOOL OF ALCOHOLISM.**

Commissioner Gary Kofford discussed a letter the Commissioners received. The letter was from Jennifer Thomas, Four Corners Community Behavioral Health. Jennifer requested a donation to send four individuals to University of Utah's School of Alcoholism June 19<sup>th</sup> through 24<sup>th</sup>. The classes cost \$188.00 per person at a total cost of \$752.00. Lieutenant Bill Downard from the Emery County Sheriff's Department commented that anything that the County can do to help would be of great benefit to their program especially for female needs in the county.

Commissioner Gary Kofford made a motion to donate \$752.00 to Four Corners to send four individuals to University of Utah's School of Alcoholism. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(3)**  
**RATIFICATION OF APPROVAL OF LANDFILL TRAILER DOOR AND WINDOWS.**

Commissioner Gary Kofford made a motion to ratify action taken in Commission meeting two weeks ago that awarded a bid to Bob Allen and Sons to replace windows and a door in the Landfill facility. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(4)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Bruce Funk, Clerk/Auditor presented the Warrant Check Edit List #169419 through and including #169567 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
37-05	Translator Communications	\$4,340.00	Approved
38-05	1000 Gallon Fuel Containment System/Highway- Green River	380.00	Approved

Dispositions:

Magnetic calendars #1192 from the Attorney's Office will be transferred to the Sheriff's Department for the jail.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Drew Sitterud made a motion to negotiate with North Emery Water Users to abate the water bill for Lawrence Cemetery. The motion was seconded by Commissioner Gary

3

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May 17, 2005

Kofford and approved by all members present.

(5)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

James Nielsen, Weed and Mosquito requested to hire two temporary up to 90 day workers as follows: Shaun Taylor beginning May 9, 2005 and ending August 5, 2005 at a rate of \$10.26/hr.

Dane Worwood beginning June 1, 2005 and ending August 29, 2005 at a rate of \$10.26/hr.

Commissioner Drew Sitterud made a motion to approve the up to 90 day temporary hires at Weed and Mosquito as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Mike McCandless, Economic Development requested to hire temporary up to 90 day help at the same rate as late year. The temporary help would begin on Monday, May 23, 2005.

Commissioner Gary Kofford made a motion to approve the up to 90 day temporary help for Economic Development as requested. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Rex Funk, Road Department proposed expanding the Road secretary job description to include intermittent assignments as Landfill Screener and approval is requested to have Brooke Riley, who is now 3/4 time, fill this position on a full time basis. She would be eligible for full benefits. Upon approval this would begin the next pay period of May 23, 2005. Brooke's wage would remain the same. Commissioner Gary Kofford made a motion to approve the expansion of Brooke's job description to include landfill screener and move her to full time with benefits as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to accept the minutes dated May 3, 2005 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**COMMISSION REPORTS**

*Commissioner Drew Sitterud*

Commissioner Sitterud reported that the TV group made up six counties, Carbon, Emery, met with the CIB Board last Thursday where they requested a 3.2 million dollar grant to replace the television analog signal with digital signal. The group was granted immediate funding for all funding needed to complete the project. The grant is over an above any prior or future funding requests by any of the six counties. The project will take a year to complete. Gand County was asked to join in on the group but at time declined to join because they do not have a facility for television. They now wish they had joined in the group. The federal government has told us that as of 2006 will not be able to broadcast the analogy signal. Older television sets that do not have the digital capability will not be able to pick up the digital signal without a converter. The television group will remain together for fifty years and will maintain the backbone of the system. The county must budget to set aside \$1,000.00 a month to contribute to the \$20,000.00 that must be held in reserve to maintain the backbone.

Public meetings were recently held in Cleveland and Clawson for the new addressing system. Clawson has signed the agreement. We are waiting for Cleveland's approval.

He recently met with Representative Johnson regarding a bill he is sponsoring. The bill will make the county of origin have the say in where items of historical value are placed. This will be of great interest to Emery County regarding the items recently found in Range Creek.

The Recreation Special Service District is in negotiations with Castle Dale City regarding the recreation building at the rodeo grounds. The Recreation District would like to extend the twenty-five year agreement with the City to fifty years with an automatic renewable twenty-five year extension.

The Recreation District recently gave Clawson Town a donation to construct a baseball field.

*Commissioner Gary Kofford*

Commissioner Kofford recently met with staff from Four Corners Behavioral Health regarding several of their projects. Staff leaders are going after several grants that will help keep the much needed programs going for another year.

He also recently attended Utah Division of Western Coal Miners Conference.

*Commissioner Ira Hatch*

Commissioner Hatch recently met with the county's health insurance advisor Jeff Kelsey. They discussed options for health insurance packages for employees.

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Commission Meeting Minutes

May 17, 2005

He met with the Forest Service staff on their Forest Planning Directives and changes to the planning process.

**(8)**

**ATTORNEY/CLIENT EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

**(9)ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER : \_\_\_\_\_

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

JUNE 7, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk./Auditor Carol Cox, other elected officials and citizens. Commissioner Gary Kofford was out of town. Therefore, Commission Chairman Ira Hatch will step down throughout the meeting to execute motions as needed.

**(1)**  
**DELENA FISH, WFS, QUARTERLY UPDATE.**

Delena Fish, Work Force Services provided a quarterly update.

She reported that the department is at the end of their fiscal year and are in the process of conducting surveys on how the departments are meeting their goals that they set out at the beginning of the year. A review of the department surveys thus far were given to the Commissioners for review. The number of people entering the job market and retaining jobs is on the increase. They are receiving a good number of job orders from area businesses. Overall the job market is improving in Emery County. Truck drivers are in high demand at this time. She informed the Commissioners that changes are coming for youth programs. She may soon be asking for assistance from the Commission for worksites for participants in the youth programs.

**(2)**  
**DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Deb Dull, Utah Power provided and overview of quarterly activity.

On May 24, 2004 Scottish Power sold PacifiCorp to Mid-American Energy Holdings Company for 9.4 billion dollars. Mid-American is a privately owned global provider of energy services based in Des Moines, Iowa. They expect the necessary approval from the regulatory commission to be completed by 2006. Mid-American plans to leave PacifiCorp as a stand alone business with few changes and minimal impact on the employees. The leadership of PacifiCorp will remain with Judy Johansen, CEO in Portland and Rich Walje as vice president in Salt Lake City. All other departments will remain as they are. Mid-American is experienced in the energy field and is an environmentally responsible company. They have numerous energy holdings in other states.

This transaction is good for PacifiCorp for several reasons. Mid-American has a proven track record of buying a business for the long term, investing in it and allowing it to operate relatively independently. Mid-American has shown itself to be a long-term investor in capital intensive

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energy businesses, a good match at a time when PacifiCorp is making significant investment in its business. Mid-American understands the US regulatory environment and provides a stable financing platform, with access to capital. Mid-American and PacifiCorp share similar values in the areas of customer service, safety, operational excellence, and a commitment to responsible environmental stewardship. Mid-American fully supports PacifiCorp's strategy of maintaining a local presence in the areas they serve.

(3)

**JANA ABRAM, BYWAYS COORDINATOR, UPDATE OF HUNTINGTON CANYON BYWAY ACTIVITIES.**

Jana Abram was not able to attend the meeting. However, Pam Juliano reported that United Way is looking for 150 volunteers to help with scenic by-way energy loop community clean-up day on June 25, 2005. They will host a BBQ the night before and hand out water bottles and garbage bags at the rest stop at skyline drive road at the top of Huntington Canyon. She invited everyone to participate.

(4)

**PAM JULIANO, CONGRESSMAN MATHESON REPRESENTATIVE, INTRODUCTION AND SERVICES PROVIDED.**

Pam Juliano, Congressman Matheson representative made a presentation to the Commissioners. She said that they have worked very hard and long for a field office in this area. She will be based in the basement of the Carbon County Courthouse in Price. The liaison office plans to be the eyes and ears of the communities. If you have any concerns that you wish Congressman Matheson to investigate or need help with anything she invites you to stop by or call. Ms. Juliano was previously the director of United Way in this area. Her replacement for that position, Kim Zollinger was introduced to the Commissioners. Commissioner Hatch reported that Congressman Matheson was instrumental in trying to get a bill passed that will get Emery County \$7 million dollars in highway funds to finish the Moore Cutoff road. He commented that it hasn't passed yet, but we are hopeful that it will.

Kim Zollinger, United Way introduced herself and provided phone numbers and office hours for the Commissioners. She talked about the efforts of the United Way to continue to provide assistance to the communities.

(5)



**CITIZEN CONCERNS**

Insurance Coordinator, Jeff Kelsey informed the Commissioners of the county's upcoming July 1, 2005 insurance renewal date. He presented proposals from insurance companies for the Commissioners to consider. He had reviewed the insurance market and felt good about the county continuing with our current underwriter Novia and Excess Health which is an organ transplant carrier. The cost has gone up approximately 11% while the trend in the market has the increase at around 16%. Clerk/Auditor Bruce Funk commented that the county's premiums for these two policies have not greatly increased. Emery County is a self-insured county and as long as employee costs do not go up, then he feels good about staying where we have been. Commissioner Drew Sitterud made a motion to accept the proposal from Novia and Excess Health for employee's insurance. The motion was seconded by Commissioner Ira Hatch and approved by all members present. Mr. Kelsey informed the Commissioners that there needed to be binder checks cut for Novia and Excess Health. This item was not on the agenda and will need to be ratified in the next Commission Meeting.

Castle Dale City Mayor, Neal Peacock was present to request Emery County forgive the taxes on a piece of property that was recently acquired by the city for the expansion of Castle Dale Cemetery. The property was previously receiving the Greenbelt benefit. It will no longer be used as Greenbelt. If the land changes usage or does not meet acreage requirement, then a rollback of the saved tax dollars is due. The rollback tax due is \$195.97. Commissioner Drew Sitterud made a motion to abate the rollback tax due of \$195.97 on this piece of property. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Economic Development Director, Mike McCandless discussed options for how to handle the information center in Green River. He along with Commissioner Hatch and other members of the Travel Council met recently with Green River City Mayor Glen Johnson and Council member Tom Burr to discuss options. As a result of recent discussion the Travel Council proposes negotiating an inter-local agreement with Green River City to place employees at the information center. The employee would be less than twenty hours a week. Mr. McCandless wanted the Commissioners to know that the Travel Council has exhausted all avenues for having an individual at the information center especially during the heavy tourist season. Commissioner Drew Sitterud made a motion to approve having the Emery County Travel Council enter into negotiations with Green River City to place two part time less that twenty hours a week employees at the information center in Green River City. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(6)****DISCUSSION OF NORTH EMERY WATER USER'S SPECIAL SERVICE DISTRICT**

**BOARD MEMBER TERM EXPIRATIONS.**

The North Emery Water User's Special Service District has four board members whose terms will end in August. The four board members whose terms will end in August are: Randy Bell, Ray Quinn, Carl Fillmore and William Coyne. Commissioner Drew Sitterud made a motion to begin the process to gather applications to serve on the North Emery Water User's Special Service District board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF CAREER SERVICE COUNCIL APPOINTMENTS.**

Appointments to the Council are due June 30, 2005. Judy Ann Scott, Keith Ware and Randy Jensen have said they will accept reappointment. Commissioner Drew Sitterud made a motion to re-appoint Judy Ann Scott, Keith Ware and Randy Jensen to the Career Service Council for another term. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF DONATION TO VOLUNTEERS OF AMERICA SENIOR AFFAIRS FAIR.**

Jon Gilbert, RSVP representative reported that the first annual Volunteers of America Senior Affairs Fair was well received and attended. They will be hold their second annual Affairs Fair on June 16, 2005 from noon to 4:00 p.m. with the co-operative efforts of Kelli Nelson and the Senior Citizen program. He requested the Commissioners consider a \$250.00 donation to the Senior Affairs Fair. Commissioner Drew Sitterud made a motion to donate \$250.00 to the 2<sup>nd</sup> Annual Volunteers of America Senior Affairs Fair. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF MEMBERSHIP DUES TO THE EMERY COUNTY CHAMBER OF COMMERCE.**

Tabled

(10)

**CONSIDERATION AND APPROVAL OF REQUEST FOR AUTHORITY TO**

**TRANSMIT DIGITAL TELEVISION SIGNALS.**

Bret Mills requested a letter from the Commissioners to the FCC asking for temporary license to broadcast the digital service. There are no licensing windows at this time and this request will give the county the ability to do temporary experimental transmitting. Hopefully the window for licensing will open up soon. Commissioner Drew Sitterud made a motion to sign the letter and send it to the FCC to gain temporary licensing permit. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY/EASTERN UTAH TELEVISION AND TECHNOLOGIES ASSOCIATION FOR INSTALLATION OF EQUIPMENT USING BUILDING RACK AND TOWER SPACE AT THE HORN MOUNTAIN AND CEDAR MOUNTAIN COMMUNICATIONS SITES.**

This Memorandum of Understanding serves as an agreement between Emery County and the Eastern Utah Television And Technologies Association. The MOU is for the installation of equipment installed by the Association using building rack and tower space at the Horn Mountain, Cedar Mountain and other county communications sites. The MOU has been reviewed by Attorney David Blackwell and he recommends signing the document.

Commissioner Drew Sitterud made a motion to accept the MOU between Emery County and the Eastern Utah Television and Technologies Association as written. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF AMENDED INTERLOCAL COOPERATIVE AGREEMENT CREATING THE EASTERN UTAH TELEVISION TECHNOLOGIES ASSOCIATION.**

This Interlocal Cooperative Agreement creating the Eastern Utah Television Technologies Association has already been approved by Emery County. However, at the time that the agreement was signed Daggett County was not a member of the Association, the amendment will include Daggett County in the Association. Another amendment, originally the Clerk/Auditor's office was to be the recipient of the funds. That has been changed. Association of Governments (AOG) will now be the recipient of the funds for the Association. Also, originally the agreement stated that the Association would pay for microwave system between Ford Ridge and Lake Mountain. That has been changed to state that the Association would be over all microwaves all the way through the system. Commissioner Drew Sitterud made a motion to accept the amendments to the Interlocal Cooperative Agreement creating the Eastern Utah Television and

Technologies Association. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(13)**  
**RATIFICATION OF NOMINATION TO NATIONAL ADVISORY COMMITTEE FOR THE PROTECTION OF INVENTORIED ROADLESS AREAS.**

Commissioner Drew Sitterud made a motion to ratify the nomination to appoint Ira Hatch to the National Advisory Committee for the Protection of Inventoried Roadless Areas and to send a letter to the National Forest Service with that nomination application. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(14)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List and additional claims #169723 through and including #169867 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
39-05	Moving wall mount 2 ton Air conditioner from old green Building to TV building on Cedar Mtn. Television/Sheriff	\$866.00	Approved

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims and requisition as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(15)**  
**PAT SNOWBALL, PERSONNEL DIRECTOR, PERSONNEL ACTION.**

Personnel Director, Pat Snowball presented the following Personnel action:

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Road Department

Request was made to hire Michael Mortensen, temporary up to 90 days beginning May 23, 2005 and ending August 13, 2005. Commissioner Ira Hatch made a motion to approve hiring Michael Mortensen temporary up to 90 days as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Brooke Riley completes her six-month orientation period on June 8, 2005. Road Supervisor, Rex Funk recommended that she receive the wage increase per personnel policy effective the pay period of June 20, 2005. Commissioner Ira Hatch made a motion to approve the six-month wage increase as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Communications

Request was made to hire Morgan Oveson, temporary up to 90 days beginning May 23, 2005 and ending August 13, 2005. Commissioner Dew Sitterud made a motion to approve the temporary hire of Morgan Oveson as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Extension

Request was made to hire Cassie Jensen, temporary up to 90 days beginning May 27, 2005 and ending August 24, 2005. Commissioner Ira Hatch made a motion to approve the temporary up to 90 day hire of Cassie Jensen as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Recorder

Doris Quinn is eligible for the routine wage increase on June 9, 2005. Recorder, Dixie Swasey recommends the increase which will be effective the pay period of June 20, 2005. Commissioner Drew Sitterud made a motion to approve the routine wage increase for Doris Quinn as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Shirley Spears, Archivist, has submitted her resignation effective June 30, 2005. Request was made to begin the recruitment process to fill her position. Commissioner Drew Sitterud made a motion to begin the recruitment process to fill the Archivist position as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Sheriff's Office

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Jennifer Jensen is eligible for the routine wage increase on June 21, 2005. Sheriff Guymon recommends the increase which will be effective the pay period of July 4, 2005. Commissioner Drew Sitterud made a motion to approve the routine wage increase for Jennifer Jensen as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Ira Hatch made a motion to approve the minutes dated May 23, 2005 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(17)**

**COMMISSION REPORTS.**

Commissioner Sitterud

Commissioner Sitterud and Commissioners Hatch attended a luncheon sponsored by XTO, a new gas well company in the area. The Sheriff's Department sponsored their annual Friendship Cruise on the Green River. The BLM will hold their regional RAC meeting here in the courthouse on Monday, June 13, 2005 at 1:00 p.m. They will tour the San Rafael Swell on Tuesday, June 13, 2005. A BLM subgroup will meet on Wednesday at the museum to discuss plans to reconstruct the Wedge camping spots.

Commissioner Hatch

Historic Preservation Committee has elected Ray Petersen as chairman of that committee. They have two projects they are working on at this time. At the Muddy Creek Bridge they will put together a kiosk. They applied for and received an extension on the restoration of the San Rafael Swinging Bridge. Construction on Rilda Canyon U-31 intersection will begin right away. He attended Congressman Matheson's open house on May 31<sup>st</sup>. He visited Pam Juliano's office in the Carbon County Courthouse. He recently met with UCIP insurance board in Moab where they discussed some things that we will need to look at on risk management. He also recently met with Rex Funk and other Road Department staff where it was reported that as of yet there has been very little road damage due to flooding in the county. There will be meeting next week on the Joe's Valley switchback road that has sloughed off. Representatives from the Federal Highway Administration and Bureau of Reclamation will be here to look at the project plans. He will be meeting next week with the BLM on RMP alternatives.

9  
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**(18)**  
**ATTORNEY/CLIENT EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION  
AND PERSONNEL MATTERS.**

An Executive Session was not needed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JUNE 21, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**KAY KIMBALL, PRESENTATION OF 2004 INDEPENDENT AUDIT.**

Tabled.

(2)

**JANA ADAMS, BYWAYS COORDINATOR, UPDATE OF HUNTINGTON CANYON BYWAYS ACTIVITIES.**

Jana Adams, Byway Coordinator provided a review of tourism projects planned for Huntington Canyon and Eccles Canyon. They will hold a clean-up day on Saturday, June 25, 2005 in conjunction with United Way in Huntington Canyon. They are developing information kiosks at the site of the mammoth find in Huntington Canyon. They are working with the USFS to get a grant to construct a kiosk next to the site. They will be clearing the land this year and work towards the 2006 tourist season for completion. They plan to have five information panels at the site featuring hands-on learning displays and activities for children. They also will have a low wattage radio station in the canyon. Another project in the works is a 5K or 10K run planned for 2006. September is senior travel tourism month and they are working on putting together a scenic driving tour through the canyons. They plan to construct a sign with a map to place in Fairview that will direct travelers through the scenic by-way in the Huntington Canyon and Eccles Canyon areas then down into Emery County towns for gas, shopping and information on what to do in our communities. The governor has dedicated \$10 million dollars to develop tourism in Utah.

(3)

**JOHN SPENDLOVE, DISCUSSION/APPROVAL OF HUNTINGTON AIRPORT LAYOUT PLAN**

John Spendlove, Engineer from Jones and DeMille was present to present the final airport plan to the Commissioners. Commissioner Hatch explained that the plan is essential to qualifying for any federal funding for airport improvements. The plan is the same as was presented, with a few



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additions, at a public hearing held back in January. Mr. Spendlove indicated that after the public hearing he sent out letters to all the various agencies to gather comments on any environmental concerns they might have. He said the BLM indicated that a cultural resource survey should be conducted before any future development projects are done at the airport. The DWR sent a standard letter indicating the threatened and endangered species normally encountered in the county. The Army Corp. of Engineers sent a letter asking about the potential for wetlands. Mr. Spendlove indicated that he has added an environmental overview to the final plan to address those areas of concern and added \$20,000.00 to the project list to provide for the cost of the environmental reviews. Commissioner Gary Kofford pointed out that if the BLM gives a patent to the county for the airport land, then a resource survey would be needed before the BLM would issue the patent. The BLM wanted to address the patent issue in the RMP they are now finalizing. Emery County owns thirteen acres of the airport land with the rest owned by BLM with some state trustland included. The projects on the priority list do not have to be done in any special order. The county can pick and choose which projects to do first. Commissioner Drew Sitterud made a motion to approve and authorize Commissioner Ira Hatch to sign the Huntington Airport Layout Plan as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(4)**

**RATIFICATION OF RENEWAL FOR COUNTY HEALTH INSURANCE FOR 2005-06.**

Christie Hillier was present to provide the proper documents to be signed for renewal of county employee health insurance for 2005-2006. Two weeks ago Jeff Kelsey discussed with the Commissioners health insurance bid proposals. The Commissioners and those involved with the health insurance reviews felt good about remaining with the county's current provider. A motion was passed at that time to accept the proposal from Novia and Excess Health for Emery County employee's health insurance. Since the item was not on the agenda the action needs to be ratified at this time. Commissioner Gary Kofford made a motion to ratify the action taken two weeks ago to accept the proposal from Novia and Excess Health for Emery County employees' health insurance and to authorize Commissioner Hatch to sign the needed documents. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(5)**

**RATIFICATION OF TAX ABATEMENT FOR CASTLE DALE CITY.**

Commissioner Drew Sitterud made a motion to ratify the action taken two weeks ago to grant a tax abatement for Castle Dale City in the amount of \$195.97. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(6)****CONSIDERATION AND APPROVAL OF MEMBERSHIP DUES TO THE EMERY COUNTY CHAMBER OF COMMERCE**

The Board of Commissioners discussed membership dues to the Emery County Chamber of Commerce. They all agreed that the dues should include payment for all county departments and that the county not pay any additional dues for the Sheriff's Department or any other department funded by the county. Commissioner Gary Kofford made a motion to pay \$300.00 dues to the Emery County Chamber of Commerce to include all County departments. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(7)****CITIZEN CONCERNS.**

Mary Walmarth, Green River City Community Action Team asked if anything had been decided about staffing at the Information Center in the John Wesley Powell Museum. The Commissioners filled her in on the recent decision to have the Emery County Travel Council negotiate with Green River City to provide two part time employees at the Information Center. Emery County will pay the employees. Green River City will provide the space.

Economic Development Director, Mike McCandless asked for approval to draft a letter to the State of Utah requesting to create additional zones in the county. He indicated that adding zones such as Aeronautical Zones and Recycling Zones would encourage commercial development and growth as well as provide a healthy tax credit for any prospective businesses. Creation of such additional zones requires approval letter from the governing board of the County. Clerk/Auditor Bruce Funk cautioned that items involving zoning must be noticed up in the local newspaper for public review. Mr. McCandless indicated that the request was simply a recruiting tool for Economic Development that offers tax incentives to prospective businesses to locate in the county.

**(8)****CONSIDERATION AND APPROVAL OF RETIREMENT CONTRIBUTION RATES FOR JULY 1, 2005 TO JUNE 30, 2006.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the Retirement Contribution Rates for July 1, 2005 to June 30, 2006 as follows:

Contributory rate:	13.08
Non-Contributory rate:	13.08
Public Safety Rate:	19.34

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Commissioner Gary Kofford made a motion to approve the Retirement Contribution Rates as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)**

**CONSIDERATION AND APPROVAL OF PROPOSED TAX RATE FOR 2005.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the proposed tax rate for 2005 as follows:

County General Fund-	.003627
Library Fund-	.000419
State Assessing/Collecting	.000228

Commissioner Drew Sitterud made a motion to approve the proposed tax rates for 2005 and authorize Commissioner Ira Hatch to sign any additional changes that may come in from the State with regard to the Tax Rates and have these changes confirmed with the other Commissioners. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)**

**CONSIDERATION AND APPROVAL OF DATES/TIMES OF 2005 BOARD OF EQUALIZATION.**

Senior Deputy Clerk/Auditor, Brenda Dugmore requested finalizing the date and time for 2005 Board of Equalization. Recommended dates and times are as follows: Green River, August 16, 2005 from 12:20 p.m. until 3:30 p.m. Castle Dale, August 17, 2005 from 9:00 a.m. until 3:00 p.m.. Commissioner Gary Kofford made a motion to approve the proposed dates and times for 2005 Board of Equalization. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)**

**CONSIDERATION AND APPROVAL OF ROAD EASEMENT WITH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION.**

Emery County received an easement from SITLA for Emery County to repair the road alignment on the South Flat Road, south of Huntington. The Bureau of Reclamation changed the location of bridge a few years back and the road needs to be realigned to meet the bridge. This work has been completed. The state kept sending a bill to the county to charge a use fee on the road

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changes. We kept sending the bills back to them. Now an easement has been sent without a bill but with the road number incorrectly listed. The road was listed as #308. The correct road number is #504. Also the date needed to be changed on the last page of the document. Commissioner Gary Kofford made a motion to authorize Rex Funk, Road Supervisor to sign the necessary papers with the changes as noted. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(12)**

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

A business license application was presented for Victor H. and Karen Kay Ewell DBA: VK Tractors & Implements. They have been before the Planning Commission and have been granted a conditional use permit. Zoning Administrator Bryant Anderson has approved and signed the application. Commissioner Gary Kofford made a motion to approve a business license for Victor H. and Karen Kay Ewell DBA: VK Tractors & Implements as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(13)**

**DISCUSSION OF BOUNDARY CHANGES FOR JUSTICE COURT.**

Commissioner Drew Sitterud discussed possible boundary changes for the Justice Court system. He said Utah Highway Patrol Troopers are not writing enough tickets on I-70. On average they would write about four tickets a day. When the county deputies patrolled I-70 they were writing three times that many tickets. Commissioner Sitterud has asked Sheriff LaMar Guymon to put together a proposal on what it would cost to add deputies to patrol I-70. Lt. Bill Downard remarked that one deputy on I-70 will not be good as it would be too far and take too long for a back up deputy to provide assistance if needed. Two deputies are needed on I-70 at a time. The UHP also loses radio contact around the Ghost Rock area. UHP does not send troopers where they are out of radio contact. The county's radios still work out there. Commissioner Sitterud said in meeting with the UHP he was told that it was not their job to write tickets, but to prevent accidents. It was also noted that tickets given in Judge Stream's precinct, have to attend court in Castle Dale and with the troopers coming from Green River that is time consuming. Commissioner Sitterud will continue to check into the matter and keep the Commissioners advised as to the progress of this issue.

**(14)**

**CONSIDERATION AND APPROVAL OF CONTRACT EMPLOYEE FOR LEPC COORDINATOR.**

Commissioner Gary Kofford made a motion to approve the employee contract with Cynthia Grant as Local Emergency Preparedness Coordinator(LEPC) to help Martin Wilson with bookkeeping and other office help. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)****APPOINTMENT/DISCUSSION OF LIBRARY TRUSTEES.**

Natalie Gardner, representing the Cleveland/Elmo area, has submitted her resignation from the Library Board with eighteen months remaining on her term. The Library Board recommended Annette Wells to serve the remainder of Natalie's term. According to the Library Board by-laws a person can serve on the board for two, consecutive four year terms. Therefore, the Library Board also recommended re-appointing Bill Luce, Ferron, to serve for another four year term. Commissioner Gary Kofford made a motion appoint Annette Wells to fulfill Natalie's unexpired term and re-appoint Bill Luce for another four year term to the Library Board. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)****APPOINTMENT TO FOUR CORNERS MENTAL HEALTH BOARD OF DIRECTORS.**

Commissioner Hatch explained that State Legislation has changed regarding mental health board of directors. A county commissioner representative is now allowed on the board of directors. The term is for five years. Commissioner Drew Sitterud made a motion to appoint Commissioner Gary Kofford to serve as Emery County's representative to Four Corners Mental Health Board of Directors. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(17)****CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT WITH DIVISION OF STATE HISTORY.**

Ray Petersen explained that the contract with the Division of State History is for the San Rafael Swinging Bridge deck resurfacing project. They are working with local saw mill owners to get the rough cut lumber needed for the project. The original contract had July as the project completion date. The contract amendment would extend the date to September for completion. Commissioner Drew Sitterud made a motion to accept the contract amendment with Division of

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State History. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(18)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 170004 through and including #170099 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
40-05	Light bars/sirens/speaker kits Sheriff- New Durangos	\$6,070.20	Approved
41-05	Intoxilyzer S-D5 Sheriff/Drug Court	494.98	Approved
42-05	Motor for spray rig Weed/Mosquito	464.99	Approved

There were no dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, and requisitions as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(19)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director presented the following Personnel action:

Economic Development

Request was made to hire Libby Rasmussen temporary up to 90 days beginning June 20, 2005

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and ending September 17, 2005. Commissioner Gary Kofford made a motion to approve hiring Libby Rasmussen temporary up to 90 days as proposed. The motion was seconded by Drew Sitterud and approved by all members present. Libby will be helping Mike in the Economic Development office and with the economic summit planned for September.

Road Department

Mark Hymas has completed the required training and is now certified to perform the duties of Manager of Landfill Operations (MOLO). Rex Funk requests approval to give Mark a merit increase effective the pay period of July 4, 2005. Commissioner Gary Kofford made a motion to approve the merit increase for Mark Hymas as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Sheriff's Office

Deputy Paul Simmons has submitted his resignation effective June 30, 2005. Sheriff Guymon requests approval to begin recruitment at the entry level of Dispatcher Grade 10 Step A \$10.88/hr. Commissioner Drew Sitterud made a motion to approve beginning the recruitment process for a Dispatcher as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Planning and Zoning and Building Inspection

Recruitment for a building inspector has been completed. Robert Bennett is recommended for the position, full time, with benefits. He would begin approximately the second week of July, 2005. Robert has all the required licenses for the position including a fire marshal certificate. Commissioner Gary Kofford made a motion to approve hiring Robert Bennett as building inspector as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(20)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated June 7, 2005 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(21)

**COMMISSION REPORTS.**

COMMISSION MEETING MINUTES  
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*Commissioner Kofford*

Commissioner Kofford recently attended an Energy Producers Conference in Price. They had breakout discussion panels with representatives from several department heads. Lt. Governor Gary Herbert spoke along with CEO of Consol Bret Harvey. They will hold another conference in November.

The roofing project at the Road Department building is in progress.

He met with the Federal Highway Commission regarding repairs to the switchback road in Joe's Valley. A letter was sent to the Federal Highway Administration addressing concerns for drainage and waste disposal sites for the above project.

*Commissioner Sitterud*

He attended a meeting at the Museum of the San Rafael along with Ray Petersen, Mike McCandless and LaMar Guymon regarding camping at the Wedge. The meeting got ugly because the BLM wants to do away with camping sites and make a parking area. Emery County protested that. When the BLM RAC people were here for their annual meeting Sheriff Guymon and Drew took them out to the Wedge. They felt it was wrong to eliminate camping at the Wedge. He indicated that they would be asking the RAC people for a letter of support for this cause. Ray Petersen suggested drafting a letter to the BLM and make a stand with regard to this issue. Ray will draft a letter for the Commissioners to consider.

He talked about the White Sand Missile Base in Green River. The base, which is 90% in Grand County has had nearly all the contaminants removed except at one site. A study was done and it was found to be safe. Most of the building structures are in Emery County. There needs to be an asbestos study on the buildings. The BLM owns most of the land. White Sands owns some of the property. State land owns a portion of the land and Grand County opposes Emery County or Green River City doing anything with the property. Part of the property has been annexed into Green River City. They have plans to make a recreation park there.

An access road has been constructed to Emery County's Cedar Mountain TV site. A new tower will be installed.

The county's E911 system is on its last leg. One phase has already gone down. He met with a person from the state who indicated that there are grants available. Emery County is on the agenda to be considered for a grant. Bids to put in a new system are around \$214,000.00 to which the county has only \$90,000.00 to put towards the new system. He indicated that at this time we are running on a breath and a prayer.



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He reported on a Centrally Assessed meeting at the Tax Commission Office in Salt Lake City. Emery County got beat up pretty bad. Centrally assessed properties is way out of line. Utah's new governor is very supportive of big business. He is for giving them all the breaks they can get. He is not going to do much to help us.

UAC and UCIP are sharing a building at this time. They propose that UAC is upstairs and UCIP is in the basement after remodeling. They are arguing the issue ownership of the building. UCIP may build their own building.

At RC& D meeting the Navajo nation from San Juan asked to have a booth at the Emery County Fair to sell rugs. It would be a silent auction. We would not charge them a fee because RC&D is a non-profit organization. The proceeds would go back to government agencies. However, they will not be selling rugs this year, but may in the future.

(22)

**ATTORNEY/CLIENT EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION  
AND PERSONNEL MATTERS.**

Commissioner Drew Sitterud made a motion to move into an executive session to discuss possible litigation and personnel matters.

Present at executive session was Commissioner Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, and Deputy Clerk/Auditor Carol Cox.

Attorney David Blackwell provided the an update of pending litigation and personnel matters.

(23)

**ADJOURNMENT**

Upon returning to the regular meeting Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

11  
COMMISSION MEETING MINUTES  
JUNE 21, 2005

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

JULY 5, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**CONSIDERATION AND APPROVAL OF SECOND ADDENDUM TO AGREEMENT WITH ECSSD#1.**

Commissioner Drew Sitterud explained that the cost of the boat ramp project in Joe's Valley was increased to allow for putting barricades up around the restrooms. The second addendum to agreement dated July 12, 2004 by and between Emery County and Emery County Special Service District #1 amends the amount of the project and supersedes and replaces the Addendum dated December 13, 2004. Commissioner Gary Kofford made a motion to approve the Second Addendum to Agreement dated July 12, 2004 by and between Emery County and Emery County Special Service District #1. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Commissioner Sitterud indicated that he received a call from DWR reporting on the many appreciative letters they have received regarding the new boat ramp. Everyone is very pleased with the new ramp. The DWR asked to put up a sign at the site identifying the many agencies co-ordinating efforts for getting the new boat ramp up and going.

(2)

**KAY KIMBALL, PRESENTATION/DISCUSSION OF FY2004 INDEPENDENT AUDIT.**

Kay Kimball, Kimball & Roberts, Independent Auditors presented the FY2004 Independent Audit report to the Commissioners. He reviewed the report which was combined with all the Special Service Districts. The management analysis highlights all the things that have happened in the county that may be of interest to the public. Emery County did not receive a management letter this year which is very good. This means that all of the departments were within the guidelines set out by the state. He commended Bruce Funk and Senior Deputy Clerk/Auditor, Brenda Dugmore and his staff for the great job they do for the county. He also commended Treasurer, Steven Barton and his staff. Emery County had a clean audit. Commissioner Drew Sitterud made a motion to accept the FY2004 Independent Audit Review as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(3)****CITIZEN CONCERNS**

Commissioner Drew Sitterud stated that two years ago Sharp and Sereta Snow paid a fee, \$100.00 for two booths during the fair. Sharp became ill and they were not able to use the booth. They were told they could use the fee for next year's booth. The next year the same thing happened and they were not able to use the booth. Commissioner Sitterud asked to have the \$100.00 refunded to the Snow's. Commissioner Gary Kofford made a motion to refund the \$100.00 fee back to Sharp and Sereta Snow to be taken from the fair budget. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Generally the Commissioners purchase a full page ad for the Fair Guide. A full page, color ad, with pictures is \$500.00. Commissioner Gary Kofford made a motion to do a full page color ad with pictures for the 2005 Fair Guide. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Ira Hatch discussed the process to write a management plan for the Lawrence Cemetery. The plan is in rough draft at this time. The Lawrence Cemetery is the only county owned cemetery in the county. We need to consider the governing of the cemetery. Do we create a Special Service District with a board and by-laws? Do we set up a governing committee? Do we continue as we have been with the Commission making the decisions? We need to look at making some decisions as to what direction to go.

Commissioner Hatch discussed with the other Commissioners that as the Commission approved in last Commission Meeting, the Travel Council was directed to get with Green River City and work out an Inter-local Agreement for staffing of the Information Center in Green River City. The Travel Council has put together a rough draft to be considered. It has not been reviewed by Attorney David Blackwell. When the document has been reviewed by legal council then it will be sent to Green River City for their approval. Then it will go back to the travel council for final review. The Commission will then take action on the agreement. Commissioner Sitterud asked if we had to wait for the final review to take action on the agreement. Commissioner Drew Sitterud made a motion to approve the authorization for the Emery County Travel Council to sign the inter-local agreement with Green River City pending approval of our legal council and the Green River City Council. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(4)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #170223 through and including #170343 for payment.

Requisitions were presented for the following:

<b>REQUISITION</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>	<b>ACTION</b>
43-05	3800 xch Livescan-Fingerprint Sheriff	37,643.00	Approved
44-05	Internet for ambulance garages Ambulance EMS Grant	3,330.38	Approved
45-05	GPS Units (3) IT	7,485.00	Approved

Commissioner Sitterud asked for approval to have Jeff Guymon, IT clean up three computers that are traded out of the departments to donate to the fair to use for drawings for teenager day. They will be drawing for a four-wheeler donated from Sportsmen for Wildlife and other prizes donated from other places. Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims, requisitions and authorize Jeff Guymon to prepare three computers for a donation to the fair for prize drawings. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(5)**  
**APPROVAL OF PERSONNEL ACTION**

Pat Snowball has retired. A new Personnel Director has not been hired yet. Commissioner Ira Hatch presented the following Personnel action:

**Recorder's Office- Archivist**

Advertising was posted for the position of Archivist after the resignation of Shirley Spears. Six individuals applied for the position, three were interviewed. Dottie Grimes was recommended for the part time position starting July 6, 2005 at less than 20/hrs per week. Commissioner Drew Sitterud made a motion to hire Dottie Grimes as Archivist, part time, less than 20/hrs per week as proposed. The motion was seconded by Commissioner Gary Kofford

COMMISSION MEETING MINUTES  
JULY 5, 2005

and approved by all members present.

**(6)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the minutes dated June 21, 2005 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(7)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported on a recent Joint and Non-Urban Highway Committee where they toured Moore Road.

He met with Utah Power and Light and discussed the schedule of construction of a scrubber and bag house on Huntington Unit 2. Construction will start July 2005 and be completed winter of 2006 at an approximate cost of \$140,000,000.00. The company doing the construction for UPL will be bringing construction workers into the area as well as working with Work Force Services to utilize available local labor as construction goes on.

*Commissioner Sitterud*

Commissioner Sitterud and Sgt. Bill Downard recently met with State E-911 Project Manager. Sgt. Downard has written a grant to help Emery County get funds to get a new E-911 system.

Canyon Country Partnership recently met at the Museum of the San Rafael. IT Director Jeff Guymon made an addressing presentation for the group. The CCP has committed to trying to match up the numbering process for the BLM, Forest Service and Emery County road numbers so that they all conform to the same numbering.

Commissioner Sitterud attended a RS2477 litigation meeting. Emery County has filed a lawsuit on June 29, 2005 asking a judge to reopen seven public roads that were shut down by the federal government. The lawsuit claims that the Bureau of Land Management illegally closed seven roads in Emery County. Emery County will hold no interviews for the media or anyone else until the matter has been mitigated.

*Commissioner Hatch*

COMMISSION MEETING MINUTES  
JULY 5, 2005

Commissioner Hatch reported that he and Commissioner Kofford attended UAC Commissioner Council person meeting in Richfield. They discussed trade out of federal funds for state funds on road projects and the process for getting projects on the state transportation improvement list. They were treated to a High Definition Television demonstration by all the broadcasting stations in the state. Emery County will hold a similar demonstration during the 2005 Emery County Fair. They also discussed county's involvement with Special Service Districts and the legal aspects of that. Also the counties's desire to have more local representation on the Wildlife Reserve Board.

Commissioner Hatch and Rex Funk attended a meeting in Salt Lake City hosted by the Jurisdictional Task Force Committee. The state, for matters of economy and efficiency, wants to give selected state transportation routes back to the local government. Then they will take the county and city transportation routes that we want.

**(8)**  
**ATTORNEY/CLIENT EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not necessary.

**(9)**  
**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JULY 19, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor, other elected officials and citizens.

(1)  
**BOB GREENBERG, DISCUSSION/APPROVAL OF PURCHASE OF REMOTE  
CONTINUOUS ALCOHOL MONITORING EQUIPMENT.**

Bob Greenberg, Four Corners Behavior Health discussed an ongoing problem with participants in the drug/alcohol monitoring program. Alcohol moves out of the system quickly and the participants have figured this out. New technology has developed a device to monitor the participants continually. SCRAM, Secure Continuous Remote Alcohol Monitor, is a bracelet monitor that allows early intervention when a problem occurs and gives you the ability to deal quickly and reliably with violations. The bracelet is worn on the ankle and samples the subject's perspiration at least every hour, 24 hrs a day. It is water-resistant, tamper-resistant and wear resistant and guaranteed for three years. All offender data and testing results are accessed via the Internet, from any location, using a standard Web browser. The cost for a bracelet is approximately \$1,500.00 with a fee of \$4.25 a day for the monitoring software. Users of the bracelet would be assessed a fee to help compensate the county for the cost associated with the use. Under the drug program, the court would order the use of the device which would be monitored and assessed the use fee by drug court officer, Shaun Bell. At this time there is no available funds to purchase the units. The drug court grant has been fully exhausted. He proposed the county purchase fourteen units and the county would be reimbursed by the user over a period of time. Commissioner Hatch stated that he had no problem with looking for available funds to purchase a portion of the units. Commissioner Drew Sitterud made a motion to search for funds to fund a portion of the request to purchase remote continuous alcohol monitoring equipment for the drug court program and authorize the purchase pending the availability of funds. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)  
**APPOINTMENT TO NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT  
BOARD OF DIRECTORS.**

There are four positions open for appointment to the NEWUSSD board of directors. Those



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JULY 19, 2005

individuals whose terms expire this year are: Randy Bell, William Coyne, Carl Fillmore, and

Raymond Quinn. Advertising was done for interested individuals to serve on the board. Commissioner Gary Kofford made a motion to re-appoint Randy Bell, William Coyne, Carl Fillmore and Raymond Quinn to the North Emery Water Users Special Service District Board of Directors. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**SOUTHEASTERN UTAH JR. LIVESTOCK REPRESENTATIVES TO THANK THE COUNTY FOR SUPPORT OF THE SHOW.**

USU Extension Agent, Dennis Worwood came before the Board of Commissioner to thank the county for support of the 2005 livestock show. He indicated that the show was essentially the same as last year. They had approximately 250 exhibitors of which about half were local participants. The sale brought about \$100,000.00 which was slightly higher than normal. Approximately sixty to seventy youth and adults volunteered to participate in the preparation process. He again thanked the County and County Commissioners for their support of the Southeastern Utah Jr. Livestock Show.

(4)

**CITIZEN CONCERNS**

Dan Hunter expressed concern for a county road that goes up Mohrland Canyon and on top of Gentry Mountain that goes through a large block of private land that belongs to Co-op Mine Organization. He has this land leased for grazing. He has arranged a hunting lease for some people that are leasing the hunting privileges from them. He is having some issues with access and trouble keeping the general public on the county road. He has had that area put into a CWMU Cooperative Wildlife Management Unit. He asked the Commissioners to consider letting him fence the east side of the county road across the top. This would make it so the public could not drive in the property, they would have to cut the fence. Since putting in the first fence on the south at the top of Morhland Canyon they have had success with the reappearance of game on the south end. Fencing slows down vehicle access, it does not prevent it. They have had the fence cut several times during the hunting season. Basically, fencing keeps the relatively honest people out. It is a fairly large piece of roadway and they do not want to violate the County's interpretation of where their right of way and access is. They do not want to diminish the county's access to maintain that important access through that property. He has been asked by the owners to come to the county and talk about this aspect. They do have a fencing crew. They do not want to do anything differently than what the county would like done. They would like to proceed with the fencing of the right of way. They hope to get the fencing done before

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the hunting season begins. They will also be looking at putting in a cattle guard at Morhland. Would the county like to view the line and help him do preliminary staking? Commissioner Hatch expressed concern that the fencing not be in the right of way or intrude on the maintenance of the road. Commissioner Hatch recommended Mr. Hunter get with Rex Funk and Morris Sorensen and review the project proceeding with fencing the county right-of-way and installation of cattle guard and improvements are to comply with county standards and specifications.

(5)

**CONSIDERATION AND APPROVAL OF JUSTICE ASSISTANCE AND BUFFER ZONE GRANTS.**

Sheriff LaMar Guymon explained that the Buffer Zone Grant is a grant to provide a vehicle to transport the hazmat team. The grant is in the amount of \$47,580.00. He requested a line item be created within his department to allow for receiving and expending the funds. Commissioner Drew Sitterud made a motion to approve the Buffer Zone Grant and authorize the Clerk/Auditor to create a line item to allow for the pass through of the funds. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

The Justice Assistance Grant is for the Drug Task Force. The signature page needs to be corrected. Commissioner Drew Sitterud made a motion to approve the Justice Assistance Grant for the Drug Task Force as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF.**

Senior Deputy Clerk/Auditor, Brenda Dugmore presented a request for an ambulance write-off from Thomas Rusenberg. The insurance company has paid all they are going to pay on this account. The balance owing is \$445.10. Mr. Rusenberg sent a check for \$200.00 in hopes that the Emery County Commission would consider the account paid in full. After reading the letter from Mr. Rosenberg and the notes from JCI Billing Commissioner Gary Kofford made a motion to return the check for \$200.00 to Mr. Rosenberg and bill him for the entire amount of \$445.10. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

COMMISSION MEETING MINUTES  
JULY 19, 2005

Business license applications were presented as follows:

Ben Grimes, DBA: Bagrimes Photography, an Internet photography and fine art service.

Clay and Carolyn Wright, DBA: CC Ranch, a horsemanship training school.

Commissioner Gary Kofford made a motion to approve business licenses for Ben Grimes and Clay and Carolyn Wright as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**

**SETTING OF PUBLIC HEARING TO AMEND THE ORDINANCE DESIGNATING EMERY COUNTY ROADS, STREETS, OR HIGHWAYS OPEN FOR OFF-HIGHWAY VEHICLES AND FINALIZATION/APPROVAL OF MAP.**

Commissioner Drew Sitterud made a motion to set a Public Hearing for August 16, 2005 at 5:00 pm. in Green River and September 6, 2005 at 5:30 pm. in Castle Dale to amend the ordinance designating Emery County roads, streets, or highways open for off-highway vehicles and finalization/approval of route designation. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**

**DISCUSSION/APPROVAL OF PETTY CASH AT LANDFILL**

Commissioner Kofford stated that the Landfill office needs to keep petty cash on hand to provide change for contractors. Commissioner Gary Kofford made a motion to approve \$100.00 petty cash account for the Landfill. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Mark Hymas, Manager of Landfill Operations will get with Brenda in the Clerk/Auditor's office to set up the procedures.

**(10)**

**DISCUSSION OF MANAGEMENT OPTION FOR LAWRENCE CEMETERY.**

Commissioner Gary Kofford made a motion to authorize Commissioner Ira Hatch to put together a core group to look into the options for management of the Lawrence Cemetery and to bring a recommendation to the Commissioners for approval. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #170514 through #170670 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
46-05	Rescue Chain Saws (10) Sheriff	8,729.72	Appro ved
47-05	SPAM Filter Appliance IT	1,120.32	Approved

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit list, additional claims and requisitions for payment. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford informed the Clerk/Auditor's office that the roof replacement project at the Road Department is complete. The company will have their final inspection and then issue a fifteen year warranty certificate to the county.

**(12)**  
**APPROVAL OF PERSONNEL ACTION**

**A. Appointment of Drug Task Force agent.**

Request was made to move Brooke Smith from Drug Task Force to Patrol Deputy and reduce his pay back to the respective wage. Request was made to move John Barnett from Patrol Deputy to Drug Task Force with an increase in his salary of one grade and three steps, as well as on call pay. Commissioner Drew Sitterud made a motion to approve moving Brooke Smith back to Patrol Deputy with the respective decrease in salary, and move John Barnett from Patrol Deputy to Drug Task Force at the proposed rate with on call pay. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

COMMISSION MEETING MINUTES  
JULY 19, 2005

B. Personnel Director

Commissioner Hatch explained that advertising was done for a Personnel Director. They received many applications. Interviews were conducted. Commissioner Hatch recommended hiring Mary Huntington as Personnel Director at a grade 18. Mary will be available to begin work on July 26, 2005. Pat Snowball will spend some time with her to get her up to speed. Commissioner Drew Sitterud made a motion to hire Mary Huntington as Personnel Director at grade 18 beginning July 26, 2005. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

C. Travel Bureau

Commissioner Drew Sitterud made a motion to advertise for two part-time, less than 20/hrs. positions and one 90 day temporary position to operate the information center at the John Wesley Powell Museum in Green River. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

D. Event Insurance for Rodeo, Pageant and Fair

Commissioner Gary Kofford indicated that Recreation Special Service District Director Shannon Hiatt had contacted him regarding event insurance for the Desertview Pro Rodeo, Emery County Fair and parking during the Castle Valley Pageant. With the Recreation District coordinating the fair for the first time this year and Pat Snowball retiring, acquiring the needed insurance certificate was lost in the shuffle. The Board of commissioners asked that Senior Deputy Clerk/Auditor Brenda Dugmore look into getting the needed certificate for these coming events.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the minutes dated July 5, 2005 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

COMMISSION MEETING MINUTES  
JULY 19, 2005

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported on the Miss Emery Scholarship Pageant. Shayla Pitchforth , was crowned Queen, Christine Johansen, 1<sup>st</sup> Attendant, Shawna Rogers, 2<sup>nd</sup> Attendant. There were eight girls involved in the pageant this year.

The Museum board met at Range Creek this past week.

Gordon Topham retired from State Parks.

Four names have been submitted to the governor for consideration to the Wildlife board. We will not know anything on that appointment until September.

He reported on the progress of putting up the new digital television tower at Cedar Mountain. He stated that Bret Mills is doing a great job on the project.

*Commissioner Kofford*

Commissioner Kofford reported that he and Ray Petersen attended a training session with the Forest Service and BLM regarding RMP'S with government entities. They received good ideas on working through documents.

*Commissioner Hatch*

Commissioner Hatch reported that on July 14, 2005 he, Gary Kofford, Drew Sitterud, Ray Petersen and LaMar Guymon joined Kathleen Clark, Sally Wisely and others from the Department of the Interior on the Wedge.

He met with Bruce Hilliard from Florida along with Leon Defriez and Mark Johansen regarding Huntington Airport and getting things going again out there.

(15)

**ATTORNEY/CLIENT EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION**

8  
COMMISSION MEETING MINUTES  
JULY 19, 2005

**AND PERSONNEL MATTERS.**

An Executive Session was not needed.

**(16)**  
**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

AUGUST 2, 2005

Present at the meeting was Commissioner Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DONNA SACKETT, UPDATE ON SENATOR BENNETT ACTIVITIES.**

Donna Sackett, Central Utah Area Director for Senator Bennett's office introduced her staff members Bruce Richeson, senior advisor and Kylene Brooks, constituent liaison. She provided an overview of Senator Bob Bennett's activities. She reported on transportation appropriations, PILT or payment in lieu taxes, oil development and also hazardous fuel reduction on the forest and public lands. She made herself as well as her staff available for questions and offers of assistance with constituent problems with other agencies. Ray Petersen, Public Lands thanked Senator Bennett and his staff for their support for the County's position regarding Wild and Scenic Rivers.

(2)

**CONSIDERATION AND APPROVAL OF DISTRIBUTION OF 2004 MISS EMERY SCHOLARSHIPS.**

Commissioner Sitterud explained that Allison Wells, Miss Emery County 2004 does not want to return to school this year. Allison would like to serve a mission for the Church of Jesus Christ of Latter-Day Saints. Allison asked to have her scholarship award of \$500.00 sent to her Ward Bishop for her mission. Miss Utah Scholarship Pageant was contacted to confirm that this would meet with their approval. Commissioner Drew Sitterud made a motion to forward her \$500.00 scholarship award to her home ward bishop for her mission. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**APPROVAL OF REVISION TO PCIFB LOCAL CAPITAL IMPROVEMENT LIST.**

Commissioner Drew Sitterud discussed the need to place the drainage improvement project for the museum of the San Rafael on the Public Community Impact Funding Board priority list. The project will cost \$110,000.00 of which the county is asking for one half in grant funds and the county will pay the remainder. Commissioner Drew Sitterud made a motion to put the museum project as top priority on the PCIFB improvement list. The motion was seconded by Commissioner Gary Kofford and approved by all members present.



(4)

**CITIZEN CONCERNS**

Sheriff LaMar Guymon informed the Commissioners that the Emery County EMT Association submitted a request to PacifiCorp to fund the purchase of a training monitor manikin at a cost of approximately \$8,000.00. PacifiCorp granted the request and presented the EMT Association with a check for \$5,000.00 to be used toward that purchase.

(5)

**CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING FOR BAILIFF SERVICES TO THE SEVENTH JUDICIAL DISTRICT.**

Commissioner Gary Kofford made a motion to approve the MOU for Bailiff services to the Seventh Judicial District. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION OF SALE OF COUNTY OWNED PROPERTY 4-54-6.**

Commissioner Hatch explained that this is a piece of property located at approximately 1350 East 2000 South in Lawrence. He read the policy and procedures for disposal of county property.

Commissioner Gary Kofford made a motion to get with Leslie Bolinder to begin the disposal of county property process, establish a value for the land and sell the property. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**RE-ADDRESS CONSIDERATION OF SALE OF COUNTY OWNED PROPERTY 1-50B-6**

Commissioner Hatch explained that this is a piece of property located at approximately 500 West 40 North in Cleveland. Commissioner Gary Kofford made a motion to get with Leslie Bolinder to begin the disposal of county property process, establish a value for the land and sell the property. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**  
**CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY UTU-0144416  
AMENDMENT (GREEN RIVER COMMUNICATION SITE)**

Commissioner Drew Sitterud made a motion to approve Right-of-Way UTU-0144416 Amendment which allows the use of public land for construction of a communications tower. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**  
**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR  
STEWART/WALSH.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented a request for ambulance write-off from Nathan Stewart. His insurance has paid all that they will pay. Mr. Stewart is not able to work as a result of his accident and as a result is not able to pay the remaining \$118.60. Commissioner Drew Sitterud made a motion to write-off the remaining \$118.60 of his ambulance bill. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

A second request was presented for Kathleen Walsh. Ms. Walsh has made no attempt to pay any amount on the bill. Commissioner Gary Kofford made a motion to deny the request at this time. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**  
**DISCUSSION OF PAY RAISES FOR SHERIFF DEPARTMENT EMPLOYEES.**

Sheriff LaMar Guymon presented the Commissioners with an in-house study comparing law enforcement salaries in Carbon and Emery Counties as well as Utah Highway Patrol. The study particularly looked at beginning salaries of experienced, certified and uncertified employees. The study also included average wages of employees in the private sector such as coal miners and truck drivers. This comparison was to show what the average worker can make in the private sector compared to public service. Several deputies were present to express their support for a proposed ten percent salary increase. Sheriff Guymon commented that even with a ten percent increase in wages they would still not meet the wages of other agencies. That would take a twenty percent increase. He indicated that he is in jeopardy of losing one of his deputies now to UHP. These officers are costly to replace. It takes a year to send an officer to POST to certify. These men have a hard time raising a family on these wages. One deputy indicated that his brother, who is not POST certified was just hired by UHP and is making more than a dollar more and hour than he is with POST certification and five years experience. Another deputy expressed concern that many of the deputies, based on their income, qualify for food stamps and

COMMISSION MEETING MINUTES  
AUGUST 2, 2005

WIC programs. The deputies asked that the Commissioners take a look at the comparison study and consider their request.

Commissioner Gary Kofford reminded the deputies of their benefit package. Insurance premiums have increased eleven percent this year. The county pays \$10,000.00 to \$15,000.00 per year, per employee for benefits. Some employees take home less money than what their insurance package costs per month. Because we live in a rural area insurance rates are higher. If we lived on the Wasatch front we would have lower rates due to the competition. Wages are one of the things we trade off to live in this area. At this time employees do not pay any of their premium, the county pays it as your benefit package. He suggested that they take a look at the insurance packages of these other agencies. Many have to pay a percentage of their benefit package as well as higher deductibles.

Road Supervisor, Rex Funk stated that he is having similar problems within his department. He recently lost an employee to the private sector. He is finding it increasingly difficult to find people willing to work for the wage the county offers.

All three Commissioners indicated they would work on a solution as they move into the budget process this fall.

(11)

**CONSIDERATION AND APPROVAL OF DRUG COURT AGREEMENT**

Commissioner Gary Kofford made a motion to approve the Drug Court Agreement. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF CELL PHONE REIMBURSEMENT FOR BUILDING INSPECTOR.**

Commissioner Gary Kofford made a motion to approve \$45.00 a month cell phone reimbursement for Bob Bennett, Building Inspector. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF PAYMENT IN LIEU OF TAXES REQUEST BY EMERY COUNTY HOUSING AUTHORITY.**

Commissioner Drew Sitterud made a motion to deny the request of Emery County Housing Authority for payment in lieu of taxes. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit list and additional claims #170799 through #170932 for payment.

There were no requisitions.

Dispositions were presented as follows:

#160-6327 1996 Chrysler Concorde to be sold at the next auction, 146-7231, 144-6582, 580-7323, and 138-7191 computers to used at the county fair for prize drawings.

Commissioner Drew Sitterud made a motion to approve payment of the Warrant Check Edit List and additional claims and the dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

**APPROVAL OF PERSONNEL ACTION**

Personnel Director, Mary Huntington presented the following Personnel action:

Planning & Zoning

Request was made to give Margaret McMullin her routine progressive increase effective August 6, 2005. Commissioner Gary Kofford made a motion to approve a routine progressive increase for Margaret McMullin as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Museum of the San Rafael

Jan Pettersen will have completed her six month orientation period on August 15, 2005. Request was made to give her a one step increase as prescribed by policy. Commissioner Drew Sitterud made a motion to allow a one step increase for Jan Petersen as of August 15, 2005 as described in the personnel policy. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sheriff's Department

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Michael Van Wagoner reached his one year anniversary employment date on July 26, 2005 and is now eligible for a routine progressive wage increase. Clayton Bell has completed POST certification and is now eligible to move into public safety with the appropriate routine wage increase. Commissioner Drew Sitterud made a motion to approve the routine wage increases for Michael Van Wagoner and Clayton Bell as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Road Department

Duston Tucker has terminated his employment with Emery County as of August 5, 2005. Rex Funk requested approval to hire two people as full time employees with a salary grade 12. He would like to post in house for five days for an Equipment Operator to fill Duston's position and post in house and outside for an Equipment/Driver Operator 1 after Duston's vacated position has been filled. Commissioner Gary Kofford made a motion to approve posting in house to fill the equipment operator position and table posting in house and outside for equipment/driver operator. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

HIPPA Privacy Officer

Mary Huntington asked to have Pat Snowball's name removed as the HIPPA Privacy Officer. She asked to have her name submitted as the new HIPPA Privacy Officer for Emery County. Commissioner Drew Sitterud made a motion to appoint Mary Huntington as Emery County's HIPPA Privacy Officer. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated July 19, 2005 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(17)**

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported on the Miss Emery Pageant. He reported on the success of the Desertview Pro Rodeo.

He has been appointed to the CIB Board.

7

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He spent a week with the BLM RAC at Factory Butte. This area has been open for OHV travel for ten years. Sierra club has put a court order in to stop the OHV travel.

He thanked Morris Sorensen, Sheriff Guymon, Kyle Ekker for their help during the Fair preparations.

Camping will remain as is for now at the Wedge.

*Commissioner Kofford*

Commissioner Kofford reported that the new Building Inspector, Bob Bennett started work last week.

*Commissioner Hatch*

He welcomed Mary Huntington as the county's new Human Resource/Personnel Director.

He reported on the meeting with Congressional Representative Jim Matheson. Elected officials and other county and city officials were in attendance. It was a good meeting.

He reminded the other Commissioners of the upcoming Jurisdictional Transfer of Roads Committee meeting.

Also there will be a Help Vote America meeting in Richfield. Bruce Funk and Gary Kofford will be attending that meeting.

Risk Management met recently to begin working on the county's point record to improve the county's rebate on insurance premiums.

**(18)**

**ATTORNEY CLIENT EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An Executive Session was not needed.

**(19)**

**ADJOURNMENT**

8

COMMISSION MEETING MINUTES  
AUGUST 2, 2005

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY SHERIFF'S COMPLEX IN GREEN RIVER, UTAH

AUGUST 16, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Sr. Deputy Clerk/Auditor Brenda Dugmore, other elected officials and citizens.

The meeting was called to order at 4:00 p.m.

(1)

**RATIFICATION/APPROVAL OF RIGHT-OF-WAY GRANT AND TEMPORARY USE PERMIT FOR THE TEMPLE MOUNTAIN ROAD (UTU-79524).**

The right-of-way extends from U-24 to Temple Mountain Road/Goblin Valley Junction. This right-of-way is from the BLM. Documents have been signed in preparation of a temporary use permit. Commissioner Drew Sitterud made a motion to accept the right-of-way temporary use permit. Funding for this project is a 50/50 grant/match. The Emery County Special Service District #1 has set aside the matching funds. Commissioner Gary Kofford seconded the motion and it was approved by all members present. It was also mentioned that the Utah State Parks has set aside \$300,000 to build a visitor's center at Goblin Valley.

(2)

**DISCUSSION OF GRAND COUNTY CONSOLIDATION OF SPECIAL SERVICE DISTRICTS WHICH WOULD INCLUDE PART OF EMERY COUNTY.**

Emery County received notification from Grand County their intent to consolidate their special service districts. A portion of the district would include Emery County. Mr. Bill Love was present to voice his concern over the proposal. Mr. Love is a member of a committee of 500 citizens who are working to stop this reorganization. Mr. Love stated that Grand County wants to add the services of water and sewer. All citizens within the proposed boundaries would be liable for any future bonds. The district is looking at a multimillion dollar water project. There are already concerns of water shortages and the district is looking at adding another 2,000 acres to their boundaries. Mr. Love is asking all those concerned to voice their disagreement and ask to be exempted from this district. Mr. Love stated a lot of people in Grand County are against this proposal. Attorney David Blackwell has been in discussions with the Special Service District's attorney. This proposal would be deemed rejected if we do not approve it within 30 days. Mr. Blackwell is looking into getting a written agreement with the District stating that the portion in Emery County would not be taxed for the new projects since Emery County will not be receiving any services. Individuals may file written requests of protest. Mike Suarez urged the Commission to take their time on this issue. His concern is when the District needs additional money all prior promises may be off. Commissioner Gary Kofford made a motion to



table this item and instructed Attorney David Blackwell to continue to work with Grand County's Attorney understanding if we do not submit a letter of support it is the same as rejecting the proposal. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN STATE OF UTAH AND EMERY COUNTY - HELP AMERICA VOTE ACT OF 2002 VOTING SYSTEM.**

This agenda item is in relation to the Help America Vote Act of 2002 enacted by the Federal government. The election in Florida created a stir and the government has taken a mass approach to a localized problem. The federal government allocated funds to the State to help counties comply with the law. A meeting has been set up on August 29, 2005 with Lt. Governor Gary Herbert to discuss our options. Commissioner Gary Kofford made a motion table this item until they have a chance to meet with the Lt. Governor. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF FY2006 CONTRACT BETWEEN EMERY COUNTY AND THE SOUTHEASTERN UTAH AREA AGENCY ON AGING.**

Emery County has an agreement with the Southeastern Utah Area Agency on Aging (SEUAAA) to operate the Senior Citizen program. The AOG operates on money received from the State and Federal government and Emery County contributes local funds. Commissioner Drew Sitterud made a motion to approve the contract with SEUAAA. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF RESOLUTIONS FOR EXTENSION OF CULINARY WATER LINES IN NORTHERN EMERY COUNTY.**

Attorney David Blackwell explained that the Price River Water Improvement District has proposed a sample resolution that would extend its water lines further into Emery County. The County would not oppose this proposal because Price River Water would be providing services. The resolution is not ready to be approved at this time. It would first have to be approved by Carbon County. Any future developments would have to be approved by the Emery County Planning and Zoning department. Mike McCandless voiced his concern over whether the two districts would have overlapping boundaries. Commissioner Drew Sitterud made a motion to have Attorney David Blackwell continue to work with the Price River Water Improvement District to work out the details. The motion included approving the concept of the extension of

water lines. The motion was seconded by Commissioner Gary Kofford and approved by all

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Commission Meeting  
August 16, 2005

members present.

**(6)**  
**CONSIDERATION AND APPROVAL OF AGREEMENT WITH UTAH POWER & LIGHT ON THE HUNTER/SR 10 INTERCHANGE.**

This item was tabled.

**(7)**  
**CONSIDERATION AND APPROVAL OF ACCESS AGREEMENT WITH UDOT FOR COUNTY ROAD #426 NEAR THE HUNTER/SR10 INTERCHANGE.**

Emery County has been working with Utah Power & Light and the Utah Department of Transportation (UDOT) to come up with a safer intersection for the traffic at the Hunter/SR10 interchange. UDOT is requesting an agreement with Emery County that should the accident severity rate increase after the new interchange is in place, the County will work with UDOT to come up with a solution to make the County Road intersection safer. A last resort would be to move the intersection.

Commissioner Gary Kofford made a motion to approve the access agreement with UDOT for county road #426. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**  
**5:00 P.M. - PUBLIC HEARING - TO RECEIVE PUBLIC COMMENT ON AMENDMENT TO THE ORDINANCE DESIGNATING EMERY COUNTY ROADS, STREETS, OR HIGHWAYS OPEN FOR OFF-HIGHWAY VEHICLES AND FINALIZATION/APPROVAL OF MAP.**

Public Lands Director Ray Petersen stated that an ordinance was adopted in May designating OHV routes. Mr. Petersen read the proposed amendment to the ordinance and showed a map of the county road system. The roads on the map shown in green are designated to be open. The roads on the map shown in red are designated to be closed. Any change to a road designation would be done by amendment to the ordinance. The following comments and questions were addressed:

*Connie Copenhaver:* As part of the Green River Chamber of Commerce they are encouraging Green River to become an OHV destination place. If a road is developed as an OHV route how difficult would it be to get the road designated open for OHV travel? Mr. Petersen stated it would have to go through the same amendment process that is being done today.

*Mayor Johnson:* Is it possible to go from Green River, San Rafael Road, Goblin Valley Temple Mountain across I-70 to Buckhorn Draw. There is a round about route that would get you to all of those places. Upon adoption of the County OHV system each City can re-enact their own ordinances designating OHV routes on city streets.

Mr. Petersen stated that the intent of this ordinance is to accommodate use. The only reason you can access a county road by an OHV is to get to other trail designated systems.

Patsy Stoddard: There were three roads in question when the original ordinance was adopted. What is the status of those roads?

Mr. Petersen stated the three roads in question were Buckhorn Draw, Bott Lane and Ferron Canyon. Buckhorn Draw is proposed to be closed. A portion of Bott Lane is proposed to be open. A portion of Ferron Canyon road is also proposed to be open.

With no further comment the public hearing was closed.

**(9)**

**REQUEST SUPPORT/FUNDING OF GREEN RIVER COMMUNITY CENTER.**

Mayor Johnson read a letter from Zina Willard in support of building a community center. Mr. Johnson requested any help the Commission can give to the community center. Kristine Monroe has collected letters from those that are willing to pay rent for space. Joni Pace stated that the community center has created 23 jobs. There are 13 youth mentors and recently have used 10 Americorp workers for projects in Green River. The community center builds economic growth.

Commissioner Hatch stated the Commission receives many requests for community projects. The Commission has been supportive of these projects but does not have the means for monetary support. Commissioner Sitterud suggested getting the project on the Community Impact Board (CIB) requests. The reason that the project did not get through the Association of Governments last time was it was on the wrong forms. Commissioner Sitterud stated that there would be a good chance that the CIB would fund the project.

**(10)**

**CITIZEN CONCERNS.**

*Sheriff LaMar Guymon:* Sheriff Guymon thanked the road department and especially Morris Sorensen for his help with the fair.

*Connie Copenhaver:* Ms. Copenhaver expressed her support for the community center. Getting

educated employees business is a major concern in the community. Members of the Chamber of Commerce are looking at ways to diversify Green River through other economic opportunities.

**Mayor Johnson:** Mr. Johnson submitted to the Commission a request for reimbursement of attorney fees for the Green River Annexation. Mr. Johnson read a letter from the city's attorney. Mayor Johnson feels that the County still owes \$14,000 in legal fees. He proposed that the fees come out of the attorney's budget. Commissioner Hatch stated that this subject has been hashed over several times. The initial annexation was instigated by Green River City. He feels that County has been more than fair by paying over half of the legal costs.

Mayor Johnson stated that melon days will be held September 16<sup>th</sup> and 17<sup>th</sup>.

**Dale Adams:** Mr. Adams moved from Santa Barbara California to Green River fourteen years ago. Mr. Adams has been asked to chair the revitalization committee. The entire subject of revitalization revolves around money. Mr. Adams has taken many pictures of Green River and feels it has been neglected for many years. According to Mr. Adams "There needs to be a plan for the future. Green River is on the verge of becoming a ghost town. One way to improve funding is to increase tourism but there has to be more than just gas stations, restaurants and motels. The downtown area needs to be developed. The time has come to do something instead of just talking about it. Green River needs to adopt the motto 'Just Get it Done' and work with the Commissioners and the other cities in Emery County to make this revitalization work."

(11)

**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 171108 through and including #171274 for payment.

Requisitions were presented for the following:

<b><u>REQUISITION</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>	<b><u>ACTION</u></b>
48-05	Marker and Tack Board for Command Center	5,250.00	Approved

Dispositions were presented for the following:

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<u>ASSET</u>	<u>DESCRIPTION</u>	<u>HOW DISPOSED</u>	<u>ACTION</u>
143-6534	HP Printer Laserjet	Auction	Approved
216-8005	Minolta Camera	Auction	Approved

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, Additional Claims and Requisitions as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members presented.

(12)

**APPROVAL OF PERSONNEL ACTION.**

Personnel Director Mary Huntington presented the following personnel action requests:

***Road Department***

Rex Funk has requested Dustin Deto be promoted from 9 month temporary hire to full time Equipment Operator/Driver with benefits. The job was posted in house for five days and Dustin is the only person who applied. He would start at grade 12 entry. This action would be effective August 29, 2005. Commissioner Gary Kofford made a motion to hire Dustin Deto as a full time employee. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

***Travel Council***

Mike McCandless has requested that Donna Hatfield be hired for the Information Center Specialist position in Green River. This position is a 90 day temp with no benefits. Commissioner Drew Sitterud made a motion to hire Donna Hatfield. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated August 2 2005 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(14)

**COMMISSIONER REPORTS**

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***Commissioner Sitterud***

Commissioner Sitterud thanked Morris Sorensen and the rest of the Road Department for their help at the fair. Commissioner Sitterud also thanked the Sheriff and his deputies for their help in making the fair successful. Friday morning the park was opened for the special needs kids. Commissioner Sitterud stated it was a touching event to be a part of.

***Commissioner Hatch***

Commissioner Hatch reported that Commissioner Kofford and Clerk/Auditor Bruce Funk attended a HAVA meeting in Richfield with Lt. Governor Gary Herbert. Commissioner Kofford also attended a road jurisdictional transfer meeting.

**(15)**

**EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

There was no executive session.

**(16)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting at 6:30 p.m.. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF A PUBLIC MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

AUGUST 29, 2005

Commission Chairman Ira Hatch called the meeting to order at 10:30 a.m. He stated the purpose of the meeting was to hear information from the Lieutenant Governor's office regarding the Help America Vote Act of 2002 and the state's proposal to purchase new voting equipment.

Commission Chairman Ira Hatch welcomed Lieutenant Governor Gary R. Herbert and staff member Joseph Demma.

Lt. Governor Gary Herbert summarized the state's desire to become compliant with the Help America Vote Act enacted in 2002. For more than eight months he and his staff has worked with election officials statewide to modernize the way we vote. Utah has implemented major election reforms such as provisional ballot voting, the statewide voter database and the selection of revolutionary voting equipment. The Help America Vote Act of 2002 (HAVA) is a landmark federal law drafted after the 2000 presidential election to improve voting system technology and election administration procedures. HAVA gives the states responsibility for fulfilling a long list of mandates. The deadline for implementing two of the most notable ones—statewide voter registration databases and disabled-accessible voting equipment— is January 1, 2006.

The Help America Vote Act gives states until January 1, 2006 to implement voting systems that meet the following requirements:

- \* Notify a voter if he/she over-votes, or selects more than one candidate for the same race, and gives him or her the opportunity to correct the ballot;
- \* Produce a permanent paper record with a manual audit capacity;
- \* Provide levels of access, privacy and independence to disabled voters that are equal to those available to other voters; and
- \* Provide alternative language accessibility in accordance with the requirements of the Voting Rights Act.

Utah, like most other states, has been precluded from moving ahead as quickly as election officials here had hoped. Even though HAVA was enacted in 2002, the states did not receive federal funding until June 2004, and the law has still not been fully-funded. Guidance expected from the U.S. Election Assistance Commission, created by HAVA to help the states implement the law, was not received until mid 2005.

Unfortunately, promised federal guidelines for voting systems were not released until mid-2005. Facing deadlines just months away, Utah was forced to move ahead with equipment purchases without the updated guidelines. Utah has required contractors to retrofit the equipment to ensure it meets voluntary federal standards.

A request for proposals was issued. We received responses from Diebold Elections Systems, Inc. and ES&S. A winner was selected after unanimous support by Utah's Voting Equipment Selection Committee. The Lieutenant Governor's office is currently in negotiations with all of Utah's twenty-nine counties as well as with Diebold Election Systems, Inc., the winning vendor. Utah will spend about 92% of our HAVA dollars on new voting equipment purchases. The breakdown of Utah's voting equipment in 2006 will be a mix of Direct Recorded Electronic Equipment (DRE Touchscreens) and optical scan for absentee ballots. The Lieutenant Governor and the Voting Equipment Selection Committee selected Diebold Election Systems, Inc. because their proposal received the highest scores in technical evaluations, security demonstrations, cost comparisons, and overall. Diebold's system produces a permanent paper record as required by Utah law and improves accessibility to voters with disabilities.

Under the state statute the Lieutenant Governor is the chief elections officer. He has the ability to mandate what system the counties use for elections. He would like the counties to make their own choice. However, the state will buy the equipment, and give to you at no cost to the county, if they choose to use the DRE's. The recommended number of DRE's is 1 per 119 voters for Emery County. He stipulated that there will be challenges as far as the Americans with Disabilities Act. He stated he realizes that there will be other costs associated with the election. However, you will not have to buy the equipment if you go with Diebold.

Diebold will have support persons assigned to each county to support and train personnel. Also Lloyd Carr is working on a storage, set-up and testing service. Maintenance of the DRE's will require the machines to be stored in a climate controlled area where they can be plugged in every three months for a couple of hours to recharge the batteries.

Commissioner Hatch asked about the paper trail in the event that someone wants a recount or to be assured that their vote was counted. Mr. Herbert answered that as per state legislation there must be an audit-able paper trail. There will be a paper receipt that will need to be counted by hand. It will be labor intensive and can be done. The Diebold people are working to develop a scan type of apparatus to count for you the barcode that is on the receipt. They hope to have this technology ready by June of 2006. This new technology will be part of the upgrade package that will be available to the county as part of the contract as technology progresses.

What kind of warrantee is on the machine?

The machines are warranted through 2009. The machine may be replaced or shipped back to Diebold for correction.

Commissioner Sitterud asked what recourse the County has if the machines fail? If the machines are not working you are not out anything because the state has provided the machines. The state has taken the risk out of it for the taxpayer as far as the machines are concerned. If you have to replace it down the road you will have to pay for it. If you do not choose to go with Diebold you will have to pay for it yourself. Whatever you choose you will have to be HAVA compliant.

Commissioner Hatch asked about multiple entities using the DRE's. Will our IT people be able to make the necessary changes to be used for say a special election or special precinct needs?

Mr. Herbert stated he did not see a problem with the machines being programed for our special



needs.

Commissioner Kofford asked about the encoder. It has not been shown at any of the showings. Mr. Herbert explained that it allows the judge to encode a card with your specific code that will tell the machine what ballot you need. Once that code is used you can not use it again.

Clerk/Auditor Bruce Funk asked how will provisional ballots be handled? Herbert indicated that provisional ballots will be handled as absentee ballots using the optical scan reader.

Mr. Funk expressed concern for the printer that Diebold presented and asked if ES&S's AutoMark will be certified by his office. Mr. Herbert indicated that ES&S has not submitted application to have the AutoMark certified as of yet. He did not foresee a reason to not certify the AutoMark.

A mock election testing was held in California using 96 DRE machines. The machines were set up in a warehouse with people rapid fire voting through the election process until they had done 10,000 ballots. They had twelve paper jams. On one of the papers the print was smudged. One machine had screen freezes. There were no votes lost. He expects that California will

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

SEPTEMBER 6, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**INTRODUCTION OF MISS EMERY COUNTY AND ATTENDANTS.**

Newly crowned Miss Emery County, Shala Pitchforth, was introduced to the Commissioners. She presented her goals and plans for the year. She is working on a Keys to Success program at Emery High School that encourages students to do their best. Huntsman's Motor has donated a car that will be drawn for at the end of the school year. Students who earn tickets for positive actions will be entered into the drawing. She thanked the Commissioners for the opportunity given to entrants to present their talents that the Miss Emery County Pageant offers to young women in the county. She thanked them for their support.

(2)

**DERRIS JONES, DWR, QUARTERLY UPDATE.**

Derris Jones, DWR presented the following quarterly update:

- \* Duck Fork Reservoir fish trap will be completed in the next couple of weeks. They will be removing spawning from the trap to check for disease. Will be ready for Spring of 2006.
- \* They have found another source for Colorado Cutthroat in Scad Valley.
- \* Elk classification is complete for 2005. They anticipate a good hunting season.
- \* They will continue to cut back on Elk tags in an effort to build up the herds.
- \* They will present an Antelope transplant plan through the RAC board process.
- \* Chronic Wasting Disease, they will be running a check station in Helper during the muzzle loader hunt to check for the disease.
- \* Bighorn Sheep hunt begins next week.
- \* Mitigation for gas wells in the Poison Springs area has been completed.
- \* Co-Op Mine has agreed to work with the DWR to mitigate eagle nest problems.

COMMISSION MEETING MINUTES  
SEPTEMBER 6, 2005

(3)

**MESIA NYMAN, FS- QUARTERLY UPDATE.**

Bill Broadbear, Ferron-Price Ranger District presented the following update:

- \* Range/Wildlife conducted a weed survey around Electric Lake. They surveyed 10,000 acres for noxious weeds.
- \* Grazing EIS has reached the end of its comment period. A decision will be announced soon on 31 sheep allotments on Skyline Drive.
- \* They have put in guzzlers for Sage Grouse in the Pines area.
- \* Sportsmen for Fish and Wildlife and SUFCO volunteers worked on 90 miles of motorized and non-motorized trails this season.
- \* Scout and dedicated hunter groups worked on projects in the Duck Fork area, Potters Pond, and Seely Guard Station. They are renovating the Seely Guard Station. The goal is to have the station be reserve-able by the public for a fee.
- \* Joe's Valley received fuels treatment of approximately 960 acres of pinion juniper in the Orange Olsen area, around the guard station and campground. They burned over 1500 acres in the Pines area as fuels reduction.
- \* They suppressed 15 wild fires this season, the longest in the Pines and White Knolls areas.
- \* They are leading the region in fire use acreage.
- \* They will be looking at potential boat ramps at Ferron Reservoir and Huntington Lake.
- \* They are getting good comments regarding the new boat ramp in Joe's Valley.

(4)

**PATRICK GUBBINS, BLM- QUARTERLY UPDATE.**

Mr. Gubbins was not able to attend the meeting.

(5)

**CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING  
FOR PERIMETER SECURITY SERVICES TO THE SEVENTH JUDICIAL DISTRICT.**

This is the same MOU as last year. Commissioner Drew Sitterud made a motion to accept the Memorandum of Understanding for perimeter security services to the Seventh Judicial District as written. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN STATE OF UTAH AND EMERY COUNTY FOR VOTING EQUIPMENT TO COMPLY WITH THE HELP AMERICA VOTE ACT OF 2002 VOTING SYSTEM.**

Commissioner Ira Hatch explained that they have before them an agreement between the State of Utah and Emery County for voting equipment to comply with the Help America Vote Act (HAVA) of 2002. This is something that was mandated by the federal government in reaction to the voting problems that surfaced in Florida's last election. There was great wisdom used by Congress in putting together guidelines and money to help fund this effort. This is an effort to hopefully get everyone on line and in compliance with helping people vote. There has been much talk about this effort. There are pluses and minuses associated with this agreement. Lieutenant Governor Gary Herbert is the Chief Election Officer for the State of Utah over the election process. His office sent out for bids for proposals for election equipment. The State of Utah awarded the bid for the election equipment to Diebold Election Systems, Inc.. The agreement that is before the Commissioners today is whether the county will buy into the state's program. The state would provide some of the equipment needed to comply with the HAVA requirements. We would still have some considerable expense involved with the election. We have the option of not going with the state's program but upgrading our present system. This would mean we, the county would bear all the expense of the election with no help from the state.

Commissioner Hatch opened the meeting up for comment or discussion on this matter.

Clerk/Auditor Bruce Funk stated that he has spent more time on this issue than anyone. He has been actively involved with the election process for over twenty years. He has looked at the pros and cons of this issue. Elections is the most critical aspect of his office. It is one of the things he takes most pride in; in assuring the voter that every vote is counted. There are those who make accusations about him and his office and he says to them they are unfounded. He has removed situations that were questionable, he has put people in positions to add credibility. The election process is important to him. One of the great rights we have is the right to vote. The other is the right to free speech. In September of 1996 he made the decision to go to the optical scan ballot, which is what we are using now, realizing that Emery County would be the only county using it and we would have to fend for ourselves. The majority of the state was using the punch card system. He would not have the support that the other counties would have. He had seen the problems with the human error factor and was not comfortable with the punch card system. He was not comfortable with the ability for a recount. He felt it was important to have a paper trail. He felt it was important that the voter have a paper ballot that they could hold in their hand and deposit in a ballot box. After HAVA was implemented, we, as county clerks set up a election committee made up of county clerks, people from the disability group, legal people, etc. He chose not to be on this group because he wanted to wait and see if there was something in future

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election technology. At that time Lt. Olene Walker indicated to him that all we would have to do is become HAVA compliant and she would fund us for that mechanism. In the time since then we now have a new Lt. Governor. Mr. Funk's insistence for being there was if there was a new technology and if it was he felt was right for the voter he would support it, endorse it and implement it. We now have a new Lt. Governor who has tied up the purse strings to the HAVA money. It has put us in a precarious position because in order to become HAVA compliant we have two choices; we have to do it under their vendor, Diebold who won the state contract, or we stay with our vendor, Election Systems and Software, (ES&S). We would have to purchase the Automark to take care of the handicapped and hearing impaired. The Automark would also check for over-votes and those other things required under HAVA. To stay with our vendor that cost is a fixed cost of \$5,000.00 per precinct. It gives the voter the opportunity to have their ballot scanned, at their option, to see if they over or under-voted. Or it gives the voter the opportunity to go in and use the touch screen and mark their ballot. The same ballot that we use for every voter that passes through that polling place. The other thing is that we have one technology, one vendor. We have an optically scanned paper ballot that you can deposit securely on file and know that it is accountable. The law says that a vote must have an auditable paper trail. A paper ballot has integrity. As he tried to get pricing for touch screen, he cannot find a firm number. He can't give the Commissioners a firm number. He has gone back to the numbers he has read in the paper. He talked about the cost to Wayne County which is close to \$40,000.00 to go with Diebold's DRE's (Digital recording Equipment). Utah County will have to put up an additional \$300,000.00 mostly due to growth. Salt Lake County is talking millions of dollars. Mr. Funk projects that to stay with the state plan will cost the county over the \$45,000.00 required for the Automark in each of the polling locations. He cannot guarantee that number. Lloyd Carr, who is coordinating the programming, set-up and storage service cannot even come up with a price that he is comfortable with. We are going off into an unknown that none of us as county clerks are comfortable with. We are locked in. The state is holding the purse strings and there is no other direction for counties to go. Except for Emery County. We do have a structure in place. We have a ballot system with a ballot that you take to a voting booth then deposit into a ballot box and is counted by a optically scanned machine. They do not know what they are going to do with provisional ballots, whether they will be computerized or paper. Paper ballots for provisional ballots cannot have a number attached to them. We were promised that we would put in all Diebold optically scanned equipment. We would put in a central counter and have precinct counters for the handicapped and a touch screen that mark an optical scanned ballot. That machine is not out there. After all his work and effort he feels that, for the voter and the taxpayer, the only right decision would be to go with the optically scan ballot. Stay with ES&S and add the Automark that we know the cost of. We are going to have substantial cost with the other vendor. Just as we are with ES&S, but he knows what that amount would be. He can live with that amount and can take you through a presidential election with that amount. He talked about the recount of the roll of tape from the DRE if a recount is needed. It will be a laborious task. If he has to have a recount now on the optically scan he just runs it back through the machine. He can lock-up and secure the ballots and they do not have a climate controlled environment. He has kept quiet somewhat on this to the public up until now.

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He needs to let the public know where he stands. The Lt. Governor is the election official of Utah and he, Bruce Funk is the election official of Emery County. He doesn't like that responsibility. That puts a great burden on somebody. He takes this responsibility very seriously, just as the Lt. Governor does. The Lt. Governor has given us the option to opt out. He doesn't think that the Lt. Governor should be able to go back on his word and punish us for staying with ES&S. And yet the Commissioners feel this pressure. And others feel that might happen. Remember when we voted down the monument and we gave tens of thousands of dollars back to the state because we were afraid of them. At some point we need to stand up and say what we believe. If the Commissioners want to go with Diebold and the touch screen, he will support them. If he can't support them at some time, then he will step aside. They are making decisions and are saying who will do what and where. There are people here who are afraid to go against the state because of political appointments. He told the Commissioners's that their responsibility is to the citizens of Emery County, just as his is. It is not to the Lt. Governor. He, Bruce Funk needs to comply with state requirements. The ES&S optical scan equipment is 2002 certified. He believes that even though it is not the prettiest or most up to date it is the most trustworthy especially if we need a recount. If Diebold would have put the recount provision on the touch screen he could have bought into it. If activist groups challenge the election and we have to do a recount it can cost thousands of dollars and very laborious. He goes back on his experience of running an election for over twenty years.

Emery County Progress Editor, Patsy Stoddard asked in twenty years how many times have you had to have a recount?

Bruce Funk stated that it is not a frequent thing. Sometimes it is done a local level, we have had some on a state level.

Commissioner Gary Kofford commented that the Diebold (DRE) has three computer chips that records the votes. If something happens to one you still have the others. Legislature, under pressure from the people, did not want a paper ballot. So you cast your ballot on the DRE machine. If you under vote it won't let you cast your ballot if you over vote it won't let you cast your ballot. It still has some ways to go. If you wanted a recount on the present system you will be manually recounting a paper ballot. If you wanted a recount on the DRE you will be manually recounting the tape roll.

The law states that it must be counted from that portion of the ballot or the reel that the voter can read. It does not say that the line has to be manually recounted. This is House Bill #1005 John McDougal wrote that bill. As Lloyd Carr and Bruce Funk and Utah County Clerk met with McDougal in Utah Legislative session said what is they were trying to do, he said he wanted the voter to see how he voted. As they worked through the process and tried to get clarification, Bruce brought out a ballot that he used and showed it to Mr. McDougal and Mr. McDougal said that is exactly what he had in mind.

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There are several provisions in line if things were to go down. If the power goes out I have provisions in line to keep the election process going. If a machine goes down in Green River I have provisions in line to handle that.

Commissioner Kofford, if we stay on the ES&S system it will cost the county \$45,000.00 and the county is on our own provided we don't need additional machines in each precinct. If you go with the Diebold System as the state recommends, we will be entirely funded minus the operation and maintenance. This is the unknown. How much will that operation and maintenance cost on the machines in the future?

Bruce Funk, under HAVA you are required to provide the opportunity to the voter to check their ballot for over votes.

Commissioner Sitterud, when you cast your vote on the computer and you get to the end, the computer tells you if you have over or under voted and it tells you what you have to fix. When you finish it prints out who you voted for on a tape. The machine comes with a five hour back-up battery. During the mock election the state held at South Towne in Salt Lake City where the two machines were set up for the mock election both systems had a machine go down.

Patsy Stoddard asked if we stay where we are it will cost at the minimum \$45,000.00? If we go with the state's recommendation it will be funded entirely except for operation and maintenance by the state?

Commissioner Hatch indicated that there are some things we will have to pay for. The contract outlined the things the state will not pay for. We will need additional staff, additional training, supplies, transportation, we will have to have additional storage space, and other things as outlined in the contract. There are going to be additional cost involved. We don't know if these costs will exceed the minimum to stay with what we have.

Patsy Stoddard asked if the Diebold system will satisfy the handicap requirements?

Both systems will accommodate this requirement.

Commissioner Hatch stated that we all realize that we are going to have to become HAVA compliant. How we get there will be determined by the Lt. Governor. If we make some modifications to our existing system hopefully that will make us HAVA compliant. If we go with the complete Diebold Systems proposed by the state we would be compliant as that is what they are touting.

Bruce asked how they would propose he conduct a public testing of logic and accuracy? How can he test all forty machines for this public testing? This was an unknown.

Patsy asked what kind of cost are involved with the operation and maintenance on the machines

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we currently have?

Commissioner Hatch answered that we store the machines ourselves and the operation and maintenance is mostly done by Jeff Guymon, IT Technician. There are benefits both direction.

Commissioner Sitterud commented that if we do go with the Diebold and it doesn't work, we can drop it at anytime.

Commissioner Hatch commented that there is the possibility that If we don't go with Diebold at this time and later it is mandated it could cost us. We may not get help to get into the system.

Commissioner Hatch called for any additional comments. There were no more comments.

Commissioner Drew Sitterud made a motion to go with the state's recommendation and to approve the agreement to comply with the Help American Vote Act. The motion was seconded by Commissioner Gary Kofford. Commissioner Ira Hatch voted NAY on the motion. The motion passed with two for and one against.

(7)

**DISCUSSION OF BUILDING CODE BOOKS FOR CONTRACTOR PURCHASE.**

Building Inspector, Bob Bennett discussed the need to have building code books available for contractors to review in the office, check-out or buy at member price. Planning and Zoning has enough money in their budget to pay for two residential and 2 commercial code books. Commissioner Gary Kofford made a motion to approve the purchase of code books to be made available to contractors to purchase. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Sales tax will need to be charged to the sale price.

(8)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND MUNICIPALITIES FOR GENERAL BUILDING INSPECTOR SERVICES.**

Commissioner Gary Kofford explained that all the municipalities have now signed the agreement with Emery County for general building inspector services. Commissioner Gary Kofford made a motion to accept the contract as written. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF GRANT APPLICATION FOR BUSINESS DEVELOPMENT FOR DISADVANTAGED RURAL COMMUNITIES GRANT**



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**PROGRAM.**

Economic Development Director, Mike McCandless explained that the State Legislature this year approved \$250,000.00 through legislative action to set aside money for disadvantaged rural communities grant program. The new administration staff in the Lt. Governor's office had the task of determining how the money will be spent. They determined that they would develop a grant proposal program wherein the counties could apply for grants to receive the benefits. One prerequisite to filing for the application is to have the county commission approve of the process. He asked for authorization to work on a grant proposal to make application to receive funds for business development. He has not determined just what they are going to work towards at this time but will keep the Commissioners advised of the progress. Commissioner Gary Kofford made a motion to approve moving ahead with making application to participate in a disadvantaged rural communities grant program. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Commissioner Ira Hatch asked that the grant proposal be brought before the Commissioners again before it is submitted.

Commissioner Gary Kofford made a motion to take a break for a few minutes. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to leave the regular Commission Meeting and move into a public hearing to receive public comment on amendments to the ordinance designating Emery County roads, streets, or highways open for off-highway vehicles and finalization of the map. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(10)

**5:30 P.M.- PUBLIC HEARING- To receive public comment on amendments to the ordinance designating Emery County roads, streets, or highways open for off-highway vehicles and finalization/approval of map.**

Ray Petersen, Public Lands Director provided a brief review of the process preceding the approval of the amendments being presented today. He read the proposed amendment and reviewed the proposed map.

Comments were received as follows:

Mike Swensen, Executive Director of USA-ALL provided written comment in support of the ordinance in its entirety with the exception of closing Buckhorn Wash Road. Stating that if there was a parallel route to the Buckhorn Wash Road worked out then he would be in support of closing the road. He also asked for a noise ordinance.

Ruth McCour, BLM Price Field Office was in support of the overall ordinance. She looks

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forward to working with the county and working on the process. She applauded the various clubs that assisted with the work.

Pete Jones, OHV Club member, asked about the young four wheelers who are driving. Ray pointed out the section in the ordinance that addresses the operation of OHV's by underage drivers. He also asked what prompted the decision to close the Buckhorn Wash.

Commissioner Hatch explained that the committee could not come to a consensus. There were safety issues involved.

Boyd Wilson agrees with the ordinance with the exception of closing the Buckhorn Wash. To his knowledge there have been very few accidents on that section. He feels it bottlenecks the system from the bridge to the rest of the system. If you are not going to open it then close it and begin patrolling it more and issuing citations for misuse. His recommendation is to keep it open and take a look at what happens there. Then if we need to we can close it.

Wade Allinson was a member of the committee and thinks it was nice to see things get done. He is happy with what was done in Ferron. He proposed a six month trial period of keeping the Buckhorn Wash open. The patrol office that is already out there can collect the data needed to make a decision.

Ramal Jones can understand the reason for the safety issues on the Buckhorn Wash. He is concerned that the people who camp along the Buckhorn Wash will be impacted by having to move to a staging area to access the system. He feels the dirt bikes should be under the same scrutiny as the ATV's?

Richard Beardall felt the ordinance was an overkill in regards to the term 'safe and reasonable speed'. The deputies can determine what a safe and reasonable speed is. Doesn't having the speed clause in the ordinance address the safety issue concern stated as a reason for closing Buckhorn Wash? He doesn't see the problem. He thinks that Wade's idea is great. Let's study it. You take away the Buckhorn Wash and you take away a loop opportunity.

Reed Martin doesn't own an ATV but would like to go along with what has been said about the Buckhorn Wash. He sees it as only practical to leave that connection in there. Let's leave it open to begin with let's not start out with closing it. Let's give people an opportunity to prove they will be responsible and then if we need to close it.

Bryant Anderson stated he like the statement in the ordinance about noise. He thinks this is an important thing to look at.

Commissioner Sitterud commented that user groups do their own enforcing. They enforce themselves. He thinks the plan is good. It is not perfect, but we can't get it perfect the first time.

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Buckhorn Wash does have a lot of camping there and he likes the idea of looking at it for a while.

Commissioner Kofford agrees with Commissioner Sitterud and thinks we need to leave the road open we can always close it later.

Sheriff Guymon thinks the plan is a fairly decent plan. He appreciates the work that has gone into getting us to where we are now. If you read the law it effectively opens nearly every road the county to somebody to get to the access that they need.. Anytime you mix two kinds of travel together you are going to have problems. This ordinance addresses access. He agrees with Boyd Wilson as far as the Buckhorn Wash is concerned that limits the route. You will have irresponsible people that is a given. They are going to enforce it as best they can whether is it open or closed.

Ray Petersen thanked everyone who has been involved in this work. The Sheriff is right this ordinance is all about access. The public process make this ordinance work. The intent is to accommodate the use. It is a workable system. If we need to make changes down the road we can make changes.

Commissioner Hatch was one of the committee members that was concerned for the safety issue on the Buckhorn Wash. They looked at all the routes and the liability involved. The plan is a workable plan. He commended the committee and Ray for all their work on the ordinance. There was a lot of effort put into the plan. He has safety concerns with regards to some of these roads. He is not in favor of opening Buckhorn Wash for that reason.

Commissioner Gary Kofford made a motion to come out of the public hearing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to return to the regular Commission meeting. The motion was seconded by Commissioner Gary Kofford and approved by alle member present.

**(11)**

**CONSIDERATION AND APPROVAL OF OHV ORDINANCE AMENDMENTS AND MAP.**

Commissioner Drew Sitterud made a motion to approve the OHV Ordinance with the proposed amendments. The motion was seconded by Commissioner Gary Kofford and approved by all

members present.

Commissioner Gary Kofford made a motion to accept the map as presented with the addition of opening Buckhorn Wash Road from the bridge to the junction of Green River cut-off. The motion was seconded by Commissioner Drew Sitterud. Commissioner Ira Hatch voted “nay” to the motion. The motion passed with two for and one against.

**(12)**  
**CITIZEN CONCERNS**

None

**(13)**  
**DISCUSSION AND APPROVAL OF PROPOSAL TO CHANGE MERCHANT CREDIT CARD PROCESSING SERVICE PROVIDERS.**

Treasurer, Steven Barton discussed merchant credit card processing service providers with the Commissioners. He was contacted by Eliot Management Group who offered a 30% reduction in the card processing service charge. The current contracts are for three years. The Museum of the San Rafael is at the end of their contract. Mr. Barton asked to allow the change to Eliot Management Group for credit card processing service. Commissioner Gary Kofford made a motion to authorize the change in merchant credit card processing service provider to Eliot Management Group. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Justice Court still has two more years on their contract and it would be too costly to get out of the contract with the current provider. Mr. Barton will continue to monitor the providers and alert the Commissioners when it would be a good time to switch providers.

**(14)**  
**DISCUSSION OF MARRIED EMPLOYEES INSURANCE BENEFITS.**

Commissioner Gary Kofford discussed a situation wherein the county has two employees with spouses that are also employed with the county. Commissioner Kofford indicated he checked with a few other counties to find out how they handled the insurance benefits package for the spouse employee. In Emery County’s case one employee carries the insurance, usually the one

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whose birthday comes first in the year. The non-participating spouse is covered under participating spouse's plan. The employees: Shaun Bell and Kris Bell, John Barnett and Tasha Barnett requested some kind of payment to the non- participating spouse stating that the benefit which would normally be available to that employee is not being realized by him/her. The cost for a single coverage insurance premium is \$543.00 a month. The cost for a family insurance premium is \$1,500.00 per month. Commissioner Kofford suggested that the non-participating employee be compensated with the amount of a single coverage premium, \$543.00 per month. He suggested changing the policy to reflect the procedure for compensating married employees for their insurance benefit. Commissioner Gary Kofford made a motion to change the personnel policy to reflect that in the case of married employees one employee will carry the family premium and the spouse will receive the amount of a single insurance premium, effective October 1, 2005. The motion was seconded by Commissioner Drew Sitterud. Commissioner Ira Hatch voted "nay". Any non-participating employee who has opted out of the plan due to the fact that their spouse, working elsewhere, carries their insurance will not be subject to the above. The motion passed with two voting for and one voting against.

**(15)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #171532 through and including #171692 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
49-05	Wacker LT\$ Light Tower Homeland Security/Sheriff	8,200.00	Approved
50-02	2006 Dodge Ram Truck Homeland Security/Sheriff	27,670.00	Approved
51-02	3- Latitude Notebook Computers Homeland Security/Sheriff	5,902.83	Approved
52-05	20- Ballistic Vests Homeland Security/Sheriff	22,980.00	Approved
53-05	Honda Generator Homeland Security/Sheriff	3,599.15	Approved

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Dispositions were presented for the following:

#150-20838 a 1981 Dodge Van from Sr. Citizen and #150-4477 a 1082 Ford Van from Sr. Citizen. The vehicles are being stored at the Road Department until the next county auction.

The purchase of the 2006 Dodge Ram truck was discussed. There were three bids from Community Motors for \$28,456.00, Hinckley Dodge for \$27,670.00 and Ken Garff for \$29,517. Sheriff Guymon wanted to purchase the

**(16)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following Personnel action:

IT Department

Jeff Guymon, IT Department Head, has requested approval to start the hiring process for one IT Technician. This would be a full time position with benefits at salary grade 12.

Commissioner Drew Sitterud made a motion to approve the hiring process for an IT Technician as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Drew Sitterud made a motion to advertise to fill a position on the Emery County Travel Council vacated by Jackie Ungerman's resignation. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(17)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner made a motion to approve the minutes dated August 16, 2005 as corrected. The motion was seconded by Commissioner and approved by all members present.

**(18)**

**COMMISSION REPORTS**

*Commissioner Gary Kofford*

Commissioner Kofford reported on the Arapeen OHV Jamboree in process. There are some fifty-five people in the county for the jamboree of only five are from the state of Utah. There about thirty local citizens acting as guides and organizers.

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He led a group on a tour of Reeder Canyon over Skyline Drive and to Potter's Pond. The people appreciated the scenery and what we have here in Emery County.

He talked with Randy Jensen regarding his San Rafael Research Survey Calling Center in Huntington. He has twenty-seven employees and will be adding more people soon.

Green River refinery in still is progress. Two related business opportunities are possible in surrounding area.

October 13, 2005 the next level will begin for small business development. The Small Business Development Center is housed in the Emery County Courthouse two days a week.

*Commissioner Hatch*

He received a petition for annexation from Ferron City. He asked if the county was to have this on file. The petition will be sent tot he Clerk/Auditor's office to be on file.

**(19)**

**ATTORNEY/CLIENT EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An Executive Session was not needed.

**(20)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. Commissioner Hatch stepped down to second the motion. Commissioner Drew Sitterud had left the meeting.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 20, 2005

Present at the meeting was Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Ira Hatch was not able to be there when the meeting started. Therefore, Commissioner Drew Sitterud was acting chairman until Commissioner Ira Hatch arrived and will step down to execute motions as needed.

Attorney David Blackwell had to leave the meeting early so agenda items #4 and 6 were moved up to #1 and 2.

(1)

**CONSIDERATION AND APPROVAL OF RESOLUTION CREATING A BOARD FOR THE MUSEUM OF THE SAN RAFAEL.**

Commissioner Drew Sitterud discussed the need to create an Administrative Control Board for the Museum of the San Rafael. The board shall have the power to act as the governing authority of the museum and exercise all powers necessary to operate and maintain the museum. The board shall be subject to the policies and procedures established and adopted by Emery County and be directly responsible to the Commissioners of Emery County. The board shall consist of nine members, all of whom shall be appointed by the Emery County Board of Commissioners. Four initial members will each serve for two years and the remaining five members will serve for one four year term each. The determination of who shall serve in each category is to be made by lot. One of the Emery County Commissioners will serve on the board, for a four year term and be counted as one of the nine member board. Dixon Peacock, who is a long time supporter and originator of the museum shall be appointed as a non-voting, ex officio member of the board in recognition of his long service to the museum. Commissioner Gary Kofford made a motion to accept Resolution 092005 creating a board for the Museum of the San Rafael. Commissioner Drew Sitterud seconded the motion and the motion was approved by all members present.

(2)

**DISCUSSION REGARDING FORMATION OF EMERY COUNTY BOUNDARY COMMISSION.**

The Emery County Commission received a protest to petitioned annexation into Ferron City. Pursuant to section 10-2-409 (1) (b), this triggers the creation of a boundary commission. Since this is the first protest received by Emery County for a number of years, a boundary commission is not currently in place. Under the statute, the county must appoint two elected officials from the county, and the mayors of the municipalities in the county are to appoint two elected officials



from the cities. These four members would then meet and select three more members who are residents of the county, none of whom is a county or municipal officer. This would constitute the boundary commission. The boundary commission would be responsible for reviewing, determining guidelines and making recommendations to the Emery County Commission. Commissioner Drew Sitterud made a motion to begin the process to bring forth a boundary commission. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Commissioner Drew Sitterud nominated Gary Kofford and Steven Barton as the two elected officials for the county to serve on the boundary commission. There were no other nominations. Therefore, Commissioner Ira Hatch made a motion to accept Gary Kofford and Steven Barton as the two elected officials to serve on the boundary commission. Commissioner Drew Sitterud stepped down to second the motion and the motion was approved by all members present. When the Council of Governments meets they will choose two elected municipal officers to serve. One of first things the boundary commission must do is review Ferron City's annexation policy plan. A letter will be sent to Ferron City requesting a copy of the plan.

Commission Ira Hatch assumed Chairmanship of the meeting.

**(3)**  
**OPENING OF BIDS FOR COUNTY OWNED PROPERTY PARCEL NO. 01-050B-006 AND PARCEL NO. 04-0054-0006. CONSIDERATION AND APPROVAL OF BID AWARD.**

Deputy Clerk/Auditor Carol Cox opened the sealed bids received by the Clerk/Auditor's office for county owned property parcel no. 01-050b-006. This is a piece of property in Cleveland, containing approximately 1.08 acres. Bids were received as follows:

Susan Ward	\$216.00
Kaleb Sitterud	400.00
Hazel McMullin	220.00
Clifton Carter	250.00

Commissioner Drew Sitterud made a motion to accept the bid for county owned property parcel no. 01-050b-006 from Kaleb Sitterud for \$400.00. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

One received, sealed bid was opened for the county owned property parcel no. 04-0054-0006. This piece of property is in Lawrence, containing approximately 1.13 acres. The bid was from Paul Gilbert for \$501.00. Commissioner Gary Kofford made a motion to accept the bid for county owned property parcel no. 04-0054-0006 from Paul Gilbert for \$501.00. The motion was seconded by Commission Drew Sitterud and approved by all members present.

(4)

**SHANNON HIATT, REPORT ON 2005 EMERY COUNTY FAIR.**

Gaylee Jeffs and Dannette Waite presented the Commissioners with a plaque presented to Emery County during the Utah State Fair. Emery County's booth won the Best County Representation Award. The five women responsible for overseeing many aspects of the Emery County Fair also attended the Utah State Fair and manned the Emery County Fair booth. These five women were, Gaylee Jeffs, Dannette Waite, Michelle Scovill, Nancy Jensen, and Margaret Keller. Gaylee stated she has received many accolades through the Recreation Department office for the success of the 2005 Emery County Fair. The Emery County Commissioners thanked all the people who worked so diligently on making the 2005 Emery County Fair a success. The Commissioners especially thanked Gaylee Jeffs, Shannon Hiatt and the Emery County Recreation Special Service District for taking on the task of the fair. They were very pleased with the outcome. Shannon Hiatt was not able to attend the meeting to give a report.

(5)

**APPROVAL OF AMENDMENT TO THE PERSONNEL POLICY ALLOWING INSURANCE BENEFITS FOR MARRIED EMPLOYEES.**

Commissioner Gary Kofford explained that in the September 6, 2005 commission meeting a motion was made to change the personnel policy to reflect that in the case of married employees one employee will carry the family premium and the spouse will receive the amount of a single insurance premium. Since the action taken was not on the agenda it is necessary to ratify that motion. Commissioner Gary Kofford made a motion to ratify the decision to amend the personnel policy allowing insurance benefits for married employees as stipulated in the motion. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CITIZEN CONCERNS**

There were no citizen concerns.

(7)

**CONSIDERATION AND APPROVAL OF CIRCUIT BREAKER, VETERAN, BLIND AND OTHER ABATEMENT.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented a list of those who have filed 2005 Property Tax Indigent Abatement and Property Tax Credit(Circuit Breaker), Disabled Veterans and Blind Exemption applications with Emery County. The state reimburses the county for the circuit breakers. There is an income cap of \$25,369.00. The veteran and blind are a reduced tax.

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The veteran's exemption requires at least a ten percent service related disability. A blind exemption requires a letter from an ophthalmologist certifying that there is no more than 20/200 visual in the better eye when corrected or have a restriction in the field of vision of the better eye which subtends an angle of vision no greater than 20 degrees. All of the applicants have met these requirements. Commissioner Gary Kofford made a motion to approve the list of Circuit Breaker, Veteran and Blind abatements. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

The Indigent Abatement is totally at the discretion of the Commissioners. The Commissioners may abate up to fifty percent of the property tax. The applicant must be under 65 and have an attached statement from their doctor and a letter from the applicant with an explanation of hardship. The income cap of \$25,369.00 also applies to the indigent abatement. Applications were received by the Clerk/Auditor's office from the following:

Verne Hinton  
John Adams  
Gina Dyches  
Maryann Rizzuto

Commissioner Gary Kofford made a motion to approve a fifty percent abatement for Verne Hinton, John Adams and Gina Dykes and to arrange an interview with Maryann Rizzuto to verify her status and bring back to commission meeting at another time for consideration. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**

**CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CLOSURE.**

Senior Deputy Clerk/Auditor Brenda Dugmore reported that required meetings have been held and the required waiting time has past for Board of Equalization. There was one request to which there has been no response. It is now time to close Board of Equalization. If the request does come in it can be addressed as a commissioner adjustment in a later meeting.

Commissioner Gary Kofford made a motion to approve closing Board of Equalization with the approved adjustments and any further request will be addressed as a commissioner adjustment. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)**

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF- JACOBSON**

Senior Deputy Clerk/Auditor Brenda Dugmore discussed a request for ambulance write-off from

## COMMISSION MEETING MINUTES

Moyal Jacobson. The request was from Ms. Jacobson. Their insurance paid for the disposable supplies on both their bills. The Commissioners previously approved a write-off on Ms. Jacobson's non-transport rate (\$243.00). This left a balance on Mr. Jacobson's service which is \$212.00. As of yet the bill has not been resolved with the insurance company. Commissioner Gary Kofford made a motion to decline the request for now until the insurance company has resolved the bill. If the bill still has not been resolved in a reasonable amount of time, then the Commissioners will look at the request again. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #171805 through and including #171953 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
54-05	Enclosed Trailer Homeland Security	\$6,249.00	Approved
55-05	Christmas Cards, EC Employees	400.00	Approved
56-05	Carpet- pre-pmt Museum of San Rafael	4,000.00	Approved
57-05	Water Heater-Emergency Sheriff- GR Detention	395.39	Approved

There were no dispositions.

Commissioner Sitterud asked to have the carpet pre-payment for the Museum of the San Rafael added to the add ons so the carpet can get ordered. Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and adding the carpet pre-payment to the additional claims. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director Mary Huntington presented the following personnel action:

**Library**

Jerilyn Mathis requested that Marilyn Olsen receive a one step increase. She has completed her six month orientation period successfully. If approved the increase would take effect with the pay period beginning September 26, 2005.

Jerilyn also requested that Natalie Gardner receive a one step increase. She has completed her six month orientation period successfully. If approved the increase would take effect with the pay period beginning September 26, 2005.

Commissioner Gary Kofford made a motion to approve a one step increase for Marilyn Olsen and Natalie Gardner as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Charlene Oviatt has given her resignation and her last day of work will be October 14, 2005. Jerilyn Mathis requested approval to begin the hiring process for a part time assistant librarian in Huntington. This would be a level Grade 4A position. Commissioner Gary Kofford made a motion to approve beginning the hiring process for part time assistant librarian in Huntington at a Grade 4A. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**Road Department**

Gordon Nielsen has resigned for the Road Department effective September 19, 2005. Rex Funk requested approval to begin the hiring process. He would like to hire one Equipment Operator/Driver, entry level Grade 12. Commissioner Gary Kofford made a motion to approve beginning the hiring process for a Equipment Operator/Driver at entry level Grade 12. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the minutes dated September 6, 2005 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**COMMISSION REPORTS**

## COMMISSION MEETING MINUTES

*Commissioner Sitterud*

Commissioner Sitterud, along with Bret Mills, Bill Downard and Sheriff Guymon traveled to Salt Lake City as part of the grant application process for a new 9-11 system for Emery County. The project will cost \$214,000.00 of which Emery County received a grant for \$124,000.00. The county's match of \$84,000.00 will come from the franchise fees collected by Emery TelCom for Emery County. Emery County is running on the oldest 9-11 system in the state. This will be a big step for the county. Bret will begin immediately on the project.

He recently attended a BLM RAC meeting. Sally Wisely will be retiring at the end of September.

Melon Days in Green River was great. There were six very talented girls who competed for Melon Days queen. He hoped to see them at the Miss Emery County Pageant next year.

Peach Days went well also. They had a nice long parade. The go cart regatta went very well. The horse races were down from previous years. There was a big turnout for the demolition derby.

*Commissioner Kofford*

Commissioner Kofford reported that Randy Jensen's new business, San Rafael Surveys will hold an open house today.

State Parks Division is working on a campaign to promote state parks in Emery County for recreation.

He reported that Public Lands Director, Ray Petersen and the heritage group will work on the San Rafael Swing Bridge deck refinishing project on Saturday from 9:00am until 3:00pm.

*Commissioner Hatch*

Commissioner Hatch attended a Joint Highway committee meeting in Provo. He reported on the Moore Cut-off Road project. They have scheduled a meeting to get instructions on how to access the funds for the project.

Sheriff Guymon reminded the Commissioners of the San Rafael Bike Ride on September 23, 24 and 25, 2005. On Sunday everyone will meet at the Wedge.

The Emergency Preparedness Fair will be Saturday, September 24, 2005 from 9:00am until 2:00pm.

## COMMISSION MEETING MINUTES

Shannon Hiatt arrived at the meeting to give a brief report of the Emery County Fair for the Commissioners. He reported that the free dinner in the park worked out very well. The concert was a huge success and hopes that with the help of the Emery County Travel Bureau to do a better job of promoting it and the rodeo next year. He has received many positive comments with regards to the fair and the rodeo. He expressed his gratitude to all those volunteers who helped out in so many areas. Castle Dale City workers helped out a lot also. The Sheriff's office helped with preparation, set-up and clean-up. The success of the Fair would not have been possible without all the many people who carried out their assignments. He does not have all the figures yet because bills are still trickling in. He hoped to have the final figures to report to the Commissioners by the next Commission meeting. He thanked Patsy and the staff of the Emery County Progress for the coverage of fair and rodeo events. They were a great help. He especially commended the five ladies who helped pull the whole thing together, Gaylee Jeffs, Dannette Waite, Michelle Scovill, Nancy Jensen and Margaret Keller.

The Commissioners thanked Shannon, the Recreation Special Service District and all those who helped make the Fair a success. They were very satisfied with the outcome. The fair was focused towards the local citizens which is right where they wanted it to be.

(14)

**ATTORNEY/CLIENT EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND PERSONNEL MATTERS.**

An executive session was not needed.

(15)

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 4, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DELENA FISH, WFS, QUARTERLY UPDATE.**

Delena Fish, WFS provided the following update:

- \* July started their physical performance review. The department set goals for the year as well as each individual office set goals also.
- \* She reviewed the TANIF assistance program with a review of participation requirements and activity.
- \* The department had three victims of hurricane Katrina looking to find employment and locate in our area. One couple settled in the Price area and the other individual was sent to inquire at CEU as he has a geology background.
- \* The department is in the process of implementing new policy.
- \* A group of youth were recently involved in landscaping the heritage house in Castle Dale. The group made a book on the project and presented it at the State Fair. The book received an award and is available to review at the heritage house.
- \* The department has been challenged to have two apprenticeships in the county this year. They are working on that.
- \* They have many job orders out at this time. They are still needing truck drivers. The mining industry has leveled off for now.

(2)

**DEB DULL, UTAH POWER, QUARTERLY UPDATE.**

Deb Dull was not able to attend the meeting today. Commissioner Hatch did report that UPL has received approval to move ahead with the intersection/interchange. The earth work will begin as soon as possible. They do not anticipate any disruption in traffic during the construction this year.

(3)

**RATIFICATION OF EMERY COUNTY BOUNDARY COMMISSION.**

Commissioner Gary Kofford made a motion to ratify the action taken in the last commission meeting to create the boundary commission and to appoint Steven Barton and Gary Kofford as



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elected officials to serve on the board. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. The Council of Governments met on October 11, 2005 at which time they appointed two municipal elected officials, Jackie Wilson and Jeff Horrocks to the board. The four elected official board members will now meet and select three at large board members who are citizens of the county but are not county or municipal officers. After the selection process is complete, the group will draw lots for terms to be served. After the board is complete they can function as a boundary commission and begin review of annexation issues.

(4)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE**

A business license application was presented for Joseph Clark DBA: Clark's Custom Jewelry. The application has been reviewed and signed by Zoning Administrator, Bryant Anderson. Commissioner Drew Sitterud made a motion to approve a business license application for Joseph Clark DBA: Clark's Custom Jewelry. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF LAW ENFORCEMENT AGREEMENT NO. 06-LE-11041000-001 BETWEEN EMERY COUNTY AND THE FOREST SERVICE.**

Commissioner Gary Kofford made a motion to approve agreement #06-LE-11041000-001 between Emery County and the Forest Service. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CITIZEN CONCERNS**

Commissioner Gary Kofford discussed an issue regarding a parcel of property in Castle Dale. This parcel of property # 01-0019-0027 approximately 75 ft by 7.2 ft is property that was acquired by the County from a past delinquent tax sale. Edward Rasbold purchased property that he thought included the piece of property in question. Evidently there was an error in recording and the property in question was not included in his property. Mr. Rasbold felt the property should be given to him. Commissioner Kofford felt it was best to follow procedures to dispose of the property. Therefore, Commissioner Kofford made a motion to advertise the property for sale to all the adjacent property owners at a minimum amount of \$250.00 . The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Sealed bids are to be turned in to the Clerk/Auditor's office.

(7)  
**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and Additional Claims #172118 through and including 172246 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
58-05	Decontamination Sprayer/Water Tank Sheriff- HLS	5525.00	Approved
59-05	2006 Arctic Cat Prowler Sheriff- HLS	11946.15	Approved
60-05	Pro-1000 DS Radar Sheriff- HLS	1319.00	Approved
61-05	Siren and Switch Controller Sheriff- HLS	440.40	Approved
62-05	Shell for 06 Dodge Truck-HLS Sheriff- HLS	1149.51	Approved

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)  
**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Personnel Director, Mary Huntington presented the following Personnel action.

Clerk/Auditor

Bruce Funk requested approval for Jan Luke to receive a one step increase. Jan is eligible for a

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progressive routine increase. This would move her from 6A to 7A effective October 10, 2005. Commissioner Gary Kofford made a motion to approve a progressive routine increase for Jan Luke as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated September 20, 2005 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**

**COMMISSION REPORTS**

*Commissioner Drew Sitterud*

Commissioner Sitterud reported on a meeting with the Recreation Sub Committee /State Parks where they discussed some ideas for parks projects and events.

He reported on UAC meetings in Midway, Utah. Recording of RS 2477 Emery County owned roads will now begin.

Emery County's television microwave system is now transmitting several channels in high definition. We will continue to transmit in both analog and digital until the analog signal is shut off sometime in 2006.

*Commissioner Gary Kofford*

Commissioner Kofford reported that Emery County Library is celebrating its 60<sup>th</sup> birthday. The week of October 3<sup>rd</sup> through 7<sup>th</sup>, libraries throughout the county will be having various activities and recap the last 60 years.

Commissioner Kofford recently met as a board member with the Mental Health and Substance Abuse Board. They are lobbying the legislature for more funding.

*Commissioner Ira Hatch*

Commissioner Hatch, Commissioner Sitterud and Commissioner Kofford attended an open house for San Rafael Research, a call center in Huntington managed by Randy Jensen. Several

5

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individuals from the parent company located in Logan, Utah attended the open house. They thanked Work Force Services for their help in staffing and getting things up and going.

Sheriff LaMar Guymon reported on the San Rafael Bike Ride. They had approximately thirty people participate. They added something new this year, a moonlight ride around the Wedge.

(11)

**ATTORNEY/CLIENT EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION  
AND PERSONNEL MATTERS.**

An Executive Session was not needed.

(12)

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 18, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
**APPROVAL OF APPLICATION TO RENEW A PERMIT TO OPERATE A CLASS I LANDFILL.**

Rex Funk, Road Department, explained the process of application to renew a permit to operate a Class II Landfill. The renewal process takes place every five years. The department is in the process of updating the requirements. They worked with a company IGES to come up with an alternative design for the Landfill and as a result are the first in the state to go to a alternative natural design. The permit has been approved by the state. Rex recommended signing the application. Commissioner Gary Kofford made a motion to approve signing an application to renew a permit to operate a Class II Landfill in Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)  
**CONSIDERATION AND APPROVAL OF MODIFIED ESCROW AGREEMENT #2576 TO MEET THE FINANCIAL ASSURANCE REQUIREMENTS FOR THE EMERY COUNTY LANDFILL.**

Rex Funk explained that the state treasurer felt that there needed to be a modification to escrow agreement #2576 to meet the financial assurance requirements for the Emery County Landfill. This is dynamic fund established by the state as an assurance in the event that the county defaults on the landfill. The funds are used for reclamation of the landfill site. The fund is not for the benefit of the county, but for the benefit of the state. The funds are in a growing trust that should be growing at a minimum rate of at least three percent a year. An engineer consultant provides an estimate of cost to close the landfill concurrent with estimated increases in costs. The fund is reviewed every year to assure that the cost are meeting what the state has determined is needed to cover reclamation. Commissioner Gary Kofford made a motion to approve the modified escrow agreement #2576 to meet the financial assurance requirement for the Emery County Landfill. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(3)****REQUEST FOR DONATION FOR 4-H NATIONAL HORSE BOWL TEAM.**

Gaylene Conder, Extension reported that Emery County has had state 4-H winners for the last three years. Emery County has a wonderful 4-H horse club, one of the best in the state. We are fortunate for our children to have the opportunity to participate in this program. The 4-H horse club is raising funds to go to Denver to participate in National 4-H competition. The participants are required to bring fifty tokens to share with other participants. There will be other expenses incurred as well. Because this is a family oriented state, the participants families will be traveling with them. Burns Saddlery in Richfield has offered to help sponsor two participants. The 4-H budget is shot so she was asking for a donation to the 4-H National Horse Bowl Team.

Commissioner Sitterud explained that the Commissioner's must be careful who and what the county donates money to. The donation cannot be specific to one group. However, he suggested that this could be directed to the Emery County Recreation Special Service District. This type of donation is recreation and is a legal donation for them. He suggested that Gaylene approach the Recreation District for a donation. If that does not happen then they can come back to the Commission and they will look at putting more funds into the 4-H budget when the budget is opened later this year.

Commissioner Gary Kofford commended Gaylene and the 4-H program for all of their accomplishments this year.

**(4)****CONSIDERATION AND APPROVAL OF ROAD AGREEMENT WITH UTAH POWER.**

Kyle Singleton, Utah Power (PacifiCorp) reviewed the right-of-way agreement for Emery County Road #426 near the Hunter Power Plant. There is currently a high volume of coal truck traffic that provides coal to the Hunter Power Plant near Castle Dale, Utah. All of the coal truck traffic currently accessed the Power Plant via Emery County road #426 from SR-10. The coal truck and other traffic has resulted in congestion and had a negative impact on the safety of SR-10 at the intersection. The Utah Department of Transportation (UDOT) would like to improve safety for the traveling public and the coal truck drivers. PacifiCorp would like to partner with UDOT in an effort to mitigate for the current situation by constructing an interchange at the intersection of State Road 10 and State Road 57 for the coal truck traffic to use as the access point to the power plant. Upon completion of the new interchange, existing County Road #426 will remain in service. Emery County has entered into an agreement with UDOT to relocate the access of County Road #426 onto SR-10 should there be an increase in the accident rate at this intersection after the construction of the new interchange at SR-10 and SR-57 is completed. PacifiCorp owns property to the west of County Road #426 that would be needed to relocate the access of County Road #426 onto SR-10. Energy West is under obligation to complete asphalt overlay on section

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of County Road #426 due to roadway relocation completed in 2004.

In exchange for mutual promises, PacifiCorp agrees to convey that certain real property required for the relocation of County Road #426 to Emery County as more particularly described in Exhibit "A" attached hereto and by this reference made a part of this reference made a part of this agreement in the event conditions outlined in the agreement between UDOT and Emery County dictate that County Road #426 must be relocated. Emery County agrees to relieve Energy West of the obligation to install asphalt surfacing to the section of County Road #426 relocated in 2004 and transfer the obligation in an equivalent amount toward the new section of #426 only in the event of relocation as per the agreement between Emery County and UDOT. The equivalent amount will be determined by the current market price of purchasing and installing 42,210 sq.ft. of 4 inch thick HMA asphalt at the time of relocation.

Commissioner Sitterud had a question about the statement *described in Exhibit "A"* and suggested that the statement should describe the property rather than refer to Exhibit "A". The "land west of county road #426" is the preferred wording. The Commissioners will agree to the agreement as written with the understanding that the land west of county road #426 is the description of the location of a re-located road should the need arise.

After discussion on this issue Commissioner Gary Kofford made a motion to approve a right-of-way agreement for Emery County Road #426 near the Hunter Power Plant with the understanding that an attachment be added to include a description of the property west of county road #426 as discussed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**RATIFICATION OF RECOMMENDATION TO AWARD SO. MOORE PHASE II ROAD PROJECT.**

Commissioner Drew Sitterud made a motion to ratify the recommendation to award the contract for the So. Moore Phase II Road Project to Nielson Construction. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF U.S. FOREST SERVICE PAYMENT OPTION.**

Commissioner Drew Sitterud made a motion to continue with the 100% payment option from the U.S. Forest Service as in the past. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF COMMISSION ADJUSTMENTS ON PROPERTY ASSESSMENT.**

Assessor, Kris Bell recommended adjustments for the following properties:

**Lamar Kummer**- the charts stuck together and parcel 01-050C-0028 was missed during BOE. The previous market value was \$179.00. The new market value would be \$16.00. Previous taxes were \$2.67. New taxes would be \$.22. A tax difference of \$2.45. Commissioner Drew Sitterud made a motion to approve a commission adjustment for Lamar Kummer as recommended by the Assessor's Office. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**Joan Healy**- the owner called and told us the salvaged home on parcel 01-113A-0004 has been gone for a year. The previous market value was \$20,206.00. The new market value would be \$17,706.00. Previous taxes were \$310.93. New taxes would be \$272.23. A tax difference of \$38.70. Commissioner Drew Sitterud made a motion to approve a commission adjustment for Joan Healy as recommended by the Assessor's Office. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**Michael Dunwoody**- parcel 01-0153-0007, the Assessor's Office was not able to reach the owner before we closed BOE. This was a home we received from the annexation. The owner told us it was a modular home for the previous appraisal. We did a walk through of the home and found it is a Manufactured home not a modular. The previous market value was \$59,275.00. New market value would be \$32,038.00. Previous taxes were \$622.62. New taxes would be \$392.02. A tax difference of \$230.60. Commissioner Drew Sitterud made a motion to approve a commission adjustment for Michael Dunwoody as recommended by the Assessor's Office. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**Book Cliff Lodge-BCL&R LLC**- parcel 01-0151-0042, the Assessor's Office was not able to reach the manager of the Book Cliff Lodge until after BOE was closed. He sent us the expense statements and I found that an adjustment should be made. I used the income approach instead of the cost approach. Previous market value was \$813,524.00. New market value would be \$666,140.00. Previous taxes were \$10,125.94. New taxes would be \$8,150.89. A tax difference



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of \$1,975.05. Commissioner Gary Kofford made a motion to approve a commission adjustment for Book Cliff Lodge as recommended by the Assessor's Office. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**FAF Management & Consulting, Inc.**-parcel 01-151G-0012, the Assessor's Office was not able to reach the new owner of the old Mancos Rose Motel in Green River until after BOE was closed. The motel is in very poor condition, they are trying to fix it up. Previous market value was \$59,275.00. New market value would be \$32,038.00. Previous taxes were \$622.62. New taxes would be \$392.02. A tax difference of \$230.60. Commissioner Gary Kofford made a motion to approve a commission adjustment for FAF Management & Consulting, Inc. as recommended by the Assessor's Office. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**

**CITIZEN CONCERNS**

Commissioner Sitterud asked for approval to hire thirty day, part-time help for Bret Mills while he installs the antennas on Horn Mountain and Cedar Mountain. You need two people to put the antennas up. Morgan Oveson has been helping Bret with the installation process for the new digital television system and he would like to continue using Morgan to help him with the antennas. We may need to find the money from somewhere and may need to shift funds around to cover the cost of paying Morgan. Commissioner Gary Kofford made a motion to approve hiring a part time person for thirty-days while Bret puts up the antennas. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. The Commissioners will address the money to pay for the part time person when they open the budget next month.

Darrell Leamaster, Castle Valley Special Service District asked to move Cleveland's equipment request on the PCIB capital improvement medium term list to the short term list. They have had some equipment go down and need to move that request up on the priority list to try and get funding for in 2006. Commissioner Gary Kofford made a motion to approve moving Cleveland's request from medium term to short term on the PCIB priority list subject to the approval of Council of Government board members. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)**

**CONSIDERATION AND APPROVAL OF ASSIGNING WATER SHARE TO WASH STATION.**

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Rex Funk discussed assigning water share to wash station. They needed to create a pad area for washing down the trucks. In looking for a resource for water and water pressure they approached Castle Valley Special Service District and were told they could hook into their line near the pad. They estimated the cost for the water service would be approximately \$200.00 for the year. The Road Department has a requisition going before the Commissioners today for the tank to hold the water. A water share will need to be transferred to Castle Dale City for the water use. Commissioner Gary Kofford made a motion to assign one water share for the use of the Road Department in obtaining water for the wash station. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**

**DISCUSSION AND APPROVAL OF REQUEST TO BURY CISTERN.**

Rex Funk explained that they need to bury the cistern, poly tank on the property located behind the Road Shop where they are locating the wash station. There will be a man hole for maintaining the tank. Commissioner Drew Sitterud made a motion to approve burying the cistern on the Road Shop property. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)**

**CONSIDERATION AND APPROVAL OF FY2006 TENTATIVE BUDGET FOR EMERY COUNTY, CASTLE VALLEY SPECIAL SERVICE DISTRICT AND OTHER ENTITIES AS REQUIRED BY LAW. SETTING OF BUDGET WORK MEETINGS.**

Senior Deputy Clerk/Auditor Brenda Dugmore stated that by law the Auditor's Office is required to submit a tentative budget for 2006 by November 1. The tentative budget includes a five percent increase on insurance depending on how it goes. Budget meetings were discussed. Suggested dates were October 24, from 9 to 3, October 25, from 9 to 12, November 4, from 9 until as long as they need to go.

Darrell Leamaster discussed the budget for Castle Valley Special Service District.

Commissioner Drew Sitterud made a motion to approve the 2006 tentative budget for Emery County, Castle Valley Special Service District and other entities as required by law and to set budget work meetings for October 24, 25 and November 4, 2005 as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)**

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

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A business license application was presented for Blair and Maryann Fillmore DBA: TJ & B Mantrip Repair. The application has been reviewed by the Planning Commission, signed by Bryant Anderson, Zoning Administrator and they have paid the fee for a Conditional Use Permit. Commissioner Gary Kofford made a motion to approve a business license for Blair and Maryann Fillmore DBA: TJ & B Mantrip Repair. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(13)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List # 172359 through and including #172487 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
63-05	1,700 Gallon Cistern Road Department	1,200.00	Approved
64-02	Storage building electrical Road Department	900.00	Approved

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims, requisitions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following Personnel action:

Museum of San Rafael

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Commissioner Sitterud asked to discuss the possibility of increasing Jan Petersen's hours from a part-time employee, under twenty hours a week to part-time working up to thirty-nine hours a week (3/4 time). Commissioner Sitterud explained that there has been a problem with Jan's time card. By policy Jan should not incur overtime without Commission approval. He has spoke with Jan about this problem. The problem came up again. Jan feels she cannot get the job done in twenty hours a week. He talked to her about maybe hiring another part-time person to help out. Jan was not comfortable with that. Commissioner Gary Kofford suggested taking the issue to the newly created Museum board for them to make a recommendation. In the meantime all overtime for Jan must be pre-approved by e-mail or a phone message to either Drew or Mary before hand.

Commissioner Drew Sitterud made a motion to put Mary Huntington on the cell phone reimbursement plan effective November 1, 2005. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sheriff's Department

Sheriff Guymon requested that Dusty Butler receive a one step increase. Dusty received a promotion six months ago and has completed his six month orientation period successfully. If approved this would become effective October 24, 2005. Commissioner Drew Sitterud made a motion to approve the one step increase for Dusty Butler as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Nicole Deabenderfer has requested FMLA from October 11, 2005 through November 28, 2005 for the birth of her baby. Upon returning to work she may need intermittent leave also. Commissioner Drew Sitterud made a motion to approve FMLA for Nicole Deabenderfer as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Library

Jerilyn Mathis proposed hiring Stephanie Oviatt as the new assistant librarian for the Huntington Library. Interviews were held October 17, 2005 and six candidates were interviewed. Commissioner Gary Kofford made a motion to hire Stephanie Oviatt as the new assistant librarian in Huntington. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(15)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Drew Sitterud made a motion to approve the minutes dated October 4, 2005 as

COMMISSION MEETING MINUTES  
OCTOBER 18, 2005

corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**  
**COMMISSION REPORTS.**

*Commissioner Sitterud*

Commissioner Sitterud discussed some of the projects being considered by the State Parks Committee to help promote state parks in Emery County. The Wake Board Association is considering a wake board competition. Millsite Golf Course is planning a Archery/Golf Tournament. An ATV Golf tourney is in the works for Palisades to Millsite to Green River. A Christmas lights display is in the planning for Green River. The Boys Scouts of America have been contacted to encourage them to come early in the spring to Goblin Valley State Park for activities. The committee is to encourage everyone to come up with ways to promote the state parks in any way that they can.

He met with rural legislators on Richfield. They discussed centrally assessed property taxes and the possible shift of money to the homeowners. They also discussed salaries of sheriff departments and jail reimbursements.

He reported on the new skeet shoot which is 99% completed. Nielson Construction has donated three light poles. The grand opening will be on Saturday, November 4, 2005. We will now be able to join the skeet shoot circuit.

*Commissioner Kofford*

Commissioner Kofford reported on the success of the 2<sup>nd</sup> Annual Emery County Economic Summit. They estimated about 140 participants. They received very good comments. He expressed his thanks to the committee that pulled the summit together.

*Commissioner Hatch*

Commissioner Hatch attended a Mosquito Abatement board members meeting in Layton. West Nile cases are down from last year. There was one human case in Carbon County.

He met with the Road District recently. They discussed funds earmarked for UDOT projects. A UDOT representative will be here in November to detail how the money will come in.

10  
COMMISSION MEETING MINUTES  
OCTOBER 18, 2005

(17)  
**ATTORNEY/CLIENT EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION  
AND PERSONNEL MATTERS.**

An executive session was not needed.

(18)  
**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

NOVEMBER 1, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DESIGNATION OF COUNTY REPRESENTATIVE TO ANNUAL UCIP MEETING.**

Commissioner Gary Kofford made a motion to designate Ira Hatch as county representative and Mary Huntington as alternate for UCIP's annual meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**RATIFICATION OF MARY HUNTINGTON CELL PHONE REIMBURSEMENT.**

Commissioner Drew Sitterud made a motion to ratify the decision made in last Commission Meeting to add Mary Huntington to the cell phone reimbursement program. The motion was seconded by Commissioner Gary Kofford and approved by all members present. This action will be effective November 1, 2005 for \$45.00 per month reimbursement.

(3)

**RATIFY INTENT TO SELL COUNTY OWNED PARCEL 01-0019-0027 AND SETTING OF MINIMUM BID PRICE.**

Commissioner Gary Kofford explained that this is a piece of property that the county obtained through a delinquent tax sale a few years back. This property is approximately 75 feet long by 7.2 feet wide between Edward Rasbold and Bernice Anderson. In the October 4, 2005 Commission Meeting the Commissioners made this property available for sale. The motion set the minimum bid at \$250.00.00. The Assessor's Office shows the property value at \$22.00. The Commission needs to ratify what was done at that time and make this property available to sell. Commissioner Gary Kofford made a motion to ratify the motion made on October 4, 2005 to make parcel #01-0019-0027 available to sell. The motion was seconded by Commissioner Drew Sitterud. Commissioner Ira Hatch asked for questions on the motion. Attorney David Blackwell asked how the county acquired this piece of property. Commissioner Gary Kofford explained

COMMISSION MEETING MINUTES  
NOVEMBER 1, 2005

that originally the piece of property was part of the property that Mr. Rasbold purchased. The deed was recorded improperly and this small section was left out of the deed. The taxes were never paid on the parcel so in 1993 it went up for delinquent tax sale and reverted back to the county. He wondered why at that time there wasn't a corrected deed done. He felt it could cost more to advertise to sell the property than it is worth. He asked that we go ahead with the sale pending doing some research. Commissioner Gary Kofford made a motion to advertise to sell parcel #01-0019-0027, set the minimum bid at \$22.00 and to research the property and if after researching the circumstances feel like it was an oversight then to convey the property to Mr. Rasbold through a corrected deed, if not go ahead with the sale of the property. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF LOW INCOME PROPERTY TAX ABATEMENT.**

The Board of Emery County Commissioners considered a low income abatement and homeowner's tax credit application from Mary Ann Rizzuto. Ms. Rizzuto applied under the low income abatement as she is under sixty-five. Based on the requirements set out by the county and the state, the county may deny an application if the applicant is the owner of income-producing assets which could be liquidated to pay the tax. Also, any assets transferred to relatives in the preceding three-year period are to be considered by the county in making its determination. Based on this requirement Commissioner Drew Sitterud made a motion to deny Ms. Rizzuto's application for a low income abatement. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**APPROVAL OF BUSINESS LICENSE.**

A business license application was presented for Monique Stoddard DBA: Monique's Daycare. Zoning Administrator, Bryant Anderson has completed inspections and signed the application. Commissioner Drew Sitterud made a motion to approve a business license for Monique Stoddard DBA: Monique's Daycare. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CITIZEN CONCERNS**

Assessor, Kris Bell discussed a problem associated with Singer program during the rollback of green belt properties. The program did not calculate the rollback correctly resulting in many green belt property owners being under charged and over charged on their taxes.



COMMISSION MEETING MINUTES  
NOVEMBER 1, 2005

Treasurer, Steven Barton explained that the problem was brought to their attention when a green belt property owner came in to his office to pay his taxes and the tax notice did not match what the program indicated the tax should be. In considering how to correct the problem, Mr. Barton felt it was in the best interest of the tax payers to not re-send the tax notices for these properties. The amounts are minimal. He estimated that there was a total of \$676.70 in tax revenue that was not billed to these taxpayers. Sending out another notice, in some cases would cost more than the amount of the corrected tax. Mr. Barton suggested abating the total amount of the under billed taxes and have the over billed taxes carry over to the next years tax. He also asked for approval to look into ways to save on sending out the tax notices. Commissioner Drew Sitterud made a motion to abate the under billed green belt taxes and allow the over billed green belt taxes to carry over to the next year. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Steven Barton and Kris Bell were assigned to come up with a proposal for saving money on the billing of property taxes for Emery County.

Commissioner Drew Sitterud discussed a proposal by the Natural Resource Conservation Service (NRCS) to reduce the cost share rate for salinity control in the near future. They propose to reduce the rate up to as much as fifty percent. The current rate stands at seventy-five percent. This would have a major impact on individuals and local irrigation companies with regard to financial commitments they are asked to bear. A change to this proposition could bankrupt local irrigation companies. Ray Petersen, Public Lands Director has drafted a letter to be sent to government entities stating Emery County's position on this proposal. He asked for approval to produce the letter on Emery County letterhead and send to the various government entities as quickly as possible. Commissioner Gary Kofford made a motion to approve sending a letter from Emery County to the various government entities regarding a proposed reduction of share rate for salinity control. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Deputy Clerk/Auditor, Carol Cox presented the Warrant Check Edit List and additional claims #172655 through and including #172767 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
65-05	Service Awards	2,000.00	Approved
66-05	Sprayer Engine		

COMMISSION MEETING MINUTES  
NOVEMBER 1, 2005

	Weed/Mosquito	498.00	Approved
67-05	4X4 (ATV) Weed/Mosquito	5,789.00	Approved
68-05	Bean Pump Weed/Mosquito	2,450.00	Approved
69-05	Axils, brakes, tires (3) Weed/Mosquito	2,177.90	Approved
70-05	Spray gun, hose, reel Weed/Mosquito	697.00	Approved
71-05	Radio and software Weed/Mosquito	485.00	Approved
72-05	Flow control for fogger Weed/Mosquito	1,000.00	Approved
73-05	LTO-2 auto loader IT Department	3,879.27	Approved

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims and requisitions. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Drew Sitterud made a motion to set December 6, 2005 as the last date to accept large purchases and requisitions by departments unless approved by the Commissioners. The motion was seconded by Commissioner Gary Kofford and approved by all members present. The Clerk/Auditor's office was assigned to draft a memo to all departments regarding this motion.

**(8)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Mary Huntington, Personnel Director presented the following Personnel action:

COMMISSION MEETING MINUTES  
NOVEMBER 1, 2005

IT/GIS

IT Director, Jeff Guymon has hired Lowell Gardner as a 90 day temporary employee to assist with the ongoing addressing project. Commissioner Drew Sitterud made a motion to approve the hire of Lowell Gardner as a 90 day temporary employee. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Jeff Guymon also requested approval to hire Clinton Olsen as a full time IT/GIS Technician at Grade 12F with benefits. Commissioner Drew Sitterud made a motion to approve the hire of Clinton Olsen as IT/GIS Technician as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

The Road Department asked approval to hire Wayne Russell Dull as a full time Equipment Operator/Driver at Grade 12A with benefits. Commissioner Gary Kofford made a motion to hire Wayne Russell Dull as a full time Equipment Operator/Driver as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the minutes dated October 18, 2005 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)**

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud and Jeff Guymon met with Forest Service, BLM, State Lands, State of Utah regarding renaming of connecting roads for Phase II of the E911 system. E911 will not trace and give addresses to calls from a cell phone. Phase II will take cell calls and get a longitude and latitude point and change it to an address in the county. It was proposed to hyphenate the addresses to a common name because the Forest Service was not willing to change names of roads. The state would like to change names because of tourist reasons as well as sign the roads.

He went to Moab last week to meet with the Canyon Country Partnership where they discussed fee demo areas.

*Commissioner Kofford*

COMMISSION MEETING MINUTES  
NOVEMBER 1, 2005

Commissioner Kofford and Rex Funk met with Jeff Emmons from Environmental Quality and toured the Emery County Landfill. Emery County received favorable comments. He will be back in the near future for an inspection.

Commissioner Hatch and Commissioner Kofford attended a hearing in Price with the Legislative Tax Reform Forum. They are looking at the way we pay and collect taxes. It is something we need to keep a watchful eye on. It is important that we keep involved with this. This is something that may greatly effect county government greatly.

*Commissioner Hatch*

Commissioner Hatch attended UCIP Board meeting where they made plans for the annual meeting. Emery County is one of the highest payers in Worker's Comp. claims. We need to see what we can do about this.

He met with Floyd Johnson and Ruth McCourd regarding the Forest Service PMP final. He gave credit to Ray Petersen who has been very diligent to attend these meetings and looking out for the county's interest.

He attended the council on aging meeting. They are still concerned about funding proposals. The fuel price increase has been of great concern. They are very supportive of the Green River Senior Citizen Center that the county has planned for 2006.

Commissioner Hatch proposed finishing up the budget process with these dates:  
November 14, at 9:00 AM to meet with Sheriff Guymon and pull together any loose ends  
November 22, to pull together all the departments and requests.  
December 13, Brenda will have a tentative budget ready for review.  
December 20, to adopt the final budget.

Commissioner Drew Sitterud made a motion to approve the proposed dates for finishing up the budget process. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(11)

**ATTORNEY/CLIENT EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION**

7

COMMISSION MEETING MINUTES  
NOVEMBER 1, 2005

**AND PERSONNEL MATTERS.**

An executive session was not needed.

**(12)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

NOVEMBER 15, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**RATIFY ACTION TAKEN ON NOVEMBER 1, 2005 TO RECTIFY PROBLEM ON 2005 TAX NOTICES.**

Commissioner Drew Sitterud made a motion to ratify action taken on November 1, 2005 to rectify a problem on 2005 tax notices. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF AGREEMENTS WITH ECSSD#1 FOR HUNTINGTON AIRPORT IMPROVEMENTS.**

Commissioner Hatch explained that there were two agreements between Emery County and Emery County Special Service District #1 to be considered at this time. He explained that the County owns and manages the Huntington Airport. The County has made application to UDOT/Utah Division of Aeronautics (UDA) for a grant to make improvements to the airport. Emery County leases the majority of the property the airport is located on from the BLM. BLM informed the county that an archaeological survey has not be conducted on the location and that needed to be completed. Therefore the first agreement to be considered is for SSD#1 to provide for the archaeological survey to be done prior to approval of airport improvements.

Commissioner Gary Kofford made a motion to approve an agreement between Emery County and Emery County Special Service District #1 to provide said archaeological survey for the Huntington Airport site. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. The second agreement provides surface improvements, crack seal, seal coat and painting of all asphalt surfaces at the Huntington Airport pursuant to receiving a grant from UDOT/UDA and provides for SSD#1 to oversee the project. The county shall reimburse the District with up to \$70,000.00 in grant funds as said funds are awarded to the county from UDOT/UDA. Commissioner Gary Kofford made a motion to approve an agreement with SSD#1 to oversee the Huntington Airport surface improvements as outlined in the agreement. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**EMERY COUNTY CHAMBER OF COMMERCE, DISCUSSION AND REQUEST FOR DONATION TO THE SENIOR CITIZEN CHRISTMAS PARTY.**

Sharon Earl, Emery County Chamber of Commerce reported on the success of last years Senior Citizen Christmas Party. In the past the Emery County Commission has agreed to pay for the food for the dinner. She requested a donation for the Senior Citizen Christmas Party as in the past. Commissioner Gary Kofford made a motion to donate \$700.00 to the Chamber of Commerce to pay for the for the Senior Citizen Christmas Party. Commissioner Drew Sitterud amended the motion to include paying for all the food for the party, even if it goes over \$700.00. Commissioner Gary Kofford agreed with the amendment and Commissioner Drew Sitterud seconded the motion. The motion was approved by all members present.

(4)

**AMENDMENT TO RESOLUTION CREATING THE BOARD OF DIRECTORS FOR THE MUSEUM OF THE SAN RAFAEL.**

Now that the Board of Directors for the Museum of the San Rafael is in place, the terms that the board members will serve needs to be identified by way of an amendment to the original Resolution No. 9-20-05. It was proposed that the initial membership of the Museum Board be as follows:

Ramal Jones	4-year
Clyde Thompson	2-year
Kent Petersen	4-year
Vicky Jensen	2-year
Randy Jensen	4-year
Dawnette Tuttle	2-year
Pete Jones	4-year
Cliff Oviatt	2-year
Drew Sitterud	4-year

Dixon Peacock shall be appointed as a non-voting, ex officio member of the Board, in recognition of his long service to the Museum.

Commissioner Drew Sitterud made a motion to accept an amendment to Resolution 9-20-05 that identifies terms for members on the board of directors for the Museum of the San Rafael. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**DISCUSSION OF ROAD ABANDONMENT AND SETTING OF PUBLIC HEARING.**

Road Supervisor, Rex Funk discussed a proposal to abandon road #321 in Huntington. The adjacent property owner is having problems with vandalism. The road is an access road to the west side of Huntington Lake. He met with Jay Mark Humphrey, Emery Water Conservancy District, who indicated that the reservoir is under the jurisdiction of the Bureau of Reclamation. In 2004 the bureau had some meetings regarding a finding of no significant impact as a result of an environmental assessment that had been done there. They had talked about the southwest cove as an alternative that existing vehicle access to the southwest cove would be maintained as presently provided until such time as liability, maintenance, safety and or security concerns require closure. He looked at the feasibility of the county abandoning the road. He wanted to be sure so he asked Jay Mark if there were other opportunities for fisherman at the lake. Jay Mark indicated that there were on the extreme north end and northeast side of the lake. Jay Mark showed him a plan that the bureau had developed for the northeast side of the lake for those purposes. Rex was in favor of eliminating the road. The grade of the road makes it difficult to maintain. He indicated he has no problem recommending abandoning the road because there are other opportunities for fishing for the general public at no cost. He recommended holding a public hearing to define the use of the road and perhaps eliminate the road from our system. Ray Petersen, Public Lands suggested that there will be a lot of interest in this issue and the Commissioners should be prepared. Progress Editor, Patsy Stoddard indicated that she sees two issues, one regarding property concerns, being vandalism and the other as public use and access. Commissioner Sitterud suggested holding a public hearing in Huntington City to discuss the issue. Attorney David Blackwell indicated that a public hearing requires four weeks of advertising in the local newspaper. January 3, 2006 Commission meeting would be the soonest that a public hearing could be held. Commissioner Gary Kofford made a motion to set the date of January 3, 2006 at 7:00 p.m. in the Huntington City Hall chambers to hold a public hearing to receive public input on proposed abandonment of road #321. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(6)****CONSIDERATION AND APPROVAL OF BULLETPROOF VEST PARTNERSHIP PROGRAM.**

Sheriff LaMar Guymon explained that the bulletproof vest partnership program helps deputies obtain a bulletproof vest. Half of the cost of the vest is paid with a grant, half is paid by the deputy through their monthly uniform allowance. Commissioner Drew Sitterud made a motion to approve the bulletproof vest partnership program. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(7)**



COMMISSION MEETING MINUTES  
NOVEMBER 15, 2005

**CITIZEN CONCERNS**

Attorney David Blackwell presented an employment contract between Wade Allinson, or his designated agent, an agent with the Department of Adult Probation & Parole in the State of Utah and Emery County Drug Task Force. Commissioner Gary Kofford made a motion to approve an employment contract between Wade Allinson, or his designated agent and Emery County Drug Task Force. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

The Board of Commissioners received a letter from Deb Dull, PacifiCorp requesting a letter of support for the purchase of PacifiCorp by Midland American Energy Holdings Company to the public service commission of Utah. Commissioner Gary Kofford made a motion to write a letter of support on Emery County Commission letter head and signed by each commissioner for the acquisition of PacifiCorp by Midland American Energy Holdings Company. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud informed the Commissioners that the Green River Museum is pursuing a grant and asked for a letter of support from Emery County Commission. Commissioner Drew Sitterud made a motion to write a letter of support from the Emery County Commission in support of a grant for the John Wesley Powell Museum in Green River. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)**  
**CONSIDERATION OF PROPERTY TAX ABATEMENT FOR ELIZABETH TERRILL.**

Property tax abatement for Elizabeth Terrill was tabled.

A disabled veterans abatement was discussed for Doug Taylor. Mr. Taylor owns other parcels of land other than his residence. He already receives an abatement on his residence and requested an abatement on his other parcels. Senior Deputy Clerk/Auditor Brenda Dugmore indicated that the disabled veteran program does allow for an abatement on all parcels owned by the disabled veteran. Commissioner Drew Sitterud made a motion to abate the taxes allowed by the disabled veteran program for Doug Taylor. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND**

**DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List and additional claims # 172875 through and including #173030 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
74-05	Wash Station Electrical Work	\$2,465.65	Approved

A disposition was presented for #410-4681 a 35mm Cannon Camera from the Road Department. The camera will be stored until the next surplus sale.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisition and disposition as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Mary Huntington, Personnel Director presented the following Personnel action:

**FMLA Leave requests**

A request was made to place Doris Quinn on FMLA leave from October 25, 2005 until January 17, 2006. Commissioner Drew Sitterud made a motion to approve FMLA leave for Doris Quinn as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

A request was made to place James Nielsen on FMLA leave from November 9, 2005 until February 1, 2006. Commissioner Gary Kofford made a motion to approve FMLA leave for James Nielsen as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Ira Hatch reported on the recent UCIP audit. He solicited every ones input to help bring the county into compliance with regard to the county's insurance. Emery county receives credit toward its insurance premium based on compliance with guidelines set out by UCIP.

**(11)**

**APPROVAL OF COMMISSION MEETING MINUTES**

COMMISSION MEETING MINUTES  
NOVEMBER 15, 2005

Commissioner Drew Sitterud made a motion to approve the Commission Meeting minutes dated November 1, 2005 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported on a RAC meeting on bucks and bulls. The meeting was not well attended. On the agenda was to raise the deer hunt to nine days with two weekends. That was defeated and left at five days. Also on the agenda was to lower the age limit for small game to the ability to pass hunter safety course and parents permission. 12 years of age was proposed for the big game hunt. This passed in our area but was defeated in the southern region. We will have to wait and see what the big game board approves.

The trap range opened for the first time on Saturday. It was open from one o'clock until dark. There was a big interest. It is available for rent by groups. Nielson Construction donated the lights.

Castle Valley Pageant has moved their dates to the first Thursday, Friday and Saturday in August and the second week into August. Now the fair does not match the pageant. We will have to make a decision on what to do with the dates of our Emery County Fair.

*Commissioner Kofford*

Commissioner Kofford reported that Nielson Construction has started work on the Hunter Plant interchange.

He attended USFS' open house on their management plan. That is moving forward.

He and Mike McCandless attended a Board of Directors for Rural Utah Economic Development. They talked about Lila Canyon.

*Commissioner Hatch*

Commissioner Hatch reported that sometime back, Commissioner Kofford met with Congressman Matheson where they discussed putting together a possible funding proposal for our area. Commissioner Kofford at that time suggested funding for finishing up the South Moore Road Cut-Off Project. That came to fruition through a transportation bill. There were two line items, one for seven and a half million dollars and one for eight million dollars. We

COMMISSION MEETING MINUTES  
NOVEMBER 15, 2005

thought that was a mistake and they doubled the request. UDOT came and met with us and outlined the procedure to activate that funding. We will get the whole fifteen and a half million dollars that was allocated to go to the South Moore Cut-Off Road. Johansen and Tuttle has put together a plan to spend the money. The plan outlines the allocated amount almost to the dollar. We are into the project for the second phase. The new money will be used to do the earth work and asphalt the whole road. We have to have the money spent in five years. We anticipating the project taking three years to complete.

**(13)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATION**  
**REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(14)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 6, 2005

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**PATRICK GUBBINS, BLM, QUARTERLY UPDATE**

Patrick Gubbins, BLM provided the following update:

✦ He thanked the County for their positive working relationship. They are in the process of remodeling the Cleveland-Lloyd Dinosaur Quarry. They are increasing the size of the visitor center. They will have the project completed and have a ribbon cutting ceremony in the summer. He asked that the Commissioners plan on attending.

✦ He thanked Ray Petersen and Commissioner Sitterud for on site meetings at the Wedge. The road has been graveled to the second overlook, the number of sites remain the same but have added several picnic sites. They have had some vandalism that required some minor repairs.

✦ He thanked the OHV Club for their over 500 clocked volunteer hours. The group has been helpful with off-highway trail projects.

✦ Ray Petersen and Mark H. Williams have been working on refining maps and numbering Class B roads for OHV routes on the Swell to help manage Search and Rescue. Mark H. thanked them for arranging for the use of a trail cat on the dangerous areas.

✦ They have found evidence of people burning wire near the mounds area. It is a hassle to enforce, clean-up and monitor.

✦ Their RMP is still in the process.

✦ Natural gas development has taken off. He talked about NEPA requirements regarding gas well production.

(2)

## **MESIA NYMAN, FOREST SERVICE, QUARTERLY UPDATE**

Ms. Nyman did not attend the meeting.

(3)

## **DERRIS JONES, DWR, QUARTERLY UPDATE.**

Derris Jones, DWR provided the following update:

✦ Rocky Mountain Bighorn Sheep production is doing very well on the Rattlesnake and Buzzard Bench areas.

✦ They planted 96 head of antelope in Carbon and Emery counties.

✦ Post season deer classification is in process. Preliminary numbers show great fawn production and getting more deer on the benches.

✦ Spring bear hunt is in the experimental stage. Fewer female bear are harvested in the spring.

✦ Bison survey was conducted in July. The count is not good. They will experiment and do a survey in the winter with snow conditions.

✦ In Aquatics - ice fishing began at Huntington Reservoir. Ice thickness at 2.5 inches is the safest. Scofield is just beginning to ice over due to the wind conditions.

✦ They have found a pure strain of Colorado Cutthroat Trout in Scad Valley but were found to have Whirling Disease.

✦ Duck Fork Creek fish traps testing is being conducted to test eggs for disease.

✦ They are working on getting creel numbers in Huntington Creek and Huntington North Creek.

✦ Fuels mitigation projects were conducted in Poison Springs, the mouth of the Muddy Creek, Cunningham Ranch and Henry Mountains with some 36,000 acres identified.

✦ They are conducting impact analysis on gas well sites.

✦ Range Creek, they began meeting with partners in Price where they aired things. They will begin comprehensive management planning in January.

✦ In law enforcement, they had a bear shot on the LaSalles. They arrested the guy in San Juan County and charged him with a wildlife violation.

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✦ On going investigations are proceeding on a bison kill, a deer was shot in Coal Springs, a three point buck was shot in Dry Valley.

✦ In their outreach Program they had over 100 people attend the Bighorn Sheep Festival where people listened to a lecture and attended a field trip.

✦ Angler license fees are down so they will be advertising on the Doug Miller Outdoors Show to stimulate purchase of licenses.

✦ Regarding Chronic Wasting Disease, there was one possible diagnosis in the LaSalles.

**(4)**

**CITIZEN CONCERNS**

Public Lands Director, Ray Petersen informed the Commissioners that there are four Public Lands board members whose terms will expire on December 31, 2005. Advertising for interested individuals to serve on the board will be in the Emery County Progress this week.

Emery County Treasurer, Steven Barton informed the Commissioners of a request from Canyon Fuel. They missed paying property taxes on one of their parcels. As soon as it was noticed they contacted the County Treasurer's office. The request was to forgive the penalty amounting to roughly \$1,400.00. Mr. Barton was directed to put the request on the agenda for the next Commission Meeting.

**(5)**

**APPOINTMENT TO EMERY COUNTY TRAVEL BOARD.**

It was requested to hold off on making an appointment for now.

**(6)**

**RATIFY COMMISSION TAX ADJUSTMENT.**

Emery County Assessor, Kris Bell discussed a Commissioner's adjustment request from Danny and Sandra Curtis. Parcel # 01-236A-0013. The percentage for different kinds of exterior was different than previously disclosed in appraisal. The previous market value was \$80,234.00. The new market value would be \$70,779.00. The new taxes would be \$647.54 which is a difference of \$79.33. Commissioner Drew Sitterud made a motion to ratify the decision for a tax adjustment on parcel #01-236A-0013 for Danny and Sandy Curtis. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

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Ms. Bell discussed a systems data error that had occurred on Jon Downard. Mr. Downard's home burned down last year and it was removed from the system. The home has re-appeared on the records for 2005.

She also discussed a problem with Jon Healy's home. She will do some more checking into the situation and place it on the next commission meeting agenda.

(7)

**CONSIDERATION AND APPROVAL OF FINANCIAL AND OPERATING PLAN UNDER THE PROVISIONS OF COOPERATIVE AGREEMENT #06-LE-11041000-001 FOR SPECIAL ENFORCEMENT ACTIVITIES ON FOREST SERVICE PROPERTY.**

This is the same contract amount as last year. However, the Commissioners would like to negotiate the mileage rate for next year. Commissioner Drew Sitterud made a motion to approve of financial and operating plan under the provision of cooperative agreement #06-LE-11041000-001 for special enforcement activities with a note that Emery County wants to negotiate the mileage reimbursement for next year. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**RATIFICATION OF EMPLOYMENT CONTRACT WITH EMERY COUNTY DRUG TASK FORCE.**

Commissioner Gary Kofford made a motion to ratify an employment contract with Emery County Drug Task Force as previously approved. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION OF PROPERTY TAX ABATEMENT FOR ELIZABETH TERRILL.**

Elizabeth Terrill came before the Board of Commissioners to request a low income property tax abatement. Her physical limitations are such that she is not able to work. She lives off of a meager income. Her property taxes are \$650.93. Commissioner Gary Kofford made a motion to abate fifty percent (\$325.47) of Elizabeth Terrill's property tax. Commissioner Ira Hatch stepped down to second the motion as Commissioner Sitterud was not present at that time. The motion was approved by all members present.

(10)



**CONSIDERATION AND APPROVAL OF CONTRACT 030845, AMENDMENT #6 BETWEEN EMERY COUNTY AND UTAH DEPARTMENT OF WORKFORCE SERVICES.**

This is a contract between Emery County and Utah Department of Workforce Services to conduct an employee survey. Emery County sub-contracts with Emery Telcom to conduct the survey. Commissioner Hatch suggested that before Emery County considers this contract another year that a request for bids go out for the work as there is now another company in the county that could possibly bid into this work. Commissioner Gary Kofford made a motion to approve contract 030845, Amendment #6 between Emery County and WFS. Commissioner Ira Hatch stepped down to second the motion was Commissioner Drew Sitterud was not present at that time. The motion was approved by all members present.

**(11)**  
**DISCUSSION OF USE OF COURTHOUSE CONFERENCE ROOM FOR MINE TRAINING CLASSES.**

The Commissioner's received a request from CEU's Applied Technology Center requesting to use two rooms in the courthouse for mine training classes. They requested to use the rooms for three months. The Commissioners discussed that rather than take action on this matter they will work on finding an alternate location for the ATC to use. If that is not possible then they will come back to commission meeting with another recommendation.

**(12)**  
**APPROVAL OF BUSINESS LICENSES.**

Two business licenses were presented for consideration. The licenses were from Donna LeRoy DBA: DCL Outsource Payroll and Kevin "Andy" Wall DBA: Awall Arms & Ammunition. Both licenses have been reviewed and approved by Zoning Administrator Bryant Anderson. Commissioner Gary Kofford made a motion to approve the two business licenses as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(13)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

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Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #173234 through and including #173417 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
76-05	100 Gallon Per Minute Pump Highway/Wash Station	1,796.00	Approved
77-06	Shop Diagnostic Software Highway	711.95	Approved
78-05	Plasma Cutter Highway	2,000.00	Approved
79-05	Hydraulic Bottle Jack Highway	349.99	Approved
80-05	Polaris Ranger 6X6 Weed/Mosquito	9,919.00	Approved
81-05	Entry Team Vehicle Buffer Zone Grant Sheriff's Department	46,242.00	Approved
82-05	Receipt/Validator Printer Treasurer/Recorder	619.10	Approved

A disposition was presented for a 1990 Ford Van from the Nursing Home.

Bids were opened for a new furnace at the Huntington Airport. Also included in the bid was winterizing the house at the Huntington Airport. There were two bids submitted. Ram's Industries submitted a bid of \$1,100.00 for a new furnace and winterizing the house. There was no indication of the size of furnace that would be installed. Dugmore Heating and Appliance submitted a bid of \$1,295 for a 100,000 BTU furnace and \$1,995 for a 750,000 BTU furnace and winterizing the house. Commissioner Kofford suggested tabling for review. After discussion, Commissioner Ira Hatch stepped down to make a motion to consider the bids, compare by following up with the two vendors, comparing apples to apples, and award the bid to the lowest bidder. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Commissioner Gary Kofford added that if the bids are not adequate that they may need to re-bid the job.

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Clerk/Auditor Bruce Funk advised the Commissioners that a claim from Tracy's was submitted for repair of two Sheriff's Department Durangos. However, the claim was for advance payment for the work to be done on the Durangos. It was Mr. Funk's recommendation to not pay for any work in advance. Nevertheless, the Commissioners can authorize the pre-payment.

Commissioner Drew Sitterud made a motion to pay the Warrant Check Edit List, additional claims, approve the requisitions and disposition as presented, and to approve the pre-payment to Tracy's for the Durangos repairs. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Mary Huntington, Personnel Director presented the following Personnel action:

Museum of the San Rafael

Commissioner Sitterud went before the Museum Board, as requested in a previous commission meeting, to discuss the possibility of increasing Jan Petersen's hours from part time employee working under twenty hours per week, to a part time employee working up to 39 hours per week. Commissioner Kofford suggested it may be best to look at the budget for the Museum of the San Rafael first before taking any action on this matter. Commissioner Drew Sitterud made a motion to take a look at this matter during the budget process then to re-visit this matter after it has been identified in the 2006 budget for the Museum of the San Rafael. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Discuss and approve action of buying "Years of Service" from URS to make an employee whole.

Mary noted that if this is something the Commission chooses to do then they will need to adopt a purchase policy to avoid discrimination and to be fair to all across the board. This is a URS rule.

Attorney, David Blackwell asked if this is concerning Deputy Attorney Alan Thorpe. He indicated he has been informed that his budget is going to be cut by \$63,000.00 which is Alan's part-time job. His suggestion was that as a separation agreement with Alan we pay the \$30,800.00 which is the amount to buy out his retirement. He indicated he felt that this is not a situation where an individual is retiring. He is being let go. He has concern for this. A man works for the county nearly twenty-seven years and is let go three years short of retirement. He doesn't think this is good policy. He thinks this will set a precedent. He has three other employees with identical contracts to Alan's. If this same thing going to happen to them? Mr.

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Blackwell indicated he is not happy with the way this is being done. If we have to follow some policy then lets get a policy in place and do it. It was his understanding that this is not being done to anyone else.

Commissioner Ira Hatch indicated that we are terminating other peoples employment.

Mr. Blackwell indicated that these other employees have maxed out their retirement.

Commissioner Ira Hatch said he did not know if that was true.

Commissioner Drew Sitterud commented that if we did this, there are several who will be in line to be bought out. If we do this for one employee will we have to do this for other employees.

Mr. Blackwell said that there is a difference. Those employees still have the opportunity to work.

If they want to voluntarily retire that is a whole different matter. Alan is involuntarily being let go. The thing that concerns him is that his department is giving up \$63,000.00 which is Alan's wages and benefits for the three years, totaling some approximately \$ 200,000.00 and the county cannot come up with \$30,800.00 to buy out an employee's retirement. The way it is now he has to wait until he is sixty-two before he can start getting any retirement.

Commissioner Sitterud asked if Alan can buy up his years? Does the county have to buy it? Mr. Blackwell indicated yes, if he has \$30,000.00 in his pocket. He has to pay five percent of that. The other thing is we have done these separation agreements with other employees when those people have left the county's employment under a lot less rosy situations than Alan's.

Commissioner Gary Kofford had concerns for the contract itself. The contract does not go into any of this matter. He suggested that if this is the way that all of his contracts read then the contracts need to be redone. The contract simply states that either party can terminate with ninety days notice. We have operated under different guidelines than what the contract spells out. Professional employees can be exempt from guidelines due to hours spent during trial situations. Mr. Blackwell indicated that he inherited these contracts from previous years. He has changed them a little over the years. His department is going to have to absorb Alan's work load. He does not feel good about that, but understands that the budget is shrinking. He would feel a lot better about that if the county could do something about Alan.

Commissioner Gary Kofford asked if the County paid a lump sum to Alan to buy out his retirement would it have to be taxed? Bruce indicated that retirement funds are tax deferred and taxed as paid. Commissioner Kofford made a motion to make up to \$31,000.00 available to buy out Alan's retirement.

Commissioner Drew Sitterud stated that he did not see how the county could do that until we are finished going through the budget process. The money is not in this years budget.

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Commissioner Ira Hatch stated that he felt that we would be setting a precedent.

Commissioner Ira Hatch ruled that the motion died for lack of a second.

Attorney David Blackwell stated his disappointment.

Commissioner Ira Hatch stepped down and made a motion to not approve the action of buying out years of service. The motion was seconded by Commissioner Drew Sitterud. Commissioner Gary Kofford voted nay on the motion. Motion passed two for and one against.

Highway Department

Rex Funk prior to retiring conducted a performance appraisal on Brooke Riley and is requesting a routine progressive step increase from 5A to 6A, effective December 19, 2005. Commissioner Drew Sitterud made a motion to approve a progressive step increase for Brooke Riley as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Recorder

Recorder, Dixie Swasey is requesting approval to allow employees to contribute time to Doris Quinn who is out of vacation and sick leave due to her own serious medical condition. Commissioner Drew Sitterud made a motion to approve allowing employees to donate sick time to Doris Quinn. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sheriff's Department

Sheriff Guymon and Captain Ekker are requesting approval to allow employees to contribute to Michael Van Wagoner who will soon be out of vacation and sick leave due to serious medical condition which his wife has. Commissioner Drew Sitterud made a motion to allow employees to donate to Michael Van Wagoner as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated November 15, 2005 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)**  
**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud along with several other counties met with Senator Bramble on tax reform. He was not very receptive to our concerns.

He discussed the power and gas bill for Horn Mountain tower. It is on hold for now until things get straightened out. They need to look at charging Cellular One for rent.

He reported on the progress of the television group and how things were going.

He attended an addressing meeting where they discussed Class B Roads crossing county lines and working on getting emergency services lined up. They will be moving across the state in getting this project completed.

*Commissioner Kofford*

Commissioner Kofford reminded everyone of the county employee party Thursday night.

*Commissioner Hatch*

Commissioner Hatch attended SITLA Road policy meeting where they suggested changes to their road policy statement.

Commissioner Hatch, Commissioner Kofford and Mary Huntington attended UCIP annual meeting at Thanksgiving Point on December 1<sup>st</sup> where they discussed a proposed health insurance program. A representative from UCIP will come and explain the program and give the County an opportunity to climb on board or decline.

He attended a Utah State Board of Regents meeting where they discussed funding feasibility for going to a four year program at CEU. They were able to hear ideas regarding the Applied Technology Center and other areas of concern.

**(17)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive Session was not necessary at this time.

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**(18)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

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Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**REQUEST FROM CANYON FUEL COMPANY, LLC FOR ABATEMENT OF TAX PENALTY.**

Treasurer, Steven Barton presented a request from Canyon Fuel Company, LLC. Canyon Fuel realized they had missed paying taxes on one of their parcels they immediately contacted the treasurer's office and overnighted the payment. Their taxes are all paid in full now. Canyon Fuel is formally requesting that the penalty, \$1,367.41 be abated by the County Commissioners. Commissioner Drew Sitterud made a motion to abate the penalty imposed to Canyon Fuel Company, LLC for the late payment of property taxes. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(2)**  
**RATIFICATION OF CONTRACT WITH STATE OF UTAH FOR PUBLIC LIBRARY DEVELOPMENT GRANT.**

Commissioner Gary Kofford explained that there was a time constraint for having the grant application turned in to the state. It was necessary for Commissioner Kofford to sign the application to expedite the process. It is now necessary to ratify that action taken. Commissioner Gary Kofford made a motion to ratify the action taken to sign the Public Library Development Grant application. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(3)**  
**OPENING OF BIDS FOR PURCHASE OF COUNTY OWNED PARCEL NO. 01-0019-0027. CONSIDERATION AND APPROVAL OF BID AWARD AND OTHER REQUIRED PAPERWORK.**

A couple of meetings ago there was a request from Ed Rasbold for a piece of property that was



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not properly recorded at the time of purchase to be transferred to him. In order to follow the process for disposing of county property, the property was put up for bid. The minimum bid was set at \$22.00. One bid was received. Ed Rasbold made a bid of \$25.00. Commissioner Gary Kofford made a motion to declare the property be sold to Ed Rasbold for \$25.00. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Attorney David Blackwell will prepare the quit claim deed.

(4)

**APPOINTMENT TO EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.**

Commissioner Hatch suggested it would be best to table this until the first of the year in order to give the newly elected city councils time to make recommendations.

(5)

**LANCE WRIGHT, REQUEST FOR DONATION TO THE ENCORE THEATRE COMPANY.**

Lance Wright requested a donation to the Encore Theatre Company. Commissioner Drew Sitterud made a motion to donate \$250.00 to the Encore Theatre Company. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CITIZEN CONCERNS**

Sharon Earl, Emery County Chamber of Commerce thanked the County Commissioners for their support of the Senior Citizen Christmas Party. It was a success. They served 225 guest. Maughn Guymon, Area Agency on Aging expressed his appreciation to the Commissioners for their continued support of programs for the Senior Citizens of Emery County and complimented the Chamber for the party's success.

She also expressed the Chamber's concern for the date change for the Castle Valley Pageant.

Clerk/Auditor Bruce Funk informed the County Commissioners that the voting machines will be delivered on December 27<sup>th</sup>. We will need to accept delivery of the machines and have a secure place to store the machines. Diabold will send two of their people to go through the operation and testing of the voting machines. The integrity of the election now entirely deals with security and access. He discussed the possibility of storing the machines in the law library. Once we have accepted and tested the machines they are the County's responsibility.

(7)

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**CONSIDERATION AND APPROVAL OF 2006 COMMISSION MEETING SCHEDULE**

Commissioner Hatch proposed changing the 2006 Commission Meeting schedule to hold both monthly meetings in the morning at 9 a.m. There seems to be a better attendance at the morning meetings. The only exception to the morning meeting would be the August 15<sup>th</sup> meeting in Green River in conjunction with Board of Equalization. This meeting will be held at 4 p.m. with BOE from 2 p.m. until 4 p.m. Another exception would be to have one meeting in July, due to the 4<sup>th</sup> of July holiday, and November due to Election Day. The Commissioners discussed the need to hold public hearings in the evenings. They determined that public hearings can be an extension of the morning meeting and held in the evening. Commissioner Drew Sitterud made a motion to adopt the following 2006 Commission Meeting schedule noting the exception of the August meeting wherein BOE in Green River will be held from 2 p.m. until 4 p.m. with Commission Meeting to follow at 4 p.m. in Green River, Utah. The motion was amended to include one meeting in July and November. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

January 3, 2006	9:00 a.m
January 17, 2006	9:00 a.m.
February 7, 2006	9:00 a.m.
February 21, 2006	9:00 a.m.
March 7, 2006	9:00 a.m.
March 21, 2006	9:00 a.m.
April 4, 2006	9:00 a.m.
April 18, 2006	9:00 a.m.
May 2, 2006	9:00 a.m.
May 16, 2006	9:00 a.m.
June 6, 2006	9:00 a.m.
June 20, 2006	9:00 a.m.
July 18, 2006	9:00 a.m.
August 1, 2006	9:00 a.m.
August 15, 2006	4:00 p.m. * To follow
	Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.
September 5, 2006	9:00 a.m.
September 19, 2006	9:00 a.m.
October 3, 2006	9:00 a.m.
October 17, 2006	9:00 a.m.

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November 21, 2006	9:00 a.m.
December 5, 2006	9:00 a.m.
December 19, 2006	9:00 a.m.

**(8)****CONSIDERATION AND APPROVAL OF 2006 HOLIDAY SCHEDULE.**

New Year's Day 2006	Monday	01-02-06
Human Rights Day	Monday	01-16-06
President's Day	Monday	02-20-06
Memorial Day	Monday	05-29-06
4 <sup>TH</sup> Of July	Tuesday	07-04-06
Pioneer Day	Monday	07-24-06
Labor Day	Monday	09-04-06
Columbus Day	Monday	10-09-06
Veterans Day	Friday	11-10-06
Thanksgiving	Thursday	11-23-06
Thanksgiving	Friday	11-24-06
Christmas	Friday	12-22-06 (1/2 day)
Christmas	Monday	12-25-06

Commissioner Gary Kofford made a motion to approve the 2006 holiday schedule as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)****DISCUSSION AND APPROVAL OF MILEAGE RATE FOR 2006.**

The IRS mileage reimbursement rate for 2006 is 44.5 cents. Emery County Commissioners voted in 2004 to set the mileage reimbursement rate at 37.5 cents a mile. Commissioner Gary Kofford made a motion to retain a mileage reimbursement rate of 37.5 cents a mile for 2006. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**

**CONSIDERATION AND APPROVAL OF CONTRACT WITH JCI BILLING SERVICES, INC. FOR AMBULANCE BILLING SERVICES.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented a contract agreement with JCI Billing Services, Inc. for ambulance services for 2006. The contract reflects a \$3.00 per claim increase. Commissioner Drew Sitterud made a motion to approve the contract agreement with JCI Billing Services, Inc.. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)**  
**APPROVAL OF BUSINESS LICENSE.**

A business license application was presented from Adam Robison DBA: D & A Airport Service. Commissioner Gary Kofford made a motion to table the business license application for now. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Gary Kofford made a motion to come out of the regular commission meeting and enter into a public hearing to receive public comment on amendments to the 2005 budget. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(12)**  
**5:30 PM- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON AMENDMENTS TO FY2005 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Senior Deputy Clerk/Auditor Brenda Dugmore explained that this is an annual thing that we must do to bring into line everything that has gone on throughout the year that we have not planned for in advance. The difference between this budget and the one that was adopted last year will reflect things like grants and additional revenue to cover any overages that were unforeseen. Most of the departments were right in line. Very few went over their budget.

Darrell Leamaster, Castle Valley Special Service District presented his amended FY2005 budget for Capital Project Fund and General Fund.

Commissioner Gary Kofford made a motion to end the public hearing and return to the regular Commission Meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF AMENDMENTS FOR EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Gary Kofford made a motion to approve Resolution 12-20-05A amending the 2005 budget for Emery County General Fund, Special Revenue Funds and Capital Projects. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to approve Resolution 12-20-05B amending the 2005 budget for Castle Valley Special Service District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to recess the meeting until 6 pm. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to reconvene the regular commission meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Drew Sitterud made a motion to move into a public hearing to receive comments on the proposed 2006 budget and a 2% increase for all elected officials and county employees. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**6:00 PM- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON FY2006 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, CASTLE VALLEY SPECIAL SERVICE DISTRICT AND A 2% INCREASE FOR ELECTED OFFICIALS AND COUNTY EMPLOYEES.**

Commissioner Hatch read from the state code regarding budgets. Each year the county must prepare a budget or financial plan. In preparation for that, on or before the first day of the next to the last month of every fiscal period, which is November, the budget officer shall prepare for the next budget period and file with the governing body a tentative budget for each fund for which the budget is required. That tentative budget has been done and has been available for review in the Clerk/Auditor's office for some time. The tentative budget and all supportive schedules and data shall be a public record available for inspection during business hours at the office of the Clerk/Auditor for at least 10 days prior to the public hearing on the adoption of the final budget. That has been done. The governing body shall determine the time and place for the public hearing on the adoption of the budget. Notice of such hearing shall be published at least seven days before the hearing in at least one news paper of general circulation within the county. At the specified time and place or at anytime and place at which such public hearing may be

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adjourned the governing body shall hold a public hearing on the budget where all interested persons shall have an opportunity to be heard for or against the estimates of revenue and expenditures and any performance data or any item in any fund. On or before the last day of each fiscal period the governing body by resolution shall adopt the budget which subject to further amendment shall thereafter shall be in affect throughout the next fiscal period. A copy of the final budget and any subsequent amendments thereof shall be certified by the budget officer and filed with the state auditor no later than thirty days after its adoption. A copy similarly certified shall be filed in the office of the budget officer for review by the public during regular business hours. This is the process that we need to go through for adoption of the 2006 budget. This is the public's opportunity to comment on the 2006 budget.

Senior Deputy Clerk/Auditor Brenda Dugmore reviewed the 2006 budget with the public. The budget does not include a tax increase. It is based on last year's revenue. The 2% merit increase will move employees up one step and a 2% increase for elected officials.

Attorney David Blackwell asked if that 2% includes the contract employees also. It does include the contract employees and EMTS.

They moved the Emery County Fair and Museum of the San Rafael into the Special Revenue Funds.

Commissioner Hatch opened the meeting for questions or public comment.

There was no comment.

Darrell Leamaster, Castle Valley Special Service District presented his 2006 budget. He commented that it has been very helpful to have Commissioner Sitterud on the CIB Board.

Commissioner Drew Sitterud made a motion to come of the public hearing and return the regular commission meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF FY2006 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, CASTLE VALLEY SPECIAL SERVICE DISTRICT AND A 2% INCREASE FOR ELECTED OFFICIALS AND COUNTY EMPLOYEES.**

Upon returning to the regular commission meeting Commissioner Drew Sitterud made a motion to approve Resolution 12-20-05C adopting the 2006 budget for the Emery County General Fund, Special Revenue Funds and Capital Project Funds and also a 2% increase for elected officials

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and county employees. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to approve Resolution 12-20-05D adopting the 2006 budget for Castle Valley Special Service District. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(16)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #173494 through and including 173633 for payment.

Two dispositions were presented. 210-7848, HP Deskjet printer from the Sheriff's Department that was junked and 234-6096 a television translator from Communications that was junked. Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims and dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Mary Huntington, Personnel Director presented the following personnel action:

**Road Department**

Brooke Riley has submitted her resignation effective December 16, 2005. Interim supervisor Morris Sorensen requests approval to begin the recruitment process at the entry level for a secretary, grade 4A, \$8.12 per hour. Commissioner Drew Sitterud made a motion to approve the recruitment process for a secretary for the Road Department as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Morris Sorensen also requested approval to begin the recruitment process for an Equipment/Operator Driver. The grade would be either 11 or 12 based on experience and qualifications. Commissioner Gary Kofford made a motion to approve the recruitment process for a Equipment/Operator Driver as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Interviews for the Road Supervisor position were held December 19, 2005 and Morris Sorensen was presented for approval as the new Road Department Supervisor. If approved this would be

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effective January 2, 2006 at Grade 23 H. Commissioner Gary Kofford made a motion to approve Morris Sorensen as the new Road Department Supervisor effective January 2, 2006 at Grade 23 H. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Gary Kofford requested approval to make the existing janitor/custodian “contract” position a full time career service position. With approval the recruitment process will begin and will be posted for one week. Commissioner Gary Kofford made a motion to begin the recruitment process to fill the janitor/custodian position. The motion was seconded by Commissioner Drew Sitterud. Commissioner Hatch asked if there were any questions on the motion. Attorney David Blackwell asked if the county was doing away with the contract position? Commissioner Hatch indicated that they were. Mr. Blackwell asked if we could just move the existing person into that position? Commissioner Kofford indicated that the personnel policy states we must post the position. Mr. Blackwell stated that we have had a person in that position for twenty-five years who has been pretty much treated as an employee. Why not just change his status? Commissioner Hatch stated that Mr. Blackwell is the county’s legal council and if he says that we can do it then we can. Mr. Blackwell stated to make the change and he will stand by his opinion. Commissioner Gary Kofford made a motion to hire Dennis Fuller as Janitor/Custodian effective the closest pay period in February to allow for the thirty-day notification to terminate the current contract with Dennis. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. A letter will be sent to Dennis Fuller indicating the termination of his current contract with the county and changing his status to full time career service employee.

(18)

**CONSIDERATION AND APPROVAL OF MOA WITH ROBERT K. WEIDNER AS GOVERNMENT RELATION’S ADVISOR TO EMERY COUNTY THROUGH THE RURAL PUBLIC LANDS COUNTY COUNCIL.**

Commissioner Drew Sitterud made a motion to approve an MOA with Robert K. Weidner as Government Relations Advisor to Emery County and agree to pay Mr. Weidner \$15,000.00 for his services as provided for in the MOA. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(19)

**CONSIDERATION AND APPROVAL OF GRANT APPLICATION AND AGREEMENT WITH UTAH DEPARTMENT OF TRANSPORTATION FOR HUNTINGTON**



**AIRPORT CRACK SEAL, FOG COAT, AND PAINT.**

Commissioner Ira Hatch explained that Emery County received a grant last year for improvements to the Huntington Airport that included widening the runway and adding new lights. This new grant from UDOT will provide crack seal, fog coat and paint at the airport. The grant is a 90/10 ratio. Emery County has contracted with Special Service District to accomplish the work for this new project. The estimated cost of the project is \$35,300.00 of which Emery County will defray its share of the project cost in the amount of \$3,530.00. Commissioner Hatch proposed the Commission approve the grant application and agreement with UDOT for this improvement project at the Huntington Airport. Commissioner Gary Kofford made a motion to accept the grant application with UDOT for the Huntington Airport Project. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(20)****DISCUSSION OF LETTER TO UDOT IN SUPPORT OF ATV ROUTE NEAR EMERY.**

Commissioner Sitterud explained that Glynis Sitterud has been working on an ATV route in Emery that would go up Hole Trail around and down to Leap Canyon, go out the old highway of Emery to SR10, along SR10 across the Muddy River and back up the Muddy to make a full loop. She has been working with UDOT. She has been given approval if she can procure a river crossing. She needs a formal letter of support from the county on letterhead. Commissioner Drew Sitterud made a motion to write a letter of support to UDOT in support of Emery Town's effort to make this ATV route. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(21)****APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the commission meeting minutes dated December 6, 2005 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(22)****COMMISSION REPORTS***Commissioner Sitterud*

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Commissioner Sitterud commented on the Employee Christmas Party.

He attended an RS2477 client meeting. This is still moving forward and looking better all the time.

*Commissioner Kofford*

Commissioner Kofford recently met with DOGM and other state agencies regarding water matters.

Commissioner Kofford asked for the approval to recruit for a part time, less than twenty hours a week janitorial position to assist with the janitorial services at the courthouse. Commissioner Ira Hatch stepped down to make a motion to approve the recruitment of a part-time, less than twenty hours a week janitorial position. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

*Commissioner Hatch*

Commissioner Hatch recently attended Work Force Services regional council meeting in Moab. He expressed his appreciation to Delena Fish and her attitude regarding our local Work Force Service for what they do for our area.

He reported on a recent Risk Management Committee Meeting where it was discussed to hold employee participation day. A defensive driving course will be offered as well as other informative instruction and aid. Tentative dates have been set and we will be finalizing things soon and getting that information out to the employees.

He has been trying to work with the Forest Service and the road district. There are some projects that are dragging along. They are ready to begin the engineering phase of the Rilda Canyon project. Another project is Reeder Canyon subdivision road from Highway 29 that takes off by Lowry Water and goes up to the Reeder Subdivision. Currently we have an easement on that road we are looking to improve that road by putting a hard surface on it. There is an opportunity for us to cooperate with the Forest Service to get a few things done there.

**(23)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**  
**REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Executive session was not needed at this time.

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**(24)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JANUARY 3, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPOINTMENT OF CHAIRMAN FOR 2006**

Commissioner Drew Sitterud made a motion to appoint Ira Hatch as Commission Chairman for the year 2006. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(2)**  
**DISCUSSION OF COMMISSION RESPONSIBILITIES.**

Commissioner Gary Kofford made a motion to leave the Commission responsibilities as they were in 2005. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. The Commission Responsibilities list is as follows:

<u>Ira W. Hatch</u>	AOG	Animal Control
<u>Chairman</u>	Assessor	Attorney
Airport	Canyon Country	C.O.G.
BLM	DWR	Chamber of Commerce
Clerk/Auditor	Housing Authority	County Facilities
ECSSD#1	IT	Economic Development
Extension (USU)	Justice Court	Homeland Security
Historical Preservation	Museum	Fire District
Personnel	Public Lands	Landfill
Public Lands	RC&D	Library
Road Department	Recreation District/Fair	Mental Health
Senior Citizens	Recorder/Archives	Planning/Zoning
Travel Councils	TV/Communications	Public Health
Weed/Mosquito	Sheriff	Public Lands
Work Force Services		Treasurer
		USFS
		Wildland Fire
<u>Drew Sitterud</u>	<u>Gary Kofford</u>	
	Ambulance/EMTS	

**(3)**  
**APPROVAL OF BUSINESS LICENSE**

Tabled

**(4)**  
**APPOINTMENTS TO EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT**

Tabled

**(5)**  
**KRIS BELL, RATIFICATION OF PROPERTY TAX ABATEMENTS**

Assessor, Kris Bell asked to have ratified the action taken earlier to abate the taxes on parcel #01-0128-0005 the home of Johnnie Downard. The home burned down in 2004 and the home value reappeared on the Singer program. The previous market value was \$31,259, taxes were \$298.93. The new market value is \$17,000.00, new taxes are \$178.36, with a tax difference of \$120.57. Commissioner Drew Sitterud made a motion to ratify action taken earlier to abate \$120.57 in taxes for Johnnie Downard. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

In an earlier Commission Meeting a Commission adjustment was made on parcel #01-113A-004 belonging to John Healy because the salvaged home was removed. The Assessor's Office was told November 29, 2005 by the owner that the water is capped off, the power and gas has been removed. Therefore, the land should be valued as backage and not with a lot value. The previous market value was \$17,706.00, with taxes \$271.97. The new market value would be \$4,458.00, with taxes \$68.54.00. A tax difference of \$203.43. The Commissioners discussed this and decided that the services are still there and should be considered a building lot. Therefore, Commissioner Gary Kofford made a motion to deny the request and leave the value at \$17,706.00. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(6)**  
**CITIZEN CONCERNS**

Commissioner Sitterud discussed a phone call from Southeast Applied Technology College requesting to use two rooms for mine training and re-certification classes. This would save Emery County coal miners money and time in not having to travel to Price for the training. The classes would run for eleven weeks through January, February and March. They would need to be able to leave equipment in the room and lock it up at night. They need an answer as soon as possible or they will need to arrange to hold the classes in Price. Commissioner Gary Kofford

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JANUARY 3, 2006

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made a motion to authorize the ATC to use two rooms for three months and to authorize Commissioner Kofford, Dennis Fuller and Mike McCandless to negotiate with ATC on the terms. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. The room where the election equipment is being stored will not be available. They discussed the possible parking concerns. The Commission will ask that the attendees park in the church parking lot or street parking spaces and not use the Courthouse parking.

(7)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #173844 through and including #173860 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
01-06	(20) P4 Computers Capital Replacements	\$20, 475.00	Approved

One disposition was presented from the Library for a IBM typewriter that will be sent to the next surplus property auction.

Bruce Funk requested to increase James Nielsen's cell phone reimbursement from \$19.00 to \$45.00.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions and also the request to increase the cell phone reimbursement for James Nielsen. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following personnel action:

Effective February 1, 2006 Dennis Fuller will be the Custodian/Maintenance Lead as a full time career service employee. Commissioner Gary Kofford requested that his starting rate of pay be Grade 19J. (\$18.31 per hour or \$38,084.80 per year) Commissioner Gary Kofford made a motion to pay Dennis Fuller at the starting rate of Grade 19J as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

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Commissioner Gary Kofford made a motion to begin the recruitment process for two part time, less than twenty hours a week custodians for the courthouse here and at the Courts building. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)**  
**APPROVAL OF COMMISSION MEETING MINUTES**

Tabled

**(10)**  
**COMMISSION REPORTS**

*Commission Kofford*

Commissioner Kofford discussed the need to terminate the current employee contract with Dennis Fuller DBA: Castle Valley Maintenance prior to the beginning of his new employment status. Therefore, Commissioner Gary Kofford made a motion to terminate the contract with Castle Valley Maintenance effective January 31, 2006. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. This will be ratified in the next commission meeting.

Ramal Jones from the San Rafael Museum board recently made a proposal to the museum board to put up three scale size dinosaurs at the museum. He estimated the cost would be around \$100,000.00. He is looking into getting grants. The Commissioners discussed the fact that he would hard pressed to even get the dinosaurs at the \$100,000.00 each. They felt the price would be much higher.

*Commissioner Sitterud*

Commissioner Sitterud thanked everyone for their help with the budget process.

*Commissioner Hatch*

Commissioner Hatch reminded everyone of the Public Hearing being held at Huntington City Hall tonight at 7:00 p.m..

Commissioner Gary Kofford made a motion to recess the meeting until Mr. Gardner arrives. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

At 10:30 a.m. Commissioner Drew Sitterud made a motion to reconvene the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)**  
**BRENT GARDNER, UPDATE OF UAC ISSUES.**

Executive Director of UAC, Brent Gardner discussed with the Commissioners legislative issues related to non-Wasatch front legislative and appropriation items. He talked about the need to get a commitment from Representative Brad Johnson in areas of growth in jail funding and core funding. He answered questions regarding personal property, centrally assessed property and problems related to such.

Commissioner Drew Sitterud made a motion to leave the regular Commission meeting and move into an executive session to discuss attorney/client communications regarding litigation and other related matters allowed by law. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Those attending executive session were: Commissioner Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, UAC Executive Director Brent Gardner, and Deputy Clerk/Auditor Carol Cox.

Discussed was matters related to UAC.

**(13)**  
**RECESS**

Upon returning to regular meeting Commissioner Gary Kofford made a motion to recess the meeting until 7:00 p.m. at which time Commission meeting will reconvene at Huntington City Hall to hold a Public Hearing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.



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Purpose of the meeting: To receive public comment on proposal to vacate Emery County Road #321, known as the West Huntington Lake Road, also known as the Southwest Cove Road.  
Property description as published in the Emery County Progress December 6, 13, 20 and 27, 2005.

Present at said public hearing were as follows:

Mac Mills, Dan Pulli, Bob Mills, Corey Bluemel, Ralph Bluemel, Morris Sorensen, Ray Petersen, Mark H. Williams, Cody Patton, Sharon K. Earl, Kim Earl, Cathy Cowley, Jay Mark Humphrey, Judy Truman, Michael McCandless, Commissioner Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Clerk/Auditor Bruce Funk.

Commission reconvened at Huntington City Hall at 7:00 p.m. with all members present for the purpose of holding a public hearing on a proposal to vacate Emery County Road #321 known as West Huntington Lake Road also known as Southwest Cove Road.

Motion was made by Commissioner Drew Sitterud to reconvene the Commission meeting and open the meeting for a public hearing for the purpose as outlined. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Ray Petersen, Public Lands Director oriented those present as to the road being considered including boundaries and names of adjoining property owners.

Bob Mills, property owner, indicated that the road is on their property and that their request to vacate the road is to stop vandalism on their property. They don't want to cut out fishermen, but to control vandalism and damage by limiting access when users would have to receive permission to access.

Cody Patton, Assistant Park Ranger, recognized problem but vast majority of people behave properly. It serves as a very important free access and resource to the lake providing fishing, swimming and other activities. His department would be willing to increase patrol in the area and litter patrol to make it work.

Jay Mark Humphrey, Emery County Water Conservancy District, pointed out that the purpose of the ground was for a reservoir not recreation. He pointed out the intended parking situation. He pointed out that a study and plan had been adopted for the lake by the Bureau of Reclamation. If there is a security issue for the Bureau they would close the area. The Bureau does not allow parking when blind spots exist. Discussed with Mr. Humphrey was the possibility of making trail access.

Cathy Cowley uses the road being considered for youth activities such as fishing and riding bikes. Closure of the road would force the kids to travel along side Highway 10 to the east side for

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access. This would be very dangerous.

Michael McCandless echoed Cathy Cowley's concern and comment. He does not like putting kids on the highway. To make a trail access would not resolve the vandalism problems. There are times such as holidays that the road receives significant use, about 10 to 20 vehicles. He would not like the county to establish a precedent of closing a road because of reported vandalism. He also emphasized the road has an established historical use.

The Commission indicated that the road belongs to the county by right-of-way or prescriptive use.

Commissioner Kofford inquired if the Park Service could provide chain link fencing on the east side of the property for the owners and would keep the road access open. Cody Patton indicated that the Parks would want to keep away from development which would necessitate fees.

Commission Chairman Ira Hatch noted that the best option at this time would be to meet further with all parties. The Commission is not in the position tonight as to whether to abandon the road or not. Discussion has pointed out that the County look at fencing, new trail or cut the road down.

A meeting was set for Friday January 13, 2006 at 10:00 a.m. at the site for all interested parties.

Motion to come out of the public hearing was made by Commissioner Gary Kofford, seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to reconvene the regular commission meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

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Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DISCUSSION OF EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT'S PORTABLE BLEACHER TRANSFER OF OWNERSHIP.**

Commissioner Sitterud explained that a year ago the Recreation Special Service district went to the C.I.B. board to ask for funds to purchase three portable bleachers. At that time they were granted funds to purchase two bleachers. Last year the portable bleachers were used in the county for a number of events. At the first of this year as the Recreation District went to obtain insurance they found out it would be approximately \$1,600.00 a year for the district to insure them. Commissioner Sitterud asked Personnel Director Mary Huntington to look into what it would take to put the portable bleachers under the county's insurance umbrella. Mary reported that UCIP said it would not add to our premium, but they advised that the county needs to maintain control over the bleachers. Commissioner Sitterud looked at the contract with C.I.B wherein it said that if the C.I.B. granted funds for the purchase then the Recreation Special Service District must maintain them for five years. He explained that a letter could be written and signed by the Recreation Special Service District to take to the C.I.B. Board asking to exchange ownership or control of the bleachers to Emery County. He asked that the Board of Emery County Commissioners write a letter of support for transferring ownership of the bleachers to Emery County. If the C.I.B. board approves the request then we will transfer the ownership of the bleachers from the Recreation District to Emery County and be insured under the county's insurance. Commissioner Gary Kofford made a motion to write a letter of support to submit to the C.I.B board for transfer of ownership of the portable bleachers. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Commissioner Hatch asked that Attorney David Blackwell be involved in the drafting of the letter to the C.I.B. Board.

(2)

**CONSIDERATION AND APPROVAL OF AMENDMENT #7 TO CONTRACT #030845 BETWEEN EMERY COUNTY ECONOMIC DEVELOPMENT AND DEPARTMENT OF WORKFORCE SERVICES.**

Economic Development Director, Mike McCandles explained that this is a continuation of the original contract signed two and half years ago to provide two scopes of Workforce Services surveys. Any time WFS has a change to the number of surveys there needs to be an amendment

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to the original contract. Emery County processes the proposals and the check. Emery TelCom is the service provider for the contract. Emery TelCom won they bid after a state wide bid process. Commissioner Hatch felt that there is now another local vendor in the county capable of doing the work. He asked for an explanation of the bid process and when that bid process will come around again. Commissioner Gary Kofford made a motion to approve amendment #7 to contract #030845 between Emery County Economic Development and Department of Workforce Services. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND FOUR CORNERS MENTAL HEALTH AMS, ALCOHOL MONITORING BRACELET SERVICE AGREEMENT.**

Commissioner Hatch explained that some time back the county was approached by some concerned citizens and also Four Corners to get involved with some kind of alcohol monitoring program. Shaun Bell, Drug Court officer explained a program for monitoring alcohol use of a participant. The program uses a monitoring bracelet that is placed on the participant. The bracelet checks and sends data on the participant every hour. The monitor also reports if the bracelet is tampered with, damaged, altered or removed. Because alcohol leaves a persons body within eight hours it is difficult to monitor on a regular basis. Justice Court and APP would like to see the county come up with a better alcohol monitoring system. Jennifer Thomas, Four Corners explained the cost associated with the use of the monitoring bracelet. The bracelets cost \$ which the county would agree to purchase. Four Corners will administer the service agreement with the user. The user will sign a service agreement with Four Corners and pay a minimum monthly amount of \$4.25 a day. Sheriff Guymon wanted to know how the county will re-coup their money for the bracelets. Shaun and Jennifer indicated that the \$4.25 is a minimal amount to be charged, the plan is to add additional charge to that amount to pay back the county for the purchase of the bracelets. Four Corners asked that the bracelets be de-activated after each use and the cost for failure to de-activate a bracelet would be the responsibility of the Sheriff's Department. The user would keep the bracelet on for as long as the judge has sentenced him/her to wear them or be monitored. Commissioner Kofford expressed concern for the fact that most of the people using these bracelets do not have money. He was concerned for where the individual will come up with the funds to pay for the use. He was concerned for Clause C in the agreement with Four Corners that states that the county will hold Four Corners harmless from any claims. He wanted to know why the county would want to indemnify Four Corners? Each party should be responsible for the acts of their own employees. Commissioner Kofford was not comfortable with signing the agreement until the wording was changed. Commissioner Sitterud felt he could approve the agreement as long as the wording could be changed on Clause C. Commissioner Kofford stated he would rather have Four Corners come back to the next Commission Meeting with the wording changed in Clause C. and then they would look at the agreement again. Therefore, approval of the agreement between Emery County and Four

Corners Mental Health AMS, Alcohol Monitoring Bracelet Service was tabled.

(4)

**CONSIDERATION AND APPROVAL OF “RELEASE OF LIABILITY FORM” FOR USE OF COUNTY ACTIVITY.**

Personnel Director, Mary Huntington presented a “release of liability form” for the Board of Commissioners to consider. As part of the Risk Management, UCIP suggested it would be of benefit to the county to have the release of liability form available for any citizen renting county owned facilities. If a group or individual is renting a county owned facility, paying for the use for personal use of that facility, the form would need to be signed by the renter. Attorney David Blackwell prepared the form. He misunderstood what the form would be used for. The form presented for consideration addresses county activities. After discussion of the wording needed for the form, Commissioner Gary Kofford made a motion to table approval of the form until Mary and Dave have had an opportunity to work on the wording needed for the two types of “release of liability form” that the county needs. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. It was the preference of the Commissioners to have one form if possible.

(5)

**CONSIDERATION AND APPROVAL OF EASEMENT BETWEEN CARBON CANAL AND EMERY COUNTY.**

Brad Petersen, PSD Engineering from Salt Lake has contracted with Carbon Canal Company to design and install a secondary water system at the end of their canal. They have an individual, Hansen that is land locked. In order to get water to them they have to have an easement across Emery County property. He has been working with Attorney, David Blackwell on the legal description needed for the easement. The easement will cross three county roads, #113, 114, and 115. Commissioner Gary Kofford made a motion to approve the agreement between Carbon Canal Company and Emery County for an easement across three county roads as identified subject to the granting of encroachment permit from the Emery County Road Department. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF GRANT APPLICATIONS TO UTAH E.M.S. GRANTS PROGRAM, AND HAZARDOUS MATERIAL EMERGENCY PREPAREDNESS GRANT.**

Commissioner Drew Sitterud explained that grant applications for Utah Emergency Medical Services and also Hazardous Material Emergency Preparedness with Homeland Security were brought to him last week by Sergeant Wilson. The applications needed to be signed and sent off by a specific date. Commissioner Sitterud signed the grants. That action now needs to be

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ratified. Commissioner Gary Kofford made a motion to ratify the signing of the two grant applications, Utah E.M.S. and Hazardous Material Emergency Preparedness. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF CONTRACT TO SUPPLY AND INSTALL SOUND SYSTEM IN THE MUSEUM OF THE SAN RAFAEL.**

Commissioner Sitterud explained that the sound system at the Museum does not work very well if not at all. He contacted to vendors to give bids on installing a new sound system. One vendor was not interested. The other vendor came to the museum and determined that the building has the worst acoustics of any building in the state of Utah he has been in. He did a sound check of the building and came up with a sound system for the building. In November this vendor gave a bid of \$13,296.00 for a new sound system. \$13,300.00 was approved in the 2006 budget for a new sound system at the Museum of the San Rafael. Commissioner Sitterud called the vendor the other day and now his bid is up to \$13,306.00. Commissioner Sitterud asked for approval to approve the installation of a new sound system at the Museum of the San Rafael for the bid of \$13,306.00. Commissioner Gary Kofford made a motion to approve moving forward with the contract to install a new sound system at the Museum of the San Rafael pending approval of the contract by Attorney David Blackwell. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL TO PURCHASE USED CLEANING EQUIPMENT FROM DENNIS FULLER, DOING BUSINESS AS CASTLE VALLEY MAINTENANCE.**

Commissioner Gary Kofford explained that the county is in the process of changing the maintenance of county facilities. Currently we contract with Castle Valley Maintenance, Dennis Fuller. As of February, Dennis Fuller will be under the employment of Emery County for that maintenance. The county will need cleaning equipment for Dennis to use. Dennis has provided a list of equipment he currently uses. It was Commissioner Kofford's recommendation to purchase Dennis Fuller's equipment at a price of \$1,825.00. He would like to personally look at the equipment before acceptance of the equipment. Commissioner Drew Sitterud made a motion to give Commissioner Kofford the latitude to go look at the equipment and if it meets with his approval to proceed with the purchase the equipment. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**APPOINTMENTS TO THE PUBLIC LANDS COUNCIL**

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Commissioner Drew Sitterud commented that the applications for individuals interested in appointments to the Public Lands Council were reviewed and they have been given recommendations from the Public Lands Council. There were three top picks and three ties. He was concerned that several of the applications had only their name on the application. There was no other information on the application to give us any indication of that persons ability, interest or desire to serve on the council. He preferred not to put any of the persons on the council that only handed in a name on the application. He has had several comments made to him that only agricultural people get appointed to the Public Lands Council. As he looked at the board it is heavily weighted with agricultural people. There is nothing wrong agricultural people, they do a great job and have the time to serve. One of the applicants is in agriculture. One of the applicants was a new move into the county that works with Division of Oil, Gas and Mining. Personally, he felt having someone from DOGM on the board would be great. He recommended appointing Sherral Ward, Vernel Rowley, Bruce Wilson and Pricilla Burton to the Public Lands Council. Commissioner Drew Sitterud made a motion to appoint Sherral Ward, Vernel Rowley, Bruce Wilson and Priscilla Burton to the Public Lands Council. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)**

**CITIZEN CONCERNS**

Commissioner Hatch requested increasing Morris Sorensen's cell phone stipend to \$45.00. He is currently receiving \$25.00 and with his new position as Road Supervisor feels he needs the increase. Commissioner Drew Sitterud made a motion to increase the cell phone stipend for Morris Sorensen to \$45.00. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Emery County Youth Leadership Council representatives, Dannette Waite, Pauline Jensen and were present to propose the Commissioners consider letting the youth councils of the cities of Emery County take over the Lamb Fry. They feel they could involve the businesses in the county and more of the youth of the county. They have been serving and participating with the Lamb Fry for several years. The compensation that they did receive in the past helped with their scholarship program and youth council summit. They feel that they can do this. They thanked the Commissioners for their support of the Youth Leadership Summit which has been well attended. They had many beneficial workshops with fun service projects. They reviewed the youth leadership council program with the Commissioners. The Commissioners thanked them for coming. They will have to get with the Fair Board and the Chamber of Commerce and see what they can work out.

Commissioner Drew Sitterud received a call from Mary Ann Wright regarding Lila Canyon Mine. They need an extension with DOGM of the information gathering period. Commissioner Gary Kofford made a motion to sign the extension with DOGM for the extension of the information gathering period for Lila Canyon Mine. The motion was seconded by

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Commissioner Drew Sitterud and approved by all members present.

(10)

**RATIFY DECISION TO TERMINATE CLEANING CONTRACT WITH DENNIS FULLER dba CASTLE VALLEY MAINTENANCE.**

Commissioner Gary Kofford made a motion to ratify the decision made earlier to terminate the contract with Dennis Fuller dba: Castle Valley Maintenance. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List, additional claims #173966 through and including #174131 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
02-06	Oil containment system Landfill	\$464.50	Approved
03-06	Spillman software/installation Sheriff	91,830.00	Approved
04-06	Sound system Museum of San Rafael	13,306.00	Approved

Dispositions were presented for three printers from the Sheriff's office tag #'s 6724, 7995 and 6306. The printers will be sent to storage to be sold at the next county auction.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional Claims requisitions and dispositions. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**



COMMISSION MEETING MINUTES  
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Mary Huntington, Personnel Director presented the following personnel action:

Recorder

Dixie Swasey is requesting a one step increase for Dottie Grimes who has completed her 6 month orientation period successfully. She would move from Grade 10 entry to Grade 10A effective January 30, 2006. Commissioner Drew Sitterud made a motion to approve a one step increase for Dottie Grimes as prescribed in the Emery County Personnel Policy. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Planning & Zoning-Building Inspector

Bryant Anderson is requesting a one step increase for Bob Bennett who has completed his six month orientation period successfully. He would move from Grade 18Q to 18R effective January 30, 2006. Commissioner Gary Kofford made a motion to approve a one step increase for Bob Bennett as prescribed in the Emery County Personnel Policy. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Sheriff's Department

Sheriff Guymon and Captain Kyle Ekker requested approval to start the recruitment process to find three qualified employees. Greg Funk and Rory Bradley have resigned and they are still in the process of trying to replace Paul Simmons. Commissioner Drew Sitterud made a motion to approve the recruitment process for three employees at the Sheriff's Department. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Road Department

Interviews have been completed for a secretary at the Road Department. They still have to go through the selection process. Commissioner Hatch asked for approval to hire a secretary for the Road Department and have the action ratified in the next Commission Meeting. Commissioner Drew Sitterud made a motion to approve the hiring of a secretary at the Road Department and have that action ratified in the next Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**APPROVAL OF COMMISSION MEETING MINUTES DATED DECEMBER 20, 2005  
AND JANUARY 3, 2006.**

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JANUARY 17, 2006

Commissioner Gary Kofford made a motion to approve the minutes dated December 20, 2005 and January 3, 2006 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)**  
**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud and Ray Petersen met at Range Creek regarding the finalizing of the RMP. They have requested that the Emery County Travel Bureau maintain the concessionaire at Range Creek. The county will need to present a proposal to DWR for concessionaire. They will need to meet with the Travel Council to come up with a proposal.

He provided a C.I.B. update. The C.I.B. has granted 4.5 million in no interest loans and 35 million in low interest loans. There is a lot of interest in C.I.B. this year. The C.I.B. cannot loan money to a non-contributing entity. There is a big move to change C.I.B. and the make-up of the board.

Ramal Jones, who is interested in getting dinosaur model at the Museum of the San Rafael, is working on getting a grant to fund that project.

State Parks has granted permission to hold fishing tournaments at two state parks in the county, Huntington and Millsite. The water skiing and wake board association has us on the calendar to hold competitions in the county. We will find out more when the State Parks holds their meeting on the 23<sup>rd</sup> of this month.

He will meet tomorrow with the Governor on RS2477. Drew and Ray met with the Trails Committee on putting number on signs.

*Commissioner Kofford*

Commissioner Kofford went to a meeting with Southeastern Utah oil producers and Division of Oil, Gas and Mining. They are opening six pilot offices in the state that will be working with oil and gas permits and leases.

He reminded the other Commissioners of the meeting Thursday at 7:00 pm with the Economic Development working on their yearly plan.

*Commissioner Hatch*

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Commission Hatch reported on the public hearing held in Huntington regarding the proposed closure of CR # 321. They met with land owners, state parks, EC Road Department to discuss the alternatives. He felt that all were pleased with the outcome of the meeting. Putting up a fence will meet the needs of the land owners and others concerned.

Commissioner Hatch and anyone else who would like to go will be going to look at the overlooks at Eagle Canyon that the county wants to keep in conjunction with the Moore Cut-Off road.

Commissioner Drew Sitterud made a motion to move into an executive session. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at an executive session was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Public Lands Director Ray Petersen, Deputy Clerk/Auditor Carol Cox.

The Board of Commissioners discussed pending litigation regarding a GRAMA request.

**(17)**

**ADJOURNMENT**

Upon returning to the regular meeting Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

10  
COMMISSION MEETING MINUTES  
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MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

FEBRUARY 7, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND FOUR CORNERS MENTAL HEALTH AMS, ALCOHOL MONITORING BRACELET SERVICE AGREEMENT.**

Tabled

(2)

**CONSIDERATION AND APPROVAL OF "RELEASE OF LIABILITY AGREEMENT" FOR CITIZENS WHO RENT COUNTY OWNED FACILITIES.**

In the last commission meeting Mary Huntington, Personnel discussed a "release of liability agreement" form with the Commissioners. At that time it was determined to rewrite the agreement to better fit the need intended. Attorney David Blackwell worked with Mary to reword the agreement and it was presented to the Commissioners for approval. UCIP requires the county to have a release of liability agreement signed by anyone renting county facilities. After review of the agreement Commissioner Drew Sitterud made a motion to approve the "release of liability agreement". The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**RATIFICATION OF MORRIS SORENSEN CELL PHONE REIMBURSEMENT. APPROVAL OF CELL PHONE REIMBURSEMENT FOR DENNIS FULLER.**

In the last commission meeting a cell phone reimbursement was approved for Morris Sorensen. Commissioner Gary Kofford made a motion to ratify approval of a cell phone reimbursement for Morris Sorensen. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Gary Kofford made a motion to approve the standard \$45.00 a month cell phone reimbursement for Dennis Fuller. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**RATIFICATION OF STIPULATION TO AMEND ORDER IN THE MATTER OF LILA CANYON EXTENSION TO THE HORSE CANYON MINE.**

In the last commission meeting approval was given to the stipulation to amend order in the matter of Lila Canyon extension to the Horse Canyon Mine due to time constraints. Commissioner Gary Kofford made a motion to ratify the approval of stipulation to amend order in the matter of Lila Canyon extension to the Horse Canyon Mine. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**CONSIDERATION AND ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$1,228,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC PURPOSE BONDS; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND RELATED MATTERS.**

Darrell Leamaster, Castle Valley Special Service District and Alex Buxton, Zions Finance were present to ask for consideration of a resolution authorizing the issuance and sale of \$1,228,000.00 aggregate principal amount of general obligation public purpose bonds. Darrel explained that the \$1,228,000.00 is part of the 2001 voter approved 12 million dollars. They have now spent 6.8 million leaving 2.2 million of the voter approved funds left to use. These funds will be used for summer projects throughout the county, including streets, drainage, sewer and water, curb and gutter. Mr. Buxton explained the parameters of the bond and payment schedule. The closing is scheduled for March 17, 2006. Mr. Buxton and Mr. Leamaster recommended adoption of the resolution. Commissioner Drew Sitterud made a motion to adopt Resolution 2-07-06A a resolution authorizing the issuance and sale of \$1,228,000.00 aggregate principal amount of general obligation public purpose bonds and authorizing the execution and delivery of certain document in connection with the issuance of the bonds for Castle Valley Special Service District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF STANDARD COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK-2006**

Commissioner Drew Sitterud made a motion to approve a standard cooperative agreement for Utah State University Extension Educational work for 2006. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**DISCUSSION OF ASSESSING A MINIMUM REAL PROPERTY TAX.**

Treasurer, Steven Barton discussed with the Commissioners the possibility of assessing a minimum real property tax. There are 257 properties with various assessed taxes of from nine cents to ninety-nine cents. The bulk of the properties are in green belt or agriculture. In just the Treasurer's office the cost to mail out the tax notice and other notices and mailings amounts to fifty-one cents per parcel. He would like to eliminate the small amounts or bill at a minimum amount. He estimates the total dollar amount of real property taxes for parcels under a dollar would amount to \$123.00. The Commissioners felt that this needed to be looked into some more. Therefore, Commissioner Drew Sitterud made a motion to have a committee made of a representative from the Treasurer's Office, Assessor's Office, Recorder's Office and Attorney's Office get together and do some research on the matter and bring the request back to the Commission to look at again. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING THE RESOLUTION OF THE BOARD OF CARBON COUNTY COMMISSIONERS FOR THE ANNEXATION OF CERTAIN PROPERTIES IN EMERY COUNTY, UTAH INTO THE PRICE RIVER WATER IMPROVEMENT DISTRICT.**

Commissioner Gary Kofford made a motion to approve Resolution 2-07-06B approving the resolution of the Board of Carbon County Commissioners for the annexation of certain properties in Emery County, Utah into the Price River Water Improvement District, with the stipulation that the boundaries for annexation into the PRWID be reviewed and verified by Dixie Swasey and Recorder's Office. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF FRANCHISE AGREEMENT BETWEEN EMERY COUNTY COMMISSION, CARBON COUNTY COMMISSION, AND PROWID.**

Commissioner Gary Kofford made a motion to approve a franchise agreement between Emery County Commission, Carbon County Commissioner, and PROWID. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**CITIZEN CONCERNS**

Commissioner Drew Sitterud reported that Emery County has received a GRAMA request for parcel information. He informed the other Commissioners that there is a bill in the legislation at this time that will change, dramatically, what information can be given out.

Commissioner Gary Kofford discussed the bid by Ernie Jensen Construction to remove the scales and scale house. He would like to proceed with the demolition as soon as possible. Mr. Jensen would remove all of the concrete flooring under the building and under the scales from the property and then backfill the existing holes. He will use fill material located in the southeast corner of the property where the scale house is located. There is no cost involved. Commissioner Gary Kofford made a motion to approve a contract and award the bid to Ernie Jensen Construction for the removal of the scales and scale house and fill in the holes. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**RATIFICATION OF LEPC COORDINATOR AGREEMENT.**

In an October 2005 Commission Meeting action was taken to approve LEPC Coordinator Cynthia Grant. That action needs to be ratified. The agreement is between Cynthia Grant and Emery County. Commissioner Gary Kofford made a motion to approve an agreement between Cynthia Grant as LEPC Coordinator and Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF TAX ABATEMENT FOR JOHNNIE/VIRGINIA BLOOMER.**

Recorder, Dixie Swasey requested to abate taxes on parcel 01-116B-0040 . This parcel of land has been double assessed for several years. The description for this parcel is actually a part of parcels 1-116B-18 and 1-116B-41. The description first came about in a 1931 Tax Sale . It then was a part of a description that was deeded out in 1941. That description was carried forth until 1971 when for some reason it reappeared on a deed that contained both the description on the Tax Sale and the description which included the description for 1-116b-40. That is how it has remained through other conveyances throughout the years. She indicated that Jim Bartorelli has been working on parcel 1-116B-18 and that he and Dixie had discussed this problem a few times. It is apparent that 1-116B-40 does not need to exist due to the facts that she has stated. Therefore, Dixie asked for the taxes for the years of 2001, 2002, 2003, 2004 be abated. Mr. Noonan who owns 1-116B-18 has paid the 2005 taxes in order to keep it from going to tax sale. Commissioner Drew Sitterud made a motion to abate the taxes on parcel 01-116B-0040 and



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direct Dixie Swasey to purge the parcels to make them correct. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL FOR ASSESSOR TO ABATE  
PENALTY/INTEREST ON PERSONAL PROPERTY/MOBILE HOMES FOR CITIZENS  
WHO QUALIFY FOR CIRCUIT BREAKER.**

Assessor, Kris Bell requested approval to abate penalty and interest for those personal property owners who qualify for circuit breaker. It was decided to wait and see if there were any taxes to abate rather than make a blanket abatement.

(14)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

A business license was presented for Kyle Fox dba: JK Tack Shop. Kyle will be rebuilding and making horse tack. Commissioner Gary Kofford made a motion to approve a business license for Kyle Fox dba: JK Tack Shop. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(15)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND  
DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #174354 through and including #174539 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
05-06	Dispatch Console Dispatch/SO- Grant	137,756.00	Approved
06-06	1 ton Dodge Diesel (Landfill) 3/4 ton Dodge Diesel (Road) Road Department	48,419.00	Approved
07-06	2006 Caterpillar Grader		

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Trade-In 1990 JD Grader Road Department	160,616.00	Approved
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Dispositions were presented for the following:

IBM Typewriter, Library, (no tag), 580-4769 Television, Library, 210-7240, Canon Faxphone, Sheriff, 210-7224, 17 in monitor, Sheriff. All will be sent to the next county surplus auction.

Bruce updated the Commissioners on the recent testing of the Diabold Voting Machines. 40 machines were tested. 6 failed the test. Two were repaired then retested and passed. He recently attended a meeting with other county clerks in the state where concerns were voiced regarding the machines and the upcoming election. Many of the machines were not holding battery charge as anticipated as well as many other concerns regarding functionality, security and integrity. He discussed the cost associated with the training that will need to be done prior to the training of the election judges. Election judges are being paid more in other counties because of the amount of training and responsibility. He indicated that he will need a trailer with which to transport the voting machines to the various precincts and the integrity of the security once the machines have been delivered.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Mary Huntington, Personnel Director presented the following personnel action:

IT

Erik Nelson, Senior at Emery High School is doing an internship in the IT Department. He started January 17, 2006. He comes each day from 8:30-10:10 a.m. and will be here until the end of the school year.

Extension

Dennis Worwood is requesting Gayleen Conder receive a routine progressive step increase from 6B \$9.02 to 7B \$9.38 effective February 2, 2006. Commissioner Drew Sitterud made a motion to approve a one step increase for Gayleen Conder as requested. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Personnel

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Commissioner Hatch requested a one step increase for Mary Huntington who has completed her 6 month orientation period successfully. She would move from Grade 18F to 18G. Commissioner Gary Kofford made a motion to approve a one step increase for Mary Huntington as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Road Department

Interviews were held for the Equipment Driver/Operator position January 24, 2006. Mark Seely, current Lube Mechanic at the Road Department applied, and Morris Sorensen would like approval to move Mark into this position. Mark will remain as Lube Mechanic until that position can be filled. Commissioner Drew Sitterud made a motion to approve Mark Seely as Equipment Driver/Operator at the Road Department. Mark will continue in the Lube mechanic position until that position is filled. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Interviews for the Road Department Secretarial position were held January 12, 2006. In the last commission meeting that approval was given to fill the position. However, the candidate to fill the position had not been determined. Gayleen Cox has been selected to fill that position. Her grade will be 4A at \$8.12 per hour.

Eric Nielsen has been hired as a 90 day temporary employee at the Road Department.

Maintenance

Interviews were held for two part time custodial positions January 25, 2006. The names of Kimble and Anne Larsen (they will work as a team) and Nanette Harrison are being presented for approval. Their grade will be 4A at \$8.12 per hour. The Larsens will be at the Sheriff's Office and Nanette will be at the main courthouse building. Commissioner Gary Kofford made a motion to approve the hiring of Kimble and Anne Larsen and Nanette Harrison as part time custodians as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Risk Management

The Risk Management Committee met on January 30, 2006. Discussed was implementing an Employee Safety Incentive Program. \$20.00 would be given to each employee who has been determined by the Accident Review Board as a safe driver and worker. All information would be submitted to Mary by November 30 of each year. The monetary award would be presented at the annual Christmas Party. Upon motion of Captain Kyle Ekker and second by Morris Sorensen the Risk Management Committee voted to implement the program for 2006. After some discussion on this matter, Commissioner Gary Kofford made a motion to approve implementing

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an Employee Safety Incentive Program. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Other

Mary submitted the Equal Employment Opportunity Plan for Emery County for the Commissioners to review.

She asked for approval of CBSA's Amendment #5 to the county's insurance plan for durable medical equipment. This would allow the participant to go to either Praxair or Lincare for medical equipment. Commissioner Drew Sitterud made a motion to approve Amendment #5- Durable Medical Equipment to Emery County's health plan. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)

**DERRIS JONES, DWR, QUARTERLY UPDATE**

Derris Jones, DWR presented the following update:

- Mr. Jones presented the Commissioners with a check for \$2,751.32 which was the DWR 2005 contractual payment in lieu of tax payment on land DWR owns in Emery County. These funds are generated by the hunters and anglers.
- DWR is in the process of redoing their deer management plan. They will be discussing this in the March RAC meeting. They will look at deer objectives and tie them into vegetative transects and try to get more than just a best guess of what should be out there. They will have to go through the public process to demonstrate how they came up with the numbers.
- They are on a three year rotation to get aerial elk counts on the ranges. They flew Range Creek this year. The objective was for 1,000 head of elk. They physically counted 1,900 head of elk. Well over the objective. Private land is a big portion of that unit.
- Manti- Management of bull herd to an age objective. For a while it was six to seven. They lowered that to four to five. They are adding bull tags every year much to the dismay of the hunters. Age data this year is inconclusive because late bull hunt counts are not back yet.
- Bison-Statewide Management Plan. They have started the process on the Book Cliffs Initiative area. If the plan gets approved there will be more than one herd transplanted on the north side of the Book Cliffs. This is in response to the Hill Creek extension where bison have started to venture out of the area. Some landowners feel comfortable letting the bison on their land.
- Range Creek- he stated he appreciated working with Drew Sitterud and Ray Petersen to help in development of a comprehensive management plan for Range Creek. They have put out a request for proposal for those interested in commercial use of the canyon. They

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will review the proposals and base on merit and dates requested. It will be mandatory to have a DWR representative with them. Carbon County Recreation Department is having to go through the same process. Emery County will have the same process. Last year sixty percent of the visitors to Range Creek were from out of state and bought day use passes. Five percent were Carbon and Emery, the rest were from the Wasatch Front or other areas.

- He has had some communication with Patsy at the Emery County Progress to look into getting some educational camps into the canyon.
- The Division is looking at construction of a Natural Resources Office in Price. Their lease will be up next year where they are currently housed. They have gone to the CIB to try and get funds to assist in that construction.

(18)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated January 17, 2006 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(19)

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud informed the Commissioners that Marc Stilson has been named to take Mark Paige's place on the State Division of Water Rights. He will be housed in the Price office.

Commissioner Sitterud attended an addressing committee meeting with six counties AOG. They will meet in Richfield in March to begin the process of addressing roads going outside of Emery County into Sanpete and Sevier County side. After that the State AGRC will take over and address the rest of the B Roads in the state.

He met with the State Parks recently. The wake board contest will be the first week in June. The Scouts Troops will be in Goblin Valley in July for night games.

The Fair Board has met a couple of times now. They are getting underway with the plans for this year.

The Commissioners recently attended Legislature Day at the Capitol in Salt Lake. Commissioner Sitterud discussed a bill before the legislature that will change the make-up of the CIB board.

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This would grant funds to any non-contributing county that comes and request them. UAC voted not to support the bill. We need to contact Brad King and get him on our side.

They had a TV meeting recently in Price. The 2006 deadline to be ready to switch off the analog signal has been pushed back to 2009. Emery County is broadcasting in both analog and digital now. Ferron and Huntington Canyons will be up soon. All of Emery County will be broadcasting in digital by summer.

Drawings have been sent to an architect in Moab to begin the draft drawings for a new Senior Center in Green River. Preliminary plans will go the CIB soon.

Commissioner Hatch

Commissioner Hatch, along with Commissioner Kofford met with BLM on Eagle Canyon overlook and Temple Mountain overlook.

He talked about the Emery County Historical Preservation Committee regarding Muddy Creek and the information kiosk. They are considering moving it closer to the overlook to actually see the bridge.

Emery County recently hosted a Defensive Driving Course. Fifty-six people attended two sessions. This meets a safety requirement for the county's insurance program.

**(20)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 21, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Hatch informed all present that Commission Secretary, Leslie Bolinder was involved in an automobile accident on Thursday, February 16, 2006. She continues to improve and will be home from the hospital on Wednesday, February 22, 2006. She will be out of the office for an indeterminate amount of time.

This morning, before Commission Meeting, the Emery High School FFA local chapter members along with their leader, Corine Dalton met with the Commissioners and other elected officials to review the chapter's activity and accomplishments for this school year. They presented the Commissioners with their Commendation of Service and declared the week of February 18 through 26, 2006 as service week. They thanked the Commissioners and elected officials for their continued support for the program.

(1)

**PUBLIC HEARING- FOUR CORNERS MENTAL HEALTH- TO RECEIVE PUBLIC COMMENT ON MENTAL HEALTH AND SUBSTANCE ABUSE FOR EMERY COUNTY.**

Robert Greenburg, Director of Four Corners Behavioral Health, Inc. directed his comments to the Commissioners and those in attendance. He stated that Utah Law makes the County Commissioners the authority for mental health services in the county. Last year legislation was passed that allowed a commissioner to sit on the board of directors. Commissioner Gary Kofford is now a voting member of the board of trustees. He indicated that rural areas are under severe strain for funds. State funds are allotted by population so they have lost money. Drug Court in Emery County has had the best success in the state, so he was confident that the funding will continue for that program. The purpose of this public hearing is to receive public comment to begin the planning process to build this years work plan.

Commissioner Hatch opened the meeting to comments and questions from the public.

Delena Fish, DWFS commented on the lack of funds for those single adults and married without children. Many of these people are in desperate need of assistance. They need drug counseling and help with mental health issues. DWFS's hands are tied when it comes to being able to provide for those needs. Many do not qualify for Medicaid programs. She asked that money be set aside specifically for this group of people's needs.

Susan Austin, Castle Dale, commented that she appreciates the work that Four Corner's is doing to help her son. She asked that the agencies begin to work together to help provide these needs of the young people in our area.

Diane Butler, representing the LDS church, commented that the LDS church has a program available in Emery County and Carbon County that follows a program similar to the programs available through Four Corners that she hoped would enrich the programs already being provided.

They meet every Thursday night at the LDS Seminary building in Castle Dale. The meetings are not very well attended in Emery County, but are well attended in Carbon County. A few Emery County people attend the meetings in Carbon County. She asked that the agencies consider sending people to these meetings for bolstering of their programs. Regarding court fines imposed on offenders, she commented that she feels the fines are way to high and cause the offender to become discouraged about being able to pay them. She asked if there had ever been a study done to see if the fines are a deterrent to the progress of an offender.

Mr. Greengurg commented that the criminalization of drug abuse is a scandal. It limits the ability to force people into treatment.

Charity Burnside, Department of Children and Family Services commented that offenders have a short period of time to get on the ball. Many times they have had to send children back to the homes they removed them from. In Green River they have had to send people to other areas to receive the services they need because these services are not available in Green River.

Mr. Greenburg indicated that there are some services available in Green River.

Jacob Barnett, DCFS, felt that the monitoring bracelets for monitoring alcoholic offenders was a good idea. He understood that the reason they were not using them was the funding constraints.

Commissioner Kofford explained that the funding of the bracelets was not the problem it was the cost of the use to the offender that caused a problem. The Commission did not see how an offender can afford to pay to use the bracelet. It would cost the user \$4.25 a day to have the bracelet on as well as what ever the county was to add on to that to recover their investment. The user was to be expected to pay the cost up front. We just could not see that was going to work. The problem being that the offender is usually not working and would not be able to come up with the funds. We need to come up with an alternative way to fund the program.

Attorney Blackwell commented regarding fines imposed by the courts. He suggested that usually the fines can be reduced depending on the circumstances and the judge who imposed the fines.

Commissioner Hatch asked if there were any more questions or comments.

Having no more comments the public hearing was closed.

(2)



**ROBERT GREENBURG, PRESENTATION AND ACCEPTANCE OF FY2005 AUDIT FOR FOUR CORNERS BEHAVIORAL HEALTH, INC.**

Mr. Greenburg presented the 2005 audit performed by Smuin, Rich and Marsing. Mr. Greenburg reviewed the audit with the Commissioners. Upon review of the audit report, Commissioner Gary Kofford made a motion to accept the FY2005 Audit for Four Corners Behavioral Health, Inc. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(3)**  
**MELANIE STEELE, HELPER ARTS & MUSIC FESTIVAL, REQUEST FOR SPONSORSHIP.**

Tabled

**(4)**  
**REQUEST FOR DONATION TO EMERY COUNTY COMMUNITY THEATER.**

Tabled

**(5)**  
**APPOINTMENT OF AT-LARGE BOARD MEMBERS ON THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.**

Commissioner Drew Sitterud reported that there are two at-large board members on the Emery County Recreation Special Service District. Ross Gordon's term has expired. Jimmy Jones has served one term. Historically members have stayed on the board for two terms or eight years. This is Ross's second term. Applications were received from four individuals interested in serving on the board. Commissioner Drew Sitterud made a motion to appoint Jimmy Jones and Johnny Nielson to serve four terms as at-large board members on the Emery County Recreation Special Service District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(6)**

**RATIFICATION OF BID AWARD TO ERNIE JENSEN FOR REMOVAL OF SCALE AND SCALE HOUSE.**

Commissioner Gary Kofford made a motion to ratify the action taken the last commission meeting to award the bid for the removal of the scale and scale house located at the justice complex to Ernie Jensen. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CITIZEN CONCERNS**

There were no citizen concerns.

(8)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH FOR FUNDING REIMBURSEMENT FOR COLLECTION AND DELIVERY OF CORNER COORDINATES, AND/OR CONSTRUCTION OF DIGITAL PARCEL DATABASE.**

In a continuation of Utah's Cadastral Funding assistance program for rural counties, there is once again grant money available for use by rural counties to focus on their cadastral data collection and parcel automation efforts. As an extension to last year's funding, Emery County will be granted \$27,900.00 for this purpose. There is a July 31, 2006 deadline agreed upon for work to be completed, or to have the funding obligated. Commissioner Gary Kofford made a motion to approve the contract with the State of Utah, Department of Technology Services Automated Geographic Reference Center (AGRC) for funding reimbursement for the collection and delivery of corner coordinates, and/or construction of digital parcel database upon review and approval of the contract document by Attorney David Blackwell. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF EASEMENT NO. 1053 WITH SITLA.**

Public Lands Director, Ray Petersen explained that easement No. 1053 is a short section of road on a trail that is on SITLA land that is going up for sale. Sheriff Guymon has indicated that it would be beneficial to have this short section of road left open to facilitate search and rescue efforts in the area. Attorney David Blackwell had some questions regarding the easement description and consent to sue issues. As the Commissioners discussed the description as written in the easement, they felt that the description of the road should extend all the way to the Green River to have access to the river for search and rescue efforts as well as public use. They

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discussed other issues with the easement as it was written. Ray indicated that they had sixty days to get back with SITLA. The Commissioners felt the issues and questions should be looked at and addressed before going any further. Ray will contact SITLA and let them know. The Commissioners will put this issue on the next Commission meeting agenda for consideration.

(10)

**CONSIDERATION AND APPROVAL OF STARTING A SALE OF LAND PARCEL NEXT TO THE LANDFILL.**

Ken Nielson, Nielson Construction was present to request starting the process for the county to sell a 100 feet parcel of land next to the landfill. The property will have to be declared surplus and noticed in the paper. Adjacent land owners will have to be notified. Anyone will be allowed to bid on the parcel. The Emery County Assessor's office has set a minimum price of \$200.00 an acre. Commissioner Drew Sitterud made a motion to start the process for the county to dispose of a 100 feet parcel of land next to the Emery County Landfill. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF STARTING THE PROCESS TO TRANSFER OF OWNERSHIP OF THE CULINARY WATER LINE SUPPLING THE EMERY COUNTY LANDFILL TO CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Kofford discussed the need to transfer ownership of the culinary waterline suppling the Emery County Landfill to Castle Valley Special Service District in order to accommodate adjacent land owner, Nielson Construction to obtain a water connection. The water line has to belong to CVSSD in order for Nielson's to get a water connection to their property. Nielson's will have to apply with Castle Dale City for the water connection. After discussion of the transfer issue Commissioner Gary Kofford made a motion to start the process to transfer ownership of the culinary water line to CVSSD. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS, AND DISPOSITIONS.**

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Clerk/Auditor Bruce Funk presented the Warrant Check Edit List #174695 through and including #174802 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
8-06	T111 siding and construction materials Weed/Mosquito complete building	1,061.32	Approved
9-06	Used Inspiron 8000 laptop motherboard Martin Wilson/ Sheriff's Office	569.00	Approved
10-06	2006 Ford F-350 Ambulance Ambulance	104,500.00	Approved

Dispositions were presented for #410-4681 a 35mm Canon Camera from the Highway Department that will go to the next auction and a blue executive chair from the Commission Office (no number could be found).

It was questioned whether to purchase a used laptop motherboard. Jeff Guymon, IT suggested that a new motherboard would be not much more and would come with a year warranty. Jeff will look into the matter and get back with the Commissioners.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit, additional claims, requisitions and dispositions. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(13)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following Personnel action:

Economic Development

Mike McCandless is going to hire Donna Hatfield who will work in the museum in Green River as a 90 day temporary employee. She will work March 13, 2006 to June 10, 2006 , take two weeks off, then back to work June 26, 2006 until September 29, 2006 at \$7.00 per hour.

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Commissioner Gary Kofford made a motion to approve the hire of Donna Hatfield as a 90 day temporary employee in the Green River museum as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

FMLA request

Mary Huntington, Personnel Director requested FMLA for Bryant Anderson due to his own serious medical condition. The requested leave will be from January 20, 2006 to April 14, 2006. Commissioner Gary Kofford made a motion to approve FMLA leave for Bryant Anderson as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Highway

Morris Sorensen is requesting a one step increase for Dustin Deto who has completed his six month orientation period successfully. Effective February 27, 2006 he will move from 12 entry at \$11.00 per hour to 12A \$11.33 per hour. Commissioner Gary Kofford made a motion to approve a one step increase for Dustin Deto as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(14)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated February 7, 2006 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported on a meeting he recently attended where they discussed the Old Spanish Trail. There will be a convention held in Green River in June where discussion will commence on the management of the Old Spanish Trail. There is concern for the fact that there are more people from all over the U.S. trying to tell us how to manage the trail than people in Utah. We need to get people involved. He talked about maybe putting up a sign at various locations along the trail identifying the Old Spanish Trail. It is something that the county needs to look at.

8  
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Commissioner Sitterud made a motion to move into an executive session. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**  
**REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at an executive session was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

**(17)**  
**ADJOURNMENT.**

Upon returning to the regular Commission Meeting, Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 7, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DONNA SACKETT, SENATOR BENNETT'S OFFICE REPORT.**

Donna Sackett, Senator Bennett's office was present to inform the County of issues of importance to the rural areas of the state and be available for questions. She reminded the Commissioners of the April 19, 2006, Rural Business Conference in Vernal, Utah. Senator Bennett has an expressed interest in the conference and will be in attendance.

There will be a remote office held at the Castle Dale Senior Center on April 11, 2006 to help seniors understand the new Medicare D program.

The Commissioners suggested that it would be good to meet with representatives from PacifiCorp and local canal companies regarding salinity projects. The Bureau of Reclamation is looking at silt problems at Millsite Reservoir and especially the integrity of the dam.

(2)

**MELANIE STEELE, HELPER ARTS & MUSIC FESTIVAL, REQUEST FOR SPONSORSHIP.**

Tabled

(3)

**REQUEST FOR DONATION TO EMERY COUNTY COMMUNITY THEATER.**

Tabled

(4)

**CONSIDERATION AND APPROVAL OF AGREEMENT WITH CELLULAR INC.**

Commissioner Sitterud explained that Communications Director, Bret Mills inquired into the yearly payments from Cellular Inc. He found that Cellular Inc. owes Emery County \$18,000.00 for the last two years. The agreement with Cellular Inc. was re-written to reflect the past due amount and future payments to the county. Commissioner Drew Sitterud made a motion to approve amendment to the agreement with Cellular Inc. to reflect the changes. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF WRITE-OFF REQUEST FOR NANCY BRAMWELL.**

Senior Deputy Clerk/Auditor, Brenda Dugmore presented an ambulance write-off request from Nancy Bramwell. Ms. Bramwell requested writing off \$286.20 which is the remainder of her bill after the insurance company has paid their part. She cited a hardship due to many medical bills as the reason for the request. Commissioner Gary Kofford made a motion to approve the write-off of \$286.20 for Nancy Bramwell. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF WRITE-OFF REQUEST FOR KELLY C. ROBERTSON.**

Senior Deputy Clerk/Auditor, Brenda Dugmore presented an ambulance write-off request from Kelly C. Robertson. The ambulance bill totals \$1,186.93. After some discussion regarding this request, Commissioner Drew Sitterud made a motion to reduce the bill by fifty percent. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**APPROVAL OF BUSINESS LICENSE.**

A business license application was presented for Jeri Goddard dba: Sweet Creations. The application has been approved by the Zoning Department pending proof of food handlers' certificate. Commissioner Drew Sitterud made a motion to approve a business license for Jeri Goddard dba: Sweet Creations pending receipt of Jeri's food handlers certificate. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF TENTATIVE AGREEMENT HUNTINGTON AIRPORT MAINTENANCE AND OPERATION.**

Commissioner Hatch indicated that the county has advertised for proposals for the operation and maintenance of the Huntington Airport and have ongoing negotiations with several individuals regarding their proposal. A tentative agreement has been worked out with Leon Defriez, Genco Mining Repair Operations and Mark Johansen, Duchesne, who has an agricultural spraying and maintenance operation in the area. Commissioner Hatch proposed having Attorney David Blackwell work out an agreement with Leon Defriez and Mark Johansen for the operation and maintenance of the Huntington Airport. Commissioner Sitterud made a motion to move forward



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to have Attorney David Blackwell work out an agreement for the operation and maintenance of the Huntington Airport. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(9)

**CITIZEN CONCERNS**

Derris Jones, Regional Director, DWR, was present to update the Commissioners of the ongoing efforts of DWR activity. He reported about a six to eight pound splake that was caught in Joe's Valley Reservoir. He also reported on upcoming RAC meetings. They have received a CIB loan for the construction of a building in Carbon County that will house several state agencies including theirs. He also discussed management plans for the planting of bison to the Book Cliffs area. He talked about a comprehensive management plan for Range Creek

(10)

**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Bruce Funk presented the Warrant Check Edit List and additional claims #174909 through and including #175011 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
11-06	80 Gallon Air Compressor Landfill	577.77	Approved
12-06	Honda Generator Sheriff / Posee	1099.00	Appro ved
13-06	Doors-installed Landfill	2588.00	Approved
14-06	Print board for copier Capital Replacement/Assessor	800.00	Approved

There were no dispositions.

Bruce Funk discussed a bid for electrical work at the Weed and Mosquito building addition. Dean Allen was awarded the bid. However, Mr. Allen has not completed a project for the

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Sheriff's Department that he was awarded last year. Mr. Funk indicated that the current bid for work at the Weed and Mosquito shop was dated February 6, 2006 and questioned if the bid was still valid. Commissioner Drew Sitterud made a motion to approve awarding the bid to Mr. Allen pending the completion of other jobs awarded to him. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Sitterud questioned a claim to pay unemployment benefits for an employee still working for the county. Senior Deputy Clerk/Auditor Brenda Dugmore told the Commissioners that Emery County does not pay unemployment premiums, we are on a reimbursement, case by case basis. She reported that she has questioned this with the state and been told that the county is responsible for a percentage of wages an employee receives even though the employee is still employed by the county because that person has lost employment elsewhere.

Commissioner Kofford questioned billings from Questar for the old Sheriff's Office building. He will look into why there are separate billings at the building when there should not be any fuel usage at the building other than that portion that is still being used by Bret Mills.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit list, additional claims and requisitions. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington was absent from the meeting today. Commissioner Hatch presented a request from the Treasurer's office to give Chris Hansen a one step increase as he has successfully completed his first year. The increase would be from 7D to 8D and begin with the next pay period. Commissioner Gary Kofford made a motion to approve a one step increase for Chris Hansen as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Hatch suggested that Leslie Bolinder, Commission Secretary who is recovering at home from a recent automobile accident, may be running out of sick leave before she is released to return to work.. He asked for approval for employees to donate hours to Leslie should the need arise. Commissioner Gary Kofford made a motion to allow employees to donate hours to Leslie Bolinder. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. A memo will be directed to the departments to request for donated hours for Leslie.

**(12)**

**APPROVAL OF COMMISSION MEETING MINUTES**

COMMISSION MEETING MINUTES  
MARCH 7, 2006

Commissioner Gary Kofford made a motion to approve the minutes dated February 21, 2006 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(13)**

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported that the boards from the three local museums recently met to discuss combining efforts for grant writing purposes.

The newly installed sound system at the Museum of the San Rafael sounds great. This will be a great new addition to the museum.

The state has begun the process of recording roads. They will begin with Class B roads and then move on the RS-2477 roads currently in litigation.

Commissioner Sitterud met with a six-county constituency on addressing and attaching common road names to roads with common county boundaries. Other counties like what Emery County is doing with addressing and plat overlying of the 911 systems.

*Commissioner Kofford*

Commissioner recently met with Jim Dressler, Architect for the Green River Senior Citizen Center. He will have plans ready to present soon.

All three Commissioners met recently with Richard Walje regarding Utah Power and Light's future plans.

*Commissioner Hatch*

Commissioner Hatch reported that the Historical Preservation Committee is moving ahead with finalizing of the Muddy Creek oral history project. The state has asked the committee to back off on putting up a kiosk at this time to incorporate the kiosk into the SR-10 project. Left-over funds from the project may be used to construct an information kiosk at the San Rafael Swinging Bridge.

The Risk Management Committee will hold a Benefits Fair on March 29, 2006 from 7:30 a.m. until 4:30 p.m. He encouraged all the elected officials and department heads to arrange time for employees to attend at least some of the agenda items. Itineraries have been sent out the employees and their spouses.

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Mark Justice from the Castle Valley Pageant Committee met recently with Commissioner Hatch and inquired as the county's intentions for the lamb fry. Commissioner Hatch told him that there will be a meal at the fair for the three days that the fair will run and whether or not it was a lamb fry would be determined by the Fair Committee.

Commissioner Hatch met with a delegation from Ferron City regarding the Millsite Golf Course and the problems related to the overflow from Millsite Reservoir. The process is moving forward. They are getting input from each available resource to see what they can put into alleviating the problem

**(14)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**  
**REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(15)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

MARCH 21, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DELENA FISH, WFS- QUARTERLY REPORT**

Delena Fish, WFS, provided a first quarter update of performance outcomes for WFS Eastern Region. She informed the Commissioners that UPL will have a shutdown to overhaul in June. There will be approximately 400 contractors in the area working during the overhaul. They will hire some local workers, but labor unions are having a hard time picking up skilled labor. WFS will hold a flagging re-certification class. There will be an MSHA class sponsored by CEU's Applied Technology Center. There will be a Communications class held at the ATC in Price for two hours on Mondays, Wednesdays and Fridays for two months. The class will focus on developing communication skills needed to be successful in the work place. The cost for the class will be \$65.00 to cover the cost of the teacher and manual. An article will soon be published in the Emery County Progress outlining resources available through Work Force Services. She talked about the youth programs available in the county. One program is the Entrepreneur Camp that will be held in the summer in coordination with the Economic Development Department. Unemployment in Emery County is relatively low at this time. She stated that anyone who wants to work can generally find a job if they are willing to do the work.

(2)

**PATRICK GUBBINS, BLM, QUARTERLY REPORT.**

Mr. Gubbins was not present at the meeting.

(3)

**CONSIDERATION AND APPROVAL OF CANCELING 99 YEAR LEASE WITH ORANGEVILLE CITY ON THE PROPERTY THE ANIMAL SHELTER IS LOCATED ON.**

Orangeville City Mayor, Bart Cox discussed the lease with Emery County for the property which the animal control building is located on. In 1977 a lease began with Emery County for the purpose of providing a facility for animal control. There is an 18 x 36 building as well as fencing

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around the facility which is located on 1.16 acres of land in Orangeville City. Emery County ceased using the building for animal control a number of years ago. Orangeville City would like to acquire the building to use for a restroom facility for the new ballfields adjacent to the animal control building. Commissioner Sitterud commented that the county is short of ballfields and is grateful that Orangeville City has been able to relieve some of that shortage.

Commissioner Gary Kofford made a motion to cancel the lease with Orangeville City and turn over the responsibility of the building and fencing located on the property to Orangeville City with the stipulation that the City receive the property "as is". Emery County will not provide any clean-up of the facility. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF DONATION TO EMERY COUNTY  
COMMUNITY THEATER.**

Karen Truman and Linda Daley, Emery County Community Theater were present the request a donation to assist in their productions. Karen commented that the group relies on donations from the community for their funding. She added that the Community Theater has been in existence for twenty years. The origination goes back to 1980 when the Emery County Commissioners requested a community theater be organized. Since then the Emery County Theater has been able to file under the 501C and receive grant funding. On behalf of the Emery County Community Theater, Karen Truman expressed appreciation for continued support from the Emery County Commission. She explained the difficulty the group has had in paying the exorbitant price that the Emery County School District charges to use the theater at the Spartan Center. They are looking for land to construct a community theater. They have been told that they can get funding for the building if they can get the land donated to use as in-kind towards the acquisition. Commissioner Hatch commented that it is too bad that Emery County School District has a quality building that could be used for this purpose that we cannot afford to use. The biggest share of taxes collected in this county goes to the Emery County School District to be used for education and we are then turned around and charged such an exorbitant price to use the facility. Karen Truman indicated that people just cannot afford to use the facility for productions or any other type of arts. A building for the purpose of productions in the arts in Emery County would be of great benefit to the community. Commissioner Drew Sitterud made a motion to donate \$500.00 to the Emery County Community Theater. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF BUYING OLD SPANISH TRAIL SIGNS AND POSTS.**

Commissioner Gary Kofford explained that in the 1950's signs were erected throughout the desert to identify the Old Spanish Trail. Since then the signs have slowly been taken down or disappeared. He proposed re-establishing the Old Spanish Trail by purchasing signs to be placed on the sites throughout the desert. He estimated the signs and posts would be approximately \$1,200.00. Commissioner Gary Kofford made a motion to approve up to \$1,200.00 to purchase signs and posts for the Old Spanish Trail. Commissioner Hatch felt that this purchase should come through the Emery County Travel Bureau. Commissioner Drew Sitterud agreed that this proposal should go before the Emery County Travel Bureau. Economic Development Director, Mike McCandless indicated that the Travel Council could reimburse the county if it is presented to them and approved. Commissioner Drew Sitterud seconded the motion and the motion was approved by all members present.

**(6)****CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

A business license application was presented for Emily Albrecht dba: 4 Pete's SAKE. The application has been approved and signed by the Planning and Zoning office. Commissioner Gary Kofford made a motion to approve a business license for Emily Albrecht dba: 4 Pete's SAKE. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(7)****PRESENTATION AND APPROVAL OF THE EMERY COUNTY LOCAL CAPITAL IMPROVEMENT LIST FOR THE PCIFB.**

Darrell Leamaster, Castle Valley Special Service District presented the Permanent Community Impact Fund Board Local Capital Improvement List short and medium term for submission to the AOG for screening and forwarding on to the PCIFB. Commissioner Gary Kofford made a motion to approve the PCIFB Local Capital Improvement Short and Medium Term List for possible funding. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)****CONSIDERATION AND APPROVAL OF CONTRACTS RELATING TO THE**

**COMMUNICATIONS DEPARTMENT, BRET MILLS.**

Bret Mills, Communications Department, explained the two contracts to be considered related to the Communications Department. Bret indicated that Emery County is well ahead of the state with respect to the E 9-1-1 system. The Qwest Enhanced 9-1-1 Service Agreement is for providing service that routes 9-1-1 dialed calls to a customer designated Public Safety Answering Point (PSAP). The number "9-1-1" is intended as a universal emergency telephone number that provides direct access to a PSAP. The PSAP is an agency authorized to receive and respond to emergency calls. One or more PSAPs may be required for any given municipality or metropolitan area. Qwest does not answer and forward 9-1-1 calls, but furnishes the use of its facilities to enable the customer's E 9-1-1 personnel to respond to such calls. The Wireless Enhanced 911 Service Agreement will provide emergency telephone service whereby the public has the exclusive use of the telephone number "911" for universal emergency service. The wireless E911 network is a telecommunications service whereby one or more Public Safety Answering Point (PSAP) locations designated may receive wireless telephone calls dialed to the telephone number 9-1-1. This service will be provided on a month-by-month basis until the state has their system up and ready to go. Attorney David Blackwell reviewed the agreement documents and suggested changes in the wording of the indemnity clause #6 on the 1<sup>st</sup> agreement and #12 in the 2<sup>nd</sup> agreement by adding the words, "unless due to negligence on the part of Qwest". Commissioner Drew Sitterud made a motion to approve the agreements with the changes suggested by Attorney David Blackwell. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Bret also presented an application for a Forest Service permit for Boardinghouse Ridge Site previously held by J. Kelly Vining. Bret has been overseeing this site for Mr. Vining on a personal basis for several years. The Forest Service permit is due in December of 2006. He has been working with the Forest Service for procedure to take over the site. He feels that now would be a good time to take over the site. The site sits just above Electric Lake Dam and covers Huntington Canyon area due west to Clear Creek, Old Folks Flat, Miller's Flat up to point of the mountain. This is the area Cedar Mountain takes over. It is a good radio site for the back country area. Mr. Vining would like to retain one rack space in the building on the site. The County will need post public notice of intent to acquire the site to see if there are any other users intrusted to the site. Ray Petersen will work with Bret Mills and be the point person to follow through with the noticing process. Commissioner Gary Kofford made a motion to approve the application with the U.S. Forest Service for a utility housing facility at Boardinghouse Ridge Site. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)****CONSIDERATION AND APPROVAL OF AGREEMENT CONCERNING THE NEXT**



**PHASE OF SOUTH MOORE ROAD.**

Commissioner Gary Kofford explained that the agreement being considered will complete the next work phase of the South Moore Road. The county has a contract through UDOT for the pre-construction design of the twelve miles that will connect Phase 1 and Phase 2 of the project. This is part of the add on earmarked funds from the Department of Transportation through Congressman Matheson. Commissioner Gary Kofford made a motion to approve the pre-construction design engineering cooperative agreement for the next phase of South Moore Road and let J&T begin the design of the road. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)****CITIZEN CONCERNS**

Sheriff Guymon informed the Commissioners of a problem regarding wrecker service in the county. In the past the Sheriff's Department has used wrecker and impound service split county wide using Wilberg Wash as the mid point. Accidents north of Wilberg Wash went to service in Huntington, Cleveland or Elmo. Accidents south went to Ferron or Emery. The wrecker services fight constantly over who is getting more service. So they started rotating the service which meant someone in Huntington may have to go clear to Emery to pick up their vehicle and vice versa. His office is taking the heat for impounds spread all over the county. He recommended putting the dividing line back in place. The Commission will take his recommendation under advisement.

Ray Petersen, Public Lands Director, informed the Commissioners that with the creation of the OHV ordinance designating county roads open for OHV use, he is beginning the process of developing an application for a grant to facilitate the signing of the roads. He is working with Steve Kemple on the design of a sign. He just wanted to let the Commissioners know he is working on the process.

Clerk/Auditor Bruce Funk addressed the Commissioners. He, as the County Clerk has the duty and responsibility to make recommendations and provide direction for the election process. It has not been an easy task. He showed the Commissioners a file folder that contained over a years worth of research much of which was on his own time trying to determine what is right for the citizens of Emery County as far as the election. Late last year the Commissioners signed the Diebold agreement accepting the equipment which included 40 electronic voting machines. Out of those nine were to be equipped for the handicapped to be HAVA compliant. He stated that he has worked very positively with the Diebold people out of Utah and they in turn have worked positively with him. They were a little reluctant in the beginning thinking I was going to be down on the machines. He stated he went ahead with full intentions that this will be the way to go. This thing first came about in the Olene Walker era. where they developed a state plan. He was contacted and asked to be a part of the state plan to look at voting election equipment as

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mandated by HAVA. She said he did not have to be part of the plan. He agreed that he wanted to be part of the plan just in case there was technology out there that he felt was appropriate and good for the citizens here. It was always left with the option to be a part of the state plan or go on his own. With her, either way I would be equipped the HAVA in mind. With the new administration they committed everything to Diebold and locked it up to a statewide thing. He stated he has followed this for well over a year. Gleaming out those things that he thought were pertinent. He stated that he took a position, even as far as removing himself from filing as clerk/auditor to be free from someone accusing him of some political antic that would benefit himself. Getting to the current situation. On January 31, 2006 we accepted and tested the voting equipment. Present at the testing was myself, Brenda, Carol, Jan, Jeff, Mick, Clinton and Diebold had four people there. We went through and tested each of the 40 machines making sure that everything entered in ok. That day we rejected six machines. Diebold began to repair some of the machines that day. Bruce stated that he told them that before they began repairing them that he wanted to know exactly what they planned to do and he, Bruce, would say if it was ok. They told him what they planned to do to two of the machines which were minor things and he gave the ok. Those two machines were put back into the testing. So, at the end of the day, Diebold took back four rejected machines into their possession. Throughout this process they were throwing paper rolls in the trash. They had a very detailed outline of the steps and procedures that we had to go through. There was one machine that particularly concerned Bruce. He showed the problem to the Commissioners. The printer had problems with paper jams. The paper came off the track on this particular printer. His concern was that the paper trail is the official intent of the voter by state law. State law defines the electronic ballot as that ballot which is cast on the machine and resides there. He cited old House Bill 211, which was later amended by House Bill 1005 which he paraphrased to be, in a discrepancy between the paper and the machine the paper is the official thing. In November he went to county clerk's meetings in St. George where he heard a county clerk from another county say out his thirty-five machines he had seven paper jams. He took one of the machines to his office where he instructed his staff to become familiar with the machine. A representative from Diebold came through the county and came to visit with Bruce. Bruce told the representative that he had a machine upstairs that he was concerned about, referring to the machine that he was showing the Commissioners. The representative used the machine that was set up in the office to show him what to look for. He opened it up and looked at the printer and said that Bruce needed to reject this machine as well as the one upstairs. We are now up to six machines that needed to be rejected. He said he decided that the machines upstairs have been unplugged for a couple of weeks. It would be good to fire them up and check the battery packs, to see what the battery level looks like after sitting for a period of time. The battery pack should not have gone down significantly. That was his main purpose for going back and putting stickers on them. He went through the process of checking the battery storage and various other things of the thirty-six machines that were left. Things were progressing fine until he noticed that the backup storage was low. One machine had 7 megabits of backup storage. He found eight machines with eight megabits or less of storage left on them. Typical range is 25 to 28 megabits. He asked Jeff what this could mean. Bruce felt that it could mean that the machines were not new. There could be other elections or

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things residing on the machine. They cleared out what they could and it freed up megabits from 7 up to 11 megabits. At this point he became very concerned as to what was there. From watching organizations and determining which ones are really legit, which ones have axes to grind, which thinks elections are sabotaged he decided to look at what was done in Florida in which Black Box Voting had brought in two computer experts, Harry Hershey and Security Innovations, Inc. He asked Black Box Voting what their role would be. Are you going to dictate anything? What do you do? Black Box Voting indicated that they would bring in people who would look at stuff, handle it, video tape and check for accuracy to determine, with an accurate record, if anything malicious has been done with the machines inside and out. Another thing that came out in February, when California re-certified Diebold after de-certifying them previously, was that the Berkley report (as he refers to it) indicated that they looked at the software and basically said ok we don't see any problems. He asked why doesn't anyone look at the hardware? So, Black Box Voting outlined what was required of him. Bruce would have to be present at all times. Which he said he was. They basically worked with two machines. He stated that what they found was extremely alarming to him. In fact they didn't fully get to the bottom of my concerns, because what they were finding necessitated that they were going to have to go to an agency called CERTS, an agency of Homeland Security. They looked at whether the operating system could be breached or tampered with? They said yes. This can be done by a poll worker, election official and or activated by voter ID card. These things can contain or have placed on them macros which can reside there and can be date activated or election activated. We live in an era where people take delight in causing problems. While in this testing phase Bruce looked at the monitors. He found that the monitors had lines going through the monitors and the colors changed or dimmed. He handed a file folder to the Commissioners that contained over 1000 e-mails from individuals and groups who have the same concerns.

At this point Bruce indicated that he, as the election official for Emery County feels that with all the knowledge and background that he has and knowing what he needs to do to run an election, he needs to stay with the ES&S optically scanned ballots and that he needs to go with the ES&S AutoMark machines for the handicapped. He does not feel comfortable on any level with the integrity of these machine. However, he continued, he would like his successor to have that option to go through with the training and possibly use them for municipal election in 2007. But as election official for 2006 he cannot and will not accept or use these machines. By the time the November election roles around many of these holes and bugs may be worked out. He stated he has an election coming up that he has to start sending out information. He stated he has to begin the layout of ballot formats. If he stays with ES&S he has one vendor with one type of ballot. He has to proceed with judge of election training. If he combines Diebold and ES&S he is fiddling with two technologies, two vendors to supply things to. We are still going to have to go through a lengthy training, which is almost overwhelming when you look at it. He stated that he does not have the staff. He still does not know all that is involved there. One of his paper vendors that provides elections supplies for years, Carr Printing says he cannot provide the ballots for Diebold. He has to buy a special machine that cost \$250,000.00 because of Diebold's

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requirements. He stated that at this time, as tough as it is, he has to bite the bullet and present a requisition for equipment, 9 ES&S voter assist terminals for a total of \$44,550.00, another \$8,435.00 for miscellaneous services and training. He asked that the Commissioners consider a five year lease purchase which means that after one year, in November when you do the budget, if things have gone fine, if you want to go the direction with the Diebold machines, you cut out the spending on these and send them back. Then you can move on with a new elected official. Therefore, he officially presented the request. He again expressed his concerns regarding the problems with the machines. Many of the failures were based on one touch screen ballot and one audio as if you were a blind person voting. Most counties are reporting in the 10 % to 19 % failure rate. Others are much higher. Daggett County who had four machines had a 50 % failure rate. The concern I have is that these machines are machines that have been used in previous elections. Can Diebold certify that these machines are clean of any residing thing that may be out there? He did not think that they could. The security can be breached. He stated he could name a whole bunch of things that bother him. He stated that this is his recommendation, that he will not proceed any further than this. This is his HAVA compliant request. If the Commission denies this then he will proceed just as he has in other years as that is the only logical, safe and accurate way of reflecting the true intent of the voter. He stated that he had no problem putting the optically scanned ballots, which would come out of the AutoMark like any other ballots on the side and if people want to stay up all night and count how many votes LaMar got out of one precinct that is all great and good. He stated he is that comfortable (meaning with what he has done in the past and that he can not do that with this (meaning the Diebold machines). He does not blame Diebold and he does not blame ES&S. ES&S has their own problems with touch screens. He blames the mandated January 1, 2006 that forced the state into and forced the county into it. Technology is moving at such a fast rate. He asked one of the computer experts what it would take to make a touch screen that was totally secure what would it require? The expert said it would take a hundred scientists about a year or two. They did tell him what things might be happening that might be causing the shortage of memory. The flash memory might have dates that they expire on. They may have passed the expiration date. They have basically died or there may be other things out there. They can not look to deep until they can get approval for complete access and investigate it. Their test result proved accurate in Florida. He talked to Mr. Sancho personally, himself from his home. He asked him what it was like and what did you go through? He indicated that there are already repercussions. He stated he has to be worried about that. He has left the county basically out as much as he could, so if there was any liability it was strictly on his shoulders. He stated he did not have anyone to talk to about this. He indicated he would set the machine outside the door so that they could look at it further. He indicated that he needed action on the requisition he presented for the voting equipment today. The AutoMarks have been oversold. However, they will, through the people he knows and the people in the manufacturing facility in California commit nine machines to him through today. After that then he will have to stay with what he has. Lt. Gary Herbert has indicated to us that if the county is not HAVA compliant they will sue you.

Commissioner Hatch said that going back to where we were that is not HAVA compliant.

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Bruce stated he is asking you, the Commissioners, to make him HAVA compliant with the approval of this requisition.

Commissioner Hatch said that you would be HAVA compliant with the Diebold system. You say that these machines were rejected, that they do not measure up. Have you sent those machines back or has Diebold come and got the machines to get them up to snuff.

Bruce indicated that they did return two of the four machines that they took up. Immediately he opened up the returned machines and checked the bracket, the battery life and backup storage, but the storage was down again on one of the machines. It was at 7% or 8% again. So, now eight machines that are really questionable. He had lost track of where number four was in the pile. The only safe way it was to show that these things were in there was to fire them up, video tape the serial number scan across the screen to also verify that was the serial number. And I have record of all of those machines.

Commissioner Hatch stated we know what is deficiencies. Has Diebold had a chance to fix them, other than the two that you are talking about.

Bruce stated that he looked at one county that was storing at Carr Printing. He looked at their rack that they store the machines on. They hold five machines on each rack . There was as many holes in some as full ones in others. Which puts me much higher than 20%.

Commissioner Hatch asked Bruce again if he had given Diebold the opportunity to fix the deficient machines?

Bruce stated that where he is at is that he has tested the machines. He said it comes to the point in the process of acceptance and he does not accept the machines as the official voting equipment for the 2006 election. What Diebold does from herewith, if you want to hold on to them for another election, that is up to you. He said, as the election official for Emery County, in fulfilling my duties, I am not comfortable.

Commissioner Hatch stated that he knows that he is not comfortable with the deficiencies. But, have we given Diebold the opportunity to get us some equipment that is acceptable? I don't think we have.

Bruce indicated that we have. They have not sent the other two machines back.

Commissioner Hatch stated that you have not sent the other two machines back to Diebold.

Bruce indicated that he was not going to send the two machines back to Diebold.

Commissioner Hatch stated that we need to get Diebold down here and say ok, we have these

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two machines that we are not going to accept and you need to get us the amount of machines we need. If they don't then we need to go to Lt. Gary Herbert and say we do not have the amount of machines that we need so we are going to do like we did it before.

Commissioner Kofford addressed his concerns. He stated his first concern was that we did enter into a contract with the state of Utah. We need to have David Blackwell check the contract and see if we are required by the contract to use the machines in the election. We did sign it and we did accept the machines. We need to check the contract to see if there is a penalty for not using the machines.

Commissioner Hatch said we accepted the machines based on the fact that they were workable machines.

Bruce indicated that there will not be a penalty. The machines were given to us on the basis that we used them in the first election. The option he sees is, if we do not use them they will come and take them. If you convince them that you want to see the problems out, look at them for another year and convince them to leave them here then they will need to come here and take possession, upgrade and certify the machines.

Commissioner Kofford addressed his second concern. As Commissioner Hatch indicated Diebold needs the opportunity to look at the concerns and if there is a fix at least try to satisfy the problems that you have. As he as tried to track what you have told us, in essence he comes up with at least thirteen machines that you do not accept.

Bruce stated that he is not going to accept any of them.

Commissioner Hatch asked how is he going to decide if it is a workable deal if you have not used them.

Bruce stated that he has used them.

Commissioner Hatch stated that the public has not had the opportunity to use them. You have not gone through the election process. He felt we need to give them a try. Even if we go with the AutoMark system and go off without a glitch this year we are still not going to be able to go back to the state or Diebold and say, hey, we gave the machines a try. They are not any good.

Bruce said he did not accept them based on what he has tested and reviewed.

Commissioner Hatch stated that you just stated a few minutes ago that when we get through with this election, you will be gone, some else will be in the office. Then that person will have the option to say whether the machines operable and ready to go for another election process.

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Bruce stated that by that time you will have a general election behind you.

Commissioner Hatch said, not with these machines.

Bruce said you will state wide. There will be some clear indicators come out of that election. Even scarier than that is the presidential election in 2008.

Commissioner Sitterud asked who the Black Box Voting Group was.

Bruce stated that they are a non-profit organization whose main interest is watching the election process and research the process. Are the votes in the election open and public? They are opposed to people who take election tallying to the back room and hide it. They research all kinds of things in the best interest of the voter. They are completely funded by donations. They are not obligated to any special interest group. The two men who came here were Harry Hershey, and Herbert Thompson. They both work in federal security areas. The ladies were Bev Harris and Kathleen (unknown).

Commissioner Sitterud asked if they were anti-electronic voting?

Bruce indicated that no they were not. They wanted a paper trail. In that respect that is the first things that they look at.

Commissioner Sitterud stated that he attended the mock election at the South Town Mall where the held a special election and ES&S hauled as many machines out as Diebold did.

Bruce what they had a special election that he went through and tested the Diebold machines. The thing he notice in the machine will not take an under vote. Each company brought a touch screen for testing. He talked of the problems related to the machines ability to retain the votes cast and the problems with the printers. The experts tell him that these machines can fail but two or three voter later.

Commissioner Sitterud stated that you have requested 9 AutoMark machines, by law you have to have one in each precinct, what would happen if one of the AutoMark machines were to go down in one of the polling places during the election process. Do you have to close down that polling place?

Bruce said there will be 9 ADA machines.

Commissioner Sitterud and Bruce talked about the problems that were possible if one of the ADA machines go down.

Bruce stated that from this point, Dave will have to advise him differently, as election official

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this is where I need to be in the best interest of the voters in Emery County. This requisition needs to be considered at this time.

Commissioner Hatch stated that as far as he is concerned we need to make sure that what we do have is not acceptable. He did not think we have done that yet.

Commissioner Sitterud agreed with Commissioner Hatch.

Bruce asked whose responsibility is that.

Commissioner Hatch stated that it was Bruce's responsibility. But you have not gone back to Diebold with the machines. It is your responsibility to do that.

Bruce stated that he did not need Diebold.

Commissioner Hatch stated that he does need Diebold.

Bruce said that Diebold will be the heavy hand in this thing. They are a multi-million dollar company who will come down and squash us.

Commissioner Hatch stated that we have their machines and a contract with them. We can put David Blackwell to work to get them off your back. We still have not given them the opportunity to provide us with workable machines.

Bruce stated that you have two choices. One is to become HAVA compliant the other is to be non- HAVA compliant for this election.

Commissioner Hatch stated that we are HAVA compliant with Diebold.

Bruce expressed that he will not accept Diebold.

Commissioner Hatch said we need to meet with Diebold and Lt. Gary Herbert.

Bruce stated you can meet with them, but this deal will be gone tomorrow.

Commissioner Hatch stated that if the deal is only good for one day you better take a good look at it. Bruce stated that is not the problem. New York went with the AutoMark, Idaho went the AutoMark. They have oversold the machines. Because of my past customer connection with them, these people have bent over backwards to make this deal with us. The report will be coming out soon that will take three weeks for the people to come up with recommendation as to what has to happen.



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Commissioner Hatch stated that he is concerned about the report but more concerned about Diebold coming down and provide us with a machines that will work. If they will do that he thinks we can pull off an election.

Bruce stated that they do know about the problems with the machines. He said they have received the same e-mails sent to you naming the problems.

Commissioner Hatch stated he has not received any e-mails on what you have found wrong with that machine. He asked what is the acceptable threshold of memory to carry out an election.

Bruce discussed the problems with memory that he has found on the machines. He received unverified word that some of the machines we have been sent were rejects from California. If that is so they can have other elections residing on the machines. On that basis he would reject all of the machines.

Commissioner Hatch stated that if that is the case we can use the contract to reject the machines but you have to have a basis to base the rejection on.

Commissioner Kofford interjected with discussion on the amount of machines and type of training that is required to pull off the election. Their training does not train for anyone to load the election on the machines. They have not addressed any of the voice part of the ADA machine. You have to send that portion of the election to another place to get programmed. Another concern that enters into this is that we are less than ninety days before an election. As you get to that time that Emery County still has not been trained on the Diebold system. We are sending three or four people to that training this week. Then those people come back and train more people who will train the election judges for the polling places. How far can we stretch the resources for training and servicing the judges of the election. You can run into mega bucks trying to get everyone trained. If you should come up a bad machine. If you determined that you have had a bad day at the polls what are you going to do. It is a problem. I don't think that the state has even addressed any of the problems. If the polls are short by twelve votes, as a candidate in this election as far as I am concerned those twelve votes are mine. He talked about the possibility of hacking in on the voter access cards. What Bruce is saying is the safe way is to let the state go through this this year and with the \$54,000.00 he is requesting we can run the election, be HAVA compliant and at the end of the election, if Diebold proves to be as efficient as they say they are, we can return the AutoMark machines at no cost and use the Diebold next time.

Commissioner Hatch stated that last December we sat here in these chairs and voted two to one to go with Diebold systems. We entered into a contract with the state of Utah. We need to find out if the state of Utah will come through with their part of the agreement.

Commissioner Kofford stated that secondly he felt that we need to give Diebold an opportunity

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to address the concerns with the machines.

Bruce talked about all the training that is required for this system. Currently he can train the judges in one morning. He has had a clerk from another county who expressed concern and wished she could go back to the paper ballot. Sherry Swenson in talking to Bruce indicated that she has had to allocate an additional \$10,000,000.00 to implement this system for training and other cost associated with this system. Her hope was that this year to go with the punch card and use the Diebold or AutoMark for handicap. Lt. Herbert has closed the door on that. As he did on a big percentage of the counties. I have something still in place, if I can meet HAVA requirement.

Commissioner Hatch stated that the AutoMark is not any more certified that the others.

Bruce stated that the AutoMark is certified.

Commissioner Sitterud indicated that Diebold is going to be here to make sure the election goes well. If we wait until next year we will not have any help. They are going to make sure it works.

Sherry Swenson asked Bruce to keep her informed of the results of the report as soon as it comes out.

Attorney David Blackwell asked why she would not get a copy of the report?

Bruce indicated that the report will go to the CERT group first. It is a data handling situation under the Homeland Security.

David stated concern that he (Bruce) has tapped into a group that is anti-electronic voting or anti-Diebold group, but it seems that we should have Diebold here to answer to your concerns. He will need to look at the contract. It seems as though you have pushed the Commissioners into a corner. He stated that he did not know what our options are. He was concerned that we have not heard the other side of the issue.

Bruce asked David, as an election official, if I have the funds in my budget and I have the responsibility, who is to run the election? Am I to run the election or are the Commissioners to micro-manage the election? As the county attorney representing all of us am I wrong in my request? Is it the Commissioners responsibility?

David stated that he did not think he has reasonably given Diebold an opportunity to come in and fix the problems. We are not hearing what Diebold's response would be.

Sheriff Guymon commented that Lt. Gary Herbert knows your concerns. Why would he not see

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that you had the very best machines.

Commissioner Hatch ended the discussion. He asked if the requisition needs to stand by itself or be a part of the Clerk/Auditor business.

Commissioner Hatch asked if there were any more comments on this matter. Hearing none he moved on to other citizen concerns. No action was taken on this matter.

Commissioner Sitterud reported that Emery Telcom has contacted the County to let them know that Emery Telcom has voted to not allow the county to use their tents this year for the Fair or borrow them out to anyone. With that Commissioner Sitterud requested to purchase our own tents at a cost of \$3,000.00. Several cities have indicated that they would like to use them. Commissioner Drew Sitterud made a motion to purchase four tents at a cost of \$3,000.00. Commissioner Gary Kofford said he would like to see that this be taken to the Fair Committee through the Recreation Special Service District. Commissioner Sitterud indicated that they did not have any funds in the budget. Commissioner Ira Hatch agreed with Commissioner Gary Kofford that is where the purchase should come from. He indicated that if they do not have enough funds because of the purchase the county can help make them whole.

**(11)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Bruce Funk presented the Warrant Check Edit List and additional claims # 175169 through and including #175343 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
15-06	Satellite Internet Command Post-SO	4,922.20	Approved
16-06	2002 Kenworth Tractor/Truck Highway	69,200.00	Approved
17-06	500 Gallon Fuel Tank Landfill	545.00	Approved
18-06	Repeater/Base Station-Cedar Mtn. Communications	10,940.00	Approved

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19-06	Advance 14" Vacuum Courthouse	505.00	Approved
20-06	Dishwasher/Booster Heater Sheriff/Detention	5,602.80	Approved
21-06	Archeological Study-BLM land Landfill	2,640.00	Approved

There were 2 dispositions presented for approval. 410-4701, a 1986 John Deere 772BH Grader to be traded in on the 2006 Cat Grader Requisition #07-06, and 410-6111, a 1991 Peterbuilt Tractor to be traded in on the 2002 Kenworth Tractor Requisition #16-06.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, Additional Claims, Requisitions and Dispositions. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Mary Huntington, Personnel Director presented the following Personnel action:

Mary requested FMLA for Leslie Bolinder due to her own serious medical condition. The requested leave will be from February 14, 2006 to May 9, 2006, however she may come back sooner with a doctor's release. Commissioner Drew Sitterud made a motion to approve FMLA for Leslie Bolinder. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Assessor Kris Bell has hired a part-time temporary student, Tawna Merrill in her office. Tawna will be working on some files and will work until the task is completed. Commissioner Drew Sitterud made a motion to approve the hiring of Tawna Merrill as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(13)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the minutes dated March 7, 2006 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**

**COMMISSION REPORTS**

*Commissioner Hatch*

Commissioner Hatch encouraged elected officials and department heads to arrange for employees to be able to attend the Employee's Benefits Fair on Wednesday, March 29, 2006.

He reminded elected officials and department heads to read over the compensatory time policy and provide input to the Commissioners.

He met with UDOT where he received an update on Muddy Creek to Ferron

The Commissioners will be meeting soon with UCIP to review proposals on health care options.

On Friday, March 17, 2006 he attended WFS Regional Council in Moab.

*Commissioner Sitterud*

Commissioner Sitterud met on the Wedge with BLM on campsites they are trying to take away from us.

The Quitchenpah EIS is now available for review.

Commissioner Hatch asked if there was anything else that anyone they would like to bring forth.

Bruce Funk stated he wanted to go on record as turning over his stewardship to Diebold Equipment to you as Commissioners. He handed the keys to the room where the Diebold Election equipment is stored to the Commissioners. He will go through Jeff to get anything out of the room that might pertain to his office. Commissioner Sitterud told him to give the keys to Brenda, she is next in line. Bruce indicated that Brenda would not want them. He indicated that Brenda still works for him. If you have the keys this will allow you to keep things secure and you will know who goes in and out. Commissioner Hatch asked Bruce is he wanted to be involved in the meetings with Diebold? To which Bruce answered, No. Commissioner hatch asked Bruce to provide them with the deficiencies that he found in the machines. To which Bruce indicated that he can provide the serial numbers. Commissioner Hatch indicated that he was disappointed with Bruce because he would not even meet with Diebold to find out what it is we are going to do. Bruce stated that for him to meet with Diebold would be a little hostile. Commissioner Hatch stated that they will probably be screaming mad at me, but we still have a responsibility to meet with them. Bruce stated that he felt they could do it on a more positive tone. Commissioner Hatch stated that if Bruce bows out now we will have to go back through all the machines again. As far as Commissioner Hatch was concerned he did not know if he could turn the machines over to the Commissioners. It is his responsibility. He indicated that

until we get this resolved that Bruce was still responsible. Bruce stated that he is not responsible to Diebold. He is responsible for the election. Commissioner Hatch stated that he was responsible because we signed the contract as a county and that he was the county election official. Bruce indicated that the contract was signed by the Commissioners. Bruce indicated that he has to proceed with the election the best way that he deems in the best interest of the citizens. Commissioner Hatch stated that as far as he was concerned the key could be put in the safe and nobody has access into that room, nobody, until we get somebody down here and get this resolved.

Commissioner Sitterud took possession of the keys to the room where the Diabold machines are stored.

**(15)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**  
**REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(16)**  
**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

APRIL 4, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSES.**

A business license application was presented for Cowley Precision Rebuild. Business license applications were also presented for Castle Valley Outdoors Food and Beverage Supply Inc. and Castle Valley Outdoors, LLC. A Class A license to sell alcoholic beverages was also presented for Frank D. Johnson and James W. Fauver / Castle Valley Outdoors. The licenses have all been approved through the Planning Commission and the Zoning Administrator. The Alcohol license has been through the Sheriff's Department's screening process. Commissioner Drew Sitterud made a motion to approve the business license applications as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF RESOLUTION TO UAC**

Commissioner Hatch explained that UAC used to have an insurance entity that they have restructured into the Utah County Insurance Pool. Before the separation they were housed in one building. UCIP is in the process of moving into a new location. They are looking to split the equity in the existing building. Emery County is one of the founding counties of UAC and as such will lose all interest that they have paid up to this time if they do not participate in this bond resolution. Attorney David Blackwell has reviewed the document and recommended participation in the bond refinancing resolution. Commissioner Gary Kofford made a motion to approve authorizing Resolution 4-4-06 . the motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**CITIZEN CONCERNS**

There were no citizen concerns at this time.

2

(4)

**APPROVAL OF APPOINTMENT TO TRAVEL COUNCIL BOARD.**

Historically the Travel Council has board members in equal numbers from the east and the west side of the county. The purpose of the Travel Council is to approve and disperse transient room tax generated and collected in Emery County for the promotion of tourism in Emery County. There are currently several board members whose terms are expiring. Commissioner Hatch proposed the following individuals be appointed and or re-appointed to the Emery County Travel Council Board.: Susan Sitterud, Kathy Gardner, Kerry Bigelow, Mark H. Williams, Mary Huntington, and Olive Anderson. Commissioner Drew Sitterud made a motion to approve the proposed individuals for appointment to the Emery County Travel Council Board. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**APPROVAL OF APPOINTMENT TO PLANNING COMMISSION BOARD.**

Commissioner Gary Kofford explained that there were two openings on the Planning Commission Board. Four applications were received for consideration. Commissioner Gary Kofford made a motion to appoint Judy Ann Scott and Merrill Duncan to the Planning Commission Board. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF.**

Commissioner Drew Sitterud explained that the Commission received a request from JCI Billing, the company that Emery County is contracted with to service ambulance billings for the county. The request was for several suspected illegal aliens from an accident on I-70, whom JCI has not been able to contact. It was JCI's request to abate the bills. Commissioner Drew Sitterud made a motion to abate the ambulance bills for the individuals as contained on the request from JCI Billing. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Sheriff Guymon wanted to go on record as this being an approximately \$10,000.00 loss to the county.

(7)

**CONSIDERATION AND APPROVAL TO ADVERTISE FOR LAWN AND GROUND CARE FOR COUNTY FACILITIES.**

Commissioner Gary Kofford explained that the county changed the way the maintenance service is provided to the county. Dennis Fuller provided the grounds maintenance for the courthouse and libraries under several contracts and that has been changed. He proposed advertising for individuals interested in providing lawn and ground care for the



county courthouse building, the libraries, and the road shop. Commissioner Gary Kofford made a motion to solicit for bids to provide lawn care and grounds maintenance for the courthouse, libraries and road shop. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**INFORMATION OF APPOINTMENT TO THE BOARD OF THE EMERY COUNTY CARE AND REHABILITATION CENTER.**

Clyde Conover has stepped down from the board of the Emery County Care and Rehabilitation Center. Gil Conover has been appointed to fill the remainder of Clyde's term.

(9)

**CONSIDERATION AND APPROVAL OF RESOLUTION TO PLACE THE QUESTION OF SUPPORT FOR A PUBLIC SWIMMING POOL ON THE JUNE BALLOT.**

Commissioner Drew Sitterud explained that for some time now the County has been looking into the possibility of constructing a public swimming pool. The Emery County Recreation Special Service District took on the cause last year. The Castle Dale Swimming Pool will not be open next year. Castle Dale City has dedicated ten thousand dollars a year for the next ten years toward the maintenance of a new pool. The high school will donate the land to locate the pool so it could be used by the school for a swim and dive team as well as the public. It was decided that instead of using mineral lease funds for construction of the pool that it would be best to go to the public to ask for support to put in the pool. At first it was felt they could put the question on the June ballot, however, it looks as though there will only be one contested position in the primary election. As they looked at the wording for the resolution to place on the ballot they found that there was not enough time to get the resolution ready for the June ballot. CIB has told Commissioner Sitterud that he could come before the board before the November vote and procure the funds ahead of time with the stipulation that the vote is positive. By doing this everything could be pre-approved so that when the vote goes we can be ready to go. As we went through this process we found out that we need a bond attorney to help write the bond. Zion's Bank has agreed to provide a bond attorney. Attorney David Blackwell explained that there are four bond attorneys in the state and Zion's will go out to bid to these bond attorneys to provide this service for us. Commissioner Sitterud explained that by law the parameters set for the bond of the pool and that will be on the ballot will be set at the highest cost for construction of a swimming pool. Commissioner Gary Kofford made a motion to procure Zion's Bank and a bond attorney and move forward with preparing a resolution to place the question of a public swimming pool on the November ballot. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Commissioner Hatch explained that it is important to ask the people for their input on this project as it is ultimately the public who will pay for the facility. We can use mineral lease funds and CIB funds to construct things but the operation and maintenance will fall on the tax

payer. We will need the participation of the schools and other entities to make this a viable project.

Emery County Progress Editor Patsy Stoddard asked if CIB allows the funds needed for the construction of the facility would there be a way to pay for the operation and maintenance on the facility. Commissioner Kofford explained that the CIB funds will probably come in the form of a grant and a low interest loan that will have to be paid back. Bill Dellos asked if the Commissioners had a cost of a facility of this type. Commissioner Sitterud indicated that the facility could be anywhere from 1.5 million to 2 million dollars. The parameters will probably be set at 2.5 million dollars. Commissioner Hatch pointed out that there will be public hearings and several decisions to be made that they would like to get input and ideas from the public about. If fifty percent of the public does not want it then we will not do it. Cathy Cowley asked how much of the maintenance would come from the school since it will be used by the school. Commissioner Sitterud indicated that the facility will be owned and maintained by Emery County. The school district will maintain the parking lot and the maintenance of lighting as well as maintaining the facility while in their use. Commissioner Hatch felt that this is still in the beginning stages and many decisions will be need to be made down the road.

**(10)**

**CONSIDERATION AND APPROVAL OF INTERIM CLERK/AUDITOR**

Commissioner Hatch explained that the Commissioners have been involved in some lengthy discussion during the last few weeks relative to the election process. Part of that is that the Clerk/Auditor, Bruce Funk has resigned his position. The Commission received a letter from him asking to discuss the matter further. The nature of the situation is that we need to move forward with the operation of the Clerk/Auditor's office. Commissioner Hatch felt he could work out an agreement with Senior Deputy Clerk/Auditor, Brenda Dugmore to assume the responsibilities and duties of the office through the transition period until an appointment has been made. There are some things that need to transpire to keep things moving. He stated that this in no way should be taken, that they are rescinding the resignation of Mr. Funk. But, it is an avenue that they still need some legal council on proper procedure. The Attorney General and Lt. Governor's Office is working on providing them with a definitive course of action. What ever action we take we want to make sure it is legal and lawful and will stand up in court.

Commissioner Hatch will work out an agreement with Brenda to assume those Clerk/Auditor duties during this interim period. There are things that need to continue to keep the checks and balances operating between the Clerk/Auditor's office and the Treasurer's Office. The county has a double signature check system and that needs to keep moving. He expressed concern that we are already behind the curve on the election process. We need to get that process up and running again to be ready for the June Primary election.

Attorney David Blackwell explained that the process for filling the balance of the

resigned Clerk/Auditor's office has been started. There are some legal things regarding that appointment that need to be looked at. He is relying on procedure which is used for replacing an attorney. When there is a vacancy there, the deputy functions in the office until the replacement is found. He is relying on that in allowing Brenda to assume the duties until a replacement is found to fill the balance of the resigned Clerk/Auditor's position.

Patsy Stoddard asked if Diebold will come back to re-certify the election equipment? Commissioner Hatch stated that they have made contact with Diebold and they will come back and re-certify the machines if Bruce is not involved in the process and the cost for doing the work can be negotiated. The Clerk/Auditor is the Election Officer for the county. There will have to be considerable re-structuring done before they will come back to do the re-certifying. As per contract with the state we will be using the Diebold machines for the election and they will have a representative in the county to help with any unforeseen problems.

(11)

**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITION AND DISPOSITIONS.**

Senior Deputy Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims #175456 through and including #175568 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
22-06	Level A Hazmat Suit Sheriff	5,070.00	Approved
24-06	FM Radio Translator for FM100		
24-07	EMR FM7340 Isolators		
24-08	Television	8,490.00	Approved
25-06	Chevy Trailblazer		
25-07	Assessor Office	21,089.85	Approved
26-06	Chevy Impala (2)		
26-07	Courthouse	29,998.60	Approved

There were no dispositions.

Bids were received in the Clerk/Auditor's office for filters for the Road Department. After review of the bids, Commissioner Gary Kofford made a motion to award the filter

bid to Wheeler Machinery. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Brenda presented bids for vehicles for the courthouse fleet and one for the Assessor. State deadline for receiving state bids on vehicles is April 13, 2006. After review of the bids Commissioner Gary Kofford made a motion to purchase two Chevrolet Impalas at a cost of \$29,998.60 and a Chevrolet TrailBlazer for the Assessor's office at a cost of \$21,089.85. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, Additional Claims and Requisitions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Mary Huntington, Personnel Director presented the following Personnel action:

Library

Jerilyn Mathis is requesting a one step increase for Stephanie Oviatt who has completed her 6 month orientation period successfully. Effective April 24, 2006, she will move from 4A at \$8.12 per hour to 5A at \$8.39 per hour. Commissioner Gary Kofford made a motion to approve a one step increase for Stephanie Oviatt as per the Emery County Personnel Policy. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Jerilyn Mathis is requesting approval to start the recruitment process for a part time less than 20 hours per week employee with no benefits. Hourly rate will be 4A @ \$8.12 per hour. Kelly Dunham has resigned and her last day of work will be April 28, 2006. Commissioner Gary Kofford made a motion to approve beginning the recruitment process for a part time less than 20 hours per week employee as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Nathan and Marcy Thayn have been providing janitorial services at the Green River library. They have given notification to cancel their contract with Emery County. Jerilyn Mathis is requesting approval to advertise for janitorial services for the Green River Library on a contract basis. Commissioner Gary Kofford made a motion to approve advertising for janitorial services at the Green River Library. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

### Travel Specialist

Mike McCandless is requesting approval to start the recruitment process for a 90 day temporary Information Travel Specialist in green River. This person would work 40 hours per week @ \$7.00 per hour, with no benefits. Donna Hatfield has given her resignation and will work until April 17, 2006. Commissioner Drew Sitterud made a motion to begin the recruitment process for a 90 day temporary Information Travel Specialist as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Hatch informed those in attendance that the county's insurance benefits are renewable again in July and they are in the process of actively pursuing insurance companies to ensure that Emery County employees get the best service.

### **(13)**

#### **APPROVAL OF COMMISSION MEETING MINUTES**

The minutes for the March 21, 2006 meeting were tabled at this time. Commissioner Gary Kofford made a motion to approve the special meeting minutes dated March 27, 2006 as corrections were given to Teresa Manzanares. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

### **(14)**

#### **COMMISSION REPORTS**

##### *Commissioner Sitterud*

Commissioner Sitterud reported on a recent Public Lands meeting in Richfield where discussed was the July 25, 2006 beginning of the recording process for roads. They will begin with the B Roads for now. The seven roads Emery County currently has in litigation will be moved into the process.

He talked about the Factory Butte dispute. SUWA brought action for not protecting it. It is frequently used by motorcyclist. There is no vegetation growing out there.

The Range Creek comment period is going on now.

He reported on the sub-committee currently looking into putting three full size dinosaurs and one mammoth on the lawn of the museum. They are hoping to get donations from the community and local businesses and corporations. They are also starting the grant process. Ramal Jones is heading up the project for the Museum of the San Rafael.

Commissioner Kofford

The Municipal Building Authority of Emery County is currently in the process of advertising for bids to do some drainage work at the Museum of the San Rafael.

Economic Development will have some summer camps available to students this summer. The information is available on the Emery County website.

Commissioner Hatch

Commissioner Hatch reflected on the recent Benefits Fair held on March 29, 2006. The fair was attended by about fifty employees and spouses. There was good information given at the fair regarding benefits the employees receive and encouragement to live a healthy lifestyle. He applauded the effort that went into putting the event together.

He met with the Historical Preservation Committee recently to try and get the Muddy Creek Bridge project into fruition. He and the Emery County Historical Preservation Committee met with a UDOT representative regarding the funding of the project. She gave insightful information to help get the project going. The state provided a grant to help document the oral history of the bridge and the area. They are moving ahead with finalizing the plans.

Huntington/Cleveland Irrigation Project is moving ahead.

(15)

**OTHER BUSINESS**

Sheriff Guymon asked for approval to purchase five vehicles before the April 13, 2006 state bid deadline and bring to the April 18<sup>th</sup> meeting for ratification. Commissioner Drew Sitterud made a motion to approve the purchase of five vehicles for the Sheriff's Department pursuant to the bids coming in under the parameters set out to meet the April 13, 2006 deadline and have the purchase ratified in the April 17, 2006 Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(16)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Commissioner Drew Sitterud made a motion to move into executive session. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Those present at executive session was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff Lamar Guymon and Deputy Clerk/Auditor Carol Cox.

The Commissioners discussed pending litigation matters with Attorney David Blackwell.

(17)

**ADJOURNMENT**

Upon returning to regular Commission Meeting, Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 10, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Sr. Deputy Clerk/Auditor Brenda Dugmore.

The meeting was called to order at 9:18 a.m.

**1. DISCUSSION AND POSSIBLE ACTION REGARDING EMPLOYEE CONCERNS.**

A request was received by an employee to meet with the Commissioner's. The request has now been withdrawn.

**2. DISCUSSION AND ACTION REGARDING BRENDA DUGMORE'S REQUEST FOR LEAVE OF ABSENCE AND APPOINTMENT OF INTERIM EMERY COUNTY CLERK/AUDITOR.**

Chairman Ira Hatch informed the public that Attorney David Blackwell, Lt. Governor Gary Herbert, the Attorney General's Office and UAC Attorney's Council had been consulted as to how to proceed with filling the vacancy of the Clerk/Auditor. The Republican Central Committee was notified of the vacancy. The Central Committee submitted the names of three individuals. As a result of the submission, Sr. Deputy Clerk/Auditor Brenda Dugmore was selected to fill the balance of the term of Clerk/Auditor. Chairman Ira Hatch read the following letter from Brenda Dugmore:

"I am requesting a temporary leave of absence from my current position as Sr. Deputy Clerk/Auditor effective Monday, April 10, 2006 until December 29, 2006 to accept the interim appointment as Emery County Clerk/Auditor. If circumstances warrant, I retain the right to resign as the interim Clerk/Auditor and resume my career service position as the Sr. Deputy Clerk/Auditor."

Commissioner Drew Sitterud made a motion to appoint Brenda Dugmore as the Clerk/Auditor for the remainder of the term including the above request for leave of absence. The motion was seconded by Commissioner Gary Kofford and approved by all members present.



COMMISSION MEETING MINUTES  
APRIL 10, 2006

**3. CITIZEN CONCERN'S.**

Personnel Director Mary Huntington informed the Commissioners that Eric Nielsen, 90 Day Temp at the Road Dept., was at the end of his temporary assignment. Ms. Huntington requested approval to advertise for a lube mechanic. Commissioner Drew Sitterud informed the Commission that a 90 Day Temp was needed in the Public Lands Department to gather information on the roads. Commissioner Kofford made a motion to advertise for a lube mechanic and a 90 Day Temp for Public Lands. The motion was seconded by Commissioner Sitterud and approved by all members present.

Sheriff LaMar Guymon as solicited bids for five Dodge Durangos. Ken Garff has three vehicles on the lot. They are priced below state bid at \$25,613.00. Commissioner Sitterud made a motion to purchase the three vehicles from Ken Garff for \$25,613.00. Sheriff Guymon has received one bid from Hinkley Dodge for the other two Durangos. Commissioner Kofford made a motion to purchase two Durangos at \$25,782. If Community Motors comes in with a lower bid Sheriff Guymon may purchase the vehicles from them if he works with Interim Clerk/Auditor Brenda Dugmore before the ordering deadline of Friday. The motion was seconded by Commissioner Sitterud and approved by all members present.

Sheriff Guymon presented to the Commission the need to purchase three 42" computer video displays for the new E-911 system. The pricing is from state bid. Commissioner Sitterud made a motion to approve the purchase of the three monitors. The motion was seconded by Commissioner Kofford and approved by all members present.

Commission Chairman Ira Hatch swore in Brenda Dugmore as the interim Clerk/Auditor.

**4. EXECUTIVE SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION AND TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, AND ANY OTHER MATTERS ALLOWED BY LAW.**

Commissioner Gary Kofford made a motion to move into executive session. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

3

COMMISSION MEETING MINUTES  
APRIL 10, 2006

**5. ADJOURN.**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 18, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DISCUSSION AND ACCEPTANCE OF RADIO SYSTEM EASEMENT FOR SCENIC BYWAY/TRAVEL REGION.**

Mike McCandless told the Commissioners that three years ago the Castle County Travel Region and Scenic By-way put together a grant to do two projects. The projects were to erect a kiosk and shelter near Huntington Reservoir. The shelter was started last fall the shelter is underway. The other part of the grant is to put together a series of low power radio stations to inform people of the scenic by-way. This process takes a long time. They hope to put one in the Huntington Canyon, Scofield, and Fairview areas. The one radio station that is ready to get going is the one in the Huntington Canyon area. This will be basically an information station telling people about the scenic by-way and the Huntington area. Listeners will receive a seven to nine minute loop providing information on some of things they can see and about the energy loop. There will be a sign on the highway telling people what station to tune to. As a part of that process they need a location for the radio transmitter which has been determined to be located on the old water tanks in Huntington. That property is owned by Huntington City. What they are asking for is Emery County to accept the necessary easements for the power and the phone to get access for the utility companies. They need an entity to receive the easements. Dave has been working Jana Abrams, Coordinator for the Scenic By-Way to put together the easement. They need an entity to accept the easement for that right-of-way for power and phone.

Commissioner Hatch questioned why Huntington City, as an entity and a partner in the Castle County Travel Region and Scenic By-way is not accepting the easement. It is in Huntington City.

Mike explained that Huntington City has not been a participating partner recently. They have accepted easements in the past. They are granting this one but requested another entity accept the easement.

Commissioner Hatch could not see why Huntington City could not accept the easement just as easy as the County could.

Mike explained that the travel region administering the grant wanted someone associated with the travel region to accept the easement. He did not know how it would work to get the description.

Commissioner Hatch felt that since there was not going to be any particular liability and the

COMMISSION MEETING MINUTES  
APRIL 18, 2006

water

tanks are in Huntington City, he suggested that they go back to Huntington City to have them accept the easement and if they won't do it then come back to the county. Dave wondered if maybe the city was trying to save money. If that is the case he said he could write up the easement without any cost to them. Commissioner Hatch suggested that they get with Bret Mills also.

(2)

**DISCUSSION OF PROPOSED SWIMMING POOL PROJECT.**

Commissioner Sitterud said he contacted Zions Bank they will help us get the bond attorney. He contacted Blain Evans the architect who will draw the plans for the swimming pool and take us all the way through the CIB funding phase on his nickel. If we do not win the vote or get CIB funding then he will just say he did it. If we do then he will give us a contract to sign for the architect side of the plan. We need drawings to get preliminary costs to move forward. Commissioner Sitterud asked to retain Blain Evans to move forward on the project. There will be no expenditure of funds to retain Blain Evans. This will be on the November ballot. We will go to CIB in August. We should retain the funds in August with a stipulation pending approval of the general public. If things go well we could be building this fall. The plan he will draw will have an Olympic size pool with diving on one end and a small child pool and computerized spouts. We need to set up an appointment to meet with the school district to set up what their part will be and what our part will be. This will all be contingent upon the outcome of the election.

(3)

**RATIFICATION OF FIELD ELECTION SUPPORT SERVICES AGREEMENT WITH DIEBOLD ELECTION SYSTEMS.**

Commissioner Hatch reported that they have contacted Diebold to come and re-certify the election equipment. We have been working with them on a contract. We need to ratify that contract. The contract dates are April 12 through completion of the job. They will send technician to do the job. It will cost the county \$1,260.00 per day for each DESI technician. We have entered into discussion with them to use some of our people like we originally certified them. It would cut down on the time they will be required to be here. As soon as they get their technicians and equipment lined up they will be here in the county to accomplish that work. The fees are our responsibility. We are working with the state to see if we can get some assistance to do the work through the HAVA grant. If not it will be our responsibility. We need to ratify the agreement we entered into on April 11, 2006 to get that work done. Commissioner Drew Sitterud made a motion to ratify the signing on the agreement for Diebold technicians to come and re-certify our electronic voting machines. Commissioner Gary Kofford seconded the motion and it was approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF LOW INCOME ABATEMENT FOR BURT BECKSTEAD.**

Clerk/Auditor Brenda Dugmore discussed an application from Burt Beckstead for a low income abatement. The abatement is on his mobile home. He rents the park space that the mobile home sits on. He has a statement from his physician and a letter from himself to the Commissioners. The Commissioners may abate up to fifty percent of his taxes. Commissioner Gary Kofford made a motion to abate fifty percent of the taxes owing for Burt Beckstead. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF DONATION TO FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH.**

Lance Wright, Four Corners Community Behavioral Health came before the Commissioners to request a donation to send two employees to the University of Utah School on Alcohol and Drugs/Substance Abuse Workshop. The cost per employee is \$256.00. Commissioner Gary Kofford made a motion to pay \$512.00 to assist in sending two employees to the University of Utah Substance Abuse Workshop. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CITIZEN CONCERNS**

Tom Anderson, owner KOAL Eastern Utah Broadcasting and Shonie Christensen, KRPX were present to inform the Commissioners of a new radio station to the area. Mr. Anderson told the Commissioners that Eastern Utah Broadcasting KOAL has been around for seventy years. They are happy that they are putting on a new FM radio station and wanted to make Emery County a big part of this new radio station. Shonie is station manager. They will be doing stepped up Emery County news. They requested consideration for getting this station in Emery County's translator network. Shonie explained the concept for the station. She said they will be marketing towards women. They will take a top forty with a mix of light rock, combining 80's and 90's and now with a softer side to it so it will be office friendly. They will have a morning program. They will go to advertisers to market more towards women. They have some new ideas for promotions to involve the residents and listeners. Their numbers will be 95.3 FM KRPX. Mr. Anderson suggested that they could help with the tourism feed also.

Commissioner Hatch suggested they work through Commissioner Sitterud and Bret Mills, Communications to see what they will can do to make it compatible to our network. Commissioner Hatch explained that there was a problem with the land description on a parcel of land at the landfill that Emery County put up for bid to sell. The request for bids was amended

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and re-advertised with the correction. He explained that Nielson Construction approached the Commissioners with a proposal to purchase property along the landfill fence. Nielson Construction owns property to the south and east of the landfill fence line. They have a road on our property that goes down our fence line to access their property. They are in the process of making application to change their storage options there. Currently they are doing a lot of work for the coal-bed methane/gas fields and other entities that the waste disposal has to be taken to the approved one in the Duchesne area. This was quite an expense. You have to jump through a lot of regulatory hoops to store and dispose of this type of waste. They are now in the process of doing that. As part of this process they need a dedicated roadway plus an entry way at the beginning of the project to serve as a weigh station and acceptance point for materials going in. To that end Nielson's has come forth with a proposal to buy a strip of land adjacent to our landfill to accomplish that and tie it into their proposed system. We had the property appraised and advertised for bids to sell this 3.43 acres along the landfill fence line for a minimum bid of \$686.00. Nielson Construction is the only bid that we received. Their bid was \$701.00. Commissioner Gary Kofford made a motion to award the bid to purchase land adjacent to the landfill fence line to Nielson Construction for \$701.00. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Because Nielson's needed to move forward on this project it was approved today and will be ratified in the next Commission meeting.

(7)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #175720 through and including #175861 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
27-06	Portable feeder belt/screen Landfill	14,700.00	Approved
28-06	GPS Analyst for ArcPad IT	2,620.00	Approved
29-06	Installation of lights Weed/Mosquito	475.00	Approved
30-06	13 Vest Sheriff-Federal Vest Program	5,996.25	Appro

ved

½ paid by deputies  
½ paid by program

There were no dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, and requisitions as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**  
**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Personnel Director, Mary Huntington presented the following Personnel action:

Sheriff Guymon requested a routine progressive, one step, increase for Nicole Deabenderfer. She would move from 7G, \$10.41 to 8G, \$10.86 effective April 24, 2006. Commissioner Drew Sitterud made a motion to approve a routine progressive, one step, increase for Nicole Deabenderfer as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sheriff Guymon is requesting Kurt Price be moved into Public Safety. He has completed his POST certification and therefore should be moved from grade 10B, \$11.12 per hour to 12A, \$11.84 per hour effective April 24, 2006. Commissioner Drew Sitterud made a motion to approve moving Kurt Price into Public Safety with the appropriate move in pay as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**  
**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated April 4, 2006 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present

**(10)**  
**CONSIDERATION AND APPROVAL OF A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL TRUST INDENTURE RELATING TO THE EMERY COUNTY, UTAH POLLUTION CONTROL REVENUE REFUNDING BONDS (PACIFICORP PROJECT), SERIES 1994; AND RELATED**

**MATTERS.**

Ryan Bjerke, Chapman and Cutler, Bond Counsel for PacifiCorp was present to present a resolution relating to the Emery County, Utah Pollution Control Revenue Refunding Bonds (PacifiCorp Project), Series 1994 and relating matters. They asked that the County authorize the execution and delivery of a first supplemental trust indenture. Attorney David Blackwell explained that there is a clause that requires the county's permission to make even little adjustments in how they are negotiating with lenders. Ryan explained that the bonds are in a variable rate mode which means that every week or so the bond holders have the option to sell back their bonds. To provide some additional security PacifiCorp has entered into a security agreement with the bank where the bank says that if the bond holder tenders their bond at the end of any week and there is not enough money there they will buy it. PacifiCorp wants to make some changes to the document they have with the bank. Pacificorp is making minimal, minor changes to the agreement with the bank which is triggering the bond holder to have to tender the bonds even if they do not want to. We are trying to is to get PacifiCorp and the bank the flexibility they need to make these minor modifications to their agreement without forcing the bond holders to tender the bonds. Attorney David Blackwell has reviewed the resolution. The resolution that they are proposing today just authorizes the chairman, county attorney and county clerk to execute various documents in the form of a first supplemental trust indenture relating to the Emery County, Utah Pollution Control Revenue Refunding Bonds Series 1994 and related documents as presented. Commissioner Gary Kofford made a motion to approve Resolution 0417806 authorizing the execution and delivery of a First Supplemental Trust Indenture relating to the Emery County, Utah Pollution Control Revenue Refunding Bonds ( PacifiCorp Project), Series 1994,and related documents. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)****COMMISSION REPORTS***Commissioner Hatch*

Commissioner Hatch reported that there was a Special Commission Meeting on April 10, 2006 where Brenda Dugmore was sworn in as Clerk/Auditor.

We have had an OSHA inspector here visiting the various departments to give an informal inspection to give the county a heads up on things we need to work on.

He will be attending an insurance co-ordinator meeting in Provo today. The rest of the week he will be involved UAC Management Conference. Concurrent with that is Senator Bennett's Rural Conference in Vernal.



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Next week Commissioner Hatch and Wayde Nielsen will attend Road School in St. George. Also as a member of the Joint Highway Committee he will sit in on the planning meeting held in conjunction with the road school. With UDOT this is where the money is dolled out for federal aid and special state projects . We are making another push to get on going money for the Temple Mountain Road. We have constructed a road from Temple Mountain Road into Goblin Valley. We are now beginning work from Highway 24 over to the Goblin Valley Road. We have one million dollars allocated this year for one section of the road that will take us into 2007. He will make another push to get funds for another million for another section that will take us into 2008 and 2009.

*Commissioner Kofford*

Commissioner Kofford reported that he and Ray Petersen put a letter together that he felt like should be presented to the BLM at the scoping meeting in Green River tomorrow night. The letter is about the Old Spanish Trail and addresses the County's support. It was his intent to put it on the Emery County Commission letterhead and have all three commissioners sign it.

Last Friday Commissioner Hatch and Commissioner Kofford met with Maughn Guymon , AOG and gave the county's proposal for the Sr. Citizen Center in Green River. Jim Dresler is the architect for this project. They have a meeting set with Green River City to work on getting a variance for the parking lot. This project is moving ahead. They have asked Maughn Guymon to go over the proposal with Bill Howell and other staff members and give us any suggestions. The building is projected to cost \$232.00 per square foot (1.1 million dollars).

*Commissioner Sitterud*

Commissioner Sitterud met with the CIB board last Thursday . They came here to Emery County to meet with applicants in the county that will be putting in applications in May. Elmo Town will be re-negotiating the terms of their application. Castle Valley Special Service District's road projects have gone sky high this year. the money that they have received will not cover half of the projects as fast as the oil and gas is going up. They talked about some supplemental things that they can do. They met with Emery Town on their building. Because they had already purchased the building they have to let them go ahead and get the building in place. They can look at granting them funds to put things in the building. They looked at the Millsite Golf Course and some of the things they can do there.

Tonight will be the RAC meeting in Green River to set the proclamation for this year. This will be all big game, everything except bucks and bulls.

Commissioner Drew Sitterud made a motion to move into an executive session. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at an executive session was: Commissioner Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, and Deputy Clerk/Auditor Carol Cox.

Pending litigation matters were discussed.

**(13)**

**OTHER BUSINESS**

Commissioner Gary Kofford made a motion to set the date and time for the May Tax Sale as Thursday, June 1, 2006 at 10:00 A.M. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Sheriff Guymon presented a requisition from the Sheriff's office for one decon shelter at a cost of \$10,275.00 to be paid from a Homeland Security Grant 2004. This is the last of the 2004 grant funds. Commissioner Drew Sitterud made a motion to approve a requisition for a decon shelter as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

MAY 2, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Hatch opened the meeting by explaining new law governing open public meetings. House Bill #14 and #16 went into effect on May 1, 2006. The bill defines recording of public meetings as audio or video recording and encourages the use of media for posting agenda items to be discussed in the meeting. Audio and written minutes are to be kept for all public meetings. The final approved written form becomes the official minutes of the meeting.

(1)

**DISCUSSION OF 2006 MAY TAX SALE AND SETTING OF DATE.**

In the April 18, 2006 Commission Meeting the date of June 1, 2006 was set for the 2006 tax sale. There is a conflict with that date. The Clerk Conference will be that week. Therefore, a request was made to re-set the date to May 25, 2006 at 10:00 a.m. Commissioner Gary Kofford made a motion to re-set the date and time for the 2006 May Tax Sale to May 25, 2006 at 10:00 a.m. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**RATIFY SALE OF COUNTY PROPERTY, AS ADVERTISED, TO NIELSON CONSTRUCTION FOR \$701.00.**

In the April 18, 2006 Commission Meeting a sale of county property was awarded to Nielson Construction and approved as a non-agenda item. This was done to expedite the process for Nielson Construction in their efforts to make application to change their storage option on their property south and east of the Emery County Landfill fence line. Ratification of this action is needed at this time. Commissioner Drew Sitterud made a motion to ratify the sale of county owned property to Nielson Construction for \$701.00. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**EMERY HIGH SCHOOL STUDENTS REQUESTING DONATION TO ATTEND NATIONAL HISTORY FAIR.**

The Commissioners received a letter from Emery High School teacher Wendy Whittle asking for a donation for three students to attend the National History Fair in Washington, D.C. in June. The three students are Kiyomi MacDonald, Teresa Collard, and Laci McArthur. Commissioner Gary Kofford made a motion to donate \$50.00 per student to attend the National History Fair in Washington, D.C. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(4)****CONSIDERATION AND APPROVAL OF DRUG TASK FORCE GRANT.**

Sergeant Bill Downard explained that this is the standard Drug Task Force grant application. The funds from this grant will keep the program going for this year. He pointed out that the grant amount allowed is much lower this year. He said that the state is running out of money earmarked for this program. Commissioner Drew Sitterud made a motion to approve the Drug Task Force Grant application. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(5)****CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION AND CONTRACT AGREEMENT AMENDMENT #2 BETWEEN ALG AAA AND EMERY COUNTY.**

Commissioner Hatch explained that this the standard cooperation agreement between Area Agency on Aging and Emery County. The funds have been approved in the 2006 budget and will be paid out quarterly to the Association of Local Governments for the implementing of the Aging programs in Emery County. Commissioner Drew Sitterud made a motion to approve the inter-local cooperation and contract agreement amendment #2 between ALG AAA and Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

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**(6)****CONSIDERATION AND APPROVAL OF 2006 PROPERTY TAX EXEMPTION LIST.**

American Legion Post 42 #1-130-18	Mental Health #1-13-46 #1-195-9	University Of Utah #5-56-2
Christian Faith Church #1-119-1 #1-119-13	Green River Bible Church #1-151G-36 #1-151F-18&19 #1-161-05	Desert Edge Christian Chapel #01-179-1
Daughters of Utah Pioneers-Hunt #1-196-22	LDS Church various #'s	Emery County Community Foundation #1-13-36
Daughters of Utah Pioneers-Orange #1-253-18	Mountain View Baptist Church #1-177A-20	Rocky Mountain West Baptist Mission #5-94-6 #5-93-7 #5-94-3 #5-94-5
Daughters of Utah Pioneers-Elmo #1-72-16	Orangeville City/ Housekeepers #1-239-52	
Daughters of Utah Pioneers-CD #1-15-20	Rural Utah Child Development #1-25-14	Orient Lodge #1-151G-54
Ferron Cattleman's Association #5-87-27	Roman Catholic Church #3-50-16 #1-151H-25	Habitat for Humanity #1-23-22 #1-23-21 #1-36-29
First Baptist Church of Green River #1-154A-26 #1-154A-27	United Mine Workers Of America #4-16-14	
Four Corners	Utah Museum of Natural History/	

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Commissioner Gary Kofford made a motion to approve the 2006 Property Tax Exemption List. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR NOXIOUS WEED MANAGEMENT BETWEEN UTAH DIVISION OF FORESTRY, FIRE, AND STATE LANDS AND EMERY COUNTY WEED DEPARTMENT.**

Commissioner Hatch explained that Utah Division of Forestry, Fire and State Lands would like to enter into a cooperative agreement with the Emery County Weed Department to manage noxious weeds along the Green River. They have allocated \$10,000.00 this year for an ongoing program that will be negotiated and approved each year contingent upon available funds. James Nielsen has worked out with the UDFFSL to mostly buy the equipment needed this year. Commissioner Hatch recommended we sign the agreement. Attorney David Blackwell has reviewed the cooperative agreement document. Commissioner Drew Sitterud made a motion to sign the cooperative agreement for noxious weed management between Utah Division of Forestry, Fire, and State Lands and Emery County Weed Department. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**OPEN AND AWARD BIDS FOR LAWN CARE OF SOME COUNTY OWNED FACILITIES.**

Four bids for lawn care were received in the Clerk/Auditor's office. The bids were as follows:

Sunshine Enterprises	\$2,100.00 per month
Castle Valley Landscaping	\$ 400.00 per week
LD Landscaping	\$2,000.00 per month
Jeff Hill	\$1,982.00 per month

Commissioner Kofford asked for the latitude to contact the bidders to be sure they are all bidding on the same thing. He asked to award the bid based on the lowest bid after contacting them. Commissioner Drew Sitterud made a motion to allow Commissioner Kofford to look over the bids and award the bid based on the lowest bid and budgeted amount for this contract. Commissioner Ira Hatch stepped down to second the motion. The motion was approved by all members present.

(9)

**DISCUSSION AND DECISION REGARDING SERVICE AGREEMENT BETWEEN EMERY COUNTY AND EMERY ANIMAL HEALTH.**

Dr. Glen Jensen approached the Commissioners to discuss the service agreement between Emery County and Emery Animal Health. He stated he contracted with the county in 1998 to provide housing for all animals impounded by Emery County animal control officers. At that time he wanted to be certain that he would not lose money so he had worked into the contract a cost of living increase as given to county employees. He stated that he has not received the cost of living increase and can no longer function without it. The original contract amount is \$1,720.00 per month. Based on cost of living increases given to Emery County employees since 1999 he estimates the amount owed to him is \$11,649.14 to bring him current through May of this year. The new amount per month beginning in June of this year would be \$2,052.00.

Commissioner Hatch felt that there were two issues. First, the amount that Dr. Jensen feels that the county owes him. Second, the re-issue of a new contract based on the new monthly rate. Where we are changing the terms of the contract, we need to either issue a new contract or amend the current one.

Commissioner Kofford did not think that we needed a new contract. What he is asking for is to have the new rate reflect the cost of living increase for 2006.

Dr. Jensen said that his understanding of the contract was that the increase should have been given all along. He should basically receive that increase just the same as everyone else has. His employees deserve a raise also. The cost of keeping the animals continues to go up.

Commissioner Gary Kofford made a motion to pay Dr. Jensen the \$11,649.14 that the county owes him to bring him current through May of this year and take him up to \$2,052.62 per month beginning in June 2006.

Commissioner Hatch felt that there were some things in the contract that need to be addressed such as identifying holding facilities for large animals. He knows he has boarded large animals, but the contract does not specify that.

Commissioner Kofford indicated that we can notify him that we want to re-do the contract within thirty days. At the same time he felt that what was owed should be paid to him.

Commissioner Hatch stated that is why he wanted to address this issue in two parts. He agreed that Dr. Jensen deserves to be paid what is owed him. The new rate would be negotiable. Things that may or may not need to be changed in the contract.

Commissioner Kofford indicated that the conversation between David Blackwell and Dr.

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Jensen's lawyer suggested that maybe the county would want to re-word Section 8, part a.) of the contract. We may go ahead and re-submit the contract or re-advertise the contract. In the interim my motion was pay his what we owe him and take him up to the \$2,052.64 effective June 1, 2006.

Commissioner Drew Sitterud seconded Commissioner Kofford's motion. Commissioner Ira Hatch voted nay on the motion. The motion was approved by two for and one against.

Commissioner Kofford made a motion to instruct David Blackwell, Martin Wilson, Commissioner Kofford and Commissioner Sitterud to get with Dr. Jensen to clarify the contract, addressing Commissioner Hatch's concerns and move from there to re-negotiate the contract with Dr. Jensen for animal control holding facilities. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**

**CONSIDERATION AND APPROVAL OF ELECTION JUDGES FOR 2006.**

Clerk/Auditor Brenda Dugmore presented a list of names to be considered for election judges for the 2006 election. She indicated that parties recommended people from their caucus meetings for election judges. These recommended people were selected with the exception of Roddy Anderson from Emery as his son is on the ballot. The recommended list was as follows:

Emery #1, Partick Sundstrom, Mistie Christiansen, Shonna Petersen  
Ferron #2, Mary Kava, Katherine Singleton, Laurie Pitchforth, Evelyn Huntsman  
Ferron #3, Nancy Jensen, Lynette Withers, JoAnn Behling, Paula Lucas  
Clawson #4, Lisa Jones, Barbara Workman, Sue Simmons, Trudy Waddoups  
Orangeville#5, Sandra Oman, Jennifer Fauver, Dwayne Story, Melanie Thompson  
Castle Dale #6, Marianne Judi, Susan Keele, Kenneth Kay, Carolyn Booker  
Castle Dale #7, Eileen Lofthouse, Lori Rogers, Larry Harrington, Margaret Fielding  
Huntington #8, Loyette Holdaway, Gail Kay, Linda Daley, Tammy Tucker  
Huntington #9, JoAnn Shannon, Amy Hill, Michelle Anderson, Jenene Hansen  
Cleveland #10, Evelyn Bird, Annette Wells, Linda Jensen  
Elmo #11, Deanna Hansen, Mary Lofley, Venice Golden, Lucille Willson  
Green River #12, Vicki Bayles, Karen Smith, Gladys May, Iona Ekker

Commissioner Drew Sitterud made a motion to approve the Election Judges for 2006 as submitted as needed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)**

**DISCUSSION OF VOTING ABSENTEE BY-MAIL ONLY FOR THE TOWNS OF**



**CLAWSON AND EMERY. SETTING OF PUBLIC HEARING DATES TO RECEIVE PUBLIC COMMENT ON THIS PROPOSAL.**

Jeff Guymon, IT entered into a discussion with the Commissioners regarding the possibility of voting absentee by-mail only for the towns of Clawson and Emery. He started by saying that state election code says that if within sixty days of an election a precinct has less than 500 registered voters, the governing body may elect to conduct the election for that precinct entirely by absentee by-mail only. He pointed out that Clawson Town has 138 registered voter amounting to 2% of the votes in Emery County. Emery Town has 258 registered voters amounting to 4% of the votes in Emery County. Elmo has 450 registered voters but could possibly have more registered voters to bring them up to 500 before the election. He pointed out the cost to have judges at these precincts verses the cost to send out the necessary mailers for by-mail voting. The pros for conducting absentee by-mail voting as follows: this would give us two more machines for other locations. The cost, less delivery time and less handicap locations to deal with. The cons were: not advantageous for voter turnout, voter verification and voter apprehension or a since of exclusion. It is for this reason that he suggested holding public hearings in Clawson and Emery to get the public's input on the possibility of doing this. The law does not require a public hearing but we need to see if the public is going to be receptive to this. The Commissioners suggested getting on the respective town agendas to set up public information meetings. Notice can be sent to each registered voter in that precinct informing them of the public hearing and inviting them to attend to discuss the possibility of changing their precinct to a absentee by-mail only precinct.

Commissioner Gary Kofford made a motion to contact the towns and get on the agendas for May and hold public hearings in each town to see if the voters are receptive to this. After the public hearings this will be brought back to the next Commission Meeting as an agenda item to act on. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Clerk/Auditor Brenda Dugmore stated that if the majority of the registered voters are opposed to it then we would not do it.

**(12)**  
**CITIZEN CONCERNS**

There were no citizen concerns.

**(13)**

**CONSIDERATION AND APPROVAL OF A BUSINESS LICENSE.**

A business license application was presented for Jeff Sagers dba: Castle Valley Stone. This is a conditional use permit also and has gone through the Planning Commission's process and has been signed by the Zoning Administrator. Commissioner Drew Sitterud made a motion to approve a business license for Jeff Sager dba: Castle Valley Stone. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #175974 through and including #176085 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
35-06	Complete wiring for Emergency Operation Center- Sheriff	1,350.00	Approved
36-06	Laptop Computer Sheriff- Investigations	2,081.86	Approved
37-06	5-sets of Lightbars/Sirens, etc Sheriff - new vehicles	13,101.00	Approved
38-06	Computer Cabinet 2 Network Cameras Election	1,417.31	Approved

There were no dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(15)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following Personnel action:

**A. Public Lands.**

Public Lands Director, Ray Petersen is going to hire Bethany Toomer as a 90 temporary employee. Bethany will schedule and conduct interviews with Emery County citizens and generate affidavits concerning the history of Emery County RS2477 roads. She will be paid \$7.00 per hour.

**B. Weed/Mosquito and Road Department requests.**

James Nielsen, Weed and Mosquito Supervisor is ready to begin the recruitment process for a 90 day temporary employee.

Eric Nielsen's 90 day temporary service at the Road Department ended on April 13, 2006. Morris Sorensen, Road Department Supervisor has asked to begin the recruitment process for a 90 day temporary employee.

The Road Department advertised for a Lube/Mechanic. Morris Sorensen requested approval to hire Eric Nielsen as Lube/Mechanic at grade 12 entry level, \$11.00 per hour beginning May 3, 2006. This is a full time position with benefits. Commissioner Gary Kofford made a motion to approve hiring Eric Nielsen as Lube/Mechanic at the Road Department as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Russ Dull has submitted his resignation. His last day of work will be June 16, 2006. Morris Sorensen requested approval to begin the recruitment process for an Equipment/ Operator Driver.

Commissioner Gary Kofford made a motion to approve the recruitment process for an Equipment/Operator Driver at the Road Department. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**C. Museum of the San Rafael**

Kimble Larsen has been hired for less than 10 hours per week, as a 90 day temporary employee, for the lawn/maintenance care at the museum. Due to Willard Young's own personal medical condition he is unable to perform some of the functions of his job.

**D. Sheriff's request.**

10  
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Nothing at this time.

E. Library request.

Jerilyn Mathis, Library Supervisor requested approval to hire Darcie Quist as the Green River Assistant Librarian. If approved Darcie will begin work on May 3, 2006 at grade 4A \$8.12 per hour. This is a part time position with no benefits. Commissioner Gary Kofford made a motion to approve hiring Darcie Quist as the Green River Assistant Librarian as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Jerilyn Mathis requested approval to hire Denise Hoffman, under contract, to supply the janitorial services for the Green River Library. The amount of the contract would be \$350.00 per month. The library board recommended approval to contract with Denise Hoffman for this service. Commissioner Gary Kofford made a motion to approve contracting with Denise Hoffman for \$350.00 per month for janitorial services at the Green River Library. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

F. Risk Management/Workers Compensation Program.

The county participated in a Risk Management and Workers Compensation Program sponsored through Utah Counties Insurance Pool (UCIP) in 2005. Recently we were awarded \$7,570.00 as a result of complying with UCIP's requirements to help reduce the county's risk liability and workers compensation claims. She thanked the Risk Management Committee and each department for helping with these programs.

(16)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Gary Kofford made a motion to approve the minutes dated March 21, 2006 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to approve the minutes dated April 10, 2006 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to approve the minutes dated April 18, 2006 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(17)

**COMMISSION REPORTS***Commissioner Sitterud*

Commissioner Sitterud report on a recent meeting regarding Millsite Dam and the sedimentation problems with the reservoir. Millsite is listed as one of the top three worst dams in the state. They talked about possible ways to work out the problems hoping to get funding to fix the problems. It looks as though it may be a year from now before anything can be repaired.

He recently met with the CCP group where it was stated that the water going into Skyline Mine is probably coming from Electric Lake. While in the county for their meeting the CCP group went on tours of the mine sites and power plants.

He attended an addressing meeting in Richfield. The Forest Service and BLM and other entities were also in attendance. A lot of the addressing work has already been done.

He attended a RAC meeting in Green River on the cows/does proclamation. The meeting was not very well attended.

*Commissioner Kofford*

Commissioner Kofford reported on a meeting regarding the Forest Service Management Plan. All decisions have been made. The comment period will soon begin.

He met with BLM regarding archeological study on the landfill and gun range.

He attended Senator Bennett's Rural Economic Summit in Vernal. There were many very good breakout sessions and speakers. Several people were there from Emery County.

He reported on the Old Spanish Trail scoping meetings. A letter was sent from the Commissioners regarding the county's desire for the trail to follow established ROW.

*Commissioner Hatch*

Commissioner Hatch reported on his attendance at UAC Conference.

He reported on the Joint Highway Committee meeting in St. George. He reported that Emery County was able to acquire an added \$500,000.00 to continue out to 2009 on the state park access road to Temple Mountain. This will be added to the already committed \$450,000.00 for this project. Emery County will match the funds to complete the project.

Commissioner Drew Sitterud made a motion to move into an Executive Session to discuss

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pending litigation matters. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(18)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**  
**REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at the Executive Session was Commissioner Hatch, Commissioner Sitterud, Commissioner Kofford, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

**(19)**  
**ADJOURNMENT**

Upon returning to regular Commission Meeting Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

MINUTES OF PUBLIC HEARING  
HELD IN EMERY TOWN

MAY 9, 2006

A public hearing was held on May 9, 2006 in Emery Town at 6:00 p.m. to provide information to the public regarding voting absentee by-mail for the Emery County election. Commissioner Ira Hatch provided information to the citizens in attendance. Basically Utah Code 20A-3-302 states that whenever, on the 60<sup>th</sup> day before an election, there are 500 or fewer persons registered to vote in a voting precinct, the county legislative body of the county in which the voting precinct is located may elect to administer an election entirely by absentee ballot. The code then spells out the procedures for administering the absentee ballot. Emery Town, Emery Precinct #1, has 259 registered active voters. He provided a history of how the county has arrived to the point of using the Diebold electronic voting machines for the 2006 election and associated, newly legislated HAVA requirements. A handout was provided to all citizens in attendance showing a cost comparison for using the new machines and by-mail absentee voting. The pros and cons for by-mail absentee voting and electronic voting was reviewed with the public. He stated that the Commissioners felt it was important to provide the citizens of Emery with an opportunity to respond to a possibility of changing the Emery #1 precinct to an absentee by-mail voting only precinct.

The public hearing was opened up to comments and questions from the public.

Numerous questions and comments were directed to the Commissioners.

Comments were received from the following:

Mayor Michael Williams, Mariam Mangum, Patrick Sundstrom, Gary Hansen, Carol Riddle, Don Riddle, Randy Lake, Loye Hansen, Derek Beagley, Tammie Beagley, Gary Petty, Amy Sundstrom, Dorothy Pulley, Kenneth Christiansen, Bruce Funk, Glynis Sitterud, Corrine Dalton, Eric Anderson, Heather Sundstrom, Corey Blumel.

The Commissioners responded to all questions and comments.

Commissioner Hatch closed the public hearing and thanked the public for their questions and comments. He stated that a decision has not been made. The question will be on the Commission Meeting agenda for the May 16, 2006 Commission Meeting to determine what course of action the Commission will take. He invited any interested citizens to attend the meeting.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF PUBLIC HEARING  
HELD IN CLAWSON TOWN

MAY 11, 2006

A public hearing was held on May 11, 2006 in Clawson Town at 6:00 p.m. to provide information to the public regarding voting absentee by-mail for the Emery County election. Commissioner Ira Hatch provided information to the citizens in attendance. Basically Utah Code 20A-3-302 states that whenever, on the 60<sup>th</sup> day before an election, there are 500 or fewer persons registered to vote in a voting precinct, the county legislative body of the county in which the voting precinct is located may elect to administer an election entirely by absentee ballot. The code then spells out the procedures for administering the absentee ballot. Clawson Town, Clawson Precinct #4, has 138 registered active voters. He provided a history of how the county has arrived to the point of using the Diebold electronic voting machines for the 2006 election and associated, newly legislated HAVA requirements. A handout was provided to all citizens in attendance showing a cost comparison for using the new machines and by-mail absentee voting. The pros and cons for by-mail absentee voting and electronic voting was reviewed with the public. He stated that the Commissioners felt it was important to provide the citizens of Clawson with an opportunity to respond to a possibility of changing the Clawson #4 precinct to an absentee by-mail voting only precinct.

The public hearing was opened up to comments and questions from the public.

Numerous questions and comments were directed to the Commissioners.

Comments were received from the following:

Bruce Funk, Bruce Roundy, Glade Nelson, Betty Hatch, Doug Sorensen, Cheryl Sorensen, Corey Blumel, Ralph Blumel, Gary Price.

The Commissioners responded to all questions and comments.

Commissioner Hatch closed the public hearing and thanked the public for their questions and comments. He stated that a decision has not been made. The question will be on the Commission Meeting agenda for the May 16, 2006 Commission Meeting to determine what course of action the Commission will take. He invited any interested citizens to attend the meeting.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

MAY 16, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DISCUSSION AND APPROVAL OF VOTING ABSENTEE BY MAIL ONLY FOR THE TOWNS OF CLAWSON AND EMERY.**

A. Patrick Sundstrom, Emery City Council would like to address the issue.

Mr. Sundstrom thanked the Commissioners for coming to Emery to talk to the citizens. He stated that he is not happy about closing any polling place in Emery County. The idea of voting is a way of validating ourselves as Americans. It is important to us. Our young people need a sense of duty associated with walking into a polling place to vote. He added that as elected officials of the citizens of Emery County, he will personally see that they are held accountable to the citizens of Emery County.

Eric Anderson, Emery City Council member addressed the Commissioners on behalf of Mayor Williams. As the Emery Town council they, unanimously, by resolution, voted to support the use of voting machines at a designated polling place for the casting of ballots. They unanimously object to the changing the Emery Town precinct to a by-mail absentee only precinct.

Lou Sansevero, Ferron citizen advised the Commissioners to govern with the advise and consent of the people who elect them. The Commissioners have a moral responsibility to do what is in the citizen's best interest. He stated he understood the reason for the changes in the voting for Emery and Clawson was due to the cost associated with the election. He said he did not feel that was a good reason for the change. He stated that he was personally against any changes to polling places.

Commissioner Hatch stated that he wanted to set the record straight. The cost was not the reason for the looking at the changes.

Gary Petty, Emery, talked about the article in the Salt Lake Tribune wherein it was indicated that it may be wise to consider the mail voting option. He stated that in his opinion that was wrong. Voting at the polling place makes you feel like an American.

Commissioner Hatch stated that the code says that as the governing body the Commissioners can

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make that decision. But, that is not the way that this Commission operates. That is why they went to the Clawson and Emery to find out how the people felt. We did receive many comments both verbal and written. Sometimes the legislature enacts laws that are not necessarily good for everyone. Commissioner Hatch asked if anyone else would like to say anything about this matter?

Commissioner Sitterud indicated that he personally received many letters. He got responses from citizens in towns that were not given the option of voting by-mail absentee. At least Clawson and Emery were given the opportunity to choose to vote paper ballots.

Commissioner Drew Sitterud made a motion to leave Clawson and Emery as polling places and let them vote with the machines. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

B. Ballot proposition for Emery County School Board.

The Commissioners received a letter back in February from the Emery County School District stating their intent to ask the voters, in the next general election, to authorize an increase in the voted leeway of .0008. It was also the intent of this entity to offset the voted leeway with a corresponding reduction in the capital outlay tax rate resulting in no net increase in tax rate to the taxpayer. They are required to advertise as if this were a tax increase. The Commissioners assumed since they scheduled a public hearing for August that the school district wanted the question on the general ballot in November. However, the school district's intention was to put the proposition on the Primary Ballot. Attorney David Blackwell spoke with Ross Huntington, Emery County School District Business Administrator who indicated that it was the intent of the school district to put the proposition on the Primary Ballot in June. Since neither Ross Huntington or Superintendent Kirk Sitterud were present at the meeting the Commissioners asked that they be called and asked to come to the meeting to address the issue. The Commissioners moved on to other business until Kirk and Ross could be present.

After returning to this issue the Commissioners discussed with Superintendent Kirk Sitterud and Business Administrator Ross Huntington the reason for having the proposition on the June Primary Ballot. Kirk Sitterud stated that if they wait until November to receive the voted leeway it will be too late to help the school district with the much needed funds to operate for this coming school year. They would have to wait another whole year to receive the funds and would thus have to lay off teachers and other critical employees.

Democratic Party Chairman Gary Petty was opposed to having the proposition on the Primary Ballot because the Primary election is a Republican election. The Democrats will not be voting in this election.

Progress Editor, Patsy Stoddard wondered if this wasn't an education issue. Do we need to

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educate the voters on this issue?

Commissioner Gary Kofford stated that Democrats will be able to vote on this issue., but he felt that there was not adequate time to advertise and educate the public.

Republican Party Chairman Bill Dellos stated he felt that it was not fair to the citizens. A hearing should be held before voting on the issue.

Commissioner Ira Hatch felt that the school district should at least hold information meetings before the election.

Kirk Sitterud informed the Commissioners that as a school board they are meeting with as many groups of citizens as possible and are scheduling information meetings as well as sending out information pamphlets to the citizens before the election. He stated that it is critical for the students and the school district to get the proposition on the June Primary Ballot. It cannot wait an additional year. He asked to have the Commissioners work with them on this issue. He added that if they have to help pay for any additional cost for the election.

After more discussion, Commissioner Gary Kofford made a motion to put the requested proposition on the June Primary Ballot. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)

**RATIFY BID AWARD AND APPROVAL OF CONTRACT FOR LAWN CARE OF SOME COUNTY OWNED FACILITIES.**

Commissioner Gary Kofford reported on the outcome of the bid opening for lawn care at the courthouse, libraries and road department. After contacting the bidders, Castle Valley Landscaping, as low bidder, was awarded the bid. Commissioner Gary Kofford made a motion to ratify the signing of a contract for lawn care for some county owned facilities to Castle Valley Landscaping. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF SOFTWARE LICENSE AGREEMENT WITH SINGER SOFTWARE, INC.**

Commissioner Hatch indicated that the county has looked at other companies to provide tax roll maintenance but they were pricey. The county has contracted with Singer Software Inc. for several years now. The elected officials who work with Singer's programs recommended

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staying with the Singer. Commissioner Drew Sitterud made a motion to approve the software license agreement with Singer Software, Inc. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(4)**  
**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND ECSSD#1 ON SOUTH MOORE CUTOFF ROAD, PHASES III AND IV FUNDING.**

Attorney David Blackwell reviewed an agreement between Emery County and ECSSD#1 to receive the funds and administer the projects for phase III and phase IV on the South Moore Cut-off Road. Commissioner Gary Kofford made a motion to ratify the signing of an agreement between Emery County and ECSSD#1 for administration of funding for South Moore Cut-off Road Phase III and Phase IV. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(5)**  
**CONSIDERATION AND APPROVAL OF FEDERAL EQUITABLE SHARING AGREEMENT.**

This agreement deals with the sharing with the federal government of assets seized by the Emery County Sheriff's Department. Commissioner Drew Sitterud made a motion to approve the Equitable Sharing Agreement. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(6)**  
**CONSIDERATION AND APPROVAL OF AGREEMENT FOR FINANCIAL ADVISORY SERVICES WITH ZIONS BANK PUBLIC FINANCE FOR THE MUNICIPAL SWIMMING POOL PROJECT.**

Commissioner Drew Sitterud reviewed an agreement for financial advisory services with Zions Bank Public Finance for the Municipal Swimming Pool Project. Attorney David Blackwell suggested a change in wording on Attachment A from "city" to "county". Commissioner Drew Sitterud made a motion to approve an agreement for financial advisory services with Zions Public Finance for the Municipal Swimming Pool Project. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(7)**  
**EMERY TOWN, REQUEST AND APPROVAL OF WAIVER FOR BUILDING PERMIT**

**FEE FOR RECREATION CENTER.**

Commissioner Gary Kofford made a motion to waive the \$1,643.00 building permit fee for the recreation center in Emery Town. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)****CITIZEN CONCERNS. (RAY QUINN- PRESENTATION OF AWARD).**

Ray Quinn, American Legion Post 73 presented Commissioner Ira Hatch with an award for fifty continual years of membership in the American Legion. He also petitioned the Commissioners to erect a memorial to the Emery County veterans who have been in the armed forces. Emery County is the only county who has not erected such a memorial for our veterans. He urged the Commissioners to remedy this mistake and erect a memorial for veterans. Commissioner Hatch suggested that the American Legion put together a committee to formulate ideas and report back to the Commissioners with their ideas for a memorial.

In other citizen concerns, It Director, Jeff Guymon informed the Commissioners of the Voter Outreach Program. Voting machine demos have been scheduled for June 5, 2006 in Huntington and Ferron at the Senior Citizen Centers from 11 a.m. until 2 p.m. June 6, 2006 will be all the libraries in the county from 9:30 a.m. until 7 p.m. June 7, 2006 will be in Emery at the Senior Center from 11 a.m. until 2 p.m.

Pam Juliano, contact person from Senator Jim Matheson's office was present to listen and be a part of the process.

**(9)****DISCUSSION OF SELECTION PROCESS AND APPROVAL OF ENGINEER OF RECORD BASED ON STATEMENT OF QUALIFICATIONS.**

As part of receiving federal highway funding Emery County needs to designate an engineer of record. A request for proposals was submitted to several engineering firms. Two engineering firms replied to the RFP. Johansen and Tuttle Engineering, Castle Dale and Simpco Engineering, Vernal. An evaluation panel screened the qualifications and came up with an overall successful applicant. The successful applicant was Johansen and Tuttle Engineering. Commissioner Gary Kofford made a motion to appoint Johansen and Tuttle Engineering as Engineer of Record for Emery County for federal and state funded projects. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)****DISCUSSION AND APPROVAL OF ASSESSING A MINIMUM REAL PROPERTY TAX.**

Treasurer, Steven Barton reminded the Commissioners of an earlier request to consider assessing a minimum real property tax. At that time he was asked to meet with Kris Bell, Assessor, Dixie Swasey, Recorder and Brenda Dugmore, Clerk/Auditor to come up with a proposal. He has done that and now proposed assessing a minimum real property tax of \$1.00 and under. Many of the properties that were considered were green belt properties. Out of the \$123.00 we would collect it would cost \$108.00 to pay for the notices and other mailers for these properties. Commissioner Gary Kofford made a motion to take the committee's recommendation and assess a minimum real property tax, abating \$1.00 and under. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)****CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

A business license application from Consolidated Coal Company was presented for consideration. The Clerk/Auditor's office received word from the ATF that as a part of the application process for Consolidated Coal Company to receive a permit from them they must have complied with the local permitting process. ATF felt that they needed to have a local business license. Commissioner Drew Sitterud made a motion to approve a business license for Consolidated Coal Company. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)****CONSIDERATION AND APPROVAL OF TERMS OF AGREEMENT DATED MAY 8, 1006 WITH KIMBALL AND ROBERTS, P.C.**

Commissioner Gary Kofford made a motion to approve the terms of an agreement dated May 8, 2006 with Kimball and Roberts, P.C. to conduct the county audit. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Hatch commented that due to the recent changes in the Clerk/Auditor's office this audit will be conducted as if it was an outgoing auditor. Any discrepancies would be brought out in the audit.

**(13)****DISCUSSION AND APPROVAL OF LETTER OF EMERY COUNTY'S POSITION ON BLM RMP PROCESS.**

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The Emery County Commissioners and Public Lands Director Ray Petersen attended the May 11, 2006 AOG meeting in Price where John Keith presented the Utah State University study of Community Socio-economic Linkages with Public Lands. Mr. Keith also began a data gathering process at that time and presented the time table for the study. It was the Commissions understanding that the study was to be completed in December of 2007. As a result of attending this meeting the Commissioners and Ray felt that it would be beneficial to the county to send a letter to key individuals to present the county's position regarding the BLM/Price Field Office Resource Management Plan/Environmental Impact Statement Socio-Economic Report. It is the County's desire to see the process continue as scheduled. They stated in the letter that the USU study may provide some useful data for some of the other RMP's throughout the state and possibly as activity level planning follows, but they felt any delay to implement the plan jeopardizes important decisions already made by the Price Field Office. It was decided to send the letter to the Lt. Governor Gary Herbert's Office, Mark Ward, Utah Attorney General's Office, John Harja, Val Payne, Carbon County Commission, Utah State BLM Office, Price Field Office, Rural Public Lands County Council (Ralph Okerlund) Utah Congressional Delegation. Commissioner Sitterud suggested adding UAC to the list. Commissioner Gary Kofford made a motion to forward the letter to the respective individuals and get on record the county's position regarding this issue. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(14)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit list #176242 through and including #176399 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
39-06	Tasers & Bladetch Holster Sheriff	\$4,857.65	Appro ved

There were no dispositions.

Sheriff Guymon presented a check from XTO Energy for \$5,000.00 to pay for the tasers.

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Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, and requisition. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

The \$5,000.00 check was turned over to the Clerk/Auditor.

**(15)**

**PERSONNEL DIRECTOR, PRESENTATION OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following personnel action:

A. Commissioner Gary Kofford made a motion to ratify the action taken on May 2, 2006 to hire Denise Hoffman, under contract, to supply the janitorial services for the Green River Library. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

B. Commissioner Gary Kofford made a motion to ratify the action taken on May 2, 2006 to start the recruitment process for an Equipment/Operator. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

C. Commissioner Gary Kofford made a motion to ratify the action taken on May 2, 2006 to hire Eric Nielsen as a Lube/Mechanic. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

D. Russ Dull has completed his 6 month orientation period successfully and Morris Sorensen is requesting he receive a one step increase effective May 22, 2006. He would move from 12 entry @\$11.00 per hour to 12 A @\$11.33 per hour. Commissioner Gary Kofford made a motion to approve a one step increase for Russ Dull as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

E. Mike McCandless is going to hire two 90 day temporary employees to work the information center in Green River. Judy Smalley will work 40 hours per week @ \$7.00 per hour effective May 11, 2006. Nancy Mitchell will work twenty hours per week @ \$7.00 per hour effective June 19, 2006. No action was needed.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes of Public Hearings held in



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Clawson and Emery and dated May 9 and 11, 2006. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to approve the Commission meeting minutes dated May 2, 2006 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported on the progress of posting the Old Spanish Trail signs.

*Commissioner Sitterud*

Commissioner Sitterud reported that the new radio station KRSP is broadcasting over the top of FM 100.

He reported on CIB activity involving two emergency applications from Ferron City to repair the spillway and extend Millsite Golf Course.

*Commissioner Hatch*

Commissioner Hatch reported that it is that time once again to look at the county's insurance. Jeff Kelsey from CBSA and others are in line to come and make their presentations.

He reminded everyone that the May Tax Sale will be on Thursday May 25, 2006.

Commissioner Gary Kofford made a motion to move into an executive session to discuss pending litigation regarding personnel issues. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(18)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION, SALES/PURCHASE OF REAL ESTATE OR OTHER  
MATTERS ALLOWED BY LAW.**

10

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Present at the executive session was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox.

Upon returning to the regular meeting Commissioner Gary Kofford made a motion to authorize Attorney David Blackwell to proceed with the land acquisition as discussed in executive session. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(19)

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JUNE 6, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Drew Sitterud was out of town for other important matters.

Commissioner Ira Hatch will step down throughout the meeting to execute motions as needed.

(1)

**BOB GREENBERG, FOUR CORNERS BEHAVIORAL HEALTH, SEEKING APPROVAL FOR SUBSTANCE ABUSE AND MENTAL HEALTH PLAN FOR 2007.**

Bob Greenberg, FCBH presented the Substance Abuse and Mental Health Plan for 2007 for review and approval. The plan represents a 2% increase from last year which is based on assessed evaluation and population. Drug Court funding is continuing to go down but he stated that he is confident that the funding will continue and does not project any changes in the Drug Court program in Emery County. Commissioner Gary Kofford made a motion to approve and accept Four Corners Behavioral Health's Substance Abuse and Mental Health Plan for 2007. Commissioner Ira Hatch seconded the motion and amended the motion to include authorizing Commissioner Kofford to sign the plan as Emery County's representative on the FCBH board. The motion was approved by all member present.

(2)

**RATIFY BLM RIGHT-OF-WAY GRANT UTU-83306 FOR EAGLE CANYON VIEW AREA ACCESS ROAD.**

Commissioner Hatch and Commissioner Kofford met with BLM regarding granting a right-of-way for Eagle Canyon view area access road. This is to keep the access from the Moore Cut-off Road. A right-of-way was granted for 3,500 feet. They will meet again to negotiate for another right-of-way to establish a loop. Commissioner Gary Kofford made a motion to ratify an agreement signed on May 17, 2006 with BLM to accept a 3,500 feet right-of-way. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(3)

**APPOINTMENT TO LIBRARY BOARD.**

Commissioner Gary Kofford explained that the Library Board met recently to consider a replacement for Glenna Sasser who has served on the library board for the maximum term allowed by the library by-laws. Glenna has served for two four year terms representing the Castle Dale/Orangeville area. It was recommended to appoint Robyn Reynolds, Orangeville to fill that vacancy. Commissioner Gary Kofford made a motion to accept the Library boards recommendation and appoint Robyn Reynolds to the Library Board. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF AN AGREEMENT BETWEEN EMERY COUNTY AND NAYLOR WENTWORTH LUND ARCHITECTS, PC FOR EMERY COUNTY POOL COMPLEX.**

Attorney, David Blackwell stated that the agreement is a standard agreement between Emery County and the architects hired to design the swimming pool complex. The county is not bound to pay for their services if the bond proposal is not approved by the voters in the November election. Commissioner Ira Hatch made a motion to approve an agreement between Emery County and Naylor Wentworth Lund Architects, PC to proceed with the bond election for the Emery County Pool Complex. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**SETTING OF A PUBLIC HEARING FOR ENERGY WEST LEVEL III CONDITIONAL USE PERMIT FOR MINE PORTAL AND FAN IN RILDA CANYON.**

Commissioner Gary Kofford made a motion to set a public hearing for Tuesday, June 20, 2006 at 10:00 a.m. during the regular scheduled Commission Meeting for Energy West Level III Conditional Use Permit for mine portal and fan in Rilda Canyon. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**CITIZEN CONCERNS**

Clerk/Auditor Brenda Dugmore presented to the Commissioners a request from Brionne Thompson to write-off an ambulance bill for her husband David Gentry Thompson, who since the time of the ambulance call has passed away. She indicated that she is attending school full-time, is unemployed, has no insurance and very little income. She requested any assistance

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possible in handling the balance of the ambulance bill. Commissioner Ira Hatch made a motion to write-off one half of the bill and work with her on the balance if it is impossible to resolve then invite her back to resolve the balance. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND ECSSD#1 FOR THE TEMPLE MOUNTAIN ROAD.**

Commissioner Gary Kofford made a motion to approve an agreement between Emery County and Emery County Special Service District #1 for the Temple Mountain Road Project for administration of funds received for the project as well as engineering and construction of the project. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(8)

**RATIFY ACTION OF ADDING EMERY COUNTY SCHOOL DISTRICT'S LEEWAY PETITION ON THE JUNE 27, 2006 PRIMARY ELECTION BALLOT.**

Commissioner Ira Hatch made a motion to ratify action taken in the June 6, 2006 meeting to add Emery County School District's Leeway Petition on the June 27, 2006 Primary Election Ballot. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF ELECTION JUDGES FOR THE RESOLUTION BOARD.'**

Clerk/Auditor Brenda Dugmore proposed the names of Stacie Decker, Shonnie Price and George Stucki to serve as a Resolution Board on election night. These individuals will open and verify signatures on absentee ballots on election night. Brenda also proposed a list of election judges as follows:

Patrick Sundstrom, Mistie Christiansen, Shonna Petersen, Mary Kava, Laurie Pitchforth, Katherine Singleton, Evelyn Huntsman, JoAnn Behling, Nancy Jensen, Paula Lucas, Lynette Withers Lisa Jones, Barbara Workman, Sue Simmons, Trudy Waddoups, Jennifer Fauver, Dwayne Story, Sandra Oman, Melanie Thompson, Marianne Judi, Kenneth Kay, Susan Keele, Carolyn Booker, Eileen Lofthouse, Larry Harrington, Lori Rogers, Margaret Fielding, Loyette Holdaway, Gail Kay Linda Daley, Tammy Tucker, JoAnn Shannon, Jenene Hansen, Amy Hill, Michelle Anderson, Evelyn Bird, Annette Wells, Linda Jensen, Deanna Hansen, Venice Golden, Mary Lofley, Lucille Willson, Vicki Bayles, Karen Smith, Gladys May, Iona Ekker

Commissioner Gary Kofford made a motion to approve the list of election judges and the

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Resolution Board as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF DATES/TIMES OF 2006 BOARD OF EQUALIZATION.**

Clerk/Auditor Brenda Dugmore proposed the dates and times for Board of Equalization as August 15, 2006 from 12:30 p.m. until 3:30 p.m. in Green River and August 16, 2006 from 9:00 a.m. until 3:00 p.m. in Castle Dale. Commissioner Gary Kofford made a motion to approve the dates and times proposed for Board of Equalization. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(11)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Brenda Dugmore presented the Warrant Check Edit List #176510 through and including #176658 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
40-06	(5) 6-S Partition Cages SO- for new Durangos	1,699.95	Approved
41-06	(10) Encoders-for voter access cards Elections	3,950.00	Approved

There were no dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(12)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

COMMISSION MEETING MINUTES  
JUNE 6, 2006

Personnel Director, Mary Huntington presented the following Personnel action:

A. Discussion and approval of 90 day temporary employee for Road Department and Recorder's Office.

Road Supervisor, Morris Sorensen has hired Otto Tonne as a 90 day temporary employee to help with signs. Otto began working on June 6, 2006.

Recorder, Dixie Swasey is going to hire Holly Damron as a 90 temporary employee to work in the Recorder's Office effective June 12, 2006 to September 12, 2006.

B. Approval of Step increase for Clinton Olsen and Doris Quinn.

IT Director, Jeff Guymon requested a one step increase for Clinton Olsen. Clinton has successfully completed his six month orientation period. He would move from 12 F \$12.59 to 12 G \$12.84 effective June 12, 2006. Commissioner Gary Kofford made a motion to approve a one step increase for Clinton Olsen as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

Recorder, Dixie Swasey requested a routine progressive step increase for Doris Quinn. She would move from 7D \$9.81 per hour to 8D \$10.22 per hour. This would put Doris at the "working level" on our existing pay structure. Commissioner Gary Kofford made a motion to approve a routine progressive step increase for Doris Quinn as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

C. Approval for appointment of Equipment Operator/Driver at the Road Department.

On May 26, 2006 interviews were held for the full time position of Road Department Equipment Operator/Driver. Morris Sorensen requested approval to hire Gary Mitcheson as 12 Entry at \$11.00 per hour with benefits. Commissioner Ira Hatch made a motion to approve hiring Gary Mitcheson as Equipment Operator/Driver as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

D. Approval for appointment of Dispatch positions at the Sheriff's Office.

Interviews and background checks were conducted and Sheriff LaMar Guymon requested approval to hire four people as Civilian Dispatchers to fill the vacancies of Paul Simmons, Greg Funk, Rory Bradley, and Jeff Cowley. They are Maureen Copatch, Koni Quayle Liston, A.J. O'Niel and Devin Seely. These are full time positions with benefits, grade 10A at \$10.88 per hour. Hire dates will be staggered based upon completion of training. Commissioner Gary Kofford made a motion to approve the hiring of Maureen Copatch, Koni Quayle Liston, A.J. O'Niel and Devin Seely as proposed. The motion was seconded by Commissioner Ira Hatch and

6

COMMISSION MEETING MINUTES  
JUNE 6, 2006

approved by all members present.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the Commission Meeting minutes dated May 16, 2006 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(14)

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported that the Old Spanish Trail signs have all been put up.

Democratic Representative Jim Matheseon will be in town on Friday, June 9, 2006 at 7pm for a short meeting for anyone who has anything they would like to discuss with him.

There was a Library Recognition presentation by the Library Board on June 5, 2006. Bryant Anderson has officially retired. There was a going away luncheon on May 31, 2006.

*Commissioner Hatch*

Commissioner Hatch reported on a recent meeting with JUB engineers on the Salinity Project for Huntington/Cleveland Irrigation Company. They resolved some misconceptions which were handled without problems.

He attended a planning meeting with UDOT regarding their transportation outlined program for this year.

Meetings with health insurance companies interested in contracting for employee health insurance are continuing. The commission will discuss which direction they will go and have it on the next commission meeting agenda.

There will be a Ferron Salinity Project celebration on June 8, 2006 from 3pm until 9pm.

He reported on the progress of ongoing road projects in the county.

Legislative representatives will in the county on June 16<sup>th</sup> for a tour and dinner.



7

COMMISSION MEETING MINUTES  
JUNE 6, 2006

Sheriff Guymon reported on this year's annual Friendship Cruise.

**(15)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was needed.

**(16)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JUNE 20, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**APPOINTMENTS TO THE BOARD OF THE MUSEUM OF THE SAN RAFAEL.**

Commissioner Sitterud made a motion to appoint Mervin Miles and Christine Jensen to the board of the Museum of the San Rafael as recommended by the museum board. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Mervin and Christine will fulfill the terms vacated by Randy Jensen (4 year term) and Vicky Jensen (2 year term).

(2)

**RATIFY AMBULANCE ABATEMENT FOR GENTRY THOMPSON.**

Commissioner Gary Kofford made a motion to ratify the motion made on June 6, 2006 to abate one half of an ambulance bill for Gentry Thompson. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF RENEWAL OF COUNTY HEALTH INSURANCE FOR 2006-2007.**

Jeff Kelsey, discussed the results of bids for county health insurance for 2006-2007. CBSA is Emery County's current carrier. CBSA's renewal bid reflected a 2% decrease. He reviewed the re-insurance bid and organ transplant carrier bid. The renewal date is July 1, 2006.

Commissioner Drew Sitterud made a motion to accept the proposal for health insurance from the county's current carrier and authorize the Commission Chairman to sign the documents to facilitate getting the county on line by July 1, 2006. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Commissioner Hatch expressed the desire of the Commission to ensure the wellness of county employees and their families.

Jeff also discussed the current life insurance policy. Currently the county provides a \$10,000.00 life insurance policy to all Emery County employees and their families in the event of a tragedy. Jeff was asked to look into finding the county an increased life insurance policy. He reported that Jefferson Pilot offers a \$50,000.00 life insurance policy for a similar cost that the county was paying for the \$10,000.00 policy. This policy is in addition to the \$100,000.00 Accidental Death and Dismemberment policy the county provides for employees. Commissioner Drew

COMMISSION MEETING MINUTES  
JUNE 20, 2006

Sitterud made a motion to amend the motion made earlier to include the increased insurance policy to the health insurance package for Emery County employees. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF GOBLIN VALLEY STATE PARK (TEMPLE MOUNTAIN) ROAD IMPROVEMENT COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND UDOT.**

Attorney David Blackwell addressed the agreement and suggested a few minor changes to the document. Commissioner Hatch expressed his concerns regarding some wording in section 1B of the document. Commissioner Drew Sitterud made a motion to approve the agreement subject to David Blackwell working out the changes to section 1B regarding UDOT's responsibilities. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION AND CONTRACT AGREEMENT BETWEEN EMERY COUNTY AND SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS, AREA AGENCY ON AGING.**

Commissioner Gary Kofford made a motion to approve an Inter-local Cooperation and Contract Agreement between Emery County and Southeastern Utah Association of Local Governments, area Agency on Aging as approved in the 2006 budget. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**10:00 a.m.- PUBLIC HEARING- To receive public comments on Energy West Level III Conditional Use Permit for mine portal and fan in Rilda Canyon.**

Commissioner Drew Sitterud made a motion to come out of the regular commission meeting and move into a public hearing to receive comments on Energy West Level III Conditional Use Permit for mine portal and fan in Rilda Canyon as advertised. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Mac Huntington, Planning Commission stated that Energy West has gone through the process with the Planning Commission staff and they have approved the project. He recommended the Board of Commissioners approve the project and grant the conditional use permit. Energy West has obtained all the necessary permits from other agencies as needed. He indicated that Energy West has satisfied all the concerns of the Planning board, answered the concerns of the NEWUSSD and the county's concerns for road use.

Energy West representatives, Dennis Oakley and Doug Johnson provided a slide presentation

COMMISSION MEETING MINUTES  
JUNE 20, 2006

and reviewed the project's plans with those in attendance. They made a request for temporary suspension of a portion of Rilda Canyon Road until the completion of the project. The bath house, office and shop are not part of this conditional use permit, but they will return at a later time to start the process over again for that project. The current project of mine portal and fan are needed to continue operations at the mine. Without installation of the fan they would have to curtail operations at the mine.

Commissioner Gary Kofford made a motion to come out of the public hearing and return to the regular commission meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF LEVEL III CONDITIONAL USE PERMIT FOR ENERGY WEST.**

Commissioner Gary Kofford made a motion to approve a Level III Conditional Use Permit for Energy West. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF AMENDMENT TO RILDA CANYON ROAD TEMPORARY SUSPENSION AGREEMENT.**

Energy West requested an amendment to the Rilda Canyon Road (#306) Temporary Suspension Agreement between Energy West and Emery County. Use of the road will be strictly for administrative and regulatory purposes only into the left fork of the canyon and will continue through the life of the project. The road will be reestablished following the completion of the project. A trail will be made that connects the established trail on the south side of the project directing users away from the work of the project. Commissioner Gary Kofford made a motion to approve an amendment to the Rilda Canyon Road Temporary Suspension Agreement as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND THE STATE OF UTAH FOR SUMMER INTERNS TO COMPILE EVIDENCE FOR AFFIDAVITS TO SUBSTANTIATE THE RS-2477 RECORDING PROCESS.**

Commissioner Gary Kofford made a motion to approve a contract between Emery County and the State of Utah for summer interns to compile evidence for affidavits to substantiate the RS-2477 recording process and give Ray Petersen, Public Lands, as Emery County's representative for the RS-2477 recording process, the authority to sign the grant application.

COMMISSION MEETING MINUTES  
JUNE 20, 2006

The motion was seconded by Commissioner Drew Sitterud and approved by all members present. The interns will work in the Recorder's Office. The application amount was for \$10,000.00 but may only get \$5,000.00 depending on how much money is left.

(10)

**CITIZEN CONCERNS**

Commissioner Hatch made everyone aware of a letter he received from the State Tax Commission's that the Revenue and Taxation Interim Committee put together a program that has been passed through the legislature which is relative to property tax treatment of tangible personal property. SB 23 changed the property taxation of boats and all terrain vehicles from a 1.5 % uniform fee to an age based fee or in the case of boats, an age and length based fee. This changed the methodology of determining the tax on this type of personal property has lead to erogenous tax increases for some tax payers. Utah Code 59-2-1347 provides the county legislative body the power to defer or adjust property taxes. If any person comes in and applies to the county legislative body for an adjustment or deferral of taxes levied against property assessed by the county assessor, a sum less than the full amount due may be accepted or the full amount may be deferred. Wherein, the judgement of the county legislative body, the best human interest and the interest of the state and county are served. They will be going back to the legislature and get the legislature to fix the problem. In the meantime, people under those two categories can come in and the county will take those into consideration and hear cases on a site specific basis to make an adjustment.

(11)

**SETTING OF PUBLIC HEARING TO DISCUSS SWIMMING POOL COMPLEX BOND ELECTION IN NOVEMBER.**

Commissioner Drew Sitterud made a motion to set a public hearing for July 18, 2006 at 10:00 am to hear pubic comment on having the swimming pool complex bond on the election in November. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF RETIREMENT CONTRIBUTION RATES**

**FOR JULY 1, 2006 THROUGH JUNE 30, 2007.**

Clerk/Auditor Brenda Dugmore presented the retirement contribution rates for July 1, 2006 through June 30, 2007 for consideration and approval as follows:

	<u>2006</u>	<u>2005</u>	<u>Increase</u>
Non-contributory	13.58%	13.08%	.5%
Public Safety	22.38%	19.34%	3.04%

Commissioner Gary Kofford made a motion to accept the retirement contribution rates for July 1, 2006 through June 30, 2007 as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF THE PROPOSED TAX RATE FOR 2006.**

Clerk/Auditor Brenda Dugmore presented the proposed tax rate for 2006 as follows:

Emery County	.003569
Library	.000412

Ms. Dugmore requested to have the Commission Chairman sign the Centrally Assessed list as soon as all the information is received in her office. Commissioner Drew Sitterud made a motion to accept the proposed tax rate for 2006 and authorize the Chairman to sign the centrally assessed list when completed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

A business license application was presented for Laura and Wayne Fillmore DBA: L&W Leather & Cows. The application has been signed by the Zoning Department. Commissioner Gary Kofford made a motion to approve a business license for Laura and Wayne Fillmore DBA: L&W Leather & Cows. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(15)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

COMMISSION MEETING MINUTES  
JUNE 20, 2006

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims for check#177213 through and including check #177341 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
43-06	Swarovski Binoculars Sheriff-Meth Grant	1,339.00	Approved
44-06	Box Trailer Sheriff- Meth Grant	5,524.00	Approved

Dispositions were presented for the following:

400-8365, hot water heater from the Huntington Airport was junked. 253-3687, Animal Control Building in Orangeville was transferred to Orangeville City. A chair and small desk were transferred from Planning /Zoning to Weed/Mosquito.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, Additional Claims, Requisitions and Dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to approve the purchase of a water heater for the Huntington Airport. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Morris Sorensen, Road Department Supervisor reported that the Road Department advertised for bulk oil bids. There were two bidders. The bids were opened and the apparent low bidder was Pierce Oil. Commissioner Gary Kofford made a motion to award the bid for bulk oil at the Road Department to Pierce Oil contingent upon the price of oil. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Mary Huntington, Personnel Director presented the following personnel action:

COMMISSION MEETING MINUTES  
JUNE 20, 2006

Extension Office

Dennis Worwood, Extension Office, has hired Cassie Jo Thatcher as a 90 day temporary employee. This would be effective June 5, 2006 to September 5, 2006 at \$7.50 per hour.

Weed and Mosquito Department

James Nielsen, Weed and Mosquito Supervisor, has hired two 60 day temporary employees, Eldon Carbine and Brady Worwood. This would be effective June 12, 2006 to the middle of August at \$10.26 per hour.

Sheriff's Department

Asa Wright has been hired as 90 day temporary employee to help in Communications effective June 9, 2006 to September 6, 2006 at \$8.00 per hour.

Sheriff Guymon requested a routine progressive step increase for Jennifer Jensen. She would move from 6B \$9.02 per hour to 7B \$9.38 per hour. This would be effective June 26, 2006. Commissioner Drew Sitterud made a motion to approve a routine progressive increase for Jennifer Jensen as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Road Department

Morris Sorensen has successfully completed his 6 month orientation period as the Road Department Supervisor. Commissioner Ira Hatch requested a one step increase from 23 H at \$20.90 per hour (\$1672.00 per pay period) to 23 I at \$21.29 per hour (\$1703.20 per pay period). This would be effective June 26, 2006. Commissioner Gary Kofford made a motion to approve a one step increase for Morris Sorensen as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Planning and Zoning

Discussion and approval to begin the recruitment process for a Planning and Zoning Coordinator. Commissioner Gary Kofford made a motion to table any discussion on this matter at this time. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(17)

APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Gary Kofford made a motion to approve the minutes dated June 6, 2006 as



COMMISSION MEETING MINUTES  
JUNE 20, 2006

corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(18)

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported on CIB activity. He attended a policy retreat for CIB where they reviewed their rules. They have an extraction group that the governor has put together looking at CIB's money. Mineral lease funding could be changing. Questar has asked that all mineral lease funds be used for roads that are roads going to drilling rigs or oil or gas producing industries.

There may be some big changes coming.

He reported on a meeting with Alex Buxton and the progress for funding of the swimming pool project.

He attended a BLM RAC meeting where he met the new interim director for the Price BLM office. He will stay until the plan is complete. Also, environmentalist were successful at getting a motion to re-look at Factory Butte. He thinks the ATV people will loose out on that.

The Wake Board contest at Huntington Park with the State Parks Department. It went well. They did not have the turn out that they expected, but they will be back again next year.

The CCP group is going to be meeting in Price on Thursday, June 22, 2006 at the new Energy Center.

*Commissioner Kofford*

Commissioner Kofford reported on a fam group that toured the Dinosaur Quarry, Price Museum and San Rafael. They were writers from various magazines.

Forest Service Plan Meeting was last Thursday. It is out for public comment now.

About fifty people were here in the county on Sunday, June 18, 2006 for an Old Spanish Trail tour.

(19)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

COMMISSION MEETING MINUTES  
JUNE 20, 2006

An executive session was not needed.

**(20)**

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE BOARD OF CANVASSERS  
FOR THE JUNE 27, 2006 PRIMARY ELECTION

JULY 11, 2006

Present at the canvass was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Clerk/Auditor Brenda Dugmore, IT Director, Jeff Guymon, and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Ira Hatch called the canvas to order at 11:00 am. Clerk Brenda Dugmore presented one ballot for consideration:

Absentee ballots received after the date of the primary election were verified and counted.

The total count after the canvas is as indicated on the attached spreadsheet.

Motion to accept the results of the canvas was made by Commissioner Drew Sitterud and seconded by Commissioner Gary Kofford and approved by all members present.

Motion to adjourn the meeting was made by Commissioner Drew Sitterud, seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 18, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DELENA FISH, WFS- QUARTERLY REPORT**

Delena Fish, Work Force Services provided a quarterly report of activity for the second quarter. She reported on comparisons of performance outcomes for the Eastern Region. Her staff has been successful in meeting 83% of all their goals. The unemployment rate as of the end of May was 3.8%. She stated that most anyone who wants to be employed can be employed at this time. DWS is going through a lot of changes at this time. What you see today may not be the same in the future.

(2)

**PRESENTATION OF THE FY 2005 INDEPENDENT AUDIT.**

Kay Kimball, Kimball and Roberts, Independent Auditors for Emery County presented the FY2005 independent audit. He reviewed the audit and reported that he has reviewed the internal controls of the county to be sure all recording is as it should be. He reviewed the budget process and found no indication of fraud in the county. Emery County is in compliance with state requirements. All recommendations that have been made in the past have been complied with. He reported that the Nursing Home and Special Service Districts were all reviewed and are in compliance also. He indicated that he feels comfortable about the controls in Emery County. Commissioner Drew Sitterud made a motion to accept the FY2005 Independent audit. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**RATIFY GRANT AGREEMENT MODIFICATION WITH UDOT AERONAUTICAL OPERATIONS DIVISION FOR HUNTINGTON AIRPORT CRACK SEAL/FOG COAT PROJECT.**

Because the bids came in higher due to the increase in fuel costs and a change order to use GSB-88 rejuvenation the original grant amount had to be modified to increase the state portion of the authorized limit of \$50,000.00 from the original amount of \$31,770.00. A commission meeting was not held in early July and the modification to the agreement had to be signed to meet the

constraints of the state. Commissioner Gary Kofford made a motion to ratify the signing of the grant agreement modification with UDOT for Huntington Airport Crack Seal/Fog Coat Project. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**HUNTINGTON CITY REQUEST WAIVER OF BUILDING PERMIT FEE FOR A BLEACHER CANOPY AT THE LION'S PARK AND STREET LIGHTING PROJECT.**

Huntington City Mayor, Jackie Wilson, and Council member, Cathy Cowley came before the Commissioners to request the waiving of permit fees for two projects in Huntington City. She requested that the Commissioners look at making the cities exempt from having to pay building permit fees. Commissioner Hatch suggested that it is good tracking to have the cities make the formal request. He suggested that the request be on the Commission Meeting agenda. Commissioner Gary Kofford made a motion to waive the building permit fees for the bleacher canopy and street lighting projects in Huntington City. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**MELANIE STEELE, HELPER ARTS AND MUSIC FESTIVAL, DISCUSSION OF FESTIVAL ACTIVITIES AND OPPORTUNITIES. REQUEST FOR DONATION.**

Melanie Steele, Helper Arts and Music Festival came before the Commissioners to touch base with the county regarding unique art opportunities for our area. Art has the potential to improve our area. She indicated that many Emery County citizens attend the festival. She reviewed the festival's activities for this year. She requested a donation to assist with the festival. Commissioner Gary Kofford made a motion to donate \$250.00 to the Helper Arts and Music Festival. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to move out of regular Commission Meeting and into a public hearing to receive comment regarding the CIB application for funding a swimming pool complex project to be located in Castle Dale. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**10:00 PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT REGARDING THE CIB APPLICATION FOR FUNDING A SWIMMING POOL COMPLEX PROJECT TO BE LOCATED IN CASTLE DALE.**

Commissioner Sitterud introduced Alex Buxton, Financial Assistant for the project. Commissioner Sitterud provided opening comments. He began by informing those interested

COMMISSION MEETING  
JULY 18, 2006

citizens in attendance that about a year and a half ago Castle Dale City Mayor, Neal Peacock informed the Commissioners that the Castle Dale Swimming Pool was in disrepair and would be closing at the end of the year. The city could no longer afford to maintain the pool. The building will need to be torn down. Mayor Peacock indicated that Castle Dale City did not have the funds to build a new swimming pool. At that time Commissioner Sitterud approached the Recreation Special Service District. They voted to support the project of building a new pool and to take the idea to the public to see if there is public interest in constructing a new swimming pool. In the mean time the Commission has contracted with Alex Buxton, through Zions Bank to be the County's financial advisor on the project. Mr. Buxton will help get the municipal bond set up and work on the CIB application. They have also signed with an architect to help to get the design for the pool. They have toured several schools that have pools to get an idea of what to propose. At this time the project is just in the planning stages. There is no drawing of the proposed pool at this time. Until we get the CIB go ahead the architect is not willing to put in the time to produce the drawing. We applied through the CIB application for \$2,000,000.00. The architect tells us that with the rise in concrete the cost would be closer to \$4 million dollars to build the pool. We originally asked for an Olympic size pool with six lanes to which the architect told us to forget that and to go with a 20 meter, six lane competition pool with an outdoor pool with sprinklers. The reason behind that is that in the winter you will only be heating the competition pool. The lap pool would have a lift for the handicapped, lockers and showers. The floor would be colored cement, nothing really fancy. The pool would have a lot of glass windows to bring in the light. The sprinklers would be plumbed for but not installed for now. He is asking for permission to put in a CIB application for either \$3.5 or \$4 million dollars for this project. This would be loan through municipal bonds which would be a question on the ballot in November. The Commission is hoping for a 0 percent loan with some grant. Is the public willing to step up and pay for a swimming pool. The most we can hope for is a \$500,000.00 grant. The rest would be loan. Originally the proposal was for the pool to be next to the high school, but with the size of the building it will not fit on the land the high school. The school district has land by the elementary in Castle Dale. He said that we may have to purchase land. None of that has been decided yet. We want to keep the pool as close to the school as possible. Commissioner Sitterud discussed the maintenance of the facility and the cost associated with maintaining the facility year round. He explained that as a part of the CIB application process we have to have the "ok" of the people during a public hearing. We would go the CIB in October before the vote in November so we would know up front, before the vote the amount of the municipal bond. The CIB loan would say 'contingent upon the vote of the citizens of Emery County in the "yes" affirmative to go forward. If the vote is a "no" we will not go forward with the plans. It is important for the people to know that there are two different levies. We would ask the taxpayers for a \$100,000.00 tax levy for maintenance and the municipal bond for the pool. The maintenance of the facility will be by the Recreation Special Service District. Castle Dale City has dedicated \$10,000.00 a year for the next ten years towards the pool. Alex Buxton explained the application process and provided numbers as an example for paying back the bond. The bond would be paid back over a thirty year period. The yearly payment could possibly be \$190,000.00 per year with a 2.5% interest rate. If Commissioner Sitterud is

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successful in getting a 0 percent interest rate then the payment would be \$134,000.00 per year. If the bond is passed in November then the bonds would be issued in late December or early January with pool construction beginning in the spring. This means we will probably go without a pool for a year unless Castle Dale is willing to keep the pool open for one more year. They are in a liability situation now as it is. Commissioner Sitterud discussed the proposed sprinklers for the outside pool. It was suggested by Kent Wilson that it might be best to go after all funds we need to do the whole project including the sprinklers. The reason for that is we have two Emery County people on the CIB board at this time. This may be the only chance we have. Commissioner Sitterud stated that he anticipates a fight from the Utah Taxpayers Association, which is a watchdog organization for taxpayers. They may contend that the addition of sprinklers leads to a water park atmosphere and should be reserved for private business. Sharon Earl wondered if Utah Power and Light as the largest taxpayer in the County has voiced an opinion on the proposal for a tax levy. Commissioner Sitterud asked for a group of people to go throughout the county talking this up to people. Mayor Peacock has volunteered to chair the group. If these tax groups get the sense that the people are for this maybe they will back off. We know we are not going to get the support of the citizens of Green River. This does nothing for them. A citizen asked about the questions that will be on the ballot in November. What happens if the bond for the pool passes and the bond for the \$100,000.00 doesn't pass? Commissioner Sitterud indicated that this could kill the deal. Another citizen asked if the voter will know what the \$100,000.00 will be used for? Will the voter understand that? Mr. Buxton indicated that a voter brochure will be produced and sent out to the people to fully explain the plan. Prior to the election the people will be informed of all the particulars involved. Another citizen asked if the other cities have been approached to pledge funding to help with the operation and maintenance of the pool? Other possible sites for the pool were discussed. Mayor Peacock indicated that if the school district is involved in the process it would be a bonus for the County in the CIB process. Another citizen suggested that having the support of the other cities would help also. One citizen felt that if you are going to do this think about a place where you could expand and add ball fields and courts and facilities for the communities to use that could appeal to more than one recreation. A citizen asked if water was going to be a problem? Mayor Peacock indicated that Castle Dale City owns about a third of the water on Cottonwood Irrigation and would have more than enough water. Mayor Wilson suggested that a good location is very important. Stacy Moss stressed the importance of teaching children a life saving skill which having a pool would afford the children and citizens of Emery County. Some children may never have that opportunity and through a swim program in the schools they may get that. Kent Wilson asked if Castle Dale City would be willing to commit to the support of the pool for the life of the pool. Ferron City has the golf course that cost them between \$10 and \$30,000.00 a year for Emery County entertainment. He felt that it should be bid out to all the cities and whomever bid the highest that is where the pool would go, but for the citizens of Emery County, Castle Dale is the best location because it is centrally located in the county. Commissioner Sitterud indicated that it was discussed in the beginning to place it in another city but it was decided to locate it near the high school to allow for the opportunity to have a swim team. Mayor Peacock added that for 42 years Castle Dale City has lost money on the pool and

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made that commitment just operating it as a service to the citizens of Emery County. He indicated that it is his feeling that we are at an advantage to have the school district donate the property. It looks better to the CIB Board. It is a partnership then. The schools will be able to use the pool at no cost other than clean-up and to have a life guard on duty. He liked the idea that the county, the school district and the cities would all be locked into every child in the county having an opportunity to use the pool. Patsy Stoddard, Emery County Progress said that the Progress recently ran a web-poll regarding support of a new swimming pool. The question asked was, "Would you support the construction of a new Olympic size swimming pool at Emery High School?" The results were 24% voted "no", 4% were "unsure", and 72% voted "yes". Patsy felt that there is good support from the people of Emery County for the construction of a new pool. Marilyn Collard stated that because of the many lakes around Emery County one of the biggest recreation sports we have is boating, water sports and fishing. If we do not have a swimming pool where children can learn these life saving skills we are going to start seeing more incidents of drowning in the county. She is impressed with the swimmers we have here in Emery County. She has done junior lifeguard classes and is impressed with the level of skill we have in our area. She has worked at the swimming pool for eight years and feels that we are ready for a bigger pool and swim team in Emery County.

Kent Wilson suggested to the Commissioners that when they produce the information brochure to educate the public be sure to not only include the cost to the homeowner but also the cost to the business owner because they ultimately pay taxes on 100% of their value.

Alex Buxton provided closing remarks. It was brought up earlier that if you were going to do this project why not include other sports such as basketball, baseball, etc. He stated that CIB has a cap which used to be \$2.5 million dollars and was recently raised to \$5 million dollars. The funds generally go to new fire station, water needs, etc. Swimming pool is not usually on the top of their priority list. But because Emery County is such a large producer of the mineral revenue that make up the CIB, Emery County of all the counties deserves to have a some of the CIB funds to be used for a swimming pool. He felt that the larger you go and the more you try to add to the project the tougher it is going to be to sell to the CIB Board. We have seen some exceptions to the cap and they are usually for a hospital or something like that. Trying to get \$3.5 million, \$4 and hopefully \$5 million dollars for a swimming pool is going a first through the CIB. This will be first time that they have spent that much money on a swimming pool. He thinks it can be done and that Emery County deserves to have this swimming pool.

Mayor Peacock asked for any volunteers to be on the committee to help get the word out to the public.

Commissioner Drew Sitterud made a motion to come out of the public hearing and return to the regular meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present



(7)

**SHELLY WRIGHT, CARBON/EMERY CHILDREN'S JUSTICE CENTER, PRESENTATION OF PROGRAM OBJECTIVES AND NEEDS. REQUEST FOR DONATION.**

Shelly Wright, Director of Carbon/Emery Justice Center and Kizie Ellington, Coordinator, Carbon/Emery Children's Justice Center. Ms. Wright reviewed the center's program objectives and needs. Ms. Wright told the Commissioners that the Carbon/Emery Center has had a satellite center in Emery County for six years. The center provides a safe and comfortable place for child abuse/neglect interviews. On June 30, 2006 their lease ran out and the owner will not renew the lease. They want to sell the property. Several children enter that center to talk about very intimate encounters of abuse. Now they don't have a center so they have to travel to Carbon County. The legislature requires that children who are sexually and severe, physically abused have to be interviewed in a children's justice center. Transporting families to Carbon County is hard. Six years ago the Carbon County Children's Justice Center came up with the idea of opening up satellite center in Emery County. This has been well know to the community. It was a great center. It was a child friendly like atmosphere. The rooms are set up child friendly like. When law enforcement and child protective services comes to interview these children they are not in uniform. They do not have guns on them. It is very friendly and the children are comfortable. Ms. Wright indicated that they have potentially found a new site for a center in Emery County, but they would like to have a permanent center. They are asking Emery County to help support a new center in Emery County by purchasing a place to house the center. The would like a center that is more permanent. This would be Emery County's Center and one that they could not get kicked out of. They receive grant money to pay for salaries, benefits, utilities and equipment but not for space rent. They have fundraisers and donations to help pay for space rent and have some money put aside for that purpose. Sheriff Guymon stated that his department uses the center weekly. Other agencies such as child protective services, guardian ad litem and mental health services all utilize the center. This facility is set with video and audio ability so the children are interviewed just one time. Ms. Wright stated that the center served approximately 75 families in Emery County. Commissioner Gary Kofford made a motion to table any decision for now to allow time to work with Ms. Wright to find funding and if possible take this to the MBA for possible purchase of a building suitable for a center. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**GAYLEE JEFFS, EMERY COUNTY YOUTH LEADERSHIP, REQUEST DONATION FOR 3<sup>RD</sup> ANNUAL CASTLE VALLEY YOUTH LEADERSHIP SUMMIT AND**

**ASSISTANCE WITH FUND RAISER.**

Gaylee Jeffs, Emery County Youth Leadership report that on September 23, 2006 they will hold their annual youth leadership summit. They are working on fundraisers and getting sponsors for the various activities that they have planned. The speaker that they hope to have is Commander Matt Wadles. They asked for a donation to the youth summit. Commissioner Drew Sitterud made a motion to donate \$250.00 to the Castle Valley Youth Leadership Summit. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(9)

**PERCY MOUNTEER, CONCERNS REGARDING BUILDING/ZONING CODES, POLICIES AND PROCEDURES.**

Percy Munteer, Huntington business owner, came before the board of Commissioners to address concerns for having to hire a contractor to make improvements to his small business in Huntington. He felt he should be able to make improvements without a contractor as long as the work meets with the building inspector's approval. Commissioner Kofford stated that the county has adopted the state building code. The code spells out that improvements must be completed by a licensed contractor. The only way you can get around it is to go through the process to change the code. Percy indicated that the governor's office told him to start with your local government in that process. Commissioner Hatch has no problem with writing a letter to start the ball rolling in getting this looked at. Lobby the legislature to make changes. Jackie Wilson, Mayor of Huntington said that no matter what you do in your home or business you have to buy a building permit. Percy said he did not have a problem with the building permit. It is having to have a licenced contractor to do any improvements that is a problem. As a small business owner he can not afford to use a licensed contractor to do work he can do to the acceptance of the Building Inspector. Mayor Wilson of Huntington said that what is on the books is the law for now and we have to live with it. Commissioner Kofford stated that he can appreciate what he is trying to do. For the record, as you do your own work and as you bypass the code you are setting up a situation where someone needs to take a stand. Commissioner Hatch said someone needs to start the process to make the change. He feels that the code needs to be changed. Kent Wilson asked if the board was legally qualified to make exemptions from the need for a contractor. At this time it is only allowable for a residential. This is what we need to get changed. It is not allowable in business at this time. Commissioner Drew Sitterud made a motion to proceed on getting with the legislature to look at changing the code and see if we can legally change this ourselves to suit our needs. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(10)

**UPDATE FROM REPRESENTATIVES FROM SENATOR ROBERT BENNETT'S OFFICE**

Brad Schaffer, Representative from Senator Robert Bennett's office was present to see if there was anything the County needed help with. Commissioner Hatch asked for an update on the Washington County Southern Utah Wilderness Bill. Brad reported that the bill was introduced last week and they hope to have the house version two days later. There will be a hearing in September in the legislature. They are working with the national environmental groups to get them to buy off on some the acreage part of the bill. There is concern for the direction the land sale is going. The bill designates wild and scenic river segments. Majority of which are in the boundaries of Management at Zions National Park Utility corridor. There is controversy over the Northern Transportation Corridor which cuts through the desert tortoise wildlife habitat preserve. Commissioner Hatch asked that the Senator put a little heat on the Forest Service regarding salvage sales. With regard to the Healthy Forest Initiative, he feels that there is a problem regarding the potential for catastrophic fires in the forest and the after effects that such a fire will leave to our water quality and systems. He also asked for the heat to be kept on the NRCS on the participation rates on the salinity projects that we have here.

**(11)****CONSIDERATION AND APPROVAL OF USING PROPOSED AMENDED LANGUAGE (FEES) TO SB 23 FOR PROPERTY TAXATION FEE ADJUSTMENT OF BOATS AND ALL TERRAIN VEHICLES FOR 2006.**

SB23 changed the property taxation of boats and all terrain vehicles from a 1.5% uniform fee to an aged based fee or in the case of boats, an age and length based fee. This type of methodology of determining the tax on this type of personal property has lead to erogenous tax increases for some taxpayers. It was the judgement of the commission, that in the best interest of the county and it citizens that people under those two categories can come in and the county will take those into consideration and hear cases on a site specific basis to make an adjustment. The legislature is looking into fixing the problem. In the meantime, we need to give the Assessor's office the authority to use a new recommended fee schedule. Commissioner Drew Sitterud made a motion to authorize the Assessor's office to use the new fee schedule as provided by the state until the legislature can look at the problem and get it fixed. At that point the Assessor's office can come back and determine the fee for the future. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)****CITIZEN CONCERNS**

None

(13)

**APPROVAL OF SUPPORT LETTER FOR DES BEE DOVE RECLAMATION PHASE I BOND RELEASE.**

On July 14, 2006, Public Lands Director, Ray Petersen attended an on site inspection of Des Bee Dove Reclamation Phase I. Ray prepared a letter to Energy West and others in response to the inspection and release of the bond. He requested the Commission to support the letter by placing on Emery County Commission letterhead, signing the letter to be sent to those individuals as listed in the letter. Commissioner Gary Kofford made a motion to copy the letter on Emery County Commission letterhead, sign the letter and send to the individuals as listed in the letter in support for Des Bee Dove Reclamation Phase I Bond Release. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR NOXIOUS WEED MANAGEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS AND EMERY COUNTY WEED AND MOSQUITO DEPARTMENT.**

Commissioner Drew Sitterud made a motion to approve cooperative agreement for noxious weed management between the Utah Division of Forestry, Fire & State Lands and Emery County Weed and Mosquito Department in the amount of \$10,000.00 for noxious weed control along the Green River. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL FOR ABANDONMENT FOR TUCKER ROAD AND LAWRENCE FARNSWORTH.**

Commissioner Drew Sitterud made a motion to set a public hearing for September 5, 2006 at 10:00 a.m. to hear public comment on abandonment of Tucker Road and Lawrence Farnsworth easement. Commissioner Ira Hatch amended the motion to include a portion of Road #929 Hidden Valley Mine Road. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(16)

**CONSIDERATION AND APPROVAL OF IMAGERY AGREEMENT BETWEEN AGRC AND EMERY COUNTY.**

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Commissioner Drew Sitterud made a motion to approve an agreement between AGRC and Emery County for Imagery to produce digital imagery for Emery County municipalities, the Highway 10 corridor and Green River. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)  
**REVIEW AND APPROVE REVISION FOR EMERY COUNTY PERMANENT COMMUNITY IMPACT FUND BOARD LOCAL CAPITAL IMPROVEMENT LIST TO ADD SWIMMING POOL COMPLEX AND ASPHALT FOR SO. MOORE CUT-OFF ROAD.**

Commissioner Gary Kofford made a motion to accept revision to the Emery County Permanent Community Impact Fund Board Local Capital Improvement List to include a project for CVSSD swimming pool complex and match money for the asphalt for So. Moore Cut-off Road and the MBA 's Green River Senior Center/Justice Court Center for a 50/50 grant and loan. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(18)  
**RATIFY AND APPROVE BUSINESS LICENSES.**

A business license application was presented for Filomena Faye Lee and Mary Lee DBA: Lee's Gifts and Party. Motion to approve a business license for Lee's Gifts and Party was made by Commissioner Drew Sitterud and seconded Commissioner Gary Kofford. Motion was approved by all members present.

(19)  
**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #177630 through and including #177672 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
47-06	Key Pad for VIBS Election	\$ 624.00	Approved
48-06	Resuscitation/Suction Unit Ambulance	598.92	Approved

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Dispositions- a printer from the Clerk/Auditor's office and a list of computers, printers and fax machines that have been taken from various offices by IT for parts or to be sold at the next auction.

Commissioner Hatch thanked the Clerk/Auditor's office and the IT Department for the excellent way the election went.

**(20)**

**RATIFY PERSONNEL ACTION TAKEN ON JUNE 20, 2006.**

A. Cassie Thatcher, Brady Worwood, Eldon Carbine, and Asa Wright as temporary employees.

Commissioner Gary Kofford made a motion to ratify the action taken on June 6, 2006 with regards to Cassie Thatcher, Brady Worwood, Eldon Carbine and Asa Wright as temporary employees. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

B. Step increase for Jennifer Jensen and Morris Sorensen and Gayleen Cox.

Step increases were requested and approved for Jennifer Jensen at the Sheriff's Office and Morris Sorensen, Road Supervisor. Commissioner Gary Kofford made a motion to ratify action taken earlier to approve step increases for Jennifer Jensen and Morris Sorensen. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(21)**

**APPROVAL OF PERSONNEL ACTION**

A. Approval of 90-day temporary for landfill due to Val Anderson's re-assignment as an Equipment Operator/Driver.

Val Anderson has been assigned as Equipment Operator/Driver and because of his vacancy at the Landfill they have hired Brad Early as temporary up to 90 day employee for that position. Commissioner Gary Kofford made a motion to approve the re-assignment of Val Anderson from the Landfill to the Road Department and the up to 90 day hire of Brad Early at the Landfill. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

B. Approval of step increase for Gayleen Cox.

Gayleen Cox has completed her six-month orientation period. Morris Sorensen requested a step

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increase to go into effect July 31, 2006. Commissioner Gary Kofford made a motion to approve a step increase for Gayleen Cox. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(22)

**APPROVAL OF COMMISSION MEETING MINUTES OF MARCH 31, 2006, JUNE 20, 2006 AND JULY 11, 2006.**

Commissioner Gary Kofford made a motion to approve the Special Commission Meeting minutes dated March 31, 2006 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to approve the regular Commission Meeting minutes dated June 20, 2006 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Drew Sitterud made a motion to approve the Canvass of Election minutes dated July 11, 2006 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(23)

**COMMISSION REPORTS**

None

(24)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

None

(25)

**ADJOURNMENT.**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

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ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

AUGUST 1, 2006

Present at the meeting was Commission chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**ECONOMIC DEVELOPMENT COUNCIL UPDATE AND REQUEST FOR DONATION.**

Jo Sansevero, Economic Development Council came before the Board of Commissioners to provide an update of summer camp programs. They are currently working on a program that encourages past graduates of Emery County High School, who have gone on to do greater things, to return to the county to foster new business or expand upon their business in Emery County. So far they have heard from two of the individuals to whom they have sent out requests. She reminded the Commissioners of their upcoming Rural Summit scheduled for September 21-22, 2006. She asked for support of the Commissioners in using the building for break-out sessions. She also asked for the use of the IT Department to print the brochures and signs. Sponsorship for the summit is \$500.00 and she also requested a donation towards the expenses of the summit. Commissioner Drew Sitterud made a motion to approve \$500.00 for sponsorship, \$250.00 donation and allow the use of the IT Department for printing and use of the building. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**KRISTINE JOHANSEN, INTRODUCTION OF MISS EMERY COUNTY.**

2006 Miss Emery County, Kristine Johansen introduced herself and her First Attendant, Tawny Conder to the Commissioners. She thanked the Commissioners for the opportunity to represent the citizens of Emery County for the year. Commissioner Drew Sitterud thanked the pageant committee members for their dedication and hard work in putting the pageant together. Pageant committee member Patsy Stoddard extended congratulations to Kristine and Tawny.

(3)

**CONSIDERATION AND APPROVAL OF CHANGE IN GENERAL FUND SWEEP ACCOUNT INVESTMENTS.**

Treasurer, Steve Barton discussed with the Commissioners the county's sweep account. \$150,000.00 is kept in a sweep account to cover balance transfers for payroll and warrants. The money in this account earns interest. He has become aware of another option for this sweep account that earns higher interest. This option is called the Grand Cayman Sweep Account. It is approved by the State Treasurer's office and is backed by Zions National Bank. It is not FDIC insured. By being backed by a bank and not the federal government it produces better earnings. Mr. Barton asked for the authority to make the change. See item #4.

(4)

**CONSIDERATION AND APPROVAL TO AUTHORIZE TREASURER TO NEGOTIATE/ENTER INTO AGREEMENTS WITH BANKS TO PROVIDE STATEMENTS IN PAPERLESS FORMAT.**

Treasurer, Steve Barton asked for authority to negotiate with the county's various banks to provide statements in paperless format. Commissioner Gary Kofford made a motion to give Steve Barton the authority to make the change in the general fund sweep account and to negotiate with the county's various banks to provide statements in paperless format. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**REVIEW AND APPROVE REVISION OF EMERY COUNTY PERMANENT COMMUNITY IMPACT FUND BOARD LOCAL CAPITAL IMPROVEMENT LIST TO BUILD NEW FOOD BANK IN EMERY COUNTY.**

Commissioner Sitterud discussed the condition of the current Food Bank building. The building is falling apart. The floors are rotting out. He discussed plans to construct a new building for the food bank on the same lot behind the current building. He noted that the CDBG funds from 2005 went to Grand County and are to come to Emery County for 2006. The funds from CDBG will not be enough to construct the building. Commissioner Sitterud requested revising the PCIB capital improvement list to include construction of a new food bank building. Commissioner Drew Sitterud made a motion to revise the PCIB local capital improvement list include a food bank building. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**DISCUSSION AND SETTING OF DATE FOR INFORMATION MEETING ON THE MK TUNNELS**

During Public Lands Council meeting the board discussed a proposal from BLM and DOGM to either make safe and accessible or obliterate the Morrison/Knudsen Tunnels. During war times the tunnels were to be used for underground storage. Over the years the tunnels have deteriorated. It was suggested to hold an information meeting or open house to give the public an opportunity to express concerns and offer suggestions. Commissioner Gary Kofford made a motion to let the Public Lands Administrator work with DOGM to come up with a date and clear it with the Museum of the San Rafael to hold a public informational meeting to explain DOGM's proposal for the MK Tunnels and to get an informational article in the Emery County Progress. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**DISCUSSION OF PUBLIC LANDS COUNCIL REQUEST FOR COUNTY TO ACCEPT ROW ON POKER RIDE TRAIL ACROSS SITLA LAND.**

Public Lands Administrator, Ray Petersen reported that the Public Lands Council voted to recommend to the Commission to purchase an easement to what is called poker ride trail across SITLA land. This follows along the rim of Buckhorn Draw. Portions of this road involves county roads. Some portions may be RS2477. He felt it was unwise to purchase an easement on what is potentially a county right-of-way anyway. Mark H. Williams indicated that the OHV Club hosts an annual event on this trail every year for the last seven years. The OHV club collects fees from participants and pays \$150.00 a year to use the trail. Liability is a concern of Commissioner Hatch. The entry fee is covering the cost of the use fee. There is not a demonstrated need to preclude use of the trail. We can have the benefits and use of the trail and the county not have to assume the responsibility. Commissioner Kofford felt that the avenue was there to purchase the ROW. Commissioner Gary Kofford made a motion to proceed with the purchase of ROW on Poker Ride Trail. Commissioner Drew Sitterud asked what kind of signage would be needed on this trail? Ray stated that the road would not be under the responsibility of the Road Department as they only deal with Class B roads. This is new territory that we are entering into. If Emery County assumes easement, what goes along with it? Liability, to a certain extent for the safety of the citizens and users. What signage does need to take place? What about maintenance of the trail? It is all new territory. Commissioner Hatch agreed. He felt that as long as we are able to use the trail and the participant fees that are collected cover the yearly fee then lets not jump into the unknown. Commissioner Kofford felt that right now we have an avenue to buy the easement. We may not have that later. Ray indicated that SITLA is obligated to contact us if they plan to sell it. Commissioner Drew Sitterud would like to persue it a little more find out who will take responsibility? There a plenty of questions that need to be answered. Let's address the problems and not grab something

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and wonder what to do with it. He liked the proposal but he wants questions answered first. He is willing to persue and get some of these answers. Ray suggested it would be best to have the Public Lands Council or a sub committee look into the questions asked today. The RS2477 issue needs to be looked at some more. Commissioner Hatch refered to Commissioner Kofford's earlier motion to proceed with the purchase of the ROW. There was no second to the motion. Commissioner Drew Sitterud made a motion to look at this as a positive thing and go back to Lands Council and get these questions answered and come back to the commission with these questions answered and then look at it again. He wants to be pro-active and proceed with the purchase of the ROW but after the questions have been answered. Commissioner Kofford asked to have incorporated into the motion having a committee made up of representatives from the Road Department, Sheriff's Department, Attorney and others to make recommendations that the Lands Council can approve. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Mike McCandless suggested adding Travel Council to the committee and he would volunteer as a member of that board. He added that we need to come up with a plan that says this is how we will handle trails and routes. Make sure it is a good strong group. Then you need to follow the recommendations as much as possible. Like Commissioner Kofford said we are going to get left behind if we do not start taking action on these trails. Mark H. Williams asked that they set a date to have this done and not let it linger on.

**(8)**

**CITIZEN CONCERNS**

None.

**(9)**

**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims #177673 through and including #177804 for payment.

There were no requisitions or dispositions for consideration.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List and additional claims for payment. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

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**(10)**

**APPROVAL OF PERSONNEL ACTION**

A. Approval of step increase for successfully completing their six month orientation period- Dennis Fuller, Nanette Harrison, Kimball and Ann Larsen.

Commissioner Gary Kofford made a motion to approve a step increase for Dennis Fuller, Nanette Harrison and Kimball and Ann Larsen as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

B. Routine progressive increase for Maggie McMullin.

Commissioner Gary Kofford made a motion to approve a progressive increase for Maggie McMullin as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

C. Discussion of Planning/Zoning Department.

Commissioner Gary Kofford recommended two more weeks of discussion on this matter. Ongoing negotiations are in the works with Mike McCandless as to how to set up the department and have him assume some of the duties for Planning and Zoning. This will be discussed more in two weeks in Green River.

Commission Chairman Ira Hatch made a recommendation to give \$1,000.00 each to Brenda Dugmore and Jeff Guymon for their extra effort during this past Primary Election and to have Jeff and Brenda come back with a recommendation of a merit pay for a job well done for their staff. Commissioner Drew Sitterud made a motion to follow Commissioner Hatch's recommendation to give Brenda and Jeff \$1,000.00 each and have them give a recommendation for a merit pay for their staff. The county did not get hit with a bill from Diebold and they stepped into this election way behind other counties. Attorney David Blackwell suggested putting this on the next Commission Meeting agenda. Commissioner Gary Kofford stated he felt that other employees do extra ordinary jobs also. The motion died for lack of a second. This will be on the next Commission Meeting agenda.

**(11)**

**APPROVAL OF COMMISSION MEETING MINUTES OF JULY 18, 2006.**

Commissioner Gary Kofford made a motion to approve that portion of the Commission Meeting minutes that have been completed as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported on the Miss Emery County Pageant and thanked those who put in the time to make it a success. He stated that he hopes that they will have more girls interested in the competition next year.

The Emery County Fair begins tomorrow with the free dinner in the park kicking things off. The Folk Art Festival runs through the 12<sup>th</sup>.

He reported on the progress of the new swimming pool project. He met with the architect again and put together a rough draft of the project.

He reported on the life size dinosaur project for the Museum of the San Rafael. Mr. Ramal Jones is working on getting funding through donations. Other plans for the Museum of the San Rafael include a possible monument for veterans. Ernest Jensen is currently working on a drainage project at the museum. He will be putting things on hold during the fair and resume work on the project afterwards.

He reported on the success of the Desertview Pro Rodeo. There were record numbers attending on Saturday night.

The recordation of county roads process will begin soon and take the rest of the year to complete.

*Commissioner Kofford*

Commissioner Kofford reported on plans to cover cells at the landfill.

*Commissioner Hatch*

Commissioner Hatch reported that Congressman Matheson will be here on Thursday, August 3, 2006.

Mark Ward will be here on August 8 and 9 to go over RS2477.

Utah Rural Summit in Cedar City is fast approaching.

COMMISSION MEETING MINUTES  
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Commissioner Gary Kofford made a motion to move into an executive session to discuss litigation matters. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(13)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at the executive session was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, and Deputy Clerk/Auditor Carol Cox.

**(14)**

**ADJOURNMENT**

Upon motion by Commissioner Gary Kofford the regular meeting continued. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD AT THE EMERY COUNTY SHERIFF'S COMPLEX  
IN GREEN RIVER, UTAH  
AT 4:00 P.M.

AUGUST 15, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Clerk/Auditor Brenda Dugmore, other elected officials and citizens.

(1)

**APPROVAL TO ACCEPT IGES'S PROPOSAL TO DEVELOP A QUALITY ASSURANCE/QUALITY CONTROL PLAN FOR THE LANDFILL.**

Commissioner Kofford discussed the contract with Brett Mickelson from IGES to cover the first cell at the landfill. The cell will be covered with blue shale. Johansen & Tuttle Engineering will monitor the actual covering and send the results to IGES for overseeing. Chairman Hatch made the comment that the original plan was much more enormous. The State has waived the water monitoring requirement and has agreed that we can have a couple of years instead of three months to get the cell covered. Commissioner Kofford made a motion to approve the contract with IGES for \$6,710.00. The motion was seconded by Commissioner Sitterud and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF RESOLUTION PROVIDING FOR THE HOLDING OF A SPECIAL BOND ELECTION ON NOVEMBER 7, 2006 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE COUNTY THE QUESTION OF THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF THE COUNTY IN THE AMOUNT NOT TO EXCEED \$5,000,000; DECLARING OFFICIAL INTENT WITH RESPECT TO CERTAIN EXPENDITURES; AND PROVIDING FOR RELATED MATTERS.**

Alex Buxton, Zions Public Finance, was present to address the bond issue for the November ballot. The resolution is authorizing the County to put the question of issuing GOB bonds to be repayable over twenty-one years. If the GOB bonds are approved there would also be a \$100,000 tax increase for operation and maintenance of the pool. The tax increase was going to also be placed on the ballot but it was determined that the process for it would be to go through truth in taxation. The County held a public hearing on July 18, 2006 in accordance with the Community Impact Board (CIB) funding procedures. An application has been submitted to the CIB. A resolution must be adopted 75 days prior to the date of the election. Mr. Buxton



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explained that he had been asked to prepare the implication of the tax increase if the County was given a \$500,000 grant and a \$4.5 million zero percent interest loan. A home valued at \$100,000 would receive an increase in taxes of \$7.83. The Commissioners also discussed whether it would be best to have the payoff schedule be 20 or 30 years. It was determined that the tax difference was not significant to the homeowners if the County stayed with the 21 year payoff schedule. Castle Dale City has committed 10 years and possibly 15 years of payments of \$10,000. The bond council will send a copy of the resolution to the Lt. Governor's office. Commissioner Kofford made a motion to approve Resolution 08-15-06A as outlined above. The motion was seconded by Commissioner Sitterud and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR LIFELINE PREGNANCY CENTER.**

Commissioner Kofford explained that the Lifeline Pregnancy Center has offices in Price and Huntington. They operate as a 503(c) corporation. They have made a request of a \$50.00 building permit fee waiver. Commissioner Sitterud made a motion to approve the building permit fee waiver. The motion was seconded by Commissioner Kofford and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING EMERY COUNTY TO ENTER INTO AN AMENDED INTERLOCAL COOPERATION AGREEMENT WITH OTHER MEMBERS OF UTAH COUNTIES INSURANCE POOL, RELATING TO THE ESTABLISHMENT, FUNDING, AND OPERATION OF UTAH COUNTIES INSURANCE POOL.**

Chairman Ira Hatch gave some background information on the Utah Counties Insurance Pool. In 1995 or 1996 the Utah Association of Counties formed the Utah Association of Counties Insurance Mutual. The Association has since changed its name to the Utah Counties Insurance Pool. All of the bylaws and documents still reflect the old name. This resolution changes the name and allows us to continue to operate. Commissioner Kofford made a motion to approve Resolution 08-15-06B subject to Attorney David Blackwell's approval. The motion was seconded by Commissioner Sitterud and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF ROAD DEPARTMENT CHANGING TO NEXTEL CELL PHONE SERVICE.**

Morris Sorensen , Road Dept. Supervisor, gave the Commission a breakdown of the costs associated with switching to Nextel. The current Verizon Wireless bill is \$174.47 per month. The road department would like to add two additional lines. If they were added to the current Verizon account the monthly bill would be \$224.47. If the County switched to Nextel including the additional two lines the monthly bill would be \$161.96. The County would also have to purchase new phones at \$50.00 each for a total of \$400.00. Commissioner Sitterud made a motion to allow the Road Dept. to switch their cell phone service to Nextel. The motion was seconded by Commissioner Kofford and approved by all members present.

**(6)****DISCUSSION OF COMPLIMENTARY OSHA REVIEW SUMMARY.**

Mary Huntington, Personnel Director, informed the Commission that in April the County conducted a walk through of County owned facilities. The walk through was under the direction of the Utah Counties Insurance Pool along with an employee of OSHA. The County received a written summary of deficiencies three weeks ago. Some issues were minor. The departments need to get back to Mary by the September 1<sup>st</sup> because we have to send in our corrective action plan to OSHA by September 15<sup>th</sup>. If we get back the reports from the departments and it doesn't appear that the department is trying to comply with the changes then the Risk Management Committee and the Commissioners will have to decide what to do to correct the deficiencies.

**(7)****CITIZEN CONCERNS.**

There were no citizen concerns.

**(8)****APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims #177968 through and including #178116 for payment.

The following requisitions were presented:

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<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
49-06	Red Job Electrical	\$2,853.00	Approved
50-06	(4) Boats/Sheriff	5,532.21	Approved
51-06	Color Laser Printer/Road	2,245.00	Approved

Commissioner Sitterud made a motion to approve the Warrant Check Edit List and additional claims and requisitions for payment. The motion was seconded by Commissioner Kofford and approved by all members present.

**(10)****APPROVAL OF PERSONNEL ACTION****1. Discussion and approval of Planning/Zoning Department re-organization.**

Commissioner Kofford has discussed with Mike McCandless taking over the Planning & Zoning Department. It will be more of an administrative job than a hands on day to day operation. Mr. McCandless was concerned over the \$50 per month stipend he would lose from being on the Planning Commission. He is also requesting a vehicle and a 2 percent increase. Chairman Hatch discussed that about a year ago Mr. McCandless was assigned the responsibility of Planning & Zoning and given a 2 percent increase at that time. When the assignment was taken back, the 2 percent increase was not taken back. Commissioner Kofford stated that he would step down if someone else would like to make a motion concerning the pay increase.

Commissioner Sitterud made a motion to put Mike McCandless over Planning & Zoning at his current salary and work out the details of a vehicle. The motion was seconded by Commissioner Kofford and approved by all members present.

**2. Discussion and approval of a compensation analysis and review.**

Mary Huntington reviewed with the Commissioners that the last salary plan was adopted in 1998 and not much movement has taken place on that plan. Ms. Huntington is suggesting that the County do a comprehensive review and analysis that is all inclusive of salary and benefits. Ms. Huntington would like the Commission if they approve a review and analysis to be committed to implementing it and making it work. Commissioner Sitterud made a motion to get bids and quotes and start the process for a comprehensive review and analysis of the salary plan. The motion was seconded by Commissioner Kofford and approved by all members present.

**3. Approval of FML for Maggie McMullen.**

It was determined that this item did not need to be on the agenda.

**(10)**

COMMISSION MEETING MINUTES  
AUGUST 15, 2006

**APPROVAL OF COMMISSION MEETING MINUTES OF AUGUST 1, 2006.**

Commissioner Sitterud made a motion to approve the minutes dated July 18, 2006 as corrected. The motion was seconded by Commissioner Kofford and approved by all members present.

Commissioner Sitterud made a motion to approve the minutes dated August 1, 2006 as corrected. The motion was seconded by Commissioner Kofford and approved by all members present.

**(11)**

**COMMISSION REPORTS**

***Commissioner Sitterud***

Commissioner Sitterud reported on the fair activities. He thanked Sheriff Guymon and his crew for their help as well as the help from the Road Department. The fair was a success with a few problems that need to be fixed for next year. There were a little over 5,000 people at the concert. The Youth City Council ran the lamb fry this year and did a good job.

The attorney's from the AG's office were in Emery County to begin the process of recording roads in Emery County.

The Community Impact Board awarded Green River City a \$200,000 grant to finish their water project and Elmo Town \$466,000 grant and a \$100,000 loan for a new fire station and city building.

***Commissioner Kofford***

Commissioner Kofford reported that the Cleveland Lloyd Dinosaur Quarry was mentioned in the Washington Times. Commissioner Kofford also reported that the Planning & Zoning Commission has approved a Level III conditional use permit for Wood for Fords/Fordwood. This company makes frames for roadsters and vehicles and ships parts all over the world. The company searched locations in Idaho, Wyoming and Utah before deciding to move to Emery County. The owners name is Chuck Cubel.

There was an Economic Development camp held at Castle Valley Ranch. Past graduates from Emery High were invited in hopes that they would promote and sell Emery County. Commissioner Kofford thanked Castle Valley Ranch for their hospitality.

***Commissioner Hatch***

Commissioner Hatch indicated that Congressman Matheson had been in Emery County. Mr.

COMMISSION MEETING MINUTES  
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Matheson has been instrumental in getting the money for the Moore cut off. The County is trying to set up the funding so that it can all be received next year. Emery County Special Service District #1 will go to the CIB to get a no interest \$2.5 million loan to help cover our match. The Moore cut off could be completely surfaced by next fall.

Commissioner Hatch also discussed the wellness program that was adopted as part of our insurance renewal. The program offers employees a chance to get their blood work done and have a confidential report sent to them. The Insurance Committee thought it was a good idea, and Commissioner Hatch feels that there is a short sided nature on the employees who have voiced opposition to the program. The County sent out bid packages to five insurance carriers. Three of the five companies declined to bid on the County insurance policy because of our high incident record. Commissioner Kofford stated that the County has tried to hold down the cost of insurance to the employees and the County is currently paying 100% of the premium. Other companies have raised their deductibles or passed on a portion of the premium to the employees. Insurance is at a point where the County can't continue to provide the benefits if the employees don't start taking charge of their own health and help to lower the cost of insurance. The Commissioners will have to assess if it is worth it to move forward with the wellness program. Sheriff Guymon stated that the objections from his department were over taking \$175 from the employee's pay if they did not participate. Commissioner Kofford stated that if elected officials would like to sit down with their employees and have the program explained in more detail to them he would be willing to meet with them. Personnel Director Mary Huntington stated that the program should be continued at least for those employees who want to take part. Action will be taken to implement the program on a volunteer basis.

Commissioner Kofford suggested that the County hold an auction to get rid of excess vehicles. On the next agenda an item will be added for setting the date and time for a county auction.

**(12)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting at 5:50 p.m. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 5, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
**GARY REIMER, BLM- QUARTERLY REPORT**

Mr. Reimer did not attend the meeting.

(2)  
**DERRIS JONES, DWR- QUARTERLY REPORT**

Mr. Jones did not attend the meeting.

(3)  
**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVERS AS FOLLOWS:**

**a. Emery High School house project.**

Commissioner Gary Kofford made a motion to waive the building permit fee for the Emery High School for their house project. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**b. Castle Dale City restrooms at Cheddar Field**

Commissioner Gary Kofford made a motion to waive the building permit fee for Castle Dale City to construct restrooms at Cheddar Field. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**c. Emery Care and Rehabilitation heating/air conditioning system and fire sprinkler system.**

Commissioner Gary Kofford made a motion to waive the building permit fee for Emery Care and Rehabilitation Center to install a new heating and air conditioning system and a fire sprinkler system. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF DANA MONTGOMERY AS AN ELECTION JUDGE.**

Clerk/Auditor, Brenda Dugmore presented the name of Dana Montgomery for consideration as an Election Judge for the November election. Commissioner Gary Kofford made a motion to approve Dana Montgomery as an election judge. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF EASEMENT ACROSS SITLA PROPERTY TO THE GREEN RIVER.**

Commissioner Ira Hatch explained that Road #1010 in Green River continues to the Green River across state property. SITLA has put this land up for sale. The MOU that the county has with SITLA says that they (SITLA) will notify the county and offer the opportunity to purchase the land before it goes up for sale. This property provides access to the Green River for the Sheriff's Department/Posse- Search and Rescue efforts. A document has been drawn up to accept the easement across SITLA property to the Green River. Attorney David Blackwell has reviewed the document and recommends signing the document. Payment for the easement will come from the OHV line item. Mr. Blackwell indicated that the document is the shortened version and may or may not be accepted by SITLA. Commissioner Drew Sitterud made a motion to accept the easement across SITLA property to the Green River. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF WAIVER OF LANDFILL FEE FOR LORI HANCOCK.**

Lori Hancock, Big Moma's Pizza will soon begin the process of tearing down their building as well as the old house next door to them. They will then begin construction of a building to house a bowling alley, café and office spaces. Lori has requested waiving the landfill fee for the demolition of the buildings. Commissioner Gary Kofford made a motion to approve waving of the Landfill fees for Lori Hancock. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR LINDA MAYFIELD.**

Clerk/Auditor Brenda Dugmore presented an ambulance write-off request from Linda Mayfield. Ms. Mayfield indicated that she was made aware that EMT's have had their ambulance run written off. She requested to have her ambulance run written off. The Commissioners discussed this and asked Sheriff Guymon if he was aware of any EMT's having their ambulance run written off? Sheriff indicated that he was not aware of any EMT's having their personal ambulance run written off. Commissioner Drew Sitterud made a motion to send back a denial to write-off the ambulance run unless she can show hardship. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Commissioner Hatch suggested sending her a letter telling her that the county cannot verify that any employee's ambulance run has been abated.

**(8)**  
**CITIZEN CONCERNS**

Sheriff Guymon discussed problems associated with speeding in Lawrence. He has had deputies patrolling through communities during non-emergency drive thru patrols. He suggested adding more signs indicating the speed limit changes along routes. Commissioner Kofford suggested placing a four way stop sign at the intersection may slow people down. It was decided to resolve the matter administratively having Sheriff Guymon work with Morris Sorensen and Steve Kemple to get more signs on the road in Lawrence.

Deb Dull, Rocky Mountain Power, provided a brief update. Utah Power and Light has changed its name to Rocky Mountain Power. Hunter Plant received a safety award for going one year without experiencing any accidents. There is a new plant manager at the Huntington Plant. She will bring him to Commission meeting to get acquainted with everyone as soon as he has settled in to the area. Everyone is very pleased with the Hunter Plant Exchange. It seems to have greatly increased the driving safety of the area.

**(9)**  
**DISCUSSION AND SETTING OF PUBLIC HEARING ON COUNTY ROAD ABANDONMENTS.**

Commissioner Drew Sitterud made a motion to set a public hearing for October 17, 2006 at 10:00 a.m. to hear comments on abandonment of certain roads in Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.



**(10)****DISCUSSION ON MK TUNNEL PROJECT RECOMMENDATIONS FROM DOGM AND BLM.**

Public Lands Director, Ray Petersen discussed responses from the information meeting regarding the MK Tunnels that was held on August 31, 2006. About thirty people attended the public information meeting. The BLM Land Administration asked the Department of Defense and Division of Oil, Gas and Mining to come up with a proposal for mitigation or closure of the MK tunnels. The BLM's proposal was first brought before the Public Lands Council. DOGM's proposal was the most favored by the Public Lands Council. Whether their project is implemented or not, something will be done to mitigate the situation there. Ray Petersen and the Public Lands Council recommended that the Commissioners endorse the DOGM proposal. Ray stated that the tunnels will be closed for access to people entering them. Another option is to doze them over. Another option offered was to give money to provide a kiosk and interpretive area with restrooms. Use is increasing out there and an interpretive area is a good way to let the public know what we have there. Commissioner Drew Sitterud made a motion to write a letter to BLM in support of DOGM's proposal with an added comment regarding adding more money for the interpretive area purposes and having the opening left open as far back as possible. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #178364 through and including #178527 for payment.

Requisitions were presented for the following:

<b><u>REQUISITION</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>	<b><u>ACTION</u></b>
52-06	(6) 18x5 tables Courthouse	720.00	Approved
53-06	Parts Washer Road Department	4,295.00	Approved
54-06	Tire Inflation Cage Road Department	994.50	Approved

There were no dispositions.

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Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims, and requisitions for payment. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Approval of pay increase for Michael Van Wagoner who has completed his POST certification.

Sheriff Guymon requested a pay increase for Michael Van Wagoner who has completed POST certification. He would move from 10C @ \$11.36 per hour to 12A @ \$11.86 per hour. Effective September 10, 2006. Commissioner Drew Sitterud made a motion to approve a pay increase for Michael Van Wagoner as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the minutes dated August 15, 2006 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported on the progress regarding the swimming pool. He attended school district meeting where he pitched the idea of the swimming pool to the board. He asked the board to fund the parking lot. He has asked Johansen and Tuttle to get cost estimates to take back to the board. The school board did agree to donate the land behind the Castle Dale Elementary for the swimming pool.

Ramal Jones is heading up the committee to place three dinosaurs and a mammoth on the lawn of the Museum of the San Rafael. Rocky Mountain Power has donated money to the project. The committee will move forward and place the dinosaurs as the funds allow.

*Commissioner Kofford*

COMMISSION MEETING MINUTES  
SEPTEMBER 5, 2006

Commissioner Kofford reminded everyone of the upcoming Economic Development Rural Summit on September 21 and 22.

He recently met with Deb Dull, Rocky Mountain Power regarding the power line from the Justice Center to the Landfill. The line was put in in 1996 and is owned by Emery County. There has been minimal maintenance on the line since 1996. Nielson Construction has expressed a desire to add on to the line for their facility located near the landfill. Emery County cannot sell power from the line. Commissioner Kofford asked Rocky Mountain Power if they would be willing to take on the line. RMP indicated that they would. The ROW is transferrable but will need some upgrading. RMP indicated that they would want approximately \$17,000 to take the line off our hands.

He and Commissioner Hatch attended water meetings where representatives from local canal companies in the county discussed the use of water in the county. Local legislators have scheduled a meeting to look into the county's water problems.

Castle Dale City owns part of the lawn on which the Museum of the San Rafael is located. City officials would like to discuss the possibility of exchanging the property ownership with property at the old sheriff's building site.

*Commissioner Hatch*

Commissioner Hatch reported on Commission Meeting in Green River on August 15, 2006. Board of Equalization was held in Green River on the same day. College of Eastern Utah Director, Brad King requested an adjustment on taxes for Horse Canyon Mine. He discussed meeting with DOGM on reclamation efforts at the mine site. Recommendations have been made to DOGM.

He reported on the recent attendance at a Risk Management Conference in Cedar City. Others who attended were Mary Huntington, Brenda Dugmore, Carol Cox, David Blackwell and Gary Kofford. They also received Workers' Compensation training. He also attended UCIP board meeting while in Cedar City. The county's Risk Management Committee recently met and discussed the Employee's Benefit/Health and Fitness Fair that was held in March. They went over some items to bring to the Commission for consideration regarding the Employee Wellness Program.

**(15)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**

7

COMMISSION MEETING MINUTES  
SEPTEMBER 5, 2006

**REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Commissioner Gary Kofford made a motion to move into an executive session. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Discussed was pending litigation regarding personnel matters.

**(16)**

**ADJOURNMENT**

Upon returning to the regular meeting Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST \_\_\_\_\_ COMMISSIONER \_\_\_\_\_

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

SEPTEMBER 19, 2006

Present at the meeting was Commissioner Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**RAY QUINN, PRESENTATION OF PLANNED MONUMENT FOR EMERY COUNTY VETERANS. DISCUSSION OF FUNDING OF PROJECT.**

Commander Ray Quinn of American Legion Post 73 presented a plan for a memorial to honor veterans. He presented a scale model of a proposed plan which was made by Owen Olsen. The plan included representation from the five post of military conflicts notably World War I, World War II, Korean War, Viet Nam War, Desert Storm and present conflicts. He reviewed the plan with the Commissioners and answered questions. Commissioner Hatch asked if they had considered including a plaque with the names of those local veterans in the County. Commander Quinn indicated that those involved in the planning process had discussed this and decided that in the best interest of anyone who may be omitted that they not list those veterans from the county. They would rather have the memorial be a tribute to all, deceased and living who serve in the armed forces. Commander Quinn discussed the cost associated with the memorial. They have talked to Gary Prazen about working on the statue for the memorial. He would usually procure \$120,000.00 for a statue the size proposed. However, Mr. Prazen indicated he would do the statue for half that cost at \$60,000.00 with the understanding that he could recoup some of the cost for materials. They hope to get Mr. Prazen going on the project over the winter while things are slow. They have been successful in finding, for free, a .765 Howlitzer Canon for the memorial. However, it weighs approximately 5,000 lbs., so freight will not be cheap. The Commander indicated that excluding freight, flagpoles and concrete work the memorial would cost approximately \$90,000.00. Commissioner Hatch indicated that the county is looking to go to CIB for possible funding of the project. He opened the meeting up to any questions or comments from the public. Commissioner Sitterud expressed approval of the plan and indicated that he appreciated all the work that they have put into the plan. Commissioner Hatch indicated that a possible site for the memorial would be the land next to the Senior Citizen Center in Castle Dale. This site would be centrally located in the county and near the Museum of the San Rafael. Commissioner Kofford expressed his approval and felt it was a fitting tribute to our veterans. Commissioner Hatch indicated that we could put an article in the Progress to get input from people and see if any part of the plan is not suitable for the public. The Commissioners will explore funding possibilities.

Commissioner Drew Sitterud made a motion to move forward to see if we can procure the funds

2

COMMISSION MEETING MINUTES  
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to erect a veteran memorial located in Emery County and to finalize that location. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND UDOT FOR DESIGN ENGINEERING REIMBURSEMENT ON THE SOUTH MOORE CUT-OFF ROAD (PROJECT NUMBER HPP-1612(3)0.**

Commissioner Gary Kofford made a motion to approve a cooperative agreement between Emery County and UDOT for design engineering on the South Moore Cut-Off Road. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. The document has been reviewed by Attorney David Blackwell. This will Phase V of the project and will finalize the project including the asphalt for the South Moore Cut-Off Road Project Number HPP-1612 (3) 0 from U-10 to I-70.

(3)

**CITIZEN CONCERNS**

None

(4)

**CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CLOSURE.**

Clerk/Auditor Brenda Dugmore reported that Board of Equalization has been held open for the legal amount of time and requested that it now be formally closed. Commissioner Drew Sitterud made a motion to close Board of Equalization for 2006 as of September 19, 2006. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR KIM WEIGHT**

Clerk/Auditor Brenda Dugmore presented a letter from Kim Weight. After review of the circumstances Commissioner Gary Kofford made a motion to abate the full amount of the ambulance bill. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF LINDA WILBERG AS AN ELECTION**

COMMISSION MEETING MINUTES  
SEPTEMBER 19, 2006

**JUDGE.**

Clerk/Auditor Brenda Dugmore presented the name of Linda Wilberg as an election judge in Castle Dale for the November 2006 election. Commissioner Gary Kofford made a motion to approve Linda Wilberg as an election judge as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #178627 through and including #178774 for payment.

One requisition was presented.

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
55-06	Air support high back chair Personnel	\$471.42	Approved

There were no dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims and requisition for payment. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL TO ACCEPT COMPENSATION REVIEW AND ANALYSIS PROPOSAL.**

Personnel Director, Mary Huntington reported that she was asked by the Commissioners to solicit bids for a Compensation Review and Analysis Proposal. She contacted three agencies that perform this kind of work. She received bids as follows:

Mike Swallow, Personnel Systems bid, \$16,184.00.

Public Sector out of Scottsdale, Arizona bid, not to exceed \$30,000.00.

Koff and Associates out of Emeryville, California declined to bid due to time constraints.

She indicated that the two bids in hand are comparative as far as services they will provide. However, the bid from Mike Swallow outlined the work to be done and provided a set price for that work. She felt uneasy about the bid from Public Sector as far as the pricing was concerned.

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She felt competent about having Mike Swallow do the work. Mr. Swallow is somewhat local, being from Utah and is familiar with rural Utah. Commissioner Hatch indicated that the Commission is committed to giving this some consideration. The analysis may or may not be ready by the time they complete the budget process. Commissioner Gary Kofford made a motion to award the bid to Mike Swallow, Personnel Systems for \$16,184.00. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Approval to begin recruitment process for full time landfill technician

Mark Hymas is no longer at the Landfill. Road Supervisor, Morris Sorensen requested approval to start the recruitment process for a full time, with benefits, Solid Waste Technician at Grade 12 entry at \$11.00 per hour. Commissioner Gary Kofford made a motion to begin the recruitment process for a Solid Waste Technician for the Landfill as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

B. 90 day temporary employee at the landfill

Otto Tonne has been working as a 90 day temporary employee at the landfill during employee transition stage. He began work at the Landfill on September 7, 2006.

C. Approval of routine progressive increase for Janalee Luke

Clerk/Auditor Brenda Dugmore requested a routine progressive increase for Janalee Luke. She would move from 7B, \$9.38 per hour to 8B, \$9.80 per hour effective September 25, 2006. Commissioner Drew Sitterud made a motion to approve a routine progressive increase for Janalee Luke as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)**

**APPROVAL OF COMMISSION MEETING MINUTES FOR SEPTEMBER 5, 2006.**

Commissioner Gary Kofford made a motion to approve the Commission Meeting Minutes dated September 5, 2006 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)**

**COMMISSION REPORTS**

*Commissioner Sitterud*



COMMISSION MEETING MINUTES  
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Commissioner Sitterud reported on Melon Days in Green River. He also reported on two new programs being offered by the Recreation Special Service District.

He also indicated that CIB ran out of money in their last session. Therefore the next trimester may find the CIB to be a little tight with available funds.

The men's association held a golf tourney to raise funds for plan to add to the Millsite Golf Course. They are in the feasibility study process at this time. They will have come up with a match for the funds.

*Commissioner Kofford*

Commissioner Kofford reminded everyone of the upcoming Economic Development Rural Summit on Thursday and Friday.

*Commissioner Hatch*

Commissioner Hatch attended a Joint Highway Committee meeting where funds were firmed up for the completion of the Goblin Valley Road.

He and Attorney David Blackwell attended a records hearing where access to record of a closed meeting was denied.

The dedication for the Dinosaur Quarry has been put off for now.

(12)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Commissioner Drew Sitterud made a motion to move into an executive session to discuss attorney/client personnel and litigation matters. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Those present at the Executive session were Commissioner Hatch, Commissioner Kofford, Commissioner Sitterud, Attorney David Blackwell, Personnel Director, Mary Huntington and Deputy Clerk/Auditor Carol Cox.

Commissioner Gary Kofford made a motion to come out of and Executive Session and return to the regular Commission Meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

6

COMMISSION MEETING MINUTES  
SEPTEMBER 19, 2006

(13)

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 3, 2006

Present at the meeting was Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Ira Hatch was out of town. Commissioner Drew Sitterud was acting chairman for the meeting and stepped down throughout the meeting to execute motions as needed.

(1)  
**CONSIDERATION AND APPROVAL OF AMENDED INTERLOCAL COOPERATIVE AGREEMENT BETWEEN CARBON, EMERY, GRAND, AND SAN JUAN COUNTY AND SOUTHEASTERN UTAH DISTRICT HEALTH DEPARTMENT.**

The agreement is an updated, amended agreement to the original agreement mandated by the State of Utah in 1970. Attorney David Blackwell had reviewed the agreement and recommended approval. Commissioner Gary Kofford made a motion to sign an amended interlocal cooperative agreement between Emery, as one of the four participating counties and Southeastern Utah District Health Department. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(2)  
**CONSIDERATION AND APPROVAL OF RESOLUTION ADOPTING A CONFIDENTIAL INFORMATION AND CODE OF ETHICS POLICY.**

Personnel Director, Mary Huntington, acting upon a request by the Emery County Commissioners presented a resolution adopting a confidential information and code of ethics policy for consideration and approval. Commissioner Gary Kofford made a motion to adopt Resolution 10-03-06 adopting a confidential information and code of ethics policy for Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)  
**APPROVE RESPONSIBILITY FOR UPKEEP AND SAFETY OF CANNON FOR MEMORIAL AS PER APPLICATION FOR DONATIONS OF COMBAT MATERIAL FOR MUNICIPALITIES.**

In the last commission meeting, representatives of American Legion Post 73 presented a plan for a memorial to honor veterans to the commissioners. The plan included the acceptance and placement of a .765 Howitzer Cannon. The county will be able to acquire such a cannon. As a requirement to acquiring the cannon the county must assume responsibility for the upkeep and

COMMISSION MEETING MINUTES  
OCTOBER 3, 2006

safety of the cannon. The county will have to assume responsibility to have the cannon de-militarized and shipped to the site for the memorial. Commissioner Gary Kofford made a motion to approve the responsibility for the upkeep and care of the .765 Howitzer Cannon. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**CITIZEN CONCERNS**

Sheriff Guymon discussed the possibility of transferring a vehicle to the Green River Clinic. They currently have a Ford Crown Victoria that was retired from the sheriff's fleet that has logged over 200,000 miles. The sheriff indicated that he has another vehicle that he could possibly transfer to them. Commissioner Gary Kofford recommended the sheriff get the transfer request on the next commission meeting agenda.

(5)

**CONSIDERATION AND APPROVAL OF CIRCUIT BREAKER, VETERAN, BLIND, AND OTHER ABATEMENTS.**

Clerk/Auditor Brenda Dugmore presented the list of Circuit Breaker, Veteran and Blind applicants who have filed for an abatement on their 2006 property taxes. The applicants have met the requirements as defined by the state. Commissioner Gary Kofford made a motion to approve the 2006 Circuit Breaker, Veteran and Blind abatement list. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Also presented for consideration was tax abatements for individuals who applied under the Indigent Abatement. These are applicants who are under 65 years of age and are either disabled or under extreme hardship. A signed statement from a physician is required indicating the hardship. The Commission can consider up to one half the tax due. Applications were received from the following: John Adams, taxes owed \$631.17 and eligible for a \$315.59 abatement. Verne Hinton, taxes owed \$353.62 and eligible for a \$176.81 abatement. Judy Visser, taxes owed \$488.14 and eligible for a \$244.07 abatement. Commissioner Gary Kofford made a motion to accept abatements for Johns Adams, Verne Hinton, and Judy Visser. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CHANGES.**

Assessor, Kris Bell presented the Board of Equalization changes for 2006. Commissioner Gary Kofford made a motion to approve the Board of Equalization changes for 2006 as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR KIRAN ARISE.**

Clerk/Auditor Brenda Dugmore requested an ambulance write-off for Kiran Arise. Kiran is a graduate student at Tulane University in New Orleans. As a result of the hurricane she was displaced in Utah. She met with an accident on October 9, 2005 while traveling through Emery County. She had an active student health insurance which only paid for \$125.00 of her \$1,025 ambulance bill leaving her with a \$900.00 bill. Kiran asked for any reduction in her billed charges.

Commissioner Gary Kofford made a motion to abate fifty percent of the billed services for Kiran Arise. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #178930 through and including #179072 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
56-06	Handheld Barcode Scanner Elections	316.78	Approved
57-06	2006 Building Code Books/Tabs Building Inspector- P/Z	473.63	Approved
58-06	OHD Fit Tester 3000 Homeland Security Grant 04-SO	7,395.00	Approved
59-06	Gigabit 48 port switch (2) GPS Units IT Department	5,761.45	Approved

Dispositions were presented for #610-6836 Office Chair from Personnel, #580-6087 Bissell Big Green Clean Machine from the Library.

Commissioner Gary Kofford made a motion to approve the Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Drew

COMMISSION MEETING MINUTES  
OCTOBER 3, 2006

Sitterud and approved by all members present.

(9)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Approval to begin recruitment for part-time Assistant Librarian in Green River.

Jerilyn Mathis requested approval to begin the recruitment process for an Assistant Librarian in Green River. Darci Quist resigned effective September 22, 2006. Commissioner Gary Kofford made a motion to start the recruitment process for an assistant librarian in Green River. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**APPROVAL OF SEPTEMBER 19, 2006 COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated September 19, 2006 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**APPROVAL OF AMENDED MARCH 27, 2006 SPECIAL MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the amended minutes of the special meeting held on March 27, 2006 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported on the success of the recent Economic Development Conference.

He attended the Western Energy Training Center grand opening. The center is located at the old Willow Creek Mine site.

*Commissioner Sitterud*

Commissioner Sitterud reported on his attendance at a UCAC Public Lands meeting. The main topic of discussion was on roads. Commissioner Ira Hatch was voted as Outstanding Commissioner of the year.

5

COMMISSION MEETING MINUTES  
OCTOBER 3, 2006

He reported on progress regarding Mineral Lease Funds.

He attended a transportation meeting on September 25<sup>th</sup> where they discussed common names for roads and the E 911 system roads. Most of eastern Utah is complete down to Kane County.

Emery County has completed B Roads.

The IT Department is re-doing the county's web page. Departments need to contact Jeff at the IT Department to update their department information.

Sheriff Guymon reported on the recent MECCA Fall Bike Festival.

**(13)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive Session was not needed.

**(14)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:\_\_\_\_\_ COMMISSIONER:\_\_\_\_\_**

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

OCTOBER 17, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**CONSIDERATION AND APPROVAL OF FY2007 TENTATIVE BUDGET FOR EMERY COUNTY, CASTLE VALLEY SPECIAL SERVICE DISTRICT AND OTHER ENTITIES AS REQUIRED BY LAW.**

Clerk/Auditor Brenda Dugmore presented the 2007 tentative budget for Emery County. She explained that the budget included a 4%, two step increase for all county employees. Commissioner Gary Kofford made a motion to approve the 2007 tentative budget for Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Darrell Leamaster, Castle Valley Special Service District presented their tentative budget for 2007. The budget is separated into three parts. First is the debt service fund, second is the capital project fund, third is the general operating fund. Commissioner Drew Sitterud made a motion to approve the FY2007 tentative budget for Castle Valley Special Service District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**SETTING OF BUDGET WORK MEETINGS.**

Commissioner Drew Sitterud made a motion to set budget meetings as follows: October 24, at 1:00 pm., October 31, at 9:00 am, November 20, at 9:00 am, November 27, at 9:00 am, November 28, at 9:00 am. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**DELENA FISH, WFS, QUARTERLY REPORT**

Ms. Fish did not attend the meeting.



**(4)****GREEN RIVER MEDICAL CENTER, DISCUSSION OF THEIR SERVICES AND REQUEST FOR BUDGET CONSIDERATION.**

Representatives from the Green River Medical Center came before the Board of County Commissioners to discuss the services offered by the center. The Green River Medical Center is the one of the smallest federally funded facilities in the state. They have one full-time physician assistant on staff and a physician comes to the facility twice a month from Price. Emery County contributed \$20,000.00 in 2006 to the facility. They said that their funding has been cut by \$7,000.00 due to the recent annexation of that portion of Green River that was in Grand County into Emery County. Grand County will not help support the center. They feel that they have saved the county money due to the fact that the ambulance has not had to transport patients to Price. They also asked that the county consider donating a vehicle to the center. The previously contributed vehicle has logged over 210,000 miles. Sheriff Guymon indicated that he has a vehicle that could be turned over to them. Glen Baxter, Green River Medical Center board member stated that they are more and more becoming a charity facility. Last year they wrote of nearly \$75,000.00. Federal funding is down and they hope to change the downward trend. The center does serve citizens from Grand County as well as those from off of I-70 and they will be approaching Grand County again for possible assistance. The commissioners asked for a copy of the Green River Medical Center's budget breakdown for consideration in the upcoming budget process.

**(5)****SOUTHEASTERN REGION WILDFIRE PROTECTION PLAN PRESENTATION.**

Ray Petersen introduced Bill Canotti, from State Fire, Forestry and State Lands, the funding agency for the Southeastern Region Wildfire Protection Plan, Emily Geary from SWCA, the contracting agency writing the plan and Rudy Sandoval, Carbon/Emery Fire Warden. Emery County has been working on a Wildlife Protection Plan for two years and is near completion. Today, a Regional Wildfire Protection Plan will be discussed. Ray indicated that the County's plan will be incorporated into the regional plan as either a chapter or appendix to the plan. He indicated that the county's boundary as indicated in the county's plan is cause for concern. As a county, we are concerned with watershed, timber and resources clear to the skyline. The boundary as described in the Southeastern Regional Plan, which incorporates four counties, Carbon, Emery, San Juan and Grand, is the county boundary. Our County's boundary, as described in the county plan, went as far as the skyline to include the entire watershed. Beyond the county boundary will be addressed in the Central Region Plan which is in the works at this same time. It is important that we have public input regarding these two plans at upcoming public meetings scheduled for here at the Museum of the San Rafael and in Manti. Emily Geary reviewed the Southeastern Region Wildfire Protection Plan for the Commissioners and those in attendance. She explained that the plan is an umbrella plan written at a landscape level. It will be general enough not to limit the flexibility of the counties to identify areas and values that are

at risk. It will address areas that need mitigation measures in each county and will prioritize those areas. But at the county level the local plan will identify how those areas will be mitigated. Communities at risk will be addressed in the Regional Plan and further addressed in the County Plan. A list of communities at risk was compiled by the State and BLM using the national wildfire planning guidelines. She added that an important component of the planning process is public involvement. The qualitative information about community values will be acquired at the public meetings. A public meeting will be held November 9, 2006 at the Museum of the San Rafael. It is important to receive input from the public regarding what areas are most at risk. Areas identified by the public that are critical for community values that can be incorporated into the plan. Commissioner Hatch indicated that watershed value is at foremost of the county's concern as it affects all the county.

Commissioner Gary Kofford made a motion to move into a Public Hearing to receive comment regarding the abandonment certain county roads as indicated. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**10:AM- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT REGARDING THE ABANDONMENT OF COUNTY ROADS #327 COWBOY WEST, #116 PAPPAS SPUR, AND #112 JENSEN SPUR.**

Morris Sorensen identified each of the roads for consideration and discussed each identified problem with each road. Comments were heard from Commissioner Hatch, Commissioner Kofford, Commissioner Sitterud, and Dixie Swasey. Commissioner Hatch asked if the surrounding property owners had been notified. Morris indicated that they had not been notified. Morris will send out letters to the property owners.

Motion to come out of a public hearing and return to the regular Commission Meeting was made by Commissioner Drew Sitterud, seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF ABANDONMENT OF COUNTY ROADS #327 COWBOY WEST, #116 HANSEN SPUR, #117 PAPPAS SPUR, AND #112 JENSEN SPUR.**

Commissioner Gary Kofford made a motion to #7 and put it on the November 21, 2006 Commission Meeting agenda so as to allow the Road Department time to send a letter to the surrounding property owners who may be affected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**REQUEST FOR DONATION TO GREEN RIVER CLOSE-UP WASHINGTON DC PROGRAM.**

Several students from Green River High School will be participating in the Close-Up program. The cost per student is \$1,400.00. Green River High School has requested a donation to assist the participating students in the program. Commissioner Gary Kofford made a motion to contribute \$250.00 to Green River High School for the Close-Up program. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR FERRON CITY GOLF COURSE.**

Ferron City Mayor, Gil Bowden requested a building permit fee waiver for the Ferron City Golf Course. He explained that hole # 7 was washing away and the city was able to secure a CIB grant to build a retaining wall. According to the County Building Inspector putting up a retaining wall requires a building permit. Therefore, he asked for a waive of the fee. Commissioner Gary Kofford made a motion to waive the building permit fee for Ferron City Golf Course. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Sitterud discussed news that Emery County School District will be constructing a new gymnasium in Green River. It will have to be inspected. Commissioner Kofford indicated that he has recently visited with Ross Huntington who informed him that because of new legislation the school district has to have a building inspector on all new construction projects over \$100,000.00. Previously they did not have to have a building inspector. Commissioner Kofford indicated that in discussing this with Bob Bennett, Emery County Building Inspector, he asked Mr. Bennett what the fee would be on a 2 million dollar project. Mr. Bennett indicated it would be approximately \$16,000.00 in fees. Commissioner Kofford indicated that the Commission needs to make a determination whether or not we are going to collect that fee. Do we set up a policy for determining how to handle building permit fees for the school district in the future? One thing that will need to be looked at is the time and expense involved in having Mr. Bennett in Green River throughout the duration of the project. Mr. Bennett was concerned for the time it take from his other inspections. The school district has looked into Sunrise Engineering but has not signed a contract with them as of yet. Mr. Huntington was hoping that the county would look at waiving the fee. Commissioner Kofford continued by discussing the fees associated with building permits. He indicated that built into the fee schedule was a percentage increase each year for recouping the expenses associated with the building permitting process. There will be expenses associated with traveling to Green River on a regular basis to over see the building project. He felt that we should be able to recoup some of that expense,

somehow. Commissioner Hatch felt that we should charge them something to recoup our expenses, not be a total fee waiver. Commissioner Sitterud pointed out that the school district lets us use their facilities except for the Spartan Center for our youth. He thinks we could charge them a minimal charge. However, this is for our kids. Commissioner Hatch thinks we could look at working something out, but not do it for free. Mike McCandless had concern for the time associated with the project. This will take away from time Bob will have for other building that is going on in the county. The Commission discussed the possibility of hiring another building inspector.

(10)

**CITIZEN CONCERNS**

Leslie Bolinder thinks that the school district should pay the same fees as a private person. As she has filled in a little bit in the building inspector's office she has found that Bob's calendar is very booked. For a non-paying customer to take time away from a paying person she feels that is not right. There are a couple of businesses in the county that are looking at these very same kind of fees and they will not be waived. To make it fair everybody should get inspected and everybody should pay the same.

(11)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR ROBERT ZUFELD.**

Brenda Dugmore presented an ambulance write-off request from Robert Zufeld. He was billed \$391.00, which is the non-transport rate, for oxygen, pulse ox, etc. He did not call the ambulance and was not treated. He requested to have the bill written off. Commissioner Gary Kofford made a motion to write-off the ambulance bill for Robert Zufeld. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF CHANGE IN JUDGE OF ELECTION FROM TRUDY WADDOUPS TO JAY WADDOUPS.**

Brenda Dugmore requested approval to exchange Trudy Waddoups for Jay Waddoups as election judges in Clawson. Commissioner Drew Sitterud made a motion to approve exchanging judges in Clawson. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND**

**DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 179137 through and including #179323 for payment.

There were no requisitions or dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List for payment. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF RESOLUTION OF APPOINTMENT OF AN EMERY COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INSURANCE POOL ANNUAL MEMBERSHIP MEETING.**

Commissioner Drew Sitterud made a motion to approve Resolution 101706 appointing Ira Hatch as Emery County representative and Mary Huntington as alternate representative for the Utah Counties Insurance Pool Annual Membership meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(15)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following personnel action:

A. Discussion and approval of a wage increase for the library janitors.

The library custodians currently are not on a pay grade. It was Mary's proposal to put them on the same grade as the courthouse and sheriff's office custodians. Many of the library custodians have been here for years and currently earn \$6.34 per hour and those recently hired earn \$5.25 per hour. She suggested moving those at \$6.34 to Grade 4B at \$8.30 per hour and those at \$5.52 to Grade 4A at \$8.12 per hour. The custodians at the courthouse and sheriff's office perform the same functions as the custodians at the library and should be on the same grade. Commissioner Gary Kofford made a motion to approve moving the library custodians to their respective grade as recommended. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

B. Approval of Brad Earley as full time Solid Waste Technician.

Brad Earley will be the new full time Solid Waste Technician. During the summer he worked for the landfill as a 90 day temporary employee.

C. Approval to begin the recruitment process for an Equipment Operator/Driver.

Morris Sorensen requested approval to start the recruitment process for a full time with benefits Equipment Operator/Driver. Val Anderson has been moved back up to the landfill leaving a vacancy. Commissioner Gary Kofford made a motion to approve the process to recruit an Equipment Operator/Driver. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

## **(16)**

### **APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated October 3, 2006 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

## **(17)**

### **COMMISSION REPORTS**

#### *Commissioner Kofford*

Commissioner Kofford reported on discussions at a UAC meeting regarding Utah Behavioral UBAN board.

#### *Commissioner Sitterud*

Commissioner Sitterud reported that UAC has hired Mark Ward as Public Lands Director starting November 14, 2006.

He met with Alex Buxton regarding an information flyer about the proposed swimming pool to be sent to all Emery County resident.

#### *Commissioner Hatch*

Commissioner Hatch recently met with representatives from Lila Canyon Fuel. Utah American Energy is interested in starting that mine up again.

8

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October 17, 2006

Emery County held a Wellness Screening for Emery County employees and spouses last Wednesday. Participation was good and it went well. A defensive driving course will be held on the 23<sup>rd</sup> of October.

Bids were opened for the furnace replacement at the Museum of the San Rafael. They received bids from Dugmore Appliance for \$53,995.00, Bob Moore Construction for \$55,300.00, and Rams Industries for \$53,480.00. The low bidder was Ram's Industries. Commissioner Gary Kofford made a motion to award the bid for replacing the furnace at the Museum of the San Rafael to Ram's Industries. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(18)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive Session was not needed.

**(19)**

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 31, 2006

(1)

**CONSIDERATION AND APPROVAL OF RESOLUTION REQUESTING RE-CERTIFICATION OF EMERY COUNTY JUSTICE COURTS.**

Emery County has been informed that they need to re-certify the Justice Courts. Attorney David Blackwell has prepared a resolution to be approved by the Commissioners that affirms the county Commissioner's willingness to continue to meet all the requirements set forth by the Judicial Council. The resolution requests the re-certification of the Emery County Justice Court, First Precinct (Castle Dale, Utah) and Second Precinct (Green River, Utah) for the next four years. Commissioner Drew Sitterud made a motion to approve Resolution 10-31-06 requesting re-certification of Emery County Justice Court, First Precinct and Second Precinct. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**PRIORITIZE SHORT/LONG TERM PROJECTS TO BE INCLUDED ON EMERY COUNTY'S LOCAL CAPITAL IMPROVEMENT LIST FOR THE PCIFB. SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON LIST.**

The Emery County Commissioners took a look at the local capital improvement list for PCIFB that was put together on July 17, 2006. The list is a compilation of all the communities project requests. A public hearing needs to be set to hear public comment on Emery County's Local Capital Improvement List for the PCIB. The Commissioners discussed adding the Veteran's Memorial project, a building at the gun range, an airport project, additional portable bleachers, a kitchen at the museum and other items to the list. They will prioritize the list after they have heard public comment. Commissioner Drew Sitterud made a motion to set a public hearing for November 21, 2006 at 10:00 am to receive public comment on the short/long term projects to be included on Emery County's local capital improvement list for the PCIFB. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT/DESIGN ENGINEERING REIMBURSEMENT BETWEEN EMERY COUNTY AND UDOT ON PHASES V & VI OF THE SOUTH MOORE ROAD PROJECT.**

Commissioner Hatch presented cooperative agreement HP16121030 with UDOT for Phase V &



VI of South Moore Cut-Off Road. The contract provides for \$25,600.00 for the design and engineering of South Moore Cut-Off Road. Commissioner Gary Kofford made a motion to approve a cooperative agreement/design engineering reimbursement between Emery County and UDOT on Phase V & VI of the South Moore Road Project. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF INTER-LOCAL AGREEMENT BETWEEN EMERY COUNTY AND ECSSD#1 TO PROVIDE FUNDING FOR LOCAL AUTHORITY MATCH ON PHASES V & VI OF THE SOUTH MOORE ROAD PROJECT.**

Commissioner Gary Kofford made a motion to approve an inter-local agreement between Emery County and ECSSD#1 to provide funding for local authority match on Phases V & Phase VI of the South Moore Road Project. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF METAL BIDS FOR LANDFILL.**

Bids were received for the collection of scrap metal from the landfill. Ron Barney bid \$37.00 per ton and Price Metal bid \$20.00 per ton. Commissioner Gary Kofford made a motion to accept the bid from Ron Barney for \$37.00 per ton. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS AND DISPOSITIONS.**

Clerk/Auditor, Brenda Dugmore asked for approval of the Warrant Check Edit list that will be run on November 7, 2006. The list will be given to the Commissioners beforehand. We will not have a Commission Meeting on that day due to Election Day.

One requisition was presented from the Sheriff's Office/Television for a 26 inch Sony Television to be used for testing the new digital television system and demonstration of digital TV at public meetings and the fair. The cost is \$1,143.72.

One disposition was presented for a 2006 Crown Victoria asset # 2107718. This is the vehicle that is to be transferred to Green River Medical Center. (See #8).

3

Special Commission Meeting  
October 31, 2006

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List and requisition and to approve the disposition of the vehicle from the Sheriff's office and transfer the vehicle to the Green River Medical Center. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Mary Huntington, Personnel Director presented the following personnel action:

A. Consideration and approval of Jolene Dalton as Green River Assistant Librarian. Jerlilyn Mathis requested approval to hire Jolene Dalton as Green River Assistant Librarian. If approved this would be effective November 1, 2006 at 4A \$8.12 per hour with no benefits. Commissioner Gary Kofford made a motion to approve hiring Jolene Dalton as Green River Assistant Librarian as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

B. Approval for step-increase for Eric Nelson who has completed his six-month orientation.

Road Supervisor, Morris Sorensen requested a one step increase for Eric Nelson whom has successfully completed his six month orientation period. If approved he would move from 12 entry at \$11.00 per hour to 12 A at \$11.33 per hour. This would be effective November 6, 2006. Commissioner Gary Kofford made a motion to approve a six month orientation step increase for Eric Nelson as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**APPROVAL OF VEHICLE TRANSFER TO GREEN RIVER MEDICAL CENTER.**

See # 6

(9)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Commissioner Gary Kofford made a motion to move into an executive session to discuss pending litigation matters. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Present at the executive session was Commissioner Hatch, Commissioner Kofford,

4

Special Commission Meeting  
October 31, 2006

Commissioner Sitterud, Attorney David Blackwell, and Deputy Clerk/Auditor Carol Cox.

Motion to return to the regular Commission Meeting was made by Commissioner Drew Sitterud, Seconded by Commissioner Gary Kofford and approved by all members present.

Upon returning the regular Commission Meeting Commissioner Gary Kofford made a motion to authorize Attorney David Blackwell to negotiate at the mediation hearing, negotiating to the amount discussed in executive session. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**

**ADJOURNMENT.**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 21, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DAVE VICKERS, FORESTRY, FIRE, AND STATE LANDS, DISCUSSION  
PRESENTATION OF UTAH WILDLAND URBAN INTERFACE CODE- HB 146.**

Dave Vickers has been hired as a consultant to work with the counties in developing their Forestry, Fire and State Lands Plan to meet requirements identified in House Bill #146- Utah's Wildland Urban Interface Code. Commissioner Kofford has been working on this with Mr. Vickers. Rudy Sandoval, Carbon and Emery County's Fire Marshall was also available for questions and comments. The bill has certain stipulations that the county needs to adopt. Utah has been experiencing high incidence of wildland fire activity due to people moving into urban areas. So, the state enacted House Bill #146. The county has to do certain things as a medium to meet specific codes with certain provisions. The county has to identify areas where issues are and where and how the code will be applied. The plan will have provisions for access and supply of water. Emery County has a volunteer fire crew in each town. Training of the volunteer firemen takes about 40 to 80 hours of training. These men are all working men with families to support. Therefore, training will be very prohibitive. The plan is a work in progress. They hope to have something in place by January 2007 that will meet the county's needs and the new code.

(2)

**DELENA FISH, QUARTERLY UPDATE DWS.**

Delena Fish, DWS was present to provide a quarterly update of Work Force Service activity. She reviewed the TANIF Re-authorization. She also reviewed the Eastern Region performance outcomes for DWS. There is a lot of employment out there for anyone who wants to work. Emery County is experiencing a three percent unemployment rate at this time. Employers are still struggling with finding skilled workers. There is money out there for training people. People are not taking advantage of that at this time. Employers are utilizing the internet on-line listing more and more all the time. Commissioner Sitterud complemented Delena and her staff for leading the region again.

(3)

**GWENDOLYN ANDERSON, DISCUSSION OF PETERSEN LANE, ELMO, UTAH**

Gwendolyn Anderson, Elmo discussed problems associated with Petersen Lane in Elmo. She said the road has six inch potholes and very muddy when there is a storm. She asked if the county could do anything to improve the conditions of the road. She suggested maybe asphalt or chipping, anything to improve the road. Commissioner Hatch indicated that the county has done what they could to improve the road. They have removed the mag. chloride from the road and graded it as well. He asked that she put her plan for the road in writing and submit it to the Road Department.

(4)

**CITIZEN CONCERNS**

Randall Sitlson, Orangeville expressed concern for safety of homeowners along the road nearest to where hunters are during the hunting season. He relayed an incident where a homeowners home was struck by flying bullets during this last hunting season. He asked that the county take a look at the firearm ordinance and perhaps see what could be done to improve safety. After some discussion on this issue, Randall indicated that he will get with the other towns as well as the sportsman groups and landowners to come up with a plan and see how to proceed.

(5)

**RATIFICATION OF JUSTICE ASSISTANCE GRANT APPLICATION.**

Sheriff Guymon made application for a grant to get ten car videos. He was successful in getting two. The deadline for sending in the grant application was November 17, 2006. The grant application was signed by the Commissioners. Commissioner Drew Sitterud made a motion to ratify the signatures on the Justice Assistance Grant application. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF ABANDONMENT OF COUNTY ROADS #327 COWBOY WEST, #116 HANSEN SPUR, #117 PAPPAS SPUR, AND #112 JENSEN SPUR.**

(7)

**DISCUSSION/APPROVAL OF BUILDING PERMIT FEE WAIVER FOR EMERY COUNTY SCHOOL DISTRICT FOR GREEN RIVER HIGH SCHOOL GYMNASIUM.**

**(8)**

**10: 00 AM PUBLIC HEARING- To receive public comment on Emery County Local Capital Improvement List for PCIFB.**

Commissioner Drew Sitterud made a motion to leave regular Commission Meeting and enter into a scheduled Public Hearing to receive comment on Emery County's Local Capital Improvement List for PCIFB. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Darrell Leamaster, CVSSD and Michael Bryan, UAOG presented the local capital improvement short term and long term list for consideration. The short term list consisted of submitted projects to be considered for the coming year. The medium to long term list consisted of projects submitted by towns and other governmental agencies for consideration two to five years out. The list needed to be ranked in importance with A being the most imperative, B, and C. The list is required to be ranked and submitted to the PCIFB by December 1. Any governmental entity that wishes to have their project considered must be on the list. Commissioner Sitterud asked to add the Recreation SSD to the short term list for the swimming pool project as they have the right to come back and request up to \$500,000.00 additional grant funds if needed. He also suggested that the list be worked on earlier next year. Mike McCandless suggested adding NEWUSSD's 2 projects to the long term list. Commissioner Sitterud indicated that the medium to long term list is very important as it serves as an advisory list for the PCIFB to know what is coming in the future. Commissioner Gary Kofford made a motion to come out of the public hearing and return to the regular Commission Meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)**

**CONSIDERATION AND APPROVAL OF EMERY COUNTY LOCAL CAPITAL IMPROVEMENT LIST FOR FY2007.**

Commissioner Drew Sitterud made a motion to approve the short term and long term Local Capital Improvement List for 2007 for Emery County contingent upon adding the projects as discussed and to send the list to the AOG planner to be submitted to the PCIFB. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)**

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Brenda Dugmore, Clerk/Auditor presented the Warrant Check Edit List #179788 through and including #179994 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
61-06	Garage door opener CD Ambulance Garage	784.00	Approved
62-06	Ithaca 94 Plus Validator Treasurer	615.36	Approved
63-06	Service Awards Non-Departmental	2,000.00	Approved
64-06	Compact Color Camera/Vehicle Sheriff/Drug Task Force	3,375.00	Approved
65-06	Compact Color Camera/Vehicle Sheriff	7,240.00	Appro ved
66-06			

(11)  
**CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING THE TRANSFER OF THE CABLE FRANCHISE TO SATVIEW BROADBAND LTD.**

(12)  
**CONSIDERATION AND APPROVAL OF LETTER OF AGREEMENT BETWEEN FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, INC. AND EMERY COUNTY SHERIFF'S DEPARTMENT FOR DRUG COURT SERVICES.**

(13)  
**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN UTAH DIVISION OF PARKS AND RECREATION AND EMERY COUNTY FOR EMERY COUNTY OHV ROUTE SIGNING PROJECT.**

(14)  
**OPEN AND AWARD BID FOR ROAD DEPARTMENT SHOP DOOR OPENER REPAIR.**

(15)  
**OPEN AND AWARD BID FOR CONCRETE WORK AT SALT SHED.**

(16)  
**CONSIDERATION AND APPROVAL OF REDUCTION IN LANDFILL CHARGES FOR MAC'S MINING REPAIR SERVICE.**

(17)  
**DISCUSSION AND APPROVAL OF NEW POSTAGE MACHINE PURCHASE/LEASE.**

(18)  
**OPEN AND AWARD BID FOR ROOF REPAIR FOR COURTHOUSE.**

(19)  
**CONSIDERATION AND APPROVAL OF PROPERTY TAX ABATEMENT FOR STARR HAL GUYMON.**

(20)



**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR GLORIA HERNANDEZ AND CELENE GALICIA.**

(21)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

- A. Approval to begin recruitment process for a Solid Waste Technician.
- B. Approval to begin recruitment process for a District Operator.
- C. Approval of Doris Lamb as a 90 day temporary at the Museum of the San Rafael.

(22)

**APPROVAL OF COMMISSION MEETING MINUTES.**

(23)

**CONSIDERATION AND APPROVAL OF RESOLUTION FINDING AND PROMULGATING THE RESULTS OF A SPECIAL BOND ELECTION HELD IN THE COUNTY FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE COUNTY THE QUESTION OF THE ISSUANCE AND SALE OF \$5,000,000.00 GENERAL OBLIGATION BONDS; AND PROVIDING FOR RELATED MATTERS.**

(24)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

(25)

**COMMISSION REPORTS**

(26)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

(27)  
**ADJOURNMENT**

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 5, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Gary Kofford was out of town for another meeting. Commissioner Hatch stepped down throughout the meeting to execute motions as needed.

(1)

**FERRON CITY REQUEST FOR WAIVER OF BUILDING PERMIT FEE FOR RE-ROOF PROJECT AT FAIRGROUND PARK.**

Joe Trenery, Ferron City Councilman requested a building permit fee waiver for Ferron City's re-roof project at the fairground park. The city received CDBG funds for a new sprinkler system and re-roofing project at the fairground park. Commissioner Drew Sitterud made a motion to approve a fee waiver for Ferron City's re-roof project at the fairground park. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(2)

**ELMO TOWN REQUEST FOR WAIVER OF BUILDING PERMIT FEE FOR TOWN HALL AND FIRE STATION.**

The Commission received a letter from Delena Fish on behalf of Elmo Town requesting a fee waiver for their town hall and fire station. For three years they have worked on obtaining a grant from the CIB to fund a new town hall and fire station. They have awarded the bid and are ready to begin the project. Commissioner Drew Sitterud made a motion to waive the building permit fee for Elmo Town's town hall and fire station. The motion was amended and seconded by Commissioner Hatch to include having the project tracked and cleared by the building inspector's office. The motion was approved by all members present.

(3)

**CITIZEN CONCERNS**

No citizen concerns.

(4)

**RATIFY EMERY COUNTY APPLICATION FOR 2006/2007 HMEP PASS-THROUGH GRANT.**

Commissioner Drew Sitterud made a motion to ratify the signing of an application for 2006/2007 HMEP pass-through grant which was signed earlier to meet application deadline. The motion

was seconded by Commissioner Ira Hatch and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF AMENDMENT TO NEXTEL SITE AGREEMENT**

Commissioner Sitterud explained that we have run out of space at the communications tower on Horn Mountain. This amendment to the Nextel Site Agreement will approve moving Nextel and Verizon into a larger room to share space. The site lease amount will increase to \$720.00 a month which will also be shared by Nextel and Verizon. Commissioner Drew Sitterud made a motion to approve an amendment to the Nextel Site Agreement upon Attorney Blackwell's approval of the document. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(6)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims #180190 through and including #180324 for payment.

There were no requisitions or dispositions.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List and additional claims as presented. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

(7)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

A. Approval of merit increase for Wayde Nielsen, Road Department.

Morris Sorensen is requesting a merit increase for Wayde Nielsen. His job responsibilities have increased and his existing rate of pay is almost the same as the District Grader Operators. Wayde is currently at Grade 15Q @ \$17.46 per hour. Morris is requesting he move to 15T @ \$18.33 per hour. Commissioner Drew Sitterud made a motion to approve a merit increase for Wayde Nielsen as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

B. Approval to begin recruitment for Equipment Operator/Driver, Road Department.

Mark Seely has submitted his resignation effective December 31, 2006 and Morris Sorensen is requesting approval to start the recruitment process for a full time, Equipment Operator/Driver. Commissioner Drew Sitterud made a motion to approve the recruitment of an Equipment

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DECEMBER 5, 2006

Operator/Driver for the Road Department as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

C. Approval of 6 month orientation merit increase for Maureen Copatch and Alexander O’Niel, Sheriff’s Department.

Maureen Copatch and Alexander O’Niel have completed their 6 month orientation period successfully and Sheriff Guymon is requesting that they each receive a one step increase effective December 18, 2006. If approved they would both move from 10A @\$10.88 per hour to 10B @\$11.12 per hour. This would become effective the beginning of next pay period. Commissioner Drew Sitterud made a motion to approve a one step increase for Maureen Copatch and Alexander O’Niel as proposed. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

D. Approval of Jennifer Jensen transfer to Dispatch position and begin recruitment for Corrections Secretary.

The dispatch position was offered in-house at the Sheriff’s Office and Sheriff Guymon would like to promote Jennifer Jensen to this position. Sheriff Guymon is requesting approval to start the recruitment process for a full time, Corrections Secretary. Commissioner Hatch recommended that the advertising needed to be done county wide and in-house for the dispatch position. Dispatch and Correction’s Secretary are two different positions and must be advertised as such. Commissioner Ira Hatch made a motion to advertise in-house and county wide for a dispatch position. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(8)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the minutes dated November 21, 2006 as corrected. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**(9)**

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported that last Friday, he, along with the other two Commissioners met with SITLA, Brad King and Mike Dmitrich regarding trade out land and mineral lease payments on them.

He also met recently with the transportation group regarding the new state wide addressing on B roads for the E911 system. Southern Utah is done. They have run into a roadblock with the

4

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DECEMBER 5, 2006

signage. The governor is working on getting funds to help pay for the cost of signing the roads.

*Commissioner Hatch*

Commissioner Hatch, Mary Huntington and Steven Barton attended UCIP Membership meeting last week at Thanksgiving Point.

He talked about the meeting with SITLA, Brad King and Mike Dmitrich regarding trade out land and mineral lease and how it will affect the special service districts and the PILT funds.

He talked about a meeting yesterday with Ray Petersen and the Road Department regarding the signs for OHV use on county roads. They hope to have the signs up before spring.

He reminded elected officials of the Senior Citizen Christmas Party at the Emery County Recreation Center on Thursday, December 7, 2006 at 6:00 pm. The county employee Christmas party is Thursday, December 14, 2006.

**(10)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(11)**

**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Ira Hatch and approved by all members present.

**ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_**

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

DECEMBER 19, 2006

Present at the meeting was Commission Chairman Ira Hatch, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**CONSIDERATION AND APPROVAL OF STANDARD COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK- 2007.**

Commissioner Hatch indicated that the agreement with USU Extension Service for 2007 has a change in that the amount budgeted for travel has been increased to allow for the extension personnel to use their own vehicles. The agreement is for a budgeted amount of \$58,900.00. Commissioner Gary Kofford made a motion to approve a standard cooperative agreement for Utah State University Extension Educational Work for 2007. Commissioner Ira Hatch stepped down to second the motion as Commissioner Sitterud had left the room momentarily. The motion was approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR RANDALL ARNOLD.**

The Emery County Board of Commissioners received an ambulance write-off request from Randolph Arnold. After discussion on his situation, Commissioner Drew Sitterud made a motion to abate \$2,137.00 which is the entire amount owing on the account. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**CLAWSON TOWN REPRESENTATIVE, REQUEST FOR DONATION OF GENERATOR LOCATED AT THE OLD SHERIFF'S OFFICE FOR THE TOWN'S EMERGENCY MANAGEMENT PLAN.**

Clawson Town Mayor, Carey Bloomer came before the Board of Commissioners to request a donation to the town of Clawson of a generator, no longer in use, from the old sheriff's office. Commissioner Hatch indicated that the county does have a need for the generator and that if that situation ever changes the county will contact them for consideration at another time. Mayor Bloomer asked about current EMT training classes on behalf of a citizen of Clawson. Sheriff Guymon said they should call Martin Wilson.

(4)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following Personnel action:

**A. Approval to begin recruitment for two part time sales clerks for the Museum of the San Rafael.**

Commissioner Sitterud and Janet Petersen requested approval to start the recruitment process for two part time sales clerks at the museum at Grade 4A, \$8.12 per hour, with no benefits.

Commissioner Gary Kofford made a motion to begin recruitment for two part time sales clerks for the Museum of the San Rafael as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**B. Approval to begin recruitment for part time maintenance/grounds keeper for the Museum of the San Rafael.**

Willard Young is resigning effective December 31, 2006. Commissioner Sitterud and Janet Petersen requested approval to start the recruitment process for a part time custodian/Maintenance position at the museum, Grade 4A, \$8.12 per hour, with no benefits.

Commissioner Gary Kofford made a motion to begin recruitment for a part time maintenance/grounds keeper for the Museum of the San Rafael as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**C. Approval to hire Adam Wayman as full time Solid Waste Technician.**

Four applicants were interviewed for the position of Solid Waste Technician. Morris Sorensen requested approval to hire Adam Wayman. Adam would be a full time employee with benefits grade 12 entry \$11.00 per hour.

Commissioner Gary Kofford made a motion to approve the hiring of Adam Wayman as full time Solid Waste Technician as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING EMERY COUNTY RESOLUTION No. 4-06-99A PROVIDING FOR THE DISBURSEMENT OF MINERAL LEASE FUNDS TO THE SPECIAL SERVICE DISTRICTS IN EMERY COUNTY.**

Resolution No. 4-6-99A provides for the distribution of mineral lease funds that come into the county's special service districts. Commissioner Hatch pointed out that mineral lease funds for



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various identified purposes within the special district that receive them. PILT funds remain in the county general fund. The distribution of the mineral lease funds is adjusted periodically to accommodate the needs of the various districts now existing in the county. Commissioner Hatch proposed an amendment to Resolution 4-06-99A amending the distribution amount of these mineral lease funds be as follows:

Emery County Special Service District No.1	40%
Castle Valley Special Service District	13%
Emery County Recreation Special Service District	8%
Emery County Fire Protection Special Service District	8%
North Emery Water Users Special Service District	2%
Municipal Building Authority of Emery County	29%

Commissioner Drew Sitterud made a motion to approve Resolution 12-19-06A amending Resolution 4-06-99A providing for the distribution of mineral lease funds to the special service districts in Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF AGREEMENT WITH EMERY COUNTY SPECIAL SERVICE DISTRICT #1 FOR SNOW REMOVAL EQUIPMENT.**

Commissioner Hatch explained that one of the specified uses of Special Service District #1 is for snow removal. The Emery County Road Department requested assistance from SSD# in acquiring an additional snow plow and sander. Emery County Special Service District # 1 has purchased the equipment and now, through an inter-local agreement, the equipment needs to be turned back over to the county to maintain. Commissioner Gary Kofford made a motion to accept an agreement with Emery County Special Service District #1 for snow plow equipment. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN UTAH STATE HISTORY AND EMERY COUNTY ARCHIVES TO CREATE A DATABASE OF THE LOCAL CEMETERIES.**

Emery County Archives Director, Dottie Grimes explained that the county applied for a grant through the State History Humanity for the purpose of putting local county cemeteries on line. There are three cemeteries that need to have research work done on them. These three cemeteries are: Lawrence Cemetery, Desert Lake Cemetery and Victor Cemetery. The contract amount is \$6,000.00 with matching in-kind volunteers from the county. Commissioner Drew Sitterud made a motion to approve a contract between Utah State History and Emery County for

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\$6,000.00 to create a database of local cemeteries in Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Dottie also informed the Commissioners of a grant for oral history of the San Rafael. She is looking for interested cattlemen, sheep herders, miners, etc. that know about the cultural history of the San Rafael. When she has received the documentation on this grant she will return to the Commissioners with more details and approval.

**(8)****CONSIDERATION AND APPROVAL OF 2007 HOLIDAY SCHEDULE.**

Commissioner Drew Sitterud made a motion to approve the 2007 holiday schedule as follows:

New Year's Day 2007	Monday	01-01-07
Human Rights Day	Monday	01-15-07
President's Day	Monday	02-19-07
Memorial Day	Monday	05-28-07
4 <sup>TH</sup> Of July	Wednesday	07-04-07
Pioneer Day	Tuesday	07-24-07
Labor Day	Monday	09-03-07
Columbus Day	Monday	10-08-07
Veterans Day	Monday	11-12-07
Thanksgiving	Thursday	11-22-07
Break	Friday	11-23-07
Christmas	Monday	12-24-07 (1/2 day)
Christmas	Tuesday	12-25-07

The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)****CONSIDERATION AND APPROVAL OF 2007 COMMISSION MEETING SCHEDULE.**

Commissioner Gary Kofford made a motion to approve the 2007 Commission Meeting Schedule as follows:

January 2, 2007	9:00 a.m.
January 16, 2007	9:00 a.m.
February 6, 2007	9:00 a.m.
February 20, 2007	9:00 a.m.
March 6, 2007	9:00 a.m.

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March 20, 2007	9:00 a.m.
April 3, 2007	9:00 a.m.
April 17, 2007	9:00 a.m.
May 1, 2007	9:00 a.m.
May 15, 2007	9:00 a.m.
June 5, 2007	9:00 a.m.
June 19, 2007	9:00 a.m.
July 3, 2007	9:00 a.m.
July 17, 2007	9:00 a.m.
August 7, 2007	9:00 a.m.
August 21, 2007	4:00 p.m. * To follow
	Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.
September 4, 2007	9:00 a.m.
September 18, 2007	9:00 a.m.
October 2, 2007	9:00 a.m.
October 16, 2007	9:00 a.m.
November 6, 2007	9:00 a.m.
November 20, 2007	9:00 a.m.
December 4, 2007	9:00 a.m.
December 18, 2007	4:00 p.m.

The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**

**CONSIDERATION AND APPROVAL OF WORKER'S COMPENSATION CARRIER.**

Personnel Director, Mary Huntington informed the Commissioners that the county's Worker's Compensation expires on December 31, 2006. Our current carrier is UCIP. She has contacted two other carriers to obtain additional bids. These bids were as follows:

UCIP	\$ 77,765.00
ULGT	\$ 73,899.38
WCU	\$103,303.01

Based on the three bids, ULGT is the lowest bid. She indicated that all three carriers were

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comparable as far as service and the programs that they offer to our employees. If we opt into ULGT now we can lock in the rate for the next three years. If we continue to decline in loses our worker's compensation premium can go down. Commissioner Drew Sitterud made a motion to accept the bid from Utah Local Governments Trust for Emery County's Worker's Compensation carrier at \$73,899.38 and lock in the rate for the next three years. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)**

**CONSIDERATION AND APPROVAL OF MILEAGE RATE FOR 2007.**

Clerk/Auditor Brenda Dugmore indicated that currently Emery County compensates at 37.5 cents per mile for mileage reimbursement when employees use their own vehicle for county business. The IRS rate for 2007 is 48.5. Commissioner Drew Sitterud made a motion to set the reimbursable mileage rate for Emery County at 44.5 cents per mile. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Drew Sitterud made a motion to come out of the regular commission meeting and move into a scheduled public hearing to hear comments on amendments to the 2006 budget. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(12)**

**5:30 P.M. PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON AMENDMENTS TO THE 2006 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Hatch explained that the amendment allows for opening the budget to allow for unexpected revenue to the county's general fund, special revenue fund, and capital projects funds.

Darrel Leamaster discussed amendments to the 2006 budget for Castle Valley Special Service District. He explained that CVSSD asked for and got a \$250,000.00 supplemental grant. This up the cost of the capital projects. All of the projects have been completed except for curb and gutter. They have an increase in appropriated fund balance to carry over into 2007. Their chip seal project came in over budget so they had to make an adjustment there.

Commissioner Gary Kofford made a motion to come out of the public hearing and return to the regular commission meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Gary Kofford made a motion to recess the meeting until 6:00 p.m. for the next

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scheduled Public Hearing. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

At 6:00 p.m. Commissioner Drew Sitterud made a motion to move into a Public Hearing to receive comment on the FY 2007 budgets as noticed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**6: 00 P.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON THE 2007 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, INCLUDING THE PROPOSED TAX INCREASE OF \$100,000.00 TO PAY FOR OPERATION AND MAINTENANCE OF THE SWIMMING POOL AND A 4% COST OF LIVING INCREASE FOR ELECTED OFFICIALS.**

Clerk/Auditor Brenda Dugmore presented those in attendance with a copy of the proposed FY 2007 budgets for the various funds.

Darrell Leamaster presented those in attendance with copies of the proposed Castle Valley Special Service Districts three budgets. He reviewed the Debt Service budget which was \$1,195,000.00, Capital Projects Funds which was \$2,680,100.00 and General Fund Budget which was \$2,461,500.00.

Commissioner Hatch indicated that the proposed budget includes a two step or 4% increase for all employees depending on the status of the employee. The county will continue to pay 100% of employees medical insurance premium. There was no increase on insurance this year. The meeting was opened up to the public for comment.

Sharon Earl directed questions as to the number of county employees there are. She asked about the \$5,000,000.00 CIB approved funds for the swimming pool. She asked questions regarding budgeted line items.

Bevan Wilson asked if the county would consider budgeting funds somewhere in the budget to complete the data collection on the Lawrence Cemetery. Research was done years ago but never completed. He asked that the county look at creating a committee to come up with a plan to do the data search and GPS mapping of the cemetery.

Commissioner Hatch indicated that the Commission has looked into doing the data search in the past. Lawrence Cemetery is county owned and in the past when the county has looked into adding additional space to the cemetery we have not been met receptively by those adjoining property owners. He hoped that by getting local involvement during the planning process and public process things may improve. He recommended reinstating the planning committee to set

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up a plan for the Lawrence Cemetery and set a fee for opening graves and set up a revenue and expenditure line item from dues and contributions for this purpose.

Kelly Alton, Assistant Principal at Emery County High School addressed the Commission as a member of the safety plan committee for the school. He commended the Sheriff's Deputies and Home Land Security Department of the Emery County Sheriff's Department for their part in helping to prepare students in the event of a school invasion. Many times these deputies come in on their off duty hours. He asked that the county consider some kind of compensation for the deputies who perform over and above what is asked of them. He asked if the Commission or the Sheriff's Department could look into grants to help fund a compensation program for deputies who respond to the needs of the schools on their off duty hours.

Sharon Earl asked questions regarding the collection of the \$100,000.00 for the operation and maintenance of the swimming pool.

As there were no more comments Commissioner Drew Sitterud made a motion to come out of the public hearing and return to the regular commission meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF AMENDMENTS TO FY2006 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Drew Sitterud made a motion to approve Resolution 12-1906 B which amends the FY 2006 budget for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds, and Resolution 12-19-06C which amends the FY 2006 budget for the Castle Valley Special Service District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF FY 2007 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS**

**FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT,  
INCLUDING THE PROPOSED TAX INCREASE OF \$100,000.00 TO PAY FOR  
OPERATION AND MAINTENANCE OF THE SWIMMING POOL AND A 4% COST  
OF LIVING INCREASE FOR ELECTED OFFICIALS.**

Commissioner Gary Kofford made a motion to approve Resolution 12-19-06 D approving the FY 2007 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds including the proposed tax increase of \$100,000.00 to pay for operation and maintenance of the swimming pool and a 4% cost of living increase for elected officials, and Resolution 12-19-06E approving the FY 2007 budget for Castle Valley Special Service District. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(16)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH AND  
EMERY COUNTY FOR CADASTRAL MAP FUNDING.**

Commissioner Sitterud explained that this is a State Information Technology grant that the county applies for each year to do corner monumentation in the county. Historically we have been getting about \$10,000.00 to \$20,000.00. The last couple of years there have been several counties who have applied for the funds but have not used them. The funds have been just sitting there unused. The state approached the counties that have used the funds and told them that if they can use the funds appropriated to them by the end of the year they may be granted another grant. We applied for the grant received the grant and got the work done. However, we have not received the contract from the state. The contract has to be signed by the end of the year. It has been mailed, but because of the holiday mail we have not received it. Commissioner Sitterud made a motion to approve the signing of the contract with the state for cadastral mapping upon the approval of Attorney Blackwell. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)

**CITIZEN CONCERNS**

Commissioner Gary Kofford presented a plaque to Commissioner Ira Hatch on behalf of the citizens of Emery County in recognition to his eight years of service to the people of Emery County.

Commissioner Hatch expressed his appreciation and thanks to all that he has had the privilege and honor to work with and serve over the last eight years.

Randall Stilson thanked all of the elected officials who have served and continue to serve on

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behalf of the citizens of Emery County.

Commissioner Hatch informed everyone of the swearing in ceremony of the newly elected officials that will be held on January 2, 2007 at 9:00 am. He invited any and all to attend.

Commissioner Sitterud discussed a proposed boat dock at Joe's Valley Reservoir. A boat ramp was built about two years ago but without a dock. He approached the Parks Service to see if we could possibly get a boat dock at Joe's Valley. The Parks Service has agreed to get the boat dock through a grant the same as the county used to get the boat ramp. Attorney David Blackwell has drawn up an agreement between Emery County and the Forest Service that has to be in to the Forest Service office by Friday, December 22, 2006. Commissioner Sitterud asked for approval from the Commission for the county to take charge of the grant and be administrator of the grant. The agreement provides for the Forest Service to allow us to put the dock in and the Forest Service to manage of the dock for the next twenty years. This agreement is totally contingent upon approval of the grant. Commissioner Drew Sitterud made a motion to sign an agreement with the Forest Service for the construction of a boat dock at Joe s' Valley Reservoir as provided in the agreement and to place the approval of this agreement on the January 2, 2007 Commission Meeting agenda for ratification. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(18)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims #180393 through and including #180520 for payment. Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List and additional claims for payment. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(19)**  
**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve Commissioner Meeting minutes dated December 5, 2006 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(20)**  
**COMMISSION REPORTS**

*Commissioner Sitterud*



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Commissioner Sitterud spoke about the success of the county employee Christmas party. He also reported on the recent meeting with the Emery County School Board regarding the swimming pool project. The process has started to work up an agreement to establish a parking lot for the swimming pool. He talked about the proposed use of the pool by the school district.

He reported on recent CIB activity. Emery County ended up this year with the largest amount of funds grant in grants and loans for county projects.

*Commissioner Kofford*

Commissioner Kofford expressed his appreciation to all those who helped with the Senior Citizen dinner.

He reported on attendance at UDOT training sessions. He also attended a Public Lands meeting in Richfield.

**(21)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**  
**REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(22)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JANUARY 2, 2007

Present at the meeting was Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPOINTMENT OF CHAIRMAN FOR 2007.**

Commissioner Gary Kofford made a motion to appoint Drew Sitterud as Commission Chairman for 2007. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(2)**  
**CONSIDERATION AND APPROVAL OF 2007 COMMISSION RESPONSIBILITIES.**

Commissioner Gary Kofford made a motion to approve the 2007 Commissioner's responsibilities as follows:

<u>Jeff Horrocks</u>	<u>Gary Kofford</u>	<u>Drew Sitterud</u>
Ambulance/EMT	Airport	AOG
Animal Control	County Facilities	Canyon Country
Assessor	ECSSD#1	Chamber of Commerce
Attorney	Landfill	Clerk/Auditor
BLM	Library	COG
Fire District	MBA	DWR
Homeland Security	Mental Health	Economic Dev.
Justice Court	Planning/Zonning	Historical Preserv.
MBA	Public Health	Housing Authority
Museum	Public Lands	IT/GIS
Public Lands	Road Department	Personnel
Sheriff	Senior Citizens	Public Lands
Travel Council	Treasurer	RC&D
Weed/Mosquito	USFS	Recreation/Fair
Work Force Services	Wildland Fire	Recorder/Archives
	Public Lands	TV/Communications
		Nursing Home
		MBA

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The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #180737 through and including #180753 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
01-07	Xerox Copier Treasurer		Approved
02-07	Heavy Duty Shredder Courthouse	\$1,855.00	Approved
03-07	Fax/copy/scan WCP2636 Sheriff	\$12,400.00	Appro ved

One disposition was presented for an executive chair #160-3005.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington indicated that there was nothing to present at this time.

(5)

**APPOINTMENT OF VERNELL ROWLEY AND BERNICE PAYNE TO THE HISTORIC PRESERVATION COMMISSION.**

Commissioner Gary Kofford made a motion to appoint Vernell Rowley and Bernice Payne to the

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Historic Preservation Commission. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF ORAL HISTORY GRANT AGREEMENT.**

In the December 19, 2006 Commission Meeting, Emery County Archives Director, Dottie Grimes discussed application for a grant from the Utah Humanities Council Utah Division of State History in the amount of \$3,000.00 for an oral history project, the Cultural History of the San Rafael. The agreement provides for a \$3,000.00 in-kind match from Emery County for a total project cost of \$6,000.00. The agreement has been reviewed by Attorney, David Blackwell. Commissioner Gary Kofford made a motion to approve the oral history grant agreement with the Utah Humanities Council Utah Division of State History for an oral history project. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL BETWEEN EMERY COUNTY AND FORESTRY SERVICE FOR MAINTENANCE ON JOE'S VALLEY BOAT RAMP.**

In the December 19, 2006 Commission Meeting Commissioner Sitterud discussed an agreement between Emery County and the US Forest Service for the enhancement of the boating facilities at Joe's Valley Reservoir. The agreement provides for Emery County to be the administrator of the grant and the Forest Service to manage the boat ramp. The grant application had to be handed in by December 22, 2006. It is mutually agreed and understood by and between both parties that the agreement is contingent upon the acceptance of a federal aid grant established for the project and approved by the United States Fish and Wildlife Service. Therefore, the agreement needed to be signed to meet the submission deadline. Commissioner Drew Sitterud made a motion to approve a cooperative agreement between USDA Forest Service, Manti-La Sal National Forest and Emery County for the enhancement of boating facilities at Joe's Valley Reservoir. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dates December 19, 2006 as corrected. Commissioner Drew Sitterud stepped down to second the motion. The motion was approved by all members present.

4

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JANUARY 2, 2007

(9)

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks expressed his appreciation to the voters and stated that he looks forward to working with everyone.

(10)

**CITIZEN CONCERNS**

James Davis, Editor of a new to the county newspaper the “Emery County Review” presented the Commissioners with a copy of the first issue and asked for their support.

(11)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

(12)

**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 16, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DERRIS JONES, DWR, QUARTERLY UPDATE AND PRESENTATION OF PILT PAYMENT.**

Derris Jones, DWR, presented a quarterly update of DWR activity as follows:

- Post season deer classification looks good. They estimate approximately fifteen does per 100 bucks. Last year the division recommended returning to a nine day hunt. However, hunters recommended staying with a five day hunt until deer have had a chance to recover. The division conducted a fly over on the south end of the Manti to count elk and found the count to be good in spite of the recent storms. Commissioner Sitterud asked that the division of the need to include cattlemen in their flights. The division is participating in sheep captures. Fifteen have been taken to Dirty Devil. They are currently working in the Escalante area.
- Mr. Jones reported that UPCD will be meeting in Green River to discuss the habitat initiative money and to rank the project that they will be working for this year.
- Legislation is being introduced to increase fees. If the fees are not increased they will be looking at a 3 million dollar deficit which means programs and personnel will have to be cut. The fee increase would affect those applying for big game permits. They are also proposing the \$5.00 application fee per hunt be increased to \$10.00 per hunt.
- Mr. Jones presented the Commission with a check for \$2,751.30. He explained that the check is representative of the payment- in- lieu taxes from hunters and anglers.

(2)  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #180859 through and including #180994 for payment.

Requisitions were presented for the following:

<b><u>REQUISITION</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>	<b><u>APPROVAL</u></b>
04-06	Installation-overhead door Ambulance Garage	926.00	Approved
05-06	(9) Tasers Sheriff	7,199.55	Approved
06-06	2007 Chevy Trailblazer Public Lands	22,758.63	Approved
07-06	2007 Dodge Durango Planning/Zoning	22,357.00	Approved
08-06	Capital Replacement Computers IT for various departments	26,235.69	Approved

Dispositions were presented for #146-7386, a printer/copier/scanner from the Assessor's office and #621-7531, a printer/copier/scanner from the Weed/Mosquito department.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)  
**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Approval to move Jennifer Jensen into the dispatch position.  
The in-house job posting for a Dispatcher closed on December 19, 2006. There was only one employee who applied, Jennifer Jensen. Sheriff Guymon requested approval to move Jennifer Jensen into the Dispatch position. Commissioner Gary Kofford made a motion to approve moving Jennifer Jensen into the Dispatch position. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

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B. Approval to start recruitment for a full time cook for the corrections facility.

It was approved in the 2007 budget to hire a full time cook at the corrections facility. Sheriff Guymon requested approval to start the recruitment process for this full time position. Commissioner Jeff Horrocks made a motion to start the process of recruiting a full time cook at the corrections facility as approved in the 2007 budget. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

C. Approval of .30 per hour matron pay for the two correction secretaries.

When Lee Ann Scoggins and Tosha Huntington left or was promoted from Corrections Secretary their replacements did not receive the .30 cent per hour matron pay. Therefore, Sheriff Guymon requested this be adjusted and Jennifer Jensen and Nicole Deabenderfer begin receiving the .30 cents per hour matron pay. If approved this would become effective on January 29, 2007. Commissioner Jeff Horrocks made a motion to approve the .30 per hour matron pay for Jennifer Jensen and Nichole Deabenderfer as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

D. Approval of one step increase (6 month orientation period) for Devin Seely.

Sheriff Guymon requested a one step increase for Devin Seely. Devin has successfully completed her six month orientation period. She would move from 10A at \$10.88 per hour to 10B at \$11.12 per hour. If approved this would be effective February 5, 2007. Commissioner Gary Kofford made a motion to approve a one step increase for Devin Seely as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF MEMORANDUM OF AGREEMENT  
BETWEEN EMERY COUNTY AND ROBERT K. WEIDNER AS ITS GOVERNMENT  
RELATIONS ADVISOR.**

A memorandum of agreement between Emery County and Robert K. Weidner was presented for approval. Mr. Weidner is a government relations advisor who has contracted with Emery County for several years. The agreement is for \$15,000.00 or \$250.00 per hour. Commissioner Gary Kofford made a motion to approve the agreement with Robert K. Weidner as Emery County's government relations advisor. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(5)

**REQUEST FROM ZIONS BANK FOR LIST OF EMPLOYEE ADDRESSES TO SEND**



**INFORMATION ON THE AFFINITY BANKING PROGRAM.**

The Commissioners indicated that they had a problem with having Emery County's logo and letterhead on the Zions Bank web page. Steve Barton suggested that the county should let other institutions have the same advantage. Commissioner Gary Kofford made a motion to approve giving the list of employee names out to Zions Bank but to ask them to remove Emery County's letterhead from their website and instructed Steve Barton to contact other banking institutions of the option to obtain a County employee list. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(6)**  
**CITIZEN CONCERNS**

Bill Dellos asked for an update of the swimming pool project. Commissioner Gary Kofford reported that on the 24<sup>th</sup> of January he will be meeting with the architect and other interested citizens to go over the plans. He talked about plans to hire a general contractor which will allow the use of local contractors on the project. Bids for the general contractor will, hopefully, go out in April.

Mike McCandless, representing the Emery County Travel Council informed the Commission of the Travel Council's desire to increase the transient room tax. He will make the request, formally, to the Commissioners in a future Commission Meeting and request public hearings be set to hear comment from the public.

**(7)**  
**RATIFICATION OF UTAH EMERGENCY MEDICAL SERVICES GRANTS PROGRAM FY2008 APPLICATION/GRANT.**

Commissioner Gary Kofford made a motion to approve the signing of Utah Emergency Medical Services Grants Program FY2008 application in the amount of \$37,000.00. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(8)**  
**RATIFICATION OF SIGNING OF STIPULATION TO AMEND ORDER ON THE MATTER OF LILA CANYON EXTENSION.**

COMMISSION MEETING MINUTES  
JANUARY 16, 2007

Public Lands Director Ray Petersen explained that this is a complex issue. By stipulation to amend order executed on January 17, 2006 by UtahAmerican Energy, Inc. (UEI), SUWA and Emery County, and on January 18, 2006 by DOGM, the parties to the informal conference agreed that the December 2, 2005 order could be amended to allow the Division additional time to make its final decision on UEI's permit application as necessary to complete the tribal consultations and determinations required by the National Historic Preservation Act.

By letter dated November 21, 2006, UEI requested the Division to issue the mine permit and allow the US Department of the Interior to complete further tribal consultation, if any, as the Secretary of DOI may determine. By letter dated November 22, 2006, UEI withdrew its stipulation to amend order and requested the Division to perform its mandatory duty under Utah law to issue findings on the pending application within sixty days. The amendment dated January 19, 2006 is amended to provide that DOGM will review UEI's application for permit in this matter. Commissioner Gary Kofford made a motion to ratify his signature on the stipulation to amend order on the matter of Lila Canyon extension. Th motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(9)**

**APPOINTMENTS TO THE PUBLIC LANDS COUNCIL.**

Commissioner Jeff Horrocks made a motion to approve Richard Beardall, Randal Stilson, James Gilson, and Gary Petty to the Public Lands Council. Commissioner Gary Kofford amended the motion and added Jeff Horrocks to the list replacing Ira Hatch. He then seconded the motion and the motion was approved by all members present.

**(10)**

**CONSIDERATION AND APPROVAL OF RESOLUTION TO OBTAIN LAND FROM BLM FOR EXPANSION OF LANDFILL AND SHOOTING RANGE.**

Commissioner Kofford explained that the Emery County Landfill needs to be expanded. Purchasing land from the BLM will extend the life of the Landfill by forty years. As part of the application process to purchase the land, the Emery County Commission needs to, by resolution, request to purchase the land and provide to the BLM a copy of the landfill's management plan. As part of the land purchase request, the Commission will also request land to the west of the landfill for expansion of the gun range which currently has bunkers that straddle BLM property. Attorney David Blackwell drafted a Resolution to obtain land from the BLM for expansion of the landfill and shooting range for consideration by the Commissioners. Commissioner Gary Kofford made a motion to approve Resolution 01-16-07, a resolution to obtain land from BLM for the landfill and shooting range. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR GERALDINE SANDERS.**

Commissioner Sitterud asked to table this to obtain more information.

(12)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Jeff Horrocks made a motion to approve the Commission Meeting minutes dated January 2, 2007 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**COMMISSION REPORTS***Commissioner Kofford*

Commissioner Kofford reported on the courthouse roofing project. A new heating system for the Museum of the San Rafael is near completion. There will be a UDOT meeting on the 23<sup>rd</sup> of January in Richfield where they will review the South Moore Cut-Off Road Project. He reviewed the process in getting the earmarked funding for the next two phases of the project. He also reported on another problem at the Museum of the San Rafael regarding fuel lines for the heating units.

*Commissioner Horrocks*

Commissioner Horrocks reported on a problem at the Museum of the San Rafael regarding the need for a humidifier. In order for the museum to receive exhibits on loan from the state and other entities the humidifier must be functioning. He will look into what it will take to get the humidifier in working order.

*Commissioner Sitterud*

Commissioner Sitterud reported he and the extraction committee recently met with county legislator representative Brad King. Mineral lease funds were discussed and the fight to keep a bill from going through that would take mineral lease funds from the producing counties. The committee will oppose any bill that recommends opening up mineral lease funds.

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*Other Reports*

Commissioner Horrocks and Commissioner Kofford went to Green River City Council meeting recently to talk about the proposed Senior Citizen Center. The council went on record in support of constructing a new senior center wherever the county decides to put it as long as the county agrees to tear down the existing senior citizen building.

Sheriff Guymon discussed a meeting he had with Green River City Mayor and the State Corp of Engineers regarding the dikes in Green River. He talked about the past problems with flooding and the maintenance of the dikes. Green River City is still trying to get a handle on this problem and says that it is a County problem.

Commissioner Jeff Horrocks made a motion to move into an executive session to discuss attorney/client communications regarding litigation matters. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at an Executive Session was Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Pending litigation matters were discussed.

Commissioner Gary Kofford made a motion to come out of executive session. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Jeff Horrocks made a motion to return to the regular commission meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

8  
COMMISSION MEETING MINUTES  
JANUARY 16, 2007

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

FEBRUARY 5, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Sheriff LaMar Guymon, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #181218 through and including #181368 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
09-07	Polaris 6X6 Weed/Mosquito	\$10,224.00	Approved
10-07	2007 Dodge 3/4 ton diesel Highway	25,422.00	Approved
11-07	Taser Sheriff	804.95	Approval
12-07	Custom Built Cabinets Homeland Security/SO	1,500.00	Approval
13-07	(3) Defibrillators Ambulance	7,499.25	Approved
14-07	Dispatch Voice Logging Recorder (2) Digital Loggers/Modular Units Server for Module Sheriff's Office/Dispatch	13,675.40	Approved
15-07	Generator for Cedar Mtn Television	6,890.00	Approved

COMMISSION MEETING MINUTES  
FEBRUARY 6, 2007

16-07	(2) FM Translators (2) Isolators for translators Television	8,676.00	Approved
17-07	(2) Printers 4250 Capital Replacements	3,284.00	Approved

Dispositions were presented for: 7283, Xerox Copier from Treasurer's Office, 1420, Chair from Weed/Mosquito, 3825, Calculator, 5702, Adding Machine, 1171, Pencil Sharper, 7391, Calculator, 5703, Adding Machine and a Okidata Fax Machine, all from the Assessor's Office

Motion to approve payment of the Warrant Check Edit List, additional claims and the requisitions and dispositions as presented was made by Commissioner Gary Kofford, Seconded by Commissioner Jeff Horrocks and approved by all members present.

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**SETTING OF PUBLIC HEARING TO INCREASE TRANSIENT ROOM TAX RATE.**

Commissioner Gary Kofford made a motion to set a Public Hearing for March 6, 2007 at 10:00 am to receive public comment on a proposed rate increase for Transient Room Tax and to have Attorney David Blackwell draft an ordinance for a proposed rate increase from 3% to 4.25 % for review by the public before the public hearing. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

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Sheriff LaMar Guymon explained that the Federal Annual Certification will allow the Sheriff's Department to apply for and receive federal funds as a result of seizure and or forfeiture of assets.

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Commissioner Gary Kofford made a motion to re-appoint Craig Johansen and Earl Fillmore and appoint Roger Barton to replace Kash Winn on the Emery Water Conservancy District Board. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

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**DISCUSSION OF DISPOSITION OF SURPLUS SCALE AT ROAD SHOP**

The Board of Commissioners discussed prior attempts to try and sell the surplus scales from the Road Department. The scales were a part of the building when it was acquired from UPL. It is a small scale with a 6x8 foot deck. It will require a concrete base which will cost approximately \$3,000.00 to set up. Clyde Magnuson has approached Morris Sorensen about acquiring the scales to have available, at no fee, for stockmen to weigh stock before taking to market. It was Commissioner Kofford's recommendation to give the scales to Clyde Magnuson with the stipulation that he not charge a fee to citizens for the use of the scale. After much discussion on this matter Commissioner Jeff Horrocks made a motion to put the scale in the upcoming county surplus property auction. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

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COMMISSION MEETING MINUTES  
FEBRUARY 6, 2007

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They discussed sending the vehicles to the Sheriff's Department for cleaning and preparation for the sale and then to transport to the Road Department for the sale. The keys are to be sent to the Clerk/Auditor's office to be put with the title and made ready for the auction. Commissioner Jeff Horrocks made a motion to send the vehicles to the Sheriff's Department for preparation, then transported to the Road Department yard and the keys delivered to the Clerk/Auditor's office. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

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**CONSIDERATION AND APPROVAL OF CELL PHONE REIMBURSEMENT FOR COMMISSIONER JEFF HORROCKS.**

Commissioner Gary Kofford made a motion to approve a cell phone reimbursement in the amount of \$45.00 a month for Commissioner Horrocks for the use of his cell phone for county business. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

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**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN PRICE CITY AND EMERY COUNTY FOR CENTRAL UTAH BUSINESS EXPANSION AND RETENTION PROGRAM.**

Price City is the fiscal agent for an EDA grant in which Emery County participates. Attorney David Blackwell explained that this agreement protects all parties and protects Price City from being left holding the bag on the program. Price City is the pass through for the program. Emery County's participation last year about \$1,300.00. Commissioner Gary Kofford made a motion to approve an agreement between Price City and Emery County for Central Utah Business Expansion and Retention Program. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

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Sheriff Guymon relayed a concern regarding a rumor that a gypsum mine on the wedge was about to start up.

(16)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Consideration and approval of progressive routine step increase for Gaylene Cox. Morris Sorensen requested a routine progressive step increase for Gaylene Cox from 5C at \$8.87 per hour to 6C at \$9.23 per hour. If approved this would become effective February 12, 2007. Commissioner Jeff Horrocks made a motion to approve a routine progressive step increase for Gaylene Cox as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

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COMMISSION MEETING MINUTES  
FEBRUARY 6, 2007

increase will put Gaylene at the working level. Commissioner Gary Kofford made a motion to approve a routine progressive step increase for Gaylene Conder as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

C. Consideration and approval of updated EEO plan.

Commissioner Jeff Horrocks made a motion to approve the updated EEO plan for Emery County as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

D. Approval to hire Kimball Larsen as part-time maintenance/grounds keeper at the museum.

Interviews were held for a part-time maintenance /grounds keeper at the Museum of the San Rafael. Jan Petersen requested to hire Kimball Larsen as the maintenance/grounds keeper. If approved this would be at Grade 4D at \$8.66 per hour. Ann Larsen would assume the duties at the Sheriff's Department. Commissioner Gary Kofford made a motion to approve hiring Kimball Larsen as part-time maintenance/grounds keeper at the Museum of the San Rafael as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

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Interviews were held for sales clerks at the Museum of the San Rafael. Jan Petersen requested to hire Doris Lamb and Zora Fielder as part-time sales clerks at the museum. If approved this would be at Grade 4A at \$8.12 per hour. Commissioner Jeff Horrocks made a motion to hire Doris Lamb and Zora Fielder as part-time sales clerks at the Museum of the San Rafael. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

F. Approval to hire Kristin Robertson as a part-time Justice Court clerk in Green River. Interviews were held for a part-time Justice Court clerk in Green River. If approved this would be a six hour a week position at Grade 4A \$8.12 per hour. Commissioner Gary Kofford made a motion to approve hiring Kristin Robertson as a part-time (six hours a week) Justice Court clerk in Green River as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(17)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to approve the meeting minutes dated January 16, 2007 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(18)****COMMISSION REPORTS***Commissioner Horrocks*

Commissioner Horrocks reported on a leaking problem at the Museum of the San Rafael. Currently the humidifier is being worked on at the museum. He recently attended a newly elected officials seminar.

*Commissioner Kofford*

Commissioner Kofford reported on the recent completion of courthouse roofing project. He talked about a replacement of a fuel line at the museum. The sizing was not adequate for the new gas heaters. He reported on upcoming UBAN and UAC meetings.

*Commissioner Sitterud*

Commissioner Sitterud reported on recent talks with State Parks who is putting together an ad campaign for Emery County. They will run radio spots with FM100 and KSL as well as a screen ad at the Gateway Theaters in Salt Lake City. He reported on planned projects such as tag sport fishing at Millsite Reservoir, a Bass fishing contest and a wake board contest at Huntington Lake. He talked about the Iron Man Competition that Emery County was successful in bidding for in 2008 to be held at Huntington Lake. Sheriff Guymon is working on the route for the Iron Man Competition. He talked about the Miss Emery Pageant. Jerilyn Spears will be the director of the pageant this year. Miss Emery Pageant will be July 14, 2007 with the Rodeo on the 26, 27, and 28 of July. The Emery County Fair will be the week of July 30 through August 4<sup>th</sup>. He reported that all the offices in the courthouse have a copy of the plan for the swimming pool. He asked for comments from everyone. He along with the other commissioners and the pool committee will be meeting on the site of the swimming pool with the architect today at 3:30 and invited anyone who would like to attend. They hope to get a general contractor on line by April. The Recreation District is planning a drawing for the first people to get to use the swimming pool. The first couple of days of the opening of the pool will be free, after that everyone will pay to use it. He talked about the lands trade out bill currently before the House.

Commissioner Gary Kofford made a motion to move into an executive session to discuss attorney/client litigation issues. Motion to approve was made by Commissioner Jeff Horrocks and approved by all members present.

**(19)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at an executive session was Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Personnel Director Mary Huntington, and Deputy Clerk/Auditor Carol Cox.

Commissioner Jeff Horrocks made a motion to come out of Executive Session and return to the regular Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(20)**  
**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER \_\_\_\_\_

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

FEBRUARY 6, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Sheriff LaMar Guymon, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

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<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
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COMMISSION MEETING MINUTES  
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Commissioner Horrocks reported on a leaking problem at the Museum of the San Rafael. Currently the humidifier is being worked on at the museum. He recently attended a newly elected officials seminar.

*Commissioner Kofford*

Commissioner Kofford reported on the recent completion of courthouse roofing project. He talked about a replacement of a fuel line at the museum. The sizing was not adequate for the new gas heaters. He reported on upcoming UBAN and UAC meetings.

*Commissioner Sitterud*

Commissioner Sitterud reported on recent talks with State Parks who is putting together an ad campaign for Emery County. They will run radio spots with FM100 and KSL as well as a screen ad at the Gateway Theaters in Salt Lake City. He reported on planned projects such as tag sport fishing at Millsite Reservoir, a Bass fishing contest and a wake board contest at Huntington Lake. He talked about the Iron Man Competition that Emery County was successful in bidding for in 2008 to be held at Huntington Lake. Sheriff Guymon is working on the route for the Iron Man Competition. He talked about the Miss Emery Pageant. Jerilyn Spears will be the director of the pageant this year. Miss Emery Pageant will be July 14, 2007 with the Rodeo on the 26, 27, and 28 of July. The Emery County Fair will be the week of July 30 through August 4<sup>th</sup>. He reported that all the offices in the courthouse have a copy of the plan for the swimming pool. He asked for comments from everyone. He along with the other commissioners and the pool committee will be meeting on the site of the swimming pool with the architect today at 3:30 and invited anyone who would like to attend. They hope to get a general contractor on line by April. The Recreation District is planning a drawing for the first people to get to use the swimming pool. The first couple of days of the opening of the pool will be free, after that everyone will pay to use it. He talked about the lands trade out bill currently before the House.

Commissioner Gary Kofford made a motion to move into an executive session to discuss attorney/client litigation issues. Motion to approve was made by Commissioner Jeff Horrocks and approved by all members present.

**(19)**

COMMISSION MEETING MINUTES  
FEBRUARY 6, 2007

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at an executive session was Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Personnel Director Mary Huntington, Mike McCandless and Deputy Clerk/Auditor Carol Cox.

Commissioner Jeff Horrocks made a motion to come out of Executive Session and return to the regular Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(20)**  
**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER \_\_\_\_\_

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

FEBRUARY 20, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #181526 through and including #181649 for payment.

One requisition was presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
18-07	Home Delivery Meal Truck Senior Citizens	31,881.00	Approved

Dispositions were presented for the following:

#142-6987 a passport camera from the Clerk/Auditor's office, #620-7881 an electronic organizer, Palm M51 from Economic Development.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisition and dispositions. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(2)

**ROGER BANKERT, BLM, QUARTERLY UPDATE**

Roger Bankert, BLM provided the following update of BLM activity:

\* The BLM Resource Management Plan is moving forward. They are working toward completion by June 2008.



\* Cleveland Lloyd Dinosaur Quarry re-dedication or open house was to be in October 2007 has been re-scheduled for April 28, 2007.

\* BLM Law Enforcement contract with the county *may be* canceled for next year due to lack of funding.

\* Since Mr. Bankert has been with the Price office of BLM he has been working on mostly new issues. However, an old issue he is working on is the placement of the gate at Range Creek.

\* Since the weather was nice this last weekend people were out on the desert. They experienced one trespassing incident on the Devil's Race Track. The trail was maintained and cleaned up citizens.

\* BLM RAC meeting will in Emery County on May 2. They have planned a tour of Nine Mile Canyon on the 1<sup>st</sup>.

**(3)**

**MESIA NYMAN, FOREST SERVICE, QUARTERLY UPDATE.**

Mesia Nyman, Forest Service, provided the following update of Forest Service activity:

\* They currently have six small timber sales. The harvest is approximately 7,760 hundred cubic feet.

\* She reported that they have scheduled two prescribed burns in the Pines and Presco areas. The burns are scheduled for every other year to accommodate grazing. Grazing may not be very good due to the lack of snow pack. However, they do not anticipate a reduction in grazing permits for this year. A wildlife and fuels project is planned for the Black Dragon area.

\* Regarding energy, she reported on gas wells and pipe lines.

\* Regarding recreation use, she reported on scheduled repair work on Lord's Trail and the old Dugway Trail on Ferron Creek. They are planning to construct a parking area in Huntington Canyon.

**(4)**

**ROBERT GILBERT, DWF, UPDATE OF THE SOUTHEAST REGIONAL COUNCIL.  
DISCUSSION OF APPOINTMENT OF MEMBER TO FILL VACANCY ON THIS  
COUNCIL.**

Robert Gilbert, DWF, reported on the efforts of past commissioner Ira Hatch who served on the Southeastern Regional Council for eight years. He was seeking an appointment from the Emery County Commissioners to fill the vacancy on this council. Commissioner Gary Kofford made a motion to appoint Jeff Horrocks to fill the vacancy on the Southeastern Regional Council.

Commissioner Drew Sitterud stepped down to second the motion. The motion was approved by all members present. Mr. Gilbert informed Commissioner Horrocks that the next meeting will

March 16<sup>th</sup> at 10:30 am in Moab.

(5)

**CONSIDERATION AND ADOPTION OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, ACTING IN ITS CAPACITY AS THE GOVERNING AUTHORITY OF CASTLE VALLEY SPECIAL SERVICE DISTRICT, AUTHORIZING THE ISSUANCE AND SALE OF \$1,660,000.00 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC PURPOSE BONDS OF THE DISTRICT; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND RELATED MATTERS.**

Darrell Leamaster, Castle Valley Special Service District and Alex Buxton, Zions Public Finance were present to discuss authorizing the issuance and sale of \$1,660,000.00 aggregate principal amount of general obligation public purpose bonds for the CVSSD. In 2001 voters approved a 12 million dollar bond issue for CVSSD. To date the District has used up 8.5 million dollars of the voter approved funds. The first payment for re-payment of the bond begins in January of 2009 with the final payment in 2013. The funds will be used for curb/gutter and drainage projects in all of the Emery County communities. Alex Buxton spoke about the time frame for closing the bond and related documents that were presented for signing by the Commissioners. The closing is set for March 28, 2007 at Chapman and Cutler's office in Salt Lake City. Commissioner Jeff Horrocks made a motion to adopt Resolution 02-20-07A authorizing the issuance and sale of \$1,660,000.00 aggregate principal amount of general obligation public purpose bonds for the District and authorize the signing of related documents. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$5,000,000.00 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF EMERY COUNTY; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND RELATED MATTERS.**

Alex Buxton, Zions Public Finance explained that Resolution 2-20-07B authorizes the issuance and sale of \$5,000,000.00 aggregate principal amount of general obligation bonds of Emery County. This is the voter approved \$5,000,000.00 general obligation bond for the new swimming pool. It is a 0% interest loan granted through the Community Impact Board. Payment on the bond will begin January 2009. The date for closing has not been set at this time. He recommended adopting the resolution and publish in the paper the notice of bonds to be released and work towards a closing date. Commissioner Gary Kofford made a motion to adopt

4

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February 20, 2007

Resolution 2-20-07B authorizing the issuance and sale of \$5,000,000.00 aggregate principal amount of general obligation bonds of Emery County and authorize the signing of related documents. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE FOR D.T.A. LUMBER.**

A business license application was presented for Danny and Tammy Allen DBA: D.T. A. Lumber.

Zoning Administrator Mike McCandles explained that this is a sawmill. The application has been approved by the Zoning Administrator and the Building Inspector. Commissioner Gary Kofford made a motion to approve a business license for Danny and Tammy Allen DBA: D.T.A. Lumber. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(8)

**CITIZEN CONCERNS**

Commissioner Kofford reported that the terms of two board members on the Planning and Zoning Committee have expired. Commissioner Gary Kofford made a motion to advertise for citizens interested in serving on the board of Planning and Zoning Committee. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(9)

**APPROVAL OF DONATION OF USED/REFURBISHED COUNTY COMPUTERS TO THE EMERY COUNTY FAIR BOARD.**

Commissioner Gary Kofford made a motion to approve the donation of four used and refurbished computers to the Emery County Fair Board to be used for drawings at the Fair and the Miss Emery Queen contest. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY EASEMENT  
AGREEMENT TO INSTALL RADIO TOWER.**

Economic Development Director, Mike McCandles explained that the Scenic Byway Committee has been working on a 2006 grant to put in information radio stations in several locations. They looked at putting one in Huntington Canyon, Fairview Canyon and eventually one in Scofield. Location that they found to be best in Huntington is located on Huntington City property where the old water tanks are located. The county has an existing tower there, they looked at locating it on the new tower that the county has put up. In order to keep the warranty on the radios that they have purchased, there has to be a specific amount of spacing away from the radios that are there. They have worked with Emery TelCom to install a pole to install the antennas on. This agreement is to acquire an easement from Huntington City to put the utilities to the pole. The scenic byway is not a physical entity in and of itself, so they are asking that Emery County to be the one to accept that easement from Huntington City so they can install the utilities on to the radio tower. The cost of the utilities is handled by Castle County Travel Region and Scenic By-Way, but they need a physical entity such as the county or Travel Bureau to accept the easement. David Blackwell has not had the opportunity to review the easement. His question is why is the County being asked to accept the easement? This is on Huntington City property. Mike explained that Emery County is a part of the Travel Region. He has tried to get Huntington City to accept the easement as part of their participation in the Travel Region but has not been successful. Mr. Blackwell had concern that there was no where for the county to even sign the document. Commissioner Kofford wondered why we are not utilizing the existing power source. Commissioner Kofford made a motion to have Mike McCandles go back to the Travel Region to talk to them about utilizing the existing power source with possibility of addition of tower fifty feet away from exiting tower. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF CORPORATE CREDIT APPLICATION FOR  
EMERY COUNTY LIBRARY WITH AMAZON.COM**

Commissioner Kofford explained that Jerilyn Mathis, Head Librarian requested approval of a corporate credit application for Emery County Library with Amazon.com to allow purchase of books and other materials by way of the internet. Attorney David Blackwell did not have an opportunity to review the application before the meeting. Commissioner Gary Kofford made a motion to approve the corporate credit application with Amazon.com pending review and approval from Attorney Blackwell. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)

**DISCUSSION OF SETTING A PUBLIC HEARING DATE FOR ADOPTION OF WILDLAND URBAN INTERFACE CODE ORDINANCE.**

Commissioner Gary Kofford made a motion to set March 20, 2007 at 10:00 am for a public hearing for adoption of Wildland Urban Interface Code Ordinance. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present. Mike McCandless was assigned to publish notice in the paper for two weeks prior to the public hearing.

(13)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN UDOT AND EMERY COUNTY FOR PROJECT NUMBER HPP-1612 (3) 0- RECONSTRUCT SOUTH MOORE CUT-OFF ROAD PHASE III.**

Commissioner Gary Kofford made a motion to approve of a Cooperative Agreement between UDOT and Emery County for Project Number HPP-1612 (3) 0 the Reconstruction of South Moore Cut-Off Road Phase III. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.**

Shannon Hiatt, Recreation Special Service District requested approval to waive the building permit fee for the renovation of the concession stands at the Huntington Ball Complex. He has been working on bringing the concession stand up to code. The associated fee for the inspection is \$435.04. Commissioner Gary Kofford made a motion to waive the \$435.04 building inspection fee for the Recreation Special Service District. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(15)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington was absent from the meeting. Commissioner Drew Sitterud presented the following Personnel action:

**A. Discussion and approval to move Robby Riley to Corrections.**

Sheriff Guymon requested approval to move Robby Riley, who has completed POST Certification, to Corrections. If approved Robby's wage would go from 10D, \$11.63 per hour to

12D, \$12.60 per hour. Commissioner Jeff Horrocks made a motion to approve moving Robby Riley to Corrections with the associated wage increase. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated February 6, 2007 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(17)**

**COMMISSION REPORTS.**

*Commissioner Horrocks*

Commissioner Horrocks reported that the Weed and Mosquito Department will soon begin work on noxious weed control on BLM property in Green River. The county received a grant to do this work.

*Commissioner Kofford*

Commissioner Kofford reported that Special Service District is working on obtaining a right-of-way for road re-construction work on Rilda Canyon Road in Huntington Canyon. The road goes to the mine portal where they have installed a new fan. The portal is for taking equipment in and out of the mine. No miners will be using the portal for entrance to the mine. They will be advertising for bids for construction work on March 12, 2007. He also reported on the So. Moore Cut-Off Road time frame for completion of work.

*Commissioner Sitterud*

Commissioner Sitterud reported the school district allowed the Jr. Jazz to use the Spartan Center for their final tournament. There was a good crowd that attended. He expressed his gratitude to the Emery School District for allowing the use of the center. On the 7<sup>th</sup> of February he met with others from Uintah, Carbon, Daggett, Duchesne and Utah Counties regarding addressing. All of Eastern Utah is complete with providing common names to roads that are shared in common with other counties. He reported on a meeting he attended along with Commissioner Kofford and Mike McCandless regarding the proposed \$5 million dollar refinery in Green River. If Green River City does not approve it they will move to Carbon County. He also met with the BLM RAC. The RAC is involved with an assignment to look at all fee increases by BLM and Forest on any public land.

Commissioner Jeff Horrocks made a motion to leave the regular Commission Meeting and move into an Executive Session to discuss pending litigation matters. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(18)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Those present at an executive session were Commissioner Drew Sitterud, Commission Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Economic Development/Zoning Administrator Mike McCandles, and Deputy Clerk/Auditor Carol Cox.

Commissioner Gary Kofford made a motion to come out of an Executive Session and return to the regular Commission Meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(19)**

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

MARCH 6, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

A public hearing was scheduled for 10:00 am. Commission Chairman Drew Sitterud indicated he will skip item 2 and move through the agenda until 10:00 am at which time the meeting will adjourn and move into a public hearing.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/auditor Brenda Dugmore presented the Warrant Check Edit List #181787 through and including #181913 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
19-07	7 X 12 Tandem Axle Sheriff- HLS 05	2,450.00	Approved
20-07	2003 Kenworth Tractor Highway	65,000.00	Approved

There were no dispositions.

Brenda discussed a claim to pay Canyon Fuel \$19,174.86 which is the amount of their appeal.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims and requisitions. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**RETURN TO REGULAR MEETING SCHEDULE FOLLOWING A BRIEF RECESS.**



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At 10:00 am Commissioner Jeff Horrocks made a motion to return to the regular Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to move into a public hearing to receive comment on adoption of an ordinance to increase TRT rate from 3 % to 4.5 %. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(2)

**10:00 AM, PUBLIC HEARING- To receive public comment on adoption of ordinance to increase Transient Room Tax Rate from 3% to 4.5%.**

Commission Chairman Drew Sitterud opened the meeting up for public comment.

Comments were heard as follows:

Mike McCandless: Mr. McCandless, as the Economic Development Director for Emery County and also a member of the Ferron Golf Course Committee expressed his approval for a proposed TRT rate increase. The Utah state legislature has given counties the ability to raise the TRT rate. A number of counties have already enacted the rate change. It enables flexibility to do projects that otherwise would have stipulations on them.

Jo Sansevero: Ms. Sansevero, as a member of the Ferron City Council and Chairman of the Economic Development Council expressed her support for a proposed increase in the TRT rate. She felt that the tax is imposed on those people who visit Emery County and not the citizens of Emery County. Without the tax increase we cannot have the potential to get the dollars that we need to do the projects that attract people to our area.

Neal Peacock: Mr. Peacock as Mayor of Castle Dale was in favor of the proposed TRT tax increase. He felt that it was good to have people from out of the area help to offset the cost to provide the services. He felt that this tax has very little negative impact on the citizens of Emery County and is glad that the state legislature has allowed the increase.

LaMar Guymon: Sheriff Guymon asked how much is estimated to be generated by the proposed TRT increase.

Commissioner Sitterud indicated approximately \$30,000.00 annually.

Gil Bowden: Mr. Bowden, as Mayor of Ferron City stated support for the proposed TRT rate increase. As a motel owner he cannot see any negative effect to the citizens of Emery County as the tax is imposed on those who visit. The tax rate is still below the medium of other areas.

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Jim Fauver: Mr. Fauver, as an employee of Castle Valley Ranch has no opposition to the TRT rate increase especially if funds are used to help improve Millsite Golf Course. Many of the visitors to the ranch use the golf course as part of their travel package.

LaMar Guymon: Sheriff Guymon, as member of the Emery County Travel Bureau stated that 90% of the TRT tax is generated in Green River City. The tax is here to benefit everyone. It is not a dedicated fund and should be used to improve infrastructure for improvement of an area. As a council they do what they can to be fair to everyone.

Commissioner Sitterud asked if there were anymore comments.

There were no more comments.

Motion to close the public hearing was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

Motion to return the regular Commission meeting was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

**(3)**

**CONSIDERATION AND APPROVAL OF ORDINANCE INCREASING TRANSIENT ROOM TAX RATE TO 4.25%.**

Attorney David Blackwell indicated that if the ordinance passes it will become effective on July 1, 2007 following a 90 day notice from date of passage. This will allow time to contact the motel owners of the new ordinance.

Commissioner Jeff Horrocks, in taking into consideration the comments made this day, made a motion to adopt Ordinance #030607 increasing the Transient Room Tax Rate for Emery County from 3 % to 4.5 %. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(4)**

**CITIZEN CONCERNS**

None

(5)

**CONSIDERATION AND APPROVAL OF AGREEMENT NO. 05-PA-11041000-015-CY2007 FINANCIAL AND OPERATING PLAN INVOLVED IN MANAGEMENT OF THE CCRIC.**

Economic Development Director, Mike McCandless explained that agreement #05-PA-11041000-015 CY 2007 is a partnership with Emery County, Carbon County, BLM, Forest Service, State Parks, Canyon County NA, CEU, Price City, Castle Dale City and Green River City. The agreement will help the federal agencies continue with their portion of this partnership. Basically, it pays for the staff person at the CEU Museum who intercepts visitors to the museum and directs them to where to go when they come to the area. They distribute tourism information to visitors. All the partners in the partnership help contribute to the fund to pay for this staff person. Historically, Emery County has paid for this partnership once a year. Commissioner Gary Kofford made a motion to authorize Mike McCandless as Chairman of the Travel Bureau to sign the agreement. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF CELL PHONE REIMBURSEMENT FOR DUSTIN BUTLER.**

Commissioner Jeff Horrocks made a motion to approve a cell phone reimbursement for Dusty Butler beginning with February. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**SETTING OF MAY TAX SALE.**

Clerk/Auditor Brenda Dugmore recommended setting the May Tax Sale for May 24, 2007 at 10:00 am. Commissioner Gary Kofford made a motion to set the date of May 24, 2007 at 10:00 am for the May Tax Sale. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(8)

**RATIFICATION OF AMENDMENT TO COOPERATIVE AGREEMENT HPP-1612(3)0 WITH UDOT FOR SOUTH MOORE CUT-OFF ROAD PHASE III/IV.**

Commissioner Kofford explained that a mistake was made on the original agreement signed on

COMMISSION MEETING MINUTES  
MARCH 6, 2007

February 20, 2007. An amendment was needed to correct the mistake. The signature page had to be redone. Commissioner Gary Kofford, as the Authorizing Agent, signed the amendment and returned it to UDOT. A ratification of that signature was needed. Commissioner Jeff Horrocks made a motion to ratify the signature on the amendment to cooperative agreement HPP-1612(3)0 with UDOT for South Moore Cut-Off Road Phase III/IV. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(9)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR ECONOMIC DEVELOPMENT.**

Commissioner Drew Sitterud explained that the Emery County Personnel Policy states that any out of state travel by an Emery County employee must be approved by the Commission beforehand. Economic Development Director, Mike McCandless requested approval to travel to Wyoming and or Idaho to visit refinery sites. During the last meeting on the proposed refinery in Green River City it was suggested by the Division of Air Quality that it would be beneficial to have key people from Green River City visit the sites of other refineries. Commissioner Gary Kofford made a motion to approve out of state travel for Mike McCandless and possibly a Commissioner. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL FOR SPECIAL USE PERMIT RENEWALS WITH FOREST SERVICE FOR A 6000 WATT KV TRANSMISSION LINE.**

Commissioner Sitterud explained that the agreement for consideration is renewal of a standard special use permit with the Forest Service for a 6000 watt KV transmission line on Horn Mountain. Commissioner Gary Kofford made a motion to approve a special use permit with the Forest Service for a 6000 watt KV transmission line on Horn Mountain. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF APPLICATION FOR LAND FOR PUBLIC PURPOSE FROM THE BLM FOR LANDFILL AND SHOOTING RANGE.**

Commissioner Sitterud explained that the application with BLM is for 40 acres north of the landfill for expanding the cells at the landfill and 40 acres for the trap shoot. Commissioner

COMMISSION MEETING MINUTES  
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Gary Kofford made a motion to approve signing the applications with BLM for land for public purpose for the landfill and trap shoot. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

Two business licenses were presented for consideration. The first one was from Henry and Ann Cubel DBA: Fordwood. They will making reproduction of wood frames for antique cars as well as selling other items for antique cars. Commissioner Gary Kofford made a motion to approve a business license application for Henry and Anna Cubel DBA: Fordwood.

The second application was form Bevan Dean Collard DBA: Bevan's Precision Alignment, LLC. He will be a mobile alignment service for big trucks and rigs. Commissioner Kofford expressed concern that the application indicated he would fix repairs anywhere. Commissioner Kofford wanted to make it clear to the applicant that repairs should be done on the customer's site and not on public parking lots, etc. Commissioner Gary Kofford made a motion to approve the application for Bevan Dean Collard DBA: Bevan's Precision Alignment, LLC upon notifying Mr. Collard to do repairs only on the customer's site and not on public parking lots and such. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(13)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Request approval to begin the recruitment process for a corrections secretary.

Sheriff Guymon is requesting approval to start the recruitment process for a full time corrections secretary at Grade 4A @ \$8.12 per hour. Jennifer Jensen moved into Dispatch and now her position needs to be filled. Commissioner Jeff Horrocks made a motion to approve beginning the recruitment process for a full time corrections secretary as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated February 20, 2007 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(15)****COMMISSION REPORTS***Commissioner Jeff Horrocks*

Commissioner Horrocks reported that he has been working with Weed and Mosquito regarding upgrading some of their equipment and preparing equipment for the up coming auction. He is still working on getting the vehicle list put together for the auction.

*Commissioner Gary Kofford*

Commissioner Kofford talked about the list of ambulances for the auction that he putting together to send off to TNT for their auction. He also reported on the trade show that he attended in SLC. Miss Emery and her attendant also attended the show. He indicated that there was much interest in the San Rafael Swell. Commissioner Kofford also reported on the progress on Lila Canyon's construction project.

*Commissioner Drew Sitterud*

Commissioner Sitterud provided an update on the digital television conversion. The analog signal is scheduled to be shut off in 2008. Most of the analog wave is being used by the GPS and cell phone signals. Emery County, as a part of the television group agreed to put \$1,000.00 a year into a fund that would be used for maintenance of the system may have to be raised to \$2,000.00 per year due to the rising cost of the equipment needed for the system.

**(16)****EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

With the time being 9:45 am Commissioner Jeff Horrocks made a motion to recess until 10:00 am for a scheduled Public Hearing. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(17)****ADJOURNMENT**

8

COMMISSION MEETING MINUTES  
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Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

MARCH 20, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Attorney David Blackwell was not able to attend the meeting until 11:00 am. Therefore, Commissioner Jeff Horrocks made a motion to suspend the order of the agenda. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #182035 through and including #182169 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
21-07	2007 Caterpillar 140 Grader Highway	228,514.00	Approved
22-07	Executive High-Back Chair Extension	675.99	Approved
23-07	(5) 2007 Dodge Durangos Sheriff	121,070.00	Approved

There were no dispositions.

Clerk/Auditor Brenda Dugmore indicated that requisition # 23-07 for the 5 Durangos was handed to her at the beginning of the meeting and she has not had an opportunity to review it. She asked that in the future requisitions be brought to her office in a timely manner to provide for review before the meeting.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional



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claims and requisitions with the exception of the requisition for Durangos being subject to review by Brenda Dugmore. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(2)

**DONNA SACKETT, SENATOR BOB BENNETT'S OFFICE UPDATE**

Donna Sackett, Senator Bob Bennett's Office, provided information for the Emery County Board of Commissioners regarding Senator Bennett, his office and on going projects in the county. On April 17, 2006 there will be a remote office in Green River for anyone who wishes to visit and address any concerns that they may have. A remote office will be on May 8, 2007 in Castle Dale.

They will also be going into the schools to educated students on government.

(3)

**DELENA FISH, DWS, QUARTERLY UPDATE.**

Delena Fish, DWF provided the following update:

- \* Delena reviewed DWFS Eastern Region Performance Outcomes for January and February 2007.
- \* DWFS and Southeastern Utah District Health will join forces for medicaid eligibility and CHIP eligibility services.
- \* The legislature has approved a one time, 2.5 million dollar child care appropriation funding.
- \* The Castle Dale office is scheduled to receive the computer system and programs in March 2008.
- \* Unemployment rate is lowest it has ever been at 2.9.

(4)

**REPRESENTATIVES FROM ROCKY MOUNTAIN ENERGY, QUARTERLY UPDATE**

Deb Dull, Representative from Rocky Mountain Energy provided the following update:

- \* Rilda Canyon project progress.
- \* Huntington-Cleveland Irrigation Company worked through the winter on their project. All is going well.
- \* North Emery Water Users Special Service District is moving along on their project. They used local vendors such as Nielson Construction and Guymon Fabrication for their 13 million dollar project in 2006 and will spend another 13 million dollars on the project this year with funds provided from the federal government and PacifiCorp.

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Reg Soepnel Strand, Managing Director of Plants for PacifiCorp provided an overview of the structure of PacifiCorp's holdings. He introduced site facility managers for Huntington Plant and Hunter Plant.

Darrel Cunningham, Hunter Plant, provided an overview of activity at that facility. He informed the Commissioners of a planned overhaul for Hunter #2 beginning on March 31, 2007 for six weeks. He told the Commissioners that they expect 300 to 400 contractors to be in the area for the 55 million dollar project. Finding skilled labor continues to be a problem for them. He talked about the new interchange for Hunter Plant. He thanked the Commissioners for their efforts working with UDOT to bring the new interchange about. The plant moves approximately 3,000,000 ton of coal a day with an average of 650 trucks a day going in and out of the interchange. Johansen / Tuttle Engineering and Nielson Construction worked on the much needed three million dollar project.

Gary Denhalter, Huntington Plant reported that in 2006 they installed a scrubber on Huntington # 2. A sulfur dioxide eliminator was not required when Hunter #2 was initially installed. They had 750 construction contractors on site during this project. He was happy to report there were no recordable accidents or loss time recorded during the project. There has been a marked improvement in sulfur dioxide emissions with the new scrubber. He expressed appreciation to Sheriff Guymon and his department for control of vehicle traffic in the canyon during that project.

Mr. Soepnel reported that in 2007 they will be working on people issues such as safety performance, human performance and reduction on human errors. There are no more scheduled overhauls for the plants until 2017.

With the time being 10:00 am Commissioner Jeff Horrocks made a motion to move into a advertised Public Hearing to hear comments on mental health and substance abuse needs for Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**10:00 AM- PUBLIC HEARING- FOUR CORNERS MENTAL HEALTH- To receive public comment on mental health and substance abuse needs for Emery County.**

Commissioner Gary Kofford opened the Public meeting and introduced Jan Bodily, Executive Director at Four Corners Behavioral Health. Ms. Bodily will fill the position previously held by Bob Greenberg who retired. Ms. Bodily stated that under state law Emery County Commission is the acting authority for mental health services in the communities. She introduced Jennifer Thomas, Program Supervisor for the Emery County Office.

The meeting was opened to the public for comment as follows:

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Joni Pace, Green River: Green River is serviced by Four Corners, but because of the distance they do not receive all of the services that the rest of Emery County receives. They have a therapist who comes to Green River two days a week. She indicated that she would like to find a way for Green River to be better serviced. She thanked mental health for the services that they do provide and especially Jennifer for her help. She is always willing to help them.

Jennifer Thomas: Jennifer expressed gratitude to Sheriff Guymon and his department for their help with their programs. She expressed a desire to help provide Green River with better services. When she first started at Four Corners a therapist was going to Green River only one day a week so there has been some improvement. Many services are available at Four Corners. Child Services, substance abuse help, adolescence intensive out-patience service and Drug Court are just some of the services that they provide.

Gary Kofford: Mr. Kofford stated that the late Mayor Mike Williams was the Chairman for the Board of Four Corners and they are now looking to fill that position. Kent Wilson, Glen Johnson and Gary Kofford are also on the Four Corner's Board representing Emery County.

There were no other comments.

Motion to close the Public Hearing was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

Immediately after item #5 they moved into a Public Hearing for agenda item #7.

(6)

**JAN BODILY, PRESENTATION AND ACCEPTANCE OF FY2006 AUDIT FOR FOUR CORNERS BEHAVIORAL HEALTH, INC.**

Jan Bodily, Executive Director at Four Corners Behavioral Health presented the FY2006 Audit for Four Corners. The auditor's letter indicates that all is as it should be. There were no concerns. Four Corners is in good shape. Motion to sign the acceptance of FY 2006 Audit for Four Corners Behavioral Health, Inc. as presented, upon approval of Attorney David Blackwell was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

Motion to move into a scheduled Public Hearing to receive public comment on proposed Wildland Urban Interface Code Ordinance was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**10:00 AM- PUBLIC HEARING-To receive public comment on proposed Wildland Urban**

**Interface Code ordinance.**

Commissioner Gary Kofford addressed the public regarding a proposed ordinance for Wildland Urban Interface Code. He indicated that a committee has spent the last two years going through the code to come up with an international code so that the county is not held responsible for the cost of fires. This ordinance will help alleviate the cost for fighting fires. Adopting an ordinance is the final step. The ordinance will have an impact, cost and design wise for those people building in mountainous areas or what is called defensible space.

There were no comments.

Motion to move out of the Public Hearing and return to the regular meeting was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF WILDLAND FIRE URBAN INTERFACE CODE ORDINANCE.**

Attorney David Blackwell suggested wording changes to Section 1, 3<sup>rd</sup> line down, add words:” as amended by the Utah Division of Fire, Forestry and Lands.” We are not adopting the full international code, we are adopting the recommended state version. Commissioner Gary Kofford made a motion to adopt Ordinance 03-20-07 Wildland Fire Urban Interface Code Ordinance as amended by the state with the wording change as recommended by Attorney David Blackwell. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(9)

**JONI PACE , PACT, REQUEST TO PARTNER WITH EMERY COUNTY ON A DRUG FREE COMMUNITIES GRANT.**

Joni Pace, and Zina Willard, Positive Action Community Team discussed a grant opportunity to provide a coalition and collaboration with Emery, Carbon and Grand Counties to get a \$100,000.00 grant. They asked the Commissioners to partner with PACT. Zina stated that she felt that not enough is being done to combat the drug problem in Emery County. Joni indicated that she hoped to get Commissioner Jeff Horrocks on board to utilize his expertise in law enforcement. Commissioner Gary Kofford stated that he would like to see the grant. Commissioner Horrocks reminded them of the other documents that they would need to have in place. Patsy Stoddard asked what they had planned to use the money for. Joni indicated the money would be used to form a coalition to help make things work better. Also to provide for things like public announcements. The Commissioners asked her to provide a copy of their audit report, the MOU and copy of the proposed grant.

**(10)****CITIZEN CONCERNS**

There were no concerns.

**(11)****CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND ECSSD#1.**

Richard Jensen, Emery County Special Service District Board Member presented an agreement between Emery County and ECSSD#1 for services rendered. The agreement is for space rental, meeting room rental, the services of the Secretary to the County Commission, Clerk/Auditor, Treasurer and Public Lands department in the amount of \$95,000.00. It is a five year, board approved, contract signed by SSD#1 Chairman Merrill Swasey. Commissioner Drew Sitterud questioned paragraph 3 in the agreement addressing compensation individuals or county officials who performs work for the district. Mr. Blackwell indicated that it conforms to payments made to Leslie for mineral lease tracking and his services. Commissioner Sitterud asked if the previous agreement covered these specific services? It appears that the paragraph is specific for two people. It has been the practice for the previous agreement. He indicated that with the wage survey coming up he doesn't agree with the paragraph and asked to have it stricken from the agreement. David Blackwell indicated that this came up when the board asked Leslie Bolinder as the secretary for the SSD#1 to do the mineral lease tracking which also benefits the County. It was approved to pay her additional money to do that. Commissioner Sitterud ask Leslie if the Board of Commissioners has ever asked her to track mineral lease as part of her job as secretary for the Commission office. She indicated that the Commissioners have not asked her to do it as part of her job. Commissioner Sitterud asked if they could ask her to do it as part of her job. She indicated that they could. Commissioner Sitterud said if she tracked mineral lease as part of her job then the paragraph would not be needed. He indicated that the legislature has passed a bill that will send a chunk of the mineral lease funds into the general fund and the Districts funds are going to go down. Commissioner Gary Kofford made a motion to approve the interlocal agreement with SSD#1 as presented. Commissioner Jeff Horrocks amended the motion to strike paragraph 3 at this time and address it in the future, approve the contract without the paragraph. Reason being based on the wage survey which is currently going on and we can come back to that part of the agreement if we need to look at again. Commissioner Sitterud asked if Commissioner Kofford would accept the amendment to his motion. Commissioner Kofford asked Attorney David Blackwell how this will affect the agreement. Attorney Blackwell indicated that we would just continue to follow past practice until something else changes. Commissioner Kofford agreed to accept the amendment to the motion. Motion passed. Attorney David Blackwell stated that the agreement will have to go back to the District. Commissioner Sitterud indicated that there will not be an agreement until we have a meeting of

the minds.

(12)

**CONSIDERATION AND APPROVAL OF AMENDED AND RESTATED INTERLOCAL AGREEMENT CREATING THE UTAH LOCAL GOVERNMENTS TRUST.**

Commissioner Sitterud explained that the Utah Local Governments Trust has amended the Workers Compensation agreement and restated the number of board members that the city and county has to have. The other amendment was a provision in article 14.3 regarding workers compensation. Attorney David Blackwell indicated that it was mostly cleaning up the agreement. Commissioner Jeff Horrocks made a motion to approve and sign the amendments to the Interlocal Agreement Creating the Utah Local Governments Trust. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE FOR KFJ TRUCKING AND SNUGGLE BUGS PLAY & LEARN CENTER.**

A business license application was presented for Shirley Van Wagoner DBA: Snuggle Bugs Play & Learn Center. The application has been reviewed and signed by Zoning Administrator Mike McCandless. Commissioner Gary Kofford made a motion to approve a business license for Shirley VanWagoner DBA: Snuggle Bugs Play & Learn Center. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

The Commission received a call from Ty Jensen, KFJ Trucking. The company has never acquired a business license and they have been in business for many years. They are in the process of some activity at their business that requires them to have a business license. A zoning clearance would require some time. The matter was referred back to the Commission. Mack Huntington, as Chairman of the Planning Commission has signed the license realizing that there are some problems but for the time being and in the best interest of the County felt that signing the license was the right thing to do. Commissioner Gary Kofford made a motion to approve a business license for KFJ Trucking. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF APPLICATION FOR ELIGIBILITY FEDERAL SURPLUS PROPERTY PROGRAM.**

Commissioner Jeff Horrocks made a motion to add James Nielsen, Weed/Mosquito to the list on the application for eligibility to purchase federal surplus property. Commissioner Gary Kofford

had to leave the room for another matter. Therefore, Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

(15)

**CONSIDERATION AND APPROVAL OF WARRANT DEED OF PROPERTY FROM EMERY COUNTY TO MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY.**

Commissioner Kofford indicated that the Warrant Deed is for property needed to build the Senior Citizen Center in Green River. The property needs to be in the name of Municipal Building Authority of Emery County to pursue a grant for the Sr. Center. Commissioner Gary Kofford made a motion to sign a Quit Claim Deed from Emery County to sign the property over to the Municipal Building Authority of Emery County. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(16)

**CONSIDERATION AND APPROVAL OF LAND EXCHANGE BETWEEN EMERY COUNTY AND CASTLE DALE CITY AND ASSOCIATED PAPERWORK.**

Commissioner Jeff Horrocks explained that Emery County has been in negotiation with Castle Dale City to exchange property by the Museum of the San Rafael and the Senior Citizen Center. Commissioner Jeff Horrocks made a motion to exchange portions of property numbers 01-3C-4 and 01-3C-13 for Castle Dale City property 1-14-39, 1-14-31. Emery County retains the right to use the old jail facility which is the property listed for storage for a period of up to two years at which time the county will be responsible of removing the facility from the hill. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)

**CONSIDERATION AND APPROVAL OF FINANCIAL AND OPERATING PLAN WITH FOREST SERVICE FOR LAW ENFORCEMENT SERVICES.**

Tabled

(18)

**CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY GRANT UTU-79542 WITH BLM FOR LILA CANYON ROAD- COUNTY ROAD 126.**

Commissioner Kofford explained the history of the right-of way grant with BLM for Lila Canyon Road. The application has been sitting at the BLM waiting for American Energy Company to get their permit to mine. The BLM has approved the right-of-way with the stipulation that it is only to acquire design and not construction. He reviewed the two contracts

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for consideration and recommended accepting contract #2 for perpetuity. Commissioner Gary Kofford made a motion to accept contract #2 UTU-79542 with BLM for Lila Canyon Road-County Road 126. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(19)**

**APPROVAL OF APPOINTMENT TO EMERY CARE AND REHABILITATION BOARD AND STAFF.**

Commissioner Sitterud discussed the situation at the Emery Care and Rehabilitation Center regarding the appointment of a new director at the center. Only one application was received and the board of the Emery Care and Rehabilitation Center has voted to appoint Al Shakespeare as director. They received several applications for one board member. The board voted to appoint Randy Lake as a board member. Commissioner Jeff Horrocks made a motion to appoint Al Shakespeare as director at the Emery County Care and Rehabilitation Center and appoint Randy Lake as a board member as proposed by the Board of the Emery County Care and Rehabilitation Center. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

**(20)**

**APPOINTMENT OF BOARD MEMBERS TO PLANNING COMMISSION.**

When Mike McCandless was made the Zoning Administrator he was required to resign from the Planning Commission Board. Glenys Sitterud has indicated that she wants to be replaced on the board. Advertising went out for citizens interested in serving on the Planning Commission Board. The Planning Commission Board recommends Gary Arrington and Marie Anderson to serve on the board. Commissioner Gary Kofford made a motion to appoint Gary Arrington and Marie Anderson to the Planning Commission Board. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(21)**

**CONSIDERATION OF BUILDING PERMIT FEE WAIVER FOR VAL PAYNE.**

The Board of Commissioners received a letter from Val Payne requesting to waive the building permit fee to replace his carport that blew off a few years ago. Commissioner felt that this request should be brought before the Board of Commissioners. Commissioner Sitterud stated he



felt that the original footprint should be honored. Commissioner Kofford pointed out that there is a cost associated with sending the building inspector to inspect the project. Commissioner Gary Kofford made a motion to deny Val Payne's request to waive the building permit fee. The motion was seconded by Commissioner Jeff Horrocks. Commissioner Drew Sitterud voted in opposition to the motion. The motion carried. Commissioner Sitterud indicated he would support the other Commissioners decision.

(22)

**CONSIDERATION AND APPROVAL OF INCREASE IN DUES FOR SOUTHEASTERN UTAH ELECTRIC GROUP.**

Commissioner Sitterud explained that the Southeastern Utah Electric group is the group that went to the CIB for funding to get the work done on the television transfer from analog to digital. The analog signal will be shut off around the first of next year. The group had worked up in the agreement that each of the entities cooperating in the system would pay dues of \$1,000.00 a year into the group until there was \$20,000.00 to cover the cost to replace a microwave should one go down. The system has several microwave hops along the distance of the system. With inflation, the cost for one of those microwaves has gone up. The dues need to be increased to build up to \$40,000.00. The group is asking that the dues be raised to \$2,000.00 a year. Even with all the other counties and entities in the group paying into the group it will still take some time to build up to the \$40,000.00. Commissioner Gary Kofford made a motion to increase the amount of dues that Emery County pays to the Southeastern Utah Electric group to \$2,000.00 a year and agree to increase the amount that the group collects to \$40,000.00. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(23)

**DISCUSSION OF JD MOTOR GRADER TRADE IN.**

Morris Sorensen explained that he had intended to trade-in the 1985 John Deere Motor Grader until he was told he could only get \$25,000.00 as trade-in value. The other option was to send it to the auction with TNT. TNT indicated that they could sell it for \$30,000.00. Morris was approached by John Wickman, Sinbad Construction, who said he would buy the grader for \$35,000.00. Commissioner Gary Kofford made a motion to award sale of the JD motor grade to high bidder John Wickman, Sinbad Construction for \$35,000.00. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(24)

**DISCUSSION REGARDING COUNTY OPTION SALES AND USE TAX, SETTING OF PUBLIC HEARINGS AND ADVERTISEMENTS.**

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Commissioner Sitterud explained that in 1998 the legislature passed the bill that allowed the counties to assess quarter cent sales tax within their counties. Every county in the State of Utah did this except Emery, Kane and Millard. The legislature this year passed a bill stating that if the counties do not enact the tax, the state will step in and collect the tax and they will take the money. It is not a huge amount of money. It is not new money. It has an offset on the property tax side. We have until May 25 to adopt the sales tax. We have to have two public hearings in two geographically diverse locations. One of the public hearings has to be held at 6:00 pm or later. The advertisements must be in the newspaper for two weeks and cannot be in the classified or notice section of the paper. Do we want to start the process to collect the quarter cent sales tax or do we want to sit back and let the state collect it? Commissioner Gary Kofford made a motion to start the process by setting public hearings for April 10, 2007 at 6:00 pm in Green River at the Green River Sheriff's Complex and April 17, 2007 at 10:00 am Castle Dale during the regular Commission Meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(25)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington, presented the following Personnel action:

A. Approval to hire Aron Hansen as an Equipment Operator/Driver.

Morris Sorensen is requesting to hire Aron Hansen as an Equipment Operator/Driver. This is a full time position with benefits at Grade 12A at \$11.00 per hour. Commissioner Gary Kofford made a motion to approve the hiring of Aron Hansen as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(26)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to approve the minutes dated March 6, 2007 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(27)

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported on the recent ISO review which rates building and zoning

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practices for the county. This is for insurance purposed. Emery county received the same rating that we received back in 2003 which was a 4. We have made some improvements in particular areas. According to their standards Emery County should have 2.5 Building Inspectors and we have one. He discussed a meeting he attended regarding Lila Canyon Road and the contract that was approved today. He along with Ray Petersen and Mike McCandless met with Jay Marshall regarding development funds. UDOT Commissioners met in Price and toured Southeastern Utah Region 4. In the next three to four years there may be a pavement overlay on Highway Six and Highway 10 from Ferron to Emery.

*Commissioner Horrocks*

Commissioner Horrocks reported on Weed and Mosquito's improvements to their facilities that are being done in house. He inquired regarding camper shells and other items on the W/M yard. He reported on the drainage problems that he is still working on a the Museum of the San Rafael. He recently met with Green River regarding flood control problems in Green River.

*Commissioner Sitterud*

Commissioner Sitterud reported information regarding the UAC litigation team who has instructed Mark Ward to write letter of friends of the Court regarding BLM closing roads in Grand County. They want closing roads to be a public process. Green River City voted to move forward on the oil refinery. He will meet at 3:30 pm today with the swimming pool committee regarding elevations, placement of building and review of the plans.

**(28)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(29)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 3, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 182310 through and including # 182426 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
24-07	Drinking Fountain Highway	1,002.00	Approved
25-07	Autotest Charger Sheriff/Ambulance	396.00	Approved

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, additional claims and requisitions for payment. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(2)**  
**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following Personnel action:

**A. Request approval to send Alexander O'Neil to POST.**

Sheriff Guymon is requesting approval to send Alexander O'Neil to POST. He was hired as a civilian dispatcher and now they would like him POST certified. Commissioner Gary Kofford made a motion to approve sending Alexander O'Neil to POST. The motion was seconded by

Commissioner Jeff Horrocks and approved by all members present.

(3)

**CITIZEN CONCERNS**

None

(4)

**CONSIDERATION AND APPROVAL OF A BUSINESS LICENSE FOR STOKER WORX.**

A business license application for Annette Jensen DBA: Stoker Worx was presented for consideration. The license has been reviewed and passed by the Zoning Administrator. Commissioner Gary Kofford made a motion to approve a business license for Annette Jensen DBA: Stoker Worx as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF PERSONAL PROPERTY EXEMPTIONS.**

Assessor, Kris Bell explained that the legislature passed an exemption advantage for small business owners whose personal property values are under \$3,500.00. Her office has had 258 business owners apply for the exemption. The deadline for consideration of exemption of personal property is May 22, 2007. Kris asked for approval of the applications that she has thus far, who qualify for the exemption. Commissioner Gary Kofford made a motion to approve the personal property exemptions for those who qualify. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH FOR A HISTORIC PRESERVATION PROJECT.**

Emery County Historic Preservation Commission, Chairman Ray Petersen explained that the Commission applied for and received a \$3,000.00 grant with the Division of State History. The grant is a 50% matching grant to put a kiosk at the San Rafael Swinging Bridge. He met recently with the BLM at the Bridge where the site for the kiosk was mutually decided upon. The BLM has given their blessing for the project and is even helping with some of the fencing needed. Commissioner Gary Kofford made a motion to approve a contract with State of Utah for a Historic Preservation Project. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF ANNUAL FINANCIAL AND OPERATING PLAN BETWEEN THE FOREST SERVICE AND EMERY COUNTY SHERIFF'S OFFICE FOR SPECIAL ENFORCEMENT ACTIVITIES FOR 2007.**

Commissioner Gary Kofford made a motion to table this matter until Sheriff Guymon can be present to discuss it. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(8)****ACKNOWLEDGMENT OF REQUEST FOR PROPOSALS RECEIVED FROM CONTRACTORS FOR SWIMMING POOL PROJECT.**

Commission Chairman Drew Sitterud acknowledged the receipt of five proposals from contractors for the swimming pool project. Advertisements were placed in the local paper and larger publication newspaper for general contractor RFP's. Proposals will be given points for having ties with local contractors. The five proposals received were from: Interwest Construction, Peck Orsmsby Construction Company, C & A Construction, Entelen Design Build, LLC and Hughes General Contractors, Inc.

The three Commissioners, a representative from the Emery County School Board and Castle Dale City, Mayor Neal Peacock will meet today at 3:30 to open the RFP's and review them to pick a contractor that will best meet the needs of Emery County. Also at the same meeting a representative from a pool consulting firm will be on hand to review the possibilities of toys available for the children's pool and the chemicals needed for the pool's filtering system.

**(9)****APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Jeff Horrocks made a motion to approve the minutes dated March 20, 2007 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)****COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford discussed the possibility of the Road Department entering into a three year leasing option through Wheeler Machinery for a backhoe . The first year the cost would be \$9,000.00/year, the second and third year \$8,500.00/year. Considering that a new back hoe cost approximately \$90,000.00 Morris Sorensen felt that it was an option he could better handle

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through his budget and still have the equipment that he needs. They discussed the options for using the existing back hoe. They discussed possibly transferring it to the Recreation Department or Weed/Mosquito Department. He also has a loader that will be sent to May 5<sup>th</sup> county auction.

Commissioner Kofford also discussed with the other Commissioners what to do about the lawn care at the courthouse, libraries and road shop. They discussed going out to bid for another contractor. As Commissioner Kofford has talked with people here at the courthouse and the libraries it has been the consensus that people were not happy with the contractor from last year. They discussed possibly bidding out each library separately. Commissioner Sitterud expressed a need to have snow removal as part of the contract no matter what we go with. It was agreed that they need to proceed with something soon.

Commissioner Kofford also reported that TNT had an auction where equipment sent from Emery County was sold. The pay hauler went for \$4,250.00. The two ambulances went for \$4,500.00 and \$4,100.00.

*Commissioner Horrocks*

Commissioner Horrocks reported on the progress of the land transfer with Castle Dale City to acquire the necessary property for the Veteran's Monument.

*Commissioner Sitterud*

Commissioner Sitterud reported on the 2007 Emery County Fair plans thus far. He indicated that the fair committee has put together some new things for this years fair. The theme for this years fair will be "A New Adventure Awaits". The grand marshals for this years fair will be the special needs children from Emery County. The concert will be the finishing touch of the fair. Because there are fireworks at the concert we have to wait until the pageant gets over. Therefore, the concert will begin a little later this year. Ricochet and Charley Jenkins will perform for the concert. We are looking forward to a great fair.

He reported on the recent 2 day long, NIMS training that the Sheriff's Department and elected officials attended. The training was a requirement to receive Homeland Security money for the county. All who attended passed the test.

He reported on the recent Emery County Employee's Health Benefits Fair put on by Emery County's Risk Management Team. He thanked Mary Huntington and the other team members for their efforts to make the fair a success. Fifty-five employees attended the all day sessions. The Risk Management Team is looking for suggestions for next year's fair.

Mark Brady, UCIP was here recently to conduct a loss control training for elected officials.



COMMISSION MEETING MINUTES  
APRIL 3, 2007

Commissioner Sitterud asked Mike McCandless for an update on the oil refinery decision in Green River City. Mike indicated that the company has acquired more of the acreage that they need and have started the application process with the state to get their air quality permits in place.

Commissioner Gary Kofford made a motion to move out of the regular commission meeting and move into an executive session to discuss personnel litigation matters. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(11)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at an executive session was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

Personnel and litigation matters were discussed.

Motion to leave executive session and return to the regular Commission Meeting was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

**(12)**

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

Minutes of the Swimming Pool Meeting  
held on April 3, 2007 at 3:30 p.m.  
in the Emery County Courthouse

Present were: Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Clerk/Auditor Brenda Dugmore and other swimming pool committee members and citizens.

Chairman Sitterud stated that the County had received five bids for the contractor on the swimming pool. The following bids were received:

Hughes General Contractors, Inc from North Salt Lake City, Utah  
Entelen Design Build, LLC from Sandy, Utah  
Peck Ormsby Construction Company from Lehi, Utah  
C&A Construction from Provo, Utah  
Interwest Construction from North Salt Lake, Utah

The meeting then broke into two groups, those selecting the contractor and those selecting the pool toys and designs.

Those selecting the contractor were Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Castle Dale Mayor Neal Peacock, School District Member JJ Grant, MBA Board Member Randy Jensen and Clerk/Auditor Brenda Dugmore.

The contractors were evaluated on the following:

- 1) Business status and history of company.
- 2) Specific experience with construction projects similar in scope and complexity.
- 3) Experience as a Construction Manager in providing pre-construction estimating, scheduling and value engineering.
- 4) Key personnel proposed to lead and manage this project.
- 5) Information unique to this project that would help the Commission successfully complete this project.
- 6) Reasonable fee and general conditions cost.

SWIMMING POOL MEETING  
APRIL 3, 2007

The results were as follows:

	<u>Fee</u>	<u>General Costs</u>	<u>Average Score</u>
C&A	5%	6.9%	33.375
Entelen	4.5%	5.15%	37.50
Hughes General Contractors	4.5%	4.98%	48.50
Interwest	3%	4.49%	35.50
Peck Ormsby	6%	7.5%	30.375

The next step in the process would be to sign a contract and make sure the selected contractor's estimates are correct.

The contractor will be selected during the regularly scheduled commission meeting on April 17, 2007 at 9:00 a.m.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

SPECIAL MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS OF  
EMERY COUNTY, UTAH HELD AT THE  
COUNTY COMPLEX IN GREEN RIVER, UTAH

APRIL 10, 2007

Present at the meeting were Chairman Drew Sitterud, Gary Kofford, Jeff Horrocks, Clerk/Auditor Brenda Dugmore, Attorney David Blackwell and other citizens.

Chairman Drew Sitterud called the meeting to order at 6:05 p.m.

Motion to leave the regular meeting and move into a public hearing was made by Gary Kofford, seconded by Jeff Horrocks and approved by all members present.

**(1)**

**PUBLIC HEARING - TO RECEIVE PUBLIC COMMENT ON A PROPOSED COUNTY OPTION SALES AND USE TAX OF ONE-QUARTER (.25%) PURSUANT TO SECTION 59-12-1102, UTAH CODE ANNOTATED.**

Chairman Drew Sitterud gave the following information. Emery County is one of three counties in the State that did not impose a .25 percent sales tax when it was first authorized back in 1998. This year the Legislature enacted Section 59-12-1802 which authorizes the State to impose the tax if the County does not impose it, and any revenue would then go to the State until the County passed an ordinance to impose the tax. Thus, the State is forcing the County's hand, since the tax will be imposed no matter what. Therefore, it is in the County's best interest to pursue imposition of the tax prior to January 1, 2008. Two public hearings must be held on separate days in geographically diverse locations. This is the first public hearing. The next public hearing will be held on Tuesday, April 17, 2007 at 9:00 a.m.

Chairman Sitterud opened the public hearing for comment. Corey Bluemel stated that she felt it was a good thing for the county to adopt the sales tax.

Commissioner Jeff Horrocks made a motion to move out of the public hearing. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(2)**

**CITIZEN CONCERNS.**

There were no citizen concerns.

2

COMMISSION MEETING MINUTES  
APRIL 10, 2007

(3)

**ADJOURN.**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 17, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # through and including # for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
26-07	(2) Low Band Radios (1) Analyzer (1) TNC, Kenwood (1) 200 W Radio (2) 50W/35W Mobile Radios Homeland Security Communications Trailer Sheriff	4,219.65	Appro ved

There were no dispositions.

Motion to approve the Warrant Check Edit List, additional claims and requisition was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

Motion to leave the regular Commission Meeting and move into a scheduled Public Hearing was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

COMMISSION MEETING MINUTES  
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(2)

**10:00 A.M. PUBLIC HEARING- To receive public comment on proposed county option sales and use tax of one-quarter (.25%) pursuant to Section 59-12-1102, Utah Code Annotated.**

Commissioner Drew Sitterud explained that the Utah State Legislature passed a bill in 1998 that allowed counties to collect a .25% sales and use tax. At that time all counties in Utah enacted the tax except for Kane, Millard and Emery. Now the state legislature has declared that all counties will enact the .25% sales and use tax and if we do not do it then the state will collect it and keep the money. May 24, 2007 is the deadline to adopt the .25% sales and use tax. This will not be new money to the county. It will be a shift in property tax. He indicated that the County Commissioners are required to have two public hearings. One has to be after 6p.m. A public hearing was held in Green River on April 10, 2007 at 6:00 pm. This is the second public hearing.

Commissioner Sitterud opened the meeting to the public for comment.

Sgt. Bill Downard: Go for it! It is better to keep the money in the county than to let the state take it.

The same sentiment was expressed by Bruce Wilson and Bill Dellos.

Motion to come out of the Public Hearing and return to the regular Commission Meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF ORDINANCE ENACTING THE OPTIONAL SALES AND USE TAX AS AUTHORIZED BY TITLE 59, CHAPTER 12, PART ELEVEN UTAH CODE ANNOTATED (1953), AS AMENDED.**

Motion to approve Ordinance 4-17-07, enacting a .25% sales and use tax as written and authorized by Title 59, Chapter 12, Part 11 of Utah Code Annotated (1953), as amended was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

**(4)****JANA ABRAMS, DISCUSSION/APPROVAL OF LOW WATTAGE RADIO TOWER EASEMENT.**

Jana Abrams, Castle County Travel Region requested the Commissioners discuss and consider an easement to place electrical hookups on the cinder block building next to the television towers. The easement has to be signed by a government entity. They felt that this was the best spot for the low wattage AM radio tower as there would be no interference from the radio tower or tanks. Richard VanWagoner is the contractor for the project. Castle Country Travel Region asked that the County Commissioners consider splitting the cost for the hookup with them. Ms. Abrams indicated that the yearly annual cost for the power and telephone will be around \$560.00. There was still some question as to why Huntington City would not sign the easement since it is in Huntington City boundaries and they are a government entity. Commissioner Gary Kofford made a motion to move forward with this request to split the cost of the \$903.00 with Castle County Travel Region and proceed with putting up the tower. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Sgt. Bill Downard commented that Communications Specialist Bret Mills expressed concern that the tower does not interfere with the Huntington TV tower.

Commissioner Jeff Horrocks also made a motion to turn off the tower if it interferes with the transmission from Huntington television tower. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to have Castle County Travel Region go back to Huntington City and see if they will sign the easement. If they still will not sign the easement then bring it back to the Commission and they will sign it. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(5)****DANIEL DAVIS, CONSIDERATION AND APPROVAL OF OIL AND GAS LEASE WITH EMERY COUNTY ON BEHALF OF SHELL.**

Daniel Davis, Independent Land Man contracted with Victors Oil & Gas, LLC, who is contracted with Shell Oil Company discussed an oil and gas lease with Emery County. They will pay \$175.00 per acre for five years with the option to add an additional five years to the lease. The proposed area is located in Township 16 south, Range 10 east, SM-Section 2: Sw1/4Nw1/4 which is above Elmo near the Emery County/Carbon County line. The lease covers forty acres. Attorney David Blackwell reviewed the lease agreement and did not have any problems with the document. Commissioner Jeff Horrocks made a motion to proceed with the oil and gas lease as written. The motion was seconded by Commissioner Gary Kofford and approved by all members present.



4

COMMISSION MEETING MINUTES  
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**(6)**  
**CITIZEN CONCERNS**

None

**(7)**  
**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR EMERY COUNTY WATER CONSERVANCY DISTRICT.**

Motion to approve waiving the \$84.08 building permit fee for Emery County Water Conservancy District was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

**(8)**  
**CONSIDERATION AND APPROVAL OF QUIT CLAIM DEEDS TO CASTLE DALE CITY AS PART OF LAND EXCHANGE FOR PROPERTY ADJACENT TO THE MUSEUM OF THE SAN RAFAEL AND CASTLE DALE SENIOR CITIZENS BUILDING.**

Commissioner Jeff Horrocks discussed quit claim deeds for property proposed in a land exchange between Castle Dale City and Emery County. Emery County would acquire property between the Museum of the San Rafael and Wells Fargo Bank and property east of the Senior Citizens Center. Castle Dale City would acquire property where the old sheriff's building sits on the hill. Jeff Guymon and Bret Mills have expressed the need to maintain the pole that houses the microwave fiber that is located on the old sheriff's site. Commissioner Jeff Horrocks made a motion to approve quit claim deed to Castle Dale City for the properties as discussed so that both entities can proceed with planned projects. Commissioner Gary Kofford asked that the pole housing the microwave fiber be left at the site. When the building is torn down Castle Dale City needs to relocate the fiber pole. The motion was then seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Sitterud talked about the need to start planning on what to do with the things that are currently stored at the old sheriff's building. There is electronics, furniture and Planning and Zoning and Economic Development have files stored there rather than paying for a storage unit. They talked about purchasing a storage trailer unit for file storage. Discussions will continue on this matter.

**(9)**  
**AWARDING OF GENERAL CONTRACTOR FOR THE SWIMMING POOL PROJECT**

COMMISSION MEETING MINUTES  
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**AND RELATED PAPERWORK.**

On April 3, 2007 at 3:30 PM the Commissioners along with Castle Dale Mayor Neal Peacock, School District Member JJ Grant, MBA Board Member Randy Jensen and Clerk/Auditor Brenda Dugmore met to review the five bids for the contractor on the swimming pool project. The five bids were from:

Hughes General Contractors, Inc from North Salt Lake City, Utah  
Entelen Design Build, LLC from Sandy, Utah  
Peck Ormsby Construction Company from Lehi, Utah  
C&A Construction from Provo, Utah  
Interwest Construction from North Salt Lake, Utah

The meeting then broke into two groups, those selecting the contractor and those selecting the pool toys and designs.

The contractors were evaluated on several elements of the bid as follows:

- 1) Business status and history of company.
- 2) Specific experience with construction projects similar in scope and complexity.
- 3) Experience as a Construction Manager in providing pre-construction estimating, scheduling and value engineering.
- 4) Key personnel proposed to lead and manage this project.
- 5) Information unique to this project that would help the Commission successfully complete this project.
- 6) Reasonable fee and general conditions cost.

The contractor was given extra points if the key personnel proposed to lead the project was a local contractor.

One contractor came out ahead of the others, that being Hughes General Contractors, Inc. from North Salt Lake City. Ken Stilson was named as their key local contractor.

The committee recommended awarding the bid to Hughes General Contractors, Inc.

Commissioner Gary Kofford made a motion to award the bid for the general contractor on the Swimming Pool Project to Hughes General Contractors, Inc. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN THE UTAH  
DIVISION OF FORESTRY, FIRE, AND STATE LANDS AND EMERY COUNTY.**

Tabled

(11)

**CONSIDERATION AND APPROVAL OF FINANCIAL AND OPERATING PLAN FOR FY2007 WITH THE FOREST SERVICE FOR LAW ENFORCEMENT ACTIVITIES ON THE MANTI-LA SAL NATIONAL FOREST.**

Commissioner Horrocks indicated that the Commissioners and Sheriff Guymon has looked over the operating plan several times and made changes to it several times. Sheriff Guymon was not present to discuss the plan but made his preferences known to Commissioner Horrocks. Sheriff Guymon recommended changing Section II: Patrol Activities to include “ on all forest service lands” and not the high use areas as the plan states and identifies. He also recommended changing Dates of Patrol to read “ October 1, 2006 to September 30, 2007 rather than specific dates as outlined in the plan. Commissioner Jeff Horrocks made a motion to approve the contract as it has been amended by Sheriff Guymon. The motion was seconded by Commissioner Gary Kofford and approved by all members present. Per Sheriff Guymon’s request the contract will be sent on to the Forest Service to see if they will accept the amendments. If not then we will not have a contract for law enforcement on the forest.

(12)

**DISCUSSION AND APPROVAL FOR PARTICIPATION IN WHEELER BACKHOE LEASE PROGRAM FOR THE ROAD DEPARTMENT.**

The Board of Commissioners discussed participation in a Wheeler Backhoe Lease Program for the Road Department. Attorney David Blackwell has reviewed the lease agreement. Commissioner Gary Kofford made a motion to approve participation in a Wheeler Backhoe Lease Program for the Road Department to come out of the Road Department’s budget. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF OPERATIONAL GUIDELINES OF THE EMERY COUNTY PUBLIC LANDS COUNCIL.**

The Board of Commissioners discussed the operational guidelines of the Emery County Public Lands Council. Public Lands Council Board Member Bruce Wilson was present to go over any of the details with them. The Commission recommended changes to the last paragraph of page one. They indicated that any communication with state and federal agencies must meet with Commission approval first. Any communication to the press must go through the Commission first. Attorney David Blackwell has reviewed and noted the suggested changes. Suggested changes made to the policy were as follows: The Executive Committee shall define council policy and operation guidelines shall make recommendations to the Emery County Commission regarding matters affecting the management of Public Lands within Emery County’, then strike

COMMISSION MEETING MINUTES  
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the line that says, ‘ and to the federal and state management agencies.’ Commissioner Jeff Horrocks made a motion to accept the Operation Guidelines of the Emery County Public Lands Council noting the changes. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF REQUEST TO LEASE OR PURCHASE  
PROPERTY NEAR GREEN RIVER, UTAH.**

Received a letter from a person interested in industrial development below the Green River City . The property of interest is 6-87-1, 83.95 acres and 83.96 acres. The letter requested that the county make the property available to purchase or lease. Assessor Kris Bell indicated that the property is of very little value with no water. There is a county road that goes through the property that we would have to assume a right-of-way for the road. Attorney David Blackwell indicated that the Commission could approve the process to dispose of the property.

Commissioner Sitterud indicated that in order to begin the process we would need to contact the adjacent property owners, those being the BLM and the Sillimans. We would have to advertise in Green River and here for three weeks. The ordinance states that we can take the best offer for Emery County not just the highest price. Commissioner Jeff Horrocks made a motion to begin the process to dispose of property 6-87-1 owned by Emery County following the ordinance for disposal of county property. A title search will need to be done. Commissioner Kofford asked that if the lease or sale does not go through or that this is not in the best interest of Emery County that the property reverts back to Emery County. Commissioner Kofford amended the motion to retain any mineral rights that may be attached to this property. Commissioner Kofford seconded the motion and the motion was approved by all members present.

(15)

**APPROVAL TO ORDER SIGNS.**

Commissioner Kofford discussed proposed signs for directing people to the Justice Center. Negotiations are in the works at this time with UDOT for easement to place a sign on SR 29 in front of Work Force Service’s Building. He also discussed the need to get more Spanish Trail signs as people keep stealing the signs. He asked if maybe we could order a few extra ST signs to have available at the Museum of the San Rafael for people to purchase and then maybe they would not steal them. It was also discussed that while we are in negotiations with UDOT that we look at putting a sign in Orangeville as you are going up the highway towards Joe’s Valley telling people that the road is not passable in the winter. Morris Sorensen indicated that there is ample signage for Joe’s Valley and that the road in question is barricaded to prevent passage. Commissioner Gary Kofford made a motion to make \$600.00 out of Commissioner’s budget available for signs. The motion was seconded by Commissioner Jeff Horrocks and approved by

all members present.

(16)

**CONSIDERATION AND APPROVAL OF PURCHASE OF DUMPSTER AND KIOSK FOR THE LAWRENCE CEMETERY.**

Lawrence Cemetery is owned by Emery County. There is a Lawrence Cemetery committee who manage the cemetery. In the past Emery County has made a available a dumpster at the cemetery through Memorial Day. The committee would like to do this again. The committee has been working on the history of the cemetery and trying to identify some of the unknown graves. Commissioner Sitterud asked for approval to purchase materials to place a kiosk at the cemetery where a map can be placed asking visitors to help with identifying the unknown graves. Commissioner Gary Kofford made a motion to approve the lease of a dumpster to be placed at the Lawrence Cemetery through Memorial Day and approve the purchase of the materials to construct a kiosk at the cemetery. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(17)

**CONSIDERATION AND APPROVAL OF PROPERTY TAX DEFERRAL CONTRACTS.**

Treasurer, Steven Barton indicated that on March 15, 2007 his office gave to the Clerk/Auditor's office a list of properties whose taxes are five years past due. Utah Code requires that those properties then be offered as a tax sale, which is scheduled for May 24, 2007. Utah Code also permits that the Commissioners be allowed to review any requests from the tax payer to defer the due date of the property tax. Your judgement should be based on the best human interest and the best interest of the county. He presented to the Commissioners request from three individuals. Gypsum Resources Development, Huntington. They owed \$34,00.00 back at the first of March and have since paid \$20,000 with approximately \$14, 500.00 still owing. This is industrial property. Donald and Brenda Cologie, Ferron. They owed \$3,700 back in March and have since paid \$3,000.00 with approximately \$750.00 still owing. This is their home. Kelly and Rachelle Mortensen, Elmo. They owe \$5,300.00 and are trying to work with their mortgage company. This is their home. The policy has been in the past to extend payment to November 30. If they do not pay by then we have two options. We can let it slide until the next May for a tax sale or we can have a special tax sale in December. He recommended that the Commission grant these three individuals the extension of November 30, 2007 to pay their property tax. Commissioner Sitterud asked the reasoning behind the extension to November 30. Steve indicated that the tax due at the November 30 deadline includes the current year taxes also which would have the taxpayer current at that time. Commissioner Gary Kofford made a motion to grant an extension to Gypsum Resources Development, Donald and Brenda Cologie, and Kelly and Rachelle Mortensen and if they have not paid the tax by November 30, 2007 then the

COMMISSION MEETING MINUTES  
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property will be added to the next May Tax Sale. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(18)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Clerk/Auditor Brenda Dugmore presented the following Personnel action:

The Road Department has hired Nick Kenzi as a 90 day temp as a laborer. He started April 9, 2007 at \$10.00 per hour. This is a temporary position and he is not eligible for benefits. He will work until July 9, 2007. Motion to approve hiring Nick Kenzi as a 90 temp as a laborer at the Road Department was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

Jerilyn Mathis is requesting approval to start the recruitment process for a part time custodian at the Castle Dale Library at \$8.12 per hour with no benefits. Laree Dye is leaving the middle of May. Motion to start the recruitment process for a part time custodian at the Castle Dale Library as proposed was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

**(19)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Motion to approve the Commissioner Meeting minutes dated April 3, 2007 as corrected was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

Motion to approve a special meeting on the swimming pool project was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

Motion to approve the minutes for a Public Hearing held on April 3, 2007 at 6:30 PM in Green River was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

**(20)**

**COMMISSION REPORTS.**

*Commissioner Gary Kofford*

10

COMMISSION MEETING MINUTES  
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Commissioner Kofford reported that the bid for the Rilda Canyon Project was given to Nielson Construction. Pre-Construction meeting will be today at 3:00 PM. They are waiting for the water control plan which should be coming in the next two weeks.

He reported that the mental health group UBAN formed back in 1995-1996 will now be under the direction of UAC.

*Commissioner Jeff Horrocks*

The Fire Protection Special Service District volunteer firemen are in the process of wildland fire training which is required to fight fires on forest property.

*Commissioner Drew Sitterud*

He recently met with the committee formed to manage the Lawrence Cemetery.

He reported on recent work on the swimming pool project. RGD Engineers recently dug test holes finding no gravel for 16 to 20 feet. They may have to bring in good base. He talked about the work on the access road to the swimming pool.

The fight has began again with a Wild and Scenic Rivers suitability study on the Huntington Canyon area.

Elected officials will be in Logan the rest of the week at UAC Conference.

**(21)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive session was not needed.

**(22)**

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

11  
COMMISSION MEETING MINUTES  
APRIL 17, 2007

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_



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

MAY 1, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #182786 through and including #182897 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
29-07	Lightbar, siren set-up(5 vehicles) Sheriff	\$ 21,955.45	Approved
30-07	Digital video recorder(5 vehicles) Sheriff	19,432.00	Approved
31-07	(3) Dell print/scan/fax Capital Replacement	3,696.00	Approved

Dispositions were presented for the following:

621-1656 Radio, 141-7226 Infoseal folder, 610-3484 chair, 620-6890 typewriter, 316-5934 1990 Ford Ambulance, 316-6280 1995 Ford Ambulance, 410-5420 1989 Dodge Ram Pickup, 410-5424 1989 Ford F-450 Pickup, 410-5412 1989 Ford F-350 Pickup, 410-6185 1981 Craftco Crack Seal Kettle, 410-4708 1986 Entyre Oil Distributor, 410-4862 1988 Gallion VOS2-66B Roller, 410-4177 Ingram Steel Tire 4.6 Roller, 410-3661 1981 Little Giant 100 Sweeper, 410-3660 1981 Ingram Rubber Tire Roller, 410-1667 Ford Tractor Mower, 410-1666 Ingersol compressor, 410-1587 Ingersol compressor, 410-1666 Rotary 60" Mower, 410-6388 1973 140 Payhauler International, 621-5164 John Deere AMT 600, 621- John Deere Gator 4X6, 621-2748 1981 GMC Pickup, 146-6960 1999 Ford Explorer, 160-6326 1995 Ford Contour, 181-6511 1996 Ford Bronco, 210-6999 1999 Dodge Durango, 210-6220 1995 Ford Explorer, 210-6313 1996

Ford Bronco, 210-6055 1994 Ford Explorer, 210-5522 1991 Dodge Ram, 211-5950 1994 Ford Crown Victoria, 410-4701 1986 John Deere 772BH Grader, 410-5881 1993 Ford Ranger, 410-6579 1996 Ford Bronco, 410-5890 1994 Ford Ranger 4x4, 138-6227 1995 Ford pickup, 210-7527 2001 Dodge Durango, 210-6315 1996 Ford Bronco, 210-6314 1996 Ford Bronco, 210-8086 1996 Ford Bronco, 210-7273 2000 Dodge Durango, 210-7274 2000 Dodge Durango, 210-7092 2000 Ford Crown Victoria, 316-5159 1990 Ford Ambulance, 210-6577 1996 Ford Bronco, 210-6312 1996 Ford Bronco, 210-5857 1993 Dodge Ram Utility, 210-6159 1984 Chevrolet Pickup, 150-6763 1988 Chevrolet Astro Van

Motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**EMERY TOWN, REQUEST FOR BUILDING PERMIT FEE WAIVER.**

The Board of Commissioners received a letter from Emery Town requesting a building permit fee waiver for the work to be done on the interior of their new recreation center. It was decided that no action was needed on this as it was approved last year.

(3)

**FERRON CITY, REQUEST FOR BUILDING PERMIT FEE WAIVER.**

Ferron City requested a building permit fee waiver for re-roofing the pavilion by the agriculture barn. The fees are \$129.08, \$218,41 and \$799.46. Commissioner Gary Kofford made a motion to waive the building permit fees for Ferron City. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE, AND STATE LANDS AND EMERY COUNTY.**

Tabled

(5)

**CITIZEN CONCERNS**

Commissioner Sitterud discussed a situation in Emery Town regarding Television reception. Emery residents who rely on the old analog signal are not able to receive two channels because the county tower has two transmitters that need to be replaced. The two transmitters that were struck by lightning would cost approximately \$3,000.00 each to replace. They discussed the cost effectiveness of replacing the transmitters when the analog signal will be turned off February 2009. Everyone will then be required to either have a television capable of receiving digital signal or a converter that will convert the digital to analog. The converter at approximately \$270.00 is still a little pricy for some people and about as much as you could get a new television for. He reminded everyone to be sure that any new televisions that you purchase come equipped with a digital receiver.

**(6)****SETTING OF PUBLIC HEARING TO AMEND ALL FY2007 BUDGETS FOR EMERY COUNTY.**

There has been a change in the law regarding assessing and collecting and as a result unexpected funds will be coming to the county. A public hearing is needed to amend the budget in order to spend the funds. Commissioner Gary Kofford made a motion to set a public hearing for May 15, 2007 at 10:00 am. to amend the 2007 budget for Emery County. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(7)****CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN STATE OF UTAH AND EMERY COUNTY LIBRARY FOR LSTA MINI GRANT.**

Jerilyn Mathis, Emery County Library indicated that this is a standard, yearly grant between the state and Emery County Library to purchase computers, software, etc. This particular grant is for \$7,500.00 and will be used for wireless connections in the libraries. Motion to approve a contract between the State of Utah and Emery County Library for LSTA Mini Grant was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

**(8)**

**CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT WITH EMERY COUNTY SCHOOL DISTRICT FOR SWIMMING POOL USE.**

Commissioner Sitterud explained that as the county started to look at putting in a new swimming pool it was decided to look at putting the pool close to the high school to allow for a swim team. They began meeting with the school board last year to work out details of acquiring property near the high school. The school board has agreed to donate eight acres behind Castle Dale Elementary to the county for the swimming pool project. The school district has also allocated \$87,000.00 to put in the parking lot. Attorney David Blackwell discussed the interlocal agreement between the Emery County School District and Emery County. The school district will share in the use but not the cost other than the district will assume responsibility for any damages as a result of use and provide maintenance during their use of the facility. They will be using the pool for P.E. classes and a swim team. A clocking system will need to be installed for the swim team and this will be the responsibility of the school district. They will also be using the pool for scheduled use times and incentives programs. All uses of the pool will be scheduled through the county. The Board of Commissioners discussed changes in the wording of paragraph 4, second sentence as so, "said use will be scheduled with the Emery County Commission or their appointee so as to not interfere.." Commissioner Gary Kofford made a motion to approve the inter-local agreement with Emery County School District with the change to paragraph 2, second sentence to say, said use will be scheduled with the Emery County Commission or their appointee so as not to interfere... The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF EXEMPT PROPERTIES FOR 2007.**

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2007 PROPERTY TAX EXEMPTION

American Legion Post 42 #1-130-18	First Baptist Church of Emery County #1-126-45	Stuart B. Wilson Orient Lodge #1-151G-54
Daughters of Utah Pioneers-Hunt #1-196-22	Four Corners Mental Health #1-13-46 #1-195-9	Rocky Mountain West Baptist Mission #5-94-6 #5-93-7 #5-94-3 #5-94-5
Daughters of Utah Pioneers-Orange #1-253-18	Green River Bible Church #1-151G-36 #1-151F-18&19	United Mine Workers Of America #4-16-14
Daughters of Utah Pioneers-Elmo #1-72-16	Habitat for Humanity #1-23-21 #1-23-22	
Daughters of Utah Pioneers-CD #1-15-20		
Desert Edge Christian Chapel #01-179-1	LDS Church various #'s	Utah Museum of Natural History/ University Of Utah #5-56-2
Emery County Community Foundation #1-13-36	Mountain View Baptist Church #1-177A-20	
Ferron Cattleman's Association #5-87-27	Orangeville City/ Housekeepers #1-239-52	
First Baptist Church of Green River #1-154A-26 #1-154A-27	Rural Utah Child Development #1-180-20	
	Roman Catholic Church #3-50-16 #1-151H-25	

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Motion to approve the Property Tax Exemption list for 2007 was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

(10)

**RATIFICATION OF APPLICATION FOR CAPITAL ASSISTANCE FOR A SENIOR CITIZENS ADA BUS.**

Commissioner Kofford discussed application for capital assistance for a Senior Citizens ADA bus. This is a 80/20 split with UDOT. The application needed to be signed earlier, therefore that action needs to be ratified. Motion to approve ratifying the signing of an application with UDOT for capital assistance for a Senior Citizen ADA bus was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF SERVICE LINE AGREEMENT WITH QUESTAR.**

Commissioner Kofford explained that the agreement is to remove the gas line at the old sheriff's building in Castle Dale. Castle Dale City owns the property now and they will be removing the building in the next two years. Commissioner Gary Kofford made a motion to approve a service line agreement with Questar. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)

**OPENING OF LAWN CARE BIDS. AWARDING OF BID.**

The Board of Commissioners advertised for request for proposals for lawn care at the courthouse, Road Department and all the libraries in the county.

RFP's were received from the following:

1. Gatlan Huntington
2. Christy Rasmussen
3. Castle Valley Landscaping
4. Kyler Edgehouse
5. Earl Rojas
6. Laura's Lawncare
7. Cassi Lake

Motion to accept the bids as written , to take the bids and put them into a format that can be evaluated and to award the bid to the bidder or bidders that best suits the needs of the county

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then to ratify that action in the next Commission Meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**DISCUSSION AND APPROVAL OF MUSEUM OF THE SAN RAFAEL ROOF PROBLEMS/SOLUTIONS.**

Commissioner Horrocks contacted Lewis Stilson regarding the roof problems at the museum of the San Rafael. Lewis brought in another roofer to look at the situation and between the two contractors have determined that the shingles are too far gone to be repaired and provided a proposal for repairing the problem. Commissioner Kofford felt that we should get other contractors proposal. Commissioner Horrocks agreed with that but felt that the county needed to pay Lewis for his time. Commissioner Gary Kofford made a motion to advertise for RFP's to repair the roof and drainage problem at the Museum of the San Rafael. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(14)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Approval to hire Pauline Stilson as Corrections Cook.

Sheriff Guymon requested approval to hire Pauline Stilson as the corrections cook. She will be full time with benefits, Grade 10 entry at \$10.08 per hour. Motion to approve hiring Pauline Stilson as corrections cook at Grade 10 entry at \$10.08 per hour was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

B. Approval of one step increase for Jolene Dalton/Library.

Jerilyn Mathis requested approval to give Jolene Dalton a one step increase. Jolene has completed her six month orientation period successfully. She would move from 4A at \$8.12 per hour to 4B at \$8.30 per hour. Motion to approve a one step increase for Jolene Dalton as requested was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

C. Presentation/discussion of Risk Management Program refund check.

The county participated in a Risk Management Program sponsored through Utah Counties Insurance Pool (UCIP) in 2006 and recently we were awarded \$8,065.00, which means we obtained a 90% rating. Mary thanked the Risk Management Committee

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and each department for helping with this program. By complying with UCIP's requirements in these programs we helped reduce the county's risk liability.

**(15)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve the minutes dated April 17, 2007, as corrected, was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**

**COMMISSION REPORTS.**

*Commissioner Kofford*

Commissioner Kofford reported UDOT has sent notice to contractors that sealed proposals will be received on the So. Moore Cut-Off Road until May 31, 2007. There will be a mandatory pre-bid conference on May 10, 2007 at Johansen and Tuttle Engineering.

He reported that Special Service District is looking into providing black top to the Reeder Subdivision Road. Comments were received by the Forest Service. Commissioner Kofford provided comments in support of this project.

He attended ULCT Road School in St. George last week. He received information regarding the Joint Highway Committee and Emery County's ongoing park access work into Goblin Valley.

*Commissioner Horrocks*

Commissioner Horrocks reported on the land swap with Castle Dale City. The deeds have been signed and recorded.

Ray Quinn attended Huntington City's Council meeting to acquire the cannon.

He talked about the Cleveland-Lloyd Dinosaur Quarry rededication. There was a good crowd who attended. BLM is working on new signage for the route to the quarry.

*Commissioner Sitterud*

Commissioner Sitterud talked some more about the cannon from Huntington City. Because we



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are not able to get a cannon in time to put it up for the Veteran's Monument, Ray Quinn asked Huntington City to allow the cannon at the old city hall to be used for the monument. Huntington City does want the cannon to be replaced.

BLM RAC board members will be here tomorrow. He encouraged everyone to come and provide input to the BLM State Director.

The visitor's center at Goblin Valley is now complete. The inside will not be done until fall. To local artists Ben Grimes and Cliff Oviatt have been contacted to display their art there for now until the interior can be completed.

He attended Public Lands meeting during UAC meetings last week in Logan. They discussed road re-inventory on the Red Rock area.

(17)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

(18)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 1, 2007

Present at the meeting was Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Judge Betty Burns, Judge Steven Stream, Deputy Clerk/Auditor Carol Cox, and other citizens.

The meeting was brought to order by Commissioner Drew Sitterud. The meeting was turned over to Judge Stream and Judge Burns.

Judge Stream informed the Board of Commissioners of an announcement from Supreme Justice Nehring, Chairman of Justice Court Study Committee during the recent judges conference held last week. The committee was created by the Judicial Council in 2006. Their goal is for judicial independence. Judges need to be free from both the reality and perception that their decisions are influenced by fiscal or political concerns. Preserve the ability of local government to maintain a local court. Eliminate concurrent jurisdiction with the district courts. The committee's solution to some of the obstacles placed before them is to make the selection process more merit based. Uncouple the money and judge. If the judge has no interest in the revenue to the court, the concerns about inappropriate decisions, sentences and collection are lessened. Reduce the opportunity for inappropriate political influence in the retention process. Assure public confidence in the confidence of all justice court judges. Attract and retain good judges. The greater the pool of competent applicants, the better. Keeping them on the bench is also important. The committee plans to implement this process by making all justice court judges state employees by the year 2016. The justice court judges would be paid a fixed salary, established by statute, by the state of Utah. The total number of judges and the total cost of their salaries, benefits and education would be calculated, and a percentage of the statewide total fine revenue collected by Justice courts would be diverted to a state restricted account to fund these items. The rest of the staffing and support of the court would be the responsibility of the local government. Each judicial district would have a justice court selection committee, comprised of local officials, citizens, and the presiding justice court judge for that district. Implement retention elections for all justice court judges, and make the terms of office six years. They would require all new judges to have a four-year college degree. Moving to a full-time justice court judge would take place over a nine year process.

2

SPECIAL COMMISSION MEETING  
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Judge Burns and Judge Stream both had questions for which they have tried to get answers. They have not been successful in getting those answers from the state. The reason for the meeting this day was mostly to inform the Commissioners of what is being proposed and to ask for the Commissioner's support, for as long as possible, in keeping this from happening.

Judge Burns announced that she will be retiring July 2008.

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 15, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore discussed a claim for five Durangos from Price Auto Group. The claim was for \$685.00 over the amount authorized on Requisition #23 approved in an earlier meeting. According to policy she is not authorized to pay any amount over the amount of the requisition. The Commission must consider what to do about that. Commissioner Jeff Horrocks indicated that he met with Sheriff Guymon regarding the purchase of the vehicles and the discrepancy in the amount on the claim versus the amount authorized on the requisition. He indicated that Sheriff Guymon had something to say about that. Sheriff Guymon explained that he wanted to apologize for the discrepancy. It was a mistake that he made when filling out the paperwork. He declared that it will not happen again. Commissioner Jeff Horrocks indicated that he felt it was important to pay the vendor who delivered the vehicles to the county in good faith. Earlier, Sheriff Guymon turned in a new requisition reflecting the difference in the amount of the vehicles. Therefore, Commissioner Jeff Horrocks made a motion to authorize the Clerk/Auditor's office to cut a check to Price Auto Group for the amount of the approved requisition and to authorize payment of the additional amount. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

In other business, Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
33-07	(8) 16 Port Routers (8) Wireless Access point Library/LSTA Grant	5,975.52	Approved
34-07	Simrad Night Vision Device Training Night Vision Sheriff/Buffer Zone Grant	11,776.90	Approved
35-07	HP Spectrum Analyzer		

	Refurbished Unit/1 yr warranty Sheriff/Communications	19,385.00	Approved
36-07	(2) Microwave radios-Cedar Mtn. (2) Microwave radios-SO (8) Quad Interface Cards Sheriff/Communications	27,340.00	Approved
37-07	(5) Dodge Durangos Replaces-Requisition #23 Sheriff	121,755.00	Approved

One disposition was presented from the Clerk/Auditor's office for a vacuum.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit list and additional claims #183060 through and including #183194, the requisitions and dispositions as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(2)**  
**RICK LARSEN, DWR, QUARTERLY UPDATE.**

Rick Larsen, DWR is taking the place of Derris Jones, who has retired. Mr. Larsen provided a brief update of DWR activity.

- \* He reported on Migrating Bird Day at Desert Lake. It was a cold, blustery day and turnout was low.
- \* He also reported on the upcoming Community Fishing Day program and proposed reconstruction of Ferron ponds. Money will be available in July for the project and they expect to begin work on the ponds in September.

**(3)**  
**JEFF KELSEY, DISCUSSION AND APPROVAL OF INSURANCE RENEWAL**

Tabled until June 5, 2007.

**(4)**  
**JENNIFER THOMAS, REQUEST FOR FUNDING OF SCHOLARSHIPS FOR UNIVERSITY OF UTAH SCHOOL OF SUBSTANCE ABUSE.**

Jennifer Thomas, Four Corners Behavioral Health came before the Board of Commissioners to request funding of scholarships to send two individuals to the University of Utah School of Substance Abuse. So far she has one staff member, Melisa Huntington committed to attending school. Jennifer is working on getting one other staff member to go.

3

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Commissioner Gary Kofford made a motion to fund sending one staff member in the amount of \$254.00 to University of Utah School of Substance Abuse. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Gary Kofford made a motion to come out of the regular Commission meeting and move into a Public Hearing to receive comment on amending the 2007 budgets for the Emery County General Fund, Special Revenue Funds, and Capital Project Funds. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(5)

**10:00 A.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON AMENDING THE 2007 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, AND CAPITAL PROJECT FUNDS.**

Clerk/Auditor Brenda Dugmore explained that there has been a change in the law regulating the way Assessing & Collecting is accounted for. Therefore, the county needs to spend down the amount in the fund balance in order to bring the county into compliance. The Commissioners met earlier in a published meeting to discuss how to spend the funds.

Details of the budget amendment were distributed to the public in attendance.

Additions to the General Fund were \$672,600.00

Additions to the Capital Replacement Fund were \$5,872,600.00, which reflects the funds for the swimming pool project.

Additions to Drug Task Force Fund were \$75,000.00.

The meeting was opened to the public for comment on the amendments to the 2007 budget.

Commissioner Kofford asked to have the Museum budget increased to \$150,000.00 to reflect the cost of redoing the roof as earlier discussed.

There were no more comments.

Motion to come out of the Public Hearing and return to the regular meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF AMENDMENTS TO THE EMERY COUNTY  
GENERAL FUND, SPECIAL REVENUE FUNDS, AND CAPITAL PROJECT FUNDS.**

Motion to approve Resolution 051507 amending the 2007 budget for Emery County General Fund, Special Revenue Funds, and Capital Project Funds with the correction of adding the revenue from the county auction to the revenue side of the Museum roofing project, was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**CITIZEN CONCERNS**

Bell Dellos asked for a report of how the county auction went. Commissioner Gary Kofford reported that the auction went well. In spite of the cold the sale was very well attended. Everything was sold. The revenue from the sale is estimated to be in excess of \$58,000.00 before paying for advertising and RMA.

Attorney David Blackwell discussed changes in the agreement between Emery County School District and Emery County regarding the swimming pool project. After approval of the agreement with the school District in the last Commission Meeting the school district wanted to add a couple of words on page 2, paragraph 2 regarding the use of the parking lot. #9, an addendum was also added to the agreement which is an indemnity clause. They also did not want to call the agreement an inter-local agreement, because it is a one time only thing. Commissioner Jeff Horrocks made a motion to approve making the recommended word changes and adding the addendum clause to the agreement with the Emery County School District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN THE UTAH  
DIVISION OF FORESTRY, FIRE, AND STATE LANDS AND EMERY COUNTY.**

Tabled

(9)

**APPROVAL OF RFP PROPOSAL FROM STILSON CONSTRUCTION TO REDESIGN**

**ROOF AT THE MUSEUM OF THE SAN RAFAEL.**

Commissioner Jeff Horrocks discussed RFP proposal from Stilson Construction to redesign the roof at the Museum of the San Rafael. Stilson Construction was the only contractor who showed up at a mandatory site showing for the roof redesign project. His bid was \$124,808.00 for the project, \$11,800.00 for the heat tape, and \$10,509.00 for replacement materials and a fifteen year warranty on the membrane. The total bid for the project was for \$147,117.00. They discussed whether to use architectural shingles or wood shingles. It was decided that architectural shingles would be the best option. There has been \$100,000.00 set aside for the project. They discussed where to find the extra amount to put with the funds put aside to get the job done. Commissioner Gary Kofford made a motion to accept Stilson Construction's bid, choosing architectural shingles and look for extra funds to put with the \$100,000.00 put aside for the project. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(10)****CONSIDERATION AND APPROVAL OF A BEER LICENSE FOR MILLSITE RESTAURANT/DREW LEROY.**

A Class A/Class B beer license application was presented for Drew LeRoy DBA: Millsite Restaurant. Sheriff Guymon has completed his background check and has signed the application.

Commissioner Gary Kofford made a motion to approve a Class A/Class B license to sell beer for Drew LeRoy DBA: Millsite Restaurant. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(11)****CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND HUGHES GENERAL CONTRACTORS, INC. FOR EMERY COUNTY POOL COMPLEX CONSTRUCTION MANAGER.**

Bids were opened and awarded in an earlier meeting for the general contractor on the swimming pool project. Hughes General Contractors, Inc. was awarded the bid for the project. Attorney David Blackwell discussed the agreement with Hughes General Contractors, Inc. He asked if we had the guaranteed maximum price for the project. Commissioner Sitterud indicated that we do not have that yet. They are still waiting for sub-contractors to bring prices. It could be up to a year from when they start building to get the guaranteed maximum price. Mr. Blackwell wondered if they wanted to wait until we have that price. Commissioner Sitterud asked if maybe we could approve the contract contingent upon getting that price. Mr. Blackwell talked about the sales tax that the Tax Commission says that we will be responsible for. The rules say that



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government is exempt from paying sales tax. However, a phone call to the Tax Commission office indicated, adamantly, that we would be responsible for paying sale tax on the materials for the project. He has not had much time to look into the rule regarding this issue. He will continue to look into it. This is the reason for the delay in getting the guaranteed maximum price. If the county has to pay sales tax on the materials this will add quite a bit to the price of the project. Motion to approve the contract with Hughes General Contractor, Inc contingent upon the guaranteed maximum price that meets the budget that the Commission agreed on was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF BILLING SERVICE AGREEMENT WITH JCI BILLING SERVICES, INC. FOR PROCESSING ALL AMBULANCE CLAIMS.**

Clerk/Auditor Brenda Dugmore presented a service agreement with JCI Billing Services, Inc. for processing all ambulance claims. The charge is \$20.00 per claim. The agreement is renewable each year. Attorney David Blackwell has reviewed the agreement and recommends signing it. Commissioner Gary Kofford made a motion to approve a billing service agreement with JCI Billing Services, Inc. as written. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(13)

**DISCUSSION OF DISPOSITION OF CHAIN LINK FENCE AT OLD SHERIFF'S OFFICE BUILDING.**

Commissioner Jeff Horrocks indicated that he has met with Castle Dale City Mayor, Neal Peacock regarding the fence surrounding the old Sheriff's building. Mayor Peacock would like to have the fence removed as soon as possible so that a curb and gutter project can get underway. James Nielsen, Weed and Mosquito spoke with Commissioner Horrocks and indicated that he would like to relocate the fence to the Weed/Mosquito yard to better secure their yard. Sheriff Guymon informed the Commissioners that the serpentine wire at the top of the fence will be very difficult and hazardous to remove. James indicated to Commissioner Horrocks that he and his crew can remove what they need. The county will need to remove the rest of the fencing as soon as possible. Commissioner Jeff Horrocks made a motion to allow James Nielsen and the Weed and Mosquito crew to remove the chain link fencing at the old sheriff's building. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**APPOINTMENT TO THE LIBRARY BOARD.**

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Commissioner Gary Kofford reported that the Library Board advertised for board members to represent Ferron and Elmo. The board recommended Bill Luce, Ferron, Tracy Urie, Ferron and Jackie Allred, Elmo. Commissioner Gary Kofford made a motion to appoint Bill Luce, Tracy Urie and Jackie Allred to the Library Board. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(15)

**APPOINTMENT TO THE EMERY COUNTY SPECIAL SERVICE DISTRICT #1.**

Commissioner Gary Kofford reported that the Special Service District #1 has three openings. Terms expired for Dean King, Bevan Wilson and Kent Petersen. Applications were received from the three whose terms have expired as well as two others. The SSD# 1 board recommended re-appointing Dean King, Bevan Wilson and Kent Petersen. Commissioner Gary Kofford made a motion to re-appoint Dean King, Bevan Wilson and Kent Petersen to the Special Service District #1 Board. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(16)

**DISCUSSION AND APPROVAL OF DISPOSAL OF LOADER AT THE ROAD SHOP.**

Road Department Supervisor, Morris Sorensen discussed disposal of a loader at the Road Shop. The loader has been in Green River for several years. It has been mostly used to transfer salt and sand. It has no brakes and has been red tagged for a year. He recommended moving towards disposing of the loader through closed bids. He indicated that the equipment is worth \$8,500.00. To repair the brakes will cost whomever gets it approximately \$6,000.00. Commissioner Gary Kofford made a motion to advertise for two weeks for sealed bids to buy the loader with a beginning bid of \$8,500.00. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(17)

**CONSIDERATION AND APPROVAL OF TAX DEFERRAL AGREEMENT FOR TONY LEMIEUX.**

There was no need to take action on this. It has been resolved.

(18)

**DISCUSSION REGARDING TITLE OF PROPERTY NEAR GREEN RIVER WHICH THE COUNTY ADVERTISED FOR REQUEST TO LEASE OR PURCHASE.**

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Commissioner Sitterud explained that Emery County had began the process to dispose of property below Green River. The Commissioners received a letter from the BLM director indicating that the property belongs to the BLM and not Emery County. We need to cancel any action we have taken regarding this property. Commissioner Jeff Horrocks made a motion to cancel all action taken to sale or lease property in Green River City as discussed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(19)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval to hire Owen Olsen as a part-time maintenance worker for the Library System.**

Motion to hire Owen Olsen as a part-time maintenance worker for the Library system was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present. Mr. Olsen will provide all the tools he needs for his job.

Commissioner Kofford discussed transportation options for Mr. Olsen. He will be going from Emery to Elmo and also spending one day a week in Green River. They talked about paying him mileage or providing him with a vehicle. If he is provided a vehicle, can he keep the vehicle at his home and travel to the various libraries from his home in Cleveland? Brenda Dugmore reminded the Commissioners that the Library is separate from the County and as such the use and maintenance of a vehicle will have to come out of the Library budget. Commissioner Horrocks asked Sheriff Guymon if Mr. Olsen could use the old Communications pickup truck that is currently behind the old sheriff's building. Sheriff Guymon indicated that the truck is usually used for Bret's temporary help in the summer. Bret does not have a temporary employee at this time so the truck is available to be used. Commissioner Jeff Horrocks made a motion to provide the Communications truck for Owen Olsen to use and allow him to keep the truck at his house to work from there. The cost of use and maintenance of the truck will come out of the Library budget. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**B. Approval to hire Casey Jo Reid as a part time janitor at the Castle Dale Library.**

Motion to hire Casey Jo Reid as a part time janitor at the Castle Dale Library was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

(20)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Motion to approve the minutes of a special Commission Meeting held on May 1, 2007 as corrected was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks

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and approved by all members present.

Motion to approve the minutes of the regular Commission Meeting held on May 1, 2007 as corrected was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

(21)

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford, Commissioner Horrocks and Leslie Bolinder attended the R.S.V.P. Banquet for the senior volunteers in the county that was held at the Museum of the San Rafael last Friday. Betty Hatch and Laurie Pitchforth do an excellent job.

He attended an Aging meeting recently. He discussed a van available through UDOT funding.

Regarding Planning and Zoning under Lands Council, the Commissioners recently met with Mark Ward, Attorney for UAC regarding dealing with the RMP issues in the various inventory areas that are under Kimball's ruling. These lands are lands that, under the Babbit inventory and BLM inventory may be suitable for Wilderness Study areas. There are twenty-seven specific areas that they are writing to. In order to make them part of the twenty-seven areas it was decided to make them an addendum to the county's general plan. In order to do that there is a process to move through. The Planning Commission has set a public hearing date for June 13, 2007 at 7 pm to address the addendum. Provided they receive a favorable vote then it would go to the county. The county's idea is that we would have a public hearing on the 3<sup>rd</sup> of July to get to the BLM. We need this in finish form right away to get moving on this. A lot of time is put into this effort.

Commissioner Kofford reported on the progress in the Senior Citizens Center in Green River and CIB funding.

Special Service District has completed another stretch of road to Goblin Valley in conjunction with State Parks Access.

There will be a site showing with the seven contractors who have bid on Moore Cut-Off Road. UDOT will be opening the bids on May 31, 2007 and notify Johansen & Tuttle Engineering then SSD#1 will award the bid.

*Commissioner Horrocks*

10

COMMISSION MEETING MINUTES

MAY 15, 2007

He met recently with the Lawrence Cemetery Preservation Committee regarding the need for a sexton, expansion, structure fees for items such as opening of graves, etc. They will meet again soon.

Travel Council met recently where they discussed the TRT funding. They also discussed the golf course in Ferron and Green River. Mike McCandless reported that on the applications received from Green River for assistance on the Green River Golf Course. They agreed to fund up to \$20,000.00 depending on the funding from CIB. There is great interest in the new TRT money and they hope to see some good things come out of it.

He recently with the state director from the BLM. Ray Petersen reported on that meeting.

Sheriff Guymon reported on the upcoming San Rafael Swell Bike Festival.

Commissioner Horrocks is currently in the process of looking at the purchasing policy and travel policy will be getting with the department heads and elected officials to get their input. He may by the end of the year suggest some changes.

*Commissioner Sitterud*

Commissioner Sitterud reported on the upcoming Miss Emery County Pageant. The winner of the Miss Emery County Pageant gets to take a young girl to the Miss Utah Pageant with her. Usually it is a family member . This year our Miss Emery County, Christine Johansen asked to have a Little Miss Emery County Pageant. The winner will accompany her for the day to the Miss Utah Pageant. There are 10 girls signed up for the pageant. The pageant will be held on June 2, 2007. We need people to support this pageant and the Miss Emery County Pageant.

He attended a meeting for the nominating committee of the Big Game Board. There are three positions open on the board. There was a huge list of people applicants. They spent the whole day going through the list. They have sent the final list to the governor.

He reported on the local artist who have art work in the visitor center at Goblin Valley.

He reported on the video clip of our area being shown at The Gateway.

He reported on the ATV ride from Millsite Golf Course to Green River Golf Course with the State Parks. They are promoting this ride which will be in June. They have a lot of interest in this ride.

(22)

11  
COMMISSION MEETING MINUTES  
MAY 15, 2007

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(23)  
ADJOURNMENT.**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JUNE 5, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #183304 through and including #183476 for payment.

Requisitions were presented for the following:

38-07	(2) Celle task chairs	Commission	926.24
39-07	Computer	Citizen Corp Grant/Sheriff	1,249.92
40-07	Bi-Directional Amp for Jail	Sheriff/Jail	560.18
41-07	(35) Kenwood 110 Watt mobile Radios with speakers/antennas	EMS Grant/Sheriff	39,101.30
43/07	40 hp Mercury outboard motor	Weed/Mosquito	4,021.00
44-07	Dell Laptop Computer	Drug Task Force/Sheriff	2,699.00
45-07	(2) Range Finders	Buffer Zone Grant/Sheriff	1,778.02
46-07	(3) Nikon Camera Kits	Buffer Zone Grant/Sheriff	6,588.00
47-07	(10) Palm Treo 700 wx/PDA	Buffer Zone Grant/Sheriff	6,090.00
48-07	(2) Honda 2000 Watt Generator	Buffer Zone Grant/Sheriff	2,198.00
49-07	Honda 650 Generator	Buffer Zone Grant/Sheriff	3,647.00
50-07	(2) Swarovski 20x60 Spotting Scope	Buffer Zone Grant/Sheriff	3,698.04
51-07	Swarovski 15x56 Binocular	Buffer Zone Grant/Sheriff	1,829.01
52-07	(5) Swarovski 10x42 Binoculars	Buffer Zone Grant/Sheriff	6,645.05
53-07	(4) Laptop Computers	Buffer Zone Grant/Sheriff	10,626.56
54-07	RS3000 Power Inverter	Buffer Zone Grant/Sheriff	1,862.03
55-07	Axis Camera with mount	Buffer Zone Grant/Sheriff	1,280.86
56-07	Watchguard Firebox x750e Firewall	Buffer Zone Grant/Sheriff	2,054.99
57-07	566 T Orion II Transceiver	Buffer Zone Grant/Sheriff	5,140.00
58-07	Kenwood UHF Repeater	Buffer Zone Grant/Sheriff	1,900.00
59-07	(2) Kenwood UHF Repeater	Buffer Zone Grant/Sheriff	1,780.00
60-07	Kenwood 110 W UHF Mobile Radio with full control panel	Buffer Zone Grant/Sheriff	1,113.20
61-07	(23) Kenwood VHF Radio with antenna/carry case	Buffer Zone Grant/Sheriff	10,483.40
62-07	(2) Kenwood VHF Mobile Radio	Buffer Zone Grant/Sheriff	840.00
63-07	(2) Kenwood 450-500 UHF Radio	Buffer Zone Grant/Sheriff	880.00
64-07	(2) Tactical TCB-41C2 Packages	Buffer Zone Grant/Sheriff	37,990.00
65-07	(4) Teleware 4546 UHF Duplexer	Buffer Zone Grant/Sheriff	5,619.64

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66-07	(8) SMC Wireless Bridge	Buffer Zone Grant/Sheriff	4,332.91
67-07	Teleware UHF Duplexer	Buffer Zone Grant/Sheriff	5,619.68
68-07	(2) AR-15 Patrol Rifles With Eotech sights	Buffer Zone Grant/Sheriff	2,210.00
69-07	(4) PVS-14 Night Vision (5) Helmet Mounts for PVS-14	Buffer Zone Grant/Sheriff	14,625.60
70-07	80 Watt Solar Module	Buffer Zone Grant/Sheriff	370.31
71-07	LPT-827 Tower w/Powder Coating	Buffer Zone Grant/Sheriff	2,404.00
72-07	LMR 400 Cable 500 ft	Buffer Zone Grant/Sheriff	320.00
73-07	Air Conditioner-Orangeville	Library	1,795.00

There were no dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims and requisitions. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(2)**

**JEFF KELSEY, DISCUSSION AND APPROVAL OF INSURANCE RENEWAL.**

Jeff Kelsey, Performax reviewed a summary of expenses for the period of July 1, 2006 through May 31, 2007. He also reviewed the offers from insurance carriers for re-insurance claim processor. Jeff recommending going with US Fire for re-insurance processor and retain CBSA. The renewal date is July 1, 2007. Commissioner Gary Kofford made a motion to accept Jeff Kelsey's recommendation to go with US Fire for re-insurance and retain CBSA as Emery County's insurance carrier for 2007-2008. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present. Commissioner Gary Kofford made an amendment to his motion to approve allowing Jeff Kelsey to come back to the Commission if by chance he missed anything. The amendment to the motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(3)**

**JAN BODILY, FOUR CORNERS BEHAVIORAL HEALTH, PRESENTATION AND APPROVAL OF AREA ANNUAL PLAN.**

Jan Bodily, Four Corners Behavioral Health presented the Board of Commissioners with their FY 2008 Area Annual Plan. The plan defines and outlines what the plan should be. The plan defined a few new things for 2008, one of which is more funds for the Drug Court Program. Ms. Bodily had a signature page for the Board of Commissioners to sign and asked for their approval and signature to hand in to the Division. Each Commissioner acknowledged how great the Drug Court Program is and hope to see it continue to be funded. Commissioner Gary Kofford made a motion to approve and accept the FY2008 Area Annual Plan for Four Corners Behavioral Health



COMMISSION MEETING MINUTES  
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and approve the signing of the signature the page. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**DELYNN FIELDING/MIKE MCCANDLESS, PRESENTATION OF RESULTS FROM BEAR (BUSINESS EXPANSION AND RETENTION) PROGRAM AND DISCUSS PLANS FOR THE FUTURE.**

Delynn Fielding and Mike McCandless presented the results from BEAR, Business Expansion and Retention program and discussed plans for the future. There were 506 surveys completed and Emery and Carbon County. In Emery County 30% of the business owners were satisfied with municipal services. However, in Carbon County the percentage of satisfaction with municipal services was not as good. The plan is to offer to business owners classes such as marketing, capital sources, internal cash flow, strategic planning and internet use in business. They are working on expanding the program to other counties. If this works out they will be able to develop a data base for rural business trends that will be unparalleled to anything else in the state. They talked about tax savings through tax credits that go back to the businesses.

(5)

**CITIZEN CONCERNS**

None

(6)

**RATIFICATION OF AGREEMENT BETWEEN EMERY COUNTY AND EMERY COUNTY SCHOOL DISTRICT ON SWIMMING POOL.**

In the May 15, 2007 Commission Meeting an agreement between Emery County and the Emery County School District for the Swimming Pool Project was presented for consideration and approval. The School District requested an indemnity clause be added to the agreement. This was done and the document was signed. Commissioner Jeff Horrocks made a motion to ratify the signing of an agreement between Emery County and Emery County School District regarding property for the Swimming Pool Project. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**RATIFICATION OF AGREEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE, AND STATE LANDS AND EMERY COUNTY.**

Tabled

**(8)**  
**CONSIDERATION AND APPROVAL OF JUDGEMENT LEVY DUE TO CANYON FUEL TAX PROTEST.**

Clerk/Auditor Brenda Dugmore reported that the county, as a result of Canyon Fuel's tax protest, had to pay back approximately \$20,000.00. State code says we can only do a judgement levy on a protested amount over \$5,000.00. The pro to doing a judgement levy is that the company that protest, namely centrally assessed property owner ends up paying the majority of that \$20,000.00. If we do not do a judgement levy we are just out of the \$20,000.00 and you cannot go back and try to re-coop the money in future years. If you as the County Commissioners choose to do a judgement levy then we will have to go through the public process and the question will be placed on the August ballot with the School District's judgement levy. Commissioner Gary Kofford made a motion to move towards a judgement levy on Canyon Fuel. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(9)**  
**RATIFICATION OF BID AWARD TO LOFTHOUSE ELECTRIC FOR REMOVAL /INSTALLATION OF POWER LINE AT CEDAR MOUNTAIN COMMUNICATION TOWER.**

Two bids were received in the Clerk/Auditor's office for removal/installation of power line at Cedar Mountain Communication Tower. The bids were opened in the Clerk/Auditor's office by the Commissioners. The bids were as follows: Lofthouse Electric, \$2,650.00 and Dean Allen Electric, \$2,800.00. Lofthouse Electric was the low bid. Commissioner Gary Kofford made a motion to ratify the awarding of a bid to Loft House Electric in the amount of \$2,650.00 for removal/installation of power line at Cedar Mountain Communication Tower. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(10)**  
**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT.**

North Emery Water Users Special Service District is doing some remodeling of their building and asked to have the \$281.00 building permit fee waived. Commissioner Gary Kofford made a motion to approve waiving the \$281.87 building permit fee

for North Emery Water Users Special Service District. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF DRUG TASK FORCE GRANT.**

The Drug Task Force Grant is an ongoing grant renewable each year. There is no match required. The State raised the amount of the grant which is now for up to \$75,000.00. Commissioner Jeff Horrocks made a motion to approve the signing of a Drug Task Force Grant. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF CONTRACT FOR THE ROOFING PROJECT AT THE MUSEUM OF THE SAN RAFAEL.**

The bids has been awarded to Stilson Construction as contractor for the roofing project at the Museum of the San Rafael. The bid was for \$142,117.00 to replace the shingles and membrane and refinish the louvers. An agreement with Stilson Construction was reviewed for consideration. Commissioner Jeff Horrocks made a motion to approve an agreement between Emery County and Stilson Construction for a roofing project at the Museum of the San Rafael. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR CALEB SITTERUD.**

Commissioner Sitterud read a letter from Caleb Sitterud asking for assistance by way of writing-off his ambulance bill in the amount of \$1,172.00. Caleb is still recovering from the accident and is not able to work. His schooling has been hampered due to his head trauma injuries. His father is not able to work due to his disability and his mother is working 2 jobs to keep the family going. Motion to write-off the ambulance bill in the amount of \$1,172.00 for Caleb Sitterud was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and the motion passed. Commissioner Sitterud stepped down from voting on this matter due to the fact that he is related to Caleb.

(14)

**CONSIDERATION AND APPROVAL OF RETIREMENT CONTRIBUTION RATES**

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**FOR JULY 1, 2007 - JUNE 30, 2008.**

Clerk/Auditor Brenda Dugmore presented the retirement contribution rates for July 1, 2007 through June 30, 2008.

<b>July 1, 2006-June 30, 2007</b>		<b>July 1, 2007-June 30, 2008</b>		
Non-contributory	13.58%	Non-contributory	13.61%	.03% increase
Public Safety	22.38%	Public Safety	22.61%	.23% increase

Commissioner Jeff Horrocks made a motion to approve the state retirement contribution rates for July 1, 2007-June 30, 2008 as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING COMMISSIONER JEFF HORROCKS TO SERVE ON THE BOARD OF THE UTAH LOCAL GOVERNMENT TRUST.**

Commissioner Jeff Horrocks has been elected to serve on the board of Utah Local Governments Trust. A resolution was presented for approval authorizing Commissioner Horrocks to serve on the ULGT board. During any actions taken by the Trust Commissioner Horrocks will take not action on any matters that involve Emery County due to conflict of interest. Commissioner Gary Kofford made a motion to approve Resolution 07-05-07A authorizing Commissioner Jeff Horrocks to serve on the board of Utah Local Governments Trust. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(16)

**CONSIDERATION AND APPROVAL OF RESOLUTION EXPRESSING DISAPPROVAL OF THE PROPOSED "VOTER CONFIDENCE AND INCREASED ACCESSIBILITY ACT OF 2007" (HR811)**

Commissioner Sitterud explained that House Resolution 811 would do away with using the DRE's for the election process. UAC has put together a resolution disapproving of HR811 and ask that each county sign the resolution. The majority of the twenty-nine counties in the state have already signed the resolution. It is Emery County's stand that we have invested several hundreds of dollars in additional funds to warehouse the 40 DRE electronic voting machines, as well as revamping the election process to accommodate the machines and train personnel. To change the new voting system would actually erode voter confidence in the election process and burden Emery County with additional expenses associated with a change to another voting

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system. Commissioner Gary Kofford made a motion to approve Resolution 07-0507B expressing disapproval of the proposed HR811. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(17)

**CONSIDERATION AND APPROVAL OF SIGNATURE AUTHORIZATION FORM FOR JCI BILLING INC.**

The signature authorization for JCI Billing needs to be updated. The old one has Ira Hatch on it. Commissioner Jeff Horrocks made a motion to approve changing the signature authorization for JCI Billing, Inc. to Drew Sitterud, Emery County Commission Chairman. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(18)

**CONSIDERATION AND APPROVAL OF APPLICATION FOR ELIGIBILITY OF SURPLUS PROPERTY PROGRAM.**

After looking over the application it was noted that Morris Sorensen, Road Department Supervisor needed to be added to the eligibility list. Commissioner Gary Kofford made a motion to approve the application for eligibility of surplus property program and to add Morris Sorensen, Road Department to the eligibility list. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(19)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Morris Sorensen requested a one step increase for Thad Morris who has completed his six month orientation period successfully.**

He will move from 12A at \$11.00 per hour to 12B at \$11.33 per hour effective June 18, 2007. Motion to approve a one step increase for Thad Morris as proposed was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

**B. Sheriff Guymon requested approval to hire Jan Luke as a full time corrections secretary with benefits.**

Interviews and background checks were conducted and Sheriff LaMar Guymon requested approval to hire Janalee Luke as a full time corrections secretary with benefits. Her existing

COMMISSION MEETING MINUTES  
JUNE 5, 2007

wage will remain the same at 8D, \$10.22 per hour. Commissioner Jeff Horrocks made a motion to approve hiring Janalee Luke as full time Corrections Secretary as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**C. Clerk/Auditor, Brenda Dugmore requested approval to start the recruitment process for a part time deputy clerk/auditor.**

Brenda Dugmore requested approval to start the hiring process for a part time deputy clerk/auditor to replace the vacancy left by Jan. Commissioner Jeff Horrocks made a motion to approve starting the hiring process for a part time deputy clerk/auditor. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**D. Morris Sorensen has hired Brandon Larsen as a 90 day temporary employee.**

No action was needed on this matter.

In other business, Mary reported that there was an accident involving a deputy's vehicle. The vehicle has been totaled. The deputy was not hurt. UCIP, Emery County's insurance carrier will reimburse the county \$22,042.00 to replace the vehicle. The cost to replace the 911 decals was not included in that cost. We will receive another check to replace the decals. UCIP will be picking up the vehicle to salvage it. We will need to get bids for a replacement vehicle.

(20)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated May 15, 2007 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(21)

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on progress of the Lawrence Cemetery Committee. They have a grant to upgrade the road and locate graves.

The Fire District was scheduled to meet on the 14<sup>th</sup> of May. However, they did not meet due to illness of Fire Chief Garth Childs. He attended a Utah Tourism Conference in Price. We had unbelievably positive results and comments.

*Commissioner Kofford*

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The road up to Rilda Canyon is now under construction and that project is moving along. The bidding process for South Moore was opened and completed last Thursday. Nielson Construction Company was the apparent low bidder. The process still needs to be reviewed by SSD #1. However, it appears that Nielson Construction will have that project for \$4,864,870.00 which is about \$200,000.00 under the engineers estimate.

Regarding the Green River Senior Citizen Center, Jim Dressler, Architect for the project will meet here with the commissioners and anyone else interested on Monday the 11<sup>th</sup> at 11 am. He has the plans put together and they expect advertising to begin shortly thereafter.

On the 13<sup>th</sup> at 7pm there is a hearing regarding Planning and Zoning Commission on amendments to the Emery County General Plan. Copies are in the Clerk/Auditor's office. On July 3 will be Commission hearing on this related item.

*Commissioner Sitterud*

He reported on the proposed boat dock for Joe's Valley Reservoir. It is sitting at the parks department until it has been paid for. The grant was written. The person that administered the grant has retired and has not been replaced. So, until there is a new administer over the project we are at a stand still. We probably will not get the dock until late fall.

He shared his experience with Reese Stein and the television broadcast of a tour on the San Rafael. They hope to be able to get Mr. Stein to come back again during the bike festival on the Swell.

The Little Miss Emery County Pageant had eleven girls competing to be crowned Little Miss Emery County. The winner was Allison Woolsey. She and her mother will accompany Miss Emery County, Christine Johansen to the Miss Utah Pageant. He thanked the Pageant Committee members for all their hard work.

Elected officials met with Mike Swallow regarding the salary wage survey that was recently conducted. They are moving forward on this matter and hope to have something in place soon.

Historic Preservation is looking at putting an information panel at the Emery City Park. UDOT will donate a flat rock to be used for a sign at the Swinging Bridge area.

Sheriff Guymon reported on MECCA's Bike Festival. They had approximately 150 people attend. Sheriff's Posse put on the dinner and had others who donated time to help.

(22)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

10  
COMMISSION MEETING MINUTES  
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An executive session was not needed.

**(23)**  
**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

JUNE 19, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/auditor Brenda Dugmore, presented the Warrant Check Edit List #183633 through and including #183775 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
74-07	Truck bed for Peterbuilt Weed/Mosquito	3,800.00	Approved
75-07	Equipment/Hauler Trailer Weed/Mosquito	15,950.00	Approved

Motion to approve payment of the Warrant Check Edit List and requisitions was made by Commissioner Gary Kofford, Seconded by Commissioner Jeff Horrocks and approved by all members present.

**(2)**  
**ROGER BANKERT, BLM, QUARTERLY UPDATE.**  
Mr. Bankert was not able to attend the meeting.

**(3)****MESIA NYMAN, FOREST SERVICE, QUARTERLY UPDATE**

Mesia Nyman, Forest Service, provided the following update:

- \* Roads are now open from Ferron to Nine Mile. The snow has melted and the roads are passable. In Orangeville the roads are open to Ephraim. There are still snow drifts on the Skyline.
- \* Alice Carlson, Department Supervisor is leaving at the end of July. They expect to have a new supervisor in the next three months.
- \* They experienced successful fuel burn of approximately 1,900 acres of brush in the pines area.
- \* Public Lands Council, on the 28<sup>th</sup> of June will be touring the pest survey areas. She reported on the Spruce Beetle which is the only beetle in the state of Utah which is at epidemic proportions. They have reached as far as Electric Lake and are heading north. Other pest she reported on were the Anglim Bark Beetle and Mountain Pine Beetle which have increased slightly but not at an epidemic rate. There are other bugs working on tress and is to be expected especially in a dry year.
- \* also during the Public Lands Council tour they will be visiting the burn areas and looking at areas from two years ago do some comparisons.
- \* on the 29<sup>th</sup> of June there will be a ribbon cutting ceremony at Mammoth Lake to celebrate the recently installed information kiosk.
- \* they currently have 7 timber sales. They are all small, under 350 acres each and all in dead spruce.
- \* Dominion Gas Company is putting mag chloride on the road from Potters to the highway.

**(4)****MACK HUNTINGTON, CONSIDERATION OF MASTER PLAN AMENDMENTS AND SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING PROPOSED AMENDMENTS**

Commissioner Gary Kofford made a motion to set a public hearing for July 3, 2007 at 10:00 am to receive comment on a proposed addendum to Emery County General Plan. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(5)**

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN THE UTAH  
DIVISION OF FORESTRY, FIRE, AND STATE LANDS AND EMERY COUNTY.**

Attorney David Blackwell has reviewed the agreement and recommended signing the document. Commissioner Gary Kofford made a motion to approve an agreement between the Utah Division of Forestry, Fire, and State Lands and Emery County. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(6)**  
**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR  
ORANGEVILLE CITY FOR COMMUNITY CENTER AND REMODELING OF CITY  
HALL.**

Commissioner Sitterud explained that Orangeville City is remodeling their community center and city hall. They have received CIB funding and they are ready to build. The city requested to have the building permit fees waived. The total for both fees is \$4,028.59. Commissioner Gary Kofford made a motion to waive the building permit fees totaling \$4,028.59 for Orangeville City. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(7)**  
**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR  
MUSEUM OF THE SAN RAFAEL NEW ROOF.**

Commissioner Jeff Horrocks made a motion to waive the building permit fee for the roofing project at the Museum of the San Rafael. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)**  
**CONSIDERATION AND APPROVAL OF LANDFILL FEE WAIVER FOR AL  
CHRISTENSEN'S HOUSE DEMOLITION.**

Commissioner Kofford discussed a request from Al Christensen to consider reducing or waiving the fee for receiving materials at the landfill from the demolition of his home in Cleveland. Currently the fee structure for receiving materials from commercial and residential demolition at the landfill is \$12.00 a ton. This makes his demo fee \$2,400.00 plus he has to pay \$900.00 for a state permit. Then, when he builds his home he has to pay a building permit adding to the cost. A few years ago the county opted to put into place a fee schedule charging contractors for material brought into the landfill and in most cases that may still be applicable. He discussed

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possibly charging a flat fee. He asked for some input and discussion. Commissioner Horrocks wondered if we weren't stifling growth in the county by charging what we do charge. He recommended charging a flat fee of \$300.00 across the board. Commissioner Kofford wondered if, by charging such a exorbitant amount we would be encouraging people to haul the materials to remote areas instead of the landfill. After much discussion on this matter, Commissioner Gary Kofford made a motion to set the fee for materials brought into the landfill by commercial contractors at \$12.00 a ton up to a maximum amount of \$200.00, effective today June 19, 2007. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Gary Kofford made a motion to waive the \$2,400.00 prior demo fee for Al Christensen and apply the new flat fee of \$200.00. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH TRADITIONS HEALTH CARE, INC. TO PROVIDE CONSULTING AND OPERATIONAL SERVICE TO EMERY CARE AND REHABILITATION.**

Traditions Health Care, Inc. is the current consulting and operational service for Emery Care and Rehabilitation and has been for the past nine years. It came the attention of the Board of Commissioners that there has not been a signed contract with Traditions Health Care, Inc. in place. The nursing home board, through an agreement that was not signed, has been paying \$1,500.00 a month to Traditions for operation of the nursing home. Recently, Traditions has brought in accounting services, IT services, billing of physical therapy services and other services. Traditions is asking for \$4,000.00 a month. There is not a lot of companies out there that operate nursing homes. The nursing home board has found that they could not get these kind of services for less than this amount. Commissioner Kofford wondered if this wasn't something for the Nursing Home Board to decide. The Nursing Home is owned by Emery County but is run by a board and is self sufficient at this time. Commissioner Sitterud asked that the Board of Commissioners support the nursing home board in their decision to contract with Traditions Health Care, Inc. Commissioner Gary Kofford made a motion to support the nursing home board in their decision to sign a contract with Traditions Health Care, Inc. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(10)

**CITIZEN CONCERNS**

None

(11)  
**CONSIDERATION AND APPROVAL OF RESOLUTION ADOPTING  
SOUTHEASTERN UTAH REGIONAL WILDFIRE PROTECTION PLAN.**

Public Lands Director, Ray Petersen explained that the Southeastern Utah Regional Wildfire has developed a regional plan providing guidelines for fire protection between agencies. The plan provides for the implementing of equipment, man power and other resources and is a cooperative with Carbon, Emery, Grand and San Juan Counties. Commissioner Gary Kofford made a motion to adopt and sign the Southeastern Utah Regional Wildfire Protection Plan. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)  
**CONSIDERATION AND APPROVAL OF INTERAGENCY AGREEMENT BETWEEN  
EMERY COUNTY AND DEPARTMENT OF WORKFORCE SERVICES FOR DWS  
EMPLOYEE TELEPHONE SURVEY.**

Ben Heaton, Emery TelCom explained that the survey has been placed on the fast tract as the work is to be completed by June 30, 2007. He explained that he thought that the agreement contained a provision for 2.5 % administration fee to be paid to Emery County as the administrator of the project but it is not in the agreement. The Board of Commissioners were in agreement that the county needs to cover the cost of administering the funds for the project. Mr. Heaton agreed and was willing to pay the 2.5 % administration fee. Commissioner Gary Kofford made a motion to approve the interagency agreement between Emery County and Department of Workforce Services with the stipulation of adding the 2.5 % administration fee to the agreement and if not able to get it in this agreement then to not accept another agreement without the clause in the document. Commissioner Jeff Horrocks amended the motion to charge the 2.5% fee for administration cost. Commissioner Gary Kofford accepted Commissioner Jeff Horrocks' amendment to his motion and the motion passed.

(13)  
**CONSIDERATION AND APPROVAL OF BOAT DOCK AT JOE'S VALLEY  
RESERVOIR.**

Commissioner Sitterud explained that there is no contract at this time. The Park Service administrator of the grant has retired and did not finish the grant before he left. The new administrator has put the grant on the fast track but is not experienced enough to know what to do. There are a few other problems associated with the dock and so the Board of Commissioners decided to table this until there is a contract to consider.

(14)

**DISCUSSION OF SLAUGHTER HOUSE DITCH.**

The slaughter house ditch is in Castle Dale City. It comes off the canal through Craig Johansen's property, past the slaughter house and along the property for the new swimming pool. There are actually two ditches. There is a head ditch on Bill Jorgensen's property and then the slaughter house ditch goes by and on to Olsen's and to Gary Adam's. The swimming pool will have problems with the ditch because of the subbing water underneath where the swimming pool will be built. He met with Castle Dale City who at that time decided to put it in the contract with the road to culvert the ditch. Even if they do that, Bill Jorgensen has a head ditch not five feet from there that will run six acre feet of water several times a year to water his field. The roadway is being built and the ditch has been cut out. It is gone. The road has been put in place. The money that the city, county and CVSSD would put into culvert that ditch is about \$50,000.00. The land owners came to them and said that if you would consider putting this money into putting in a pressure pipe system instead of a culvert then they would get the rest of the money from the NRCS. They would do away with all the ditches and sprinkle. They checked with NRCS and it would be next year before they can get funding and we did not think we could wait that long. In the meantime, the land owners came back to them with a plan to get water around the swimming pool property. We did talk to NRCS and they are actually drawing up the plan for this. They would not guarantee anything. But it looks very viable. NRCS would like have the county write a letter of support for this project and the \$50,000.00. Castle Dale City has agreed to give their portion to the project. CVSSD has agreed to do the same. Commissioner Jeff Horrocks made a motion to issue a letter of support to NRCS and allow our portion of funding towards the project contingent upon NRCS coming through with the project. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(15)

**RATIFICATION OF LETTER TO UDOT RECOMMENDING NIELSON  
CONSTRUCTION BE AWARDED THE SOUTH MOORE PHASE 3 AND 4 PROJECT.**

Commissioner Gary Kofford read a letter written to UDOT recommending that Nielson

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Construction, as low bidder on the South Moore Phase 3 and 4 Project be awarded the bid. At the request of UDOT the letter was drafted and sent. Approval is now needed to ratify the signing and sending of the letter to UDOT. Commissioner Gary Kofford made a motion to ratify the signing and sending of a letter to UDOT recommending the bid for the South Moore Phase 3 and 4 Project be awarded to Nielson Construction for \$4,865,870.00. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(16)**

**DISCUSSION AND APPROVAL OF INERLOCAL AGREEMENT BETWEEN JUSTICE COURT AND CITIES FOR HANDLING CASES.**

Currently, bringing zoning ordinance and animal violations not covered by state regulations re going to Justice Court with the courts keeping all the money. The interlocal agreement being considered today would split the cost with the city. The city attorney and the city would benefit by the ability to use the Justice Court to try violations of municipal code. This particular agreement is with Castle Dale City. Commissioner Jeff Horrocks made a motion to accept an interlocal agreement between Justice Court and Castle Dale City and offer the same opportunity to the other cities in Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(17)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Notification of 90/60 day temporaries for Weed/Mosquito and IT Departments.**

James Nielsen, Weed and Mosquito Supervisor, has hired one 90 day temporary employee, Darin Worwood and two 60 day temporary employees, Kyle Hales and Andrew Blackwell. Hourly rate will be \$10.00 per hour.

Jeff Guymon hired Bradee Seely on June 13, 2007 as a 90 day temporary employee in the IT Department. Hourly rate will be \$8.00 per hour.

**B. Approval of matron fee for Janalee Luke.**

Sheriff Guymon is requesting a 30 cent per hour matron fee for Janalee Luke. If approved this would be effective July 2, 2007 and she would go from \$10.22 per hour to \$10.52 per hour. Commissioner Jeff Horrocks made a motion to approve a 30 per hour matron fee for Janalee Luke as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**C. Approval of Jimmy Blackburn as a full time Equipment Operator/Driver.**

Morris Sorensen requested approval to hire Jimmy Blackburn as a full time Equipment Driver/Operator. He has been a temporary employee. Full time status will begin the first of the next pay period which is July 2, 2007. His pay would be entry \$11.00 per hour. Commissioner

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Gary Kofford made a motion to approve hiring Jimmy Blackburn full time as Equipment Driver/Operator as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**D. Approval to begin the recruitment process for a Museum Director.**

Janet Petersen is retiring June 28, 2007. Commissioner Horrocks made a motion to begin the recruitment process for a Museum Director. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(18)

**DISCUSSION OF DISPOSITION OF LOADER AT ROAD SHOP.**

Advertising was sent out for accepting bids to sell a loader at the Road Shop. Two days after the bid date closed and no bids were received, they received calls from two individuals interested in purchasing the loader. Morris Sorensen asked for approval to re-advertise for bids at a minimum price of \$8,500.00. Commissioner Gary Kofford made a motion to approve re-advertising for interested bidders to sell a loader for a minimum bid of \$8,500.00 at the Road Shop. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(19)

**DISCUSSION OF LIBRARY ROOFS AND REQUEST TO ADVERTISE PROJECT FOR BID.**

Commissioner Gary Kofford discussed roof problems at the Orangeville Library and the Green River Library. They have condensation problems that have built up on the roofs. Several of the other libraries have problems also. Because of the condensation problems the roof in these two libraries, especially, need to be repaired or replaced as soon as possible. They discussed where to get the funds to do the repairs. He asked to put out RFP's to contractors for ideas of what to do. Commissioner Gary Kofford made a motion to advertise for RFP's from contractors for repairs to the Orangeville and Green River Libraries. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(20)

**CONSIDERATION AND APPROVAL OF CERTIFIED TAX RATE FOR 2007**

Clerk/Auditor Brenda Dugmore presented the certified tax rate for 2007 for the Board of Commissioners review. The proposed tax rates for 2007 were as follows:



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County General Purpose:	0.003569	For a budget revenue of	\$5,461,260.00
County Library:	0.000405	For a budget revenue of	\$ 630,325.00
Discharge of Judgement:	0.000013	For a budget revenue of	\$ 19,537.00
Swimming Pool:	0.000064	For a budget revenue of	\$ 100,000.00
Total Tax Rate:	0.004051	For a budget revenue of	\$6,211,122.00

Brenda informed the Commissioners of a possible tax appeal from Deseret Generation and asked for approval to add this to the judgement levy if by chance the appeal amount comes in at more than \$5,000.00.

Commissioner Gary Kofford made a motion to approve the certified tax rate for 2007 and approve adding Deseret Generation to the judgement levy if needed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(21)****APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to approve the minutes dated June 5, 2007 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(22)****COMMISSION REPORTS***Commissioner Horrocks*

Commissioner Horrocks reported on meetings he recently attended. In Moab he attended Work Force Services regional meeting where they discussed improving conditions in that area.

He also reported on a recent Risk Management Meeting where they discussed an accident involving a deputy patrol vehicle.

*Commissioner Gary Kofford*

Commissioner Kofford reported on progress of the Green River Senior Citizen Center. He recently met with the architect, Jim Dressler. Bidding will begin for the work in early July and call for the bids to be in by late July. He hopes to begin ground work in August. The Road Department will be doing the site preparations on the project.

*Commissioner Sitterud*

Commissioner Sitterud reported on UAC's position on road use. If the road has been used for ten years as such it is considered an open road.

He also reported on an upcoming professional volleyball tournament at Huntington State Park.

**(23)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**  
**REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(24)**  
**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JULY 3, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
**APPROVAL OF CHECK EDIT LIST , ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

The Warrant Check Edit List and additional claims #183891 through and including #184039 was presented for approval.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
76-07	Camera System Jail/Sheriff	\$ 29,994.75	Approved
77-07	Truck Topper/Toolbox IT/Jeff Guymon	1,835.00	Approved

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims and requisitions. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(2)  
**BID OPENING FOR SCRAP METAL PURCHASE AT EMERY COUNTY LANDFILL.**

The Clerk/Auditor's office received one bid for scrap metal at the Emery County Landfill. The one bid received was from Ron Barney for \$37.00 per ton. Commissioner Kofford indicated that this is the amount that it has been in the past. Therefore, Commissioner Gary Kofford made a motion to award the bid for scrap metal at the Emery County Landfill to Ron Barney for \$37.00 per ton. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF COUNTY ROAD REPAIR AGREEMENT WITH CONSOLIDATION COAL COMPANY.**

The Emery County Road Department will be doing some road repair work for Consolidation Coal Company. They expect some subsidence and want a plan in place to mitigate any problems should they arise. The agreement has been reviewed by Attorney Blackwell. Commissioner Gary Kofford made a motion to approve an agreement with Consolidation Coal Company for road repair work. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**REQUEST DONATION FOR CASTLE VALLEY YOUTH LEADERSHIP SUMMIT.**

Gaylee Jeffs, Julie Jones and Tracy Urie were present to request a donation for the upcoming Castle Valley Youth Leadership Summit. The summit will be held on September 22, 2007 at the Emery County High School. They will have a keynote speaker, Rachel Nicole Norton who is a Columbine massacre survivor. They will have workshops as well as do a service project. They anticipate a large number of youth from Emery, Carbon and Sanpete Counties. Youth from 14 to 18 are encouraged to attend. There is a registration fee of \$30.00 per youth which includes a t-shirt or a hoody. Gaylee indicated that the registration fee is fairly minimal compared to what other youth councils charge and they would like to keep it that way. They asked for any donation that the Commissioners deemed appropriate. In the past the Commission has donated \$250.00. Commissioner Gary Kofford made a motion to donate \$250.00 to the Castle Valley Youth Leadership Summit. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Jeff Horrocks made a motion to move out of the regular Commission Meeting and into a Public Hearing as advertised. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**10:00 A.M. - PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON GENERAL PLAN AMENDMENTS.**

Commissioner Sitterud stated that the reason for the Public Hearing is to receive public comment on amendments to Emery County's General Plan. The BLM's Resources Management Plan is in it's final comment period and Emery County wanted to state their alternatives to what the RMP may recommend. The Federal Government will recognize any local plans in decisions regarding

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the twenty-seven areas outlined in the amendment to the General Plan.

Public Lands Director, Ray Petersen stated that the Public Lands Council has reviewed the amendments and recommends that it be adopted by the Emery County Commission. A lot of work went into the 31 new amendments to the General Plan. Included in the plan is a map which identifies the existing WSA's in the county. Changing WSA's requires congressional approval. The BLM is re-inventing areas that may have characteristics of a WSA. The amendment goes through 61 areas and identifies resource by resource and stating the county's position for extracting that resource. It also identifies things such as motorized travel, hunting, camping, recreation, water and other areas and states the county's position for the use of these resources.

Commissioner Sitterud opened the meeting to public comment.

Steve Barton stated that it sounds like the plan essentially states that what the land is being used for now is the way we want it to stay, to retain the current or potential use of the land.

Bill Dellos commended the Planning Commission and IT Departments for their work on the amendments.

Mark H. Williams stated that it should have been done a long time ago and thanked them for their work on the amendments.

Mike McCandless commented that the next phase of the process is for the amendments to go through a Consistency Review where the Governor looks at the plan and gives approval.

There were no more comments.

Commissioner Gary Kofford made a motion to return to the regular meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(6)**  
**CONSIDERATION AND APPROVAL OF ADDENDUM AMENDING EMERY COUNTY GENERAL PLAN.**

Commissioner Gary Kofford made a motion to approve the addendum to the Emery County General Plan as prepared by the Planning Commission to be used in the RMP process. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(7)**  
**APPOINTMENT TO NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT**

**BOARD.**

Board member Mike McCandless indicated the NEWUSSD recommended re-appointing the three board members appointed six years ago when the board was created. They have several projects ongoing and to keep the continuity of those projects moving along recommended no changes be made at this time. The three board members are Mike McCandless, Joy Barton and Kevin Jensen. Commissioner Jeff Horrocks made a motion to re-appoint Mike McCandless, Joy Barton and Kevin Jensen to the NEWUSSD board. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)****APPOINTMENT TO THE MUSEUM OF THE SAN RAFAEL BOARD OF DIRECTORS.**

Tabled to allow time to advertise.

**(9)****CONSIDERATION AND APPROVAL OF BOAT DOCK AT JOE'S VALLEY RESERVOIR.**

There is no contract yet. Tabled.

**(10)****CITIZEN CONCERNS**

None.

**(11)****DISCUSSION OF ASSESSMENT OF LOT VALUES**

Assessor, Kris Bell explained that her office received a letter from the State Tax Commission telling the Assessor's office that they need to increase lot values in the county. They have looked at the sale ratio values and they wanted to raise property values by 33%. She indicated that she held them down to 18%. If we as a county do not raise the lot values, then the State will do it and we will not have a say. She asked the Tax Commission for another year to look at the sales ratio on lot values. Dixie Swasey asked if this pertains to vacant lots in city limits or agriculture. Kris indicated that it did not include agriculture lots only lots that are broken out from residential lots. If it has its own parcel number then it would receive the increase in value. The Commissioners talked about the centrally assessed values and the problem the county has had with the State Tax Commission. In order to change centrally assessed values the law needs to be changed. If we do not do something the cost will fall back on the homeowner. Attorney David Blackwell stated that this issue has been falling on deaf ears for years. However, it does

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not hurt to talk about it. It was the consensus of the Commissioners to try and get a meeting with the Tax Commission as soon as possible.

(12)

**DISCUSSION OF CHANGE OVER OF OWNERSHIP OF POWER LINE AT LANDFILL. APPROVAL TO ADVERTISE TO BID CONVERSION.**

The Commissioners discussed the changeover of ownership of a power line at the Emery County Landfill. It will cost \$17,000.00 for Rocky Mountain Power to take over the line which currently powers the shooting range and the landfill. Commissioner Gary Kofford made a motion to proceed with transferring the ownership of the power line to Rocky Mountain Power and approval to advertise for bid to do the conversion of the two lines. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(13)

**DISCUSSION OF BLM LAW ENFORCEMENT VEHICLE AGREEMENT.**

Sheriff Guymon explained an opportunity to get a newer vehicle for the deputy who patrols the BLM. Ray Jeff's vehicle is falling apart. It has well over 100,000 miles on it. His department has been putting an abundance of money into repairs each month. It has come to his attention that the BLM has a 2005 Jeep Rubicon that has acquired around 80,000 miles. The vehicle has just been refurbished with new equipment and tires. He has been told it could be used for BLM law enforcement on loan to the county. There would be no expense needed from the county. The Sheriff's Department would have to keep the maintenance up on the vehicle, reporting it to the BLM. The county will insure the vehicle and be responsible to replace the vehicle if it were destroyed. The vehicle that is currently being used needs to be taken out of service. The agreement with the BLM is to use the vehicle into 2008 and re-negotiate at that time. Commissioner Jeff Horrocks made a motion to allow the 2005 Jeep Rubicon to be put into service by the Sheriff's Department into 2008 as proposed in the agreement. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF DOOR HARDWARE CONSULTANT FOR THE POOL PROJECT.**

Commissioner Gary Kofford made a motion to approve Beacon Metals as the door hardware consultant for the pool project. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(15)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

None

**(16)****APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to approve the minutes dated June 19, 2007 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(17)****COMMISSION REPORTS***Commissioner Horrocks*

Commissioner Horrocks was recently appointed to the Utah Local Government Trust board of directors. In a training session he attended he was in on discussions on how to receive dividends back to the county for compliance with regulations.

The Museum of the San Rafael roofing project is coming along. The cost of the project is estimated to come in under or at the estimated cost.

*Commissioner Kofford*

Commissioner Kofford reported he will be attending a meeting on the 11<sup>th</sup> of July with UDOT regarding the design of the asphalt for the South Moore Cut-Off Road. Advertising will go out in August. They hope to award the bid in the fall and begin the work in the spring of 2008.

He attended Public Lands tour on Thursday along with Commissioner Sitterud and Ray Petersen in the Pines area. They talked about a proposed pipeline for game on the Muddy.

The Road Department did some earth work on the site for the Green River Senior Citizen Center. They hauled in 2 feet of dirt, compacting it, building up the base and preparing it for the project.

*Commissioner Sitterud*

Commissioner Sitterud reported that the E-911 cost has gone up considerably. They have applied for a grant to make up the difference. The problem is that the state maintains the data base and charge us for mileage on the call. The county is looking into other avenues to make this cheaper.

The Emery County Historical Society has moved to put a kiosk in place at the Emery Park for the San Rafael Swinging Bridge.

Janet Petersen has retired as the Museum of the San Rafael Director.



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The swimming pool project is moving along. The road has been completed. The sub-contractor bids have gone out for advertising. They should be awarded soon.

Commissioner Jeff Horrocks made a motion to move into an executive session to discuss attorney/client communications regarding litigation or other matters and to return the regular meeting at the conclusion of that discussion. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(18)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**  
**REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at an executive session was Commissioner Sitterud, Commissioner Kofford, Commissioner Horrocks, Attorney David Blackwell, Personnel Director Mary Huntington, and Deputy Clerk/Auditor Carol Cox.

Personnel matters were discussed.

**(19)**  
**ADJOURNMENT**

Upon returning to regular Commission Meeting, Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JULY 17, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore, presented the Warrant Check Edit List and additional claims #184165 through and including #184360 for payment.

There were no requisitions.

A list of orange chairs, assets assigned to the courthouse was presented for disposition.

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, additional claims and dispositions. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(2)**  
**KAY KIMBALL, PRESENTATION AND APPROVAL OF FY2006 INDEPENDENT AUDIT.**

Kay Kimball, Kimball and Roberts, reviewed the FY2006 Independent Audit for Emery County. Mr. Kimball indicated that the final statements reflect a clean opinion. There were no exceptions or subjects of opinion. They did not audit two of the five Emery County component entities. They audited the Fire Protection Special Service District, Recreation Special Service District and the Special Service District #1. Castle Valley Special Service and North Emery Water Users Special Service District were audited by another independent auditor. However, the five component entities were included in the final audit report. There was one management letter item. Emery County had an excess of fund balance due to the change in assessing and collecting practices. This was taken care of this year when the county advertised a public hearing to spend the excess balance. Mr. Kimball indicated that Emery County is in compliance with state and federal regulations with regards to how those funds are received and expended by the county. One of the things that Kimball and Roberts looks at each year is fraud. They performed a detail fraud investigation. They did test work on accounts payable and cash receipting and found everything to be in order.

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They checked all deposits and confirmed the cash flow. They looked at the net assets of Emery County as well as the capital assets. The last thing he reported on was the long term debt of Emery County which indicated long term stability. Emery County's long term stability comes from the fact that 60% of Emery County's property taxes comes from Rocky Mountain Power and 87% comes from state centrally assessed properties. Overall he felt very comfortable with the way the funds are being handled in Emery County.

Commissioner Jeff Horrocks made a motion to accept the FY2006 Independent Audit Report from Kimball and Roberts. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(3)**  
**DELENA FISH, DWS, QUARTERLY UPDATE.**

Delena Fish, DWS provided a quarterly update of activity. She provided a matrix comparing DFS worker's caseloads. Emery County continues to lead the region in caseloads. The growth rate in Emery County is 4.5% and unemployment rate is at 3.4%. July is the 10 year anniversary for DWS. As she reported last quarter DWS was in transition to take over the health workers cases. This has increased caseworkers loads by 50%. She discussed an employer training program and grant opportunity.

**(4)**  
**REQUEST FOR BUILDING PERMIT FEE WAIVER FOR EMERY TOWN FOR BALL PARK LIGHTS.**

Mistie Christiansen reported that the youth in Emery Town have worked had to raise \$9,000.00 to put lights up at the Emery Ball Park. She requested that the Commissioners consider waiving the \$227.35 building permit fee. Commissioner Gary Kofford made a motion to approve waiving the building permit fee for Emery Town's ball park lights. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(5)**  
**OPEN PROPOSALS FOR HUNTINGTON AIRPORT MANAGEMENT.**  
**CONSIDERATION AND APPROVAL OF PROPOSAL AND ASSOCIATED PAPERWORK.**

One proposal was received for management at the Huntington Airport. The proposal was from Leon Defriez and Mark Johansen. Commissioner Gary Kofford made a motion to take the proposal under consideration, meet with the individuals to discuss their proposal and to bring this issue back to Commission Meeting at a later time. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(6)****APPROVAL OF BUSINESS LICENSE FOR APRIL PRATT.**

A business license application from April Pratt DBA: Bubbly Surprises and Other Surprises was presented for consideration and approval. The application has been approved by Planning Zoning as a Home Occupation. Commissioner Gary Kofford made a motion to approve a business license for April Pratt DBA: Bubbly Surprises and Other Surprises. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(7)****APPROVAL OF BUSINESS LICENSE FOR WILLIAM AND SHIRLEY COYNE.**

A business license application from William and Shirley Coyne DBA: Coyne Enterprises, LLC. was presented for consideration and approval. The application has been approved by the Planning Zoning Committee as a Level II Conditional Use Permit and is contingent upon the Coyne's getting state licensed. Commissioner Gary Kofford made a motion to approve a business license for William and Shirley Coyne DBA: Coyne Enterprises, LLC contingent upon the Coyne's receiving state license.

**(8)****CITIZEN CONCERNS**

Julie Johansen Love requested the Commissioners grant a variance to allow her to construct a cabin on her property in Joe's Valley. She has contacted the State Attorney General's Office, spoken with AOG Director Bill Howell and has been told that in the absence of a county Board of Adjustments the Commissioners may consider a variance. Attorney David Blackwell commented that the county has a policy in place that the Commissioners would have to follow. He expressed the need to re-appoint the Board of Adjustments and meet with them regarding this issue. Mrs. Love stated that she made the original request for a variance back in March. Her cabin kit is scheduled to arrive on July 20, 2007 and she will be out of town next week. She requested the Commissioners act as an appellate board and grant her a variance at this time. Commissioner Kofford was in favor of acting as an appellate board and granting the variance. He discussed the Zoning Committee's recent decision to lower the requirements for building in the un-incorporated areas of Emery County from 80 acres to 40 acres. He explained that Mrs. Love needs a variance because she was required to turn over some of the property to the Forest Service for a road leaving her with 78.2 acres instead of the 80 acres required to build. She has had her plans reviewed by the building inspector, the septic tank has passed inspection as well as had the drinking water evaluated by the state. Commissioner Gary Kofford made a motion to grant a variance for Julie Johansen Love to build a cabin on her property in Joe's Valley. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF ROW AGREEMENT WITH WILLIAM MARSHING LIVESTOCK, INC.**

Commissioner Kofford made a motion to approve a Right-of-Way agreement with William Marshing Livestock, Inc.. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN QUESTAR AND EMERY COUNTY FOR SERVICE AT THE SWIMMING POOL.**

This agreement will authorize Questar to put in a service line to the swimming pool. Commissioner Gary Kofford made a motion to approve an agreement between Questar and Emery County for service at the swimming pool. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(11)

**SETTING OF AUCTION DATE FOR OLD SHERIFF BUILDING AND APPROVAL OF AUCTIONEER.**

Commissioner Gary Kofford made a motion to set November 10, 2007 as the date to hold a county auction to sell the old sheriff's building and other surplus property and to get with auctioneer, Randy Anderson to confirm the date or the date that would best suit the auctioneers and the county's need. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)

**APPOINTMENT OF MEMBERS TO THE EMERY COUNTY BOARD OF ADJUSTMENTS.**

Commissioner Gary Kofford made a motion to appoint Glynis Sitterud, Dennis Worwood, Nathan Johansen, Kent Wilson and Glen Don Johnson to the Emery County Board of Adjustments, with alternates Cathy Cowley and Randy Jensen. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present. They will hold their first meeting sometime in September and elect a chairman.

(13)

**SETTING OF DATE/TIME OF PUBLIC HEARING FOR TAX INCREASE FOR SWIMMING POOL OPERATION AND MAINTENANCE AND JUDGEMENT LEVY.**

Clerk/Auditor Brenda Dugmore recommended setting the date and time of August 22, 2007 at 6:00 p.m. for a public hearing to receive public comment regarding a tax increase for the swimming pool operation and maintenance and judgement levy. Commissioner Jeff Horrocks made a motion to set August 22, 2007 at 6:00 p.m. as a date and time for a public hearing for a tax increase for the swimming pool operation and maintenance and judgement levy. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)****SETTING OF DATES FOR BOARD OF EQUALIZATION.**

Clerk/Auditor Brenda Dugmore recommended setting the following dates for BOE:

Green River August 21, 2007 from 12:30 p.m. to 3:30 p.m.  
Castle Dale August 22, 2007 from 9:30 a.m. to 3:00 p.m.

Commissioner Gary Kofford made a motion to set Board of Equalization dates and times as August 21, 2007 from 12:30 p.m. to 3:30 p.m. in Green River and August 22, 2007 from 9:30 a.m. to 3:00 p.m. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(15)****CONSIDERATION AND APPROVAL OF RESOLUTION PROVIDING FOR THE DISBURSEMENT OF MINERAL LEASE FUNDS EMERY COUNTY RECEIVES FROM STATE TRUST LANDS ADMINISTRATION TO THE SPECIAL SERVICE DISTRICTS IN EMERY COUNTY.**

The Utah State Legislature during the 2007 General Session altered the way in which State mineral development revenues are dispersed. Funds distributed from SITLA will go directly into the Emery County General Fund. The County Commissioners deemed it appropriate to disperse a portion, 15%, of the said funds to the Special Service Districts in Emery County to accommodate the needs of those districts. Attorney David Blackwell drafted a resolution authorizing the disbursement of SITLA funds to SSDs in Emery County. Commissioner Gary Kofford made a motion to approve Resolution 07-17-07 authorizing the disbursement of mineral lease funds that Emery County receives from SITLA to the Special Service Districts in Emery County. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(16)**

**DISCUSSION DESIGNATING A CENTRAL LOCATION TO RECEIVE BIDS  
REQUESTED BY COUNTY DEPARTMENTS OR EMPLOYEES.**

Commissioner Jeff Horrocks made a motion to designate the Clerk/Auditor's office as the location to receive bids requested by county departments or employees. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(17)****PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.****A. Approval of one-step increase Jennifer Jensen for completing orientation period.**

Jennifer Jensen has successfully completed her orientation period since she moved into the dispatch position. A one step increase is being proposed. She would move from 10A at \$10.88 per hour to 10B at \$11.12 per hour effective July 29, 2007. Commissioner Jeff Horrocks made a motion to approve a one-step increase for Jennifer Jensen as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**B. Arlynda Zamora has been hired as a 90-day temporary for Weed/Mosquito.**

James Nielsen has hired Arlynda Zamora as a temporary Weed & Mosquito employee in Green River to help bleed chickens. She will be paid \$8.00 per hour.

**(18)****APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to approved the minutes dated July 3, 2007 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(19)****COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud thanked the Miss Emery County Pageant director and her committee for the work that they put into the Miss Emery Pageant. There five girls who competed. Karrie Johansen, who is the sister of 2006 Miss Emery, Kristine Johansen.

COMMISSION MEETING MINUTES  
JULY 17, 2007

Commissioner Sitterud along with Commissioner Horrocks and Mike McCandless traveled to Green River to meet with Transload Landfill. Transload Landfill is a company who has been moving forward to open a landfill 4 miles due east of Green River City. The company bails the material and buries it in the landfill to be used later as a fuel for industrial plants. The company will be accepting municipal landfill bails through railway. Commissioner Sitterud took representatives from Nielson Construction and Brown Brothers Construction as there will be a lot of construction work going on over the next couple of years to things ready. They expect to have about 10 employees, mostly equipment operators. Transload has their state permits in place and everything looks good.

The County is preparing for the Desertview Pro Rodeo next week.

The CIB Board will be in the County on Wednesday, Thursday and Friday of next week. They will meet in the courthouse on Wednesday at 9:00 a.m. They will later go on a tour of the power plants and participate in golf at Millsite Golf Course. Meals will be provided for them sponsored by Zions Bank and Arch Coal Company. They will be given a presentation by Castle Valley Special Service District on the projects that have been made possible here in the county thanks to the funds made available through the CIB. The wives of members of the Board have activities provided for them. The board members will attend the Pro Rodeo on Thursday night. Commissioner Sitterud indicated that Mayors of the cities in Emery County have been invited to attend sessions and that State Legislators and Senate Representatives will also be here.

*Commissioner Horrocks*

Commissioner Horrocks met with Tim and Greg Vetere recently regarding the property in Green River for the Senior Citizen Center. A survey is being done to determine the property boundaries.

The Weed and Mosquito Department is currently doing a lot of work to eradicate noxious weeds and mosquitos in the County.

*Commissioner Kofford*

Commissioner Kofford reported that the bid for the construction manager on the Green River Senior Citizen Center is currently out to bid. There will be a mandatory site showing on July 19, 2007 at 9:00 a.m. for those interested in bidding on the project.

Advertising is going in the paper on the 25<sup>th</sup> of July for bids for the library roof repair projects. Also on the 25<sup>th</sup> there will be a site showing for contractors interested in bidding on the power changeover project at the landfill.



8  
COMMISSION MEETING MINUTES  
JULY 17, 2007

**(20)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(21)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

AUGUST 7, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims #184635 through and including #184811 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
80-07	(3) 40' Storage containers Capital Projects	\$10,050.00	Approved

Commissioner Gary Kofford asked Brenda if she had some requisitions for vehicles for the Sheriff's Department. Brenda stated that she did have requisitions for two vehicles for the Sheriff's Department but there was a discrepancy in the purchase price and vendor and would like more time to look into the matter before they are presented.

Dispositions were presented for the following:

136-8109, Fuji 2800 Digital Camera, 146-8113, P4 OptiPlex 03 Computer, 145-7630, PC2100 Computer, 144-7636, PC 2100 Computer, 143-7635, PC 2100 Computer.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(2)**  
**BID OPENING FOR CONVERSION FOR POWER LINE AT LANDFILL.**  
**CONSIDERATION AND APPROVAL OF BID AWARD.**

The Clerk/Auditor's office received two bids for conversion of the power line at the Landfill.

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The two bids received were as follows:

Lofthouse Electric- \$5,311.00  
Dean Allen Electric- \$6,510.00

The low bid is Lofthouse Electric for \$5,311.00.

Commissioner Gary Kofford made a motion to compare the bids and after determining the bids are for the same service, then award the bid to the low bidder Lofthouse Electric for \$5,311.00. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**BID OPENING FOR ORANGEVILLE AND GREEN RIVER LIBRARIES ROOF REPAIRS. CONSIDERATION AND APPROVAL OF BID.**

Commissioner Gary Kofford indicated that there was a site showing for the roof repairs at the Orangeville and Green River libraries. Only one construction company attended. Stilson and Sons Construction submitted a bid of \$20,000.00 for 30 year shingles, \$23,000.00 for 40 year shingles and \$25,000.00 for limited lifetime warranty shingles for the Orangeville Library and indicated that the bid for the Green River Library would be \$3,000.00 more to compensate for travel, room and meals. The bid included the demolition of existing shingles on the buildings. Commissioner Gary Kofford made a motion to accept the bid from Stilson and Sons Construction for the 40 year shingles at a total bid of \$49,000.00 for the roofing repairs at the Orangeville and Green River Libraries. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**DEBRA DULL/REPRESENTATIVE OF ROCKY MOUNTAIN POWER/PACIFICORP- QUARTERLY UPDATE.**

Deb Dull, Representative of Rocky Mountain Power brought with her Reg Soepnel Strand, Managing Director of Plants for PacifiCorp, Darrel Cunningham, Hunter Plant, Gary Denhalter, Huntington Plant, and Cody Allred Water Resources Engineer. Deb Dull reported that in 2007 PacifiCorp has provided \$17,000.00 in contributions to various organizations and entities in Emery County mainly to communities for their city celebrations. He indicated that Congressman Matheson will be visiting the Huntington Plant and Governor Huntsman will be vising at the end of the month. The next cycle for overhauls will be in 2010.

Darrel Cunningham, Hunter Plant reported on the recent Hunter 3 overhaul. He indicated that the project was completed on May 20, 2007, eight days late due to some extra turbin work as well as other significant projects. They estimate that a least 700 contractors worked on the project. Overall it was a safe overhaul. They experienced a minimal amount of accidents or incidents associated with the overhaul. PacifiCorp plans to donate the old system to WETC for

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training purposes. Overall, PacifiCorp has spent 55 million dollars on capital projects and 8.5 million dollars on operation and maintenance projects.

Cody Allred, Water Resources Engineer reported on the water situation. He indicated that they have a comfortable amount of water supply to cover the coming season. They will more than likely draw down their storage of water. This year is projected to go down as one of the driest years. There is not a lot of river flow. There is not enough water to go through the entire irrigation cycle. He is working with Huntington and Cottonwood Irrigation to try and make the water last. They are continuing with their fish studies. The fishery seems to be very healthy at this time. They are finding a lot of moss and silt build-up in the streams which is affecting the flow for fish. He ask that everyone pray for a good snow pack this coming season. He stated that we need to replenish the water storage. He indicated that PacifiCorp continues to support the salinity project that is still moving forward. The federal funds are in place and phase 1 is working to be ready for the next irrigation season and a notice to proceed has been initiated for phase 2. .

**(5)**

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

A business license application was presented for Don Sjogren DBA: S.K. Storage. His application has been considered by the Planning and Zoning Committee and signed by Mike McCandless. Commissioner Jeff Horrocks made a motion to approve a business license for Don Sjogren DBA: S.K. Storage as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(6)**

**DISCUSSION AND POSSIBLE DECISION REGARDING OIL/GAS LEASES.**

Scott Elery, Energy West discussed a dual ownership problem regarding oil/gas leases in Emery. In going over oil/gas leases on the south side of Emery, Scott came across some leases that were dual owned. Scot explained that when he was researching mineral holding for this land he came across several quit claim deeds. He interpreted the quit claim deed to hold all the mineral rights that were associated with the land at that time. He thinks the intention was to get the coal rights but due to the wording they took everything. In 1912 Emery Coal & Coke Company went to the property owners to obtain the mineral rights for the property in question. Emery County took the coal rights away from Emery Coal & Coke and gave them to Ira Browning leaving the mineral rights with Emery County. In 1923 Emery County took the property from Ira Browning in a tax sale. Scott assumed that the county was not aware they had the mineral rights with this property, just the coal rights. This raises an issue because the county does not tax severed minerals, so he was not sure why the county took Ira Browning's interest away or Emery Coal & Coke's interest in the beginning. Researching some of this land, Scott found that the last time most of this land was leased was in the early 1950's. At that time, he noticed that there were leases taken with the

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current surface owner at the time as well as the county covering the same lands. Scott assumed they were not really sure who owned the mineral rights so they took two leases and figured out if any drilling was ever going to happen there. Today, Mr. Elery is trying to lease the land and he is not sure who owns the mineral rights. He has taken current leases with the people that he believes currently owns the mineral rights but he cannot prove that they own it due to what he sees in the quit claim deeds. His company has been willing to pay the current owners \$5.00 per acre until the matter is resolved at which time his company will pay them the remainder of what they owe them. He indicated that he does not know how the Commission wants to handle this matter. Commissioner Sitterud indicated that he, Attorney David Blackwell and Recorder Dixie Swasey have met previously with Mr. Elery regarding this matter. Commissioner Sitterud pointed out that the county does not tax on underground rights so he does not know how the county could have taken it on a tax sale. Attorney Blackwell indicated that the problem he sees is that the likely-hood that the company will develop the property goes way down if there is a dispute over who owns the mineral rights. Mr. Elery indicated there is a few ways that oil/gas companies deal with situations like this. One is to drill it and put the money in an escrow account until the issue is resolved. Another way is for all the parties that may have an interest in it to get together and sign some kind of stipulation of interest and everybody agrees that this is the way it is. Or, they can do nothing. Energy West has chosen to do nothing until the issue of ownership of mineral rights has been resolved. Attorney Blackwell recommended that the best option for the county would be to relinquish the county's right, whatever that may be, to the surface owners. The theory being, that if there is any development we would get mineral lease money anyway. Scott indicated that the other side this is that the coal rights have been clouded as well. He did find that there was a quit claim deed from Emery County for the coal rights deeded over to Consolidated Coal sometime around 1992 or 1993. Attorney David Blackwell indicated that the cleanest way to resale this matter would be for the county to relinquish any rights that we may or may not have to this property to the surface owners. Commissioner Gary Kofford made a motion to start the process to relinquish any rights that Emery County may have to the property in question. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present. Recorder Dixie Swasey indicated that she has seen several other Auditor's Tax Deeds that were in error. Therefore, she thinks that relinquishing the County's rights to the property is the best thing to do for all involved.

(7)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR  
EMERY HIGH SCHOOL CARPENTRY PROGRAM**

Commissioner Gary Kofford made a motion to waive the \$1,000.00 building permit fee for the Emery High School Carpentry Program. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(8)****CONSIDERATION AND APPROVAL OF STANDARD FORM OF AGREEMENT BETWEEN HUGHES GENERAL CONTRACTORS, INC. AND EMERY COUNTY POOL COMPLEX.**

Attorney David Blackwell explained that this is a standard AIA agreement. We have been waiting for the amount which is now in the agreement. The amount in the agreement is \$5,790,479.00. Hughes will back out \$372,599.00 to make the total \$5,417,880.00. We have been pretty much guaranteed by CIB to come back for an additional \$500,000.00 if needed. He asked for approval draft a letter to take to CIB to request \$1,000,000.00 because we need furnishings. It is not 100% guaranteed to receive this money. We have been told we can come back for additional money, but it is not guaranteed. David Blackwell requested changing the wording in the document from Emery County Commission to just Emery County.

Commissioner Jeff Horrocks made a motion to approve the contract with Hughes General Contractors with the noted changes and approve Commissioner Sitterud to go to CIB for \$1,000,000.00 in additional funds and to send a letter to proceed to Hughes General Contractors, Inc. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)****CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH AND EMERY COUNTY FOR 2007 STATEWIDE SPECIAL ELECTION FUNDING AGREEMENT.**

Clerk/Auditor Brenda Dugmore presented a contract with the State of Utah for statewide special election funding. The state will fund the statewide special election in the amount of \$6,738.00. The plan is to have the cities turn over their budgeted election funds to the county. Brenda indicated that the funded amount will not be enough to run the election but that she will do what she can to make it work with the funds that the county gets.

**(10)****CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH AND EMERY COUNTY FOR 2008 WESTERN STATES PRESIDENTIAL PRIMARY ELECTION FUNDING AGREEMENT.**

The State will fund the 2008 Western States Presidential Primary Election in the amount of \$22,000.00. Commissioner Gary Kofford made a motion to approve the two contracts with the State of Utah for funding of the 2007 statewide special election and the 2008 Western States Presidential Primary election. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT WITH UDOT AND EMERY COUNTY FOR PHASES 5 & 6 SOUTH MOORE CUT-OFF ROAD.**

Commissioner Gary Kofford made a motion to approve a cooperative agreement between UDOT and Emery County for Phases 5 & 6 of South Moore Cut-Off Road and send it to the Special Service District. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present. Commissioner Kofford explained that this is the asphalt phase of the project. Bids will go out late August with the contract in place by October 15 which is the end of the window for asphaltting. They will begin asphaltting in spring of 2008.

(12)

**CITIZEN CONCERNS**

None.

(13)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION****A. Approval to hire Tamra Humphrey as a Deputy/Clerk Auditor II.**

Clerk/Auditor, Brenda Dugmore requested approval to hire Tamra Humphrey as a part-time Deputy Clerk/Auditor II with pro rated benefits, grade 14 @10.36 per hour. If approved she would begin work on August 8, 2007. Commissioner Jeff Horrocks made a motion to approve hiring Tamra Humphrey as a part-time Deputy Clerk/Auditor II as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**B. Approval to begin the recruitment process for a full time Solid Waste Technician.**

Road Supervisor, Morris Sorensen requested approval to begin the recruitment process for a full time Solid Waste Technician. Commissioner Gary Kofford made a motion to approve beginning the recruitment process for a full time Solid Waste Technician. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**C. Approval of one-step increase for Kristine Roberts.**

Kristine Roberts has successfully completed her six month orientation period and Judge Burns requested a compensation increase. If approved she would move from grade 4A @8.12 per hour to \$8.47 per hour and would become effective August 12, 2007. Commissioner Jeff Horrocks made a motion to approve a compensation increase for Kristine Roberts as proposed. The motion was

seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**

**APPOINTMENT TO THE MUSEUM OF THE SAN RAFAEL BOARD OF DIRECTORS.**

Commissioner Jeff Horrocks indicated that there were two applications handed in for one position of the Museum of the San Rafael Board of Directors. Applications received were from Mary Kava and Janet Petersen. Janet Petersen recently retired as the Director of the Museum. She was working on a couple of grants when she retired. Commissioner Horrocks recommended appointing Janet to the board of directors due to her knowledge of the pending grants. Therefore, Commissioner Jeff Horrocks made a motion to appoint Janet Petersen to the Museum of the San Rafael Board of Directors. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

**DISCUSSION AND IMPLEMENTATION OF SALARY ADJUSTMENTS AS RECOMMENDED BY PERSONNEL SYSTEM AND SERVICES.**

Commissioner Sitterud explained that a year ago the Commissioners began a process to look at county employee's salaries. A company was hired, Mike Swallow at Personnel System and Services, to look at the salaries and make recommendations to the Board of Commissioners. Departments, namely the Road Department and Sheriff's Department, have had some difficulty recruiting people for positions because the wage is low. The Commissioners and department heads looked at what Mr. Swallow recommended and what wage would entice people to apply for these jobs. It was the consensus of the Commissioners to look at the jobs/positions and to implement salary changes as Mr. Swallow recommended, in phases as funds are available to do so. Commissioner Gary Kofford made a motion to implement phase 1 of the salary adjustments as recommended by Mike Swallow, Personnel System and Services effective the pay period beginning August 13, 2007. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present. Implementing phase 2 will be based on available funds.

**(16)**

**SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING COUNTY ROAD #126.**

Commissioner Gary Kofford made a motion to set the date and time for a Public Hearing to receive public comment regarding county road #126 for September 4, 2007 at 10:00 am. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(17)**



**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to approve the minutes dated July 17, 2007 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(18)****COMMISSION REPORTS***Commissioner Kofford*

Commissioner Kofford reported that in the last Commission Meeting the Commission asked for Request for Proposals for maintenance of the Huntington Airport. One was received from Leon Defriez/Mark Johansen.. County Attorney David Blackwell and Personnel Director, Mary Huntington have been going over a possible contract. They anticipate having a contract in place by September 4, 2007. He reported that the bids for the Green River Senior Citizen Center will be opened on August 14, 2007 at 2:00 pm. Road Supervisor. Morris Sorensen is working on an agreement with Emery County, Forest Service and Sanpete County for maintenance of the 2.33 miles of road on the White Dugway in Joe's Valley. Sanpete County says it is their road yet they will not maintain it.

*Commissioner Horrocks*

Commissioner Horrocks reported on the progress of the roofing project at the Museum of the San Rafael. He along with Gary Kofford, LaMar Guymon, Ray Petersen and Leslie Bolinder accompanied CIB Board member's spouses or significant others on a trip to the gun range in Price while the CIB board members met in Castle Dale last week. He also reported on improvements to the North Emery Water Users building north of Cleveland.

*Commissioner Sitterud*

Commissioner Sitterud reported on the Miss Emery Pageant Desertview Pro Rodeo, Emery County Fair, and Castle Valley Pageant. Thursday night was the largest crowd at the rodeo. They experience record numbers this year. Thanks to the Dare to Wear Pink program, where \$1.00 was donated for every person who wore pink to the rodeo, they were able to donate \$800.00 to the Cancer Foundation. The rodeo committee has indicated that they will run that program again next year. The Emery County Fair went well other than the rain on Friday night. The concert lost two thirds of its crowd to the rain. Everything was covered in mud. He reported on the MONEY roll dice game sponsored by Tyler Jeffs. Lori Brady won \$15,000.00 or two four wheelers. The county was honored to have the special needs kids in Emery County as the Grand Marshall of the Fair this year.

COMMISSION MEETING MINUTES  
AUGUST 7, 2007

Commissioner Gary Kofford made a motion to move out the regular meeting and into an executive session and at the conclusion of the executive session to return to the regular meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(19)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at an executive session was Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Personnel Director, Mary Huntington, Economic Development Director, Michael McCandless and Deputy Clerk/Auditor Carol Cox.

Personnel matters were discussed.

**(20)**

**ADJOURNMENT**

Upon returning to the regular meeting, Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COMPLEX IN GREEN RIVER, UTAH

AUGUST 21, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Clerk/Auditor Brenda Dugmore, other elected officials and citizens.

**(1)**  
**CITIZEN CONCERNS.**

Judge Betty Burns wondered if something could be done about the Sheriff's office closing when Cheryl Keener was off on vacation. If people come in for vehicle registrations or other business they are not able to be helped. Chairman Sitterud assigned Commissioner Horrocks to look into the matter.

**(2)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims #184887 through and including #185056 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
81-07	Wireless Access/Printer/Computer	\$5,257.28	Approved
82-07	45 KVA Generator	\$19,950.00	Approved
83-07	Air Conditioner for Emery TV	\$4,130.00	Approved
84-07	LPR Replacement	\$1,040.00	Approved

Commissioner Kofford made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Horrocks and approved by all members present.

Requisition 79-07 for a 2008 Dodge Charger for the Sheriff's department was discussed separately. Commissioner Kofford made a motion to approve the purchase of the Dodge Charger from Ken Garrf West Valley for the amount of \$21,291.00 which is state bid. The motion was seconded by Commissioner Horrocks and approved by all members present.

2  
Commission Meeting  
August 21, 2007

(3)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. APPROVAL OF MARGARET KELLER AS PART-TIME MUSEUM DIRECTOR.**

Personnel Director Mary Huntington asked to be excused from the meeting. Clerk/Auditor Brenda Dugmore requested approval to hire Margaret Keller as the part time Museum Director. She would start Monday, August 27, 2007 and Jan Petersen will come back for two days to train her. Her wage will be a grade 14. Commissioner Jeff Horrocks stated that Mary Huntington had conducted the interviews and determined that Ms. Keller was the best qualified candidate. Commissioner Horrocks made a motion to approve the hiring of Margaret Keller as the part time Museum Director. The motion was seconded by Commissioner Kofford and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF FY2008 CONTRACT BETWEEN EMERY COUNTY AND THE SOUTHEASTERN UTA AREA AGENCY ON AGING.**

Commissioner Kofford informed the Commission that this was a standard contract. There are a couple of small increases in the contract. Commissioner Kofford made a motion to accept the contract pending Clerk/Auditor Brenda Dugmore's approval of the budget figures. The motion was seconded by Commissioner Horrocks and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF SITLA EASEMENT NO. 1025 - LILA CANYON ROAD EASEMENT.**

Utah American Energy had originally put in for a right-of-way on Lila Canyon. The cost was \$6,400 and Utah American Energy did not pay the fee. The contract is pretty one sided for the State but there is no way to change the contract. Commissioner Kofford made a motion to approve the SITLA Easement No. 1025 - Lila Canyon road easement. The motion was seconded by Commissioner Horrocks and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF GRANT FOR JOES VALLEY RESERVOIR COURTESY DOCK INSTALLATION PROJECTS AND ASSOCIATED PAPERWORK.**

Chairman Sitterud stated he had been working on this project for over a year. Everything is now in place to accept the grant. There were three bids for the installation of the dock and they were sent to the State Parks. There are some in kind services that will be required of the County. Commissioner Horrocks made a motion to go ahead and proceed with the dock project and grant signing pending the approval of Attorney David Blackwell. The motion was seconded by

3

Commission Meeting  
August 21, 2007

Commissioner Kofford and approved by all members present.

(7)

**CANCELLATION OF INTERLOCAL AGREEMENT BETWEEN CASTLE DALE CITY AND EMERY COUNTY JUSTICE COURT.**

Attorney David Blackwell stated that recently the County had entered into an agreement with Castle Dale City based on a similar agreement between Price City and Carbon County. Rick Schwermer from the State Courts referred the Justice Court to a code section which disposes of fines by State law which causes the agreement to not be needed. When there is a State law on the books that conflicts with a County agreement the State law prevails. The State law says that any money that the City generates will be split with the County 50/50. Commissioner Kofford made a motion to have Attorney David Blackwell write a letter to Castle Dale City stating that the agreement will terminate in 30 days. Mr. Blackwell will also send a letter to the other cities in Emery County explaining the above section of state code. The motion was seconded by Commissioner Horrocks and approved by all members present.

(8)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Horrocks made a motion to approve the minutes dated August 7, 2007 pending finishing item #6 and making other corrections as directed. The motion was seconded by Commissioner Kofford and approved by all members present.

(9)

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported that the roof project at the San Rafael Museum has been completed and the work on the Veteran's monument has begun. Commissioner Horrocks will be attending a meeting on August 20, 2007 at the Utah Local Government's Trust to consider broadening the coverages they provide.

*Commissioner Kofford*

Commissioner Kofford reported that he had attended a meeting this morning concerning Phase 7 of the South Moore road. The meeting was to determine whether federal funds could be spent on the intersection at Highway 10. The new road design would move the intersection 400 feet to the north. It was determined that federal funds could be spent on this project. Phase 5 & 6 which consists of oiling phases 1, 2, 3, & 4 will go out to bid in the next few weeks. The bid will be let around October 1, 2007.

Commissioner Kofford also informed the public that the Municipal Building Authority met on August 14, 2007 to open bids for the Green River Senior Citizens Center. There was only one bid from Henderson Builders out of Moab. The bid was for \$1,720,000. The original engineers estimate was \$1,300,000. Architect James Dressler sent a copy of the bid award and upon approval will forward it on to Henderson Builders. The construction will begin around September 15, 2007. The site has been prepared and is ready for construction to begin. The completion date is 360 calendar days from the date the notice of award was sent.

*Commissioner Sitterud*

The Commissioners met with the Utah State Tax Commission to discuss the 18 percent factor order that was issued. They met for about three hours discussing concerns with how decreases to centrally assessed property affects businesses and homeowners. The result was they could understand the issues that were brought up but without a constitutional change there was not anything they could do.

There will be a jointly sponsored ATV ride September 28-30, 2007. The ride will be sponsored by Emery County and the Utah State Parks. The cost will be \$80.00 to play 18 holes of golf, 9 holes at Millsite Golf Course and 9 holes at Green River State Park. It also includes a nights stay at each of the parks. The ATV ride will begin at Millsite State Park and end at the Green River State Park. Vehicles will be transported from Ferron to Green River by the Emery County Sheriff's Possee.

Commissioner Sitterud stated that he attended the funeral for rescue miner Dale Black who was killed on Thursday. The funeral was held at the Little Bear Campground up Huntington Canyon. There were approximately 1200 chairs set up and it was standing room only. Governor Jon Huntsman and mine owner Robert Murray were also in attendance. The Sheriff's office handled the parking and did a very good job. Commissioner Sitterud commended all in the county who have been involved with the mine situation for the good job that they have done.

**(10)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

The executive session was not needed.

**(11)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded

5  
Commission Meeting  
August 21, 2007

by Commissioner Jeff Horrocks and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

AUGUST 22, 2007

Present at the meeting were Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Clerk/Auditor Brenda Dugmore and other citizens.

Commissioner Jeff Horrocks made a motion to move into the public hearing. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(1)

**6:00 PUBLIC HEARING - TO RECEIVE PUBLIC COMMENT ON PROPERTY TAX INCREASE FOR THE SWIMMING POOL AND JUDGMENT LEVY:**

Commission Chairman Drew Sitterud stated the purpose of the public hearing was to receive public comment on the proposed tax increases. The property tax increase is for Emery County to receive an additional \$100,000 of property tax revenue to pay for the operation and maintenance of the swimming pool that was approved by a vote of the people in November of 2006. The judgment levy increase is for Emery County to receive \$19,536.70 which the Utah State Tax Commission ordered Emery County to pay back to Canyon Fuel. Of this amount approximately 75 percent will be paid back by centrally assessed properties.

Patsy Stoddard spoke in favor of moving forward with the tax increases. Katherine Seely had questions about why line items on her valuation notice would be higher if there was no budget change. Ms. Seely also had questions concerning her green belt values. Chairman Sitterud requested that she talk to the Assessor Kris Bell to get answers concerning values. Ms. Seely stated that the increase for the swimming pool seemed pretty minimal.

Commissioner Gary Kofford made a motion to come out of the public hearing. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Gary Kofford made a motion to approve Resolution 08-22-07 adopting final tax rates and budgets. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.



2

Commission Meeting  
August 22, 2007

The final tax rates and budgets are as follows:

<b><u>Fund</u></b>	<b><u>Tax Rate</u></b>	<b><u>Budget</u></b>
General Fund	.003509	\$5,461.260
Library	.000405	\$ 630,325
Judgment Levy	.000013	\$ 19,537
Swimming Pool	.000064	\$ 100,000
Assessing & Collecting - County	.000300	\$ 467,000
Assessing & Collecting - State	.000121	\$ 188,320

(20)

**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

SEPTEMBER 4, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims #185271 through and including #185370 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
85-07	(2) Pulse Oximeters Ambulance	\$ 990.00	Approved
86-07	(2) 40' containers (4) 20' containers Homeland Security/Sheriff	\$18,114.00	Approved

There were no dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, and requisitions and presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(2)**  
**CONSIDERATION AND APPROVAL OF AMBULANCE BILL REDUCTION/WRITE-OFF FOR JUSTIN GIBSON, CASEY A. COONES, AND ANGELICA CERVANTES.**

Clerk/Auditor Brenda Dugmore presented ambulance bill reduction/write-off requests as follows:

1. Justin Gibson was hurt in a rodeo in Huntington. In his letter requesting assistance he indicated that he has no insurance. His ambulance bill is \$1,000.00. Commissioner Jeff

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SEPTEMBER 4, 2007

Horrocks made a motion to approve a 20% reduction in his ambulance bill and allow him to make two payments on the remainder of the balance he owes. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

2. Casey Coones was in an automobile accident. In his letter requesting assistance he indicated that his insurance company denied his claim. His ambulance bill is \$1,548.00. Commissioner Jeff Horrocks made a motion to set up a payment plan for Mr. Coones to pay the ambulance bill. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

3. Angelica Cervantes was visiting in Green River when she experienced an asthma attack. She indicated in her letter that she has no parents or family to help her and would appreciate any reduction or opportunity to make small payments. Commissioner Gary Kofford made a motion to abate the ambulance bill in the amount of \$1,797.00 for Angelica Cervantes. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF AGREEMENTS WITH CITIES TO  
ADMINISTER ELECTIONS ON 11/6/2007.**

Clerk/Auditor Brenda Dugmore explained that Governor Huntsman has declared that there will be a special election in November. Lieutenant Governor Herbert declared that the County will administer the election. Since this is a municipal election year the cities were asked to turn over to the county the amount that they have budgeted to administer the election in their city/town. Brenda asked Attorney David Blackwell to draft an agreement between the county and each city/town in Emery County to administer the election. She explained the election set up and plans for the precincts. She asked that the Commissioners sign the agreements and she will get them to the cities/towns for their approval. Commissioner Gary Kofford made a motion to approve agreements with the cities/towns in Emery County to administer the election on November 6, 2007. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**SETTING OF DATES FOR 2008 BUDGET WORK MEETINGS.**

Commissioner Jeff Horrocks made a motion to set the following dates for 2008 budget work meetings: September 24, 2007 at 9:00 am., October 3, 5, 15, and 24, 2007 beginning at 9:00 am. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**HILLARY GORDON, MAYOR OF HUNTINGTON, DISCUSSION OF LAW ENFORCEMENT IN CITIES.**

Huntington Mayor, Hillary Gordon came before the Board of Commissioner to discuss speeding issues in Huntington City. She indicated that there has been a lot of controversy stemming from the stop signs recently placed on Huntington City streets. UDOT is currently doing a speed survey in Huntington City. The city has asked Sheriff Guymon for extra law enforcement. Sheriff Guymon indicated that years ago there was an agreement with the cities for law enforcement. This became a hassle so it was discontinued and now law enforcement for the cities is handled through the county. He stated that every city in Emery County has law enforcement issues. Mayor Gordon asked Sheriff Guymon how much it would cost to have a contracted law enforcement officer in their city for a specific amount of time. Sheriff Guymon indicated approximately \$30.00 per hour. Sheriff Guymon added that during city celebrations his department has in the past and will continue in the future to provide extra law enforcement for that city. Commissioner commented that ideally the county needs additional officers. However, the budget won't allow for it. Sheriff Guymon is trying to cover the county with what deputies he has. Sheriff Guymon stated that his department wants to provide service to the cities/towns. He needs to be informed of law infractions in order to react to them. Sharon Earl asked how much it would cost to hire an officer? Sheriff Guymon indicated that it would cost approximately \$80,000.00 to get an officer trained and going on the job. This is not including an automobile and all the equipment needed to do the job. A yearly salary not including benefits would be around \$45,000.00 to \$60,000.00. Mayor Gordon indicated that this was not a formal request, just the start of discussions regarding law enforcement and appreciated their time and input.

(6)

**GARY PETTY, MAYOR OF EMERY, REQUEST FOR COUNTY ASSISTANCE WITH A BUILDING DEMOLITION.**

Emery Mayor, Gary Petty and Council member Pat Sundstrom were present to ask the Commissioners for assistance in the demolition of a building. The building is next to the existing city hall and the post office. They are looking at tearing down the building to create a parking lot for the post office and city hall customers. Asbestos testing on the building has been completed. They asked that the county assist in tearing down the building and haul the debris to the landfill. The road supervisor indicated that it would probably take about a week to tear down the building and another week to haul the debris to the landfill. He also indicated that his department will not be available to assist in this project until sometime in the fall. Mayor Petty indicated that the city does have funds to pay for the fuel that it will take to haul the debris to the landfill. Commissioner Jeff Horrocks made a motion to assist in the removal of a building in Emery Town sometime in the fall and that Emery Town will assist in the fuel cost for the project.

The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**10:00 AM- JOINT PUBLIC HEARING- EMERY COUNTY PLANNING COMMISSION/EMERY COUNTY COMMISSION TO RECEIVE PUBLIC COMMENTS FOR THE PURPOSE OF DETERMINING WHETHER THE INTERESTS OF THE PUBLIC AND AFFECTED LANDOWNERS WILL BE PROTECTED IF/WHEN UTAH AMERICAN ENERGY, INC. COAL MINING AND RECLAMATION OPERATIONS BEGIN WITHIN 100 FEET OF EC ROAD 126 AND DURING CONSTRUCTION ON EC ROAD 126.**

Commissioner Gary Kofford reviewed maps showing the Lila Canyon Mine site. He reported that in 1997 Utah American Energy began the process to develop the reserves in the Lila Canyon area. In 1999 Utah American Energy came to the Planning Commission and went through the large site development process. They also came before the Board of Commissioners in the form of a public hearing. One thing that was covered in these meetings was the fact that there is a stipulation in Federal Regulations that states that anytime there is a coal mine within 100 feet of a public road it needs to be addressed in a public meeting and open to public comment. At that time the issue of EC Road 126 was covered. Also at that time the Planning Commission noted with a stipulation that where they were adjacent to the road within a 100 feet a fence would be a six foot chain link fence put up. Members of the Planning Commission were present at today's meeting, some of which were there at the first public meeting. The members present were: Mac Huntington, Judy Scott, Gary Arrington, Bill Dellos and Priscilla Burton. In 1999, it was agreed that the county would realign the road proceed and get the right-of-ways, Utah American Energy would pay for the expansion or improvement. We have right-of-ways from BLM, private land owners and SITLA. The agreement at that time was that Utah American Energy would pave the road and the county would maintain the road after the work was completed. In 2001, a mining permit was issued by DOGM. The permit was protested by SUWA. In May 2007, SUWA began the process of trying to hold up things again. One of the stipulations in the May 2000 permit was that American Energy have another hearing to discuss the location of within 100 foot of a public road. This is the purpose of the public hearing today is to partner with the Emery County Planning Commission to hold a public hearing to allow for public comment on whether the interest of the public and affected landowners will be protected if and when Utah American Energy, Inc. coal mining and reclamation operations begin within 100 feet of Emery County Road 126 and during construction on Emery County Road 126.

Comments were as follows:

Sharon Earl asked if this road is located in Emery County. Commissioner Kofford indicated that it is in Emery County.

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Jay Marshall, Utah American Energy, Inc. indicated that the operations of the coal mine will employ approximately 230 from Carbon and Emery County.

Bill Dellos asked how much traffic can be expected on the road. Commissioner Kofford indicated that it would be mostly coal hauling and some stockmen. Craig Johansen commented that the portion of the road that will be abandoned will be reclaimed.

Sharon Earl asked what was the nearest city to the mine? Commissioner Kofford indicated that it would be East Carbon.

Priscilla Burton asked where the county line was? Commissioner Kofford showed on the map that the county line is south of Columbia. Can people use the road for commuting to the mine? Commissioner Kofford commented they could use Horse Canyon road. Does the company plan on using funds to help improve the road for commuters? Commissioner Kofford indicated that there were no plans for improving the road for commuters at this time.

Bill Dellos asked how deep the mine was? Jay Marshall indicated that all their mines are approximately 2500 feet.

Mac Huntington, as Chairman of the Planning Commission eight years ago when this all began remembers going through all this with the applicant, Jay Marshall representative from Utah American Energy, Inc. There was a very thorough and exhausted permitting process. He thought that at that time the county was very diligent with the formal process. He indicated that he was very surprised when this came up.

Attorney David Blackwell commented that back then the notice for the public hearing did not include the wording regarding within 100 feet of road 126. This is the technicality that they are wanting us to correct. The issue now is the 100 feet addressed in a public hearing. He suggested that the Planning /Zoning Commission when you next meet based on the comment you hear today you make a decision in your meeting.

Priscilla Burton read a comment from DOGM: Ruling R645103234 which states the public road authority designated by the division make a written finding based upon information received at a public hearing within thirty days after completion of the public hearing or any open comment period as to whether the interest of the public and affected landowners will be protected from the proposed coal mining and reclamation operation. No mining will be allowed within 100 feet of the outside right-of-way line of a road, nor may a road be relocated or closed, unless the Division or public road authority determines that the interests of the public and affected landowners will be protected.

Jay Marshall, Utah American Energy, Inc. reviewed the map of the revised mine site plan.

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Commissioner Gary Kofford relayed a comment he received from Glen Jensen, Elmo in a earlier phone conversation. Mr. Jensen runs cows in this area and was concerned about the springs drying up as a result of the mining operations. Commissioner Kofford indicated that water was addressed in the plan.

Gary Petty asked if the county will maintain the road and does Utah American Energy have any obligation to help with that maintenance? Commissioner Kofford indicated that at this time there is no plan for UAE to help with the maintenance of the road. The County has agreed to maintain the fence because of a BLM agreement.

Bill Dellos asked to what standard the road will be built? Commissioner Kofford indicated that it will be built to the same standard as other roads built in the county.

Commissioner Sitterud asked if there were any more comments.

No more comments.

Commissioner Gary Kofford made a motion to come out the public hearing and return to the regular meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(8)**

**CONSIDERATION AND APPROVAL TO UPHOLD PREVIOUS POSITION THAT PUBLIC INTEREST WILL BE PROTECTED WHEN UTAH AMERICAN ENERGY INC. BEGINS COAL MINING AND RECLAMATION OPERATIONS.**

Commissioner Gary Kofford made a motion to make a written finding within thirty days to DOGM upholding the previous position that public interest will be protected when Utah American Energy, Inc. begins coal mining and reclamation operations in Lila Canyon. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(9)**

**CONSIDERATION AND APPROVAL OF MANAGEMENT AGREEMENT FOR HUNTINGTON AIRPORT.**

Tabled

**(10)**

**CONSIDERATION AND APPROVAL OF A BUSINESS LICENSE FOR ON-SITE AUTOMATIONS.**

A business license application was presented on behalf of Nick Mills DBA: On-Site Automations. Mr. Mills plans to supply and install improved home technology such as home theater systems, surveillance cameras, controlled lighting automatic gate entry, etc. The application has been reviewed, approved and signed by Zoning Director, Michael McCandles. Commissioner Jeff Horrocks made a motion to approve a business license for Nick Mills DBA: On-Site Automations. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(11)**  
**CITIZEN CONCERNS**

There were no citizen concerns.

**(12)**  
**DISCUSSION AND APPROVAL OF FUNDING FOR KIOSK AT LAWRENCE CEMETERY.**

The kiosk at the Lawrence Cemetery recently blew down. Cole Guymon has chosen to construct a new kiosk at the Lawrence Cemetery as an Eagle Project. The total cost to construct the kiosk is \$1,137. There is approximately \$1,000.00 available through the IT Department that could be used for this project. Since the Lawrence Cemetery is a county owned cemetery Commissioner Sitterud asked if the county could help Cole out with the additional cost of the kiosk which could be up to \$250.00. Commissioner Jeff Horrocks made a motion to allow up to \$250.00 for the Lawrence Cemetery kiosk project. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(13)**  
**RATIFICATION OF LETTER ADJUSTING THE NEW SALARY COMPENSATION PLAN.**

When the new salary compensation plan was presented and reported to the employees two incorrect salaries were listed. A letter was drafted and sent to the employees adjusting and correcting the salaries. That action needs to be ratified at this time. Commissioner Gary Kofford made a motion to ratify the sending of a letter to the employees adjusting and correcting the new salary compensation plan. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.



(14)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Mary Huntington was out of town:

Clerk/Auditor Brenda Dugmore presented the following Personnel action:

A. Approval to hire Eric Nielsen as a full-time Solid Waste Technician.

Morris Sorensen requested approval to hire Eric Nielsen as the full time Solid Waste Technician. If approved he will be at Grade 14 at \$13.64 per hour. Commissioner Jeff Horrocks made a motion to approve the hiring of Eric Nielsen as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

B. Approval to start the recruitment process for a full time Lube Mechanic.

Morris Sorensen requested approval to start the recruitment process for a full time Lube Mechanic at Grade 13, \$12.85 per hour. Commissioner Gary Kofford made a motion to approve starting the recruitment process for a full time Lube Mechanic as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

C. Approval to start the recruitment process for a full time Librarian in Green River.

Jerilyn Mathis request approval to start the recruitment process for a full time Librarian at the Green River Library. Commissioner Gary Kofford made a motion to approve starting the recruitment process for a full time Librarian at the Green River Library. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

D. Approval to start the recruitment process for a full time dispatcher.

Sheriff Guymon requested approval to start the recruitment process for a full time dispatcher. Jennifer Jensen has resigned and moved to Utah County. Commissioner Jeff Horrocks made a motion to approve starting the recruitment process for a full time dispatcher. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

E. Accept resignation of Denise Hoffman effective 8/31/07

Commissioner Gary Kofford made a motion to accept the resignation for Denise Hoffman effective August 31, 2007. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

F. Approval to increase hours of Jolene Dalton to cover Green River Library.

Jerilyn Mathis requested approval to increase the hours of Jolene Dalton temporarily to cover Green River until a full time librarian can be recruited. Commissioner Gary Kofford made a motion to approve increasing the hours for Jolene Dalton to temporarily cover the Green River Library until a full time librarian can be recruited. The motion was seconded by Commissioner

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Jeff Horrocks and approved by all members present.

G. Notification of 90-day temporary employment for Kyle Hales, Andrew Blackwell, Darren Worwood, and Brandon Larsen has ended.

H. Approval to move Alexander O’Niel from dispatch to Correction Officer I.  
Sheriff Guymon requested approval to move Alexander O’ Niel from dispatch to Correction Officer I after successfully completing POST. He would move from Grade 14, \$14.04 per hour to Grade 15, \$14.89 per hour. Commissioner Jeff Horrocks made a motion to approve moving Alexander O’Niel from dispatch to Correction Office I as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

**APPROVAL OF BUILDING PERMIT FEE WAIVER FOR GREEN RIVER SENIOR CITIZEN CENTER, SWIMMING POOL, AND VETERAN’S MEMORIAL.**

Commissioner Jeff Horrocks made a motion to waive the building permit fees for the Green River Senior Citizen Center, Swimming Pool and Veteran’s Memorial. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to approve the minutes dated August 21, 2007 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Gary Kofford made a motion to approve agenda item #6 from the minutes dated August 7, 2007 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Jeff Horrocks made a motion to approve the minutes of a special meeting held on August 22, 2007 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(17)**

**COMMISSION REPORTS**

COMMISSION MEETING MINUTES  
SEPTEMBER 4, 2007

*Commissioner Jeff Horrocks*

Commissioner Horrocks reported that the Museum of the San Rafael has a new director on board her name is Margaret Keller.

The Veteran's Memorial project is moving along well.

*Commissioner Gary Kofford*

Commissioner Kofford reported on the Senior Citizen Center in Green River. Everything is progressing along well. Ground work will begin soon.

The swimming pool project is moving along. Nielson Construction is asphaltting and moving dirt this week.

Goblin Valley State Park project had a final inspection on August 30<sup>th</sup>. The road has been black topped and curb and gutter added to the park area. It is a great addition to the park.

Commissioner Kofford attended a water meeting on August 23<sup>rd</sup> in Ferron where they talked about raising Millsite dam. This would affect two holes at the golf course which was not acceptable with Ferron City.

*Commissioner Sitterud*

Commissioner Sitterud commended Huntington City for the way they have handled the events of the last month with the disaster at Crandall Canyon Mine. There are events planned in Huntington for the next two weeks. There will be an interfaith service on Sunday at 6pm at Canyon View Jr. High School. September 15<sup>th</sup> will be a celebration/benefit spearheaded by Governor Huntsman dedicated to those who lost their lives at Crandall Canyon Mine and their families.

Commissioner Jeff Horrocks made a motion to move into an executive session and upon completion of that session to return to the regular meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(18)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at an executive session was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Economic Development

11  
COMMISSION MEETING MINUTES  
SEPTEMBER 4, 2007

Director Michael McCandless and Deputy Clerk/Auditor Carol Cox.

**(19)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

SEPTEMBER 18, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 185473 through and including # 185643 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
87-07	M400 PC Tablet Corrections/Sheriff	\$2,000.00	Approved
88-07	2008 Ford F-350 Ambulance Ambulance	\$110,900.00	Approved

There were no dispositions.

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(2)**  
**RICK LARSEN, DWR, QUARTERLY UPDATE**

Mr. Larsen was not present at the meeting.

(3)

**PAM JULIANO, CONGRESSMAN MATHESON REPRESENTATIVE, QUARTERLY UPDATE.**

Pam Juliano, Congressman Matheson Representative, came before the Board of Commissioners to relay a message from Congressman Matheson. She read the floor statement from September 5, 2007 that Congressman Matheson offered in support of House Resolution #631 Honoring Crandall Canyon Miners and Rescuers. The statement was as follows:

Madam Speaker, I rise in support of this resolution.

I would like to recognize and thank Chairman Miller and Ranking Member McKeon, of the House Education and Labor Committee for their support of this resolution. I would also like to thank my colleague from Utah, Mr. Bishop.

I rise today to honor the sacrifice and the courage of six missing miners and three rescuers who died in a mine disaster at the Crandall Canyon coal mine in Huntington, Utah just a few weeks ago.

In the early hours of August 6, the six miners were trapped when rocks and debris exploded off the walls of the tunnel where they were working, more than eighteen hundred feet under the ground. The cave-in created a ground shock that measured 3.9 on the Richter scale at the University of Utah's Seismograph Center.

Very quickly, rescue crews assembled in an effort to locate and reach the six men, but to date Kerry Allred, Don Erickson, Juan Carlos Payan, Brandon Phillips, Manuel Sanchez and Jose Luis Hernandez are still missing.

Ground movement-what the miners call "bumps" or "bounces"-continued at the mine. During the rescue attempt, further disaster struck. Three rescue miners- Gary Jensen, Brandon Kimber and Dale "Bird" Black were killed when-once again- underground activity caused a burst of rubble to explode off the cavern walls. Rescuers had to literally dig colleagues out from beneath piles of coal and rocks. Their efforts saved another six rescuers, who were injured, but are recovering.

Throughout this catastrophe, the local community has remained steadfast. The Emery County Sheriff, his deputies and other first responders worked around the clock to maintain order as private, state and federal teams maintained the search effort.

Community leaders and the families of these mining towns in Emery and Carbon Counties came together to support the trapped miners' families, the rescuers and the emergency crews. They did what they always done in coal county during hard times-they held each other close, they hoped and they prayed.

Today, the House honors the missing and the dead. We extend the condolences of our nation to their families. We recognize the many volunteers who rushed to their aid and who provided endless hours of compassionate support.

And finally, we honor the proud national heritage of coal mining families. Their skill, their hard work and their dedication contributes to the prosperity and quality of life that each and every one of enjoys.

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Commissioner Gary Kofford asked for a moment of silence in respect and honor of the fallen miners.

Next Pam read RESOLUTION # 631.

Honoring the sacrifice and courage of the six missing miners and three rescuers who were killed in the Crandall Canyon mine disaster in Utah, and recognizing the rescue crews for their outstanding efforts in the aftermath of the tragedies.

Whereas on August 6, 2007, six miners, Kerry Allred, Don Erickson, Juan Carlos Payan, Brandon Philips, Manuel Sanchez, and Jose Luis Hernandez, were trapped 1800 feet below ground in the Crandall Canyon mine in Utah;

Whereas Federal, State, and local rescue crews worked relentlessly in an attempt to locate and rescue the trapped miners;

Whereas three rescuers, Gary Jensen, Brandon Kimber, and Dale "Bird" Black lost their lives during the rescue attempt;

Whereas the loss of the miners has had a tremendous effect on the local community;

Whereas the emergency efforts coordinated by the Emery County Sheriff's Department have been exemplary;

Whereas Utah is one of the largest coal producing States in the nation, producing over 21 million tons of coal in 2005;

Whereas coal continues to be the economic engine for many communities;

Whereas during the last century over 100,000 coal miners have been killed in mining accidents in the Nation's coal mines;

Whereas the Nation is greatly indebted to coal miners for the difficult and dangerous work they perform to provide the fuel needed to operate the Nation's industries and to provide energy to homes and businesses;

Whereas many residents of Emery County and Carbon County, Utah, and the surrounding areas, came together to support the miners' families and the community has been steadfast in its efforts to help the families of the missing and deceased;

Now, therefore, be it

*Resolved*, That the House—

- (1) Recognizes Kerry Allred, Don Erickson, Juan Carlos Payan, Brandon Phillips, Manuel Sanchez, Jose Luis Hernandez, Gary Jensen, Brandon Kimber, and Dale "Bird" Black for their sacrifice in the Crandall Canyon, Utah coal mine;
- (2) Extends the deepest condolences of the Nation to the families of these men;
- (3) Recognizes the many volunteers who participated in the rescue efforts and provided support for the miners' families during the rescue operations; and
- (4) Honors the long national heritage of coal mining families and supports the tradition for the future.

Pam extended to the Emery County Commission and Emery County Sheriff's Department

thanks, appreciation and support of Congressman Matheson and his staff.

(4)

**KARRIE BEHLING/DORIS PRICE, DISCUSSION OF OIL WELL IN COUNTY NEAR FERRON.**

Karrie Behling and Doris Price are a fact finding delegation from Ferron. They asked questions regarding ordinances that the county may have that would regulate the distance that a drilling rig may be situated near residential areas. Other questions asked were, What agencies regulate drilling rigs and what rights residential owners may have? Doris Price indicated that the smell and noise have been unbearable. Doris contacted North Star and spoke with Eli McMillan who indicated that they are trying to work in the problem. Mr. McMillan provided Doris with a meter to measure the smell that is making her and her family sick. The noise seems to be worse in the night. Two of her sons have lost their sense of smell which is a side effect of Hydrogen Sulfide. She expressed concern for what would happen if there was an accident at the well, stating that, Hydrogen Sulfide can be deadly in high quantities. Seven years ago a report was filed with the EPA. However, Hydrogen Sulfide is a natural gas and it is the level that the gas is emitted into the air that has the residents concerned.

Zoning Administrator, Michael McCandless indicated the Division of Oil, Gas and Mining is aware of the problem and has been monitoring the situation. However, this was the first time he had heard the noise complaint. The county has a nuisance ordinance that says that the county will work to mitigate the problem. Mike had the contact person and number to give to the delegation so that they can contact DOGM with their concerns. Commissioner Gary Kofford indicated that the county will follow through with doing what they can to try and mitigate the problem.

(5)

**CITIZEN CONCERNS**

Sheriff LaMar Guymon asked for overtime compensation for three employees, William Downard- 81.5 hours, Kyle Ekker- 205 hours and Kathy Jensen- 4 hours, who are exempt from overtime pay. Sheriff Guymon indicated that compensation is expected to be reimbursed to the county from an outside source. Attorney David Blackwell cautioned that expending tax dollars requires this to be an agenda item and recommended putting the request on the agenda for the next meeting. Commissioner Gary Kofford made a motion to put the Sheriff's request for overtime compensation for William Downard, Kyle Ekker and Kathy Jensen on the next commission meeting agenda. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Sharon Earl inquired as to the renewal of Enterprise Zone program through the State of Utah.



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Commissioner Gary Kofford reported that the Road Department advertised for contractors interested in sand blasting and painting the Wilson-Brown Bridge in Huntington Canyon. Prospective bidders were to attend a pre-bid site showing on September 10, 2007. Johansen & Tuttle Engineering received two bids for the project. The bids were as follows: Gateway Company for \$76,215.00 and BT Builders for \$18,465.00. Attorney David Blackwell asked why the bids went to J&T when all project bids are supposed to go the Clerk/Auditor's office and then put on the agenda to open in Commission Meeting. Commissioner Kofford was not sure why the bids went to J& T. Commissioner Kofford indicated that due to the weather changing there is a need to expedite the process and made a motion to award the bid for sandblasting and painting the Wilson-Brown Bridge to BT Builders for \$18,465.00 as an emergency and to bring the matter back to the next Commission Meeting as an agenda item to be ratified. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Patsy Stoddard reminded the Commissioners about the 2007 Economic Summit held this year in Carbon County, September 19-21, 2007. She extended an invitation to anyone interested in attending the summit.

Randal Stilson expressed a desire to see the Board of Commissioners publish a letter of support and thanks to all the volunteers and workers who spent so many hours at Crandall Canyon Mine. Commissioner Sitterud indicated that a letter is already in the works.

(6)

**CONSIDERATION AND APPROVAL OF MANAGEMENT AGREEMENT FOR HUNTINGTON AIRPORT.**

Commissioner Kofford reported that a lease agreement for management of the Huntington Airport was recently drafted. Huntington Aviation, LLC, Leon Defiez and Mark Johansen have read and agreed to the lease management agreement for management of the Huntington Airport. The lease term is for one year beginning September 1, 2007 and terminating on August 31, 2008. Commissioner Gary Kofford made a motion to accept a lease management agreement with Huntington Aviation, LLC for management of the Huntington Airport. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND OFFICE OF THE COURTS FOR PERIMETER SECURITY SERVICES.**

Sheriff Guymon explained that this is the standard MOU with the courts for perimeter security services with the exception that the MOU is for one year not two. The contract compensation amount is still the same at \$4,000.00, which is not enough to cover the cost to do the job. Commissioner Jeff Horrocks made a motion to approve the MOU with the office of the courts

for perimeter security services. Commissioner Gary Kofford seconded the motion with a side note that he opposed the amount because the county expends much more. The motion passed.

(8)

**CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND OFFICE OF THE COURTS FOR BAILIFF SERVICES.**

Sheriff Guymon indicated that this the standard bailiff services MOU with the courts for one year. The contract compensation amount is \$7,500.00 per year, which is not enough to cover the cost to do the job. Commissioner Gary Kofford made a motion to approve an MOU with the office of the courts for bailiff services. The motion was seconded by Commissioner Jeff Horrocks with a side note that he opposed the amount because the county expends much more to do the job. The motion passed.

(9)

**RATIFICATION OF RIGHT OF WAY EASEMENT FOR SWIMMING POOL PROJECT WITH ROCKY MOUNTAIN POWER.**

Commissioner Sitterud explained that a right-of-way easement was needed so Rocky Mountain Power could put in an underground power line for the swimming pool project. Building has begun on the project so the right-of-way was signed earlier and now that action needs to be ratified. Commissioner Jeff Horrocks made a motion to ratify the signing of a right-of-way easement for the swimming pool project with Rocky Mountain Power. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(10)

**RATIFICATION GENERAL SERVICE CONTRACT WITH ROCKY MOUNTAIN POWER FOR SWIMMING POOL PROJECT AND MISCELLANEOUS PAPERWORK.**

Commissioner Gary Kofford made a motion to ratified the signing of a general service contract with Rocky Mountain Power for the swimming pool project and miscellaneous paperwork as needed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF RENEWAL PERMIT FOR POWER LINE SERVING EAST RIM COMMUNICATION SITE.**

See No.12.

(12)

**CONSIDERATION AND APPROVAL OF COMMUNICATIONS USE LEASE FOR LOTS #1 AND 2 OF SITE 1 OF THE RIM PORTION OF THE EAST RIM OF HORN MOUNTAIN COMMUNICATION SITE, FOR PARTS OF SITE 2 OF THE LONG RIDGE PORTION OF THE EAST RIM OF HORN MOUNTAIN COMMUNICATION SITE, AND FOR A COMMUNICATION FACILITY ON BOARDING HOUSE RIDGE FOR 20 YEARS.**

Commissioner Gary Kofford made a motion to approve items 11 and 12 renewing a permit for power line serving East Rim Communication site and approving communication lease for lots #1 and 2 of site 1 of the rim portion of the East Rim of Horn Mountain Communication Site, for parts of site 2 of the Long Ridge portion of the East Rim of Horn Mountain Communication Site and for a communication facility on Boarding House Ridge for 20 years. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL TO LEASE A ROOM AT THE COURTHOUSE TO DIVISION OF WILDLIFE RESOURCES.**

Commissioner Drew Sitterud explained that the Division of Wildlife Resources Biologist is stationed in Ferron. He deals with irrigation issues and would like to be available in the county for two to three days a week. Currently these issues would have to be dealt with in Price. The Division requested a space to use for the Biologist to be stationed in the county. Commissioner Gary Kofford made a motion to make a room available to the Division of Wildlife Resources and they will pay for the phone and internet use. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(14)

**CONSIDERATION AND EXECUTION OF DIVISION ORDER WHICH CERTIFIES EMERY COUNTY AS ROYALTY INTEREST OWNER ON SE/NW SECTION 14, TOWNSHIP 20 SOUTH, RANGE 7 EAST.**

The Division Order is from Coastal Plains Energy, Inc. The order certifies the county as legal owner of the interest of all the oil, gas, and related liquid hydrocarbons produced from property on SE/NW Section 14, Township 20 South, Range 7 East. Commissioner Jeff Horrocks made a motion to approve and execute a Division Order which certifies Emery County as legal of interest on SE/NW Section 14, Township 20 South, Range 7 East. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(15)

**DISCUSSION AND APPROVAL OF LETTER FROM PUBLIC LANDS COUNCIL TO THE GOVERNOR REGARDING UTAH MINE SAFETY COMMISSION.**

Bruce Wilson, Chairman of the Emery County Public Lands Council read a letter addressed to Senator Bob Bennett, Senator Orrin Hatch, Representative Jim Matheson, and Governor Jon Huntsman, Jr. Regarding committee investigations of the Crandall Canyon Mine Disaster.

Gentlemen:

The catastrophic events of the past weeks have touched the communities of Carbon and Emery County deeply. The initial shock of news of a mining accident and the roller coaster of emotions which have followed leave us saddened, and unfortunately on somewhat familiar ground. Our communities are grateful for the care, compassion and support each of you have shown as the unfortunate events unfolded. At present, we find ourselves grieving with the families of the lost, trying to look to the future now. Following each mining accident, there comes the time when each of us ask the inevitable question, how did this happen? Could it have been prevented?

The recent action taken at the national and state levels are, we believe, natural and expected responses to a catastrophe which has claimed the lives of nine irreplaceable men. As the committees have been formed to review facts and circumstances surrounding the events at the Crandall Canyon Mine, we have no doubt that the intent is noble and with the best intentions. However, we would advance the following cautions in regard to any proposed recommendations by these committees:

- Avoid taking an “outside looking in” attitude. It is always easiest to become the Monday morning quarterback and have all the easy answers after the fact. There appears to be an of balance weighting of elected officials to underground mining experience. There is no substitute for hands on experience.
- We understand that Senator Bennett has cautioned against reacting emotionally and in a knee-jerk manner. We appreciate that caution. Please don’t impose further regulations on this industry just for the sake of “doing something”. Underground mining is currently one of the most regulated industries in the nation, for understandable reasons. Reasonable measures addressing overlooked or new safety concerns are always necessary. Redundant requirements serve no purpose.
- Recommendations from the committees should be pro-active, preventative measures, not reactive and punitive in nature.
- Coal mining and coal fired power generation are under the gun from proponents of alternative energy sources and are prone to argue that accidents such this are just another reason to scrap proposed plans for coal fired power plants. Such arguments should be outside the scope of the committee hearings.
- There are regulatory agencies in place both at the State and National levels. Mine Safety and Health Administration (MSHA), Office of Surface Mining (OSM) and

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the Utah Division of Oil, Gas and Mining (UDOGM) set standards, permit mining, and are responsible for safe mining plans and implementation of those plans. Mistakes, illegalities, non-conforming practices (if any) will be determined by these agencies. Please don't intend for the communities to do the job of existing agencies.

Bruce explained that during Public Lands Council meeting the council voted to send a letter to the Washington delegation and state representatives asking them to use caution and good judgement and not act quickly until the findings have come out. Commissioner Sitterud explained that since the Public Lands Council is an arm of the Commissioners they have no power, they can only advise the Commissioners on issues involving public land issues. The Council has brought the letter to the Commissioners for their endorsement. He asked the public in attendance if they had any comments on the letter. There were no comments. Commissioner Gary Kofford made a motion to endorse the letter as written to the Washington and State delegation. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(16)**

**CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CLOSURE**

Clerk/Auditor Brenda Dugmore explained that the time period for appealing property values has ended and requested closure of Board of Equalization for 2007. The Assessor's office will then take two weeks to make all the changes. A list will be made of the people who received adjustments. Ms. Dugmore informed the Commissioners that she will present the list of adjustments as well as the low income and veteran abatements for 2007 in the next Commission Meeting. Commissioner Jeff Horrocks made a motion to close Board of Equalization for 2007. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(17)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

**A. Request to begin recruitment process for part-time (32 hrs. week) Travel Bureau Secretary.**

Michael McCandless requested approval to start the recruitment process for a part time Travel Bureau Secretary, working 32 hours per week, with pro rated benefits. The rate of pay would be Grade 11 @ \$10.73 per hour (9% below suggested minimum). Norma Dean Hawkinson will be retiring at the end of the year and needs time to get a new person up to speed. Commissioner Jeff Horrocks made a motion to approve the recruitment process for a part time Travel Bureau Secretary from Green River and this end of the county as well. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

The Travel Bureau is exiting their relationship with Castle Country at the end of the year and the

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\$18,000.00 that has been used for this will be used towards salary and benefits for the new hire.

B. Request approval for 3% increase for Aron Hansen who has completed the six month orientation period.

Morris Sorensen requested a 3% increase for Aron Hansen who has successfully completed his six month orientation period. If approved Aron would move from Grade 17 @ \$16.23 per hour to Grade 17 @ \$16.73 per hour. This is suggested minimum for grade 17. Commissioner Gary Kofford made a motion to approve a 3% increase for Aron Hansen as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

C. Request to begin the recruitment process for a part time (working less than 20 hrs.) Office Specialist.

Dixie Swasey requested approval to begin the recruitment process for a part time, less than 20 hrs per week, Office Specialist. The rate of pay would be Grade 7 @ \$8.50 per hour. Commissioner Jeff Horrocks made a motion to approve the recruitment process for a part time, less than 20 hrs a week, Office Specialist. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(18)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve Commission Meeting minutes dated September 4, 2007 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(19)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford informed everyone of the Senior Citizen Party at Little Bear Campground on Friday, September 21, 2007 at 11:00 am. Sr. Citizen buses will transport seniors to the party.

The Rilda Canyon Road was recently asphalted and is now complete.

*Commissioner Horrocks*

Commissioner Horrocks reported on the Green River Melon Days Queen contest. Alicia McFarlane was crowned Miss Melon Days for 2007. Her attendants are Bailee Packer and

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Brittney Royse. This was Green River's 100th year for the Melon Days celebration. Commissioners and other elected officials attended the parade and returned to Huntington in time for the Celebration of Heroes. Commissioner Kofford commended Sheriff Guymon and his department for their efforts during the celebration in Huntington.

*Commissioner Sitterud*

Commissioner Sitterud reported on CIB funding requests. Ferron City was successful in acquiring the funding needed to expand Millsite Golf Course. MBA received half of what they needed for the Green River Senior Citizen Center. Emery County received half of what they needed for the swimming pool project.

Commissioner Sitterud attended Peach Days and reported that the celebration went well. Something new this year was a soapbox regatta which everyone, especially the kids, enjoyed.

He reminded everyone of the Millsite Front 9 Green River Back 9 which is a 100 mile ATV ride and golf adventure. He reminded those who are interested that you do not have to golf if you do not want to. Just come and enjoy the ride. Utah State Parks, Emery County officials and Emery County Recreation are coordinating this adventure ride.

Sheriff Guymon reported on the upcoming MECCA Bike Festival. The bike festival will begin on Friday, the 21<sup>st</sup> at noon. They will ride the desert all day on Saturday with a dutch oven dinner that night. They are planning a moonlight ride and will also ride on Sunday.

Commissioner Gary Kofford made a motion to move from the regular Commission Meeting into an executive session to discuss attorney/client communications regarding litigation and or other matters as allowed by law and upon completion of the executive session to return to the regular Commission Meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(20)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at the executive session was Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Economic Development Director

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Michael McCandless and Deputy Clerk/Auditor Carol Cox.

Personnel matters were discussed.

**(21)**  
**ADJOURNMENT**

Upon returning to the regular Commission Meeting Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_



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

OCTOBER 2, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims # 185856 through and including # 186011 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
89-07	Crank Up tower system Communications	3,818.00	Approved
90-07	Microwave Radio System Communications	98,615.00	Approved
91-07	(4) Print, Color, Copy Library	3,912.00	Approved
92-07	(6) Apollo Video Digital Camera Car camera's for vehicles/Capital Pjts	29,838.00	Approved
93-07	Flammable Cabinets Weed/Mosquito	948.38	Approved

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional Claims and requisitions as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(2)

**RATIFICATION OF BID AWARD ON THE WILSON/BROWN BRIDGE PAINTING PROJECT.**

Commissioner Gary Kofford explained that because of weather constraints it was imperative to begin painting the Wilson/ Brown Bridge in Huntington. Two bids were received from Gateway Company for \$76,215.00 and BT Builders for \$18,465.00. In the last commission meeting the bid was awarded to BT Builders for \$18,465.00 and because approval was not an agenda item that decision needs to be ratified at this time. Commissioner Gary Kofford made a motion to ratify the awarding of a bid to BT Builders for the painting of Wilson/ Brown Bridge in Huntington. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present

(3)

**PRESENTATION AND DISCUSSION OF CONSERVATION PLAN FOR GUNNISON AND WHITE-TAILED PRAIRIE DOGS.**

Sarah Lupis, Community-Based Conservation Extension Specialist presented discussion regarding a conservation plan for Gunnison and White-Tailed Prairie Dogs. Sarah reported that we do have both species in the state, with both inhabiting the Eastern portion of the state. Both species have been petitioned for federal endangered species listing in the past. Both petitions were denied. However, the US Fish and Wildlife Services is currently under a court order to produce another 90 day finding for the Gunnison Prairie Dog. And so the message there is that there are groups actively interested in seeing these species put on the endangered species list and we need to be aware of that and pro-actively responding to conservation issues to prevent and preclude the need for listing of both species. Petitioners have identified several threats to these species including: plagues, introduced disease, land conversion, which could include urbanization, agricultural changes, oil and gas development, and also shooting and poisoning. In response to these issues and this threat of listing, range-wide and state level planning is ongoing. On a range-wide level, the Western Governors Association and Western Association of Fish and Wildlife agencies has developed range-wide conservation plans and range-wide conservation strategies for both species. Those documents call for state to now develop state plans. This is the process that they are in now. About a year ago Utah State University Extension partnered with the Division of Wildlife Resources to help facilitate the development of that plan which includes a public input process. This is the reason Sarah is here today. The state plan is designed to address the threats that were brought up during listing petitions and to address those threats in this state and to provide strategies for conservation and management of these species that will help to preclude the need for listing. An important point is that the state plan is not necessarily calling for an increase in numbers, but to maintain what we have. The plan does recognize the need to maintain local control over the species. The state does not want to see these species listed. The plan recognizes that there are instances where control of populations or

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individual colonies is needed to address private land rights and human health and safety concerns. Monitoring has been ongoing with both species. In this area, thus far, surveys have been used to map colonies. Starting next year, as part of a range-wide effort to monitor populations the Division of Wildlife Resources will be starting a new monitoring protocol called Occupancy Monitoring. They will be looking to do surveys probably in this area for prairies dogs on private and public lands and hope for cooperation of private land owners in this effort. A final draft of the plan has been developed and is available on the internet. There is an email address on this website where they will be receiving public comment on the plan. They will wrap up the comment period around November 9th, at which point Utah State Extension will compile the comments and use them to help inform revisions to produce a final draft. That final draft will go the RAC in December and finally to the Wildlife board in January. Once that has been approved by the Wildlife Board they will be looking to get signature endorsement of the plan by other state and federal agencies and certainly by local government if they would like to do so. The website is [WWW.Utahcbcp.org](http://WWW.Utahcbcp.org) look under other project and click on the Gunnison and Whitetail Prairie Dog planning.

(4)

**APPOINTMENT TO THE EMERY COUNTY COUNCIL ON AGING.**

Commissioner Gary Kofford made a motion to appoint Ilene Riley, Clawson and Jedie Richins, Cleveland/Elmo to the Emery County Council on Aging. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH TO CREATE A DATABASE AND COMPUTERIZED MAP OF LOCAL CEMETERY.**

Recorder, Dixie Swasey presented a contract with the State Of Utah to create a database and computerized map of local cemeteries on behalf of Dottie Grimes, Archives Administrator for Emery County. The contract is for \$5,000.00 and is for the Castle Dale and Wilsonville Cemeteries. Emery County Archives received a grant in 2006 to do the Lawrence, Desert Lake and Victor Cemeteries. Bernice Payne and Karen Williams collect the data for these projects. Commissioner Jeff Horrocks made a motion to approve a contract for \$5,000.00 with the State of Utah to create a database and computerized map of local cemeteries. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH TO**

**PURCHASE OPERATIONAL EQUIPMENT FOR THE ARCHIVES.**

Recorder Dixie Swasey presented a contract with the State of Utah to purchase operation equipment for the Emery County Archives Regional Repository. Dottie would like to purchase microfilm and computer equipment. Commissioner Gary Kofford made a motion to approve a contract for \$2,000.00 with the State of Utah to purchase operational equipment for the Archives. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**CITIZEN CONCERNS**

Ray Petersen, Public Lands Administrator presented an application for transportation and utility systems and facilities on federal land. He explained that this is a right-of-way for an existing route which accesses an existing and permitted communication site located site on Henry Mountain. Emery County requested a term of twenty years. The proposed access route will be used on an as needed basis, for the purpose of performing maintenance to the equipment at the communication site. No new construction to the proposed route is necessary. No other routes exist or were considered. Due to time constraints the application needs to be filed as soon as possible. Attorney David Blackwell recommended approving and signing the application and having the action ratified in the next commission meeting. Commissioner Gary Kofford made a motion to approve the application for transportation and utility systems and facilities on federal land and to have the action ratified in the next commission meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Sitterud read a letter to be considered and sent to legislators at the hearings on mine safety. Carbon, Emery and Sevier Counties were asked to send a letter to be presented by Rob Bishop at these hearings. The letter was drafted by the Commissioners and Economic Development Director, Michael McCandless and was addressed to the Honorable George Miller Chairman, House Education and Labor Committee U.S. House of Representatives, Washington, D.C. 20515.

Dear Chairman Miller:

As Utah's primary coal producing counties, we acknowledge the participation of your committee in conducting oversight of the recent accident at the Crandall Canyon Mine. This has been a difficult time for all of our residents who knew and cared for those who died. We hope the hearings will focus on the need to not only establish accountability for what happened but also to look toward how to best ensure safe and vibrant underground mining operations in Utah going forward.

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While we support efforts to maintain and enhance mine safety, we are concerned that attempts to hastily create new safety regulations could result in unintended consequences which could prove disastrous to our local economies. As hearings are conducted, we implore you to consider the importance of the coal mining industry to the coal-producing counties and communities in Utah and throughout the nation.

In this process, we ask that you keep as sense of perspective. Despite the devastating losses of human life at Crandall Canyon, advances in safety have produced significant improvements. According to the Bureau of Labor Statistics, since 1970 coal mining nationwide has seen an 89% increase in production, while attaining a reduction in fatalities of 81%. Coal mining is now among the lowest fatality industries in the country. Incidents of non-fatal injuries are among the lowest of all industries, with comparable incident rates to retail and well below industries like nursing and air transportation.

Following the 2006 coal mine tragedies in West Virginia and Kentucky, the coal mining industry worked with Congress to pass the Mine Improvement and New Emergency Response (MINER) Act of 2006, which was signed into law in June 2006 and represents the most sweeping mine safety reform legislation since 1969.

The coal mining industry has moved aggressively to identify and purchase technology that satisfies the requirement of the MINER ACT. As the Act is still in the process of being implemented, imposing a conflicting set of regulations as the industry attempts to comply with the ACT will compromise ongoing safety efforts.

On a local level, the new Western Energy Training Center in Carbon County is preparing miners for the future by teaching a rigorous curriculum of safety in the workplace. Looking forward, the Center will train thousands of miner with the skills they need to keep Utah's coal mining industry second to none.

The 11 active mines in Carbon, Emery and Sevier Counties directly employ 2041 people and produce about 25 million tons per year. The overall value of this production was \$548 million dollars in 2006. In addition to the direct employment from mining activities adds an additional 1656 employees to the local workforce.

In term of State and Federal revenue, \$28 to \$40 million dollars in Mineral Lease funds are generated for the Federal and State governments by coal production in the three counties on an annual basis.

Because roughly 83 percent of the electricity produced in Utah is dependent on Utah coal, the operation of efficient coal-fired electrical power plants and mining represents the life-blood of not only our communities, but the entire state. Reliable, inexpensive power generated by coal is the economic engine that keeps Utah moving.

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The state of Utah is blessed with some of the cleanest high/BTU coal found anywhere in the world. The companies on our counties are aggressively moving forward to install new state-of-the-art pollution controls on this already clean coal.

In Emery County, PacifiCorp recently completed a retrofit of emissions control equipment on electric generating units at its Huntington Power Plant, which will remove 99.5 percent of the particulates and 90 to 95 percent of sulfur-dioxide emissions. Additional retrofits have taken place or are being planned for other coal-fired power plants in the area, to reduce emissions.

In sum, as we mourn the loss of our miners and determine accountability, we ask you and the members of the Committee to recognize the pro-active nature of our three counties both on the safety front and in terms of air quality and pollution control. Looking to the future, safe mining, the use of clean coal to generate electricity is the focus of each of our three counties.

We look forward to assisting the Committee in any way we can as it moves forward to help ensure the ability of coal producing counties in Utah, and throughout the nation, to provide for a safe, clean and strong economic future.

Sincerely,  
Commission Chairman, Drew Sitterud  
Commissioner Gary Kofford  
Commissioner Jeff Horrocks

Commissioner Jeff Horrocks made a motion to approve the letter, put it on County letterhead and send it to Chairman Miller and the committee. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Sharon Earl spoke on fines imposed on the coal companies and the lack of enforcement for infractions to the rules. She stated that there needs to be some enforcement of the rules and laws that are already in place.

Commissioner Kofford expressed his feeling that the letter is intended to help in the battle with the environmentalist who say that coal does not have an impact on the overall economy of the nation. Rob Bishop is the only pro-coal committee member.

Commissioner Drew Sitterud informed the other Commissioners of a change in the original time set aside for another county surplus auction. November 10, 2007 was the date first set but as it looks there is not enough property or items to sell to pull people in for an auction in November. It is too close to Christmas and the weather is not conducive to holding an auction outside. He suggested changing the auction to the first or second week in March of 2008.

**(8)****CONSIDERATION AND APPROVAL OF CIRCUIT BREAKER, VETERAN, BLIND, AND OTHER ABATEMENTS.**

Clerk/Auditor Brenda Dugmore presented the list of Circuit Breaker, Veteran and Blind abatement applicants who qualify under state rules and guidelines. The Circuit Breaker Abatement is a state reimbursed program.

Brenda also presented the low income abatement applications for those applicants who are under 65 years of age and have a hardship or disability that does not allow them to work. These abatements are Commission adjustments of up to half of the tax amount owed. They have conditions which require the applicant to supply a letter from them stating the extent of their disability and/or inability to pay the tax. There were four applicants for the low income applications. Commissioner Sitterud had some questions regarding the applicants and suggested an interview with each of the applicants before approval.

Commissioner Jeff Horrocks made a motion to approve the Circuit Breaker, Veteran and Blind abatements and to arrange for a meeting with each of the four applicants for the low income abatement. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)****CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CHANGES.**

Assessor, Kris Bell presented the list of Board of Equalization changes as a result of the appeal time period. Commissioner Gary Kofford made a motion to accept the Board of Equalization changes. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(10)****SETTING OF PUBLIC HEARING FOR ADOPTION OF 2008 BUDGET.**

Clerk/Auditor Brenda Dugmore informed the Commissioners that a Public Hearing needs to be set to accept comment on adopting the 2008 budget. It was Brenda's recommendation to set December 4, 2007 at 6:00 pm. Because the public hearing has to be held after 5:00 pm she suggested changing the regular Commission Meeting for December 4, 2007 to 5:00 pm. Commissioner Jeff Horrocks made a motion to change Commission Meeting on December 4, 2007 to 5:00 pm and to set a public hearing for December 4, 2007 at 6:00 pm to receive comment on adopting the 2008 budget. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF AMENDING COMMISSION MEETING SCHEDULE.**

Clerk/Auditor, Brenda Dugmore proposed amending the 2007 Commission Meeting schedule as follows: because of the November 6<sup>th</sup> Election Day she proposed moving that meeting to October 30<sup>th</sup> at 9:00 am and MBA at 2:00 pm that same day. December 4<sup>th</sup> as just approved will change to 5:00 pm and December 18<sup>th</sup> at 9:00 am. November 20<sup>th</sup> would stay the same at 9:00 am. Commissioner Gary Kofford made a motion to approve the amended Commission Meeting Schedule as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF STIPULATIONS ON EMERY COUNTY LANDFILL FREE USE PERMIT UTU-83347**

Commissioner Gary Kofford made a motion to approve the stipulations on Emery County Landfill Free Use Permit UTU-83347. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(13)

**DISCUSSION OF PAYING OVER-TIME FOR EXEMPT EMPLOYEES/ELECTED OFFICIALS.**

Commissioner Sitterud that this request for discussion came from the Sheriff's Office as a result of the mine disaster where exempt employees and elected officials put in a lot of extra time. Sheriff Guymon stated that he did not know how the elected officials got thrown in there because he never asked for inclusion of elected officials. Commissioner Jeff Horrocks recommended that the elected officials part be dropped from the discussion. Sheriff Guymon stated that they submitted a request to Intermountain Power Association and Murray Energy to make whole the expenses that the county expended during the Crandall Canyon Mine disaster. As part of that request they submitted the bills for overtime including for exempt employees Captain Kyle Ekker who had 205 hours of time and Lieutenant Bill Downard who had 81.5 hours of time and Kathy Jensen who had 4 hours. The reason that this came up is because the county will be getting reimbursed for these expenses and if that happens he would like to pay them for their time. He stated that this was the basis for his asking for this at this time. It is a one time thing and is opposed to making this an ongoing thing as it defeats the purpose for how we pay them salaries and work additional hours. This is a one time only request and only because the money will be there to pay. Commissioner Sitterud asked Sheriff Guymon if when the request was



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made did he inform them that these employees were exempt. Sheriff Guymon stated that they asked for an accounting of everything we spent and this is what he sent. Commissioner Sitterud stated, but we would not have spent anything for these exempt employees. Was this added on? Sheriff Guymon stated it was included in the overtime request. Commissioner Horrocks stated that he agrees that these men worked a lot of extra hours. Other county employees worked a lot of extra hours, not only with the Crandall Canyon disaster, but other times, especially in the summer hours. How do we compensate them? Sheriff Guymon indicated that he did not ask for his other exempt employees who work extra hours constantly. This is just a one time only request. Attorney David Blackwell stated that this brings up an interesting point, if the mine is willing to pay for the extra time and they do that and we do not pay it to the employees then what do we do with that money. It is a unique situation. Our exempt employees do not get paid more if they work more hours under the normal course of their job. In this situation it brings up a unique position for the county. He indicated that he did not know how much money is involved. If this is \$10,000.00 what do we do with the money. Commissioner Sitterud stated that we do not know how much is involved and this is part of the problem. As Commissioner Sitterud talked to the Association they indicated that they had some money that they normally donate to the University Of Utah but they would be willing to donate that to us. He did not know what that figure was. Sheriff Guymon indicated that the Association gave him a figure and Murray Energy indicated that they would make up the difference. Commissioner Sitterud stated that we did ask for overtime for exempt employees as part of that request. Sheriff Guymon stated that, yes, it was part of the request. Commissioner Sitterud stated that he did not know if that was right. Sheriff Guymon stated that there are a lot of things that are not right. Commissioner Sitterud agreed. Carol Riddle stated that an exempt employee is exempt for a reason. In doing their job it may take extra time. This is an extra-ordinary situation. She explained that her husband as a Forest Service employee was paid for his time spent at the mine. He worked the road where the drillers were located. Carol stated that as one of the employees here, she felt these employees should be compensated for their extra hours as a one time only thing. She felt that this was out of the norm of an exempt employee. Sheriff Guymon stated in adding to what Carol said, that he would not be in favor of making an exempt employee a non-exempt employee and have to keep track of every minute of overtime that he works. He stated that he thinks the system works well and should continue that way. He stated that all he is asking for is this one time thing. When the Wilberg Mine disaster happened he thinks that this same thing was done. He stated that this is not a life or death situation, it is a matter of fairness. Yes there are a lot of people who work overtime. He stated that he appreciates every minute of extra time that his deputies give to him that they do not get compensated for. We do other things to try to make up for that just like every manager in this room does when they have employees that work extra hours. He stated that all he asked for is that they be compensated for this one instance. He indicated that he just needed a yes, or no, answer and the request will go away. Commissioner Sitterud stated that to answer a question asked earlier by David Blackwell, when the county got money from the state for the elections and a request was made to pay overtime/bonus and was denied, that money went into the general fund. Sheriff Guymon indicated that he did not oppose that request and does not know why that request was not

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granted. Attorney Blackwell indicated that he felt that there was a misunderstanding at that time all he said was that a public hearing would be needed to compensate an elected official. He indicated that he was not opposed to that request, just that the proper steps needed to be followed. Just like this time, it was not on the agenda a couple of weeks ago and it needed to be an agenda item. Commissioner Sitterud pointed out that he just wanted to answer David's question regarding where the money went that was reimbursed to the county. David Blackwell indicated that he did not realize the county was compensated for the election. Commissioner Kofford pointed out that it is still not on the agenda it is just a discussion item. Treasurer, Steven Barton wondered if you could call it a bonus or something else because it could become a legal issue if you call it overtime. Commissioner Kofford stated that is his question. He stated that he felt it should not be listed as hours worked overtime because the county does not recognize it as such. Attorney David Blackwell agreed it should be called a bonus. The accounting is hours worked on that specific disaster. Sharon Earl asked why does the county have to be involved. If the money is coming from the coal company why can't they just out of gratitude for their dedication allocate the money to a specific person. She stated that she felt that they were entitled to the money you just need to find a way to do it. Dixie Swasey stated that there are going to be many lawsuits directed towards Mr. Murray and his company. What happens if the money does not come through? Sheriff Guymon indicated that he said if the money comes. Dixie felt that we should wait to see if the money comes. Sheriff Guymon stated that he was going to wait anyway. Sharon Earl asked about the hours accumulated. Does the exempt employee do they get to make the hours off with days off? Commissioner Horrocks explained that exempt employees do not get any additional compensation. The salary associated with the position of an exempt employee is a little higher to compensate for the extra time that is put into that position. Maybe we need to look at changing them to hourly wages. Sheriff Guymon stated that would complicate his life. Commissioner Sitterud ask Personnel Director to clarify the exempt employee status. Mary Huntington indicated that the way it stands now an exempt employee is not compensated for overtime. Sheriff Guymon stated that the whole idea of an exempt employee is a good thing. Captain Ekker or Lieutenant Downard would not like to spend their day trying to calculate how many hours they work in a day. Sheriff Guymon reiterated what Commissioner Horrocks said, the employee is compensated salary wise on an ongoing basis for that overtime. Commissioner Sitterud said he felt it was good to have this discussion. Commissioner Gary Kofford made a motion to continue the discussion and bring it back next meeting for some action. Commissioner Horrocks felt that next meeting might be too soon, there may not be time to meet together with all the various people needed to consider the options. He does not have any heartburn with moving the discussion forward. He felt that there needs to be more research to make sure that compensating one exempt employee is not harming another exempt employee. Commissioner Kofford felt the concern was warranted and he agreed with it, however, in this situation it is a situation where you have someone stepping up if they do. He was not in favor of paying them anything if we do not get any money from the mining company. On the other hand if you do get the money and they pay with the idea that part of it is going to these individuals, then you need to take that into consideration and he is not sure that will affect the other exempt employees. Commissioner Horrocks stated that other exempt

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employees that stepped forward during the Crandall Canyon disaster. Commissioner Kofford stated that then their time should be added the request. Sheriff Guymon stated that he tried to add other exempt employees time to the request. Morris Sorensen spent a lot of time off duty to bring fuel. Brenda, Leslie there are others who spent extra time. Commissioner Sitterud stated that this needs to be looked at extensively. Commissioner Horrocks seconded the motion made earlier by Commissioner Kofford. Commissioner Sitterud asked Commissioner Kofford to restate his motion. Commissioner Kofford made a motion to form a committee made up the Commissioners, Sheriff Guymon, David Blackwell, Mary Huntington and Brenda Dugmore to sit down and discuss this. Captain Ekker stated that he gets the feeling that if the county gets paid that the county just wants to packet the money. Commissioner Sitterud reminded them that is what happened last time the money went into the general fund. Brenda Dugmore commented that if that happens you would have to evaluate what happened here and if not paid then you would return the money. If it is not a expense incurred, you would have to return the money. Commissioner Gary Kofford agreed. You can't bill for something you did not do because we do not pay for overtime of exempt employees. Commissioner Sitterud stated that was his concern at first because we do not pay overtime for exempt employees. Captain Ekker stated to take the request off and lets just forget about it. He thanked them for their time. Commissioner Jeff Horrocks seconded by motion and it was approved by all members present.

**(14)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval for Public Health to provide flu shots for county employees at county expense.**

Personnel Director, Mary Huntington requested approval for Public Health to provide flu shots to all employees and the county cover the cost of the vaccine. The vaccine would be free to the employees and their spouse or dependents would pay a \$10.00 co-pay per person. Commissioner Gary Kofford made a motion to have the county cover the cost of the flu vaccine for all county employees. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**B. Approval to hire Fredrico Lopez as full time lube mechanic.**

Morris Sorensen requested approval to hire Fredrico Lopez as a full time, with benefits, Lube Mechanic. If approved Fredrico would begin work on October 3, 2007 at a grade 13 @\$12.85 (below suggested minimum). Commissioner Jeff Horrocks made a motion to approve hiring Fredrico Lopez as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

C. Approval to hire Cheri Packer as full time branch librarian in Green River.

Jerilyn Mathis requested to hire Cheri Packer as a full time, with benefits, Branch Librarian in Green River. If approved Cheri's wage would be Grade 11 @ \$10.53 (Library system is still on old compensation plan). Commissioner Jeff Horrocks made a motion to approve hiring Cheri Packer as a full time Branch Librarian at the Green River Library as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

D. Approval of contract with Jolene Dalton to perform janitorial/yard maintenance at Green River Library.

Jerilyn Mathis requested approval to enter into a contract with Jolene Dalton to perform the janitorial and yard maintenance of the Green River Library. The contract would be in the amount of \$350.00 per month and become effective October 1, 2007. Commissioner Gary Kofford made a motion to approve entering into a contract with Jolene Dalton to perform janitorial and yard maintenance at the Green River Library as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

E. Approval to amend the Loss Prevention/Accident Review Board Bylaws and Resolution.

Personnel Director, Mary Huntington presented an amended draft of the Loss Prevention/Accident Review Board Bylaws and Resolution for consideration and approval. Commissioner Gary Kofford made a motion to approve Resolution 10-02-07 amending the Loss Prevention/Accident Review Board Bylaws. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT WITH UTAH DEPARTMENT OF TRANSPORTATION FOR DESIGN ENGINEERING ON SOUTH MOORE PHASE 7.**

Commissioner Gary Kofford made a motion to approve a Cooperative agreement with Utah Department of Transportation for design engineering on South Moore Phase 7. Commissioner Jeff Horrocks amended to motion to have the agreement signed by Commissioner Gary Kofford. The motion was then seconded by Commissioner Jeff Horrocks and approved by all members present.

**(16)**  
**BRAD GILES, CASTLE DALE CITY, REQUEST FOR COUNTY ASSISTANCE TO  
MOVE SOIL TO CASTLE DALE CEMETERY.**

Castle Dale City Council Member, Brad Giles came before the Commissioners to request county assistance in moving soil to Castle Dale City Cemetery. He indicated that the city had purchased reject sand for topsoil from Hales Sand and Gravel. There is approximately 1,300 yards of material. He request assistance from the road department in the of a truck to haul the material to the cemetery, and a scraper to spread the material over 3.3 acres. Castle Dale City will pay for the fuel. The city would like to get this done before spring so they can get an irrigation system in place before the spring watering begins. Commissioner Gary Kofford made a motion to approve assistance to Castle Dale City by way of the road department using a truck and scraper to haul and spread top soil to the Castle Dale Cemetery and the city will pay for the fuel. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(17)**  
**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR  
CASTLE DALE/ORANGEVILLE LIBRARY.**

Commissioner Kofford explained that the contract to repair the roofs at the Orangeville and Green River Libraries has been awarded to Stilson Construction. The building permit to do the repairs needs to be waived. Commissioner Gary Kofford made a motion to waive the building permit fee for roof repair to the Orangeville and Green River Libraries. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(18)**  
**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated September 18, 2007 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(19)**  
**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on his recent attendance at the Economic Summit held in

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Price.  
There were great speakers and entertainment.

*Commissioner Sitterud*

Commissioner Sitterud reported on the progress of the swimming pool project. The project is well on its way. They are pouring footers this week. The contractors are pushing to have the project completed for the summer of 2008 provided the weather treats us well. Ken Stilson is the local general contractor on the project. Visitors to the area are advised that this is a hard hat area. The contractors and sub-contractors meet at the site every other Friday at 10:00 am. The pool will have top of the line chemical controls.

UAC met in Midway last week. Questar spoke to the group regarding global warming and increases in CO2 in the air. Questar deemed the level of CO2 as not even enough to be measurable.

*Commissioner Kofford*

Commissioner Kofford reported on the progress of the Green River Senior Citizen Center project. The footers were poured on Thursday. The water lines are set as well as the power line. The time line for completion is May 30, 2008. Henderson Construction from Moab is the contractor for the project. Meetings with the contractor and sub-contractors are set for the Wednesday before the first of the month.

**(20)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**  
**REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(21)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

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ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

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Present at the meeting was Commissioner Drew Sitterud, Commissioner Jeff Horrocks, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Gary Kofford was out of town. Commissioner Drew Sitterud stepped down throughout the meeting to execute motions as needed.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims # through and including # for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
94-07	(9) Glass Windows Highway	6,100.00	Approved
95-07	Methane Gas Detector Highway	480.00	Approved

Dispositions were presented for the following:

410-5056- 1990 PCS Hand Held Radio, 111-7397- HP Office Jet G55xI, 111-8191- HP 2300 ph laser printer, 111-5489- Olivetti ET 112 typewriter, 111-6933- Cannon Laser 8500 Fax.

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

**(2)**  
**ROGER BANKERT, BLM, QUARTERLY REPORT**

Roger Bankert, BLM provided a quarterly update as follows:



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Mr. Bankert introduced assistant field manager Mike Stiewig from Pinedale, Wyoming. Mr. Bankert reported on the progress of the new law enforcement agreement with Emery County. A request for a new vehicle was approved for a law enforcement officer. He reported that a Ford Ranger will be coming soon.

The BLM Resource Management Plan is scheduled for completion December 31, 2007. The division received comments from Emery County. However, they received very little comment on the supplement.

The division has had a change in staff. Geologist, Becky Doolittle has moved on to another post. They will have a new geologist on track soon. The division is looking to beef up their coal geologist program.

According to the division's three tier program, Carbon/Emery County will be linked with the Vernal/Duchesne area instead of the Moab area.

**(3)**

**MESIA NYMAN, FOREST SERVICE, QUARTERLY UPDATE.**

Mesia Nyman, Forest Service, provided the following quarterly update:

Mesia reported on the highlights of the 2007 season.

The boat ramp at Mammoth Reservoir is complete. They were able to have enough funds to pave the parking area. 2 snowmobile parking lots were completed, one at the Skyline and enlarged the one in Fairview Canyon.

The division permitted harvest for 2.5 million board feet of harvest timber.

She reported on the under burn in pines and the Jungle area was over achieved, but they are already seeing the results in new growth.

They reduced the pinion pine and juniper in the Black Dragon, Horn to Cap area.

A NEPA study is in the works for paving the road to Reeder Canyon.

They experienced road problems in the Spoon Creek area. They conducted an experimental road closure and asked for comments from those who frequent the road. They received four comments all asking to have the road left open at least to the campsites.

Projects for 2008 include:

Fuels Projects include: West Scofield, Joes' Valley, by the Olsen Guard Station.

Energy Projects include: Green Hollow Coal Lease, oil and gas, EIS that the Forest Service is doing.

Timber Sales: Lake Timber sales. Roadside Timber sales, they will be harvesting dead trees within 200 feet of campsites and roadways. This is a hazard tree project.

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Travel Projects: They want to finish up the Kitchen connection and finish up the Lord's Trail. They have planned constructing an ATV trail parallel to Highway 31 from Miller's Flat to Skyline Drive. They propose some seasonal road and trail closures. South Reeder is a spring closure. Rock Canyon is another spring closure.

They have produced a new motorized vehicle use map. This will show for the Ferron/ Price District where you can drive full sized vehicles, ATV, motorcycles, etc. This map is a legal and enforcing map for 2008.

James Nielson asked about the Boy Scouts Order of the Arrow Tamarisk project.

Mesia explained that the project is the 2008 Scout Centennial Project. There were five projects chosen throughout the nation. The Emery County project is one of the projects chosen. It is a collaboration project between the BLM and Forest Service. It is a cutting and applying an herbicide to the tamarisk in the Buckhorn Draw and Joe's Valley area drainages. They are hoping to get about 1,000 boy scouts and family members here for the project. The national office is doing a lot of work to get ready for the project. The planned time is the second week in June of 2008. They are asking for volunteers to assist with the project. They will need 60 herbicide applicators and 60 soil workers a day for the five days of the project. Anyone who is interested in volunteering should call Carl Ivery at the BLM office or Mesia at the Forest Service office.

Ethan Hurdsman asked if the land use permit for Joes' Valley Marina has been approved. Mesia indicated that it has been approved.

(4)

**SHARON EARL, DISCUSSION OF AIRPORT HANGER PAYMENTS AND CONTRACT AND FLIGHT PARK.**

Sharon Earl came before the Commissioners to discuss a contract with Huntington Aviation, Leon Defiez and Mark Johansen, the newly contracted airport managers. 6 years ago the previous airport manager had rented a hanger to Kim Earl in exchange for furniture from Earl's Bargains. Mr. Earl's hanger lease will not run out until December of 2008. Sharon had some questions regarding the agreement. Attorney David Blackwell explained to her that the county is not involved with the agreement. The agreement is between the airport manager and the lessee of the hanger. The County Commissioners nor the attorney had seen the agreement. The county has nothing to do with the rental of the hangers. The county owns the facility but recently signed a contract with Leon Defriez and Mark Johansen DBA: Huntington Aviation for the management of the airport which includes the rental of the hangers.

In other business Sharon discussed the possibility of placing a Flight Park in a remote section of the airport. The proposed park would be for experimental planes with hangers that individuals

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could purchase. She discussed the possibilities for growth and the economic benefits of such a park.

(5)

**GREEN RIVER MEDICAL CENTER, UPDATE ON SERVICES AND REQUEST FOR CONTINUED FUNDING/SUPPORT.**

Mary Winder, Green River Medical Center stated that the Green River Medical Center is a non-profit federally qualified health center. She provided a breakdown of activity for 2007. She asked for continued funding and support of the Medical Center. Commissioner Drew Sitterud asked that she go to the Clerk/auditor's office and put her request for funding in a written request for the 2008 budget process.

(6)

**CONSIDERATION AND APPROVAL OF A BUSINESS LICENSE.**

A business license application was presented for Leon Defriez and Mark Johansen DBA: Huntington Aviation. The license has been reviewed and signed by Zoning Administrator Michael McCandless. Commissioner Jeff Horrocks made a motion to approve a business license application for Leon Defriez and Mark Johansen DBA: Huntington Aviation. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

(7)

**CITIZEN CONCERNS**

None.

(8)

**RATIFICATION OF ROW FOR COMMUNICATION SITE ON HENRY MOUNTAINS.**

In the last Commission Meeting a Right-Of-Way agreement was presented for communication site on Henry Mountain. It was not on the agenda and needed to be ratified. Commissioner Jeff Horrocks made a motion to ratify the action and signing of a Right-of way agreement for communication site on Henry Mountain. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

(9)

**CONSIDERATION AND APPROVAL OF FINANCIAL AND OPERATING PLAN FOR FY2008 WITH FOREST SERVICE FOR SPECIAL LAW ENFORCEMENT**

**ACTIVITIES.**

Sheriff Guymon explained that the operating plan gives his department direction as to when and where to use the time. The plan reimburses the County in the amount of \$5,276.00. Commissioner Jeff Horrocks made a motion to approve the financial and operating plan for FY2008 with the Forest Service for special law enforcement activities. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

(10)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR NOXIOUS WEED MANAGEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS.**

Commissioner Horrocks explained that the plan has been in affect for the last three years. James Nielsen, Weed and Mosquito Department Head explained that the contract is for \$10,000.00. The purpose is to mitigate noxious weeds along the 100 mile stretch of sovereign land along the Green River. The funds can be used to purchase equipment to aid in that effort. James indicated that last the funds were used to purchase a boat and motor. The county also has an agreement in place for the mitigation of noxious weeds on BLM land if needed. Commissioner Jeff Horrocks made a motion to approve a cooperative agreement for noxious weed management between Emery County and the Utah Division of Forestry, Fire & State Lands. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

(11)

**CONSIDERATION AND APPROVAL FOR CONTRACT FOR ASSISTANCE FROM LINDBERG & COMPANY WITH THE LAND USE ORDINANCE UPDATE.**

Attorney David Blackwell explained that is a contract for assistance from Lindberg & company for help with updating the county's land use ordinance. The company will give assistance with subdivision rewrites. The contract is for \$15,000.00. Lindberg has agreed for the county to pay half this year and half next year since it was not allowed for the 2007 budget. Commissioner Jeff Horrocks made a motion to approve the contract with Lindberg and Company for assistance with updating the land use ordinance and to approve paying half of the contract this year and budget for the other half in the 2008 budget. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

(12)

**CONSIDERATION AND APPROVAL OF ASSET PURCHASE AGREEMENT BETWEEN ROCKY MOUNTAIN POWER AND EMERY COUNTY FOR THREE**

**PHASE POWER LINE. APPROVAL OF CUSTOMER REQUESTED WORK AGREEMENT/PAYMENT.**

Commissioner Sitterud explained that this is a result of several request to hook on the power line at the landfill. Since the county cannot sell power the power line must be owned by Rocky Mountain Power. RMP has agreed to pay \$1.00 for the line and take over the management of the power line. The county had to pay \$18,896 to bring the power line up to standard.

Commissioner Jeff Horrocks made a motion to approve selling the three phase power line to Rocky Mountain Power for \$1.00 and approve the agreement payment. Commissioner Drew Sitterud stepped down the second the motion. The motion passed.

**(13)****CONSIDERATION AND APPROVAL OF LOW INCOME TAX ABATEMENTS.**

The Commissioners met with each of the applicants for the low income tax abatement. The Commission has the authority to grant an abatement of up to half of taxes owing. The Commission can take into consideration income, assets and any other information deemed necessary. The individuals to be considered were as follows:

Verne Hinton, taxes owing \$381.21, Mary Ann Rizzuto, \$727.71, Gina Dyches, \$768.77.

Commissioner Jeff Horrocks made a motion to approve a fifty percent reduction in the taxes owing for each applicant. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

**(14)****DISCUSSION OF GIFT FOR UAC CONVENTION.**

During UAC Conference in November each county is asked to bring a gift that is unique to that county to be used as a door prize. Mary Huntington and Kris Bell have volunteered to search out a \$50.00 gift to take to the conference.

**(15)****CONSIDERATION AND APPROVAL OF TAX ABATEMENT FOR 01-019A-0024**

Assessor Kris Bell requested a tax abatement for 01-019A-0024 which used to be tax exempt but is now privately owned property. Brody LeRoy purchased the property half way through the year. Previous taxes were \$540.07. The new tax would be \$270.03. Kris discussed several other properties that had similar circumstances in that they used to be tax exempt and are now privately owned. The other properties discussed were as follows:

Keith Lake, previous tax was \$1.22, new tax would be \$.44.

Green River Holdings, previous tax was \$89.10, new tax would be \$59.44.

Kenneth Silliman, previous tax was \$65.83, new tax would be \$42.92.

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Kip Leavitt, previous tax was \$28.51, new tax would be \$11.90.

Commissioner Jeff Horrocks made a motion to approve the tax adjustments as proposed by Kris Bell. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

**(16)**

**REQUEST TO BEGIN THE PROCESS TO PURCHASE COUNTY PROPERTY**

**01-0188-0005.**

The Board of Commissioners discussed property parcel number 01-0188-0005 in Huntington. This is property that was not sold during the May Tax Sale. There is a federal lien on the property as well as a state and court lien on the previous owner. It was discussed that in the best interest of the county it would be best to put the property up for sell to get it back on the tax roll. Whomever purchases the property would be responsible for satisfying the liens. A valuation needs to be done on the property. Kris Bell indicated that she has done an external valuation but is not able to get into the house to conduct an internal valuation due to the fact that someone is occupying the home. Attorney David Blackwell reviewed the procedures for disposing of county owned property. There has to be written notice sent the adjoining property owners thirty days before the date of the sale. There needs to be notice in the newspaper for three weeks prior to the sale. Sealed bids are to be sent to the Clerk/Auditor's office prior to the sale. He recommended putting the beginning bid at what is owed to the county for back taxes, administrative fees, penalties, interest and advertising cost. Commissioner Jeff Horrocks made a motion to start the process to dispose of property parcel #01-0188-0005 and to have David Blackwell look into the legal rights that we have as owners of the property and to set the minimum bid for the property at the amount of the county's lien including back taxes, administrative cost, interest, penalties and advertising cost and to have the buyer assume the other liens and removal of the occupants. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

**(17)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Consideration and approval to adopt a Flexible Spending Account 1/1/08**

Mary Huntington requested approval to adopt a FLEXIBLE spending account. She explained that this is an added benefit for employees. This is an IRS regulated plan that allows pre-taxed dollars to be used for medical reasons. If approved the plan will become effective January 1, 2008 and educational enrollment meetings for employees will be held October 23, and 31, 2007. Commissioner Jeff Horrocks made a motion to approve the FLEXIBLE account for employees. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

**B. Consideration and approval of step increase to Patrol Deputy II for Garrett Conover.**

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Sheriff Guymon requested a grade change for Garrett Conover. Garrett has been a Deputy I for three years and the requirement to move to Patrol Deputy II is 3 plus years. If approved this would become effective October 21, 2007 and Garrett would move from Grade 16 @ \$15.78 per hour to grade 17 @ \$16.73 per hour. Commissioner Jeff Horrocks made a motion to approve the step increase for Garrett Conover as presented. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

C. Approval to re-advertise for a Lube Mechanic at grade 14.

Fred Lopez resigned after two days. Morris Sorensen requested approval to start the recruitment process for a Lube Mechanic again. None of the previous applicants had the hazmat endorsement. This position requires a CDL with Hazmat and because of this the grade needs to be adjusted to a 14. Entry wage would be grade 14 @ \$13.62 per hour (3% below suggested minimum). Commissioner Jeff Horrocks made a motion to approve beginning the recruitment process for a Lube Mechanic as proposed. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

Mary informed the Commissioners that Arlynda Zamora's temporary employment with Weed/Mosquito ended October 1, 2007.

**(18)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Jeff Horrocks made a motion to approve the minutes dated October 2, 2007 as corrected. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

**(19)**

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on the Green River Senior Citizen Center Project. Regarding the Lawrence Cemetery Project, unmarked graves are being researched and headstones or grave indicators will be placed on the graves. The Veteran's Memorial is nearing completion. The dedication ceremony is scheduled for November 12, 2007 at 11:00 am.

*Commissioner Sitterud*

Commissioner Sitterud reported on recent CIB action to grant funds to Castle Valley Special Service District for completion of their projects. Orangeville City also received extra funds to

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complete their recreation center.

The Commissioners are in the middle of the budget process. Now is the time to get your budget requests in to the Clerk/Auditor's office.

Commissioner Sitterud recently met with Green River water users who are moving forward with water diversion plans for the Green River. The group needs to secure federal funds for the project. Without the diversion project there will be no more watermelons. They are hoping to get aid from Senator Bennett and Representative Matheson.

He recently attended a meeting with Lt. Governor Gary Herbert and the AOG. They discussed concerns regarding quiet title roads. The governor was invited to go hiking with a SUWA group but declined until the quiet title case has been settled.

He met in St. George regarding the CCP addressing group. This is the standardized addressing group for E-911 purposes. Jeff Guymon is the lead man on this project. The north half of the state still needs to be done.

**(20)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(21)**

**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

OCTOBER 30, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox other elected officials and citizens.

Because of the election on November 6, 2007 Commission Meeting was rescheduled to today. The next Commission Meeting will be held on November 20, 2007. There were three things that needed attention before the next meeting. The items are not on the agenda and will have to be ratified in the November 20, 2007 meeting.

The first item Commissioner Sitterud discussed was an E-911 grant from Public Safety to provide funds in the amount of \$34,500.00 for the purpose of providing professional staff expertise specially for Public Safety Answering Point 9-1-1 Telecommunications Enhanced, Phase I and Phase II equipment, installation, testing and implementation. Due to time constraints the grant agreement needed to be signed and forwarded on to the Department of Public Safety. Commissioner Jeff Horrocks made a motion to approve a grant agreement with the Department of Public Safety for 9-1-1 enhancement. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Next was a request from Planning and Zoning for a letter from the Commission stating the county's willingness to look at changing the zoning of SITLA property west of Green River that is currently zoned for grazing purposes to an industrial zone. Commissioner Gary Kofford made a motion to approve drafting a letter to be sent to SITLA in support of changing the zoning of property west of Green River from grazing to industrial and to bring the action to Commission Meeting again on November 20, 2007 for ratification. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Sitterud asked for support to send a memo to all elected officials and department heads informing them that the deadline for requisitions and purchases from the 2007 budget is November 20, 2007. All claims need to be submitted by November 30, 2007. All needed purchases, over \$300.00, after that date will require commission approval. Commissioner Jeff Horrocks made a motion to send a memo out to elected officials and department heads as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

COMMISSION MEETING MINUTES  
OCTOBER 30, 2007

## (1)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims #186414 through and including #186526 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
96-07	Used Army Trailer Weed/Mosquito	1,000.00	Approved
97-07	(3) Gallon Spray Cans Weed/Mosquito	400.00	Approved
98-07	(2) Celle Task Chairs Recorder	767.44	Approved
99-07	Repair Power Line on Cedar Mtn Television/Sheriff	2,500.00	Approved
100-07	Remove and Replace Garage Door Green River Ambulance/Sheriff	1,882.00	Approved
101-07	Installation and Equipment for Charger/Sheriff	6,518.79	Approved

Dispositions were as follows:

Asset #192-6750 Protek Computer from the Emery County Travel Council.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(2)

**JAN HESS, AMERICAN LEGION AUXILIARY UNIT 42, REQUEST DONATION FOR OPERATION HOME SUPPORT.**

Jan Hess, American Legion Auxiliary Unit 42 came before the Board of Commissioner to request a donation for Operation Home Support. Jan explained the origin of the program and the benefit of the program to the current 16 soldiers and their families in Emery County. Forty-four soldiers from our area have returned from tour of duty in conflict zones around the world. Some of these soldiers are now on their second and third tour. The program sends needed items, letters and cards to the 16 soldiers, many of whom end up sharing their package with other soldiers who may never have any contact with their own family members. Jan read a letter from a soldier thanking the auxiliary and telling them how much the packages meant to them and those that they shared with. She talked about the national coverage the program has received due to an article written in the Emery County Review. Jan requested a donation to help with the cost associated with mailing the packages. Currently, the auxiliary is working on packages for Christmas. Letters and packages for Veteran's Day and Thanksgiving have already been sent. The effort to raise funds for the packages is ongoing. Commissioner Gary Kofford made a motion to donate the standard \$250.00 to the American Legion Auxiliary Unit 42. Commissioner Jeff Horrocks amended the motion to donate \$500.00. Commissioner Gary Kofford accepted the amendment to donate \$500.00. The motion passed.

(3)

**APPOINTMENT TO CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Due to the recent passing of Paul Crawford, the Castle Valley Special Service District needs to fill a vacancy on their board. Two applications were received to fill this vacancy. The two applications were from Todd Huntington and Neal Peacock. The Board is an eleven member board made up of appointees from the towns and cities in the county plus three Commission appointed members. The three Commission appointed members are Vernel Rowley, Tom Humphrey and the vacant seat. The vacant term will end December 2009. Commissioner Gary Kofford made a motion to appoint Neal Peacock to fill the vacant seat. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF FY 2008 TENTATIVE BUDGET FOR EMERY COUNTY FUNDS AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Clerk/Auditor Brenda Dugmore presented the tentative budget for 2008 for the Emery County funds. There will be a public hearing on December 4, 2008 to receive comments on the tentative budget. Commissioner Jeff Horrocks made a motion to accept the tentative budget for 2008.

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The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Darrell Leamaster, Castle Valley Special Service District presented their 2008 budget. Mr. Leamaster explained they have three funds and provided a breakdown of each fund. Commissioner Gary Kofford made a motion to accept the FY2008 budget of Castle Valley Special Service District. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF EMERY COUNTY PCIFB PRIORITY LIST.**

Darrel Leamaster presented the Permanent Community Impact Fund Board Priority 2008 Local Capital Improvement List for short term and long term. The short term list is for those projects of various entities requesting funding in the coming year. The long term list is for those projects of various entities requesting funding in the next five years. The list is voted on and placed in ABC priority by the entity and then by the county. After reviewing the list Commissioner Kofford requested that the MBA request for the Assisted Living Center be moved from the long term list the short term list. Commissioner Gary Kofford made a motion to approve the Permanent Community Impact Fund Board Priority 2008 Local Capital Improvement List. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER FOR SWIMMING POOL PROJECT.**

Commissioner Drew Sitterud explained the change order is to bring into line the value of cost reduction proposals accepted by the owner. The original contract sum for the swimming pool project was \$5,790,479.00. The contract will be decreased by \$255,070.00. The new contract sum including the change order is \$5,535,409.00. Commissioner Gary Kofford made a motion to approve the change order for the swimming pool project as set out in Document G701-2001. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR ENHANCEMENT OF BOATING FACILITIES AT JOE'S VALLEY RESERVOIR..**

Commissioner Gary Kofford made a motion to approve of a cooperative agreement for enhancement of boating facilities at Joe's Valley Reservoir. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(8)**  
**CONSIDERATION AND APPROVAL OF TAX ABATEMENT FOR 1-42-11-  
PATRICIA MCKEE.**

Assessor, Kris Bell explained that Patricia McKee began building her home in 2003. In 2007 the property was assessed at 100% complete. Patricia's husband passed away in 2007 and the home has not been finished. A re-assessment has been done on the home with a new assessment at 69% complete. The previous market value was \$94,489.00 with taxes of \$675.18. The new value would be \$68,542.00 with new taxes of \$489.77. This is a difference of \$185.41. Commissioner Gary Kofford made a motion to approve the tax abatement as proposed for parcel #01-0042-0011, Patricia McKee. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(9)**  
**CITIZEN CONCERNS**

None

**(10)**  
**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Personnel Director, Mary Huntington presented the following personnel action:

Recorder, Dixie Swasey requested approval to hire Janet Damron as a part time Office Specialist working less than 20 hours per week. If approved her wage would be at grade 7 \$8.50 per hour. This is 9% below the suggested minimum. Commissioner Gary Kofford made a motion to approve hiring Janet Damron as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Aron Hansen has given his two weeks notice and Morris Sorensen is requesting approval to start the recruitment process for a full time Equipment Operator II. Commissioner Gary Kofford made a motion to approve beginning the recruitment process for a full time Equipment Operator II. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(11)**  
**APPROVAL OF COMMISSION MEETING MINUTES**

COMMISSION MEETING MINUTES  
OCTOBER 30, 2007

Commissioner Jeff Horrocks made a motion to approve the minutes dated October 16, 2007 as corrected. Commissioner Drew Sitterud stepped down to second the motion as Commissioner Gary Kofford was not present for that meeting. The motion passed.

**(12)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported on a recent landfill site showing with Rob Power, Solid Waste Technician. Mr. Power sent a letter to the Commission stating that the Emery County Landfill is in compliance with state regulations for landfills. Commissioner Kofford commended Morris Sorensen and his staff for their efforts.

Commissioner Kofford attended a DOGM meeting recently where they heard an appeal from SUWA regarding Utah American Energy's permit for Lila Canyon. UAE has received a notice to proceed with their mining process.

Commissioner Kofford reported that the roofing projects for the Orangeville and Green River Libraries are completed. Green River Library is shutdown at this time because the sewer main has a problem. They are having a hard time getting a plumber to bid on the repair.

He reported that the Huntington Airport is in the process of getting up dated fuel facilities.

*Commissioner Horrocks*

Commissioner Horrocks reported on the current problem that the Green River Irrigation Company is having with a diversion dam and the cost involved in correcting the problem.

He also reported that Val Payne recently gave the Commissioners an update on the Wild and Scenic Rivers process.

*Commissioner Sitterud*

Commissioner Sitterud reported on a recent meeting in Emery Town regarding the water problems there. A congressional delegation will be visiting the area soon to assess the problem. He reported on recent a newspaper article where Emery County has been named as a possible site for a nuclear power plant. Talks with four generation companies have named Emery County as a potential site. Currently there is no property named as the possible site. The companies have made contact with Emery County and Grand County. There are no formal plans.

7

COMMISSION MEETING MINUTES  
OCTOBER 30, 2007

(13)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

(14)

**ADJOURNMENT.**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 20, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**RATIFICATION OF ACTION TAKEN IN OCTOBER 30, 2007 COMMISSION MEETING.**

**A. Approval of Special Billing Agreement with State of Utah in providing funding and professional staff expertise for Utah 911 Grant.**

Commissioner Jeff Horrocks made a motion to ratify the approval and signing of a special billing agreement with State of Utah in providing funding and professional staff expertise for Utah 911 Grant. The motion was seconded by Commissioner Gary Kofford. The motion passed.

**B. Cut-off date for requisitions/claims out of 2007 budgets.**

Commissioner Jeff Horrocks made a motion to ratify the motion to send a memo to all elected officials and department heads informing them that the deadline for requisitions and purchases from the 2007 budget is November 20, 2007. The motion was seconded by Commissioner Gary Kofford. The motion passed.

**C. Approval to hire Janet Damron as part-time office specialist in Recorder's Office.**

Commissioner Jeff Horrocks made a motion to ratify approval to hire Janet Damron as part-time office specialist in the Recorder's Office. The motion was seconded by Commissioner Gary Kofford. The motion passed.

**D. Approval to start the recruitment process for a full-time Equipment Operator II.**

Commissioner Jeff Horrocks made a motion to ratify the motion to start the recruitment process for a full time Equipment Operator II. The motion was seconded by Commissioner Gary Kofford. The motion passed.

**E. Approval of out-of-state travel for Morris Sorensen.**

Commissioner Jeff Horrocks made a motion to ratify approval for Morris Sorensen to travel out of state. The motion was seconded by Commissioner Gary Kofford. The motion passed.



COMMISSION MEETING MINUTES  
NOVEMBER 20, 2007

(2)

**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List, Additional Claims #186633 through and including #186871 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
102-07	4-Drawer lateral file Green River/Justice Crt	459.00	Approved
103-07	Dell Computer Sheriff/SLA Grant State bid	1,650.50	Approved
104-07	TS-200 Kenwood Hf/VHF Radio TS-480SAT Kenwood Radio TM-D710A VHF/UHF APRS Radio DX-88 Antenna LDG AT1000Antenna Tuner Sheriff-HLS Grant 06	6,088.65	Appro ved
105-07	Hi-Sierra Trailblazer Antenna Power Supply 80 Watt Solar Panel for Trailer Sheriff-HLS Grant 06	2,895.18	Appro ved
106-07	21 cubic feet refrigerator Courthouse	549.95	Approved
107-07	Computer for Digital Photo Sys Sheriff-SLA Grant	3,684.10	Approved

There were no dispositions.

Commissioner Gary Kofford explained the first two items on the add on list which were Rocky Mountain Power and Lofthouse Electric. Recently the county sold the power line that supplies power to the landfill to Rocky Mountain Power. In doing so we had to put meters on the landfill

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NOVEMBER 20, 2007

building, the sheriff's rifle range building and the gun range which belongs to the Recreation District. We went out to bid for the electrical work. Lofthouse Electric was the low bidder on that project for \$5,311.00. Because of supplies for different size wiring and various other things it was determined that we needed to make some changes to the gun range building and put a meter base on the building. The added cost required to install the meter base on the gun range building was \$1,876.00 and to replace the underground power line from the Sheriff's building to the gun range building by Rocky Mountain Power was \$2,100.00. In order to expedite the work and get power to the gun range the work was completed under the direction of the Commissioners. The Recreation District has agreed to pay \$3,000.00 which will be done by way of a check to the county.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit list and Requisitions as presented. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(3)

**DELENA FISH, DWS, QUARTERLY UPDATE.**

Delena Fish, DWS, provided an update of recent activity. She reported on the online application process. Because of recent drop in caseloads in the Eastern region Emery and Carbon County has lost forty positions. The department has taken on extra case loads from the St. George area to keep people working. The department has partnered with various agencies to provide a healthy family education coalition. They recently held their first free dental clinic in Emery County with cooperation from the United Way Foundation. They saw forty individuals and performed 180 procedures. They are now in the process of working with Green River Medical Center to provide the same service in Green River. They are currently taking applications for the Community Angel Tree. They hope to have all the applications in by November 30. There has been another lay-off at Crandall Canyon Mine. She indicated that their hands are tied when it comes to helping those who were laid off due to the fact that they are termed as 'temporarily laid-off'. Because of the benefits that the miners received at the time they were laid off, they have to wait until the next month to apply. The Carbon/Emery unemployment rate is up a bit due to the mine disaster. It seems to have affected Carbon County more than Emery County. The division has changed its criteria for eligibility. They used to consider the individual's vehicle as an asset, however that has changed and no longer affects the applicant's eligibility after benefits have ended. Murray Energy has not given them any additional information.

(4)

**CONSIDERATION AND APPROVAL OF COMMISSION TAX ABATEMENT FOR PARCELS 1-57-25, 1-57-28, 1-250-15 AND 1-263-7.**

Assessor, Kris Bell proposed 4 properties for Commissioner's Adjustment.

COMMISSION MEETING MINUTES  
NOVEMBER 20, 2007

1-57-25, Hazel McMullin, home should have been placed on this property instead of 1-57-25. Previous market value was \$1,658.00 with taxes \$22.29. New Market value would be \$67,042.00 with taxes \$516.82. This is a difference of +\$494.53.

1-57-25, Michael Taylor, home should not have been placed on this property, it should have been moved to 1-57-28 . Previous market value was \$61,542.00 with taxes \$455.12. New market value would be \$6,500.00 with taxes \$87.40. This is a difference of -\$367.72.

1-250-15, Brian Jewkes, old home was torn down. Previous market value was \$33,060.00 with taxes \$353.26. New market value is \$0. This is a difference of -\$259.18.

1-263-7, Doug Johnson, letter from Orangeville City states that this is not a build-able lot. Previous market value was \$23,366 with taxes \$333.06. New market value would be \$15,502 with taxes \$220.97. This is a difference of -\$112.09.

Commissioner Gary Kofford made a motion to approve Commissioner's adjustments a proposed and presented. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**(5)**

**CITIZEN CONCERNS**

Sheriff Guymon reported that the county received a check from Murray Energy in the amount of \$180,000.00 for reimbursement to the county for expenses during the Crandall Canyon Mine disaster.

The Commissioners discussed recent complaints from the public that last Christmas the Courthouse was the only building on main street that did not have Christmas decorations on the building. Commissioner Kofford raised his concern for the recent \$80,000.00 new roof on the building and was against having anyone climb on the roof and drag decorations across the new roof to put up decorations. Commissioner Horrocks stated that he felt that the county should find a way to put up the decorations without damaging the roof that we just need to find a different way to anchor the decorations. Commissioner Kofford expressed his disapproval to putting up decorations if it means getting on the roof.

**(6)**

**APPOINTMENT OF REPRESENTATIVE/ALTERNATIVE WITH VOTING PRIVILEGES FOR UCIP ANNUAL MEMBERSHIP MEETING.**

Commissioner Drew Sitterud explained that UCIP meets for their annual membership meeting on December 6, 2007 at Thanksgiving Point. Emery County, by resolution is to appoint one official representative and an alternate representative to attend the meeting. Commissioner Jeff Horrocks made a motion to approve Resolution 11-20-07 appointing Mary Huntington as the official, voting representative and David Blackwell as alternate representative. The motion was seconded by Commissioner Gary Kofford. The motion passed.

(7)

**CONSIDERATION OF INTERLOCAL AGREEMENT BETWEEN EMERY/SEVIER COUNTY FOR MAINTENANCE OF REMOTE ROADS NORTH OF LINK CANYON ROAD AND MINE.**

Commissioner Kofford explained that there are two agreements to consider. For the last several years Emery County has maintained some roads in Sevier County and Sevier has maintained some roads in Emery County. The agreements facilitate the management of these roads. Commissioner Gary Kofford made a motion to approve the agreements between Emery and Sevier County for maintenance of remote roads north of Link Canyon Road and mine. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF LOW INCOME TAX ABATEMENT FOR JUDY VISSER.**

An application from Judy Visser for a low income abatement was presented for consideration. Ms. Visser indicated that she was not aware that she had to apply each year and as a result did not get the application turned in on time. After discussion on this matter and considering that there is a deadline for applications to be accepted Commissioner Gary Kofford made a motion to deny the application for a low income abatement for Judy Visser. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(9)

**CONSIDERATION AND APPROVAL OF PREMIER DATA SERVICE DATA EXCHANGE AGREEMENT.**

After discussion on this matter, Commissioner Gary Kofford made a motion to approve an agreement with Premier Data Service for exchange of data. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(10)

**APPROVAL OF BUILDING PERMIT FEE WAIVER FOR ELECTRICAL UPDATE AT LANDFILL/GUN RANGE.**

Commissioner Gary Kofford made a motion to waive the building permit fee for the electrical update at the landfill/gun range. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**(11)****CONSIDERATION AND APPROVAL OF APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS FOR BLM SYSTEM ROAD #6701, #6707, #6764, #6770, #6816, #6821, #6835, #6845, #6852, #7101, #7196, and #7197.**

Public Lands Director, Ray Petersen explained that for several years the county has maintained several roads belonging to the BLM. The local BLM Field Office in Price recommended application for ROW for these roads and they will give them to the county. The following is a list of BLM roads for inclusion in Emery County "B" Road System:

6701	Turtle Canyon	14miles
6702	Turtle Canyon Extension	7miles
6707	Saleratus-Hamburg (Humbug)	10miles
6764	The Wedge Extension (East)	5miles
6767	Fullers Bottom	12miles
6770	North Salt Wash	7miles
6816	Gillies Ranch (Frenchman)	7miles
6821	Gillies Ranch-Horse Bench	6.4miles
6835	Cedar Mountain	18miles
6845	Justeson Flat-Kimball Wash	11miles
6852	Rod's Valley (Swasey's Cabin)	12.7miles
7101	Poison Spring North Stub	2miles
7196	State Pond Road	1.07miles
7197	Ried Nielson-Home Base Loop	10.5miles

This is a total of 123.67 miles of road. Application would be for Title 5 ROW Lease through FLPMA. The county would then be able to receive federal funding through the "B" Road system. The list of roads would need to be reviewed every five years. Commissioner Gary Kofford made a motion to approve the list of roads for Title 5 ROW Lease application to be included in the "B" Road System of Emery County. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**(12)****CONSIDERATION AND APPROVAL OF LETTER OF AGREEMENT WITH FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH FOR DRUG COURT.**

Commissioner Jeff Horrocks made a motion to approve a letter of agreement with Four Corners Community Behavioral Health for administering to the Drug Court program in Emery County. The motion was seconded by Commissioner Gary Kofford. The motion passed.

(13)

**CONSIDERATION AND APPROVAL TO RENEW THE GENERAL LIABILITY INSURANCE AT THE HUNTINGTON AIRPORT.**

In the past the general liability insurance for the Huntington Airport has been through Wells Fargo at a cost of \$2,400.00 for the year. Mary did some checking and was able to find insurance through ACE USA which administered through UCIP for \$1,800.00 a year. Commissioner Gary Kofford made a motion to approve obtaining general liability insurance for the Huntington Airport through ACE USA. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(14)

**KEN BROWN/MARK WALSH, WESTERN COUNTIES ALLIANCE, UPDATE ON PUBLIC LAND ISSUES. CONSIDERATION AND APPROVAL OF BUDGET REQUEST FOR THEIR SERVICES.**

Ken Brown and Mark Walsh from Western Counties Alliance were presented to provide an update on public land issues. Mr. Brown, Field Director for WCA reported that the origination of the alliance. He stated that the WCR is an alliance of rural public lands counties and other supporting groups and individuals which is organized in a mutually beneficial and productive way to shape federal land and resource management policies. They work closely with the Western Caucus of the House of Representatives and key congressmen and senators to develop vital legislation and to encourage essential congressional oversight of federal agencies to address and resolve the challenges faced by our member counties. They also work directly to influence federal regulations. Currently they are working to get full funding of PILT and secure rural schools. They are also working to protect RS 2477 rights. Mr. Brown requested Emery County consider joining the WCA. The fee is \$7,500.00 per year for their services. He indicated that some counties were not able to pay that amount and opted to pay what they could, usually \$5,000.00 per year. The Commissioners asked how many other counties had joined the alliance. Mr. Brown reported that there were 13 counties in Utah and 3 more ready to come on board. He reported that out of the Western states there were 5 paying counties and the AOG in Nevada, Montana had 1 paying county, New Mexico has 10 paying counties, Arizona has 6 paying counties, Colorado has 4 counties in the western part of the state that have expressed interest in joining. Mark Walsh echoed all that Mr. Brown had reported and asked for the county's support. The Commissioners thanked them for their time.

(15)

**JONI PACE, FRIENDS OF PACT, REQUEST WAIVER OF PROPERTY TAXES FOR NON-PROFIT STATUS ON 50 N. PEARL STREET, GREEN RIVER.**

**CONSIDERATION AND APPROVAL OF BUDGET REQUEST FOR FUNDING OF BOYS AND GIRLS CLUB OF GREEN RIVER.**

Joni Pace, Friends of PACT came before the Board of Commissioner to request a waiver of property taxes for non-profit status on 50 N. Pearl Street, Green River, UT. In an earlier request, the Commissioners asked Joni to provide the federal tax returns for the non-profit business. She was also instructed to provide the application for tax exempt status to the Clerk/Auditor's office. The application was not turned in for review nor was the tax return submitted. The deadline for consideration was May 1, 2007. Joni indicated that she had the application but it was not turned in. Commissioner Gary Kofford made a motion to deny the request for a waiver on the property taxes due to the fact that the application was not handed in on time. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**(16)****CONSIDERATION AND APPROVAL OF SWIMMING POOL CHANGE ORDERS.****A. COR#02- Change of specified AH-1 to a different brand that is really available.**

Commissioner Gary Kofford made a motion to approve change order #02. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**B. COR#4- Change of door hardware changes.**

Commissioner Gary Kofford made a motion to approve change order #4. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**C. COR#5- Change OP light fixtures.**

Commissioner Gary Kofford made a motion to approve change order #5. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**D. Discussion of change order for fencing.**

Commissioner Drew Sitterud discussed a possible change order for fencing around the perimeter of the Swimming Pool. \$12,000.00 was budgeted for chain link fencing. The committee organized to make some basic decisions regarding the pool has asked that the Commission consider looking at putting up wrought iron fencing in lieu of chain link fencing. The change order for the lighting experienced a savings of \$10,000.00 that could be put with what is budgeted to provide for the approximately \$20,000.00 projected for the cost to put up wrought iron fencing. Commissioner Jeff Horrocks made a motion to move forward with gathering the information needed to put up wrought iron fencing and to bring it back to Commission Meeting with a change order. The motion was seconded by Commissioner Gary Kofford. The motion passed.

**(17)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.****A. Approval to give Owen Olsen a one step increase for completion of orientation period.**

Jerilyn Mathis requested a one step increase for Owen Olsen who has successfully completed his six month orientation period. If approved Owen would move from Grade 4A @ \$8.12 per hour to 4B @ \$8.30 per hour. Commissioner Gary Kofford made a motion to approve a one step increase for Owen Olsen as proposed. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**B. Approval to give Pauline Stilson a 3% increase for completion of orientation period.**

Sheriff Guymon requested a one step increase for Pauline Stilson who has successfully completed her six month orientation period. If approved Pauline would move from Grade 13 @\$10.81 per hour to Grade 13 @ \$11.13 per hour. Commissioner Jeff Horrocks made a motion to approve a one step increase for Pauline Stilson as proposed. The motion passed.

**C. Approval to continue the recruitment process for a mechanic/lube individual/Grade 16.**

Request was made to start the recruitment process for a Mechanic/Lube at Grade 16. Commissioner Jeff Horrocks made a motion to approve starting the recruitment process for a Mechanic/Lube Specialist as proposed. The motion was seconded by Commissioner Gary Kofford. The motion passed.

**D. Approval to start the recruitment process "in-house" only for a full-time Safety Director/Grade 20.**

Request was made to start the recruitment process "in-house only" for a Safety Co-ordinator, full time, with benefits. Commissioner Gary Kofford had questions as to how to back fill the position that is vacated from the in-house recruitment. He asked if this will be a new position and if so does the county have the funding for a new position? He stated that he felt that doing this has the potential to become something the county cannot afford. Therefore, Commissioner Jeff Horrocks made a motion to table this matter until the next meeting. The motion was seconded by Commissioner Gary Kofford. The motion passed.

**(18)****APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated October 30, 2007 as



corrected. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**(19)**  
**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on the Veteran's Memorial Dedication Ceremony held November 12, 2007. He reported the ceremony was very well attended and received by the public. Commissioner Sitterud commended Commissioner Horrocks for his efforts on the Memorial project and dedication ceremony.

Commissioner Horrocks attended a WFS and Emery School District meeting where they discussed aligning class electives to meet with the industry needs of this county.

He recently attended a Travel Bureau meeting with new Travel Board members. They discussed participating in trade shows and printing brochures for the shows. He expects good things to happen with that in the future.

*Commissioner Kofford*

Commissioner Kofford reported that Ray Petersen recently testified in District Court on behalf of Emery County regarding Lila Canyon Mine.

*Commissioner Sitterud*

Commissioner Sitterud and Ray Petersen recently met with Shell Oil regarding leases in the county. They are hoping for big things with their oil rigs in the county and are appreciative of the county's approach to their being here. They indicated that have not been well received in other places.

**(20)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(21)**  
**ADJOURNMENT**

11  
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Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford. The motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

DECEMBER 4, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

The agenda items were suspended as numbered. At ten minutes before six Commissioner Gary Kofford made a motion to take a ten minute break before the advertised 6:00 p.m. public hearing. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(1)

**BID OPENING FOR SALE OF COUNTY INTEREST IN PROPERTY #01-0188-0005.**

Three sealed bids were received for the sale of county interest in property #01-0188-0005 in Huntington, Utah. Minimum acceptable bid was \$3,181.13. The three bids were as follows:

1. Joe Humphrey- \$5,001.01
2. Ethan Hurdsman- \$1,001.01
3. Arthur Gale Anderson- \$4,001.00

(2)

**AWARD BID FOR SALE OF COUNTY INTEREST IN PROPERTY #01-0188-0005 AND APPROVAL OF ASSOCIATED PAPERWORK.**

Commissioner Gary Kofford made a motion to award the bid to Joe Humphrey for \$5,001.01. As top bidder, Mr. Humphrey has five working days to submit the bid amount in the form of cash or certified check to the Clerk/Auditor's office. If the top bidder fails to submit the bid amount, the bid will go to the next highest bidder. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims #187042 through and including #187236 for payment.

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List and additional claims for payment. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**JONI PACE, FRIENDS OF PACT-CONSIDERATION OF DONATION FOR BOYS AND GIRLS CLUB OF GREEN RIVER.**

Sheriff Guymon read a request on behalf of Joni Pace and Friends of PACT. They requested a contribution to help with the cost to purchase food containers for the evening meals served to senior citizens in Green River. Commissioner Kofford wondered if the meals they were providing were a duplication of a service that is already being provided through the Senior Citizen program. The Sr. Citizen program serves meals on Tuesday and Thursday. Commissioner Kofford made a motion to donate the standard \$250.00 to the Friends of PACT. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(5)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR MICHAEL MCCANDLESS.**

Michael McCandless requested approval to travel out of state to attend the Western Association of RC&D Councils, Inc. Annual Meeting in Las Cruces, New Mexico on January 13<sup>th</sup> through 16<sup>th</sup>, 2008. Commissioner Jeff Horrocks made a motion to approve out of state travel for Mike McCandless to attend the Western Association of RC&D Councils, Inc. Annual Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Jeff Horrocks made a motion to come out of the regular meeting and move into a public hearing as advertised. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**5:30 PM- PUBLIC HEARING- To receive public comment on amendments to the 2007 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds and for the Castle Valley Special Service District.**

Clerk/Auditor Brenda Dugmore presented Resolution 12-04-07A amending the 2007 budget for the Emery County General Fund, Special Revenue Funds, and Capital Projects Funds. The changes are as a result of salary adjustments following the recommendation of the salary survey conducted earlier in the year and allowing for the fund flow in the general fund of the swimming pool project.

Darrell Leamaster, Castle Valley Special Service District reviewed Resolution 12-04-07B amending the Capital Projects Fund for 2007 reflecting a carry-over in the appropriated fund balance from 2006 for projects in 2007.

Commissioner Drew Sitterud asked if there were any questions or comments. There were none.

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Commissioner Gary Kofford made a motion to come out of the public hearing and return to the regular Commission Meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Gary Kofford made a motion to come out of the regular meeting and move into a public hearing as advertised. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**6:00 PM- PUBLIC HEARING- To receive public comment on FY 2008 budgets for the Emery County General Fund, Specials Revenue Funds, Capital Project Funds and for the Castle Valley Special Service District, Including salary increases for Emery County Employees and Elected Officials.**

Clerk/Auditor Brenda Dugmore reviewed Resolution 12-04-07C. She explained the reason for the property tax increase and judgement levy. PacifiCorp miss allocated taxes to Emery County that should have been paid to Utah County. We have a judgement levy to payback PacifiCorp \$249,369.19 plus interest in November 2008 for that miss allocation. Commissioner Sitterud explained the increase in salaries for Emery County employees and Elected Officials and two judges. A wage survey was conducted earlier in 2007 and the first phase of changes was implemented. As the Commissioners looked at the second phase it was apparent that the elected officials in most cases would be making less than the employees that they are over. Therefore, the Commissioners proposed implementing a \$6,000.00 increase for the year to the elected officials and two judges. Employees will not receive a cost of living increase in 2008. Instead, they will receive an increase based on years of service. Those employees with 26 plus years of service will receive a 3 step or 9% increase. Those employees with 21 to 25 years of service will receive a 2 step or 6% increase. Those employees with 16-20 years of service will receive a 1 step or 3% increase. Those employees with 11 to 15 years of service will receive a ½ step or 1 ½ % increase.

Darrell Leamaster, Castle Valley Special Service District reviewed Resolution 12-04-07D. Darrell explained the Debt Service Fund, Capital Project Fund, Revenue and Expenditure Funds. He indicated that CVSSD also implements increases to their employee's salaries based on years of service.

Commissioner Drew Sitterud asked for comments or questions. There were none.

Commissioner Gary Kofford made a motion to come out of a public hearing and return to the regular Commission Meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF AMENDMENTS TO FY 2007 BUDGETS FOR EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS AND FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Jeff Horrocks made a motion to approve Resolution 12-04-07A amending the FY 2007 budgets for the Emery County General Fund, Special Revenue Funds, and Capital Project Funds. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Jeff Horrocks to approve Resolution 12-04-07B amending the FY 2007 budgets for Castle Valley Special Service District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)****CONSIDERATION AND APPROVAL OF FY2008 BUDGETS FOR EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Gary Kofford made a motion to approve Resolution 12-04-07C adopting the FY2008 budgets for the Emery County General Fund, Specials Revenue Funds and Capital Project fFunds. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Gary Kofford made a motion to approve Resolution 12-04-07D adopting the FY2008 budgets for Castle Valley Special Service District. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(10)****CITIZEN CONCERNS**

None

**(11)****CONSIDERATION AND APPROVAL OF 2008 HOLIDAY SCHEDULE**

The 2008 Holiday schedule was presented for consideration as follows:

New Year's Day	Tuesday	01-01-08
Human Rights Day	Monday	01-21-08
President's Day	Monday	02-18-08

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Memorial Day	Monday	05-26-08
Independence Day	Friday	07-04-08
Pioneer Day	Thursday	07-24-08
Labor Day	Monday	09-01-08
Columbus Day	Monday	10-13-08
Veterans Day	Tuesday	11-11-08
Thanksgiving Day	Thursday	11-27-08
Thanksgiving Day	Friday	11-28-08
Christmas Eve	Wednesday	12-24-08 (½ day)
Christmas Day	Thursday	12-25-08

Commissioner Gary Kofford made a motion to approve the 2008 Holiday Schedule as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(12)**

**CONSIDERATION AND APPROVAL OF 2008 COMMISSION MEETING SCHEDULE.**

The 2008 Commission Meeting Schedule was presented as follows:

January 8, 2008	9:00 a.m.
January 22, 2008	9:00 a.m.
February 19, 2008	9:00 a.m.
March 4, 2008	9:00 a.m.
March 18, 2008	9:00 a.m.
April 1, 2008	9:00 a.m.
April 15, 2008	9:00 a.m.
May 6, 2008	9:00 a.m.
May 20, 2008	9:00 a.m.
June 3, 2008	9:00 a.m.
June 17, 2008	9:00 a.m.

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July 1, 2008	9:00 a.m.
July 15, 2008	9:00 a.m.
August 5, 2008	9:00 a.m.
August 19, 2008	4:00 p.m. * To follow
	Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.
September 2, 2008	9:00 a.m.
September 16, 2008	9:00 a.m.
October 7, 2008	9:00 a.m.
October 21, 2008	9:00 a.m.
November 18, 2008	9:00 a.m.
December 2, 2008	9:00 a.m.
December 16, 2008	4:00 p.m.

Commissioner Jeff Horrocks made a motion to approve the 2008 Commission Meeting Schedule as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(13)**

**CONSIDERATION AND APPROVAL OF MILEAGE RATE FOR 2008.**

Commissioner Jeff Horrocks made a motion to set the mileage reimbursement rate for 2008 at \$.48 per mile. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR SADIE SIMMONS.**

The Board of Commissioners received a written request on behalf of Sadie Simmons. Date of service was September 5, 2005. No attempt to make a payment has been made and no indication of hardship to pay the bill. Commissioner Gary Kofford made a motion to deny a request to write-off the ambulance service bill for Sadie Simmons. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(15)**

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK- 2008.**



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A Cooperative Agreement between Utah State University Extension and Emery County for educational work FY2008 was presented. The agreement was in the amount of \$63,500.00. The agreement had been reviewed by Attorney David Blackwell. Commissioner Gary Kofford made a motion to approve of a Cooperative Agreement for Utah State University Extension Educational Work FY2008. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(16)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval of 3% increase for Jan Luke who has completed her 6 month orientation period.**

Jan Luke has completed her 6 month orientation period successfully and Sheriff Guymon is requesting she receive a 3% increase effective December 17, 2007. If approved she will move from Grade 11 @ \$10.42 plus .30 per hour matron fee to Grade 11 @ \$10.73 plus .30 per hour matron fee. Commissioner Gary Kofford made a motion to approve a 3% increase as per policy for Jan Luke as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**B. Approval to hire Jared Robinson as a full time Equipment/Driver Operator II with benefits.**

Morris Sorensen is requesting approval to hire Jared Robinson as a full time Equipment Driver/Operator II with benefits. If approved Jared's wage would be Grade 17 @ \$16.23 per hour. Commissioner Jeff Horrocks made a motion to approve hiring Jared Robinson as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**C. Approval to hire Russell Swasey as a full time Lube Mechanic with benefits.**

Morris Sorensen requested approval to hire Russell Swasey as a full time Lube Mechanic with benefits. If approved his wage would be Grade 16 @ \$15.31 per hour. He would also be entitled to insurance premium pay of \$579.87 per month because he and his wife will be employed by the county. Commissioner Gary Kofford made a motion to approve hiring Russell Swasey as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**D. Approval to hire Tina Carter as a part time Travel Bureau Secretary with pro-rated benefits.**

The Travel Bureau Board requested approval to hire Tina Carter as a part time secretary

COMMISSION MEETING MINUTES  
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working 32 hours per week with pro rated benefits. If approved her wage would be Grade 11 @ \$10.69 per hour. Commissioner Jeff Horrocks made a motion to approve hiring Tina Carter as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated November 20, 2007 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(18)

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported that on Wednesday, December 5, 2007 at 10:00 am there will be a final inspection on Rilda Canyon Road. He reported on the progress of the Green River Senior Center Project. The contractors are putting up the block walls. The roof will be put on next week. On December 12, 2007 at 5:00 there will be a Senior Citizen Christmas Dinner at the Museum of the San Rafael. Elected officials and Department Heads have been asked to serve at the dinner.

*Commissioner Sitterud*

Commissioner Sitterud reported on the progress of the Swimming Pool Project. Things are going slowly due to the cold weather. The contractors will try to pour the footers and stem walls this week and hopefully tent the project and put up the brick walls. Colors for the lane dividers and flags have been picked. The Commissioners, and anyone else who would like to, meet every other Friday, on site, with the contractors.

Commissioner Sitterud reported on the 2008 Fair. The board has already hired some of the entertainment but is hoping to get local talent also. There have been several suggestions that the fair needs to be longer. The board has decided to add one additional day to the fair. The Castle Valley Pageant that is usually in conjunction with the fair has been cut back to every other year. This is a decision made by the Church of Jesus Christ of Latter-Day Saints. The equipment that the pageant uses has to come from the church and will be transported only every other year. Therefore, in 2008 we will have the pageant but after that the pageant will be every other year.

The County Christmas Party will be December 18, 2007. Christmas gift certificates were mailed out and need to be redeemed by December 25, 2007.

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Commissioner Sitterud expressed concern regarding the Miss Emery Pageant. The county has had a difficult time persuading young women to try out for Miss Emery.

(19)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS AS ALLOWED BY LAW.**

An executive session was not needed.

(20)

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

DECEMBER 18, 2007

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

The Warrant Check Edit List #187339 through and including #187467 was presented for consideration of payment. Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List and additional claims for payment. The motion was seconded by Commissioner Gary Kofford. The motion passed.

(2)

**DEB DULL, ROCKY MOUNTAIN POWER, QUARTERLY UPDATE.**

Deb Dull, Rocky Mountain Power introduced Darrell Cunningham, Hunter Plant Generation Manager and Gary Denhalter, Huntington Plant Generation Manager. Darrell Cunningham reported that the employees at Hunter Plant raised \$5,000.00 for Sub For Santa to provide Christmas for 55 children in Carbon and Emery Counties. He also explained a recent power outage in the Castle Dale and Orangeville area. There was a problem at a switch yard. They have hired a new engineer at the plant. The new engineer will be moving here with his family. The plant is moving into an employee retirement bubble that the company expects to slow things down for a while. Gary Denhalter reported that the employees at the Huntington Plan raised \$2,500 for Sub For Santa to provide Christmas for 8 families in Carbon and Emery Counties. The plant is on track to receive a gold safety award. The plant experience only two recordable accidents in 2007. New buildings are under construction at the plant. They are building a new warehouse, coal yard facility and meeting building. They hope to have the building completed by March 2008. As of January 2009 the company will have to begin reporting mercury levels emitted by the plant. Monitors have been installed and are collecting the data. The Carbon and Emery area has the lowest level of mercury nation wide. Deb Dull explained the reason for the recent request by Rocky Mountain Power for a rate increase.

(3)

**CONSIDERATION AND APPROVAL OF EASEMENT TO FERRON CITY FOR THE CONSTRUCTION, OPERATION, REMOVAL, REPLACEMENT AND**

**MAINTENANCE OF A SEWER COLLECTION SYSTEM AND APPURTENANT**

**WORKS UPON, ACROSS AND OVER THE LANDS ON PARCEL 1-112B-62.**

Commissioner Gary Kofford made a motion to approve an Easement to Ferron City for the construction, operation, removal, replacement and maintenance of a sewer collection system and appurtenant works upon, across and over the lands on parcel 1-112B-62 which is on the north west of Ferron. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(4)****RATIFICATIONS.**

Commissioner Drew Sitterud explained that two contacts were submitted at an earlier date to meet deadlines and now need to be ratified as follows:

**A. RATIFICATION OF LOCAL GOVERNMENT CONTRACT F-1612(7)0 BETWEEN EMERY COUNTY, UDOT AND JOHANSEN AND TUTTLE ENGINEERING FOR PRECONSTRUCTION ENGINEERING ON SOUTH MOORE CUTOFF ROAD- PHASE VII.**

Commissioner Gary Kofford made a motion to ratify the signing of local government contract F-1612 (7) 0 between Emery County, UDOT and Johansen and Tuttle Engineering for preconstruction engineering on South Moore Cut-Off Road Phase VII. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**B. RATIFICATION OF CONTRACT WITH STATE OF UTAH DEPARTMENT OF TECHNOLOGY SERVICES AND EMERY COUNTY FOR FUNDING REIMBURSEMENT FOR COLLECTION AND DELIVERY OF CORNER COORDINATES, AND/OR CONSTRUCTION OF DIGITAL PARCEL DATABASE.**

Commissioner Jeff Horrocks made a motion to ratify the signing of a contract with the State of Utah Department of Technology Services and Emery County for funding reimbursement for collection and delivery of corner coordinates, and/or construction of digital parcel database. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(5)****CONSIDERATION AND APPROVAL OF CHANGE ORDER 6 AND 7 FOR SWIMMING POOL.**

Commissioner Drew Sitterud explained the two change orders for the swimming pool project. Change order number 6 is for the water line to accommodate the fire line with a added cost of \$3,300.00. Change order number 7 is for two manhole rings and covers in the concrete deck over the surge tank with no added cost. Commissioner Gary Kofford made a motion to approve

COMMISSION MEETING MINUTES  
DECEMBER 18, 2007

change order 6 and 7 for the swimming pool project. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(6)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following personnel action:

A. Approval to hire Ken Eley Jr as a full time dispatch.

Sheriff Guymon requested approval to hire Ken Eley Jr. as a full time dispatcher. If approved his wage would be at Grade 14 @ \$13.62 per hour. Commissioner Jeff Horrocks made a motion to approve hiring Ken Eley Jr. as a full time dispatcher as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

B. Discussion and approval to adopt Utah Local Government Trust Workers Compensation renewal for FY2008.

Commissioner Gary Kofford made a motion to adopt Utah Local Government Trust Workers Compensation renewal for 2008. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

C. Approval to start recruitment for a full time Planning and Zoning Technician.

Commissioner Jeff Horrocks made a motion to approve starting the recruitment process for a full time Planning and Zoning and Public Lands Secretary at Grade 13 @\$11.34 per hour. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

D. Discussion regarding office coverage for Building/Planning.

Commissioner Gary Kofford discussed the need to have the Planning Zoning office covered in the interim of getting a new secretary. Tina Carter, Emery County Travel Bureau is in the office next to Planning and Zoning and is part time, 32 hrs. a week. Commissioner Kofford suggested adding 8 hours to Tina's week and have her cover the office needs on a temporary basis until we can get a Planning and Zoning secretary hired. He indicated that Michael McCandless spoke with Tina about this and she was in agreement with this arrangement on a temporary basis only. After we get a secretary in place Tina will go back to 32 hours a week. Commissioner Gary Kofford made a motion to allow Tina Carter to work up to 40 hours on a temporary basis to fill in at Planning and Zoning until a secretary is hired. After a secretary is hired Tina will return to her 32 hr. week. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**APPROVAL OF COMMISSION MEETING MINUTES**

COMMISSION MEETING MINUTES  
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Commissioner Jeff Horrocks made a motion to approve Commission Meeting minutes dated December 4, 2007 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported that the Nursing Home sold a 2003 Bus to the Senior Citizen's for \$10,000.00 to be used for the Senior Citizen program in Green River.

He also reported on the status of the Moore Cut-off Road project phase 7. The notice of award was issued to Nielson Construction for phase 5 and 6 which will be the asphalt for phases 1,2 3 and 4. The asphalt should be completed by October 15, 2008

*Commissioner Horrocks*

Commissioner Horrocks reported on the Senior Citizen Christmas dinner held on the 12<sup>th</sup>. There was a good program and the elected officials and department heads served the dinner to the seniors.

He recently attended a regional Workforce Services meeting in Moab where they discussed the closing of a copper mine in the area and the local impact of losing approximately 86 jobs. WFS is dealing with an aging workforce and sees a need for training of a young workforce to step up to the task.

*Commissioner Sitterud*

Commissioner Sitterud reported that the new CIB trimester is in force. They have been flooded with request of over \$60,000,000.00 but they only have \$28,000,000.00 to spend.

On the 11<sup>th</sup> he met with the BLM RAC where they discussed the coal mine disaster in Huntington and recoverable mineral sales in Utah.

Regarding the Wildlife RAC they discussed in their recent meeting the introduction of the river otter in Straight Canyon.

RS2477 is moving along slowly.

**(9)**

**JOHN BLAKE, SITLA, PRESENTATION OF INFORMATION REGARDING  
COMPETITIVE COAL LEASE SALE OF THE COTTONWOOD COAL TRACT.**

COMMISSION MEETING MINUTES  
DECEMBER 18, 2007

John Blake, SITLA presented information regarding competitive coal lease sale of the Cottonwood Coal Tract. This tract is north east of Joe's Valley Reservoir and is approximately 8,600 acres with possibly 48.5 million tons of coal. SITLA is interested in offering this tract for coal lease sale. The bid process will close on December 28, 2007 and open the bids on December 31, 2007. Commissioner Gary Kofford made a motion for the Emery County Commission to go on record in support of the action being taken by SITLA with regards to competitive coal lease sale of the Cottonwood Coal Tract. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Gary Kofford made a motion to leave the regular Commission Meeting and move into an executive session and upon completion to the executive session to return to the regular Commission Meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(10)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

A. Decision regarding possible employee settlement.

Upon returning to the regular meeting Commissioner Gary Kofford made a motion to approve an agreement as discussed in executive session. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(11)**

**ADJOURNMENT.**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

JANUARY 8, 2008

Present at the meeting was Commissioner Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPOINTMENT OF CHAIRMAN FOR 2008**

Commissioner Jeff Horrocks made a motion to have the chairman for the Board of Emery County Commissioners remain as is with Drew Sitterud as Chairman. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(2)**  
**APPROVAL OF COMMISSION RESPONSIBILITIES FOR 2008**

Commissioner Gary Kofford made a motion to accept the Commission Responsibilities for 2008 as follows:

Jeff Horrocks

Ambulance/EMT  
Animal Control  
Assessor  
Attorney  
BLM  
Fire District  
Homeland Security  
Justice Court  
MBA  
Museum  
Public Lands  
Sheriff  
Travel Council  
Weed/Mosquito  
Work Force Services

Gary Kofford

Airport  
County Facilities  
ECSSD#1  
Extension  
Landfill  
Library  
MBA  
Mental Health  
Planning/Zoning  
Public Health  
Public Lands  
Road Department  
Senior Citizens  
Treasurer  
USFS  
Wildland Fire

AOG

Canyon Country  
Chamber of Commerce  
Clerk/Auditor  
COG  
DWR  
Economic Development  
Historic Preservation  
Housing Authority  
IT/GIS  
MBA  
Nursing Home  
Personnel  
Public Lands  
RC&D  
Recreation/Fair  
Recorder/Archives  
TV/Communications

Drew Sitterud

The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**DISCUSSION/PRESENTATION OF INFORMATION FOR DIGITAL TV  
CONVERSION IN EMERY COUNTY.**

Commissioner Sitterud explained that the conversion from analog reception to digital reception has been a three year process. The analog signal will be turned off as of February of 2009. Emery County is well above the rest of the state as far as being prepared for this event to happen. Bret Mills, Communications has Emery County ready for the switch over. Commissioner Sitterud turned the time over to Bret Mills to allow him to explain the change over and how it will affect citizens in Emery County. Bret began by explaining that the Digital Television Transition and Public Safety Act of 2005 requires TV stations to stop broadcasting in analog and to broadcast only in digital after February 17, 2009. The digital transition will provide a better viewing experience for consumers and help emergency responders protect your community. The Act created the TV Converter Box Coupon Program for households wishing to use their analog TVs after the transition. The Federal government is offering US households up to two \$40.00 coupons to help pay for the cost of a certified converter box. TV's connected to cable, satellite, or other pay services do not need a converter box to receive programs after February 17, 2009. The new certified converter box will be available beginning in March of this year and is expected to cost between \$50.00 and \$70.00. You can register for the coupons by phone at 1-888-DTV-2009 (1-888-388-2009), or by mail at PO Box 2000 Portland, OR 97208, by Fax at 1-877-DTV-4ME2 or on line at [www.DTV2009.gov](http://www.DTV2009.gov). The coupons expire 90 days after they are mailed and requests must be received by March 31, 2009. Bret further explained that Emery County has been on the air with digital for a year now. EC has gone through all the federal regulation hoops. Emery county has a local channel, Channel 26. This channel will still be available after the change over. He explained that is important for Emery County to retain the local frequency channel because of the complexity and limited number of frequencies available for purchase.

a group of Eastern Utah counties received a grant to update the systems. The taxpayers of these counties have not had to fund much at all. Any cost has come from keeping the analog system working until we could switch over to the digital system. He also explained that the best antenna to use is a flat screen antenna which can be purchased for around \$48.00. Set top antennas do not work well. He stated that if you have a good picture coming in now, you will be ok. James Davis asked Bret if he had any idea how many people in the county are still on analog. Bret estimated that approximately 70 % of the citizens in Emery County are still on analog. Many of these people are on fixed incomes and cannot afford to purchase cable or satellite. The coupon program is meant to help these people.

(4)  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Brenda Dugmore, Clerk/Auditor presented the Warrant Check Edit List #18818 through and including #187894 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
1-08	Canon copier 5070 Courthouse	\$7,496.00	Approved

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List and requisition. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(5)  
**DISCUSSION/APPROVAL OF COUNTY'S REQUEST TO RELOCATE POWER LINES ALONG ROAD #801.**

Emery County is preparing to widen County Road #801 from east of Moore and Highway 10. This road improvement project will require the relocation of power poles which are inside the road right-of-way. The time frame of the project is to have it under construction contract by May or June of 2008. In order for Rocky Mountain Power to consider relocating the power lines the Board of Commissioners need to discuss the matter in an open meeting and make a formal request in writing. Commissioner Gary Kofford made a motion to send a letter to Rocky Mountain Power formally requested them to relocate the power poles. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(6)  
**CONSIDERATION AND APPROVAL OF MOA BETWEEN EMERY COUNTY AND ROBERT K. WEIDNER.**

Commissioner Jeff Horrocks made a motion to approve an MOA between Emery County and Robert K. Weidner in the amount of \$15,000.00 as a lobbyist in Washington, D.C. for Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

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COMMISSION MEETING MINUTES  
JANUARY 8, 2008

(7)

**DISCUSSION OF LETTER OF SUPPORT FOR SOUTHEASTERN UTAH REGIONAL MENTORING GRANT.**

Grand County is working on a grant to have adult volunteers in the schools to help kids in need. The volunteers would be in Emery, Carbon Wayne and Grand Counties. The positions would be funded for three years. Grand County is asking for a letter of support from Emery County for the grant request. Grand and Carbon County have already submitted a letter of support. Commissioner Gary Kofford made a motion to write a letter of support for the Southeastern Utah Regional Mentoring Grant. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF HOMELAND SECURITY GRANT PROGRAM**

Commissioner Gary Kofford made a motion to approve the Homeland Security Grant Program. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(9)

**CITIZEN CONCERNS**

Phil Fauver asked if the county has a noxious weed eradication plan in place for the Salt Cedar and Russian Olive. Commissioner Horrocks told Mr. Fauver that the county does have plans for the noxious weeds and he can contact James Nielsen, Weed and Mosquito Department if he has any questions or concerns.

(10)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following Personnel action:

**A. Approval of 3% increase for Jimmy Blackburn who has completed orientation period.**

Morris Sorensen requested a 3% increase for Jimmy Blackburn who has completed his 6 month orientation period successfully. If approved Jimmy would move from Grade 17 @ \$16.23 per hour to \$16.72 per hour which puts him at the new suggested minimum. Commissioner Gary Kofford made a motion to approve a 3% increase for Jimmy Blackburn as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**B. Consideration and approval of UCIP's "Third" Amended Interlocal Cooperation Agreement.**

Mary indicated that Attorney David Blackwell has reviewed the document and recommended the Commissioners approve the Third Amended Interlocal Cooperation Agreement with UCIP. The amendment changes the Board of Trustees terms from two years to four years. Commissioner Gary Kofford made a motion to approve the Third Amended Interlocal Cooperation Agreement with UCIP. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(11)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion approve the minutes dated December 18, 2007 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported that the Fire Protection Special Service District is in the process of purchasing five new trucks to replace trucks that are not passing inspections or are just too old for service any longer.

The Sub for Santa program went very well. He thanked those who helped.

*Commissioner Sitterud*

Commissioner Sitterud reported on the county's Employee Christmas Party and thanked those who helped.

Commissioner Sitterud attended a Forest Service meeting recently where they discussed a proposal by the FS to gate the road to Horn Mountain from November to April. The FS is looking for input on the proposal.

Regarding CIB funds Commissioner Sitterud reported that they are short on funds for this trimester. The CIB had to turn down projects or turn grant requests into 0% loans. Due to the Energy Bill, Utah lost 2% in mineral lease funds. This will cut the amount Emery County

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COMMISSION MEETING MINUTES  
JANUARY 8, 2008

receives in mineral lease funds distributed to the Special Service Districts.

(13)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive session was not needed today.

(14)

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 22, 2008

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS, AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 188024 through and including #188164 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
02-08	(5) Tasers w/holsters Sheriff	\$ 4,049.70	Approved
03-08	10 hp Tecumseh motor Weed/Mosquito	569.99	Approved
04-08	(20) Computers (6) Laptop Computers (3) Printers - Capital Replacements	\$31,159.98	Approved

There were no dispositions

Commissioner Gary Kofford made a motion to approved the Warrant Check Edit List and additional claims and requisitions as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(2)**  
**APPOINTMENT OF FIVE MEMBERS TO THE EMERY COUNTY PUBLIC LANDS COUNCIL.**

Commissioner Sitterud read the names of the nine applicants for consideration of appointment to the Emery County Public Lands Council as follows: Priscilla Burton, Bruce Wilson, Sherrel

COMMISSION MEETING MINUTES  
JANUARY 22, 2008

Ward, Jerry Jones, Vernell Rowley, Leland Sasser, Charles Semborski, Phil Fauver, Monroe Magnuson. Four of the five members that need to be appointed will be for two year terms. One member will be for one year only to replace a member who has resigned. Commissioner Gary Kofford made a motion to appoint Priscilla Burton, Bruce Wilson, Sherrel Ward, Vernell Rowley as two year members and Charles Semborski as a one year member to the Emery County Public Lands Council. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF AMENDED CONTRACT WITH PERMANENT COMMUNITY IMPACT FUND BOARD FOR SWIMMING POOL FUNDING.**

Commissioner Sitterud discussed an amendment to the contract with PCIFB for the swimming pool project. He explained the PCIFB gave the county a 0% interest 5 million dollar loan for the swimming pool project. When the bids for the project came in they were more than was originally projected. So the county went back to PCIFB in hopes of getting more funding to complete the project. The PCIFB has provided a 1 million dollar grant for the project. When the paperwork came in for the grant it was put in the county's name. Commissioner Sitterud was concerned that having the grant in the county's name could compromise the PILT funds that the county receives. He wanted to have the grant come through the Recreation Special Service District and have the paperwork re-written with the grant in their name. Commissioner Jeff Horrocks made a motion to accept the grant for 1 million dollars from PCIFB pursuant to having the name corrected or an assurance that receiving this grant in the county's name will in no way affect the county's PILT funds. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #8 FOR SWIMMING POOL REBAR.**

Commissioner Sitterud explained that at the time of the bid for the swimming pool the pool rebar was not designed. An allowance of \$10,000.00 was carried for the rebar. When the pool manufacturer designed the rebar, the cost came in at \$8,650.00. This is a -\$1,350.00 savings on the project. Commissioner Jeff Horrocks made a motion to accept change order #8 for the swimming pool project. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)



**SETTING OF DATE FOR COUNTY AUCTION.**

Commissioner Sitterud explained that sometime ago the Commission had decided to do away with the old Sheriff's building. Several people have approached the Commissioners to retrieve the bricks, cabinets, light fixtures and other items from the building before it was demolished. In talking with a local auctioneer, Randy Anderson he indicated that the building could be auctioned off in different blocks or sections. There should also be other surplus property such as vehicles, electronics and furniture that will need to be auctioned off. Commissioner Sitterud indicated that a good time to hold an auction would be in the spring, early April. He suggested April 5 or 12. Commissioner Jeff Horrocks made a motion to set the time and date for a county auction for Saturday, April 5, 2008 at 10:00 am at the old sheriff's building. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(6)****APPROVAL OF FEDERAL ANNUAL ASSET SHARING REPORT.**

Sheriff Guymon explained that the Federal Annual Asset Sharing Report must be filed with the federal government each year so that the county can get a share of assets forfeited in the course of a crime committed in Emery County. It will also aide in receiving federal grants. Commissioner Gary Kofford made a motion to approve the Federal Annual Asset Sharing Report. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(7)****CONSIDERATION AND APPROVAL OF 2008 WILDLAND FIRE BUDGET.**

Commissioner Kofford explained that the Wildland Fire Budget needs to be approved in a regular Commission Meeting. The budget reflects the Utah Division of Forestry, Fire & State Land's requested amount of \$26,928.97 and the county's approved budget amount of \$23,500.00. Commissioner Gary Kofford made a motion to set the budget for Wildland Fire at \$23,500.00. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(8)****DISCUSSION OF AMENDMENTS TO RESOLUTION NO. 07-17-07.**

Commissioner Sitterud reported on SITLA exchange lands around and about Huntington Canyon. This is a result of the SITLA land exchange during the creation of the Grand Staircase Escalante Monument. None of the current Commissioners were on the board when this

COMMISSION MEETING MINUTES  
JANUARY 22, 2008

occurred. At that time Governor Leavitt met here in Emery County and promised that Emery County would be held harmless if we took the land. At that time the county was receiving 40 % mineral lease money. When SITLA took back the land they let Emery County keep the 40%. The legislature decided that Emery County and several other counties were getting too much from the mineral lease money and began to dip into the money. They created the Constitution Defense Fund and the Electronic Fund. So, essentially Carbon and Emery County paid these funds for the rest of the state of Utah. There was a cap on the fund. One was capped at 3 million dollars and the other was at 1 million dollars. As they were spent down they kicked back out of the county's money. We figured were getting only getting 15 % of the money. This hit Uintah County a little bit also. So, Carbon, Emery and Uintah went back to the legislature and explained what had happened. Last year a bill, HB 134, was ran through the legislature that was supposed to redirect the money back to the county to eliminate the legislative finger dipping into the money. That worked good for a while. Then a senator out of northern Utah placed a 3 million dollar cap on the fund. Most of that money which should come to the county is sitting there and we cannot get to it. This is money that would be going the SSD's in the county. The districts have taken a big hit. When we set the budget we did not know what percentages to allocate to the districts. We kept them where they were at but we came up short. We have the Recreation District that is running short on money. They more than likely will not have enough money to pay next months bills. The other districts, SSD#1 and Castle Valley are also feeling the crunch. We need to start the process to help the districts out. He asked Attorney Blackwell to look into what the county can do to help the districts out. He was under assumption that if the districts come up short the county is responsible to help them. There is movement in the legislature to recapture this money for us. We have learned over the years that every time we open the mineral lease money someone else wants a piece of it. Mr. Payner from Nephi thinks he can uncap this money by doing it in committee and never have to bring it to the legislative floor. We will see what happens with that. Until then, we need to see what we can do to help out the districts. We may have to set a budget hearing to find money to help out these districts. Commissioner Horrocks said he understood that as a county we have to make the districts whole. Commissioner Kofford expressed his concern that the districts who rely on the mineral lease funds to function need to be aware that the funds are going down more and more every year and they need to plan accordingly. We lost some funds when Crandal Canyon mine shut down and hope that Lila Canyon gets going soon to help take up the slack. Commissioner Sitterud said we will probably have to look at the percentages given to the districts in the next meeting.

**(9)**

**CITIZEN CONCERNS**

Bill Dellos asked if there had been any progress regarding the issue of 2 acres vs 20 acres. Commissioner Kofford indicated that they will be setting a public hearing for this issue during

COMMISSION MEETING MINUTES  
JANUARY 22, 2008

the next Commission Meeting.

(10)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

**A. Approval to begin the process of recruitment for dispatch at Sheriff's Office.**

Sheriff Guymon requested approval to start the recruitment process for a full time dispatch with benefits. If approved the successful applicant would begin at a Grade 14, \$13.62 per hour. Commissioner Jeff Horrocks made a motion to give approval to begin the recruitment process for a full time dispatch as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**B. Approval to hire Tammy Tucker as Public Lands/Planning Zoning Technician.**

Mike McCandless requested approval to hire Tammy Tucker as the full time Planning/Zoning/Public Lands Technician with benefits. If approved she would be at Grade 13, \$12.45 per hour. Commissioner Gary Kofford made a motion to approve hiring Tammy Tucker as full time Public Lands/Planning/Zoning Technician as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(11)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Jeff Horrocks made a motion to approve the minutes dated December 8, 2008 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks recently attended a meeting in Green River with the Green River Canal Company regarding the diversion dam. They are currently conducting a feasibility study as to whether to replace or repair the dam.

Commissioner Horrocks received a request from the Division of Workforce Services regarding continued support and sponsorship of the Sub for Santa Program for 2008.

COMMISSION MEETING MINUTES  
JANUARY 22, 2008

*Commissioner Kofford*

Commissioner Kofford reported on the progress of the South Moore Cut-Off Road Project. Commissioner Kofford met Wednesday with the Forest Service regarding ROW for asphaltting from the state road to Reeder Subdivision in Joe's Valley. He reported that the Lila Canyon Project is still moving along. They are working on a contract for how to fund the road construction needed to access the mine. The time frame for design of the road is July 2008 and go to bid for the project in the fall. Utah American Energy is intent on making things happen.

Commissioner Kofford discussed park access. The legislature did away with park access funding a year ago. Talks are in the works to get park access funding reinstated. He talked about Goblin Valley and Temple Mountain and the fact that there may not be enough funding to complete the last half mile of the project.

Commissioner Kofford reported that the Senior Citizen Center in Green River is moving along. The outside work has been held up by the cold weather.

*Commissioner Sitterud*

Commissioner Sitterud talked about the Natural Resources Committee and RS2477. He talked about the Heber Valley law suit regarding RS2477 ROW that will soon be going to the Supreme Court.

Commissioner Sitterud reported on BLM RAC meeting. He reported that the Cleveland-Lloyd Dinosaur Quarry is looking at increasing it's entrance fees.

Commissioner Sitterud discussed a new board being formed. It is a communications board made up of the counties that are in the Television Group made up from communications professionals from Emery, Carbon, Uintah, Sevier, to upgrade the digital television system. Grand County opted out of being a part of the Television Group. So, to allow Grand County to be a part of the Communications Board the County may need to amend the Resolution to create the Television Board to allow Grand County to join the Communications board only.

Commissioner Sitterud reported on the swimming pool project. The contractors are tenting today and hope to be able to begin laying brick for the center wall. They will continue to work through the winter.

**(13)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

7

COMMISSION MEETING MINUTES  
JANUARY 22, 2008

An executive session was not needed.

**(14)**

**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 19, 2008

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims #188532 through and including #188705 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
8-08	2005 Steel Drum Roller <b>Highway</b>	<b>\$70,000.00</b>	Approved
9-08	(7) Kenwood Repeater/Basestation (3) Interface Controller 4 port (4) Interface Controller 12 port (6) TX Duplexers/filters (6) RX Duplexers/filters <b>Communications- Total</b>	60,326.00 2,999.85 6,999.80 7,037.24 8,763.24 <b>\$86,126.35</b>	Approved
10-08	(8) Base Station- VHF Antenna (1) Base Station- UHF Antenna <b>Communications-Total</b>	4,470.72 460.36 <b>\$4,931.08</b>	Approved
11-08	Portable Handheld Industrial Sewing Machine <b>Sheriff</b>	<b>\$875.00</b>	Approved
12-08	Projector, Sony SVGA <b>Citizen Corps-Sheriff</b>	<b>\$871.93</b>	Approved

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One disposition was presented for #160-8394 a microwave from the downstairs break-room that no longer works.

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, Requisitions and Dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF RESOLUTION NO. 02-19-08 CONFIRMING THE SALE AND AUTHORIZING THE ISSUANCE OF \$1,500,000.00 TAXABLE GENERAL OBLIGATION PUBLIC PURPOSE BONDS, SERIES 2008A OF CASTLE VALLEY SPECIAL SERVICE DISTRICT, PROVIDING FOR THE LEVY OF TAXES TO PAY PRINCIPAL OF AND ANY INTEREST ON SAID BONDS; PROVIDING FOR THE USE OF THE PROCEEDS THEREOF; MAKING CERTAIN FINDING AND COVENANTS IN CONNECTION THEREWITH; PROVIDING FOR A SYSTEM OF REGISTRATION THEREFOR; RATIFYING ACTIONS HERETOFORE TAKEN; AND PROVIDING FOR RELATED MATTERS.**

Darrell Leamaster, Castle Valley Special Service District and Alex Buxton, Zions Public Finance presented and reviewed Resolution 02-19-08. Darrell Leamaster explained that this bond is part of the twelve million dollar voter authorized bond issue. The bond is for \$1,500,000.00 to be paired with a CIB 0% interest loan of \$1,545,215.00 to total \$3,054,215.00. The funds will be used for street work such as curb and gutter and drainage projects in the county for 2008. CVSSD is a dependent district and as such Emery County as controller of the District is the only one authorized to issue a bond. Alex Buxton explained the particulars of the bond issue. He told the Commissioners that the Resolution presented today needs to be adopted by the Board of Emery County Commissioners, after-which there will be a thirty day protest period. The bond issue will then close on March 26, 2008 at the office of Chapman and Cutler in Salt Lake City. He added that having Commissioner Sitterud sitting on the board of the Community Impact Board has been a great help to the county in getting these types of loans for the districts and other agencies in the county. He also added that Darrell Leamaster has been going before the CIB board for so many years that he gets many complements on his presentations from the CIB board. Darrell has been able to close to double the voter authorized funds. After this bond issue CVSSD will have two million left of the voter authorized bond issue.

Commissioner Gary Kofford made a motion to approve Resolution 02-19-08 confirming the sale and authorizing the issuance of \$1,500,000.00 taxable general obligation public purpose bonds, Series 2008A of Castle Valley Special Service District as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**RICK LARSEN- DWR- PRESENTATION OF PILT PAYMENT AND QUARTERLY UPDATE.**

Rick Larsen- Supervisor Division of Wildlife Resources- Eastern Region, presented the Board of Commissioners with a check for \$2,751.30. The check was for payment in lieu of taxes which is generated by sportsmen and women who pay fees to hunt and fish in Emery County. Mr. Larsen also provided an update on recent DWR activity.

Commissioner Gary Kofford made a motion to move out the regular Commission Meeting and move into a public hearing. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**10:00 AM- PUBLIC HEARING- FOUR CORNERS MENTAL HEALTH-JAN BODILY- TO RECEIVE PUBLIC COMMENT ON MENTAL HEALTH AND SUBSTANCE ABUSE NEEDS FOR EMERY COUNTY.**

Commissioner Gary Kofford opened the public hearing by stating that the purpose of the public hearing was invite Medicaid enrollees and other community members to provide input on planning for services and involving families and clients in decision making. Medicaid enrollees are especially encouraged to give feed back on the Medicaid Member Handbook, patient rights and awareness of how to access emergency services and transportation, on choice of therapist and on filing grievances and appeals. Emery County Commissioners, as a board, is responsible for mental health in the county and as such is holding this public hearing in conjunction with FCCBMH. Commissioner Kofford introduced Jan Bodily, Executive Director of FCCBMH. He welcomed Glen Johnson from Green River who is chairman of the FCCBMH board. Ms. Bodily introduced Jim Johnson, Administrator of FCCBMH and Jennifer Thomas, Director of the Castle Dale clinic. Ms. Thomas had the staff of the Castle Dale clinic, who were in attendance, stand and introduce themselves and state their title as follows:

Jennifer Thomas, Emery County Office Director  
Lance Wright, Substance abuse counselor  
Melissa Huntington, Mental Health and Substance Abuse Therapist  
Tiffany Bloomer, Mental Health Therapist  
Lorie Huntington, Prevention Specialist  
Heidi Lemmon, Prevention Specialist  
Janice Winn, Secretary.

Commissioner Sitterud asked for comments and questions from the public.

John Pretiger, Castle Dale stated that he recently lost his wife to a mental health problem. He believes the State of Utah could go a long way to improve in the coverage of mental health. It seems that physical health takes priority over mental health. Just look at all the shootings. So



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many of these people suffer from mental health. He would like to see more support from the state, especially with Medicaid and other organizations, in helping people with mental health, especially for those who cannot afford to receive counseling and medication.

Sheriff Guymon thanked Jennifer and her staff for all that they do for his department. They support the Drug Court very well. The problem he sees is having to contact Jennifer for after hours care. It becomes agitating to have to contact Jennifer to get things done right after hours. He stated he felt that he should not have to make fifteen phone calls, outside of Emery County, to get someone in Price to tell them that there is nothing they can do. That is constantly what happens. When we get Jennifer on the job, then the problem gets taken care of, even if she has to come out on her own time and take care of the situation. The counselors who work in Drug Court do a very good job and he appreciates them very much. The problem his department has is not having being capable of having the facilities to deal with mental health issues. They are continually picking up intoxicated, mental health patients that no one wants to deal with until they are sober. We need to figure out a better system that deals with the issue when they get sober so that we can get them out of our facility. Sometimes keeping them in the system does the patient more harm than good for the problem that they have. It is a medical issue that creates mental problems that nobody wants to deal with. His department sees an over abundance of mental health issues off of I-70. These are not our local citizens. Our local citizens who have mental challenges, that we deal with on an ongoing basis, we know how to handle and meet their mental health needs. He reiterated that his department would like see FCCBMH look at dealing with after hours calls.

Commissioner Kofford commented that Glen Johnson, Green River has, for two terms, been the Chairman of the Board of FCCBMH and represents Emery County along with Kent Wilson and Lou Sansevero. The board is nearing completion on a review process where they have questioned employees of FCCBMH and a couple of judges and the sheriff on various aspects of what needs to be improved upon in Emery County with regard to mental health issues. There used to be money garnered from Medicaid for the private sector. As this money was put together it allowed FCCBMH to treat patients in the private sector who did not have access to any insurance of any kind. This went away through some federal regulations about three years ago. Four Corners has been adjusting to this. For this reason there are a lot of holes out there that people do not fit into. It is hard to get them the treatment that they need. He indicated that if we had our wish we would ask for more help with people in jail. The jail has no resources for counseling. If we could get help for these people it would be beneficial. We need to work more with people who do not have insurance. Jennifer and her staff are in the process of putting a plan together which will come before this board and go to the state. Jennifer is in her second year and is moving toward these goals. He expressed his appreciation to Jennifer and her staff for what FCCBMH does for Emery County.

Josie Luke encouraged FCCBMH to continue to work with peer helpers and maybe broaden the work in the area of educating youth on mental health. Josie stated that she went to school in psychology and is well aware of the issues concerning the public's perception and

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misunderstanding of mental health. Working with the press is a good way to get out information and educational materials to the public to help educate the public on the issue of mental health.

Glen Johnson commented that FCCBMH would struggle without the support of Emery County. He commented on the disasters that have happened in the news lately and the fact that each time one of these things happen we are educated. He commended Jennifer and her staff who worked closely with the Sheriff during the Crandall Canyon Mine disaster. We as citizens do not understand mental health. He knows that Jennifer and her staff are very dedicated and does have the welfare of mental health of Emery County citizens at heart. He sees a challenge we face is the way the doctors and nurses at Castle View Hospital handle mental health and especially overdose cases. We need to educate the doctors and emergency people to handle this better. Jennifer has put this issue on the top of her list.

John Pretiger thanked Jennifer and her staff at FCCBMH for their continuing help to him after the loss of his wife and encouraged them to work with the public on mental health issues.

Jay Marshall, Carbon County commented that he has a son who is mentally ill. He is bi-polar. If it wasn't for FCCBMH, he is sure that he would be jail or in prison at this time. The prison system is full of people who are not criminals, but are mentally ill. This is no place for them. He stated that he appreciates what FCCBMH has done for his family and his son.

Motion to close the public hearing and return to the regular Commission Meeting was made by Commissioner Gary Kofford, Seconded by Commissioner Jeff Horrocks and approved by all members present.

**(5)**

**CONSIDERATION AND APPROVAL OF CHANGE ORDERS ON THE SWIMMING POOL COMPLEX.**

Commissioner Sitterud presented the following change orders for the swimming pool complex project:

- A. COR#02r- Delete Tectum Support Angle -\$1,324.00
- B. COR#09- Unload Joists, Dig Lines + \$ 392.00
- C. COR#11- Add Landscaping - \$ 182.00
- D. COR#12- Change Style of Fence +\$31,053.00
- E. COR#13- Heat for Concrete \$20,000.00 was allowed for this purpose and was exchanged from the masonry \$16,775.00 and wall \$3,225.00 allowance to leave a zero balance.

Commissioner Gary Kofford made a motion to approve the change orders for the swimming pool complex project as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(6)

**REQUEST EMERY COUNTY ACT ON BEHALF OF THE FAMILIES OF THE MINERS WHO WERE KILLED AT CRANDALL CANYON TO ACQUIRE A MEMORIAL SITE FROM THE FOREST SERVICE AND GENVAL RESOURCES.**

Commissioner Sitterud read a letter from Sheila Phillips and Nelda Erickson representing the families of the six miners who were killed in the Crandall Canyon Mine tragedy. The letter stated as follows: ‘ As you know, our loved ones are permanently buried in the mountain and will never be recovered. We are now attempting to find some closure to our loss by constructing a final memorial. We have selected a site just above the Crandall Canyon minesite in a undisturbed forested area that we feel would be suitable. It is as close to where our loved ones are entombed as we can get, and it provides a relatively peaceful setting for the headstones. We are requesting that Emery County act on our behalf to acquire the site from the Forest Service and from Genval Resources so that it may remain a protected sanctuary in perpetuity. We envision a memorial site with the six headstones facing toward the mountain in which they are now buried. A trail would lead from the Crandall Canyon mineyard to the memorial. We also request a small separate area for parking, isolated from the mine equipment. We would also ask the County to consider working with the Forest Service to take over the Crandall Canyon road in the future so that when the mine is reclaimed there will still be suitable access to the memorial for the families.’

The Board of Commissioners have met with the representatives and visited the proposed site. Dave Shaver, Utah American Energy, Inc. stated that UAE fully supports any action towards this request. Sheriff Guymon stated that he has visited the site with Sheila Phillips and felt that is a perfect site for the memorial.

Commissioner Jeff Horrocks made a motion to assist the families of the six miners who were killed in the Crandall Canyon Mine tragedy and move along the application process to acquire the land in Emery County’s name which is needed for the memorial. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF LEASE BETWEEN STATE OF UTAH AND EMERY COUNTY TO UPGRADE EXISTING WIRELESS VOICE AND DATA COMMUNICATIONS/LEASE.**

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The contract was not ready for consideration at this time. Therefore, Commissioner Gary Kofford made a motion to table any action on this matter for now to allow time to review the contract. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(8)**  
**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR BRANDY PERSSON.**

The Board of Commissioners received a letter from Brandy Persson requesting an ambulance write-off. Brandy was involved in an automobile accident on March 9, 2007. Her total ambulance bill was \$1571.53. Her insurance has paid \$1,333.00. Brandy has paid \$100.00 and requested that due to the many financial burdens that accompanied this accident that the remaining \$138.53 be forgiven. Commissioner Jeff Horrocks made a motion to waive the remaining balance of \$138.53 of Brandy Persson's ambulance bill as requested. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)**  
**CONSIDERATION AND APPROVAL OF EASEMENT NO. 1303- OFF-HIGHWAY VEHICLE TRAIL EASEMENT.**

Public Lands Director, Ray Petersen recommended that the Commissioners not sign the easement at this time. He cited several problems with the easement document and asked for time to work out some changes with SITLA. Commissioner Gary Kofford made a motion to table any action on the easement to allow time for Ray Petersen to work with SITLA on changes to the document. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(10)**  
**CITIZEN CONCERNS**

None

**(11)**  
**SETTING OF PUBLIC HEARING DATE TO RECEIVE PUBLIC COMMENT ON ZONING ORDINANCE PROPOSED AMENDMENTS.**

Commissioner Gary Kofford explained that the county is in the process of updating the zoning

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ordinance. The Emery County Planning Commission anticipates having sections of the proposed zoning ordinance ready for public comment and requested a public hearing be set to receive public comment on Sections 7, 9 and 13 of the Emery County Zoning Ordinance. Therefore, Commissioner Gary Kofford made a motion to set a public hearing to receive public comment on proposed sections 7, 9 and 13 of the Emery County Zoning Ordinance for March 18, 2008 at 10:00 am. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF INTERAGENCY AGREEMENT BETWEEN EMERY COUNTY AND DEPARTMENT OF WORKFORCE SERVICES FOR DWS CUSTOMER TELEPHONE SURVEY JANUARY 2008.**

Economic Development Director, Michael McCandless explained that the agreement between DWFS and Emery County is for an additional customer telephone survey and is the same agreement as in the past. Commissioner Jeff Horrocks made a motion to approve an agreement between Emery County and DWFS for customer telephone survey January 2008. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF CELL PHONE REIMBURSEMENT FOR W/M EMPLOYEES.**

Clerk/Auditor Brenda Dugmore presented a request from Weed/Mosquito for cell phone reimbursement for Les Reece and Gerry Hatch. Commissioner Gary Kofford made a motion to approve cell phone stipends for Gerry Hatch and Les Reece for the use of their personal cell phones during working hours. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY, ECSSD#1 AND UTAH AMERICAN ENERGY, INC FOR COUNTY ROAD 126 RECONSTRUCTION AND REALIGNMENT.**

Commissioner Kofford explained that the agreement between Emery County, ECSSD#1 and UAE, Inc. is for the reconstruction and realignment of county road #126. County Road #126 is an existing public road in Emery County known as Lila Canyon Road which runs from State Route 6 in a northeasterly direction approximately 2.63 miles to a presently existing corral designated as Emery County Road 126 and joins the Class D road which extends therefrom to Emery County Road 125. UEI, INC requires extensive use of County Road 126 and therefore, said road must be improved for the health, safety and welfare of the citizens of the county, as well as others who may have occasion to use the road. Emery County Special Service District

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#1, acting as agent for Emery County and the Emery County Road Department, assists the County in obtaining rights of way, easements or permits associated with Emery County roads. The District will be responsible for the reconstruction and realignment of Emery County Road #126 in accordance with the scope of work as follows:

(a) The reconstruction and/or reconfiguration of the intersection of the ECR #126 turnoff from SR 6/191 to Lila Canyon Road in accordance with all requirements set forth by UDOT.

(b) The reconstruction, realignment, widening and surfacing of the ECR #126 and Class D road extending to the Lila Canyon Mine surface facilities, in accordance with appropriate AASHTO standards.

(c) The scope of work will proceed in the design and construction phases as follows:

Phase 1: Design Engineering and the preparation of contract drawings and specifications. The design of the intersection of CR #126 and SR6/191 will be approved by UDOT prior to obtaining an encroachment permit.

Phase 2: Construction Engineering and construction of the CR #126, along with the construction of the intersection with SR6/191.

Phase 3: Construction Engineering and construction of an asphalt surface on CR #126

Funds for the project will be provided by UEI, Inc. in an amount equal to the estimated cost for a particular phase of development and shall be held by the District in a third party escrow account. Interest earned in that account shall belong to UEI, Inc.

All parties understand and agree that Emery County Road #126 is a county road for which Emery County remains responsible. However, UEI, Inc. or its subcontractors shall remove snow and provide for ice control.

Attorney, David Blackwell has reviewed and recommended signing the agreement.

Commissioner Gary Kofford made a motion to approve an agreement between Emery County, ECSSD#1 and Utah American Energy, Inc for County road #126 reconstruction and realignment. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(15)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following Personnel action:

A. Consideration and approval of EEO plan.

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Mary submitted the annual update of the county's Equal Employment Opportunity plan for the Commissioners to review.

Commissioner Jeff Horrocks made a motion to approve the annual Equal Employment Opportunity Plan for Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

B. Approval of step-increase for Tamra Humphrey who has successfully completed her six month orientation period.

Clerk/Auditor Brenda Dugmore request a step- increase for Tamra Humphrey who has successfully completed her six-month orientation period. If approved Tamra would move from Grade 14@ \$10.36 per hour to \$12.20 which would put her \$1.84 below the new suggested minimum and she would receive this increase the beginning of next year. Commissioner Jeff Horrocks made a motion to approve a step increase for Tamra Humphrey as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

C. Request to start the recruitment process for a part-time (10 hours) Castle Dale Library Janitor.

Library Director, Jerilyn Mathis requested approval to begin the recruitment process for a part time (working 10 hours per week) janitor for the Castle Dale Library to replace Casey Jo Reid who is resigning. If approved the rate of hire would be Grade 6 \$8.02 per hour. Commissioner Gary Kofford made a motion to approve beginning the recruitment process for a part time (10 hours per week) janitor for Castle Dale Library. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(16)**

**REQUEST TO WAIVE BUILDING PERMIT FEES FOR GREEN RIVER CITY.**

Green River City is making some building improvements to their city hall, the city owned building next to city hall leased by the Utah Highway Patrol, the O.K. Anderson park pavillion and restrooms and one small utility building. The city has applied for building permits for these projects and asked to have the building permit fees waived. Commissioner Gary Kofford made a motion to waive the building permit fees for Green River City for the improvements to their city hall and other projects as they have indicated. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(17)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to approve the Commission Meeting minutes dated January 22, 2008 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(18)**  
**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford and Commissioner Sitterud met recently with Architect, Jim Dressler regarding the Green River Senior Citizen Center. Projections have the building completed by August 1, 2008.

Morris Sorensen's crew has been pushing a lot of snow this winter which has necessitated overtime on the weekends for the Road Department.

*Commissioner Horrocks*

Commissioner Horrocks, along with James Nielsen and his crew attended a conference on the 7<sup>th</sup> of February where the Noxious Weed Program was discussed. The Weed and Mosquito department has 13 projects slated for this year. 500 Boy Scouts are coming in June to Emery County work on a weed eradication project. Emery County Fire Protection Special Service District met on February 11<sup>th</sup>. They are still in the process of finding the trucks that they need to replace trucks not passing standardized tests.

*Commissioner Sitterud*

Commissioner Sitterud received a phone call from Senator Bennett's office regarding RS2477 and Resolution HCR5. The Resolution would force RS2477 to be counted the same as tenth district court said it was. Concern from the congressional people is that this is not the time to be forcing a bill like this. It would come out really bad. The county's concern was that the county does not want to take a position against RS2477. The congressional staff was adamant that this not go through. It has not come out of committee and they hope to be able to stop it before it goes to the floor.

Commissioner Kofford and Commissioner Sitterud met with the architect and the contractor of the swimming pool. The block wall on the west and the north side are complete. The east and south side are all glass so the iron workers will be moving in soon to put the framing up for the glass. The building will be enclosed then and they will begin work on the pool and the roof. Things are moving slowly with the cold weather. However, it gets warm under the tent when the sun is out.

Commissioner Sitterud also reported on the progress of the Swimming Pool Project.

Commissioner Sitterud talked about recent meetings with the families of the Crandall Canyon Mine disaster. There is concern that the county not get tied into the reclamation of the mine site.



12

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We are working to have the reclamation process amended to leave the road in place. The families were told that snow removal would be secondary and the road may be closed during the winter months.

Sheriff Guymon reported that the Sheriff Posse's Triathlon is still in the process.

The County finally got the contract back for the boat ramp in Joe's Valley. We have the grant funds. It took a year for the process to go through. When the snow thaws we will begin digging the hole for the footers. The county will pay up front for the work.

(19)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

(20)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 4, 2008

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 188844 through and including #188956 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
13-08	Sander Bed with accessories Highway	12,700.00
14-08	Jensen Snow Plow Highway	6,186.00
15-08	Steam Cleaner with Cart & attachments Museum	1,498.00
16-08	23 hp Briggs & Stratton 50" twin blade w/bagger Museum	3,600.00

There were no dispositions.

Commissioner Drew Sitterud discussed payment of the swimming pool liner which is estimated to be \$570,000.00. Hughes Contractor, contractor for the swimming pool project has told the County that the liner is coming from Italy and is stuck in Italy until it is paid for. The Commissioners felt that the County needs insurance on the liner to assure that it arrives here and undamaged. Commissioner Sitterud asked for authorization to pay Hughes Contractors for the swimming pool liner with the assurance that there is insurance policy in place. Commissioner Gary Kofford made a motion to authorize payment for the swimming pool liner to Hughes Contractor

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with issuance of insurance. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Gary Kofford made a motion to approve payment of the Warrant Check Edit List, additional claims, and requisitions as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(2)

**SETTING OF MAY TAX SALE**

Clerk/Auditor Brenda Dugmore requested setting a date and time for the 2008 May Tax Sale. Commissioner Gary Kofford made a motion to set the date and time for the 2008 May Tax Sale for Thursday, May 29, 2008 at 10:00 am. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF EASEMENT NO. 1303- OFF-HIGHWAY VEHICLE TRAIL EASEMENT.**

Public Lands Director, Ray Petersen discussed Easement No.1303- Off- Highway Vehicle Trail Easement. In the last commission meeting Ray advised against signing the easement until his concerns regarding three sections in the document had been addressed. The three areas of concern were regarding renewal, grantor/grantee in determining funding and reclamation as defined in paragraph 3 and 12. These issues have now been addressed. Ray advised the Commissioners that the new Easement document was now ready for their signatures. Commissioner Jeff Horrocks made a motion to approve Easement No.1303- Off-Highway Vehicle Trail Easement as written. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF FY2008 CONTRACT AMENDMENT #1 BETWEEN EMERY COUNTY AND THE SOUTHEASTERN UTAH AREA AGENCY ON AGING.**

Commissioner Gary Kofford explained that the contract amendment reflects a change in the Area Agency on Aging's budget for 2008. The new budget amount is \$373,794.00. Commissioner Gary Kofford made a motion to approve FY2008 Contract Amendment #1 between Emery County and the Southeastern Utah Area Agency on Aging. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(5)

**APPROVAL OF BIDS FOR BOAT DOCK AT JOE'S VALLEY.**

Emery County applied for and received a grant from the federal government for \$9,000.00 and from the U.S. Park's Service for \$3,000.00 for boat dock access. We have entered into an agreement with the Forest Service and State Parks. The County's job is to apply for the grant, unload the dock ,when it arrives and dig the hole for the footer. The Park's Service will be responsible for the deadman, the cement, the cable and float the dock. After that the Forest Service will take on the maintenance of the dock.

The Emery County Commissioners received three bids for the purchase of the boat dock at Joe's Valley. The three bids were as follows:

Atlantic Meeco	\$10,565.00
Kurt's	\$ 8,091.00
Dvorak's Docks	\$ 9,164.00

After review of the bids and under advisement from the Park's Service, Commissioner Gary Kofford made a motion to award the bid for purchase of the boat dock at Joe's Valley Reservoir to Dvorak's Docks for \$9,164.00. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(6)

**RAY PETERSEN, HISTORICAL PRESERVATION, PRESENTATION OF MUDDY CREEK KIOSK.**

Ray Petersen, Chairman, Historical Preservation Commission discussed the Muddy Creek kiosk. He explained that about six years, out on Highway 10 where the highway crosses the Muddy Creek it was determined by UDOT that they needed to replace the bridge. A State Historic Preservation officer determined that there was some historic significance to the bridge and that there needed to be some mitigation measures taken if that bridge had to be done away with. There was no way to rehabilitate it. It was determined that they did not want to change their alignment enough to leave the bridge in place. UDOT made some funds available to record the history of the bridge and create a kiosk that would interpret the bridge. Ray had the sign available for the public to see and explained that the sign is a product of several years of effort. The sign will be placed in Emery's Town Park adjacent to the one that interprets Emery Town. He discussed other similar projects the Historic Preservation Commission is currently working on. He invited anyone who is interested to join their group. They meet on the last Tuesday of the month.

(7)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #14- CHANGE ROOF**

**THICKNESS ON SWIMMING POOL .**

Commissioner Sitterud explained that the roofing contractor had a change in the membrane thickness from 45 mils to 60 mils at an additional cost of \$3,150.00. Commissioner Jeff Horrocks made a motion to approve change order #14 of the swimming pool project. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)****CONSIDERATION AND APPROVAL OF RESOLUTION ADOPTING A  
MANAGEMENT PLAN FOR THE LAWRENCE CEMETERY.**

Bevan Wilson, Acting Chairman of the Lawrence Cemetery Committee addressed the Commissioners and reviewed a draft management plan for the Lawrence Cemetery. He stated that at the time the committee was created by the Emery County Commissioners, it was their desire to select members from the Historical Society and people with relatives buried in the Lawrence Cemetery. Members of the Lawrence Cemetery Committee are as follows: Pauline Carr, Paulette Kelly, Vernel Rowley, Gayle and Mervin Miles, Carol Burdick, Errol Wilstead, Bevan Wilson and the late Carol Oliver. On March 4, 2005 the Committee held their first meeting. Their goal and objective was to come up with a management plan that would identify someone (preferably in county government) who would be responsible for directing the affairs of burials at the Lawrence Cemetery which is owned by Emery County. Committee members went out to other smaller cemeteries in the state and gathered information to put together several drafts with help from the Attorney's office. There has been much discussion on this issue. They still have a few projects left to do, such as identifying unmarked graves. Faussett Mortuary has donated markers for those unmarked graves that have been identified. The markers will be put in as soon as the ground thaws. Jeff Guymon and his department has created a map of the cemetery, identifying the grave sites. Things that still need to be looked at are, organization for future burials, identifying a roadway around the cemetery, and traffic control, especially during funerals. Bevan thanked the committee members for their dedication, time and effort to the project. He presented the management plan to the Commissioners and requested the plan be put through the public process.

Commissioner Kofford commented on the proposed fee schedule. He indicated that perpetual care for the cemetery was not included because people wanted the grounds left in its natural state. He felt the opening and closing of graves should be under the direction of the County. There needs to be a clear understanding as to whom will do what and when a fee goes into effect. The plan stated that any revenue that comes in would be kept in a separate account to help offset the upkeep of the cemetery. Commissioner Sitterud addressed road maintenance and snow removal that it would be secondary except at time of funeral. The Commissioners discuss a possible caretaker for the Lawrence Cemetery. Attorney David Blackwell indicated that there are still a few blanks in the management plan that need to be filled in. Commissioner Gary

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Kofford made a motion to have the committee take the next two weeks to fill in the blanks, to consider \$150.00 per lot and \$300.00 to open and close a grave and bring the plan back to the Commission on March 18<sup>th</sup>. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF RESOLUTION 2-20-07B G.O. BOND  
RESOLUTION AND RELATED MATTERS**

Commissioner Sitterud explained that the county got a 5 million dollar, 0% interest load from CIB for the construction of a swimming pool through a general obligation bond. As the county went out to bid on the project, they found that they could not build the swimming pool for the five million. The county went back to CIB for a 1 million dollar grant. When the grant came to the county it was written as an Emery County grant. By law, Emery County cannot receive grant money from CIB because is mineral lease funds. If they do receive a grant from CIB it would come off of their PILT funds. They went back to CIB and explained the problem and they agreed. The Municipal Building Authority of Emery County is a mirror image of the Emery County Commission and can receive the grant for Emery County. The MBA agreed to take the million dollar grant for the CIB project. That would leave the 5 million dollar general obligation bond in Emery County and MBA would take on one million in grant or 1/6 of the project. As they took this to the bond writers, they said that the MBA cannot take the one million dollars in bond because it is an add-on or subsidy to finish a project to which they never had ownership. What will have to be done is have the MBA take on one million dollars of the loan money so that they then own one fifth of the project and they can then take the grant to finish the project. Resolution 3-4-08A will amend and restate Resolution 2-20-07B authorizing the issuance of \$4,000,000.00 taxable General Obligation Bonds, Series 2007A of Emery County, Utah; providing for the levy of taxes to pay principal of and any interest on said bonds. Resolution 3-4-08B would approve the issuance of Municipal Building Authority of Emery County, Utah, Taxable Lease Revenue Bonds, Series 2008, in the aggregate principal amount of \$1,000,000.00. The MBA can then accept the grant from the CIB. The MBA will be considering a Resolution to accept the funds in their meeting today at 2:00 pm. Commissioner Jeff Horrocks made a motion to approve Resolution 3-4-08A amending and restating Resolution 2-20-07B authorizing the issuance of \$4,000,000.00 taxable General Obligation Bonds, Series 2007A of Emery County, Utah; providing for the levy of taxes to pay principal of and any interest on said bonds; providing for the use of the proceeds. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING THE  
ISSUANCE AND SALE OF \$1 MILLION OF TAXABLE LEASE REVENUE BONDS OF  
THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY, UTAH, IN**

**CONNECTION WITH THE FINANCING OF A PORTION OF THE COMMUNITY SWIMMING POOL FACILITIES; AND RELATED MATTERS.**

Commissioner Gary Kofford made a motion to approve Resolution 3-4-08B approving the issuance and sale of \$1 million of taxable lease revenue bonds of the Municipal Building Authority of Emery County, Utah, in connection with the financing of a portion of the community swimming pool facilities. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(11)**  
**CITIZEN CONCERNS.**

None

**(12)**  
**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following Personnel action:

A. Approval for step increase for Margaret Keller who has completed her 6 month orientation period.

Commissioner Jeff Horrocks requested a 3% wage increase for Margaret Keller who has completed her six month orientation period. If approved Margaret will move from Grade 14 @ \$13.62 per hour to \$14.04 per hour. Commissioner Jeff Horrocks made a motion to approve a 3% wage increase for Margaret Keller as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(13)**  
**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to approve the minutes dated February 19, 2008 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(14)**  
**COMMISSION REPORTS**

*Commissioner Horrocks*

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Commissioner Horrocks reported attending a State Weed and Mosquito Conference where there was a large interest in eradication of noxious weeds in the state. The Emery County Weed and Mosquito has 13 projects slated for this year including a project involving the Boys Scouts of America.

Commissioner Horrocks reported on a recent meeting with the Museum board. The San Rafael Museum is getting a new dinosaur that was found outside of Castle Dale. A mural is being painted in preparation of a new exhibit for the dinosaur. A presentation to present the dinosaur to the public is planned for later this month.

Commissioner Horrocks also attended a CREC meeting. The group is short of funds and is looking for some help.

*Commissioner Kofford*

Commissioner Kofford reported on improvements at Huntington Airport. The fuel facility is now available. As soon as the weather warms up it will be painted.

Morris Sorensen and his Road Department crew have started desert patrol in preparation of an early Easter weekend. They will be preparing and improving desert roads getting them in shape for the heavy traffic. He expressed his appreciation to the Road Department for all that they do for the citizens of Emery County.

Commissioner Kofford also reported on the progress on Moore Cut-Off Road and invited anyone who is interested to drive out that way and witness the work that is being done there.

*Commissioner Sitterud*

Commissioner Sitterud reported that he and Public Lands Director, Ray Petersen recently met with the Forest Service at the site for the Crandal Canyon Mine Memorial which will be built. He discussed the application for an easement with the Forest Service. The application asks for the property to be put in Emery County's name as a special use permit. The County hopes to have the monument built by August of 2008.

Commissioner Sitterud discussed a RS2477 attorney/client meeting. He reported that a bill passed to record affidavits that have been signed. May 5th is the scheduled day for the governor to sign the bill. B Roads are ready to be recorded. The BLM has 90 days to dispute the issue.

Commissioner Sitterud reported on the progress at the swimming pool project. The cold and wind are hampering progress. When the sun shines things go fast. Completion date is now pushed to July 31, 2008.



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**(15)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**  
**REGARDING LITIGATION OR OTHER RELATED MATTERS AS ALLOWED BY**  
**LAW.**

An Executive Session was not needed.

**(16)**  
**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

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Present at the meeting was Commissioner Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 189072 through and including # 189232 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
17-08	(2) Pulse Oximeters Ambulance	1030.00	Approved
18-08	(10) Floor Mount IV Warmers Ambulance	3734.50	Approved
19-08	Mural Wall Painting Museum of the San Rafael	8000.00	Approved
20-08	Animantarx, cast skeleton mount/set Museum of the San Rafael	11800.00	Approved

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims and requisitions for payment. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(2)

**REPRESENTATIVES FROM ROCKY MOUNTAIN POWER AND PACIFICORP ENERGY- QUARTERLY UPDATE.**

Deb Dull, PacifiCorp, provided a quarterly update of company activity. David Sorkel has resigned as CEO of PacifiCorp. In an effort to be energy and renewable energy conscience,

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PacifiCorp is looking to provide grant funds for small, 10 mega watts or less, renewable energy projects. The issue of a coal fired power plant in Sevier County will be on the November ballot to let the citizens of that county have a say on the issue.

Reg Soepnel, Managing Director of Plants for PacifiCorp reported on management changes in Salt Lake. He reported on a recent bushing failure that resulted in a power outage. Repairs have been made and all units are up and at full capacity. The turnaround time was short. He reported that water storage looks great. The overpass at Hunter plant is on tract to transfer ownership to UDOT. Upon acceptance by UDOT the deed will be transferred.

Darrell Cunningham, Hunter Plant reported on the plant's safety achievements for 2007. Hunter Plant is preparing for outage on Units 1 and 2 in 2010. It takes two years to get the boiler tubes on site before the project starts. They have several large projects scheduled for this summer. With formal announcements for retirement they are looking to hire for several positions at Hunter Plant.

Gary Denhalter, Huntington Plant reported that since the outage on February 14, 2008 everything has been running well. Although the plant experienced two accidents early in the year they are now back on tract toward a safe year. Huntington Plant achieved gold status in 2007 with no recordable accidents. Huntington Plant has hired a new environmental analyst and machinist supervisor due to formal announcements for retirement.

(3)

**RSVP- REQUEST FOR DONATION IN SUPPORT OF "WALK TO HAWAII" PROGRAM.**

Betty Hatch, Celeste Lute and Sylvia Nelson came before the Board of Commissioners to request assistance with their "Walk to Hawaii" program. The program is for all seniors 55 and older in the county. They want senior to keep track of all the walking that they do. When they reach their goal of 6,000 miles of walking, the mileage to Hawaii and back, they will have a Luau. They will be keeping track of all the senior's progress and add up all the mileage. They have 107 seniors, so far, signed up for the program. RSVP is a non-profit organization and requested any financial assistance that the County may provide toward the purchase of pedometers for the seniors to keep track of their miles. Commissioner Gary Kofford made a motion to donate the standard \$250.00 to RSVP in support of "Walk to Hawaii" program. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**REQUEST FOR DONATION FOR EMERY COUNTY RELAY FOR LIFE.**

The Board of Commissioners received a letter from Kate Johansen, Relay for Life Sponsorship Chair for Emery County Relay for Life requesting sponsorship of the June 20 and 21, 2008

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American Cancer Society's Relay For Life. After reviewing the options for partnership of the event, Commissioner Jeff Horrocks made a motion to donate the standard \$250.00 as a Community Partner for the 2008 Emery County Relay For Life. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF RESOLUTION ADOPTING A  
MANAGEMENT PLAN FOR THE LAWRENCE CEMETERY.**

In the last commission meeting a management plan for the Lawrence Cemetery was presented for consideration. There were a few things that needed to be addressed in the document so the Commissioners sent the document back the Planning Committee. The fees have been identified and changes have been addressed as suggested. The Resolution is now ready for approval. Commissioner Gary Kofford made a motion to approve Resolution 03-18-04 adopting a management plan for the Lawrence Cemetery. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Gary Kofford made a motion to move out of the regular Commission Meeting and into a Public Hearing to receive public comment on proposed changes to the Emery County Zoning Ordinance as advertised. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(6)

**10:00 AM- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENTS ON PROPOSED  
CHANGES TO ARTICLES VII, IX AND XIII OF THE ZONING ORDINANCE.**

Commissioner Gary Kofford addressed the public and explained the reason for the proposed changes in the Emery County Zoning Ordinance. He explained that three years ago the State Legislature passed SB131 which deals with LUDMA (Land Use Development Management Act) in the state of Utah. Changes in the LUDMA law made it necessary for Emery County to make changes the Emery County Zoning Ordinance to bring it into compliance with the State. Neal Ludberg, Attorney from Utah County, who has worked with several other counties and cities, has been hired to assist the Planning and Zoning Board in this effort. This public hearing is the first of several hearings that will be held between now and June in order to, by July, move through all the Zoning Ordinance for Emery County. This does not pertain to cities, however, cities may be affected by what the county does. There are two items in section 13 that deals with acreage to build on in the county. In section 9 we will look at the acreage requirements in mountain zones. He indicated that part of these changes have been driven by pressure from the populous of the state of Utah, particularly realtors. These realtors indicated to the Planning and Zoning boards throughout the state of Utah that, in essence, if you don't somewhat, fall in line with where we want you to go and make it so people can build, particularly in the mountain zones, then we, the realtors, will take over and make it to where you won't even need planning and zoning because

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we will make it stand the way we want to make it stand. There is pressure out there for the land owners to be able to develop mountain land if they so desire. If the Planning and Zoning Commission is not receptive to changes and the way the trend is going, then the political process does allow for others to step in and take over. In an attempt to meet some of these changes, but at the same time not necessarily free it up to much, the Planning and Zoning Commission has made the following recommendations. Michael McCandless will go through each of the recommended ordinance changes and afterwards we will take questions and comments regarding the zoning ordinance as presented. At this time, while Mike is going through each of the ordinances, questions and comments should be drawn out regarding the wording or intent of a specific area.

Michael McCandless began with Article 7. Article 7 deals with enforcement which is one of the biggest areas that LUDMA changed. He explained that previously the only alternative the county had for an infraction in the county was to go to the county attorney and file charges; if the person was not willing to work with the Planning and Zoning Commission on an issue. Article 7 allows the Planning and Zoning Commission the flexibility and ability to mitigate a problem. It places more of the burden off the Board of Commissioners and on to the Planning and Zoning Commission as administrators of the code. One of the major reasons that LUDMA was passed was that it separated the political from the administrative. Mike went through each of the sections of Article 7 reviewing the proposed changes. Article 9, Zones and Regulations within Zones, deals with area requirements on mountain zones. It states that no dwelling shall be constructed on a lot smaller than 80 acres, unless the lot is part of an approved Mountain Subdivision. The Planning and Zoning Commission proposed changing the 80 acres to 40 acres. Article 13, Subdivisions, sets forth minimum requirements in order to be considered a minor subdivision. The most significant proposed change in Article 13 is found in 13-7-2(3) which reads, 'Each lot shall contain at least 2 acres;'. This is a change from the previous requirement of at 'least 10 acres;'. Section 13-7 'Minor Subdivision' as well as Section 13-8 'Procedure for Approval of a Minor Subdivision' is a proposed change. All other provisions for a minor subdivision shall remain as previously set forth.

Darrell Leamaster, CVSSD suggested additional wording for Section 13-8-1 (7), 'or a letter from the public sewer system, verifying the existence of a sewer system' or something to that effect.

Dixie Swasey suggested changing Section 13-3-10 to read, 'Upon receipt of the executed final plat and the receipt of all outstanding submissions and fees, *the developer of the sub-division* shall submit said plat for recording in the Office of the County Recorder. The developer should pay the fees, not the Zoning Administrator or the County.

Commissioner Drew Sitterud opened the meeting for public comment.

Comments were as follows:

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Amber Barney, Ferron stated that she was for the 2 acre change. It gives people the opportunity to stay around their families. She has not been able to find property in Ferron to purchase. This will open up opportunities for finding property to purchase.

Danny and Marie Johnson, Huntington addressed the proposed change in the mountain property acreage. He stated he approached the county twenty-five years ago about building a dwelling on the mountain. He provided a copy of the criteria that he was given at that time. He stated that he has a real problem with making changes because we have to accommodate one person or change the rules to make exceptions. He thinks that rules need to be consistent with everybody. He had Marie read from the criteria hand out, under Section 8-4 CE-1 "Critical Environment Zone".

Section 8-4-1 Declaration of Legislative Intent. This partly reads, 'The CE-1 Critical Environmental Zone covers the canyon, mountain, riparian and other lands of environmental concern in the County. Because of limitations imposed by topography, climate, soil condition, and other natural feature, use of the land within this zone has been restricted to livestock grazing, wildlife habitat, and as the location of an occasional ranch, mine or recreational site. Land within this zone has functioned historically as a primary watershed for much of the irrigation and culinary water supply for the Castle Valley area. Experience has shown this water shed area to be environmentally fragile; its preservation is of critical importance to the County.' This section then listed the specific purposes and intent of the legislative body in establishing the CE-1 Critical Environmental Zone. She continued reading; 'In order to accomplish the above purposes, those uses which can be conducted in a manner consistent with the objectives of the zone are permitted, that adequate guarantees for protection of the water shed are incorporated. Uses which tend to produce a hazardous condition or other wise degrade or militate against the preservation of the quality of the environment in this zone are not permitted.'

Danny then asked, What has changed? He stated that he goes up the canyon and consistently sees the Forest Service fencing people off from campgrounds because it affects the water quality and environmental quality and yet he sees the county doing just the opposite. We are doing things to push people on to the mountain and making things less and less restrictive. Danny had Marie read from the criteria again and pointed out that this is the criteria that he was made to comply with. Section 8-4-2 (8) under Permitted Non-Conditional Uses 'Primary and secondary farm caretaker dwellings subject to the conditions set forth in Section 4-23 or 4-24 as applicable.' He stated that this had to be a farm stead. He then directed the Commissioners to last page of his hand out, which was a schedule of assessed values and acreage required to qualify as a crop farm operation. Under grazing land he pointed out that he had to purchase 320 acres in order to put a dwelling on it to conform with the ordinance. He stated that he fails to see why we are wanting to reduce it to 40 acres to accommodate some realtors. He stated that he thinks that we need to do what is best for the mountain. He thinks that we need to be consistent in the requirements that we ask people to comply with. If I had to buy 320 acres then he thinks everyone should have to buy 320 acres. Commissioner Kofford asked why he had to buy 320 acres. Danny explained that because in order to be a farmstead he had to graze cows. And in order to graze cows he had to have a minimum of 320 acres because it was designated as a critical watershed area. He stated that there was something else that irritates him. A few years

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ago we changed the minimum requirement to 80 acres. Immediately after changing it to 80 acres he got a call from the County Assessor telling him that now his property is no longer a secondary or a farmstead. It is no longer a farm building. It is now a recreational, summer home. You will be taxed according to that. He stated that he doesn't see how the county can have it both ways? How can the county require me to develop as a farmstead and when it is to your advantage, to draw more taxes, you can change it to a summer recreation area and up my taxes. He then stated, to make a long story short, he is extremely against the reduction of the acreage, if anything you should increase the acreage. He thinks it should be the 320 acres that he had to comply with. He consistently hears people say, well I can get a variance. The zoning law says it should be 80 acres but if I have 75 or 76 I can get a variance and they will give me a building permit anyway. If it is 80 acres it should be 80 acres. If it is 40 acres it should hold true to everyone. No matter who it is. If it is 320 acres it needs to be 320 acres for everyone. He strongly recommended increasing it to 320 acres.

Ron Barney, Ferron. He stated that he understands where a lot of people are coming from. The road department has roads to build and there are water lines to put in. But, his granddaughter wants to build near her family and has gone to eleven individuals in the city of Ferron to try to find a lot to build on. Everyone is concerned about the gas fields and oil fields coming in and their property is going to be worth more money. It is hard for young people to buy a lot. If you stick with what you are saying here today, he can't see any problems with the 2 acres. We need to quit exporting our most precious commodity we have, our children. He agrees that we need to be building our cities up, but if people in the city won't sell, the kids need a place to build. This needs to be taken into consideration.

Darrell Leamaster, CVSSD. The Administrative Control Board of CVSSD asked Darrell to come today and read two letters into the record regarding Article 13. The first letter was written in November of 2007. The letter outlines several reasons that the District and the cities oppose these changes. He pointed out that the District is not opposed to growth. But feel it should occur in an organized and controlled manner inside the boundaries. The District is not in favor of allowing uncontrolled expansive growth throughout the county; and particularly, around the outside boundaries of the cities. The District suggested that a compromise might be reached between the cities and the county to encourage and allow the cities to annex additional area for growth. Also, the cities might re-examine their minor subdivision ordinances to make it more feasible for a property owner to sale two or three lots without major financial obligation for water, sewer, curb and gutter, and street improvements. The county might also look at the property valuations and taxes being levied on vacant lots within cities. If these taxes were raised, more people would be willing to sale vacant lots within cities. As it now stands, the taxes are so inexpensive that there is no real incentive to sale. The District suggested the county initiate a series of discussion with the cities and investigate what options could be pursued before you adopt the proposed ordinances. The District's objections to the proposed ordinance are as follows:

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1. Uncontrolled Growth.

Your proposed minor subdivision ordinance in section 12-7-1 allows for individual lots and small subdivision with each lot containing “at least 2 acres.” This is a major reduction from the previous 10 acre requirement. This is the main objection that we have to your proposed ordinance. We believe it will cause, basically, uncontrolled growth in a “donut” shape around each of the cities. The “donut” configuration will be caused because of the cost of running the utilities (power, gas, water, and telephone) any distance out into the county. It will be more economical for the homeowner to stay in close proximity to the existing utilities within the city boundaries.

2. Avoidance of Taxes and Paying Full Cost of Utility Service

We have supported the 10 acre requirement in the past. It helped control growth and encouraged growth to occur within the cities and towns. Your reduction of the requirement for a lot size of 2 acres will encourage an expansive growth pattern outside of the city boundaries. We do not believe this is in the best interest of the cities or the county. This new growth would take advantage of all the city services, but avoid paying any property taxes to the city or Special Service District. The new residents will want culinary water, sewer, garbage collection, fire and ambulance protection, asphalted and maintained roads, parks and recreational facilities, snow plows, school bus service, etc. They will expect and demand that these services be provided at the expense of the city residents and county taxpayers who have been paying for the existing infrastructure for the past 30 years. We do not believe that this is fair for all of the existing residents of the city and the county.

3. Use of City Services by County Residents.

As new growth occurs in the county, these residents will naturally utilize city facilities and services. For example, they will enroll their children in little league football, baseball, soccer, etc., which are played on the city ball fields. They will want to utilize the city streets as they travel to the post office, store, church, etc. They will demand fire protection, ambulance service, and police protection. There is presently no way for them to pay their fair share of these costs. City residents pay a tax to the county for their use of county roads and services.

4. Conflict in Growth Areas and Patterns.

The city master plans do not coincide and agree with the county’s plan. Growth may be allowed to occur in the county that directly conflicts with the city’s master plan and annexation plans. Future growth in the cities will be hampered by the uncontrolled growth in the county.

5. Unavailability of Services

the county has never discussed with the cities the availability of water and sewer services in the county. The cities are limited by State law to only sale “excess” water outside of their boundaries. Legal questions exist as to how many water connection they could sale. The willingness of the cities to sale connections has never been discussed. The cities and Service District may not allow (place moratoriums on) water and sewer services outside the city, this will



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stop or severely limit the growth in the county.

North Emery Water Special Service District would be willing to sale new connections. However, they have numerous delivery problems with their distribution systems. It is overloaded now in many areas and has pipe systems that are 40 years old. They probably can sale a few connections in the Huntington Canyon and Lawrence area, but in all other areas would have problems. Their ability to serve areas north of Cleveland is dependent on an existing supply agreement with Castle Valley Special Service District and a physical tie to the District's main line to Elmo.

6. Impact Fees For New County Connections

The cities and Service District may have to develop an impact fee structure for connections outside of the city limits so the new development will pay their fair portion for the capital costs of construction of the water and sewer treatment plants and water lines and services. This has not yet been discussed or planned. Time will be needed to put these impact fees into place.

7. Watershed and Water Source Protection

We see serious problem occurring around our critical water source areas ie; Joe's Valley, Millsite, and all river bottoms in the county, etc. The biggest problem be our poor soil drainage characteristics and the resulting failing septic tanks systems that would pollute our drinking water sources. The proposed ordinance will add density of housing to our watershed ans will exacerbate the water quality problem.

8. Construction Standards for Utilities.

Sub-standard construction practices for the development of these subdivisions can easily occur. We have observed numerous examples of this in other surrounding counties. The new residents get caught with serious operational and maintenance costs and want the city, district, or county to bail them out. If the subdivision is later annexed into the city, the constructed infrastructure does not meet the cities' and Districts' minimum construction standards and a great expense occurs to repair and update them. Castle Valley Special Service District has historically been able to set approved standards and assure proper construction methods.

9. Required Development of Septic Tank Dumping Stations and Culinary Water Fill Stations.

In the past, the District has received numerous requests for the construction of these facilities. They are expensive to build and very expensive to operate. The septic tank dump stations cause severe operational difficulties for our lagoon treatment systems. The District will resist the construction of these facilities and the residents in the county will demand them. The county may have to expand their funds for these facilities.

Obviously, there are a great number of problems with the direction the county is headed if this ordinance is passed. We urge the county commissioners not to pass this ordinance. Instead, we encourage the commission to start a meaningful discussion of these problems and possible solutions with the cities. Very Truly Yours, Darrell Leamaster, District Manager

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The second letter submitted was dated March 17, 2008

The Administrative Control Board of Castle Valley Special Service District has discussed the proposed sub-division ordinance. The Board is opposed to the ordinance change that will allow individual lots and small sub-divisions with lots of two acres. On November 20, 2007 a letter was written to the Emery County Commissioners outlining the Board's concern with this ordinance and the potential problems it will create for the communities in our District.

The Board is still opposed to this change in the ordinance and urges the Commissioners not to pass the ordinance.

On February, 21, 2008, at the District's regular Board Meeting the proposed ordinance was again reviewed. After much discussion, a motion was passed to no longer grant or provide any outside water connections. Water connections will only be granted on properties that are annexed into the city or that are already within the city boundary.

Each of the cities is in the process of passing an ordinance to prohibit new culinary, sewer, or secondary water connections for property outside the city/town boundary, until the subject property is annexed into the city/town. Existing outside connections will continue to be serviced. A few isolated contracts or agreements exist where an outside connection has been authorized for the granting of an easement and these contracts will be honored.

This action is being taken to prevent the legal and maintenance problems that re associated with outside connections and to prevent uncontrolled expansive growth from occurring around the periphery of the cities.

Again, Castle Valley Special Service District urges the County Commissioners not to pass this portion of the proposed ordinance. Very Truly Yours, Darrell Leamaster, District Manager.

Darrell Gardner, Cleveland. Darrell commented that he owns several hundred acres of property outside of city limits in both Orangeville and Cleveland. He stated that he chose to live a rural life. He would like to continue to live a rural life. He does not like the idea of urbanization out where he lives. He stated that he tries to run a cattle operation and does not want urban people moving in and telling him how to run his operation. He agrees with the 10 acre rule, simply because if someone moves out there and picks up 10 acres they may try to do something with it like farming. As Mr. Barney has pointed out it is hard to get acreage in the city to build on. But, if you cut it down to 2 acres it is going to drive the price of property in the county out of site and he cannot afford to pay those type of taxes on his farming operation. The value of the property is going to double and triple because it is going to change the property value from agricultural to residential. He stated he is opposed to the change.

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Marie Johnson, Huntington commented on the 10 acre reduction, largely for the same reasons that Darrell spoke of. She stated that most of us who purchased 10 acres here, went through a great deal in order to get that 10 acres. She stated that she can identify with the young woman from Ferron. She said that they went to just about everybody that they could think of. Finally, when the word got back to Grandpa Guymon, and enough people said to him, why don't you sell those kids some ground so they can build a house, enough times, he finally decided to. She said that the essence of life in Emery County, there are lots of disadvantages to living in Emery County, but there are also so many advantages to living in Emery County, and I love it here. One of the big advantages to living here is that we have retained a rural lifestyle. That quality of rural lifestyle is so essential to maintaining the character of Emery County. She strongly urged the Commissioners to take this into consideration when considering the change. Additionally, as far as the mountain ground, she requested that they consider one thing. What could there possibly be, at this point, that would create any less of a critical watershed in that area than there was at the time that critical watershed was referred to when we purchased that property? If anything, she asserted, that watershed has become even more critical.

Commissioner Sitterud asked if there were any more comments.

Commissioner Gary Kofford made a motion to move out of the public hearing and return to the regular Commission Meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF CHANGES TO ARTICLES VII, IX AND XIII OF THE ZONING ORDINANCE.**

Commissioner Gary Kofford made a motion to approve Resolution 03-18-08B accepting Article VII of the Emery County Zoning Ordinance as amended. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Jeff Horrocks commented on Article XI of the Emery County Zoning Ordinance. He stated that he expected that concerns will be addressed regarding watershed as people make application to build on mountain zones. Michael McCandless indicated that critical watershed is addressed as part of the process. We are not the enforcement agency for watershed. However, the process, that we follow, is still in place and requires that signatures from the bodies that have the regulatory responsibility are acquired before we will consider an application.

Commissioner Jeff Horrocks made a motion to accept Article XI as amended in Resolution 03-18-08B. The motion was seconded by Commissioner Gary Kofford. Commissioner Drew Sitterud voted against the motion. The motion passed.

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Commissioner Gary Kofford commented on Article XIII. He indicated that the Commissioners have had several people come in and write letters requesting changing the ordinance from 10 acre requirement to 2 acre requirement for a minor sub-division and yet we had only one family come today to provide comment in favor of it. He felt it frustrating to know that if they do pass the 2 acre requirement today, that it will be frustrating for those people who will go to the city for hook-ups and have the city tell them, sorry, there is a moratorium and we can't hook you up. He indicated that the Commissioners don't know what the answer is. He stated that the county is in the situation where we need growth, we need the tax base, the businesses need the growth. Somewhere we have to break the log jam. We don't know how to do it. You've got people who say that they want to stay rural. You want to continue to have the same services that were established back in the 80's and 90's back when the power plants came in. The power plants tax base continues to erode. Unless we get new growth in here, we are going to have start doing without some of services that we get. There is no way it can continue. How do we break the cycle? How do we come to answer? We talk about economic growth. We talk about bringing in industry. Then nobody wants growth or add an industry that will pollute the air. Without new growth your taxes are stagnant. We are as high as we can go, we are at the top of the mil levy that we can assess. We sit here and try to figure out how to make things grow, how to increase the tax base, how to improve a lot. In essence we say that we do not want to anyone around us, we do not want our taxes to go up. It is very frustrating. He stated that he has sat and debated this 10 acre issue with the planning and zoning commission for five years now that he has been a commissioner. He stated that he knows that they are strongly in favor of it. He knows that they were driven there by people bending their ears and twisting their arms. It is not something nine people came up by themselves. These people are farmers, business owners, and community people. They have put in many hours to come to this conclusion. They recommend that we do go forward with this. He stated that he has to apologize to the communities of Emery County, because as he makes a motion to go to 2 acres it is going to cause all kinds of heartache with people like the young lady here today who wants 2 acres to build on. Just as soon as she finds it, and she goes to Ferron City for a connection, she will be told that there is a moratorium on water connections. This really makes sense. We have really accomplished a lot here today.

Commissioner Gary Kofford made a motion to accept the changes to Article XIII as amended in Resolution 03-18-08B and proposed by the Emery County Planning and Zoning Commission.

Commissioner Sitterud asked for comments.

Sheriff Guymon commented that if he had 10 acres and I want to stay at 10 acres and I don't want anyone around me, I don't sell anything and I control what is around me. If I have 700 hundred acres I don't sell any of that acreage. He thinks that it is petty for the cities to come along now, after they have satisfied their needs and all their relatives needs and now shut it off so that no one else can. He doesn't understand this, as he listens to people say that they want to grow, we want to do this, do that. He thinks that all this does is give us an orderly way to grow that is controlled by ourselves and not by government. We have dwellings everywhere now

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anyway, that are serviced by services that were sold to them, that can make the same argument as Mr. Johnson did. Now if someone wants to build to \$200,000.00 house on 2 acres they can now get the ground, but they cannot get the water. As Commissioner Kofford said this is childish or ridiculous. This doesn't make any sense to me for one side to pick at the other when we are all here in the same boat. We are all trying to grow. I would like to be able to control what is around me. If I don't want people around me I don't sell any ground and I have control.

Commissioner Horrocks commented regarding the communities having a donut effect. One of the things that people when they build in the county, if they do, will want to do is be close to a community because of the amenities, such as water, electricity and possibly sewer is there. People have expressed to him that once they build in those areas and they build a subdivision they will want to annexed into the city. The cities grow. This is one way of keeping the growth close to the cities. With the requirements that have been set forth in this ordinance, you are not going to see people building out in the middle of a field somewhere because they can't. We either progress or regress. But we don't stay the same ever. He would like to see the people of Emery County control the growth the way we want to see our county grow not the way some developer does.

Dora Larsen, Huntington commented that we talk about growth to bring income into the county. He thinks that we shot ourselves in the foot when we decided to promote tourism in the county. These people who come into the county and use our facilities don't spend money in the county. They don't stay in Emery County, they don't buy gas in the county. We have all this recreation in our mountains and this is good. Our area is know world wide for kite skiing, but this doesn't bring in money.

Bill Dellos, Planning and Zoning, stated that when they held the Planning and Zoning hearing they were told that the capacity of the new water/sewer facility in Orangeville was about 40 to 50%. What are we going to do with the rest of that capacity. Why are our cities stopping our growth? He moved here a long time ago and he loves this county and would love to see it grow. Our school system is losing students all the time. They are having to lay off teachers. Let's let this county grow. I'm sure that our SSD in their wisdom, can figure out how to make this work. This is a smart man, he can take care of it. We don't have to be limited.

Darrell Leamaster, CVSSD, commented that he didn't want to leave the impression that the cities are opposed to growth. In fact, they are encouraging growth. They are out there busy now trying to develop subdivisions, encouraging anyone who is interested in it to annex into the city. If they want to build let them annex into the city and then build. Instead of build first and then annex. If they do that then the building is up code and standard. The cities are not opposed to growth. They want growth, but they want it to happen within the city boundaries. They think that opening up the county to all this growth going everywhere will be chaotic and cause lots of problems. People inside the cities will be subsidizing those services offered out there through their taxes. The cities are doing all that they can to encourage growth.

Diane Barney, Ferron commented on all the problems that her daughter has had trying to find property to build on and thinks that the ordinance addressed the problems of people building just anywhere.

Commissioner Sitterud repeated the motion made by Commissioner Kofford to accept changes to Article XIII of the Emery County Zoning Ordinance as amended in Resolution 03-18-08B and proposed by the Emery County Planning and Zoning Commission. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(8)**  
**APPOINTMENT TO EMERY COUNTY WATER CONSERVANCY DISTRICT.**

The Emery Water Conservancy District has three openings on their board. Commissioner Gary Kofford made a motion to appoint Ross Hinkins, Lee McElprang and Tracy Behling to the Board of the Emery Water Conservancy District for four year terms each. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(9)**  
**CONSIDERATION AND APPROVAL OF CHANGE ORDER #15, #16, PR#01, AND PR#02 FOR THE SWIMMING POOL.**

Commissioner Sitterud discussed change order request for the swimming pool.

Change order #15: The Commissioners decided look into this one a little more.

Change order #16: There were no bids for damp proofing on bid day. An allowance was carried. Only one bid was received later. This change moves extra amount to the contingency. The Hughes work is to apply protection board as fill material is brought up. The amount was -\$6,816.00.

PR#01: This is to replace the dumpster concrete pad with asphalt, extend sidewalk at maintenance entrance and move bollard. The amount was -\$4,978.00

PR#02: This was to replace MDF base in the lobby with ceramic tile base and add ceramic tile base in the pool area. The amount was +\$2,183.00.

Commissioner Gary Kofford made a motion to approve change order #16, PR#01 and PR#02 for the swimming pool project. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(10)**  
**CONSIDERATION AND APPROVAL OF EMPG GRANT.**

Sheriff Guymon explained that this is the standard Emergency Management Performance Grant from Homeland Security. The grant is for less funds than last year and designates Kyle Ekker as

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program director for Emery County. Commissioner Jeff Horrocks made a motion to approve the EMPG Grant with Homeland Security. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(11)

**APPROVAL OF TRANSFER OF FUNDS TO EMERY COUNTY RECREATION  
SPECIAL SERVICE DISTRICT.**

Commissioner Sitterud discussed Emery County Recreation Special Service District's need for assistance to pay their bills for April. He explained that ECRSSD has not received mineral lease funds since July of 07 due to the fact the legislature had capped the mineral lease funds at three million dollars. The problem has been fixed and money is coming, but not in time for the Recreation District to pay their bills in April. He discussed helping the Recreation District with enough funds to pay their bill until the mineral lease funds come in and then the Recreation District will pay back the county. Clerk/Auditor Brenda Dugmore recommended that an inter-local agreement be in place between ECRSSD and Emery County before the funds are exchanged. Attorney David Blackwell agreed and will have an inter-local agreement ready at the next Commission meeting for the Commissioners to consider.

(12)

**CITIZEN CONCERNS**

Dora Larsen, Huntington expressed concern for the amount of mud bogging that is taking place on our desert. Sheriff Guymon indicated that he has beefed up patrolling on the desert in preparation for the Easter weekend.

(13)

**CONSIDERATION AND APPROVAL OF LETTER OF INTENT TO LEASE  
PROPERTY FOR DEVELOPMENT OF AN INDUSTRIAL PARK BETWEEN EMERY  
COUNTY AND SITLA.**

Michael McCandless requested approval of a letter of intent to lease property for development of an industrial park between Emery County and SITLA. Mike explained that the letter outlines the terms under which the State of Utah, acting by and through the School and Institutional Trust Lands Administration, and Emery County would enter into an agreement under which the County would lease approximately 2,547 acres of land near Green River, Utah from the Trust Lands Administration to be developed as an industrial park. The property will be leased by Emery County and developed as a full service industrial park, with individual industrial lots of

varying sizes to be made available for sale to third parties at agreed prices. The term of the lease will be seven years. The County will pay annual rent for the property in the amount of \$10,000.00 per year. The letter outlines the purchase of lots, the purchase price of development lots and the sale proceeds for subsequent resales. The county is to receive a portion of sales proceeds as a rebate in the amount of 10% of the purchase price of each development lot to be used for the funding of utility and road infrastructure, including planning, engineering or construction of improvements, to serve the project. The letter also addresses the failure of purchasers to develop, improvements and cultural resource compliance. A Right of Entry will be issued to the county prior to the execution of the Agreement for testing, surveying, inspecting and engineering work on the subject property. Consideration and approval for the Right of Entry will be addressed in agenda item #14.

**(14)**  
**CONSIDERATION AND APPROVAL OF RIGHT OF ENTRY NO. 5094 BETWEEN EMERY COUNTY AND SITLA FOR DEVELOPMENT OF AN INDUSTRIAL PARK.**

Commissioner Jeff Horrocks made a motion to approve the signing a letter of intent and a Right of Entry No. 5094 between Emery County and SITLA for development of an industrial park. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**  
**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval to hire Shonna Curtis as part-time janitor for Castle Dale Library.**

Jerilyn Mathis requested approval to hire Shonna Curtis as a part-time janitor for the Castle Dale Library. If approved her rate would be at Grade 6, \$8.02 per hour. Commissioner Gary Kofford made a motion to approve hiring Shonna Curtis as part-time janitor at the Castle Dale Library as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**B. Approval of 3% increase for Eric Nielsen who has completed the six month orientation period.**

Eric Nielsen has successfully completed his 6 month orientation period as a Landfill Technician. Morris Sorensen requested a 3% increase for Eric. If approved Eric would move from Grade 14, \$13.62 per hour to Grade 14, \$14.04 per hour effective March 24, 2008. Commissioner Gary Kofford made a motion to approve a 3% increase for Eric Nielsen as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**C. Approval to post RFP for lawn care services.**



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Commissioner Jeff Horrocks made a motion to approve posting request for proposals for lawn care service at the various county facilities. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to approve the minutes dated March 4, 2008 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(17)**

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on the new dinosaur at the Museum of the San Rafael. Unveiling of the new dinosaur and exhibit will be March 27<sup>th</sup>. Dottie Grimes will also be available to introduce and sign her new book on the San Rafael. The Emery County Weed/ Mosquito Department, the BLM and the Forest Service will be working with 500 Order of the Arrow Scouts from around the U.S. here in Emery County. The group will be helping with weed eradication projects, mainly Tamarisk. They anticipate the scouts will be begin arriving around the 14<sup>th</sup> of June.

*Commissioner Kofford*

Commissioner Kofford reported that Congressman Matheson will be in Price at 12:30 today for a round table discussion. At 3:00 p.m. he and his group will tour Bucyrus in Huntington. On April 5<sup>th</sup> the county will hold a surplus property action at the old Sheriff's building. There will be an AARP driver safety program on April 8<sup>th</sup> and 9<sup>th</sup> from 1:00 to 5:pm. Contact Mary Huntington if you are interested in attending or know someone who could benefit from this program.

*Commissioner Sitterud*

Commissioner Sitterud reported on a recent AOG meeting that he attended. A representative from a company from Vista, California is looking for locations for a private prison. Carbon County is a potential site for the 4,000 to 6,000 bed facility. Private funds will be used to build the facility. Commissioner Sitterud also reported that the swimming pool project is moving

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along nicely now. The plumbers are currently working on the plumbing.

**(18)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**  
**REGARDING LITIGATION OR OTHER MATTERS AS ALLOWED BY LAW.**

An Executive Session was not needed.

**(19)**  
**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 1, 2008

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 189342 through and including #189477 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
21-08	HP Laserjet CP3505n printer Sheriff	630.65	Approved
22-08	Hp Laserjet CP3505n printer Sheriff	630.65	Approved
23-08	(4) Radar Guns Sheriff	6,620.00	Approved
24-08	Complete Tandem 90 target Range With EHS Actuator 40' Single Track Runner Complete Bobber Target Range With complete control system Sheriff	25,350.00	Approved
25-08	4 GPM Water Pressure Washer Highway	4,425.00	Approved
26-08	(3) Dyson DC18 Slim Vacuums Library	1,199.97	Approved

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27-08	Nikon Camera Sheriff	1,992.95	Approved
28-08	AR 15 Rifle with Scope Sheriff	1,285.00	Approved
29-08	(7) 100 amp power supply Communications/Sheriff	3,779.00	Approved
30-08	(4) FMT 25 Agile FM Translators (4) EMR FM7340/2 single Isolator Communications/Sheriff	18,472.00	Approved
31-08	(2) Remington Model 40 XS Rifles Sheriff	9,522.08	Approved

Dispositions were presented for the following:

621-2257, 1974 John Deere 310 Backhoe, 410-6194, 1989 Grader, 410-4546 ,1079 Loader, 415-6671, 1998 Dodge Truck, 150-8642 1992 Chevrolet Van, 580-4012, Electrolux Floor Polisher, (3) Hoover Vacuum's from the Library, 144-4895, Microfilm Printer/Reader, 210-7272 2000 Dodge Durango, 210-7831, 2003 Dodge Durango, 210-7832, 2003 Dodge Durango, 210-7992, 2003 Dodge Durango, 210-8106, 1997 Nissan Pickup, 210-8107, 1996 Dodge Ram Pickup, 210-8108, 1994 Dodge Intrepid. All items are being sold at the 2008 County Auction on April 5, 2008.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(2)

**APPOINTMENT TO THE PLANNING COMMISSION.**

Commissioner Gary Kofford indicated that there were two openings on the Planning Commission Board that need to be filled. Three applications were received for consideration. Commissioner Gary Kofford made a motion to re-appoint Julie Johansen-Love and appoint Ron Barney to the Planning Commission Board. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**CYNTHIA GRANT- SEUMRC- INTRODUCTION OF PROGRAM AND REQUEST FOR PARTNERSHIP WITH COUNTY.**

Cynthia Grant, Southeastern Utah Medical Reserve Corps introduced the program to the Commissioners and those in attendance. He began by outlining the program and its purpose. In response to the Presidential call to service in January of 2002, many communities formed Medial Response Corps (MRC). The Medical Reserve Corps is one of the five components of Citizen Corps, formed under the umbrella organization, USA Freedom Corps.

The MRC consists of volunteer teams of medical and health care professional. MRC volunteers play a vital role to the communities they serve. They supplement existing local emergency and public health resources.

The Southeastern Utah Medical Reserve Corps serves four counties: Carbon, Emery, Grand and San Juan.

SEUMRC' s Mission is to recruit, train, and coordinate volunteer medical and public health professionals as well as other skilled citizens who can contribute their time and expertise during emergencies, disasters, and other times of community need.

MRC Volunteers can be active, inactive, and/or retired health and medical professionals, students in the health professions, and others. Volunteers can include (but are not limited to): physicians, physicians assistants, nurses-practitioners, RNs, LPNs, pharmacists, mental health professionals- psychologists, social workers, substance abuse counselors, EMTs/paramedics, veterinarians, epidemiologist, toxicologist, public health workers, microbiologist, health information specialist, technicians, interpreters, traditional healers, occupational & physical therapist, amateur radio operators, administrators. In addition, persons who do not have health or medical experience may volunteer to provide basic support services, such as communications, volunteer and information management. Volunteer attorneys could provide legal advice and volunteer accountants could help manage finances.

Major local incidents can overwhelm the capabilities of local emergency responders and hospitals. MRC volunteers assist hospitals with surge personnel needs. During an emergency, most patients that go to the hospital do not need emergency care. MRC volunteers can also assist by triaging potential patients during an emergency.

MRC volunteers can also participate in mass vaccination exercises and distribute Strategic National Stockpile medications. This would be very important during a pandemic outbreak or bio-terrorist incident, for example.

In addition to responding to emergencies, MRC volunteers can also support local health initiatives by promoting disease prevention and improving health literacy in the community.

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Benefits include: sense of pride and community accomplishment, new experiences, network with like-minded peers, learning opportunities and skill development, training opportunities such as orientation, online courses through FEMA and MRC-TRAIN, and live training opportunities, Professional CEUs.

To some extent, MRC volunteers are protected by the Federal Volunteer Protection Act. In addition, our volunteers are protected by Utah's Good Samaritan Act. Utah Code 26A-1-126 "Medical Reserve Corps", signed by the Governor March 2005, gives the local health department the authority to deploy Medical Response Corps Volunteers. It also permits retired medical professionals that held a valid license within the past ten years to legally serve on the MRC.

The Southeastern Utah MRC is funded by grants and administered by the Southeastern Utah District Health Department.

Mrs. Grant presented a resolution of support of MRC and asked that the Commissioners consider adopting the resolution and including them in their emergency plan.

Attorney David Blackwell reviewed and approved the resolution. Commissioner Gary Kofford made a motion to adopt Resolution 04-04-08 A in support of the Medical Reserve Corps and encourages all able bodied and qualified individuals to volunteer as Medical Reserve Corps members where time and circumstances permit. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF CHANGE ORDERS COR#10 AND COR#17 FOR SWIMMING POOL.**

Commissioner Drew Sitterud explained change orders #10 and #17 for the swimming pool project. COR#10 modifies the straight hoist beam to a curved beam that goes over most of the large pumps. It extends the beam to the area in front of the overhead door. + 7,088.00. COR#17 is for swimsuit water extractors which were missed in the original bid. With this increase, his is still low bid and extra is being taken out of other allowances. No change in cost.

Commissioner Jeff Horrocks made a motion to approve changes orders COR#10 and COR#17 for the swimming pool project. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF AMENDMENT TO RESOLUTION 07-17-07 AUTHORIZING DISTRIBUTION OF STATE MINERAL DEVELOPMENT REVENUES**

**TO THE SPECIAL SERVICE DISTRICTS.**

Commissioner Sitterud explained that last year there was a bill run at the state legislature that allowed the county to take minerals extracted on the state exchange land from SITLA, land that Emery County exchanged from the Grand Staircase. This land is mostly around Huntington, ie. Poison Spring Bench and up in Huntington Canyon. As we took that, the Governor promised us that there would be no change in our mineral lease money, that we would still get our 40%. Someone forgot to tell the legislators. As the money started to come there was people dipping into the money and we got down to about 13% of what we were collecting. We learned the hard way, that once you open up mineral lease money you seem to get everybody's fingers into the mix. We were real nervous about opening up the bill. SITLA came to us and said, we become the SSD and there is no reason the county cannot collect the money and once we become the SSD it can come directly to the county instead of coming to the county and then divvied up to the SSD. The bill was run and passed. As the bill was passed, we did not realize that as the bill was passed they did not appropriate any money and it was capped at 3 million dollars. So when the first quarter started a year ago, we thought we were doing well, we had a pocketful of money. Then half way into the season the money quit. As we got looking into it we found out it was capped. So, we went back to the legislature, they were able to go into committee and correct the problem. SITLA came to the Rural Conference in Price and presented the county with a check for \$1,980,520.84 which was for the two quarters in 2007 and a small portion of the first quarter of this year. Resolution 07-17-07 was approved in 2007 to set the percentages to distribute the mineral lease funds to the six SSD's in the county to keep them whole. We grossly undershot that amount. We need to go in and bring them whole. Commissioner Sitterud indicated that he has talked with some of the districts and has come up with a figure of 38% to bring the districts whole. He suggested distributing 40% of all checks that come in to the SSD's. There is a small problem with money that wasn't given to them from the last quarters that needs to be discussed. Commissioner Sitterud asked for discussion from the Board of Commissioners. Commissioner Kofford stated that after reviewing this he felt it appropriate to distribute 50% of all checks that come in to the SSDs. Commissioner Horrocks stated that he felt that when we first looked at this the feeling was 38% was enough to make the districts whole, then we moved it to 40%. Commissioner Kofford stated that there were a couple of hard years that have put them behind. Putting it a 50% will help them get back on their feet. In a year or two we can move them back down to 40%. Commissioner Sitterud felt that it could be 40% and backtrack and take them up. Commissioner Kofford felt it would be cleaner to start at 50%. Commissioner Sitterud asked if there were any more questions or comments. Sheriff Guymon asked what district we are talking about. Commissioners indicated that the Special Service District #1, Emery County Recreation Special Service District, Emery County Fire Protection Special Service District, Castle Valley Special Service District, North Emery Water Users Special Service District and the Municipal Building Authority of Emery County are the six special service districts that receive the distribution.

Bevan Wilson serves on the Special Service District #1 since a year after its creation back in

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1989. He discussed the mineral lease program. The mineral lease money that the county has been enjoying for several years comes with about 12 or 13 state legislative authorized uses. We now have two checks coming into the county. The money comes to the county as an off-set for impacts from energy producing counties. Back in the 80's is when we began to see impacts on county roads. He encouraged the county, as well as the continued efforts of the various districts, to track the use of the money. There is a lot of good being done with these funds and we need to be able to come out clean on an audit should the state decide to do an audit on these funds. As far as the percentage to distribute to the districts, he supports the 50% distribution to the SSDs.

Shannon Hiatt, Recreation Special Service District Director supported the 50% distribution. It would bring the district back to their lowest level. The Recreation District has been struggling since revenue stopped coming in last year. They have pretty much been at a stand still for the last two months. He indicated that everything is on hold until they get money.

Darrell Leamaster, CVSSD stated that this money earmarked for road maintenance and is their basic funding of paving and curb/gutter projects. They do not have adequate funding to keep the projects working. This year they are doing Clawson and Emery together. This is a small project however, they have a shortfall from last year. As communities grow they do more streets. The cost of asphalt has gone up due to the cost of fuel and crude oil going up all the time. He expressed support for a 50% distribution to the SSDs at least for a couple of years. He stated that they have come to rely on the money and one of these days if it goes away they will be in trouble. He echoed what Bevan Wilson said about the importance of tracking the use of the funds.

Commissioner Sitterud stated that the money is going to go away someday. We use to be the top producer in the state. We are going down more everyday. The districts need to be aware of this. We can add money to the districts but, we are adding things on that we will have to maintain and we may not have the money to do that down the road.

Commissioner Gary Kofford made a motion to approve Resolution 4-01-08B at 50%. Commissioner Jeff Horrocks asked if Commissioner Kofford he would accept an amendment to the motion to make it 45% and come back later to raise if we need to. Commissioner Kofford felt it would be appropriate to put it up now and lower it later. Commissioner Horrocks said that he thinks it would be easier to give it than to take it away. The motion died for lack of a second.

Commissioner Horrocks made a motion to fund the SSDs at 45% with the understanding that if more funds are needed we can come back and raise it later. Commissioner Kofford would not second the motion. Commissioner Sitterud stepped down and seconded the motion. Commissioner Kofford suggested putting it at 50% and not go back and look at back pay. He stated that he doesn't know how we can go back and look at what they did not get because there was not anything to get. We know what the rest of the year is going to be.



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Commissioner Sitterud asked for a second on the 45% only. Commissioner Horrocks was the only affirmative vote. There was no second. Commissioner Sitterud asked if Commissioner Horrocks included looking at back pay as part of the motion. Commissioner Sitterud was not willing to vote on the motion if it did not include looking at back pay. Commissioner Horrocks asked if Commissioner Kofford's motion was for the 50% and not look at back pay. Commissioner Kofford indicated that it was for 50% and no back pay. Commissioner Horrocks's motion to distribute the funds at 45% died for lack of approval. Commissioner Kofford made a motion to approve a resolution to fund at 50% and not look at back pay. The motion was seconded by Commissioner Horrocks and approved by all members present.

Patsy Stoddard, Emery County Progress asked where the other 50% will go. Commissioner Sitterud explained that it will go into the general fund. There will have to be a budget hearing to determine how to use the funds. He explained why he would like to see the county pay off the jail. This is a legal use of the funds. He indicated that the funds are depleting more each year. When the funds are gone the payment for the jail will fall back on the tax payers. So we need to pay off the jail before the funds go away. There is approximately 6 million dollars left to pay on the jail. Commissioner Sitterud explained the process by which mineral lease money comes into the county. There is federal money that comes into the county's SSDs. The letter that came with the check from SITLA stated that the \$1,980,520.00 represents a distribution from the Land Exchange Distribution Account. The LEDA was established by Utah legislature in 2007 to distribute the State of Utah's share of mineral revenues from former federal lands acquired by SITLA through Utah Schools and Land exchange Act of 1998, commonly known as the Grand Staircase-Escalante National Monument Land Exchange. At the time of the land exchange, the Trust Lands Administration agreed to share mineral revenue from acquired lands with the state's mineral lease account. The 2007 legislature created LEDA to distribute this revenue directly to counties affected by the land exchange, instead of through the mineral lease account. These funds are to be used to mitigate the impact caused by mineral development or to mitigate lost economic development opportunities. Commissioner Sitterud explained how the percentage of mineral revenue coming in from the federal side is consistently going down. Commissioner Sitterud again expressed the importance of paying off the jail as soon as possible.

Josie Luke, Emery County Review asked if the Commissioners will be considering what was talked about today, being tracking how the money is spent. Commissioner Sitterud explained that there will a budget hearing to put the money into the budget and identify where to allocate the money. The money is already being tracked. There are specific uses that the money can be used for. Steve Barton, Treasurer will distribute the money to the SSDs as we approved today.

(6)

**OPENING OF BIDS FOR LAWN CARE SERVICES. CONSIDERATION AND APPROVAL OF AWARING BID (S).**

Commissioner Kofford opened the bids for lawn care at the libraries and the Road Department.

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Kyler Edgehouse, \$35.00 each for the libraries in Orangeville/Castle Dale and the Road Dept. lawn and \$40.00 each for all the other libraries. This was a bid for weekly service.

Jesse Malan, \$30.00 a week for the Emery Town Library.

Kyle Cook, \$25.00 per week for each library except Ferron/Emery which was \$40.00 per week for each library. His bid indicated that weeding or flower bed cleanup was an extra \$20.00 per hour and sprinkler repair was \$5.00 per head. Commissioner Kofford indicated that the RFP was not written as requested.

Patricia Willson, \$25.50 per week for Ferron Library.

Gatlan Huntington, \$90.00 per week for Castle Dale and Orangeville Libraries and the Road Department.

Commissioner Jeff Horrocks made a motion to allow Commissioner Kofford to take the bids, review them and award the bid based on comparison with the other bids. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF LETTER OF INTENT BETWEEN EMERY COUNTY AND MANCOS RESOURCES.**

Economic Development Director, Michael McCandless discussed right of entry permits and letters of intent with the State of Utah approved in the last Commission Meeting. This is the beginning of the permitting process to evaluate if they can locate there. Mancos Resources is a uranium milling project that would like to locate on Section 36 near the Sphinx Substation. In order for them to go through their permitting process they have to hone in on a specific parcel of land. This is the reason for the letter of intent between the companies and Emery County and are all contingent upon final approval and agreement from SITLA . It would enable these companies to say that this is the parcel of land that we are looking at and secure them for the permitting process. Mancos Resource had a community meeting in Green River last week where they went through questions from the community.

(8)

**CONSIDERATION AND APPROVAL OF LETTER OF INTENT BETWEEN EMERY COUNTY AND ENERGYPATH.**

Energypath is going through the same process as Mancos Resources and asks for a letter of intent for their permitting process.

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Attorney David Blackwell reviewed the letters and identified several concerns. Regarding the Mancos letter he was concerned that there was no term option. He was not comfortable with tying things up indefinitely. There needs to be some time limit identified, perhaps 2 years and anything beyond that would be contingent upon mutual agreement. The other issue, with both letters, is that there is no escape clause for Emery County. There is nothing to say that if we don't like the direction things are going that we can get out of it. Mike agreed that would be a good clause to include. Mike indicated that they are insisting that any of these businesses come to Green River City to make their announcement and answer any questions that the community may have. If we identify problems or concerns that they cannot answer to the community we may not want them. Mike suggested the Commissioners look at one other item if they are going to amend the letter of intent. In consideration for doing these letters of intent that they pay \$10,000.00 fee to the county that would secure the land. The money would go to SITLA for the first two years lease. This would our consideration for entering into these letters of intent. David Blackwell agreed that would be good. We are allowing them to tie up the land and what do we get for that. Another problem he sees as just a county problem. The county's resolution for disposing of property would have to be amended to exempt this project or similar projects. Mike explained that they have discussed this process with SITLA. What will probably happen is Emery County will not take ownership of the land. They will use a third part entity such as RC&D Council that does not have these kind of policies. The state would deed it to them who in term would deed it over to the end owner. The county would never actually take ownership of the deed. We are the lease holders. They prefer getting it into private ownership as quickly as possible. David said he will review the resolution to be sure it did not consider state lease holders. He also suggested putting some kind of minimum on the property before we go through the advertising because the advertising as can get costly.

Commissioner Gary Kofford made a motion to accept the intent of the letters of intents for Mancos Resources and Energypath with the amendments of \$10,000.00 fee paid to the county, an escape clause for Emery County and term of options for Emery County. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT AND EMERY COUNTY FOR TECHNOLOGY SERVICES.**

This is a contract with the state that will upgrade and bolster communications in the county. Commissioner Jeff Horrocks made a motion to approve an agreement between Division of Facilities Construction and Management and Emery County for technology services. The

motion was seconded by Commissioner Gary Kofford and approved by all members present.

(10)

**REQUEST FOR FINANCIAL ASSISTANCE FOR GREEN RIVER DIVERSION DAM PROJECT.**

Commissioner Jeff Horrocks reported that for the last few months he has been reporting back to the Commission on meetings with Green River Canal Company and users regarding the current state of condition of the Green River Diversion Dam. The owners, users and Green River City have grouped together to procure an evaluation/study of the dam to determine its condition. The owners of the company have come up with the majority of the funding Grand County is giving them \$2,500.00 for the project through the Grand County Canal Company. The group requested \$5,000.00 from Emery County to assist with a study/evaluation of the dam. The funding will go through Green River City as a partner with the Canal Company and they will handle the finances for them. Commissioner Jeff Horrocks made a motion to make available \$5,000.00 to Green River City for the Green River Diversion Dam Project. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Sitterud reported on recent discussions with Green River City to create a water conservancy district to manage the project.

(11)

**DISCUSSION AND APPROVAL TO SELL USED COUNTY VEHICLE TO AIRPORT MANAGEMENT FOR USE AT HUNTINGTON AIRPORT.**

Commissioner Gary Kofford indicated that Leon Defriez, Huntington Aviation, LLC has requested a vehicle from the county for the last two years. Leon said that the vehicle would be used by pilots to travel into town to get a meal or meet other needs. Commissioner Kofford stated that the county has been hesitant to provide a vehicle due to the liability/insurance issue. Commissioner Kofford suggested that the best thing for the county would be to sell to Huntington Aviation, LLC, a vehicle that is slated to go to the auction on April 5th. Commissioner Gary Kofford made a motion to remove one of the 2003 Dodge Durangos from the County auction and sell it to Huntington Aviation, LLC for \$100.00. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)

**DISCUSSION OF NEED FOR CELL PHONE IN BUILDING DEPARTMENT.**

Commissioner Kofford discussed a situation wherein the Building Inspector has been receiving a monthly stipend with the idea that he would provide a cell phone that could be used for county

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business. Due to some credit concerns, he is not able to participate in a cell phone contract at this time. It is important that the building inspector be able to be contacted. The Clerk/Auditor's office has a pre-paid cell phone that the Building Inspector could use. Commissioner Gary Kofford made a motion to supply the Building Inspector with a pre-paid card and cell phone with the stipulation that it is to be used for county business only. The Building inspector will keep a log of calls and the intent of the call with a limit of \$45.00 per month. The phone and the log will be turned into the Clerk/Auditor before a new card is provided. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(13)**

**APPROVAL TO CONTRACT FOR ASBESTOS INSPECTION AT OLD SHERIFF'S OFFICE BUILDING/JAIL.**

Commissioner Kofford talked about the old sheriff's building that will going up for bid at the April 5<sup>th</sup> County auction. The Commissioners have been contacted by several contractors interested in the building, but are wanting to know if there has been an asbestos test done on the building. Dave Adams of RR Environmental out of Salt Lake was contacted to conduct an asbestos test on the building. Commissioner Kofford asked for approval to pay RR Environmental for the asbestos testing and mileage to and from SLC to take samples. Because of time constraints, Mr. Adams is pushing to get this testing done before Friday, April 4<sup>th</sup> so that we can have the information available to those contractors who may wish to bid on the building. Commissioner Gary Kofford made a motion to approve a contract with RR Environmental for asbestos testing at the old sheriff's building contingent upon David Blackwell's approval of the contract. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(14)**

**CITIZEN CONCERNS**

Commissioner Sitterud cautioned that citizen concerns is generally reserved for citizens to voice concerns however, Michael McCandless had an item that came up yesterday and is not on the agenda that needs some consideration. Michael McCandless requested approval to participate with Carbon County on a sales tax leakage study. The State Tax Commission is the keeper of these records but before they will allow the consultant to have access the information we have to give them approval. This will be the third year we will do the leakage study. We are just waiting for the reports for up to the forth quarter of last year. We need a letter that grants access to the information. Commissioner Gary Kofford made a motion to allow a letter to be sent to the State Tax Commission granting access to the information. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(15)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Request to start the recruitment process for a full time dispatcher.**

Tabled

**B. Approval of 90 day temporary employee Derek Tuttle in the Attorney's Office.**

Derek Tuttle has been hired as a 90 day temporary employee at the Attorney's Office . His wage is \$5.85 per hour.

**C. Request to start the recruitment process for a part-time deputy recorder.**

Dixie Swasey requested approval to begin the recruitment process for a part time Deputy Recorder. Commissioner Jeff Horrocks made a motion to approve the recruitment process for a part time Deputy Recorder. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(16)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to approve the minutes dated March 18, 2008 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported that he met on the 24<sup>th</sup> of March with J&T, Kent Petersen, SSD#1 board member, and UDOT on the Moore Cut-Off Road Project Phase IIV design and ROW acquisition. They went over the design drawing and visited the site. A representative from the Army Corp of Engineers met with them regarding wetlands. The review went well. The design will be complete and ready for bid in September/October.

The Green River Senior Center is coming along well. The building is complete as far as electrical and plumbing are concerned. They are working on putting the sewer lines and putting power outside the building for lights.

On the 18<sup>th</sup> of March Congressman Matheson was in Price where he talked about housing problems. Later in the day he toured Bucyrus in Huntington. Bucyrus re-manufactures old mining equipment.

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He met on March 15<sup>th</sup> at the Huntington Airport with the Back-Country Pilot's Association. The group delights in landing on dirt runways. They go around to various smaller, back country airports and help keep the runways in serviceable condition. Leon DeFriez, Huntington Aviation, LLC wondered what part Huntington Airport might play in membership in their association. The Association indicated that the runway could be used in training pilots. They indicated that they may have a 'fly in' sometime this fall. Commissioner Kofford wondered if maybe we should possibly put information about the airport on the Emery County website.

*Commissioner Horrocks*

Commissioner Horrocks reported on the unveiling of the new dinosaur at the "Night at the Museum" celebration held at the Museum of the San Rafael on March 27<sup>th</sup>.

Commissioner Horrocks reported on the Economic Summit with Senator Bennett that he attended with Commissioner Kofford and Commissioner Sitterud.

*Commissioner Sitterud*

Commissioner Sitterud reported that he, along with Sheriff Guymon and Commissioner Kofford, escorted Senator Bennett's staff on a tour of the desert.

He reported on his meeting with Utah Association of County's Legislative Review where they reviewed bills headed before the legislature.

Commissioner Sitterud talked about a recent ATV bill that addresses an ATV to make it street ready, licensed as a vehicle so it can be driven on the highway. He indicated that this bill came from Garfield County, more specifically Grand Staircase-Escalante, where ATV's are not allowed in the Grand Staircase.

He also talked about the new judge selection process. The process goes through the Judicial Council.

He also provided a short update of the swimming pool project.

**(18)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**  
**REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

14

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(19)

**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_



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

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Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 189630 through and including #189784 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
32-08	Celle Chair Sheriff- Dispatch	452.62	Approved

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, additional claims and requisition. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(2)**  
**OPENING OF BIDS FOR FERRON LIBRARY ROOF REPAIRS. CONSIDERATION AND APPROVAL OF AWARDING BID.**

There was one bid for roof repairs at the Ferron Library. The bid was from Stilson & Sons Construction in the amount of \$27,441.00. Commissioner Gary Kofford made a motion to award the bid for roof repairs at the Ferron Library to Stilson & Sons Construction. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(3)**  
**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR JAKE FULLER.**

A request was made to write-off the ambulance bill for Jake Fuller, who is deceased. The patient's sister faxed a copy of Jake's death certificate to JCI Billing and informed them that he

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had no insurance, or other means to pay the bill. The bill was for \$1,224.00. Commissioner Gary Kofford made a motion to write-off the ambulance bill for Jake Fuller in the amount of \$1,224.00. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**APPROVAL OF FACTOR ORDER ON LAND COUNTYWIDE AND RESIDENCES IN CASTLE DALE, ORANGEVILLE, HUNTINGTON, AND FERRON.**

Assessor, Kris Bell discussed a factor order from the state on land countywide and residences in Castle Dale, Orangeville, Huntington and Ferron. She stated that the factor is based on sales ratio studies, people buying and selling their homes and land. The state looks at what people have paid for it compared to what we have it appraised for. People are selling homes and vacant property for much higher than the county have it appraised for. She used an example of a parcel of vacant land, .67 acres, that sold for \$19,500.00, Emery County has it valued at \$1,500.00. The state came in and said that our four big cities, Huntington, Castle Dale, Orangeville and Ferron need to be factored at an additional 10%. When we do sales ratio the state wants us to be 100% of the fair market value, but they let us be at 90%. So in order to get to the 90% the minimum is a 10% raise on homes plus the factor on the land. The 10% would be on the four larger towns for residences and land is countywide. Kris proposed a minimum that will be a happy medium for the state and the tax payers. She described a buildable lot as a lot that has frontage. She proposed taking up to an acre with half of the lot value, if buildable, and after the acre go to the backage rate. If the property has culinary and sewer we would put a full lot value on it. If it has gas and sewer we would put a full lot value on it. If it just had one of the four we would leave it. Kim Lacy, State Tax Commission explained that if the county did not raise its home and lot values to be within 90% of the market value, then the state would step in and would raise the values to 100% of the market value. Kris stated that she has to do something and felt that raising the values a little each year is better than doing it all at once. Kim Lacy indicated that the problem is that you have areas that are growing. Steve Barton pointed out that even though the tax values go up the tax rate will go down because the county cannot collect any more taxes than what we are already collecting. Commissioner Sitterud agreed. He stated that it is going to re-shift the taxes. The major portion of the taxes are paid by centrally assessed properties. Their taxes will go down and it will shift to the homeowner. It will shift from corporation to private. There has to be a constitutional change to make any changes in that process. Kris indicated that at this time it is a seller market. People are getting what they can out of their houses. There are people coming from out of the area and buying homes for bargains. Steve Barton asked if appraisers are changing the way that they appraise properties? Kris indicated that they adapting to what the market is selling for. If I wanted to sell my home the appraiser would find a home that has sold in the area that is comparable to my home and this is what they would use to get a value. If they can't find one in the area they will use a comparable from Carbon County. Kris indicated that his is her argument, Carbon County is different than Emery County. They have been on the rise for some time. Kim Lacy reviewed an assessment /sales ration report with the

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Commissioners showing that Emery County is at an average of 87% . The state wants the mean to be between 90 to 110%. She indicated that is basically due to not having lot values on vacant land. Kris stated that the Assessors Office tried to put lot values on vacant land a few years ago and they were told not to by previous Commissioners. If they had done it earlier they would not be at this point now. Commissioner Sitterud stated that it really bothers him that we have that big power plant out there that puts million of dollars into it each year and their taxes decrease and residential taxes go up. Until this equals out this really bothers us all. Kim indicated that she will take that feeling back to the state people. Commissioner Horrocks felt that the state needs to address the one size fits all factor. The residents are being punished for the way the state assess values. They talked about whether a motion was needed. Commissioner Sitterud asked what would happen if we did nothing. Ms. Lacey indicated that if the county does nothing then the state will come in and do it. Brenda Dugmore indicated that there was not a motion last year when the state imposed an 18% factor. You do no have to concur or make a motion that they do it. If you are going to say don't do it then you would have to make a motion. Commissioner Sitterud asked for legal council. David Blackwell had left the building. Commissioner Jeff Horrocks made a motion to recess the meeting until legal council can return to the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Motion to return to the regular meeting was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present. Commissioner Sitterud asked David Blackwell if we need a motion for Kris to do the factor or can she as department head do the factor. David asked what was done in the past. Commissioner Sitterud indicated that last year we were informed of the factor and it was done. Leslie Bolinder indicated that the county needs to be consistent in what they do. Kris indicated that she is looking for direction. Commissioner Jeff Horrocks made a motion to direct Kris Bell to do the very minimum that she has to do to bring the county into the 90% factor. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(5)**

**EMERY COUNTY COMMUNITY THEATER REQUEST FOR DONATION.**

Karen Truman, Emery County Community Theater requested a donation. This years production will be Lil' Abner. Commissioner Gary Kofford made a motion to donate \$250.00 to the Emery County Community Theater. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(6)**

**JOE JENSEN, REQUEST LOT FEE WAIVER FOR H33-36 IN THE LAWRENCE CEMETERY.**

Leslie Bolinder made a request on behalf of Joe Jensen, Huntington. Mr. Jensen purchased 6 lots a few years ago. His father and one sister are buried there. The headstone on his sister's grave has his brother-in-law, Jerry L. Ward's name on it. He asked that the Commissioners consider waiving the fees and issuing certificates on the remaining lots that he has already purchased.

He indicated that he has fenced off the lots that he purchased. Commissioner Gary Kofford made a motion to approve that lots H33-34 and 35 are owned by Joe Jensen and H36 is owned by Jerry L. Ward. Certificates will be issued for the lots in Mr. Jensen's and Mr. Ward's name. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present. Commissioner Sitterud informed Mr. Jensen that the fence will be taken down.

(7)

**CONSIDERATION AND APPROVAL OF PR#03A FOR THE SWIMMING POOL.**

Commissioner Sitterud explained that PR#03A is a price restructure for the roll-up door in front of the office in the swimming pool. This item was never bid. The architect presented two options and recommended option B at \$1,958.00 and is \$1,389.00 less than option A at \$3,347.00. Commissioner Gary Kofford made a motion to approve PR#03B. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(8)

**DESIGNATION OF VOTING DELEGATE TO REPRESENT EMERY COUNTY AT EMERY TELCOM ANNUAL MEETING.**

The Commissioners received a letter from Emery TelCom asking for a representative from Emery County to attend and vote at their annual meeting. Commissioner Gary Kofford made a motion to designate Jeff Horrocks as delegate for Emery County at Emery TelCom's Annual Meeting. Commissioner Drew Sitterud stepped down to second the motion. The motion passed.

(9)

**APPOINTMENT OF MARTIN WILSON TO THE SOUTHEASTERN UTAH HEALTH DEPARTMENT BOARD.**

Commissioner Gary Kofford explained that Kent Wilson has served on the Southeastern Utah Health Department Board for several years. Mr. Wilson has submitted his resignation from that board. It was recommended that Martin Wilson replace Kent on the board. Martin is involved with the State Homeland Security and has worked closely with the Health Department board. Commissioner Kofford made a motion to appoint Martin Wilson to the Southeastern Utah Health

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Department Board. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(10)

**CITIZEN CONCERNS.**

Randal Stilson thanked the Commissioners for their help and support for the OHV Association.

(11)

**CONSIDERATION AND APPROVAL OF ELECTION JUDGES FOR 2008.**

Clerk/Auditor, Brenda Dugmore explained that back in February election judge applications were sent out to party chairmans. When the parties held their town caucus meetings the applications were filled out. The applications were due back to the Clerk/Auditor's office by April 1. The list represents those applications that were handed in by the parties by that date. After that we had to fill the slots with past election judges. Commissioner Gary Kofford made a motion to approve the list of Election Judges for 2008. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Request approval to begin recruitment for Building Inspector.

Michael McCandless requested approval to begin the recruitment process for a full time with benefits Building Inspector. Commissioner Gary Kofford made a motion to approve the recruitment process for a full time with benefits Building Inspector. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Kofford explained that Bob Bennett indicated in his resignation letter that he would be interested in working on a part-time basis if it deemed necessary. Commissioner Kofford indicated that it is necessary that we have someone to do it until we get someone in place. Bob indicated he would be interested in coming back and doing some after hours work for \$30.00 an inspection plus mileage. Commissioner Kofford asked if David Blackwell could put together a contract for Bob to do this work for Emery County until we get someone in place. Commissioner Gary Kofford made a motion to go forward with having the county attorney draw up a contract for Bob Bennett to do inspections on a temporary basis and bring it back next meeting to approve. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

B. Request approval to begin recruitment for Equipment Op II.

Grant Nelson is retiring May 29<sup>th</sup> and Morris Sorensen requested approval to start the

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recruitment process for a full time , with benefits Equipment Operator II. This position would not be filled until June 1, 2008. Commissioner Jeff Horrocks made a motion to approve beginning the recruitment process for a full time, with benefits Equipment Operator II as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

C. Approval of 3% increase for Cheri Packer who has successfully completed the 6 month orientation.

Jerilyn Mathis requested a 3% increase for Cheri Packer who has successfully completed her 6 month orientation period. If approved this would be effective April 21, 2008 and she would move from Grade 11 @\$10.73 to Grade 11 @ \$11.08. Commissioner Gary Kofford made a motion to approve a 3% increase for Cheri Packer as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

D. Approval to hire Janet Damron as part-time Deputy Recorder I with pro rated benefits.

Dixie Swasey requested approval to hire Janet Damron as a part-time with pro rated benefits Deputy Recorder I. If approved she would be at Grade 13 @ \$12.85 per hour. Commissioner Jeff Horrocks made a motion to approve hiring Janet Damron as part-time Deputy Recorder as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated April 1, 2008 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(14)

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford indicated that he received notice from Mark Payne, Director of the Division of Substance Abuse and Mental Health informing that Four Corners Behavioral Mental Health received a grant for \$561,957.00 that has to be matched with \$500,961.00 to be used in the general fund SAPT Block Grant and Drug Free Schools and Communities. It will help the communities in three counties.

The South Moore Cut-off Project is 70% compete.

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Commissioner Kofford reported on a recent meeting with UDOT regarding the STIP List for 2009/2010. Emery County is on the list for \$950,000.00, which is a 50% match to bring us up to the 1.9 million dollars for a project on the Temple Mountain Road. This is not enough to finish the project. It is enough to do about two miles of the four miles left to finish the project. The State did away with the Parks Access fund a couple of years ago and has now re-instated the fund. We need to go through the process to get back on the STIP list to complete the project.

Commissioner Kofford reported that Saturday the Lawrence Cemetery Committee met at the cemetery to do some work. They put metal markers on the places that they thought had a grave, hoping to get people to identify the graves. They asked to put a memo at the cemetery that asked for anyone to identify these graves. Commissioner Kofford asked whose contact number to put on the number. Commissioner Sitterud indicated that it should have the IT's office number. The IT office is the number listed on the map. Commissioner Kofford indicated that he arranged to have a dumpster put at the cemetery for the next couple of months.

*Commissioner Horrocks*

Commissioner Horrocks reported that Delena Fish, Work Force Services received Woman of the Year award . She is to be commended for this honor.

Commissioner Horrocks recently met in Green River City with the board of directors for the John Wesley Powell Museum. Discussions centered around funding projects, the river, and how to separate the museum from Green River City. They will be holding future meetings to discuss the future of the museum. Green River City owns the museum, however the Emery County Travel Council allocates money to assist the museum.

He also reported on the recent county auction held at the old sheriff's building. All the vehicles that were there for the sale were sold, as well as the heavy equipment. Mike Hurdsman's business acquired the building and will have six months to demolish the building and remove the material from the property.

*Commissioner Sitterud*

Commissioner Sitterud reported that he, Gary Kofford and Mike McCandless recently met with the SITLA Board regarding the Industrial Park in Green River. Gary Kofford has been appointed as an advisor to the board. Unfortunately, their agenda item came up at noon and they were running late so they (SITLA) held it over to next month. The problem with waiting until next month is that Emery County is going after an EDA Grant that started Monday, yesterday, and is on a first come first serve basis. Emery County asked for 1.7 million. It looked very promising because you have to meet certain criteria for which we met two of the three. It was all on employment. With the Green River area Emery County is under the gross medium income for the nation. Emery County had over 200 jobs lost in the last year in the region. That was

COMMISSION MEETING MINUTES  
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Lisbon Copper Mine, Tower Resources and Crandall Canyon Coal Mines. We need to be approved by SITLA. Ray Petersen asked what the grant money was to be expended for? Commissioner Sitterud indicated that it was to be used for water and road work back to the site up to 60%. The companies who acquire the property would provide the other 40%.

He also reported that he attended an AOG meeting where they discussed a landscape bill that passed in Congress, Bill 2016. Emery County and Uintah County are the only two counties that opposed the bill. The bill would give the BLM rights for management of Wild and Scenic Rivers and Wildlife Study Areas. Ray Petersen drafted a letter against the bill that was submitted. The bill now goes to the Senate. Senator Bennett felt the bill could be stopped.

Commissioner Sitterud reported that the Lands Council was asked to draft a letter that expressed Emery County's position regarding closing duck hunting at Huntington North. Emery County asked that if they are going to amend the RMP that there a public process to amend it. Ray Petersen drafted the letter to be submitted.

**(15)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(16)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_



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

MAY 6, 2008

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 189924 through and including #190210 for payment.

Brenda expressed concern for the timeliness of claims being turned into her office. She asked that the departments try harder to get the claims in on time so that the add on list is not so long.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
33-08	IPOD Audio Transmitter Drug Task Force-Grant	1,795.00	Approved
34-08	Computer Drug Task Force- Grant	2,441.60	Approved
35-08	Stacking Chairs Circular Tables Rectangular Tables Swimming Pool Pjt.	5,359.50	Approved
36-08	Aeroflex 2945B Communications Service Monitor 294XOpt 9 Occupied Bandwidth Measurement add on W2945B/203 Extented Warranty 60 months Communications/TV	24,610.00	Approved
37-08	Mealstar-HC 26/26 Hot & Cold Meal Delivery Truck Aging and Nutrition Program	33,248.00	Approved

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38-08	SW Cobra/Support Homeland Security Grant 2006	3,000.00	Approved
39-08	High Speed Outbound Notification Homeland Security Grant 2007	22,500.00	Approved
40-08	Motosat F2 w/iDerict Modems -Buy back of old equipment + labor Homeland Security	9,045.00	Approved

Dispositions were presented for the following:

145-1183, Transcriber, 145-1184/1185, Dictators, 111-5489, Typewriter, 580-7376, Printer, 580-7232 File Server, 111-6933, Fax Machine, 111-7397, Printer/Copier/Scanner, 580-7371 Printer, 140-7108, Fax Machine, 138-7638 & 143-7249 & 580-7328 & 580-7324, Computers, 146-7206, Monitor, 210-9086, shredder, 210-8280, HP All in one Fax, 138-6166, Printer, 142-4894, Carrier motorized roller, 180-2541/210-1770/210-1769/210/1754/210-1749/210-1748/210-1751, Desks, 210-5878/1703/1726, lateral files, 210-1772/622-1253/622-1252/1250, files.

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**GRANT/KATHY JENKINS, DISCUSSION OF ILLEGAL DUMPING ON PRIVATE PROPERTY NORTH OF EMERY AND POSSIBLE SOLUTIONS.**

Grant and Kathy Jenkins came before the Board of Commissioners to discuss illegal dumping on their property north of Emery. Ray Petersen assisted the Jenkins by showing pictures of the area detailing the refuse and dead animals being dumped there. Ray indicated that many years back this area was used as a landfill. So, this is not a new, but a recurring problem. With the cost of fuel people are looking for places to dump rather than haul it to the landfill. Mr. Jenkins indicated that he contacted the state to see what could be done and was told to contact the county. There are waterways flowing through this area that have old, leaking refrigerators and batteries scattered around. Mr. Jenkins expressed concern that this is a designated OHV trail through which many people from out of the state travel on. If a state official happened to pass through this area on an OHV tour there would surely be a problem. Mr. Jenkins indicated that he is open to any suggestions and help that could be offered to eliminate this problem. The commissioners discussed cleaning up the area and posting signs. Captain Kyle Ekker suggested putting notices in the newspapers and on utility bills regarding illegal dumping and that if caught you will be prosecuted. Mr. Jenkins asked if there was maybe a grant available for cleaning up old landfills

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or waterways. Morris Sorensen indicated that there is stuff there that has been there for many years. It was suggested that maybe some of it could be buried on the property rather than haul it to the landfill. Morris indicated that he would have to look into that because the refrigerators and batteries cannot even be received by the landfill if they are leaking. The commissioners all agreed that they needed to do something now so they suggested posting “no dumping” signs and posting a notice in the paper. Commissioner Gary Kofford made a motion to post “no dumping” signs indicating that prosecution will take place by order of the Sheriff and advertise in the local newspaper and to proceed with looking for funds to clean up the area as soon as possible. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF MEMORANDUM OF AGREEMENT  
BETWEEN EMERY COUNTY AND ANDALEX RESOURCES, INC.  
INTERMOUNTAIN POWER AGENCY REGARDING CRANDALL CANYON  
MEMORIAL.**

Commissioner Sitterud stated that it is the desire of Emery County, Andalex Resources Inc., and IPA to enter into this Memorandum of Agreement for the purpose of establishing a permanent memorial to the six miners trapped in the Crandall Canyon Mine and will work hard to complete the memorial by August 6, 2008. The Memorandum of Agreement outlines each entities part in the agreement. Commissioner Gary Kofford made a motion to approve a Memorandum of Agreement between Emery County, Anadalex Resources, Inc. and Intermountain Power Agency for the purpose of establishing a memorial to the six miners trapped in the Crandall Canyon Mine. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF SPECIAL USE PERMIT FOR THE  
CRANDALL CANYON MINER’S MEMORIAL.**

Commissioner Sitterud explained that the special use permit will allow the monument to be placed on Forest Service property as well as an access trail. Mesia Nyman, USFS stated that she hoped that the monument will be a place of solace for the families. This is the closest place that they can get to where their loved ones are entombed. Sheila Phillips thanked the Forest Service for getting this done. Commissioner Jeff Horrocks made a motion to approve the special use permit between the Forest Service and Emery County for the purpose of the Crandall Canyon Miner’s Monument and access trail. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**JAN BODILY, CONSIDERATION AND APPROVAL OF ANNUAL AREA PLAN FOR FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH.**

Canceled.

**(6)**  
**BOY SCOUTS OF AMERICA REQUEST FOR DONATION FOR TAMARISK REMOVAL PROJECT.**

Commissioner Sitterud explained that in June the Boy Scout's Order of the Arrow will be in Emery County to work with the Weed & Mosquito Department on a project to cut and spray Tamarisk from the Joe's Valley area to the Swinging Bridge area. These young men are coming from all over the country to participate in this project. There are a few boys having a hard time coming up with the money they need to participate. The group asked if Emery County would be willing to help with funds to help out some of these boys. Commissioner Sitterud indicated that this is a huge project that will save the county a lot of money in the long run. Commissioner Gary Kofford made a motion to donate \$500.00 to the project. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(7)**  
**CONSIDERATION AND APPROVAL OF TAX EMPT PROPERTIES.**

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The 2008 Tax Exempt Properties list was presented for consideration and approval.

American Legion Post 42 #1-130-18	First Baptist Church of Emery County #1-126-45	#1-151H-25  Stuart B. Wilson Orient Lodge #1-151G-54
Daughters of Utah Pioneers-Hunt #1-196-22	Four Corners Mental Health #1-13-46 #1-195-9	Rocky Mountain West Baptist Mission #5-94-6 #5-93-7 #5-94-3 #5-94-5
Daughters of Utah Pioneers-Orange #1-253-18	Green River Bible Church #1-151G-36 #1-151F-18&19	United Mine Workers Of America #4-16-14
Daughters of Utah Pioneers-Elmo #1-72-16	Habitat for Humanity #1-23-21 #1-23-22	Utah Museum of Natural History/ University Of Utah #5-56-2
Daughters of Utah Pioneers-CD #1-15-20	LDS Church various #'s	Castle Dale Independent Baptist Church #4-37-9
Desert Edge Christian Chapel #01-179-1	Mountain View Baptist Church #1-177A-20	
Emery County Community Foundation #1-13-36	Orangeville City/ Housekeepers #1-239-52	
Ferron Cattleman's Association #5-87-27	Rural Utah Child Development #1-180-20	
First Baptist Church of Green River #1-154A-26 #1-154A-27	Roman Catholic Church #3-50-16	

**(8)****APPROVAL OF BUSINESS LICENSE FOR DANA'S BACKYARD TREASURES AND GIFTS.**

A business license application was presented for Dana Guymon DBA: Dana's Backyard Treasures and Gifts. The application has been reviewed and passed by Planning and Zoning Director, Michael McCandless. Commissioner Jeff Horrocks made a motion to approve a business license for Dana Guymon DBA: Dana's Backyard Treasures and Gifts. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(9)****APPROVAL OF CONTRACT WITH ROBERT BENNETT FOR BUILDING INSPECTIONS.**

Commissioner Gary Kofford reported that when Robert Bennett resigned it left the county without a building inspector. Mr. Bennett agreed to do inspections after hours for \$30.00 per hour plus mileage. This was left open in case we need extra help after we get a new inspector in place. We have been using Mr. Bennett for about three weeks now. Michael McCandless indicated that the contract with Mr. Bennett does not address plan reviews. Do we need to change the contract to include plan reviews? Commissioner Gary Kofford made a motion to approve the contract with Robert Bennett for building inspector services at the \$30.00 per hour plus mileage and to instruct Michael McCandless to meet with Mr. Bennett to find out what he wants for plan reviews and then to amend this contract in the next commission meeting if needed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(10)****DISCUSSION OF SWIMMING POOL MANAGEMENT.**

Commissioner Sitterud reported that Hughes Construction, contractor for the swimming pool has indicated that the swimming pool will be completed July 31<sup>st</sup>. They will need 2 weeks to train the pool management on the use of the chemicals for the pool. Commissioner Sitterud indicated that he would like bring in a new department under the direction of one of the Commissioners. The voters authorized \$100,000.00 a year for maintenance of the pool. He suggested that as the county advertises for pool management that we ask for their ideas on how to manage the pool. All will depend on available funds but he would like to keep it open as much as possible. Steve Barton asked what would be the schools involvement in this? Commissioner Sitterud indicated that the schools will use the pool in afternoon for PE classes and swim team. The school district will be responsible for having their own lifeguards, and cleaning up after classes during the school year. At this time they are in the process of advertising for a swim coach. Commissioner Gary Kofford stated that he would like Mary Huntington to begin putting together a job

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description. He stated that he realized that there are budget constraints but the county would like to get the best person for the least amount of money. Commissioner Sitterud suggested an option would be to have the pool managed by the Recreation District. He recommended that the county ask the applicant to indicate what they see for the future of the pool. Commissioner Sitterud commented that another thing to consider is that the pool will be ready when the fair begins. This may pull people from the fair to the pool. He suggested maybe having a drawing during the fair for the first families to be allowed to use the pool. Also we need a name for the pool in the next few weeks so it can be put on the building.

(11)

**APPROVAL OF SWIMMING POOL COR#19 HEAT FOR MASONRY AND PR#04 ADD ELECTRIC OPERATORS TO OVERHEAD DOORS.**

Commissioner Sitterud discussed COR#19 and PR#04 for the swimming pool project. COR#14 is for the temporary heat for the masonry work. It also moves the unused masonry heat allowance to the finishes heat line item. PR#04 adds electric operators to overhead doors. Commissioner Gary Kofford made a motion to approve COR#19 and PR#04 for the swimming pool project. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)

**CITIZEN CONCERNS**

None

(13)

**CONSIDERATION AND APPROVAL OF PROJECT AGREEMENT SUPPLEMENT NO. 1-08 WITH THE FOREST SERVICE FOR FERRON-MAYFIELD ROAD #50022**

Commissioner Kofford explained the project agreement supplement No. 1-08 with the Forest Service for Ferron-Mayfield Road #50022. The Ferron-Mayfield Road will be treated with dust suppressant from Forest Boundary (T20S, R6E, Sec. 2) for a distance of approximately 7.75 miles, terminating in T19S, R6E, Sec. 6. The dust suppressant treatment will consist of reshaping the travelway template, including turnouts and applying water prior to the dust suppressant treatment. The county will provide the labor and equipment necessary to reshape the travelway and apply water as necessary to ensure adequate surface moisture prior to the dust suppression treatment. The county will also provide a distributor truck and all necessary equipment and supplies for application of the suppression materials (magnesium chloride) and performing the application. The Forest Service will purchase the dust suppression materials

(magnesium chloride), to be delivered to the site or to county owned storage facility. They will also provide the labor and equipment to help apply water prior to treatment. Commissioner Kofford indicated that the cost of the magnesium chloride has really risen. There may be some roads that will not get treated. We will do what we have the money for. Commissioner Gary Kofford made a motion to approve project agreement supplement No. 1-08 with the Forest Service for Ferron-Mayfield Road #50022. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(14)

**DISCUSSION/APPROVAL OF ANTIVIRAL MEDICATIONS IN PREPARATION FOR A POSSIBLE INFLUENZA PANDEMIC.**

David Cunningham, SEUDH came before the Board of Commissioners to discuss pre buying antiviral medications in preparation for a possible influenza pandemic. There are thousands of strains of flu virus. Every year the experts make a scientific guess of the top three or four flu strains and put that in the vaccine. He reported that every 75 to 100 years we have a pandemic flu strain that comes out that we are not ready for. The last one was in 1918 and the experts say we are overdue for our next pandemic flu. They have been looking at the bird flu as our next pandemic flu outbreak. There is no generic flu vaccine. About the best thing we do have is anti-viral that really is not that effective in preventing the flu but it does lessen the symptoms of the flu. The Center For Disease Control has allocated to every state a certain amount of anti-viral. Normally a course of this anti-viral cost about \$80.00 per course. SEUDH is able to get the anti-viral for about \$20.00 per course. They want each state to go around into their communities and identify critical infrastructure people, law enforcement, firemen, EMS workers that you would have to have in the event of a pandemic flu outbreak. The course does not prevent the flu, you don't even take it until you show symptoms, it just treats the symptoms so the worker can get back to work. Mr. Cunningham had a MOU agreement for the county to look at. What would happen is the health department would take the orders from the communities and turn in the order to the state health department. SEUDH would keep the supply at the local health department. The shelf life is seven years. His hope is that we get the orders for it and we would never use it. They have gone through most of the cities in the county. Cities and other entities are working on getting their orders put together. The decision of getting the course is up to the Commission. It is just a tool. There are no guarantees. The health department would teach social distancing, hand washing, good hygiene in their efforts to help the communities. The health department needs an answer by the 15<sup>th</sup> of May to get the orders in to the state. The estimated number of courses needed for Emery County is 200 courses. This includes deputies, EMT's, any of the first responders in the county. Commissioner Sitterud felt it was important to come up with the number of courses the county would need to cover all the first responders. He asked how the course is distributed. Mr. Cunningham indicated that the county would have their allotment and it would be dispersed as the county chooses. They discussed whether the Fire Department should be included in the total or if they should get their own. They decided that the



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Fire Department should get their own. Commissioner Gary Kofford made a motion to consider purchasing 200 courses for Emery County's first responders, EMT's and Deputies. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF JUSTICE ASSISTANCE GRANT (JAG)**

The Justice Assistance Grant (JAG) is the same as in years past only the amount of the grant has changed. The amount of the grant is \$74,732.00.00. Commissioner Jeff Horrocks made a motion to approve the Justice Assistance Grant (JAG) for 2008. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(16)

**CONSIDERATION AND APPROVAL OF RESOLUTION ESTABLISHING THE RECOVERY OF COSTS IN RESPONDING TO HAZARDOUS MATERIAL EMERGENCIES.**

Commissioner Sitterud explained that historically Emery County has never gone after the cost associated with hazardous spills and cleanup incurred as a result of an aggravated fire emergency or aggravated medical emergency. A Resolution was presented for consideration outlining the cost associated with hazardous materials emergencies. Commissioner Jeff Horrocks made a motion to approve Resolution 05-06-08 establishing the recovery costs in responding to hazardous materials emergencies. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)

**CONSIDERATION AND APPROVAL OF ACTION TAKEN RELATIVE TO PACIFICORP APPEALS 06-0767 AND 06-0777.**

Treasurer Steven Barton reported that PacifiCorp's 2006 assessed value for properties it holds in Emery County has been adjusted from \$903,184,749.00 to \$889,211,960.00, a reduction of \$13,972.789.00. The result of that adjustment is a decrease of \$172,720.23 in real property taxes paid by PacifiCorp. Emery County's portion of that amount is \$61,241.32; interest through May 31<sup>st</sup> amounts to \$4,170.59 making the total to be refunded to PacifiCorp \$65,411.91. The balance will be paid by the other taxing entities. UAC has appealed the ruling. Steve asked the Commissioners if they want to pay now and avoid any additional interest or wait to see the results of UAC's appeal. Clerk/Auditor Brenda Dugmore reminded the Commissioners that it would be best to wait until the appeal is finished. The county can do a judgement levy in which case PacifiCorp will pay back 67% of the of the taxes. Commissioner Jeff Horrocks made a motion to not pay the county's appealed portion until after we see what happens with UAC's appeal to the ruling. The motion was seconded by Commissioner Gary Kofford and approved by

all members present.

**(18)**  
**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR  
ORANGEVILLE CITY AND FERRON LIBRARY.**

Commissioner Gary Kofford made a motion to approve building permit waivers for Orangeville City and Ferron Library. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present

**(19)**  
**APPOINTMENT TO THE EMERY COUNTY TRAVEL BUREAU.**

Commissioner Horrocks asked Michael McCandless to talk about the applications for the appointment to the Emery County Travel Bureau. Mike indicated that historically board members have come from the industries or businesses in the area. The applicants from the Green River area were Karen Silliman and Kelly Bayles. Kelly Bayles owns a business in Green River City and Karen Silliman is serving on the Green River City council. The appointed board member will be finishing out the term of Kathy which was determined to be two years. Commissioner Jeff Horrocks made a motion to appoint Kelly Bayles to the Emery County Travel Council for the remainder of the term. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(20)**  
**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval of step increase for Clayton Bell who recently graduated for POST.**

Clayton Bell has graduated from POST and Sheriff Guymon requested a one step increase for Clayton. If approved Clayton will move from Corrections Officer II to Patrol Deputy I. He would move from Grade 16 \$15.78 to Grade 16A \$16.25. Commissioner Jeff Horrocks made a motion to approve a one step increase for Clayton Bell as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**B. Notification of 60 and 90 day temporary employees.**

James Nielsen is going to hire temporary employees for the summer as follows:

Kyle Hales 90 day temp starting May 19, 2008  
Dane Worwood 60 day temp starting May 27, 2008  
Darin Worwood 60 day temp starting June 9, 2008  
The rate of pay will be \$10.00 per hour.

Morris Sorensen is going to hire a temporary employee for the summer.

Brandon Larsen 90 day temp starting May 5, 2008. Rate of pay is \$10.00 per hour also.

C. Presentation of 2007 UCIP Risk Management Program Refund.

The county participated in the Risk Management Program sponsored through Utah Counties Insurance Pool (UCIP) in 2007 and recently we were awarded \$8,119.00, which means we obtained a 92% rating. Mary thanked the Risk Management Committee and each department for helping with this program. By complying with UCIP's requirements in these programs we helped reduce the counties risk liability. A \$500.00 check was also awarded for certification credit.

D. Approval to start recruitment process for a part-time Deputy Clerk/Auditor I.

Brenda Dugmore requested approval to start the recruitment process for a part time Clerk/Auditor I. Tamra Humphrey has given her two week resignation. Commissioner Gary Kofford made a motion to approve beginning the recruitment process for a Clerk/Auditor I. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(21)

**DISCUSSION OF OLD JAIL DEMOLITION SCHEDULE.**

Commissioner Kofford reported that on April 5<sup>th</sup> the county held an auction at which time the old sheriff's building was auctioned off. Darin Hurdsman was the successful bidder at \$1,500.00. Acquiring the building came with a stipulation that the building be demolished within 6 months and that a \$30,000.00 performance bond in Emery County's name be obtained in the event that he did not complete the process. Thirty days have gone by and Mr. Hurdsman has not signed the waiver form or provided the performance bond. Commissioner Kofford stated that he would like to see the County Attorney send a letter to Mr. Hurdsman restating the stipulations. We need to firm this up with Mr. Hurdsman as soon as possible. Commissioner Sitterud indicated that the swimming pool equipment is currently being stored in the building and there is no where to put it for now. Nonetheless, Commissioner Kofford indicated that we need some kind of indication from Mr. Hurdsman as to what his intentions are regarding the building. Mr. Blackwell stated that we could set out a time-line in contract form for him to sign. Commissioner Gary Kofford made a motion to have David Blackwell contact Mr. Hurdsman and have him come in to meet with the Commissioners. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present

(22)

**DISCUSSION OF BOAT DOCK GRANT AND APPROVAL OF PAYMENT PROCESS.**

Commissioner Sitterud reported that a few months back he brought in a boat dock grant from DWR and Parks Service for \$12,000.00. The bids came in at \$9,000.00 plus \$2,000.00 for freight. Since then the fuel cost have gone up to \$4,500.00 making us \$2,000.00 short of the grant. Sportsman for Fish and Wildlife had given \$1,000.00 to the Parks Service for a fishing

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contest at Millsite. They called and said they would rather have a boat dock than a fishing contest and asked to have the money go to the dock project. The boat dock is due to be delivered this week and we need to be able to pay for it. We need to decide how to pay the balance of the bill. Park Service is putting in the boat dock. And the county has to come up with the balance. Commissioner Jeff Horrocks made a motion to pay the difference on the boat dock bill. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(23)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Jeff Horrocks made a motion to approve the minutes dated April 15, 2008 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(24)

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported that Weed and Mosquito is working with the Boy Scouts on the Tamarisk Eradication Project and anticipate the boys being here a week earlier. James Nielsen has requested that those working on the project wear identifying shirts.

Commissioner Horrocks met last week with Huntington Fire Department where they discussed funding for fire trucks. The trucks are now costing around \$250,000.00 each. The district needs to replace 8 trucks that no longer pass inspections.

He also reported on the progress of the Green River Senior Center. Things are going along well.

*Commissioner Sitterud*

Commissioner Sitterud reported on a meeting with Rick Walji, President of UPL. Mr. Walji told them that Unit 4 is just not out there for now. They are looking at doing a lot of wind power and green stuff.

Regarding RS2477, the attorneys from the Attorney General's Office will be in the courthouse on Wednesday the 7<sup>th</sup> recording all the B Roads in Emery County. This will go to the BLM for sixty days. If there is no protest it becomes a valid recording.

Commissioner Sitterud and Ray Petersen recently met with two of the families members and the

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Forest Service at the Crandall Canyon Mine site. They walked the area where the trail and monument will be built. It goes along the river in a beautiful wooded area. The Forest Service has worked with the county to make this happen. The mine workers have gone up there and shoveled the snow off the walk way in order for the ground to dry up so they can begin working.

*Commissioner Kofford*

Commissioner Kofford and Morris Sorensen attended road school in St. George where he attended the Non-Urban Road Committee Meeting.

On the 2<sup>nd</sup> of May the Senior Citizens went to Goblin Valley and had lunch.

Attorney David Blackwell reported that Uintah County has filed an appeal with the State Tax Commission for distribution of valuation and re-apportionment. Emery County has appealed the value. This will conflict out our attorney. We will have a conference call Thursday morning with the other counties to see how to handle this.

**(25)**  
**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS**  
**REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(26)**  
**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

14  
COMMISSION MEETING MINUTES  
MAY 6, 2008

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

MAY 20, 2008

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DELENA FISH, WFS QUARTELY UPDATE**

Delena Fish, WFS provided a quarterly update of activity. The department is experiencing two changes due to the unemployment rate. Emery County's unemployment rate is 3.2. Single adults without children are now required to participate in a training program. They currently have thirty individuals who fall into that criteria. The Castle Dale office will be a pilot for a program will go live in August or September. The rest of the region will go on line with the program in December. The department is continually going through changes.

(2)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 190100 through and including # 190217 for payment. There were no requisitions or dispositions. Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List for payment. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**APPOINTMENT OF LOUIS SANSEVERO TO FILL REMAINING TERM OF MERRILL DUNCAN ON THE PLANNING COMMISSION.**

Commissioner Gary Kofford made a motion to table this agenda item and advertise again. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF TAX DEFERRAL AGREEMENT FOR MATTHEW MASON.**

Treasurer, Steven Barton discussed a tax deferral agreement for Matthew Mason. He explained that a year ago letters were mailed out to those property owners whose property would be going to the tax sale. Letters were sent out quarterly after which the final list was turned over to the

COMMISSION MEETING MINUTES  
MAY 20, 2008

Clerk/Auditor to be put on the tax sale. There were approximately seven properties that were turned over to Brenda Dugmore, Clerk/Auditor. Several properties have been redeemed. We are now down to three properties. One of these properties is owned by Matthew Mason who lives in California. Mr. Mason sent a payment of \$2,000.00 along with a letter requesting a deferral on the balance due of \$1,497.00 which includes the \$200.00 administrative as well interest will continue to accrue. Steve recommended granting a deferral to Mr. Mason. He would owe the balance due on the back taxes as well as the 2008 taxes by November 30, 2008. Commissioner Gary Kofford made a motion to grant a tax deferral for Matthew Mason for the balance due of back taxes plus 2008 taxes until November 30, 2008. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(5)**

**DISCUSSION AND DECISION IN REFERENCE TO UINTAH COUNTY APPEAL.**

Attorney David Blackwell explained that this involves an appeal of valuation from 2004 and 2005 by Deseret Generation which is mostly in Uintah County. The Tax Commission made a ruling on valuation which all the affected counties disagreed with. Next to Uintah County, Emery County is the most affected. All the affected counties appealed the valuation. At the end of the hearing the Tax Commission asked the Property Division to re-apportion the value through the various counties. That was done and it really hit Uintah County. This added value to all the affected counties except Uintah County who had large loss. Uintah County appealed that. All the other counties were fine with it because it added value to their counties. Now there is two appeals, one on valuation and one on apportionment. Uintah County wants to merge both appeals together. This puts Emery County in the uncomfortable position of fighting Uintah County directly. Our attorney, who represents all the counties, has a conflict of interest if we are going to fight against Uintah County. The other affected counties need to look at getting another attorney involved and just have Tom Peters pursue the valuation for all of us and then have another attorney there that will represent the affected counties other than Uintah County fighting against the re-apportionment. He has had a couple of discussions where most of the other counties have looked at the values and saying it doesn't really make that big of a difference for us to fight this battle. Utah County is waiting to see what we are going to do. Dave's feeling is that even if we are successful in saying the re-apportionment was improperly done all the court is going to do is send it back to the commission and say it needs to be done through the proper procedure. Then the tax division is going to go through that procedure and came up with the same re-apportionment. We will then either be fighting it again or accept it. Utah County said that they would wait to see what we would do and then they would make a decision. The other counties are neutral on the issue. Uintah County is still moving forward on their appeals because it means a lot to them both on valuation and apportionment. Frankly, we want them to win the valuation because we are on that side too. Dave's thought is to stay neutral, not do anything and let them fight the battle. Do not join in with them or oppose them. Commissioner Gary Kofford made a motion to stand neutral, do not do anything with regards to the Uintah County appeal.



The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF AMENDED CONTRACT WITH ROBERT BENNETT FOR BUILDING INSPECTIONS.**

Commissioner Kofford reported on the approval of a contract with Robert Bennett for Building Inspector services in the interim of hiring and getting up to speed a new building inspector. At that the time the Commission approved the contract with Mr. Bennett it was unclear what Mr. Bennett wanted as far as compensation for plan reviews. The Commission left the contract open for amendment to provide for the setting of the plan review charge. Mr. Bennett has set a price of \$22.00 per hour for plan reviews. Commissioner Gary Kofford made a motion to amend the contract with Robert Bennett to include \$22.00 per hour for plan reviews. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**DISCUSSION AND APPROVAL OF DEMOLITION SCHEDULE OF THE OLD JAIL AND RELATED MATTER.**

During the last Commission meeting the Commissioners asked to have this matter moved forward to the next meeting to have Darren Hurdsman attend the meeting to present his plans for the demolition of the old jail facility as well as other matters. Darren Hurdsman addressed the Commissioners and reported that because of a conversation with Commission Kofford he was under the assumption that the county was not in a hurry to get the building torn down and would be willing to work with him on a time schedule for tearing it down. He has not given it any immediate attention because of that conversation. He has used the building to store supplies and inventory as they have been getting ready for a Joe's Valley project. Every ounce of time, energy and money has been used for the Joe's Valley project. He has not come up a game plan for the jail. His immediate concern was the curb appeal. It does look bad from the street. He wants to get the constantine wire down and remove the old trees and make it look better from the street. By this weekend the Marina will be open and he can move forward with putting a plan together. He stated he understood that there were some ruffled feeling regarding the changing of the locks at the building. He explained that they had a few freezers, desk and shelving stored there and had come by a few times and found doors open. He asked Jonathon Fauver to change the locks. They had problems with Cisco and Pepsi not delivering up at Joe's Valley and used the building as a drop off spot for supplies. He apologized of this caused a problem. Commissioner Kofford expressed concern that the \$30,000.00 performance bond has still not be provided or the waiver signed. Everyone who purchased anything at the sale signed a waiver. David Blackwell indicated that there was a separate waiver made up for the purchaser of the building. This waiver is in the vault at the Clerk/Auditor's office. Darren indicated that a waiver was never presented to him to sign. His brother was the person who got his bidder

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number for him before he got to the sale. Commissioner Sitterud expressed his appreciation to Darren. Darren is working hard to open another business in Emery County. He has put all his energy into getting this new business going. Darren indicated that he is grateful that he is able to be successful in business. The businesses that he and his partner, Scott Labrum, have been able to provide in Carbon and Emery County have provided approximately 40 to 45 employees, that they employ, with full benefits. These are not just minimum wage jobs. He indicated he is doing what he can to give back to the community. He asked for time to work on the plan. They do have a difficult project in front of them in the next couple of months. Commissioner Horrocks asked that he stop at the Clerk/Auditor's office and sign the waiver and work on getting the demolition plan together and turned in. Darren will present a plan and provide the performance bond within the next three months.

(8)

**DISCUSSION OF SWIMMING POOL MANAGEMENT.**

Commissioner Sitterud asked if anyone had any new ideas for where to go on the management of the swimming pool. During the last Commission Meeting it was discussed having Mary write up a job description. Ray Petersen discussed having the Recreation Department be over the swimming pool. Commissioner Sitterud indicated that he has visited several swimming pools which are all being ran by city employees. The Commissioners discussed whether to create a department under the direction of the Commission. Commissioner Kofford talked about the difference between a supervisor and a manager. It was his hope that the voted tax increase that is to be used for maintenance of the swimming pool will be enough to cover the cost. Commissioner Sitterud indicated that they need to decide what to do soon. Mary Huntington asked whether the county was willing to give up a six million dollar project to the Recreation District under a supervisor.

(9)

**CITIZEN CONCERNS**

None

(10)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Personnel Director, Mary Huntington presented the following Personnel action:

**A. Notification of 90 day temporary for Road Department.**

Morris Sorensen is hiring Dustin Stettler as a 90 day temporary employee at \$10.00 per hour. Dustin will start on May 27<sup>th</sup>.

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B. Approval to hire Mark DeBry as full time, with benefits, Building Official.

Mary requested to table any action on this to look at certification requirements. Commissioner Gary Kofford made a motion to table this action. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

C. Approval to hire Merrill Duncan as full time, with benefits, Equipment Driver/Op. II

Morris Sorensen requested approval to hire Merrill Duncan, Jr. as a full time Equipment Driver/Operator II. If approved he will start Monday, June 2<sup>nd</sup>. His grade will be 17 at \$16.23 per hour. Commissioner Gary Kofford made a motion to approve hiring Merrill Duncan, Jr. as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

D. Start recruitment process for Museum employee.

Margaret Keller requested approval to start the recruitment process for a part time sales clerk at the Museum of the San Rafael. Ravola Whittle has turned in her resignation as of June 14, 2008. Commissioner Jeff Horrocks made a motion to approve starting the recruitment process for a part time sales clerk at the Museum of the San Rafael. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(11)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Jeff Horrocks made a motion to approve the minutes dated May 5, 2008 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

COMMISSION REPORTS

*Commissioner Kofford*

Commissioner Kofford reported that the Joe's Valley Reservoir boat dock is in place and looks good. The Forest Service is hopeful that there will be enough water to fill the reservoir this year so it can be used.

Commissioner Sitterud and Commissioner Kofford attended CIB on the 8<sup>th</sup> where Emery County requested \$400,000.00 for airport improvements. They were successful in getting a grant for \$400,000.00. The work will go out to bid soon.

He will be attending a meeting with Consol and BLM on the 21<sup>st</sup> regarding Miller Canyon retreat mining that may cause some subsidence of the road.

6

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The Green River Senior Center is moving along on schedule. Curb and gutter and sidewalks are going in in the next two weeks. They are looking at August 1<sup>st</sup> to hold an open house.

On May 9<sup>th</sup> Roxanne Noyes attended a presentation at the State Capital where the local libraries were presented equipment that enables families of soldiers in Iraq to talk live to their soldier. Representative Mathison and the Attorney General spoke at the presentation.

*Commissioner Horrocks*

Commissioner Horrocks attended the annual Emery TelCom board members meeting where he represented the county. Kathy Justice was retained as a board member.

He reported on the Fire District's continuing efforts to locate trucks to purchase.

*Commissioner Sitterud*

Commissioner Sitterud reported he along with the other two commissioners and Clerk/Auditor Brenda Dugmore participated on a conference call with Rocky Mountain Power regarding the Centrally Assessed Tax appeal.

He also reported on attending a Meeting with SITLA along with Mike McCandless where they discussed the proposed Industrial Park in Green River.

117 RS 2477 roads were recorded last week. These are B Roads that cross federal ground. The list has been sent to the BLM who has 60 days to protest the recording. The county can then move forward with recording D Roads.

**(13)**

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive session was not needed.

**(14)**

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

7  
COMMISSION MEETING MINUTES  
MAY 20, 2008

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JUNE 3, 3008

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #190499 through and including #190599 for payment.

No Requisitions.

Dispositions as follows:

141-7367, letter folder, 142-4558, answering machine, 620-8742, computer, 145-5812, dictaphone, 141-7111, battery back-up, 141-7233, printer, scanner, copier, 146-5849, typewriter, 146-1170, typewriter, 146-4020, validator, 146-3457, calculator, 160-1131, pager, 143-0351, monitor, 253-2557, 6 drawer file, 253-2555, wooden desk, 210-1867, camera, 210-1873, projector, 210-1874, projector, 210-1875, camera lens, 210-1876, camera lens, 210-1877, overhead projector, 210-1878, 16mm projector, 210-1896, 35mm camera, 234-1707, micro fische reader, 234-1712, printer, 253-5053 6 drawer file, 253-5232, 2 drawer file, 253-2560, water heater.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, Additional Claims and dispositions as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(2)

**HOWARD SARGENT- FOREST SERVICE DISCUSSION/ INFORMATION ON FOREST PLANNING, WILD AND SCENIC RIVERS, THE MOTOR VEHICLE USE MAP, AND PROJECTS HAPPENING ON THE FERRON/PRICE RANGER DISTRICT.**

Howard Sargent- USFS Supervisor and Ann King, Regional Public Affairs Officer and Mesia Nyman were present to provide an update of information regarding forest planning, Wild and Scenic Rivers, the motor vehicle use map and projects happening on the Ferron/Price Ranger District. Regarding the motor vehicle use map, he had hoped to have the maps available now,

however it appears that it may be another two weeks before they are ready. He addressed the question about the 150 foot rule with regards to camping. Areas not designated as closed are considered open. Areas within 150 feet of a designated road may be open unless the area is posted as closed. People should use good sense and not drive through a wet meadow to get to a campsite. Causing resource damage could get you a citation. The Lands Council is helping with designating those closed areas. Commissioner Kofford was concerned that people may be confused with what areas are considered open for camping. Regarding the Forest Service Planning they have not been able to move forward due to a lawsuit regarding the planning rules. They have decided to hold off for a while to let the dust settle before moving forward. It may be late fall or even winter to allow time to get a feel for the new administration. They will make a decision soon as to how and when to start up again.

Regarding Wild and Scenic Rivers they received hundreds of comments which they are in the process of reviewing. They did not receive any new information. The Forest Service is narrowing in on segments and developing alternatives for nation wide designation. They hope to have a decision by the end of the calendar year.

Mesia Nyman thanked the Commission for the new boat ramp in Joe's Valley. They are having to adjust it due to water levels nearly every other day. She reported on travel on the Forest as follows: there are no restrictions from Wildcat to the Pines. In Ferron you can get to Willow and Rigley but beyond that you get into heavy snow. In the Duck Fork area if the road remains good they will remove the barrier. You can not get to Potters Pond or Miller's Flat to the Highway due to the snow. In Huntington Canyon you can get up Old Folks Flat but above that is heavy snow.

The Boy Scouts of America will have the Order of the Arrow project in the county with approximately 450 scouts working on the Tamarisk eradication project. This project is one of five projects in the nation. This is a good co-ordination project with the school district helping provide the transportation. They will be working with the Forest Service and BLM to eradicate tamarisk in the forest and on BLM land. This is a \$400,000.00 project for the scouts with the Forest Service providing the \$80,000.00 in chemicals. Mesia indicated that is project will push back the tamarisk population to what it was 30 years ago. There will be an opening ceremony on Saturday the 14<sup>th</sup> to kick things off.

The Forest Service is still treating vegetation in the Black Dragon area. They are clearing the dense pinion and juniper for wildlife habitat. The funds for this program were provided by a state grant. In Joe's Valley they are treating juniper to reduce fuels and for the growth promotion of ponderosa pine. They will begin the paving project in the Reeder Canyon soon.

The Crandall Canyon Monument project is moving along well. The hope is to have the project complete by the anniversary of the disaster.

**(3)****HILLARY GORDON, MAYOR OF HUNTINGTON, REQUEST FOR DONATION OF COUNTY LAND BY BALL COMPLEX FOR A RV DUMP SITE. DISCUSSION AND APPROVAL OF REQUEST.**

Hillary Gordon, Mayor of Huntington, stated that when they started the CIB process the intent was to put the RV Dump site at the rodeo grounds. They have since found out that this is not a good location as the sewer line flat lines out there. They have had problems with the sur in that area for years with the rodeo. Darrell Leamaster went around the area to find a better location. The location that he found to be suitable to put the dump site on is on property owned by Emery County. It is still on the rodeo side of the road. The ground will need a lot of fill brought in to make it work. The application that was sent to CIB reflected an amount that was different than what Johansen and Tuttle bid the project. The amount allocated by CIB was a lot different than what as bid. Talon Resources had bid on a smaller rv dump like the one at BK's. It is going to be a bigger dump than they had originally planned for. However, they felt that rather than going backwards they would go forward and make something bigger and nicer. It will have to have blacktop on it and for that reason it will cost more. In talking to Kent Wilson, he indicated that it would not be imposing on him, he would welcome some relief as the one at BK's is generally lined up with use. She stated that putting the rv dump in the proposed site would accommodate those people frequenting Huntington Canyon. A lot of the people who camp up there are not necessarily Huntington residents. They thought that for the tourist it would be a nice gesture to put in a rv dump. Hillary indicated that her question is can she use the piece of ground that is owned by Emery County for the rv dump? She indicated that she understood that the county would like to trade land rather than giving the land to Huntington City. Commissioner Sitterud opened this matter up for discussion. He indicated that Ferron City has asked for donated land also and wondered if the county wanted to get into donating land to the cities. He was concerned for setting a precedence for donating land to cities. There is a piece of property that is approximately the same size that is owned by Huntington City that could be traded across. Commissioner Sitterud asked Attorney David Blackwell is if this meets with the county's policy regarding donations. David Blackwell indicated that if it is public purpose and would benefit the county. Commissioner Gary Kofford reminded her that a rv dump ends up being a garbage dump also. Sheriff Guymon suggested placing a roll-off at the site. Commissioner Sitterud indicated that he was not comfortable with a roll-off there for the wind to blow the garbage onto the ball fields. They discussed the fact that the property is not big enough for turning around to enter the dump. Users will have to turn into the ball complex parking lot to turn around and pull into the dump. Commissioner Gary Kofford stated that he felt it was for the good of Huntington City and all the people who use Huntington Canyon to do this. In talking with Mayor Gordon, she felt that the county should be a part of this and felt that the county should donate the property. He felt it was a benefit to the ball complex Commissioner Gary Kofford made a motion to donate the property to Huntington City. Commissioner Sitterud stated that he did not see it as a benefit to the ball complex. Commissioner Horrocks did not see this as a benefit to the ball complex. He stated there are other communities that have requested donated property.



Donating property to one community doesn't necessarily mean we have to donate to another community. Commission Kofford felt it should be a case by case situation. Based on this, Commissioner Horrocks seconded the motion. The motion passed. Hillary discussed the situation revolved around the size of the rodeo grounds and this proposed rv dump. She stated that she is in negotiations with the cattlemen's association to swap property to enlarge the area. Commissioner Kofford made a motion to have Huntington City be responsible for the cost associated with the documentation process regarding the surveying, title work and recording documents. The motion was seconded by Commissioner Horrocks and approved by all members present.

(4)

**DISCUSSION OF SWIMMING POOL MANAGEMENT.**

Tabled

(5)

**CONSIDERATION AND APPROVAL OF BILLING SERVICE AGREEMENT BETWEEN JCI BILLING SERVICES, INC. AND EMERY COUNTY AMBULANCE SERVICE.**

Commissioner Gary Kofford made a motion to approve a billing service agreement between JCI Billing Services, Inc. and Emery County Ambulance. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(6)

**ADOPTION OF EMERY COUNTY FEE SCHEDULE FOR COUNTY SERVICES.**

Commissioner Jeff Horrocks made a motion to adopt the fee schedule for county services. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF RETIREMENT CONTRIBUTION RATES FOR JULY 1, 2008- JUNE 30, 2009.**

Clerk/Auditor Brenda Dugmore presented the retirement contribution rates for contributory and non-contributory at 13.61 % which does not reflect an increase over the prior year. The 2008 Legislature set forth the option for employers in the Public Safety Retirement Systems to offer an increased cost-of-living adjustment (COLA) to their members. This enhanced benefit will raise the maximum annual COLA from 2.5% to 4%. If the Commission decided to adopt the public safety rate the rate would move to 24.91% which is a 2.3% increase and equates to an approximate \$36,000.00 per year increase for Emery County. This increase would become

effective January 1, 2009. Commissioner Gary Kofford made a motion to adopt the public safety rate of 24.91%. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present. Commissioner Horrocks indicated that the Commission will have to address the \$36,000.00 in the 2009 budget.

(8)

**AUTHORIZE LOGAN SIMPSON DESIGN, INC. TO ACT AS EMERY COUNTY'S AGENT, AND US ARMY CORPS FOR ANY NON-INVASIVE WORK ON SECTION 404/PERMITTING ISSUES AND OTHER MATTERS ON SOUTH MOORE PHASE 7.**

Commissioner Gary Kofford made a motion to authorize Logan Simpson Design, Inc. to act as Emery County's agent for any non-invasive work on section 404 regarding permitting issues and other matters on South Moore Phase 7. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF FILING EDA GRANT PRE-APPLICATION AND LETTER OF SUPPORT.**

Commissioner Jeff Horrocks made a motion to approve the pre-application and letter of support for filing an EDA grant for the Industrial Park in Green River. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(10)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval of 3% increase for Russell Swasey, Road Department, upon completion of 6 month orientation period.**

Morris Sorensen requested a 3% increase for Russell Swasey who has completed his six month orientation period successfully. If approved Russell will move from Grade 16 at \$15.31 per hour to Grade 16 at \$15.78 per hour. This would become effective June 16, 2008. Commissioner Gary Kofford made a motion to approve a 3% increase for Russell Swasey as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**B. Approval of 3% increase for Tina Carter, Travel Bureau, upon completion of 6 month orientation period.**

Mike McCandless requested a 3% increase for Tina Carter who has successfully completed her six month orientation period. If approved Tina would move from Grade 11 at \$11.08 per hour to Grade 11 at \$11.44 per hour effective June 16, 2008. Commissioner Jeff Horrocks made a motion to approve a 3% increase for Tina Carter as proposed. The motion was seconded by

Commissioner Gary Kofford and approved by all members present.

C. Approval to hire Nancy Jensen as a part time Deputy Clerk/Auditor I.

Brenda Dugmore requested approval to hire Nancy Jensen as a part time Deputy Clerk/Auditor I. If approved she would be at Grade 13 at \$12.85 per hour with pro rated benefits effective June 4, 2008. Commissioner Jeff Horrocks made a motion to approve hiring Nancy Jensen as Deputy Clerk/Auditor I as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

D. Approval to hire Mark DeBry as a full time Building Official.

Mike McCandless requested approval to hire Mark DeBry as the full time Building Official. If approved Mark will begin work on Wednesday, June 4, 2008 at Grade 21, \$19.85 per hour. Upon completion of his residential certification he will receive a 3% wage increase. A letter will be sent to Mark informing him that he will be required to pass 4 certification test for residential certification. He will have until the 16<sup>th</sup> to pass the first two test. He has to pass the next two thereafter. If he has not passed the tests by July 1<sup>st</sup> or 2<sup>nd</sup> he will no longer be employed. Commissioner Gary Kofford was not comfortable with hiring Mark until he has passed the first two tests. He cannot inspect until he has passed the four test. Therefore, Commissioner Gary Kofford made a motion to hire Mark DeBry with his start date at June 16<sup>th</sup> after he has passed the first two test. Commissioner Jeff Horrocks wanted to know if there were things he could be doing in the office to familiarize himself with the department. Commissioner Kofford was not sure because he did not know his competency level. Commissioner Jeff Horrocks want to hire Mark, with a start date of June 4<sup>th</sup>. Commissioner Sitterud asked for a second to Commissioner Kofford's motion to hire with a start date of June 16<sup>th</sup>. There was not a second. The motion died. Commissioner Jeff Horrocks made a motion to hire Mark DeBry, with a start date of June 4,th. Commissioner Kofford would not second the motion. Therefore, Commissioner Sitterud stepped down the second the motion. Commissioner Kofford opposed the motion. The motion passed.

E. Approval of reclassification of the Deputy Assessor I position and salary adjustment for Shelly Gilpin in the Assessor's Office. Salary adjustment for Chris Hansen, Treasurer's Office.

Kris Bell requested a re-classification of the Deputy Assessor I position in her office. When the county went through the compensation review this position was classifies as a Grade 12. All other Deputy I positions in the courthouse are a Grade 13. Because of this Shelly Gilpin needs to be re-classified at a Grade 13 @ \$12.85 per hour. Chris Hansen in the Treasurer's Office is at a Grade 13 but his hourly wage needs to be adjusted from \$11.95 to \$12.85 per hour to bring these two positions in line with the Recorder and Clerk/Auditor's Deputy I positions. If approved this would become effective June 16, 2008. Commissioner Gary Kofford made a motion to approve the re-classification of Deputy Assessor I and salary adjustment for Shelly

Gilpin in the Assessor's Office and also a salary adjustment for Chris Hansen in the Treasurer's Office. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

F. Notification of 90 day temporary hires in IT and Recorder's Office, Jalee Jensen and Megan Pearson.

Two 90 day temporary employees have been hired in the IT and Recorder's Office. Jalee Jensen and Megan Pearson will be scanning and archiving maps. Dixie Swasey has money for a permanent part time employee but is willing to bring a temporary employee on during the summer to give Jalee and Megan work experience but she wants to be assured that come Fall she will be able to start the recruitment process for a part time scanner in the Recorder's Office.

G. Approval of promotion of Tom Harrison to an Administrative Field Sergeant.

Sheriff Guymon has reassigned Tom Harrison to an Administrative Field Sergeant and there will be no pay adjustment. Commissioner Sitterud asked Sheriff Guymon if in six months we will have a request for a 3% pay increase for Tom? Sheriff Guymon said no.

H. Approval to start the testing process for a Patrol Sergeant.

Sheriff Guymon requested approval to start the testing process for a Patrol Sergeant. Commissioner Jeff Horrocks made a motion to approve starting the testing process for a Patrol Sergeant. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(12)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated May 20, 2008 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(13)

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on attending NACO WIR Conference in St. George. Break out sessions he attended were Homeland Security, Problem Solving Courts, Juvenile Detention and Rural Development Resources.

Commissioner Horrocks reported on Risk Management Meeting where the committee reviewed problem areas found during a recent walk through inspection of county facilities by Utah Local Governments Trust.

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June 3, 2008

He also attended Travel Bureau meeting with Mike McCandless where they discussed the bureau's affiliation with CCRIC and Carbon County. They also discussed a board for travel shows.

*Commissioner Kofford*

Commissioner Kofford reported that roof repair on Ferron Library is complete.

He reported on progress at the Green River Senior Center. The contractors are in the process of grouting the tile in the kitchen and restrooms. They will be asphaltting in the next few days.

On the 29<sup>th</sup> of May he attended a DOGM hearing with John Bonza and his staff regarding a legislative audit and plans for the future in the permitting process and surface water rights.

On the 21<sup>st</sup> of May Commissioner Kofford and Morris Sorensen attended a meeting with BLM and Consol Mine regarding the affects of subsidence to the county road below Miller Canyon below Emery and out to I-70.

He reported that the Road Department will begin chip sealing on the 16<sup>th</sup>. Most of the areas are north Emery.

*Commissioner Drew Sitterud*

Commissioner Sitterud reported on the new boat ramp in Joe's Valley. Commissioner Kofford was at the site to help with the installation process. He also reported that DWR is looking for Northern Pike in Canada and other places to cross breed with the Tiger Muskee.

He reported that Sportsmen for Wildlife have placed 15 tagged fish in Millsite Reservoir. These tagged fish, if caught, may be turned in, alive, at the boat ramp or state parks to receive \$100.00.

With regard to the RS2477 Committee, Kane County was taken to court by the wilderness society on the OHV policy claiming roads within the monument. They drew Tina Campbell as a judge, who typically is not favorable environmentally. They lost the case. The ruling came out that only a court can decide a road. Every road would have to be litigated. It was a big concern for the state and the counties. But as they went through the case it was directly affective of Kane County only. The ruling does not affect any other county in the state. Kane County is taking it to Tenth District Court. Emery County needs to continue to record roads as quickly as possible.

Sheriff Guymon reported on the Friendship Cruise.

(14)

**EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS  
REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive session was not needed.

(15)

**ADJOURNMENT.**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JUNE 17, 2008

Present at the meeting was Commission Chairman Drew Sitterud, Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**OPENING SCRAP METAL BIDS. CONSIDERATION AND APPROVAL OF BID  
AWARD AND ASSOCIATED PAPERWORK.**

Commissioner Drew Sitterud opened the bids for scrap metal from the Emery County Landfill as follows: Mountain States Machinery, \$60.00 per ton

Ron Barney, \$38.00 per ton

Stephenson Removal Services, \$58.00 per ton.

Commissioner Gary Kofford made a motion to award the bid for scrap metal to Mountain States Machinery for \$60.00 per ton. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(2)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND  
DISPOSITIONS.**

Brenda Dugmore presented the Warrant Check Edit List # 190716 through and including #190866 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
41-08	Wattmeter w/case Sheriff	501.39	Approved
42-08	(3) Dell Computers Sheriff	7,657.86	Approved

There were no dispositions.

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Gary Kofford

and approved by all members present.

(3)

**JAN BODILY, CONSIDERATION AND APPROVAL OF FY 2009 ANNUAL AREA PLAN FOR FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH.**

Jan Bodily, Four Corners Community Behavioral Health presented their FY 2009 Annual Area Plan. Jan outlined some aspects of the plan. She explained that the drug court program will remain stable, serving the same number as in the past. She reviewed other programs that will remain in force for the next year. Commissioner Gary Kofford commended Jan and her staff for their efforts to serve the County. Commissioner Drew Sitterud reported that in the last Utah Association of Counties board meeting, board members spoke highly of Four Corners and their work in the communities. Commissioner Gary Kofford made a motion to accept the FY 2009 Annual Area Plan for Four Corners Community Behavioral Health. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**JEFF KELSEY, CONSIDERATION AND APPROVAL OF MEDICAL/DENTAL INSURANCE RENEWAL.**

Jeff Kelsey, Emery County's insurance broker introduced Tawnie Zimmer, Customer Relations Manager for Meritain Health. Jeff reviewed the unaudited summary of expenses from July 1, 2007 through April 30, 2008. Many counties have experienced an increase in claims, but Emery County's claims are down by a few dollars. He reported that two years ago when the county went out to bid for insurance the bids reflected no increase in premiums. Last year Emery County experienced a 2% increase. This year, he was pleased to announce, there is 2.8% decrease overall. Commissioner Gary Kofford made a motion to accept the insurance renewal as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present. Jeff asked if he could have permission to have any additional documents signed later if he finds that something was missed. Commissioner Gary Kofford made a motion to approve the signing of any additional documents if needed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF 2008 TAX RATES.**

Clerk/Auditor Brenda Dugmore presented the 2008 tax rates for Emery County. She stated that centrally assessed values are up producing a 104 million dollar growth. Centrally assessed property owners will more than likely appeal the values. The proposed 2008 tax rates are as follows:



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General Fund: .003456 producing \$5,815,340.00 in revenue.  
Swimming Pool: .000149 producing \$250,000.00 in revenue.  
Library Fund: .000399 producing \$671,400.00 in revenue.  
Judgement Levy: .000057 producing \$95,700.00 in revenue.  
Assessing and Collecting: .000300 producing \$504,800.00 in revenue.

Commissioner Gary Kofford made a motion to approve the 2008 tax rates for Emery County. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(6)**  
**DISCUSSION AND CONSIDERATION TO WAIVE LANDFILL FEE FOR HATTS RANCH.**

Commissioner Gary Kofford reported that when he was in Green River recently Dan Harrison, city councilman discussed a problem that has come forth regarding the landfill located on Hatts Ranch in Green River. Through a change in ownership the property is now owned by the state. The state has ordered Hatts Ranch to remove the debris from the site. The logical place to move the debris is to the Emery County Landfill. If Hatts Ranch is considered agriculture the debris can be accepted at the landfill free of charge. Commissioner Gary Kofford made a motion to treat Hatts Ranch as agricultural and accept the debris at the landfill free of charge. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(7)**  
**CITIZENS CONCERNS**

Commissioner Drew Sitterud introduced three leaders from the Boy Scouts of America's National Honor Society, the Order of the Arrow in Emery County for a national service project. JJ Arnold, Order of the Arrow Public Relations Director, Jake Wellman, Chief Nation Wide Operations and Jack Hess, Order of the Arrow Incident Commander for the Manti la Sal . Mr. Arnold thanked the Commissioners for inviting them to come and share with the public what the scouts are here to accomplish. Jake Wellman told the Commissioners that everything is running smoothly thus far. There are close to 600 scouts from all over the United States here to participate in the project. They are engaged in removing tamarisk from three different sites on the BLM. Each group is taking a day for recreation including white water rafting, biking, hiking, fishing and visiting the dinosaur quarry and museums. They have set up camp at Canyon View Jr. High School in Huntington. They have been well received by the community. He invited the Commissioners to attend some events including an address given by the Lt. Governor on Wednesday and closing ceremony on Friday.

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Mesia Nyman, Forest Service reported that this project is the largest single effort the Forest Service has ever undertaken and the largest project since WWII for the scouts. The Commissioners each expressed their gratitude to the scouts and the Forest Service for their efforts in this very beneficial project.

(8)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Personnel Director Mary Huntington presented the following personnel action:

A. Approval of 3% increase to Jared Robinson for completion of 6 month orientation.

Morris Sorensen requested a 3% increase for Jared Robinson who has successfully completed his six month orientation period. If approved he will move from Grade 17@ \$16.23 per hour to Grade 17 @ \$16.73 per hour. If approved this will become effective June 23, 2008. Commissioner Gary Kofford made a motion to approve a 3% increase for Jared Robinson as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

B. Approval to hire Kathy Perkins as a part-time, working less that 20 hours, sales clerk at the Museum of the San Rafael.

Margaret Keller requested approval to hire Kathy Perkins as a part time (working less than 20 hours per week) Sales Clerk at the Museum of the San Rafael. If approved Kathy would be hired at Grade 6 @ \$8.28 per hour with no benefits. Commissioner Jeff Horrocks made a motion to approve hiring Kathy Perkins as a part time, less than twenty hours per week, Sales Clerk at the Museum of the San Rafael as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

C. Approval to begin recruitment for part-time, working less than 20 hours, Janitor at the Ferron Library.

Jerilyn Mathis requested approval to start the recruitment process for a part time, working less than 20 hours per week, janitor at the Ferron Library. Nancy Jensen has given her two week notice. Commissioner Gary Kofford made a motion to approve starting the recruitment process for a part time, less than twenty hours per week, janitor at the Ferron Library. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

D. Approval of 3% increase to Tom Harrison for promotion to Administrative Sergeant.

In the last Commission meeting of June 3, 2008 it was approved to make Tom Harrison as Administrative Sergeant with no pay increase. However, past practice has been a step increase. When Bill Downard was promoted to Administrative Sergeant he receive a one step increase. Sheriff Guymon requested approval to give Tom a 3% increase which equates to a one step

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increase. If approved Tom would move from Grade 21 @ \$23.19 per hour to Grade 21 @ \$23.89 per hour. Commissioner Jeff Horrocks made a motion to approve a one step increase for Tom Harrison as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

E. Notification of 90 day temporaries Nick Larsen and Devin Hales.

The Sheriff's Office has hired Nick Larsen as a 90 day temporary employee to work with Brett Mills in the communications department. His wage is \$8.00 per hour with a start date of June 2, 2008. Jeff Guymon has hired Devin Hales as a part time 90 temporary employee in the IT Department. His wage is \$8.00 per hour with a start date of June 9, 2008.

(9)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Jeff Horrocks made a motion to approve the minutes dated June 3, 2008 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(10)

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on attendance at the Order of the Arrow opening ceremony. The Commission has been informed that Judge Betty Burns will be retiring in July. With the new judicial process for selecting judges they need to begin looking into that process. He recently attended a meeting in Green River regarding dam replacement or repairs.

*Commissioner Kofford*

On the 4<sup>th</sup> of June Commissioner Kofford and Ray Petersen went to Duchesne to meet with Mike Stringer regarding Title 5 designation. Mike was supportive with what has been happening with Title 5 and gave him a copy of how it should read. Mr. Stringer will soon come to Commission Meeting to introduce himself to the Commissioners and report.

Since the last Commission Meeting, Howard Sargent, USFS Supervisor has passed away. He was here for six months. The personnel at the Forest Service are quite shook up by his passing. They felt he could help this area greatly. The Green River Senior Center is coming along on schedule for completion the first week in August.

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*Drew Sitterud*

Commissioner Sitterud reported that they are pouring cement for the monument at the mine site. It should be completed in time for the 1 year anniversary of the accident. Commissioner Sitterud recently attended a UAC meeting where centrally assessed issues were discussed. The consensus was that they may not achieve much but it was best to move forward anyway. Commissioner Sitterud and Mike McCandless attended a meeting with CEU and Utah State along with Economic Development Departments from Carbon and Emery County, representatives from Carbon and Emery County and Price City to discuss ways to better help the communities with educational and economic needs. They discussed the need for more nursing teachers and welding and automotive teachers. These classes are all full but are hurting for educators. Commissioner Sitterud reported that there is a lot of interest from businesses interested in the Industrial Park in Green River. Commissioner Sitterud also discussed the Emery County Food Bank building. It is in dire need of repair to the roof. He talked about the possibility of repairs to the building or tearing it down and building a new one. Commissioner Sitterud reported that work at the Swimming Pool is going slow. The Commission received notice that the cost of asphalt is going to increase dramatically after July 1. He felt that it will be a push to even have it completed by September. He stated that he did not expect to be using the outdoor pool this summer.

Commissioner Gary Kofford made a motion to move into a closed executive session. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Jeff Horrocks made a motion to reconvene the regular Commission meeting at the conclusion of executive session. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(11)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Present at an Executive Session was Commissioner Drew Sitterud, Commissioner Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox and Pat Nolan, Assistant General Attorney for the State of Utah. Litigation matters were discussed.

(12)

**OTHER**

Upon returning to the regular Commission Meeting Commission Gary Kofford made a motion to place Commissioner Drew Sitterud on paid administrative leave until the matter is resolved. The

7

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motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Gary Kofford made a motion to appoint Commissioner Jeff Horrocks as Commission Chair. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**(13)**

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Gary Kofford and seconded by Commissioner Jeff Horrocks. The motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JULY 1, 2008

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS, AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 190975 through and including #191132 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
43-08	Shelving Library	12,675.46	Approved
44-08	McGruff Costume Sheriff	1,538.00	Approved

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(2)**  
**DISCUSSION OF OLD GREEN RIVER ROAD SHOP BUILDING DEMOLITION AND APPROVAL OF ACTION.**

A recent inventory review by Utah Local Governments Trust, Emery County's insurance company, revealed a problem with the old school portion of the Green River Road Shop building. Commissioner Gary Kofford has contacted R&R Environmental. They have an appointment on July 10, 2008 to go through the building and collect samples. The approximate cost is under \$2,500.00. Commissioner Gary Kofford made a motion to contract with R&R Environmental for the asbestos check on the Green River Road Shop. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present. This will be the first step. Next year's budget will need to include the asbestos abatement and eventually demolition of the building.

(3)

**DISCUSSION AND DECISION CONCERNING MANAGEMENT OF EMERY COUNTY AQUATIC CENTER..**

In past commission meetings there has been discussion on whether the management of the aquatic center should be under the direction of the Commission or turned over to the Recreation District. Commissioner Jeff Horrocks stated that it was his opinion that this is a six million dollar building that the County is liable for and it needs to be under the direction of the Commission. Commissioner Gary Kofford felt that it needs to be up and running under the Commission direction. Once a manager is hired they will help come up with policies, procedures and costs but in order to do that we need the personnel in place when the center opens. Commissioner Gary Kofford made a motion to set up the aquatic center under the Commissioners. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**APPOINTMENT TO PLANNING COMMISSION TO FILL UNEXPIRED TERM.**

The vacancy on the planning commission has been advertised twice. Commissioner Jeff Horrocks spoke with Darrell Gardner who had expressed interest on filling the unexpired term of Merrill Duncan. Commissioner Jeff Horrocks made a motion to appoint Darrell Gardner to the planning commission. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF DEVELOPMENT LEASE BETWEEN SITLA AND EMERY COUNTY FOR PROPERTY LOCATED WEST OF THE CITY OF GREEN RIVER FOR AN INDUSTRIAL PARK.**

Attorney David Blackwell received the paperwork by email yesterday. Commissioner Gary Kofford felt that there were some changes that needed to be made. Commissioner Gary Kofford made a motion to table this item until the next commission meeting. Commissioner Jeff Horrocks seconded the motion and it was approved by all members present.

(6)

**SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING A LEVEL III CONDITIONAL USE PERMIT FOR CARNOTITE LLC.**

Commissioner Gary Kofford stated that this is a company that is proposing to set up a uranium mine. This item has gone through planning and zoning commission. It is a level III conditional use permit so it has to have Commission action. Commissioner Kofford made a motion to set a public hearing on August 5, 2008 at 9:30 a.m. The motion was seconded by Commissioner Horrocks and approved by all members present.

(7)

**DISCUSSION AND DECISION CONCERNING SWIMMING POOL MANAGEMENT.**

This item is a duplicate of number three.

(8)

**APPROVAL OF LETTER OF SUPPORT FOR SOUTHEASTERN UTAH AOG'S APPLICATION FOR A GRANT TO BE USED FOR GENERATING A FOUR COUNTY TRANSPORTATION MOBILITY MANAGEMENT STUDY AND ACTION PLAN.**

This grant will provide matching funds for the purpose of creating a four county transportation mobility management study and action plan. Commissioner Gary Kofford made a motion to approve the letter of support for Southeastern Utah AOG's transportation mobility management study and action plan. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(9)

**DISCUSSION AND DECISION CONCERNING THE CREATION OF A EMERY COUNTY AMBULANCE DEPARTMENT.**

Commissioner Jeff Horrocks has had a job description prepared for a part time employee at 19 3/4 hours a week to set up an ambulance supervision operation and bring all the ambulances under one hat. Hopefully it will enhance the operation. Currently ambulance is under the Sheriff's office. The idea is to relieve some of the hours required by the law enforcement personnel and free them up for other duties. There are a lot of things that the ambulance service does. It needs to be a priority one operation including purchasing supplies, maintaining the ambulances and scheduling the EMT's. Bill Dellos asked what the change of cost would be. Commissioner Horrocks stated that the position would be funded from the current ambulance budget. The ambulance office would be located in the courthouse. Patsy Stoddard asked how this would work with a part time position when the ambulance service is a 24/7 operation. Commissioner Horrocks stated that the position would schedule the emt's and their training and oversee the operations of the ambulance services. Minimum qualifications for the position are: graduate from high school, associate degree preferred, three years in emergency medical



technician field, knowledge of EMS practices, basic budgeting, personnel management skills and good communications, computer skills is valuable, ability to respond quickly and effectively in crisis situations, EMT intermediate certification, valid drivers license. These are some of the basis requirements involved. This position is intended to make the management of the ambulance service a priority management and that is all that this person will do. Patsy Stoddard asked why the person could not be hired under the Sheriff. Commissioner Horrocks stated that it needed to be a stand alone operation. This position would report directly to a Commissioner. This is not a negative move toward any organization or individuals, simply an attempt to assist the Sheriff's Dept. in giving them more time to do the jobs they need to do and ensure that the ambulance is operated as a priority service. Commissioner Gary Kofford stated his concerns that Sheriff Lamar Guymon put the ambulance service together thirty years ago. Through the years we have come up with a very respectable service and Sheriff has done a good job. One concern is that as we pull it out from the Sheriff there is a concern that it will have a tendency to grow from part time to full time. Another concern is that the ambulance and sheriff's dept should work together. Whatever decision is made should not be perceived as a slap in the face to those that are currently running the service. There are two lines of thought and it is difficult to determine which direction would be the best to go. Currently the ambulance has a budget of its own. They operate on the money that is collected from the ambulance runs. Commissioner Horrock's idea is that if someone is directly over the program it would run better and Commissioner Kofford has a hard time finding fault with that line of thinking. One of the problems we have is there are a lot of EMT's that are reaching retirement age and we have not made it enticing enough for younger people to desire to become EMT's. Commissioner Horrocks stated that this is simply an attempt to create a priority one service to the County. Hopefully by appointing someone to run this service it will allow them to create a recruitment program. Commissioner Horrocks made a motion to proceed with the creation of the position of part time ambulance supervisor. Commissioner Kofford stated he still had reservations but would second the motion. The motion was approved by all members present.

**(10)**

**APPROVAL TO PURCHASE ADVERTISEMENT IN THE ANNUAL EMERY COUNTY FAIR GUIDE.**

The Commissioner discussed at what level the County should participate in the fair guide. Commissioner Jeff Horrocks stated that the ad should include all elected officials. Commissioner Gary Kofford made a motion to participate with the Emery County Progress on the fair guide by purchasing a \$650.00 ad. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(11)**

**CITIZEN CONCERNS.**

There were no citizen concerns.

(12)

**RATIFICATION OF CHANGES IN COMMISSION RESPONSIBILITIES.**

Due to the events from the last commission meeting Commissioner Jeff Horrocks made a motion to ratify the changes in commission responsibilities. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. **REQUEST APPROVAL TO ADVERTISE FOR FULL TIME, WITH BENEFITS, AQUATIC MANAGER.**

Based on the discussion of agenda item number three Commissioner Gary Kofford made a motion to advertise for a full time with benefits, aquatic manager. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

B. **REQUEST APPROVAL TO ADVERTISE FOR PART TIME (19 3/4 HRS PER WEEK) AMBULANCE SUPERVISOR.**

Based on the discussion of agenda item number four Commissioner Jeff Horrocks made a motion to begin advertising for a part time 19 3/4 hour ambulance supervisor. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes of June 17, 2008 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(15)

**COMMISSION REPORTS.**

***Commissioner Horrocks***

Attended a tour with the Huntington Cleveland Irrigation Company to see the new ponds and sprinkling system. It is an impressive system and hopefully it will reduce the amount of salt going into the Colorado.

Elections were on June 24, 2008. Things went well. There were a couple of minor problems but

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Minutes of the Emery County Board of Commissioners  
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the IT Department was able to take care of things quickly.

***Commissioner Kofford***

The order of the arrow scouts participated in the project on the desert. There were a lot of people involved. It was a successful project. Most of the scouts were from out of the area. Twenty-five miles of tamarisk was cleared.

The relay for life was also a success.

Green River Senior Center has tentatively set up the 6<sup>th</sup> of August for an open house but the open house will probably have to be moved back because of all of the other activities that are going on.

Miss Emery County had a benefit at the golf course. The Miss Emery County Board also helped. It was a successful day with fourteen teams participating.

Huntington Heritage days are going on now. The rodeo was last weekend with lots of events going on this week.

Miss Emery County pageant is on July 19<sup>th</sup>. The rodeo is on July 24, 25, and 26<sup>th</sup>. The Castle Valley Pageant starts on July 30<sup>th</sup> and the Senior lunch will be on July 31, 2008. It is going to be an eventful month.

The road department has finished their chip sealing projects.

(16)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

7

Minutes of the Emery County Board of Commissioners  
July 1, 2008

An Executive session was not needed.

(17)

**ADJOURN.**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JULY 15, 2008

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Jeff Horrocks will step down throughout the meeting to assist in executing motions.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List and additional claims #191294 through and including #191451 for payment.

There were no requisitions or dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List and additional claims for payment. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(2)**  
**KAY KIMBALL, PRESENTATION AND APPROVAL OF FY2007 FINANCIAL AUDIT.**

Kay Kimball, Kimball and Roberts, LLC presented the FY2007 Financial Audit report and provided a brief overview of the financial status of Emery County. He reported that they found a clean opinion. This means that the county is in compliance with the laws and regulations with regard to grants and loans and following county policy and procedures based on revenue and expenditures. Kay stated that they are comfortable with the county's financial system and performed tests to be sure everything was in line with state and federal regulations. He stated that Emery County is fortunate to have CPA's in both the Treasurer and Clerk/Auditor's office who were prepared and had everything in order for the audit. He found the budget to be in full compliance. He stated that his company gets audited every three years and just this year received a clean audit themselves.

(3)

**CONSIDERATION AND APPROVAL OF A BUSINESS LICENSE FOR DAVID SPEARS 333 CONSTRUCTION.**

A business license application for David Spears DBA: 333 Construction was presented for consideration and approval. Commissioner Gary Kofford made a motion to approve a business license for David Spears DBA: 333 Construction. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**RATIFICATION OF MODIFICATION NO. 1 TO JOE'S VALLEY RESERVOIR BOAT DOCK AGREEMENT FOR FULL REIMBURSEMENT.**

The purpose of modification #1 to Joe's Valley Reservoir Boat Dock Agreement is to augment the existing funds allotted to this project. Due to increase fuel prices, delivery costs associated with this project exceeded initial estimates presented in the original agreement. DWR will now provide 75% of the overall project cost from their Sport Fish Restoration (Motorboat Access) fund up to \$14,064.00 for the purpose of acquiring and installing a courtesy dock. The new DWR funding total of \$14,064.00 represents a \$2,064.00 increase in available Motorboat Access funds. Commissioner Gary Kofford made a motion to approve modification #1 to Joe's Valley Reservoir Boat Dock Agreement for full reimbursement. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF DEVELOPMENT LEASE BETWEEN SITLA AND EMERY COUNTY FOR PROPERTY LOCATED WEST OF THE CITY OF GREEN RIVER FOR AN INDUSTRIAL PARK.**

Economic Development Director, Michael McCandless was asked to explain proposed lease between SITLA and Emery County for property located west of the city of Green River for an industrial park. He explained that a couple of years ago Emery County began working with Economic Development Corporation of Utah to receive leads for business opportunities that go statewide. Many of these opportunities desire larger blocks of acreage than what we have been able to put together, usually anywhere from 80 acres up to 500 acres. The challenge in Green River was identifying blocks of land large enough to meet the criteria. We have an Industrial Park on the east side of Green River but there are no lots left that are larger than about forty acres. In order to conglomerate lots to make an offer to bid for these businesses we would have to get several land owners to agree to prices to sell blocks of land in order to respond. To make an offer on these potential business we would have to answer back usually in a week. We looked at

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the rules and regulations that SITLA has because they are a large land owner near Green River and found that there is a provision in their code that allows for development leases. About a year ago, we approached SITLA to see if this is a possible way that we could offer property that would be marketable to these potential businesses. The first proposal to SITLA was rejected. We modified the proposal and it was then accepted. The plan would allow Emery County to market pieces of property to potential businesses. The property would remain in SITLA's name until an owner is found. We entered into a letter of intent with SITLA to lease the properties. The intent of the lease in discussion today is to allow Emery County to offer these blocks of properties in a way that we can market them to these companies, as they come in, as green field developments. If we have the opportunity to provide those improvements based on the expenditures of the proposed client, then Emery County will support the development of infrastructure. We are not in the position to go in and build roads, streets, curb and gutter. We still have some issues with the lease to resolve in this agreement. The arbitrary schedule is something that he was not comfortable with. He asked for time to work with David Blackwell and SITLA to work through some of the issues of concern. David Blackwell indicated that his concerns were with the time issues as well. Another issue is insurance. We have an interest in the park. We have a letter of interest with Mancos who has a great desire to locate in Green River. This letter of intent gives them the go ahead to begin the process which could take up to two years. Based on the information presented Commissioner Gary Kofford made a motion to direct Michael McCandless and David Blackwell to work on this contract take it back to SITLA and bring back a final copy for consideration. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(6)

**DISCUSSION AND APPROVAL TO PURCHASE ADVERTISEMENT IN THE CASTLE VALLEY PAGEANT.**

The Emery County Review requested advertisement in the Castle Valley Pageant Guide. Commissioner Gary Kofford made a motion to approve a half page black and white add in the Emery County Review for the Castle Valley Pageant Guide. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION AND CONTRACT AGREEMENT BETWEEN SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS, AREA AGENCY ON AGING AND EMERY COUNTY.**

Commissioner Gary Kofford made a motion to approve a standard Interlocal Cooperation and Contract Agreement between Southeastern Utah Association of Local Government, Area Agency on Aging and Emery County. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF RENEWAL OF THE ADULT PROBATION AND PAROLE CONTRACT.**

Cheryl Searle, CPM, SERT, Commercial Real Estate Manager for State of Utah, Department of Administrative Services presented the Board of Commissioners with Contract #91-1770 Amendment #7 for Adult Probation and Parole office space lease in Emery County. The contract is for 5 years but may be revisited if rate changes by Questar occur. Commissioner Gary Kofford made a motion to approve contract #91-1770 for office space lease for Adult Probation and Parole. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF EASTERN UTAH TELEVISION AND TECHNOLOGY ASSOCIATION INTERLOCAL COOPERATIVE AGREEMENT AS AMENDED 1/10/2008.**

Commissioner Sitterud, as a member of the Eastern Utah Television and Technology Association Board has been working on this agreement amendment to include Grand County as a part of the group. There are several questions that need to be addressed before the agreement can be considered. Commissioner Horrocks asked to have the matter turned over to Attorney David Blackwell to address the questions. Commissioner Gary Kofford made a motion to table this matter to allow time for Attorney David Blackwell to review the agreement. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF SETTLEMENT OFFERS FROM KERN RIVER, MID AMERICA, NORTHWEST AND QUESTAR FOR TAX YEARS 2006 & 2007.**

Treasurer, Steve Barton reviewed settlement offers from Kern River, Mid America, Northwest and Questar for tax years 2006 and 2007. Attorney David Blackwell was not sure if the other counties that are affected have responded yet. Questar is the only one that affects Emery County. David will consult with the litigation team to see where the other counties are going with this. Commissioner Gary Kofford made a motion to have Steve Barton and David Blackwell continue to monitor this and let it sit for now. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.



**(11)****DISCUSSION OF GREEN RIVER JUSTICE COURT.**

On July 9<sup>th</sup>, Judge Betty Burns retired as Green River Justice Court Judge. Currently Judge Steve Stream is traveling 2 days a week to Green River to hold court. There has been some concern as to whether or not to replace Judge Burns. Commissioner Kofford indicated that he has been contacted by several people regarding not replacing the judge and continue to have Judge Stream cover both Justice Courts. He indicated that he would like to continue having Judge Stream cover Green River and give it time to see if it will work out. Attorney David Blackwell indicated that he has always felt that one judge could cover both courts. Steve Stream is not opposed to doing this although it may not be popular with folks in Green River. Sheriff Guymon agreed that we should wait and see if 1 judge works and do what best serves the taxpayers of the county. Commissioner Horrocks stated that he has no problem with waiting and watching to see if Steve can cover the 2 courts. If Judge Stream can maintain the 2 courts this will kick him into full time status and his pay scale will need to be adjusted. Commissioner Horrocks indicated that he has no problem with waiting to see if it works. Commissioner Kofford stated that as a commission we have to determine if we need a judge in Green River. We do not need to deter Steve's ability to make this work. We need to move forward and do what we can to make this work. Let's go ahead with Steve and see what happens. Treasurer, Steve Barton indicated that we need to move forward with making Steve Stream a signer on Green River Justice Court's checking account. Leslie Bolinder asked if the county had the ability to do arraignments via the internet? The Commissioners indicated that we do have that ability. This matter will be brought back at a later date for more discussion.

**(12)****CONSIDERATION AND APPROVAL OF AGREEMENT FOR BAILIFF AND PERIMETER SECURITY FOR DISTRICT COURT.**

Commissioner Gary Kofford made a motion to approve the agreement for bailiff and perimeter security for district court. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(13)****CITIZENS CONCERNS**

Public Lands Director, Ray Petersen presented an amendment a contract from the State Department of History. Ray indicated that he received the document to late to get it on the agenda. The amendment is for an extension to the grant contract for \$3,000.00 for an interpretative sign for the San Rafael Swinging Bridge. The term of the contract ends on July 31,

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2008 . This amendment will extend the contract until the end of September. The contract needs to be signed and returned to the state as soon as possible. Attorney David Blackwell indicated that they could approve and sign the contract and have it ratified in the next meeting.

Commissioner Gary Kofford made a motion to approve an extension to the grant contract with the State Department of History for an interpretative sign for the San Rafael Swing Bridge. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

John Ergo from Healthy Environment Alliance of Utah presented information regarding nuclear reactors. He had the understanding that Emery County intended to build up to four nuclear reactors in Green River. He wondered if this was a good use of county funds. In his opinion nuclear power is risky. Commissioner Kofford informed him that Emery County has not agreed to do anything. We are only providing the property for industry to locate in Emery County. Commissioner Horrocks stated that Emery County is looking to build its tax base and is not going to do anything that will isolate that process. Mr. Ergo asked for the opportunity to present his position. The Commission invited him to get with Leslie in their office and get on the Commission Meeting agenda.

Sarah Fields, Grand County stated her concerns regarding the proposed Industrial Park in Green River. She was concerned that Transition Power, a business interested in locating at the park has not held a public hearing to received public comment regarding their proposed use of the property. Commissioner Horrocks told her that Transition Power is only conducting an archeological and mineral study at this time to see is it is a feasible site for their business. Ms. Fields indicated that she thinks that the county doesn't have a clear picture of what it will entail to have nuclear plant in the Green River area. She felt that the Commission should pursue other types of energy such as solar energy. Commissioner Horrocks stated that Emery County is in the preliminary stages of creating an industrial park. We will pursue all interest of businesses that want to come to Emery County. Michael McCandless stated that the Planning and Zoning Commission prides itself on making decisions based on fact.

Mark H. Williams asked if anyone knew how long it had been since we had an accident at a nuclear plant? Someone said it was around 29 years. Mr. Ergo indicated that he didn't say that it was unsafe, just that it is expensive.

(14)

**CONSIDERATION AND APPROVAL OF AMENDMENT TO EC ROAD 126  
RECONSTRUCTION AND REALIGNMENT AGREEMENT BETWEEN EMERY  
COUNTY/ECSSD#1 AND UTAH AMERICAN ENERGY, INC.**

UEI has found it necessary to access Lila Canyon Mine site for portal construction along with the transporting of supplies and support. A temporary road, 15 feet wide, will be constructed and graveled. The existing county road will be used to the extent possible. A temporary road will be

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constructed along the proposed centerline for the end of the county road to the mine site. A construction contract will be obtained through the regular bidding process. Engineering will be required to prepare the bidding documents and oversee this phase of the project. All items of the original contract which detail the relationship between the District and UEI, namely the approval procedure and financing process, will apply. Commissioner Gary Kofford made a motion to approve an amendment to EC Road 126 reconstruction and realignment agreement between Emery County/ECSSD#1 and Utah American Energy, Inc. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(15)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following personnel action:

**A. Request to hire Tamera LaCock as Ferron Library part-time janitor (10 hrs/wk)**

Jerilyn Mathis requested approval to hire Tamara Lacock as a part time, working 10 hours per week, janitor for the Ferron Library. If approved she will start working on July 28, 2008 at a Grade 6 at \$8.02 per hour. Commissioner Gary Kofford made a motion to approve hiring Tamara Lacock as part time janitor for the Ferron Library. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**B. Approval of 3% wage increase for Ken Eley who has successfully completed his 6 month orientation period.**

Sheriff Guymon requested a 3% increase for Ken Eley who has successfully completed his 6 month orientation period. If approved he will move from Grade 14 at \$13.62 per hour to Grade 14 at \$14.04 per hour. This will become effective on July 27, 2008. Commissioner Jeff Horrocks made a motion to approve a 3% increase for Ken Eley as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated July 1, 2008 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(17)**  
**COMMISSION REPORTS.**

*Commissioner Kofford*

Commissioner Kofford reported on the upcoming Desertview Pro Rodeo on July 24<sup>th</sup>, 25<sup>th</sup>, and 26<sup>th</sup> held in conjunction with the Emery County Fair. The rodeo will celebrates it's 10<sup>th</sup> year this year. The Miss Emery Pageant will be held on the 19<sup>th</sup> of July at 7pm. There will be an ice cream social on the 30<sup>th</sup> of July to kick on the Fair festivities.

There will be an open house for the Green River Senior Center on August 19<sup>th</sup> at 11:30 with a light lunch.

*Commissioner Horrocks*

Commissioner Horrocks reported on efforts in cooperation with AOG to build a new building for the Emery County Food Bank.

He reported on the Heritage Days celebration in Huntington.

Commissioner Horrocks also reported on the recent retirement party for Judge Burns.

**(18)**  
**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive Session was not needed.

**(19)**  
**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

9

COMMISSION MEETING MINUTES  
JULY 15, 2008

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

AUGUST 5, 2008

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Horrocks stepped down throughout the meeting to execute motions as needed.

**(1)**  
**APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #191727 through and including #191915 for payment.

Requisitions were presented for the following.

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
45-08	Ingersol Rand Air Compressor Highway	3,285.00	Approved
46-08	2 ton Air Conditioner Emery Television Site/SO	1,748.84	Approved
47-08	Swarovski Laser Range Finder Buffer Zone Grant/ SO	1,780.00	Approved

There were no dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List and requisitions as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(2)**  
**REQUEST APPROVAL OF BUILDING PERMIT FEE WAIVER FOR HUNTINGTON CITY.**

Commissioner Gary Kofford made a motion to waive the building permit fees for four

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AUGUST 5, 2008

Huntington City projects. The projects are as follows:

1. Splash Park Project located at 40 West 100 South, fee \$1,461.99.
  2. Playground Project located at 45 West 100 South, fee \$1,090.59.
  3. Skate Park Project located at 45 West 100 South, fee \$1,777.65.
  4. Soccer Field Project located at 80 West 100 South, fee \$579.07
- Total fees requested to be waived \$4,909.30

The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Gary Kofford made a motion to move out of the regular commission meeting and into a public hearing to receive comment regarding a level III conditional use permit for Carnotite LLC. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**9:30 AM- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT REGARDING A  
LEVEL III CONDITIONAL USE PERMIT FOR CARNOTITE LLC.**

Economic Development Director, Michael McCandless reported that under the county ordinance any uranium mine larger than 1 acre falls under the conditional use permit and must follow the process for approval. Carnotite, LLC will be exposing up to five acres. They are required to maintain an encroachment permit with the county. They have already acquired permits from the state and BLM. The county requires full reclamation within 1 year of closing the site. They hope to begin mining this summer.

There were no comments or questions.

Commissioner Gary Kofford made a motion to come out of the public hearing and return to the regular commission meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF LEVEL III CONDITIONAL USE PERMIT  
FOR CARNOTITE LLC.**

Commissioner Gary Kofford made a motion to approve a Level III Conditional Use Permit for Carnotite, LLC. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(5)  
**CITIZEN CONCERNS**

None

(6)  
**CONSIDERATION AND APPROVAL OF EASTERN UTAH TELEVISION AND TECHNOLOGY ASSOCIATION INTERLOCAL COOPERATIVE AGREEMENT AS AMENDED 1/10/2008.**

Commissioner Gary Kofford made a motion to approve of Eastern Utah Television and Technology Association Interlocal Cooperative Agreement as amended 1/10/2008. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)  
**RATIFICATION OF CONTRACT #072008 AMENDMENT BETWEEN THE STATE OF UTAH AND EMERY COUNTY FOR KIOSK AT THE SWINGING BRIDGE.**

Commissioner Gary Kofford made a motion to ratify the approval of contract #072008 Amendment between the State of Utah and Emery County for a kiosk at the Swinging Bridge. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(8)  
**CONSIDERATION AND APPROVAL OF "ORDER OF THE INDEXED RATE INCREASE" FOR AMBULANCE RATES.**

Motion to table this agenda item was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks. The motion passed.

(9)  
**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR NOXIOUS WEED MANAGEMENT BETWEEN UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS AND EMERY COUNTY MOSQUITO AND WEED DEPARTMENT.**

Motion to approve a Cooperative Agreement for Noxious Weed management between Utah Division of Forestry, Fire & State Lands and Emery County Weed and Mosquito Department was made by Commissioner Gary Kofford, Seconded by Commissioner Jeff Horrocks and approved by all members present.



(10)

**APPROVAL OF MODIFICATION NO.3 TO FY 2008 FINANCIAL AND OPERATING PLAN LAW ENFORCEMENT AGREEMENT NO. 06-LE-11041000-001.**

Motion to approve Modification No. 3 to FY 2008 Financial and Operating Plan Law Enforcement Agreement No. 06-LE-11041000-001 was made by Commissioner Gary Kofford, Seconded by Commissioner Jeff Horrocks and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF RENEWAL OF RIGHTS AND WAY EASEMENTS NO. U-38044 (U-942) AND NO. U-17253**

Public Lands Director Ray Petersen presented Right-Of-Way Easement renewals for No. U-38044 (U-942) and No. U-17253. These easements with the BLM have expired. Ray suggested applying for renewal in perpetuity. Commissioner Gary Kofford made a motion to approve the applications for renewal of right-of-way easements U-38044 and U-17253 as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)

**APPROVAL OF OUT OF STATE TRAVEL FOR MIKE MCCANDLESS.**

Michael McCandless has been asked by Bill Howell, Association of Local Governments to attend a conference in Denver. AOG will be paying for the travel and lodging. Commissioner Gary Kofford made a motion to approve out of state travel for Michael McCandless. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(13)

**DISCUSSION AND DECISION CONCERNING CELL PHONE CHECK FOR DREW SITTERUD.**

Commissioner Gary Kofford made a motion to hold the cell phone checks for Drew Sitterud until the case is resolved. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(14)

**RATIFICATION OF SWIMMING POOL CHANGE ORDERS PR#05 AND PR#07**

Two price revisions were presented for the swimming pool project. PR#05 is to add UV Sterilization at an additional cost of \$44,814.00. PR#07 changes the ceiling paint at an additional cost of \$1,705.00. Commissioner Gary Kofford made a motion to approve PR#05 and PR#07 for the Swimming Pool project. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(15)

**DISCUSSION AND APPROVAL OF A LETTER OF SUPPORT TO UDOT REQUESTING A PORTION OF SR-29 BE OPEN FOR OHV TRAVEL.**

Commissioner Jeff Horrocks explained that the Forest Service has been issuing citations for OHV travel on a portion of SR-29 in Joe's Valley. This route ties in trails in the area. There have been talks with UDOT in the past regarding this issue and they are aware of the problem. It was suggested to have Ray Petersen draft a letter to UDOT in support of designating the road from the new boat ramp to the beginning of the switchbacks as open for OHV travel. Randall Stilson asked if the state is going to require the county to accept that designated portion of the road as a county road? No one had an answer. Ethan Hurdsman, representing the owners of the Joe's Valley Marina was in support of writing the letter to UDOT requesting the designation. Commissioner Gary Kofford made a motion to have Ray Petersen draft and the Commission sign a letter to UDOT stating the county's position in support of a portion of SR-29 be open for OHV travel. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(16)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION****A. Request approval of 3% wage increase for Tammy Tucker who has completed six month orientation period.**

Michael McCandless requested approval for a 3% wage increase for Tammy Tucker who has completed her six month orientation period successfully. If approved Tammy would move from Grade 13 @ \$12.45 per hour to Grade 13 @ \$12.85 per hour. This would be effective August 11, 2008. Commissioner Gary Kofford made a motion to approve a 3% increase for Tammy Tucker as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**B. Request approval of 3% wage increase for Mark DeBry who has received his ICC Residential Certification.**

Michael McCandless requested approval for a 3% wage increase for Mark DeBry who has passed his ICC residential tests. This increase is based upon the employment agreement entered into when Mark was hired. If Approved Mark would move from Grade 21 @ \$19.85 per hour to Grade 21 @ \$20.48 per hour. Commissioner Gary Kofford made a motion to approve a 3% increase for Mar DeBry as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**C. Discussion and approval of a wage increase for Assistant County Attorney Brent Langston.**

County Attorney David Blackwell requested a \$6,000 yearly increase for Brent Langston. (\$3,000.00 for this year and \$6,000.00 for each year thereafter) the money will come from his drug seizure budget for this year and be implemented in his budget for the next year. If approved this would be effective August 11, 2008. Commissioner Gary Kofford made a motion to approve a wage increase for Brent Langston as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**D. Approval to begin the recruitment process fro part-time, working less than 20 hours per week, Scanner.**

Dixie Swasey requested approval to start the recruitment process for a part time, working less that twenty hours per week scanner. Commissioner Gary Kofford made a motion to approve the recruitment process for a part time, less that twenty hours per week scanner as requested. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(17)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated July 15, 2008 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(18)

**COMMISSION REPORTS.**

*Commissioner Kofford*

Commissioner Kofford reported on the success of the weeks activities revolving around the Emery County Fair. He complemented those volunteers and staff members who worked hard to pull off another great county fair. The Senior Center in Green River will have its final

COMMISSION MEETING MINUTES  
AUGUST 5, 2008

inspection on Friday, August 8, 2008. The staff will move into the center on Monday the 11<sup>th</sup>. August 19<sup>th</sup> at 11:30 am there will be an open house and ceremony with a light lunch. Commissioner Kofford met with the contractors at the swimming pool on Friday. They have set a tentative date of September 13, 2008 for completion. There is a lot that needs to be done between now and then. We still need a manager hired who will need to put in place staff members and set out the pool rules and rates.

*Commissioner Horrocks*

Commissioner Horrocks also thanked all the people who put in the hours and time to make this another successful year for the fair and rodeo. He attended a lamb fry held for the State Road Commission held here in the county.

Commissioner Gary Kofford made a motion to move out of the regular meeting and into a closed executive session and upon completion of that session to return to the regular meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(19)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at a closed executive session was Commission Chairman Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Personnel Director Mary Huntington, Road Supervisor Morris Sorensen, Deputy Clerk/Auditor Carol Cox. Personnel matters were discussed.

(20)

**ADJOURNMENT**

Upon returning to the regular Commission Meeting, Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COMPLEX IN GREEN RIVER

AUGUST 19, 2008

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Clerk/Auditor Brenda Dugmore, other elected officials and citizens.

Commissioner Jeff Horrocks stepped down through out the meeting to execute the motions.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS, DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #191983 through and including #192157 for payment.

Requisitions were presented for the following.

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
47-08	Canon Copier Library	1,817.00	Approved
48-08	Service Kit for Satellite Homeland Security	899.00	Approved

There were no dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List and requisitions as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(2)**  
**REQUEST APPROVAL OF BUILDING PERMIT FEE WAIVER FOR MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY FOR CHILDREN'S JUSTICE CENTER.**

Commissioner Gary Kofford made a motion to approve a fee waiver for the Municipal Building Authority of Emery County in the amount of \$1,879.79 for the Children's Justice Center. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**REQUEST APPROVAL OF BUILDING PERMIT FEE WAIVER FOR HUNTINGTON CITY FOR GARAGE AT RODEO GROUNDS.**

Commissioner Gary Kofford made a motion to approve a fee waiver for Huntington City in the amount of \$984.49 for a garage at the rodeo grounds. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**REQUEST DONATION TO ASSIST IN THE PURCHASE AND MAINTENANCE OF VAN FOR GREEN RIVER BOYS AND GIRLS CLUB AND COMMUNITY CENTER.**

Glen Dale Johnson was present to ask for assistance in purchasing an extra, more dependable van to transport the youth. The question was asked if Green River City was in support of the community center. Pat Brady, Green River Mayor, addressed the Commission and stated that the City gives money to the community center every year. The City has pledged partial money for the purchase of the van. The center does a great job with the youth. Blaine Evans reported that there were many summer programs that took place including horse back riding, life skills, art, golf, soccer, tennis and dancing. The kids were taken on many field trips. Mr. Johnson stated that there was also a question as to whether the community center was a 503(c) organization. The paperwork showing that status was turned over to the Commission. Commissioner Gary Kofford stated that this is a worthy project, but was concerned that the standard County donation is \$250.00 and the request is for \$4,000.00. It would be his suggestion to look at it for a couple more weeks and possibly put in next year's budget. Another possibility is that the Senior Citizen Center will be receiving a new bus which would free up a full size van that could possibly be transferred to the center. Commissioner Gary Kofford made a motion to table this item for two weeks. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(5)

**CITIZEN CONCERNS**

Glen Dale Johnson brought up the concern of not replacing the justice court judge position in Green River. It is one of the higher paying jobs in Green river and it is a position that they want to keep. Pat Brady stated that he appreciated having a judge in Green River that lives in the community. Karen Silliman stated that the local law enforcement would prefer to have a judge in Green River. Commissioner Gary Kofford stated that it has been the policy of the County when someone retires to evaluate whether or not to fill the position. The previous Judge drove to Castle Dale for about six months to fill in for the judge there. Commissioner Kofford would like to watch the situation for a few months and see how things work. Commissioner Jeff Horrocks stated that he comes from a law enforcement field and is not against putting a new judge in

COMMISSION MEETING MINUTES  
AUGUST 19, 2008

Green River. He respects Commissioner Kofford's views and neither is going to change their opinion, so until there is a third vote, nothing will change. Attorney David Blackwell also stated that there is new legislation that goes into effect on July 1, 2009 and it needs to be taken into consideration how those changes will affect the court before a new judge is appointed.

Joni Pace asked the Commission what was going to happen to the old equipment in the Senior Citizen Center. Commissioner Jeff Horrocks requested that they send a letter requesting the needs of the Community Center.

Judy Scott discussed a situation with the Housing Authority where she does not feel like adequate inspections are being performed. The lawns are dying and its an eye sore. Karen Silliman has contacted the Housing Authority and the duties were transferred from the Emery Office to the Moab office. The Commission will look into the situation.

Commissioner Gary Kofford read a letter thanking the Commissioners for building the Senior Citizen Center in Green River. The letter was signed by Judy Scott, Emery County Aging Council. There were about a hundred other signatures on the letter.

(6)

**CONSIDERATION AND APPROVAL OF AMBULANCE BILL REDUCTION FOR NANCY MITCHELL, JAMES SIMMONS, ANNA MERCHANT, SUNG EUN PARK, LANDON WATSON AND SCOTT STROUD.**

Commissioner Gary Kofford made a motion to abate 50% of the balance for Landon Watson and Nancy Mitchell who are Emery County residents and no abatements for James Simmons, Anna Merchant, Sung Eun Park and Scott Stroud. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**DISCUSSION AND APPROVAL OF ACQUIRING PATENT WITH THE BLM FOR LAND THAT INCLUDES A PORTION OF THE MK TUNNELS.**

Ray Petersen, Public Lands Administrator, addressed the Commission concerning the MK Tunnels. The MK Tunnels were created in the 1950's burrowed into the Navajo sandstone. The BLM is the land owner and asked the State Department of Oil, Gas and Mining Abandoned Mine Program to come up with a closure program. They came back with a plan to partially close the tunnels. There has been a lot of concern locally to keep the tunnels open. The BLM has not changed their plan to close the tunnels. One option is to make the property belong to Emery County and keep them open. The Environmental Protection Agency wanted more testing to be conducted. An update was given in the last public lands meeting and there has been \$10,000.00 set aside for interpretations and kiosks. One tunnel is 300 feet long and six to eight feet tall. That

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tunnel is still intact. The question was raised as to whether the BLM would consider leaving that tunnel open. Their plan is to close all of the tunnels. The Public Lands Council has drafted a letter requesting the Commission move forward with an r&pp from the BLM. Commissioner Gary Kofford made a motion to move forward with the request to the BLM. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF "ORDER OF THE INDEXED RATE INCREASE" FOR AMBULANCE RATES.**

Commissioner Jeff Horrocks made a motion to table this item until a new schedule can be made. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF DEVELOPMENT LEASE BETWEEN SITLA AND EMERY COUNTY FOR PROPERTY LOCATED WEST OF THE CITY OF GREEN RIVER FOR AN INDUSTRIAL PARK.**

Michael McCandless, Economic Development Director, reminded the Commission that at the last meeting there was a draft of this agreement and it was not felt that the agreement actually met the intent that the County had for the agreement. We now have a revised agreement that Mr. McCandless is comfortable with. There is only one question remaining in section 6.3. Clarification is needed as to how we can use our proceeds from the sale of property. It is Mr. McCandless's recommendation that the agreement be approved. Commissioner Gary Kofford stated that one of the things that it lays out is the price of SITLA land running from \$900.00 to \$1,400.00 per acre. SITLA will get 90 percent of the proceeds and the County would get 10 percent. We currently do not have an agreement with Green River City to supply water. Another question that Commissioner Kofford had was concerning an archeological study and an engineering study. Mr. McCandless stated that the archeological study has already been completed and approved. Commissioner Kofford stated that there would be no cost to the citizens of Emery County with the direction the industrial park is headed. Commissioner Kofford would like resolved the cost of the water and sewer line. The County has filed for an economic development grant in the amount of \$1.7 million to help with the construction of the water and sewer. The total price of the property that is selling would only amount to \$274,000. Mr. McCandless stated that the money would cover the first phase of this project. There will be many phases. Mary Wilmarth questioned what the liability to Green River City would be. Mr. McCandless stated that it would be no different than any other properties subject to existing planning and zoning laws. There will be a public hearing in September to rezone the area to industrial use. If no water can be provided to the property then the County would not execute the agreement with the purchasers. Bill Adams asked if there is any interest in property located within Green River City. Mr. McCandless stated that he is always interested in looking at



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property in town to show to potential buyers. Sarah Fields spoke of concern that the County may be committing itself too deeply to projects that may never happen. There is a public hearing on August 27, 2008 regarding Mencos Resources request of 800 acre feet of water from the Green River. Mayor Pat Brady commented that the City really appreciates all that Mr. McCandless has done in trying to move this project forward. Mr. Brady requests that the Commission approves this agreement. Commissioner Gary Kofford stated that Green River has a unique opportunity for economic development. It appears that the majority of the populous of Green River is in favor of moving forward with the project. Blaine Evans questioned whether the residents of Green River will have more say than others. Mr. McCandless stated that the decision will be based on the facts, not on public clamor. All relevant information will be considered. Commissioner Gary Kofford made a motion to enter into the agreement with SITLA and Emery County subject to clarification of section 6.3. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF IMPROVEMENTS AT SHERIFF'S GUN RANGE.**

Commissioner Gary Kofford spoke with Captain Kyle Ekker concerning improvements at the gun range. There have been a lot of improvements made and there is concern about access to the area. The Sheriff's Department has enough material to construct the fence. Commissioner Kofford would like to put this out for bid with a site inspection on September 4, 2008 at 10:00 a.m. Sheriff LaMar Guymon has some money left over in his budget to pay for this fence, but may need to supplement it with a couple of thousand dollars from another department. Commissioner Gary Kofford made a motion to advertise for the installation of a fence at the gun range. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF PAYING MILEAGE FOR JUDGE STREAM'S TRAVEL TO GREEN RIVER.**

Commissioner Gary Kofford stated that Emery County's policy states that when driving a personal vehicle for County business the County will reimburse mileage. This item is for informational purposes only. Judge Stream will be traveling back and forth to Green River to conduct court. When he takes his personal vehicle he will be reimbursed mileage and possibly there will be a county car available part of the time.

(12)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.****A. Approval to hire Shannon Hiatt as full time Aquatic Center Manager.**

Commissioner Gary Kofford made a motion to hire Shannon Hiatt as the full time aquatic manager at a grade 22. This position will be exempt. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**B. Approval to hire Jim Gordon as Part-Time Ambulance Supervisor.**

Commissioner Gary Kofford made a motion to hire Jim Gordon as a part-time ambulance supervisor working less than twenty hours per week. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**C. Approval to begin recruitment for part-time, working less than 10 hours per week, Janitor at the Emery Library.**

Commissioner Gary Kofford made a motion to begin recruitment for a part-time janitor for the Emery Library. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**D. Approval to begin recruitment for part-time, working 19 3/4 hrs. per week, Lifeguards.**

Commissioner Gary Kofford made a motion to begin recruiting for part-time lifeguards. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF CHANGE ORDERS FOR SWIMMING POOL PROJECT COR#20, COR#21, AND PR#06a.**

COR#20 for earthwork extras in the amount of \$4,508, COR#21 steel extras in the amount of \$2,381 and PR#06a reconfiguring the parking lot in the amount of \$2,217 were presented. Commissioner Gary Kofford made a motion to approve COR#20, COR#21 and PR#06a as listed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(14)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated August 5, 2008 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

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(15)

**COMMISSION REPORTS**

*Commissioner Gary Kofford*

Commissioner Kofford reported that the Utah Counties Insurance Pool held their annual risk management conference in Cedar City last week. The senior citizen center grand opening was held today. The punch list should be finalized in the next ten days.

*Commissioner Jeff Horrocks*

Commissioner Horrocks reported that Board of Equalization was held earlier today. The swimming pool was set to be turned over to the County on September 13, 2008 but will probably be set back a week.

(16)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

No executive session was needed.

(17)

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

AUGUST 20, 2008

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Gary Kofford, Clerk/Auditor Brenda Dugmore, Deputy Clerk/Auditor Carol Cox, and citizens.

The purpose of the special meeting was to hold a public hearing to discuss a judgement levy tax increase in the amount of \$95,700.00 to repay Pacificorp as a result of a judgement issued by the Utah State Tax Commission on 2007 valuation.

Castle Valley Special Service District's levy amount is \$38,910.00.

The meeting was opened up for comment from the public.

JoAnn Behling, Ferron stated that we all know that the value of the plant has not changed that much. She wanted to know what the county is doing to fight that cause and if the attorney for the county is doing anything. A few years ago we had an attorney who really got in there and fought for us. We need someone who cares about Emery County. We know that the plant sold for a lot more money than it is being valued at. Something is going on.

Commissioner Kofford stated that centrally assessed is valued by the State Tax Commission not Emery County. The county's attorney from Utah Association of Counties has not been successful in winning an appeal case.

Commissioner Horrocks stated that the county attorney has fought this battle. This is a valid concern. The power plant was sold for a lot more money than what it is being valued on. He felt that it is not being taxed for what it should be. The plant is producing more power today than it was 30 years ago when it was built. It is way under taxed. We have had the Tax Commission here and had meeting with them. It was like talking to a brick wall.

JoAnn Behling expressed concern that the tax burden is shifting to the home owner. Every household is paying \$100.00 to \$200.00 more in taxes this year. She stated that we need to get the county attorney involved to fight for the county on centrally assessed values.

Commissioner Horrocks stated that he agreed. The county is not taking in any more money. The shift is going to the homeowner. He expressed concern that it takes changing the constitution to change the way centrally assessed is valued.

Commissioner Kofford indicated that the county is still operating on the same budget that we were in 1991. With the economy the way it is and the cost of living, fuel, etc. we are still at the same place. The county has done well to be able to do this. The only way to combat this is to

cut services. Are we willing to do this?

Darrell Leamaster, CVSSD stated that in the past, with the Association of Counties, the county has bought into fighting the Tax Commission on this matter and has ended up spending a lot of money trying to defeat it. The value of centrally assessed property is looked at differently than residential property. What we need to recognize is that centrally assessed property pays 85% of the property tax. Therefore, centrally assessed properties pay back 85% of the judgement levy. There is no question that the shift is happening. If we do not do the levy it opens the door for them to protest every year. Without the judgement levy, the burden to pay the protested amount would fall fully on the homeowner.

Commissioner Kofford talked about the changes in the way property has been assessed this year. The state told us we did not have the value of vacant property where they felt we should be. They told us if we did not bring them up to within 80% of the value they would do it at the full 100%. So, with this change and the judgment levy the taxpayer is experiencing higher taxes. The county is not collecting any more money.

Joann Crawford, Marybelle Wareham and Ray Wareham made comments regarding the cost of homes with comparison to home sales in the big cities.

Jeff Hayward indicated that his taxes went up 300%.

Commissioner Kofford indicated that if you feel that your taxes are totally out of line there is a process that you can go through to have the Assessor re-assess your property. You have until the 15<sup>th</sup> of September to complete that process.

There was no more comment.

Motion the adjourn the meeting was made by Commissioner Gary Kofford, seconded by Commissioner Jeff Horrocks and approved by all members present.

Attest: \_\_\_\_\_ Commissioner: \_\_\_\_\_

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

SEPTEMBER 2, 2008

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Jeff Horrocks stepped down throughout the meeting to execute motions as needed.

(1)  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Deputy Clerk/Auditor Carol Cox presented the Warrant Check Edit List # 192322 through and including #192429 for payment.

One requisition, 50-08 was presented from the Emery County Aquatic Center for outside furniture for the center in the amount of \$17,961.66.

One disposition was presented from Justice Court for 2 yellow swivel chairs from Green River Justice Court.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, requisitions and dispositions as presented. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(2)  
**CONSIDERATION AND APPROVAL OF FINAL TAX RATES FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Request was made to adopt the final tax rates for Emery County and Castle Valley Special Service District as follows:

Emery County: General Fund	0.003456	5,815,340.00
Swimming Pool Bond/Debt Service	0.000149	250,000.00
County Library	0.000399	671,400.00
Discharge of Judgement	0.000057	95,700.00
Recreation/Swimming pool	0.000063	106,000.00

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
SEPTEMBER 2, 2008

CVSSD:	General Fund	0.00095	1,081,000.00
	Debt Service	0.000983	1,118,800.00
	Discharge of Judgement	0.000035	38,910.00

Commissioner Gary Kofford made a motion to adopt the final tax rates for Emery County and Castle Valley Special Service District as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**DELENA FISH, WFS, QUARTERLY UPDATE.**

Delena Fish, Work Force Services, provided a quarterly update.

Customers may now access information, file applications and apply for medical assistance online as well as call in to the office. The calls could come in to any office in the region. The majority of the work that her office is experiencing is coming from the Wasatch front. This is a pilot program for the Eastern region to provide portability to customer service anywhere in the state. This is an effort to centralize job units in the state by listing job orders and find people to work. WFS is on the new four day work week. They are now closed on Friday.

They are now taking phone interview for free dental unit with United Way. To qualify for the free dental, the applicant cannot have access to any dental care. WFS still has training funds available. At this time there are not a lot of individuals who come in for training. The youth program is having problems with finding youth who want to participate. Unemployment is at 3.8 at this time which is close to the state's rate. The area still has jobs available, mostly that need skill sets.

(4)

**DISCUSSION OF NORTH EMERY WATER SPECIAL SERVICE DISTRICT  
REQUEST FOR HEALTH INSURANCE.**

Commissioner Jeff Horrocks made a motion to direct the special service districts to pool together and meet with Jeff Kelsey, Emery County's insurance broker to come up with a program that will work for them all. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**RE-APPOINTMENT OF BEULAH OVESON TO EMERY COUNTY LIBRARY  
BOARD.**

Commissioner Gary Kofford made a motion to re-appoint Beulah Oveson to one more term on the Library Board. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
SEPTEMBER 2, 2008

(6)

**CITIZEN CONCERNS**

James Davis, Emery County Review asked if North Emery Water Special Service District has insurance at this time. Michael McCandless, as a member of the board indicated that the reason for requesting insurance is because usually the SSD's have only one or two employees and have a hard time getting decent rates on insurance.

(7)

**CONSIDERATION AND APPROVAL OF LETTER TO BLM CONCERNING CATTLE GUARD ON COUNTY ROAD 506.**

Commissioner Gary Kofford explained that he received a request from Ray Jorgensen, Herd Manager of the Cottonwood Creek Cattlemen's Association requesting that Emery County Road Department place a cattle guard on County Road 506. The BLM will allow the cattle guard if the county approves. Therefore, Commissioner Gary Kofford made a motion to approve writing a letter to the BLM stating that the county agrees to allow the cattle guard if the Association will purchase the cattle guard and foundation material. The county will then participate with the installation. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(8)

**APPROVAL OF CELL PHONE STIPEND FOR MARK DEBRY, BUILDING INSPECTOR AND SHANNON HIATT, AQUATIC CENTER MANAGER**

Commissioner Gary Kofford made a motion to approve a cell stipend of \$45.00 per month beginning September 1, 2008 for Mark DeBry, Building Inspector and Shannon Hiatt, Aquatic Center Manager. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF VISA CARDS FOR STEVE L. STREAM, SHANNON HIATT, AND LIMIT AMOUNT CHANGE FOR JUSTICE COURT TWO CARD.**

Commissioner Gary Kofford made a motion to approve VISA cards for Steve L. Stream, Shannon Hiatt, and to limit the amount of Justice Court Two to \$1,000.00. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.



(10)

**CONSIDERATION AND APPROVAL TO DISPOSE OF COUNTY OWNED  
PROPERTY PARCEL 01-0130-0015.**

Attorney, David Blackwell indicated that he was still waiting to hear back from the adjoining property owners. He indicated that if the property were to be put up for bid and a third party were to purchase the property it could cause a problem. He suggested putting the bid out between the two adjoining property owners, Vance and Bobby Brown, and Clay Holbrook. Commissioner Gary Kofford made a motion to follow the course of action that the county attorney recommends on this matter. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(11)

**DISCUSSION AND APPROVAL TO PURCHASE COVER FOR OUTDOOR  
SWIMMING POOL.**

Commissioner Kofford indicated that the cover for the outdoor pool was not included in the bid for the pool and it needs to be covered for the winter. Therefore, Commissioner Gary Kofford made a motion to assign Shannon Hiatt to begin the process to purchase a cover for the outdoor swimming pool. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND  
THE SCHOOL DISTRICT FOR DONATION OF LAND AND WATER SHARES FOR  
THE PURPOSE OF BUILDING A CHILDREN'S JUSTICE CENTER.**

The Board of Education of Emery County School District has agreed to the donation of land and water shares for the purpose of building a Children's Justice Center facility, and understands that the land will be donated to Emery County, the entity under which the Justice Center facility will be built and subsequently leased and or sold to the Justice Center program. Concerning this project, the School District and the County agree on the following points:

1. The county is responsible to provide the funding and payment of all construction-related materials & fees. It is anticipated that this will be through a Municipal Building Authority arrangement.
2. The school District is responsible to provide and or fund all construction-related personnel and labor.
3. If, after the facility has been completed, the Children's Justice Center program decides for any reason that it will no longer use/lease the facility, it is understood by both parties that the lot and facility can be sold only for residential use, as required by Castle Dale City.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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4. If the county ever determines to sell the facility and lot (other than to the Children's Justice Center program), the county agrees that upon completion of the sell, the fair market value of the donated lot and 2 class A water shares from Cottonwood Creek Irrigation Company- at the time of the sale-will be refunded to the School District.

Commissioner Gary Kofford made a motion to approve the MOU between Emery County and the School District for the donation of land and water shares for the purpose of building a Children's Justice Center with the wording changes on point #4 suggested by Attorney, David Blackwell. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present. The wording included in this transcript reflects the suggested changes.

**(13)**

**DISCUSSION AND DECISION CONCERNING OLD SENIOR CITIZEN CENTER IN GREEN RIVER.**

Commissioner Kofford explained that the old senior citizen center is no longer being used by the senior citizens. He asked the County Assessor's office to provide an assessed value for the building and property. The Assessor's office recently did a field visit and an appraisal and have placed a value on the building at \$70,854.00 and the land at \$5,933.00. This makes the total value \$76,787.00. The Commissioners have discussed this matter before and determined that the building is not worth the money needed to renovate the building and parking is a problem. The Commission recommends following the county policy for disposal of property and put the property up for sell at a minimum of \$76,787.00. They also recommend to sell no more that 14 feet of the parking lot as this will limit parking for the library. Commissioner Gary Kofford made a motion to advertise for bids to sell the old Senior Citizen Center in Green River with a minimum value of \$76,787.00 and to have the bids come in to the Clerk/Auditor's office by October 17, 2008 to be opened on October 21, 2008. A site showing will be scheduled for October 2, 2008 at 10 am. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(14)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Approval to start the recruitment process for a full time equipment operator II.

Morris Sorensen requested approval to start the recruitment process for a full time Equipment Operator II. Commissioner Gary Kofford made a motion to approve the recruitment process for a full time Equipment Operator II as proposed. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
SEPTEMBER 2, 2008

B. Discussion and approval of airport insurance application.

Mary Huntington requested approval to go out to bid to renew insurance for the Huntington Airport. Commissioner Gary Kofford made a motion to approve going out to bid to renew insurance for the Huntington Airport. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Mary Huntington informed the Commissioners that temporary employment for Devin Hales, Jalee Jensen, Meagan Pearson, Dane Worwood, Daren Worwood, Nicholas Larsen, and Dustin Stettler has ended.

**(15)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated August 19, 2008 as corrected. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner Gary Kofford made a motion to approve the minutes of a special meeting held on September 20, 2008. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(16)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported on the open house for the new Green River Senior Citizen Center.

The Swimming Pool is moving along. As of this date there is still no fixed dates for completion.

The footers have been poured for the Children's Justice Center.

*Commissioner Horrocks*

Commissioner Horrocks reported on Board of Equalization held recently in Green River and Castle Dale.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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(17)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An executive session was not needed.

(18)

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

**SEPTEMBER 16, 2008**

Present at the meeting was Commissioner Jeff Horrocks, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens

**(1)**  
**NOTIFICATION OF REINSTATEMENT OF COMMISSIONER DREW SITTERUD.**

**(2)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List #192525 through and including #192695 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
51-08	Sanitaire Commercial Vacuum Highway Dept.	\$ 399.00	Approved
52-08	VHF Repeaters-Antennas Communications	\$ 2,964.96	Approved
53-08	5 Durangos Sheriff	\$123,185.00	Approved
54-08	VHF Repeaters-power amps Communications	\$ 17,236.00	Approved

Dispositions were presented as follows:

415-4884, 1988 JD 690DL Excavator, 410-4181, 1982 Culvert Trailer, 410-3663, Jack Hammer, 410-4208, Diesel Cummins Generator, 410-4784,4785, 86 Phoenix SX Radios, 410-4873,4874,4875,4876,4877,4878,4879,4880,4881,4882,-88 MVS Radios, 410-5417,-89 MVS Radio, 410-5440,5441,5492,5403,-90 MVS Radios, 410-5483,5484,5485,5486,-90 PCS Hand Held Radios, 410-5094,5093,5095,5184,5183,-92 MVS Radios,

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410-6291,6292,6293,6294,9295,6298,6297,6299,6300-96 MDX VHF Radios, 410-6661, 6662,6664,6663,6670,6665,6666,6667,6668,6669,-97 GE MDX Radios, 410-6871,6872,6873,-98 UNIDEN Handheld Radios,

Commissioner Jeff Horrocks discussed the requisition for five durangos indicating that there were two bids, one from Ken Garff and one from Price Chrysler, Dodge, Jeep. The bids were at state bid and were about \$40.00 per vehicle difference in price. Sheriff Guymon requested approval to purchase them from Price due to the cost of fuel and the difference in the price being so close. Commissioner Drew Sitterud made a motion to approve the Warrant Check List, additional claims, the requisitions, including the purchase of the vehicles from Price Chrysler, Dodge, Jeep and to approve the dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**ROCKY MOUNTAIN POWER/PACIFICORP ENERGY REPRESENTATIVES,  
QUARTERLY UPDATE**

Deb Dull, Reg Soepnel, Managing Director of Plants for Pacificorp, Gary Denhalter, Huntington Plant and Darrell Cunningham, Hunter Plant were present to provide a quarterly update of Rocky Mountain Power/Pacificorp Energy activity. Deb Dull thanked the County Commissioners for the opportunity to come and provide an update of activity. She then turned the time over to Reg Soepnel. Reg reported that a new gas fired power plant was opened on September 15<sup>th</sup> in Chehalis, Washington. This is the third largest gas fired power plant in the United States bringing flexibility to power generation. Locally there have been some small outages due to tube leaks. The turnaround time was minimal. They are in the mid overhaul period, meaning the next series of overhauls are scheduled for 2010. They plan to do turbine upgrades on all units. He reported on local employee positions and employment turnarounds. Deb Dull reported on the scheduled power outage that was on Saturday, September 13, 2008. The outage was to allow time for the linemen to bring the new power poles on line along Spartan Avenue in Castle Dale.

(4)

**OPEN BIDS FOR FENCING AT SHERIFF'S GUN RANGE. APPROVAL OF BID  
AWARD AND ASSOCIATED PAPERWORK**

Advertisements went out for bids to install fencing at the Sheriff's Gun Range. The Sheriff had the materials so the bids asked for installation of the materials. Bid 1 was from KV Fencing in the amount of \$9,618.00. Bid 2 was from Jensen Fencing in the amount of \$7,700.00. Commissioner Gary Kofford made a motion to award the bid to the low bidder Jensen Fencing in the amount of \$7,700.00. The motion was seconded by Commissioner Drew Sitterud and

approved by all members present.

(5)

**OPEN BIDS FOR REPLACEMENT OF SUSPENDED CEILING. APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK**

The ceiling in the Archive's Office had fallen down so advertisements went out for replacement of suspended ceiling to repair the damage. 1 bid was received from Stilson & Sons for material and labor in the amount of \$2,895.00. Commissioner Gary Kofford made a motion to award the bid to Stilson & Sons in the amount of \$2,895.00. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**RAY JORGENSEN- REQUEST FOR COUNTY PARTICIPATION IN FUNDING CATTLE GUARD ON CR 506.**

Ray Jorgensen representing the Trail Mountain Cattle Association requested the Commission's assistance in putting in a cattle guard on County Road 506. He explained that a cattle guard will help direct the cattle to a corral and not onto SR 29. He indicated that for a few years he had the use of a corral to herd the cattle to and have lost the use of this corral and now there is a safety issue for travelers on SR 29. Ray went to the BLM and acquired land above SR29 to put a corral up. He asked that the county put in the cattle guard and the association will put up the wing fencing so that when the cattle come down they will drift into the corral and not on SR29. SR 29 is open range. Sheriff Guymon indicated that his department receives a lot of complaints of cattle drifting onto SR29 and thinks a cattle guard is a good idea. Commissioner Sitterud agreed that a cattle guard was needed and made a motion to approve to move forth and assist with placement of a cattle guard on SR 29. Commissioner Kofford commented that in the last commission meeting the commission made a motion to assist with the placement of a cattle guard on SR 29. The policy on cattle guards in the past has been that the county would supply the base and assist in the placement and the entity would pay for the cattle guard. He talked about other entities' requests for cattle guards and discussed the cost associated with the purchase of the cattle guard. Ray indicated that the cost of putting up the corral in meeting with the BLM's specifications will stretch their money thin and they were hoping that because of the safety issue on SR29 that the County would pay for the cattle guard and the association would put up the wing fencing. Commissioner Sitterud asked if the county had a cattle guard policy? Commissioner Horrocks indicated that historically the county has assisted in the installation and the entity has paid for the cattle guard. Commissioner Sitterud indicated that he did not want to break policy and asked if the association could pay for the cattle guard if the county put in the base and provided the installation. Ross Hinkins indicated that it would not be this year. We would just have to let them drift home and cut them off in the fields as we go down the road. This situation puts the

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cattle on the road. Horace Petty indicated that years ago, before the Forest Service put in the existing road, they took out the cattle guard and did not replace it. Commissioner Sitterud left his motion as it stood that the county put in the cattle guard that was taken out and not replaced. Commissioner Kofford asked if Morris had money in the road department budget to pay for the cattle guard. Morris indicated that he did not have money in his budget for the cattle guard. Commissioner Kofford asked if Commissioner Sitterud knew where to get the money to pay for the cattle guard. Commissioner Sitterud indicated that he thought we could find the money somewhere. Commissioner Kofford then seconded the motion to do it but the money will not come out of the Road Department budget. The motion passed.

**(7)**

**CITIZEN CONCERNS**

Mark H. Williams addressed an issue regarding the BLM's RMP policy on limiting the number of vehicles to 25 after which you are required to get a permit. He indicated that OHV rides and projects, family reunions and church activities normally involve more than 25 vehicles. He thought that the county should be concerned about it and do some letter writing now that it is open for discussion. Ray Petersen indicated that the proposed plan calls for activities with more than 25 vehicles to contact the BLM to see if the activity warrants permitting. The intent is to permit commercial and not family groups, church groups, or local clubs. It was not brought up as an issue during the comment period process. Ray's suggestion was to let the plan come out and make an effort to have the intent explained. We have no grounds to protest it at this time.

Commissioner Kofford made a statement regarding Commissioner Sitterud.

"I don't know of a more appropriate place to do this than right here. We have a situation where we have a commissioner that got into a little bit of trouble. I think it's interesting that the gravity of the situation has been swept under the carpet, if you will. Nobody wants to address it, nobody wants to talk about it. It's been implied that it's a smear campaign. I think the only smear that has been done is on the employees of Emery County, on the population of Emery County. When you get into smear tactics in my mind it's one party against the other. In this case you have here a Republican commissioner, a Republican county attorney; you have a Republican attorney generals office. I fail to see the tactics of a smear campaign," Commissioner Kofford said.

Commissioner Kofford went on to address a letter that Commissioner Sitterud had published in both The Emery County Review and the Emery County Progress where he stated that the county had no policy when it came to travel reimbursements, which is what led to the problems he faced. Commissioner Kofford stated that there was a policy that had been put together in 1984 by the county. He indicated that the policy applied to employees of the county only, not elected officials. Elected officials are governed by legislative statute.



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“This doesn’t apply to elected officials. For some reason we have a double standard. I don’t buy this. We’ve been reviewing it for a year and none of your elected officials will address that issue,” Commissioner Kofford said. “In talking to people they have said, well, it’s only a little bit. Does it take a dollar amount to become a thief?”

Commissioner Jeff Horrocks asked Commissioner Kofford where he was headed with his statement.

“What I’m asking for and I think it’s appropriate, is that Commissioner Sitterud submit a letter of resignation,” Commissioner Kofford said. “I think it’s very appropriate.”

Following Commissioner Kofford’s statement Commissioner Horrocks said that Commissioner Sitterud has been through the legal system and pled guilty to the two misdemeanors and that elected officials were not automatically removed from office for misdemeanors. Commissioner Horrocks asked if Commissioner Sitterud had a statement. Commissioner Sitterud had no comment.

Commissioner Horrocks asked if anyone else had a comment and Sheriff Lamar Guymon took a moment to address how the situation had impacted his office.

“I guess my biggest frustration is that I am a Democrat and whether that is a good thing or a bad thing, that’s a personal choice. What I am frustrated is about is how black me and my department are being painted for doing what we are paid to do. This is not something we went out and tried to find on our own. This was brought to us in the form a complaint and now the rumor mill is that we initiated this all on our own. That is about as far from the truth that you can get. Had we a choice in this we would have run away from this just as fast as we could just because of what is going on right now,” the sheriff said.

Emery County Clerk/Auditor Brenda Dugmore said that she did not feel the conversation was appropriate for a commission meeting. Commissioner Horrocks said he had let the conversation continue to allow opinions to be expressed openly and that the voters would decide in November whether to reelect Commissioner Sitterud or not. Until that time the commission would work together.

Commissioner Kofford again addressed the letter Commissioner Sitterud had published in both county newspapers, focusing specifically on Commissioner Sitterud’s contention that did not know what he was supposed to do with the travel reimbursement payments. According to Commissioner Kofford, when he came into office Commissioner Sitterud was one of the commissioners to explain how he was supposed to handle situations such as that.

“They explained when I came into office that you can collect pay from one agency, but not from both. Somewhere down the line Commissioner Sitterud forgot that,” Commissioner Kofford said.

“There’s a double standard as far as employees and elected officials are concerned. Elected officials should be held to a higher standard and they’re not. It’s the same thing we argue about

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with the state legislature every year,” Commissioner Kofford said.

When it comes to Commissioner Sitterud, Commissioner Kofford admitted that there was no love lost between the two and there has been a personality conflict between them from the very beginning of his time on the commission. He said that when the first complaints were made about Commissioner Sitterud’s actions he was determined that something be done about it. Commissioner Kofford continued,

“Why are the papers afraid to print such a thing? I don’t think you’ve covered it very good. I don’t think the citizens of Emery County know what is going on. Commissioner Sitterud signed an affidavit that said he is guilty of two Class A misdemeanors. The Review had him reinstated before he ever came through to the commission meeting, and I realize it is a technicality of the law,” Commissioner Kofford said.

James Davis, Editor of The Emery County Review asked how the Emery County Review and Emery County Progress had misrepresented the facts? Commissioner Kofford said that the papers did not misrepresent the facts, but he took issue with how they ran the stories.

“I think you failed to report accurately what was going on. I think as I watch other papers they tend to sensationalize it a little bit, if you will. Nobody down here thinks there’s a problem so nobody up state thinks there’s a problem,” Commissioner Kofford said.

Commissioner Kofford referred to an incident in Salt Lake County several years ago where an official had been accused of misusing public funds and how the newspapers had reacted to the story.

“The papers actually kicked him out of office in my mind. There was enough pressure that justice was done,” he said.

The editors of both newspapers, present during the meeting, said that it was not their policy to sensationalize any story.

“I do take a bit of exception that we didn’t sensationalize it enough because I don’t think that’s our job,” said Patsy Stoddard, editor of the Emery County Progress.

In the interest of moving the meeting along Commissioner Horrocks ended the comments and vowed to work together in a professional manner as a Commission and staff for the citizens of Emery County.

**(8)**

**CONSIDERATION OF REQUEST TO ASSIST IN THE PURCHASE AND MAINTENANCE OF VAN FOR GREEN RIVER BOYS AND GIRLS CLUB AND COMMUNITY CENTER.**

Commissioner Gary Kofford made a motion to table this matter. The motion was seconded by

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Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF “ORDER OF THE INDEXED RATE INCREASE” FOR AMBULANCE RATES.**

Ambulance Director, Jim Gordon presented the Order of the Indexed Rate Increase for ambulance rates. Jim reported that the state updated their rates in July based on cost increases for fuel. The state allows a basic rate of \$463.00 for basic service and \$546.00 for advanced care and service. The county is currently charging \$18.00 per mile for transport. The state has raised the rate to \$31.65 per mile with a \$.20 per mile surcharge then there is a fuel increase. Jim suggested going with \$25.00 per mile which is somewhere in the middle. He stated that he felt the increase is warranted because of the way insurances and medicaid pays. Emery and 2 other counties are the only ones who have not gone to the state rates as of yet. Commissioner Sitterud felt that the county should keep the cost as low as we possible can and still break even. Commissioner Gary Kofford made a motion to have Jim put together his recommendation and bring to the next Commission Meeting a schedule that he would like to see implemented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF FEE WAIVER FOR BURIAL PLOT FEE AT LAWRENCE CEMETERY FOR VONDA WILSON.**

Commissioner Gary Kofford made a motion to approve a fee waiver for a burial plot fee at the Lawrence Cemetery for Vonda Wilson due to the fact that it was a pre-established lot. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF CELL PHONE STIPEND FOR TINA CARTER, EMERY COUNTY TRAVEL BUREAU.**

Commissioner Gary Kofford made a motion to approve a cell phone stipend of \$45.00 per month for Tina Carter, Emery County Travel Bureau. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF FY2009 CONTRACT AMENDMENT #1**

**BETWEEN EMERY COUNTY AND THE SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS TO ADMINISTER SENIOR PROGRAM SERVICES IN EMERY COUNTY.**

Commissioner Gary Kofford made a motion to approve the FY2009 Contract Amendment #1 between Emery County and the Southeastern Utah Association of Local Governments to administer the Senior Program Services in Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF CLOSURE OF BOARD OF EQUALIZATION.**

Clerk/Auditor Brenda Dugmore indicated that it was time to close the time allowed for appeal of property valuation. After it is closed, a list of changes will be presented in the next Commission Meeting for the Commission to consider. Commissioner Drew Sitterud made a motion to formally close Board of Equalization for Emery County. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**DISCUSSION OF EMERY ANIMAL HEALTH CONCERNS AND APPROVAL OF REQUEST FOR ADJUSTMENT OF EXPENSES.**

The Commissioners received a letter from Glen Jensen, Emery Animal Health to address some areas of concern with regard to how the county supports the operation of the Emery County Animal Shelter. Mr. Jensen stated that EAH has had a contract with the county for approximately 10 years to run the shelter at his office in Castle Dale. Throughout this time his office as attempted to provide the best service possible to the county. Mr. Jensen expressed concern that currently there is no animal control officer employed by the county with the authority to make decision on impounded animals. This creates a hardship for EAH and puts his employees in a delicate and perhaps dangerous position with regard to animals that might be vicious. There is no oversight of the animal shelter to insure that adopted or fostered animals are spayed or neutered in accordance with Utah law. His employees often must endure abuse from angry animal owners because there is not an animal control officer to explain to owners why their animals are being held and informing then of their responsibilities of pet ownership. The county animal control ordinance is woefully out-of-date. It has been more than 20 years since this ordinance was last updated. In an audit of his records over the last nine months he found that there is an average of 36 animals euthanized each month, at a cost for drugs and technician time of \$10.00 for each animal, for a total cost of \$360.00. There is an average of 112 days of boarding for cats each month. He indicated that if he were boarding these cats through EAH he would charge \$976.00 for this service. There is an average of 138 days of boarding for dogs each month, which would result in \$1,242.00 in revenue if the animals were boarded

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through EAH. There is a total of \$2,578.00 in services rendered of which the county pays \$2,134.00 a month. EAH is open to the public nine hours a day, Monday through Friday, and four hours on Saturdays, for a total of 49 hours a week, minimum. To staff this facility with one person at minimum wage it would cost his business \$320.00 a week and \$1,444.00 a month. This does not include the time expended on Sundays for cleaning of the boarding area and feeding the animals, which normally takes two hours. Mr. Jensen stated that he brings these things to the attention of the Commission because he often finds that he cannot meet all of his customers' demands for boarding through EAH because he houses the animal shelter. He expressed appreciation for the opportunity to provide animal shelter services to the county. He and his staff are passionate about the health and well being of all animals and many of the animals that are brought in to the shelter are wonderful pets that have become separated from their loved ones or are pets that, through no fault of their own, find that they are now homeless. EAH wants to offer them a safe haven and an opportunity to find a new, loving home. He indicated that he has requested an adjustment in what the county pays for operation of the shelter in the past and at this time he is requesting an opportunity to speak with the Commission about not only reimbursement for services rendered to the county, but also the items he has mentioned regarding an animal officer and the animal control ordinance. The Commissioners discussed problems with the ordinance regulating animal control and the need for a uniform animal control ordinance. Sheriff Guymon indicated that the county needs to determine what they want Animal Control to be and work towards that. Commissioner Kofford indicated that Emery Animal Health is doing a good job, but the question is, who is responsible for animal control in the cities? Some cities in Emery County have animal control officials and some do not. Commissioner Sitterud indicated that the Council of Governments, which is a board made of the mayors of the towns and cities in Emery County has, in the past, addressed the issue of a uniform Animal Control Ordinance but it has apparently stalled and it needs to be discussed again. Commissioner Drew Sitterud made a motion to put this item on a future agenda for more discussion. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(15)**

**DISCUSSION AND APPROVAL OF FEE SCHEDULE FOR EMERY COUNTY  
AQUATIC CENTER.**

Commissioner Sitterud indicated that Shannon Hiatt, Emery County Aquatic Center Director visited various other swimming pools in the state to get an idea of the fees being charged in other places as a place to start. He found out that Carbon County has the cheapest rates in the state. If Emery County adopts the proposed suggested fee schedule, we will be at or close to what Carbon County is charging. Commissioner Sitterud indicated that they had hoped to have the pool open by the next Commission meeting but it looks as if that is not going to happen. The lifeguards still need to be in place and trained as well as the chemical in the pool still needs some time. The swimming pool fee schedule was proposed as follows:

<b><u>Family Pass up to 4 additional person</u></b>	<b><u>\$335.00 Annual</u></b> <b><u>\$ 25.00 Each</u></b>
<b><u>Couple (living in the same house)</u></b>	<b><u>\$260.00 Annual</u></b>
<b><u>Single</u></b>	<b><u>\$185.00 Annual</u></b>
<b><u>Senior Couple (one at least 62+)</u></b>	<b><u>\$185.00 Annual</u></b>
<b><u>Senior 62+</u></b>	<b><u>\$135.00 Annual</u></b>
<b><u>Student 12-17 or with student ID card</u></b>	<b><u>\$135.00 Annual</u></b>
<b><u>Youth 4-11</u></b>	<b><u>\$110.00 Annual</u></b>
<b><u>Age 3 and under (must wear double swim diaper)</u></b>	<b><u>FREE</u></b>

**Day Use Fee Schedule**

<b><u>Individual 18-61</u></b>	<b><u>\$ 4.00</u></b>
<b><u>Student 12-17</u></b>	<b><u>\$ 3.00</u></b>
<b><u>Youth 4-11</u></b>	<b><u>\$ 3.00</u></b>
<b><u>Senior 62+</u></b>	<b><u>\$ 3.00</u></b>

**Limited number of lockers are available for rental for a fee of \$6.00 per month and are sold in 6 month increments only.**

**Emery County Aquatic Center Rental Fees**

**For a birthday party, family reunion or work party at the Center. All facility rentals require a 2-hour minimum rental.**

<b><u>Outdoor Leisure Pool (1-100 people)</u></b>	<b><u>\$150.00/hour</u></b>
<b><u>Indoor Lap Pool (1-100 people)</u></b>	<b><u>\$100.00/hour</u></b>

**Lap Pool and Leisure Pool (1-200 people)** **\$225.00/hour**

**A \$150.00 Security deposit will be charged for pool rentals**

**Party Room Rental** **\$35.00/hour**

**Birthday Party (up to 12 children)** **\$85.00/hour**  
**(includes 2 pizzas, drink, balloons and clean-up)**

**\$25.00 cleaning deposit will be charges for room rentals**

**50% deposit required at rental booking and the balance must be paid the day of the event.  
Sales Tax is included in all admission and rental fees.**

**Cancellation Policy: No REFUND of deposit unless canceled 14 days in advance of rental date.**

Commissioner Kofford made a motion to adopt the Emery County Aquatic Center Fee Schedule as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(16)**  
**CONSIDERATION AND APPROVAL OF CHANGE ORDERS #22 & #23 AND PR #06 & 09 FOR AQUATIC CENTER.**

Commissioner Kofford presented change orders for the Emery County Aquatic Center as follows:

- COR#22- Concrete extras that were not originally in the bid. Allowance was carried for these items. \$0
- COR#23- Electrical extras. Mechanical plan showed AH1 and AH2 on east side of building. Electrical plan showed them on roof. Circuit breakers on plan were not large enough for units. VFC's were excluded from original bid. \$6,371.00
- PR#06- Reconfigure Parking lot. \$0
- PR#09- Change office light fixtures. \$330.00

Commissioner Drew Sitterud made a motion to approve COR's #22 and #23 and PR#06 and #09 as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)  
**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director Mary Huntington presented the following personnel action:

**A. Approval to hire Mari Peacock as a part-time, working 19 3/4 hrs/wk office specialist.**

Dixie Swasey requested approval to hire Mari Peacock as a part time, working less than 20 hours per week, office specialist at grade 7, \$9.06 per hour (3% below suggested minimum). Commissioner Drew Sitterud made a motion to approve hiring Mari Peacock as part time, less than 20 hours per week, office specialist in the Recorder's Office as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**B. Approval to hire Shonna Petersen as a part-time, working 10 hrs/wk janitor at the Emery Library.**

Jerilyn Mathis requested approval to hire Shonna Peterson as a part time, working 10 hours per week, janitor in the Emery Library at grade 6, \$8.02 per hour. Commissioner Gary Kofford made a motion to approve hiring Shonna Peterson as a part time, working less than 10 hours per week, janitor at the Emery Library as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**C. Approval of 3% wage increase for Shonna Curtis who has successfully completed the 6 month orientation period.**

Jerilyn Mathis requested approval to give Shonna Curtis a 3% wage increase due to her successful completion of the 6 month orientation period. If approved Shonna would move from grade 6, \$8.02 per hour to grade 6, \$8.28 per hour. Commissioner Gary Kofford made a motion to approve a wage increase for Shonna Curtis as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**D. Approval to have flu and pneumonia vaccine clinic for employees, their spouse and dependents.**

Mary Huntington requested approval to have a flu and Pneumonia vaccine clinic again this year. The county would pay for employees who choose to receive the vaccine. However, spouse/dependents are invited and Public Health would bill Meritain in their behalf.



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Commissioner Drew Sitterud made a motion to approve holding a flu and Pneumonia clinic as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(18)

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve the minutes dated September 2, 2008 was made by Commissioner Gary Kofford. Commissioner Jeff Horrocks stepped down to second the motion as Commissioner Drew Sitterud did not attend that meeting. The motion passed.

(19)

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported that he and Ray Petersen met with a committee and DWR at Hatt Ranch regarding litigation of a listed species of endangered fish. Green River Senior Citizen Building is set for its final on September 17<sup>th</sup> pending resolution of a problem with the propane. The Senior Citizens held a lamb fry at Little Bear Campground where there were approximately 100 people in attendance.

*Commissioner Sitterud*

He expressed appreciation to be back to work for the citizens of Emery County.

*Commissioner Horrocks*

Commissioner Horrocks reported that in Public Lands they discussed the request of UDOT for OHV designation on SR29. Planning and Zoning meeting in Green River they discussed proposed industrial park and received comments from environmental groups. The ground breaking ceremony for the new Children's Justice Center in Castle Dale will be September 19<sup>th</sup> at 2:30 p.m.

Motion to move into an executive session to discuss attorney/client communications regarding litigation or other matters allowed by law and at the completion of the session to return to the regular meeting was made by Commissioner Gary Kofford, seconded by Commissioner Drew Sitterud and approved by all members present.

(20)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Present at an executive session was Commissioner Gary Kofford, Commissioner Jeff Horrocks,

14

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Commissioner Drew Sitterud, Attorney David Blackwell, Personnel Director Mary Huntington, and Deputy Clerk/Auditor Carol Cox. Personnel and litigation matters were discussed.

(21)

**ADJOURNMENT**

Upon returning to the regular meeting, motion to adjourn the meeting was made by Commissioner Drew Sitterud, seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

OCTOBER 7, 2008

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Dugmore presented the Warrant Check Edit List # 192891 through and including #193056 for payment.

Requisitions were presented for the following:

<b><u>REQUISITION</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>	<b><u>ACTION</u></b>
55-08	Computer, print/copy/scanner, laptop Archives, Queen, Recreation	2,944.07	Approved
56-08	Toughbooks (3) EMS Program	4,595.58	Approved
57-08	Computer,printer,software, etc Swimming Pool	7,866.37	Approved
58-08	Surveilance bundle Swimming Pool	1,900.00	Approved
59-08	6x4 Storage Shed Highway	700.00	Approved
60-08	Countertops Recorder's Office	1,833.00	Approved
61-08	Trail/Max Tilt Trailer Highway	27,500.00	Approved
62-08	Ambulance 2008 F350		

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	Ambulance	113,900.00	Approved
63-08	DVM 500 Digital Video Mirror Drug Task Force	7,790.00	Approved
64-08	Chair, Pro 10000 IT	440.99	Approved

One Disposition was presented for 111-6248 a shredder from the Commission Office.

Motion to approve the Warrant Check Edit List, requisitions and disposition was made by Commissioner Drew Sitterud, Seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL TO CELL PHONE STIPEND FOR JIM GORDON.**

A cell phone stipend request was made for Jim Gordon, Ambulance Director. Commissioner Drew Sitterud made a motion to approve a \$45.00 a month cell phone stipend for Jim Gordon, Ambulance Director. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF AMBULANCE FEE WAIVER/REDUCTION FOR JACE VETERE AND ROBERT ORUILLIAN.**

A request for ambulance fee waiver/reduction was received for Jace Vetere and Robert Oruillian. After consideration Commissioner Drew Sitterud made a motion to waive the balance of ambulance fees for Jace Vetere and Robert Oruillian. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

.Commissioner Gary Kofford made a motion to move agenda items 10 and 11 up to this time. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL TRUST INDENTURE AND A FIRST SUPPLEMENTAL LOAN AGREEMENT RELATING TO THE COUNTY'S \$121,940,000 POLLUTION CONTROL REVENUE REFUNDING BONDS (PACIFICORP PROJECT) SERIES 1994; APPROVING A RELEASE AGREEMENT WITH AMBAC ASSURANCE CORPORATION; AND RELATED MATTERS.**

Deb Dull, PacifiCorp introduced Eric Hunter, Chapman & Cutler, LLC. Mr. Hunter explained the Pollution Control Bond Series 1994 for \$121,940,000.00. The bond insurer for this bond has been downgraded and as a result of the rise in the interest rate the company wishes to replace the insurer with a AAA insurer to bring down the interest rate. The resolution to be considered makes amendments to the credit provider of the bond. Commissioner Gary Kofford made a motion to approve Resolution 10-07-08A authorizing the execution and delivery of a First Supplemental Trust Indenture and a First Supplemental loan Agreement relating to Emery County's \$121,940,000.00 Pollution Control Revenue Refunding Bonds Series 1994; and approving a release agreement with AMBAC Assurance Corporation and related documents. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF A PRELIMINARY BOND RESOLUTION APPROVING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY AND PACIFICORP; AND RELATED MATTERS.**

Mr. Hunter explained that the resolution relates to future or additional facilities for which additional bonds would be considered. There is no time schedule but opens discussion towards additional pollution control facilities that may be bonded for. It does not create any bonding on part of the county. It just allows for opening of discussion on the matter. Commissioner Gary Kofford made a motion to approve Resolution 10-07-08B a Preliminary Bond Resolution approving the execution of a Memorandum of Understanding between Emery County and PacifiCorp. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**CITIZEN CONCERNS**

Sheriff Guymon reported on recent budget cuts to the Emergency Management System. He is on the grant committee for the state and reported that recent funding cuts by the legislature has cut a million dollars out of grants for EMS purposes. This has resulted in a 50% cut in total reallocation of funds for EMS. Funding for training is gone. Equipment has been cut by 30%.

(5)

**DISCUSSION OF UTAH PUBLIC NOTICE WEBSITE AND DESIGNATION OF OWNER AND POSTERS.**

Commissioner Horrocks discussed Utah Public Notice Website and designation of owner and poster. Those who have been trained are Brenda Dugmore, Jeff Guymon, Leslie Bolinder, Tammy Tucker and Tina Carter. Owners of the website would be Brenda Dugmore as Clerk/Auditor and Jeff Guymon as IT Director. Tammy has been trained as a poster for Public Lands and Planning and Zoning. Tina has been trained as a poster for Travel Council. Leslie has been trained as a poster for the SSD#1, MBA and Commission with the Commission Chair over the posting of these agendas. Commissioner Horrocks explained that by law any entity with a budget over a million dollars must post their agendas on the state website. It is recommended to post all agendas but, a budget under a million is not the law to post on the website. Therefore, Recreation SSD and Fire Protection SSD would not have to post. Commissioner Gary Kofford made a motion to designate Brenda Dugmore and Jeff Guymon as owners of the State Website for Emery County and designate Tina Carter, Tammy Tucker and Leslie Bolinder/Commission Chair as posters to the website. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. You can access the website at [PMN.UTAH.GOV](http://PMN.UTAH.GOV)

(6)

**CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION ADJUSTMENTS**

Commissioner Gary Kofford made a motion to approve Board of Equalization adjustments for 2008. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF VETERAN, CIRCUIT BREAKER AND BLIND ABATEMENTS.**

Commissioner Drew Sitterud made a motion to approve the Veteran, Blind and Circuit Breaker abatements as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF LOW INCOME TAX ABATEMENT FOR MARY ANN RIZZUTO, VERNE HINTON, RYAN COWLEY, GINA DYCHES, JUDY VISSER.**

Clerk/Auditor Brenda Dugmore has verified that the applicants meet the requirements set by the

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state. There are five applicants for low income abatements. They are eligible for up to 50% reduction in taxes to be determined by the Commission. They are as follows:

Mary Ann Rizzuto	Taxes due, \$812.62	Abatement minimum	\$406.16
Verne Hinton	Taxes due, \$462.16	Abatement minimum	\$231.08
Ryan Cowley	Taxes due, \$614.16	Abatement minimum	\$307.08
Gina Dyches	Taxes due, \$845.99	Abatement minimum	\$423.00
Judy Visser	Taxes due, \$547.20	Abatement minimum	\$273.60

Commissioner Gary Kofford made a motion to approve a 50% reduction in taxes for the five applicants for low income tax abatements as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**SETTING OF DATES FOR 2009 BUDGET WORK MEETINGS**

Commissioner Gary Kofford made a motion to set the following 2009 budget work meetings: November 7, November 17, November 21, November 24, and December 12, 2008 all starting at 8:30 am. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF FY2007 HOMELAND SECURITY GRANT PROGRAM ARTICLES OF AGREEMENT AND EMERY COUNTY'S MATCH MONIES.**

Commissioner Horrocks explained that the Articles of Agreement sets out the parameters of the program and identifies the county's match monies for Homeland Security Grant Program 2007. Commissioner Drew Sitterud made a motion to approve FY2007 Homeland Security Grant Program Articles of Agreement and Emery County's match monies for the program. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND EASTERN UTAH TELEVISION AND TECHNOLOGY ASSOCIATION FOR PROPERTY LOSS INSURANCE.**

Commissioner Drew Sitterud explained the MOU between Emery County and EUTTA. Emery County has allowed certain microwave television equipment belonging to the Association in or attached to facilities belonging to Emery County. In the MOU it is mutually agreed that Emery County will provide, at its cost, property loss insurance for the Association's equipment. A list of said equipment along with serial numbers or other descriptive information is made part

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of the MOU. Under the county's general loss insurance policy Utah Counties Insurance Pool (UCIP) will list any insured loss being payable to the Association. Commissioner Gary Kofford made a motion to approve and MOU between Emery County and EUTTA and authorize Drew Sitterud as Chairman of the Association to sign the MOU. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF AMENDMENTS TO THE AGREEMENT BETWEEN EMERY COUNTY AND SITLA**

Planning and Zoning Administrator, Michael McCandless explained that in August the application was approved pending resolution of a couple of issues. Those items have now been resolved. A firm purchase price has been set for at least a year. The option agent has been clarified. Mike recommended that the Commission not sign the agreement until we receive a cancellation from Transition Power. Commissioner Drew Sitterud made a motion to approve amendments to the Agreement between Emery County and SITLA pending cancellation from Transition Power. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER CO#25 FOR AQUATIC CENTER MONUMENT SIGN.**

Commissioner Gary Kofford made a motion to approve CO#25 which adds a monument sign to the Aquatic Center in the amount of \$8,471.00. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(16)

**DISCUSSION AND APPROVAL OF PCIB PROPOSED PROJECTS TO BE INCLUDED ON 2009 CAPITAL IMPROVEMENT LIST.**

The Board of Commissioners discussed possible projects to be added to the PCIB 2009 Capital Improvements list. The following will be added to the medium term list:

Nursing Home upgrade to the laundry/dining facilities	\$2 million
Fire Department, 8 new fire trucks	\$2 million
Emery County Food Bank building	\$500,000.00
Sprinklers and grass at the Aquatic Center	\$500,000.00

The long term, 20 years out, list will have added:

Remodel kitchen in the Huntington Senior Citizen Center	\$150,000.00
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Museum kitchen remodel	\$800,000.00
Search and Rescue Building	\$500,000.00

Commissioner Drew Sitterud made a motion to add the proposed projects to the PCIB 2009 Capital Improvement List. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(17)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. APPROVAL TO HIRE ANASTASIA PALMER AS A FULL TIME DISPATCHER WITH BENEFITS**

Sheriff Guymon requested approval to hire Anastasia Palmer as a full time dispatcher with benefits at Grade 14, \$13.62 per hour. If approved this would be effective October 8, 2008. Commissioner Drew Sitterud made a motion to approve hiring Anastasia Palmer as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**B. APPROVAL TO PROMOTE BROOK SMITH TO A PATROL SERGEANT.**

Sheriff Guymon requested approval to promote Brook Smith to Patrol Sergeant at Grade 21, \$20.48 per hour. If approved this would be effective October 19, 2008. Commissioner Gary Kofford made a motion to approve promoting Brook Smith to Patrol Sergeant as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**C. APPROVAL TO HIRE ERIC NIELSEN AS A FULL TIME EQUIPMENT OPERATOR II WITH BENEFITS**

Morris Sorensen requested approval to hire Eric Nielsen as a full time Equipment Operator II with benefits at Grade 17, \$16.23 per hour. If approved this would be effective October 20, 2008. Commissioner Gary Kofford made a motion to approve hiring Eric Nielsen as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**D. APPROVAL TO START THE RECRUITMENT PROCESS FOR A FULL TIME SOLID WASTE TECHNICIAN WITH BENEFITS.**

Morris Sorensen requested approval to begin the recruitment process for a full time Solid Waste Technician because Eric Nielsen has been moved into the Equipment Operator II position. Commissioner Gary Kofford made a motion to approve starting the recruitment process for a full time Solid Waste Technician as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**E. APPROVAL TO START THE RECRUITMENT PROCESS FOR A PART TIME, WORKING 10 HOURS, JANITOR FOR THE CASTLE DALE LIBRARY.**

Jerilyn Mathis requested approval to start the recruitment process for a part time, working 10

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hours per week, janitor for the Castle Dale Library. Commissioner Gary Kofford made a motion to approve the recruitment process for a part time, working 10 hours, janitor for the Castle Dale Library. The motion was seconded by Commissioner Drew Sitterud and approved by all member

**(18)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated September 16, 2008 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(19)**

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported on the Lila Canyon Road improvements. The contract was awarded to Nielson Construction. Work is schedule to begin October 13, 2008 for improvement to access mine site for development purposes. Contract will be advertised February 2009 for completion of road to service the Lila Canyon Mine and traffic interchange on SR 6.

Green River Senior Center is complete. Henderson Builders has a warranty for 1 year from completion.

*Commissioner Sitterud*

Commissioner Sitterud stated his appreciation to the Sheriff's Department for their assistance at the Green River Melon Days concert.

He reported on the status of RS2477. They have experienced budget cuts from the legislature but have been able to keep enough to follow through on the pending lawsuit.

*Commissioner Horrocks*

Commissioner Horrocks reported on UAC Conference in Midway where recent budget cuts were discussed.

The swimming pool project is coming along. They are in the process of filling the indoor pool.

The Clerk/Auditor's office is preparing for the November General Election.

9

COMMISSION MEETING MINUTES  
OCTOBER 7, 2008

(20)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An executive session was not needed.

(21)

**ADJOURNMENT**

Motion to adjourn was made by Commissioner Gary Kofford, Seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 21, 2008

Present at the meeting was Commissioner, Jeff Horrocks, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**OPEN BIDS FOR OLD GREEN RIVER SENIOR CITIZEN BUILDING.  
CONSIDERATION AND APPROVAL OF BID AWARD AND NECESSARY  
PAPERWORK.**

One bid was received for the sale of the old Green River Senior Citizen Building. The bid was from Green River City in the amount of \$100.00 stating that the bid is contingent upon the assessment of cost to bring the building up to code and upon final approval of the City of Green River's City Council. Commissioner Drew Sitterud stated that if another government entity could use the building then he felt the building should go to Green River City. Commissioner Gary Kofford made a motion to accept Green River City's bid of \$100.00 for the old Green River Senior Citizen building contingent upon assessment of the building. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Commissioner Gary Kofford indicated that equipment left in the building will need to be disposed of and suggested leaving the equipment with the building. Commissioner Gary Kofford amended his motion to include leaving the existing equipment in the building and disposition the equipment from the county's property list. Commissioner Drew Sitterud seconded Commissioner Kofford's amendment and the motion passed.

(2)

**OPEN BIDS FOR COUNTY OWNED PARCEL NO.01-0130-0015. CONSIDERATION  
AND APPROVAL OF BID AWARD AND NECESSARY PAPERWORK.**

One bid was received for the sale of county owned parcel #01-0130-0015 with a minimum bid of \$155.00. The bid was from Vance and Bobby Brown in the amount of \$160.00. Commissioner Gary Kofford made a motion to award the bid to Vance and Bobby Brown in the amount of \$160.00. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(3)****APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #193144 through and including #193275 for payment,

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
65-08	20 Radios Communications	\$ 8,523.60	Approved
66-08	5 Camera systems for new vehicles Sheriff	\$19,975.00	Approved
67-08	Winter Pool Cover Aquatic Center	\$27,327.00	Approved
68-08	Storage Cabinet Public Lands	\$329.00	Approved

One disposition was presented from the Ambulance Department for a 1995 Ford F350 Coach Ambulance.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit list additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(4)****GREEN RIVER MEDICAL CENTER REPRESENTATIVES- UPDATE ON THE SERVICES.**

Mary Winters, Executive Director of the Green River Medical Center and Glenn Baxter, Board member were present to provide an update and ask for continued funding. They currently receive \$24,000.00 annually from Emery County. They are not receiving any financial assistance from Grand County and hope to resolve that soon. They expressed appreciation to the Board of Commissioners for their support and ask for continuation of that support. Mr. Baxter stated that Green River Medical Center is very much a non-profit corporation. They treated 85 patients

from Grand County and since the county line moved they have not been able to get any financial support from Grand County. He asked for the Board of Commissioners to use their influence to get some financial help from Grand County if possible.

**(5)**

**CONSIDERATION AND APPROVAL OF TENTATIVE BUDGET FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT FOR FY2009.**

Clerk/Auditor Brenda Tuttle presented a 2009 tentative budget for Emery County. She indicated that this is a starting point. The tentative budget indicates that revenue is up which is due to mineral lease projection. A 4% cost of living increase is included in the budget. There are 27 pay periods in 2009 therefore, the budget indicates an increase in wages for the year. Commissioner Gary Kofford made a motion to approve the 2009 Tentative Budget for Emery County. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Jamie Luce presented the 2009 Tentative Budget for Castle Valley Special Service District. She reviewed the general fund, debt service fund and revenue funds. Commissioner Drew Sitterud made a motion to approve the 2009 tentative budget for Castle Valley Special Service District. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(6)**

**DISCUSSION AND APPROVAL OF DISPOSITION OF 1995 AMBULANCE.**

Jim Gordon, Ambulance Director discussed the disposition of a 1995 Ford F350 Wheeled Coach Ambulance. He indicated that he has contacted TNT Auctions who has indicated that they can get at least \$4,100.00 for the vehicle if we can get the vehicle to Salt Lake City. Jim stated that he can drive the vehicle to Salt Lake when he goes to the EMS conference next month. A new ambulance has been ordered. Getting the most that we can for the older vehicle will help with the new purchase. Commissioner Gary Kofford made a motion to approve sending the 1995 Ford F350 Wheeled Coach ambulance to TNT Auctions to sell. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(7)**

**CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT SERIAL NUMBER UTU-82023 TO ACCESS MT ELLEN/SOUTH SUMMIT RIDGE COMMUNICATION SITE.**

Commissioner Drew Sitterud explained that this is a must have Right-Of-Way to access the

communication site that covers Grand, San Juan and Emery Counties. It is an existing two-track road on the Henry Mountains. As the BLM went through their RMP they wanted to close this road. We have had this permit before. The permit is good through January 26, 2015.

Commissioner Drew Sitterud made a motion to approve Right-of-Way Grant/Temporary Use permit #UTU-82023 with the BLM. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(8)**

**CITIZEN CONCERNS.**

No Concerns.

**(9)**

**SETTING OF PUBLIC HEARING DATE FOR ZONING CHANGES IN GREEN RIVER.**

Commissioner Gary Kofford explained that on September 3<sup>rd</sup> the Planning and Zoning Commission held a hearing on resetting the zoning for the industrial area we are in contract with on SITLA in Green River to change to I-1. The Planning Commission heard that in their regular meeting on October 8, 2008 where they did approve and recommended to pass it on to the Commissioners for consideration. The process now would be to set a hearing date and publish it 2 times in the newspaper. Commissioner Gary Kofford made a motion to set a public hearing for December 2, 2008 at 10:00 am to discuss zoning changes on the industrial park in Green River. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)**

**APPROVAL TO HIRE JOHANSEN AND TUTTLE ENGINEERING TO PREPARE AN EA AND POD FOR BLM PATENT ON 80 ACRES FOR THE LANDFILL AND 40 ACRES FOR THE GUN RANGE.**

Commissioner Gary Kofford explained that back in 2006 Emery County put in a request to the BLM to increase the size of the Landfill by 80 acres, the size of the Gun Range by 40 acres and at the time where the gravel pit is now. Because of the nature of what it is, the BLM felt we should go after a patent rather than a RPP. In talking with Mike Robertson of the BLM he suggested that he would do the EA on it if we would pursue the arch study and a couple of other things. We did pursue the arch study all though, after we did the arch study the sheriff added an additional 40 acres to the gun range. That brings the total acres we are looking at to 160 acres. It has set now for two years. Mike Robertson contacted the Commissioners to tell them he could not do the EA. We need to come up with a plan of development and an EA. J&T was contacted and they

contacted JBR Environmental Consultants Incorporated who sent in a bid for \$56,230.00 to do the development plan, the landfill application development plan, site surveys and EA. In looking at this the landfill application development plan we have with Iggy's has been updated. So he felt that part can be taken out. There are a couple of other areas that the site plans have already been done. He felt the bid is a little high. He has identified roughly \$15,000.00 in the landfill budget where there was \$20,000.00 set aside for technical advise and permits. He suggested going ahead and enter into a contract to proceed with the EA plan of development. He felt it should not be any more that \$56,000.00. If we can determine that we can pull some money from capital to put with the \$15,000.00 the rest can be budgeted for in next years budget. Commissioner Gary Kofford made a motion to enter into a contract with Johansen and Tuttle Engineering to prepare an EA and POD for BLM patent on 80 acres for the Landfill and 40 acres for the Gun Range. Commissioner Sitterud asked if we would have to add another arch study for the additional 40 acres on the Gun Range. Commissioner Kofford indicated that is a possibility. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)**

**UPDATE OF AQUATIC CENTER CONSTRUCTION PROGRESS AND PUNCH LIST.**

Commissioner Sitterud updated progress on the Aquatic Center. He invited anyone who wanted to, to come up to the Aquatic Center and help with the punch list. He said that there is a crack on the north west side of deck. As they looked at it the fix it would cause more damage than to try and seal the crack in the cement. But please put it on the punch list. Please write down anything you see, from chipped paint to dented tiles, and we will give the list to the architect. We are to the position that we take over the building in the next couple of weeks. They told us we could go in and start some training now, but we found out that if we do that we would assume the building. So we are not going to do anything in the building until it is done. The outdoor pool will be filled in the next couple of weeks and maintenance training will begin. The pool cover, that has been order will be placed on the outdoor pool. He invited everyone to come up and look things over let us know if you see anything that needs to be addressed. Lifeguard training will begin soon. We cannot open the pool until the lifeguards are trained. We will be approving lifeguards today. We need more lifeguards. The indoor pool is filled and ready.

**(12)**

**CONSIDERATION AND APPROVAL OF DONATION TO "SHOP AT HOME CAMPAIGN 2008".**

Patsy Stoddard, Emery County Progress explained the "Shop at Home Campaign 2008" . They will be asking businesses in the county to participate in the campaign to encourage people to shop in Emery County. She asked the County to participate in providing a prize for the campaign. Commissioner Gary Kofford made a motion to donate a family swim pass to the Shop



at Home Campaign 2008. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Green River City took issue with the donation of a family swim pass as they are too far away to enjoy the pool. Patsy indicated that if the winner is from Green River consideration will be made for another prize.

(13)

**CONSIDERATION AND APPROVAL TO FUND “PRIME FOR LIFE” CLASS FOR ZINA WILLARD.**

Commissioner Horrocks explained that this program is for alcohol related offenses that are ordered by the judge to attend the class. The request is to fund the Prime for Life class for Zina Willard so she can provide this service in Green River. Commissioner Drew Sitterud made a motion to approve funding of the Prime for Life class for Zina Willard. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL TO WAIVE BUILDING PERMIT FEE FOR HUNTINGTON AIRPORT IMPROVEMENT PROJECT.**

Commissioner Gary Kofford made a motion to waive the building permit fee for the erection of the airport hanger at the Huntington Airport. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(15)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval to adjust Brook Smith’s wage to Grade 21 minimum entry wage instead of 3% under which is what was approved 10/7/08.**

Brook Smith was promoted to a Patrol Sergeant position October 19, 2008. His starting wage should have been Grade 21 @\$21.11 which is the suggested minimum. Not 3% below at Grade 21 @ \$20.48 per hour. Commissioner Drew Sitterud made a motion to approve the starting wage of \$21.11 for Brook Smith as requested. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**B. Approval to hire Marilyn Collard, Stayler McOmie, Annette Hatch, Aaron Knighton, Troylyn Bently, Jessica Labrum, Ryan Thompson, and Dakota McArthur as part time Lifeguards with no benefits.**

Shannon Hiatt would like to hire Marilyn Collard, Stayler McOmie, Annette Hatch, Aaron Knighton, Troylyn Bentley, Jessica Labrum, Ryan Thomson, and Dakota McArthur as part time

lifeguards with no benefits at Grade 5 @ \$8.06 per hour. They will not start until the pool is turned over to the County and they are able to become lifeguard certified. Commissioner Drew Sitterud made a motion to approve hiring the lifeguards as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

C. Approval to hire Marilyn Collard to teach a lifeguard certification class.

Shannon Hiatt requested approval to contract with Marilyn Collard to teach the lifeguard certification class. Commissioner Drew Sitterud made a motion to approve contracting with Marilyn Collard to teach the lifeguard certification class. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

D. Approval to partnership with Emery Medical Center and Lowell Morris as Emery County Wellness Provider.

The County would like to utilize Emery Medical Center as their Wellness Provider. The past two years we have went through IHS and the County has paid \$175.00 for each employee who has chose to participate. This year we would like to team up with Lowell Morris and Medical Center to do the blood draw and physical. The cost will be \$173.00 to \$177.00 based on gender and age. Commissioner Gary Kofford made a motion to use Emery Medical Center as the County's Wellness Provider. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

E. Approval of 3% wage increase for Janet Damron, who has successfully completed the six month orientation period.

Dixie Swasey requested a 3% wage increase for Janet Damron who has successfully completed her 6 month orientation period. If approved this would be effective November 3, 2008 and she would move from Grade 13 @ \$12.85 to Grade 13 @ \$13.25. Commissioner Drew Sitterud made a motion to approve the wage increase for Janet Damron as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Drew Sitterud made a motion to approve the minutes dated October 7, 2008 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(17)**

**COMMISSION REPORTS**

None

8

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October 21, 2008

(18)

**KEN BROWN/MARK WALSH, PRESENTATION OF WESTERN COUNTIES ALLIANCE REPORT.**

Ken Brown and Mark Walsh from Western Counties Alliance reported on activity. They have been organized for three years now. Mr. Walsh reviewed some of the issues they have been working on. He explained H.R. 308 the intent of which is clarify congressional intent with respect to the nature of right-of-way granted and accepted under former section 2477 of the revised statutes. He updated on PILT benefits to the county. He also addressed retooling secure rural schools. Mr. Walsh asked that the county consider joining the Western Counties Alliance by becoming a member and join in their efforts.

(19)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive Session was not needed.

(20)

**ADJOURNMENT**

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 5, 2008

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Gary Kofford, Commissioner Drew Sitterud, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Drew Sitterud made a motion to suspend the agenda items and move #3 to the beginning. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(1)

**CONSIDERATION AND APPROVAL OF RESOLUTIONS APPROVING PAYMENT ELECTIONS UNDER THE AMENDED AND RE-AUTHORIZED SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT 2000.**

Attorney David Blackwell discussed a Resolution approving payment election under the amended and re-authorized secure rural schools and community self-determination act 2000. Dave explained that the county needs to choose a method to receive SRS payments. The first option is to elect to do the 25% seven year rolling average which has its pros and cons. It all has to do with how it affects the county's PILT money and how we choose to designate those funds. The second option is to go with the full payment, which brings in more money overall, but may affect how the PILT funds are offset. If you chose the first option that is all you would have to do. If you chose the second option you would have to put certain funds into Title II and Title III that would total 15% to 20% (at least 15% but not more than 20%). This option would benefit the schools. In talking to Mark Ward they are going to try to push some legislation that would designate the other 50% of the 50% split that currently goes to the roads and schools and make a state law that would designate the other 50% to special service districts. If they did that, their belief is, that it would not affect our PILT funds. Out of 8 counties who had made their selection 6 had chosen that route based on the hope that this new law would pass and make it retroactive to January 1. So when the payment came in it would not reduce the PILT and we can adjust the percentage of PILT we distribute. Commissioner Sitterud indicated that he and Commissioner Horrocks talked to Mark and he indicated that even if this passed this year it would still not affect this next payment. If we do go with the second option we can only put 7% in Title III because we are over \$350,000.00. Title III is for Forest Suppression. Title II is controlled by a RAC. The RAC decides how the money is spent. David explained that the second option would bring in more money which we would split with the school district. What ever the county retains would go against our PILT and has to go to road maintenance and will be audited. Where the county gets hurt here is the money will come out of next years PILT. Commissioner Sitterud indicated this amounts to about \$600,000.00 for the schools and thinks that we should go with full funding. Commissioner Gary Kofford made a motion to approve Resolution 11-05-08A electing the full

COMMISSION MEETING MINUTES  
NOVEMBER 5, 2008

payment option as per PL 110-343. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Gary Kofford made a motion to approve Resolution 11-05-08B designating the percentage amounts to be allocated to Title II at 10% and Title III at 5% pursuant to PL 110-343. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to approve Resolution 11-05-08C a resolution requesting that the Secretary of Agriculture establish a Resource Advisory Committee in accordance with PL 110-343. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**DISCUSSION OF GIFT FOR ANNUAL UAC CONVENTION.**

Commissioner Drew Sitterud made a motion to assign Mary Huntington to get a gift for the annual UAC Convention. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF PR#08, COR#26, COR#27, COR#28, AND COR#29 CHANGES ORDERS FOR AQUATIC CENTER.**

Commissioner Drew Sitterud explained PR#08 was for adding fire dampers, adding \$745.00 to the project. COR#26 was for eliminating one section of guardrail and one gate, deducting \$1,825.00 from the project. COR#27 was for firming the bid on the floor sealer, deducting \$4,372.00 from the project. COR#28 was for adding 4 hose bibs at perimeter of outdoor pool adding \$9,670.00 to the project. COR#29 was for eliminating the grass inside the outdoor pool fence and replacing it with concrete, adding \$24,938.00 to the project. Commissioner Drew Sitterud made a motion to approve PR#08, COR#26, COR#27, COR#28 and COR#29 for the Aquatic Center. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(4)

**DISCUSSION AND APPROVAL OR PROPOSAL TO PROVIDE SPECIFICATION AND DRAWINGS FOR REPLACEMENT OF EXISTING 55 TON CHILLER AT THE EMERY COUNTY COURTHOUSE.**

Commissioner Kofford reported that PVE Inc. Mechanical/Electrical Consulting Engineers from Salt Lake City provided a bid for replacing the 55 ton chiller at the courthouse. The bid was for the mechanical and electrical design work. The bid was for \$2,000.00. This will give us an idea of how much to budget for the replacement. Commissioner Gary Kofford made a motion to approve moving forward with having PVE Inc. provide the mechanical and electrical design work for the replacement of the 55 ton chiller at the courthouse. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS, AND DISPOSITIONS.**

Clerk/Auditor, Brenda Tuttle presented the Warrant Check Edit List #193473 through and including #193572 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
69-08	40 inch Laminator Projector screen 100 mail server licenses IT Department	4,488.99	Approved
70-08	Lights/lightbars etc. Sheriff/new vehicles	11,725.40	Approved
71-08	Camera's/new vehicles Sheriff	22,300.00	Approved
72-08	Strainer basket/rings Aquatic Center	575.20	Approved
73-08	Angle blade/kit snow and impact Sheriff	3,631.00	Approved

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There were no dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(6)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION AS FOLLOWS:**

**A. Approval to hire Jay Fausett as a full time, with benefits Solid Waste Technician.**

Morris Sorensen requested approval to hire Jay Fausett as a full time, with benefits Solid Waste Technician at Grade 14, \$13.62 per hour. Commissioner Gary Kofford made a motion to approve hiring Jay Fausett as a Solid Waste Technician as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**B. Approval to hire Davi Bosshardt as a part-time lifeguard with no benefits.**

Shannon Hiatt requested approval to hire Davi Bosshardt as part time lifeguard with no benefits at Grade 5, \$8.06 per hour. She will not start until the pool is turned over to the county and they are able to become lifeguard certified. Commissioner Drew Sitterud made motion to approve the hiring of Davi Bosshardt as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**C. Appointment of representative and alternate representative for voting rights at UCIP's Annual meeting December 4, 2008.**

Commissioner Drew Sitterud made a motion to approve Resolution 11-05-08D appointing Mary Huntington as Emery County's representative and Brenda Tuttle as alternate representative for UCIP's Annual Meeting on December 4, 2008. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**D. Approval to start the recruitment process for a full time, with benefits, dispatcher.**

Sheriff Guymon requested approval to start the recruitment process for a full time, with benefits, Dispatcher. This will fill Ray Jeff's position. Ray is retiring November 15, 2008. Commissioner Gary Kofford made a motion to approve the recruitment process for a full time, with benefits, Dispatcher. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)  
**EXECUTIVE/CLOSED SESSION TO DISCUSS PARTICIPATION IN LITIGATION IN THE TELECOM SALES TAX DISPUTE BETWEEN THE COUNTIES/UAC AND THE UTAH TAX COMMISSION.**

Attorney David Blackwell indicated that executive session was not necessary.

(8)  
**CONSIDERATION AND APPROVAL OF PARTICIPATION IN LITIGATION IN THE TELECOM SALES TAX DISPUTE BETWEEN THE COUNTIES/UAC AND THE UTAH TAX COMMISSION.**

Commissioner Gary Kofford made a motion to approve Resolution 11-05-08E a Resolution to join with other counties in the State of Utah to litigate against the Utah State Tax Commission. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)  
**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Gary Kofford, seconded by Commissioner Drew Sitterud and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

NOVEMBER 18, 2008

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commission Chairman Jeff Horrocks explained that approval of the Warrant Check Edit List, additional claims, requisitions and dispositions was inadvertently omitted from the agenda. Because we need to approve the bills for payment and this being the last day to approve requisitions for items over \$300.00 from the 2008 budget, we will consider the bills, requisitions and dispositions at this time and ratify any decision made this day in the December 2, 2008 Commission Meeting.

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #193631 to and including #193852 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
74-08	2009 Dodge Grand Caravan Travel Bureau	19,305.59	Approved
75-08	Desk Museum	495.00	Approved
76-08	Mop-It tile cleaner Museum	1,795.00	Approved
77-08	Pressure Washer Sheriff	1,390.54	Approved
78-08	Rokon 2 wheel ATV Sheriff Search/Rescue	5,665.00	Approved
79-08	NIMS Consistent Salamander Accountability System Sheriff/HLS	35,809.00	Approved

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80-08	(5) Metal Storage Cabinets Ambulance	2,344.30	Approved
81-08	Snack Machine Frozen Food Machine Beverage /Food Machine Aquatic Center	15,030.00	Approved
82-08	Tivoli License/Backup Remotely IT	400.00	Approved

Dispositions were presented for the following:

Two chairs from the Library, #3747 and 3748 that were junked. And the items that were in the Green River Senior Citizen building when it was sold to Green River City.

Commissioner Drew Sitterud made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented and to ratify the action in the December 2, 2008 Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(1)

**DELENA FISH, DWS, DISCUSSION OF FISCAL AGENT FOR SUB-FOR-SANTA PROGRAM**

Delena Fish, DWS, discussed a need for a fiscal agent for Sub-For-Santa Program for 2009. She explained that the Association of Local Governments cannot be the agent next year. Last year Judy Palmer worked through the Untied Way and experienced problems with families not getting served. They would like to see the program remain local. Many contributors will only donate if the money stays local. The entity has to be a 501C to accept donations. The program will require upwards to 80 hours per week in December. The program is on track for this year. Delena wanted the Commissioner's input on a possible agent for the program for next year. The Board of Commissioners suggested checking with Economic Development or the Community Foundation.

(2)

**CONSIDERATION AND APPROVAL OF COUNTY ROAD REPAIR AGREEMENT BETWEEN CONSOLIDATION COAL COMPANY AND EMERY COUNTY FOR COUNTY ROAD 912 (MILLER CANYON ROAD).**

Commissioner Kofford explained that Consolidated Coal Company is seeking to acquire a federal coal lease and if successful plans to mine the federal coal located on the premises as part of the Emery Mine operation, currently mining coal in the vicinity of the premises. Consol will be conducting mining operations within the premises using full extraction mining, excepting in an area not closer than 100 feet from either side of the center line of County Road 912, also referred to as Miller Canyon Road. Consol's mining operations taking place beneath this support road will be conducted leaving pillars designed to support the ground surface and prevent damage to the road that could occur as a result of ground surface subsidence from Consol's mining operations. Consol and the county have reached an agreement for repair of the road in the event unplanned subsidence events cause damage to the portion of the road located within or immediately adjacent to the premises, including agreement regarding interim repair of the road following any initial subsidence events, final restoration of the road to a condition functionally equivalent to the condition of the road prior to the occurrence of any subsidence event, and reimbursement for repair to the road. Commissioner Gary Kofford made a motion to approve an agreement between Consolidated Coal Company and Emery County for county road 912. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**DISCUSSION OF FOUR VACANCIES ON THE PUBLIC LANDS COUNCIL AND APPROVAL TO ADVERTISE FOR APPLICANTS.**

There are four vacancies on the Public Lands Council. The council members whose terms are up are: James Gilson, Randal Stilson, Gary Petty, and Charles Semborski. Commissioner Gary Kofford made a motion to advertise for applicants to fill the four vacancies. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**DISCUSSION OF VACANCY ON THE EMERY COUNTY TRAVEL BUREAU AND APPROVAL TO ADVERTISE FOR APPLICANTS.**

The Travel Bureau requested approval to advertise for applicants to fill the term remaining of Mary Huntington who has asked to step down from the board. Commissioner Drew Sitterud made a motion to approve advertising for applicants to fill the in-expired term of Mary Huntington on the Emery County Travel Bureau. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(5)

**EMERY COUNTY TRAVEL BUREAU REQUEST ADOPTION/APPROVAL OF RESTAURANT TAX IN EMERY COUNTY.**

Mark H. Williams Emery County Travel Bureau Board member requested the Commissioners consider adopting a restaurant tax in Emery County. Mark indicated that Emery County is the only county in the state that does not impose this tax. The Travel Bureau estimated that the tax could generate approximately \$60,000.00 a year for Emery County. The Bureau would hope to be able to use the money as match for grant money. The Bureau anticipates that the money can be managed similar to Transient Room Tax. Commissioner Sitterud explained that usually the money from restaurant tax is restricted on the use. That use is generally advertising. Attorney David Blackwell indicated that he would have to look into the procedure for implementing the tax. There was a question about whether the cities could then add on a tax also. Commissioner Drew Sitterud made a motion to proceed with reviewing the procedure for implementing a 1% restaurant tax, where and how the money can be used and if the cities can also add on to the tax. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(6)

**DISCUSSION OF REQUEST FROM CASTLEVIEW HOSPITAL FOR INFORMATION TO BE INCLUDED IN AN EMERGENCY PREPAREDNESS BOOK.**

Castle View Hospital is looking to enhance their plan to provide the needs of the community to be put into a booklet form. They ask that Emery County provide the information to prepare the booklet. Commissioner Gary Kofford made a motion to have Leslie Bolinder work on getting the information to Castle View Hospital. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(7)

**DISCUSSION OF REQUEST TO HORROCKS ENGINEERS ON CATEGORICAL EXCLUSION FOR I-70 (UDOT PROJECT NO. F-170-3 (350) 112.**

This is a UDOT project for rerouting traffic while they work on the east bound deck of Eagle Canyon Road. Commissioner Gary Kofford made a motion to approve a Categorical Exclusion for I-70 (UDOT Project No. F-170-3 (350) 112 for Horrocks Engineers. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**DISCUSSION AND APPROVAL OF LETTER TO BE SENT TO ENERGY PRODUCERS INVITING THEM TO FIRST SEMI-ANNUAL ENERGY PRODUCERS' MEETING SPONSORED BY EMERY COUNTY PUBLIC LANDS/COMMISSION.**

Commissioner Horrocks indicated that this something that the Commissioners and Public Lands would like to get going to get a better understanding where the energy producers are at, what they are doing and what we may do to help them. The letter indicates that the first meeting will be to foster communication between energy producers and the County with the goal of allowing the Emery County Commissioners, Emery County Economic Development office and Special Service District an opportunity to understand current and expected future progress on oil, gas, coal, mineral lease development and as a result to provide better services to them. The meeting will be January 13, 2009 at 1:00 pm if approved. Commissioner Gary Kofford made a motion to approve a letter to be sent to the energy producers inviting them to a first semi-annual Energy Producers' meeting to be held January 13, 2009 at 1:00 pm in the Emery County Courthouse. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**DISCUSSION AND APPROVAL OF KYLE EKKER AND BILL DOWNARD'S CLAIM OF REIMBURSEMENT/BONUS FOR EMPLOYEE TIME DURING THE CRANDALL CANYON MINE DISASTER WITH FUNDS PAID TO EMERY COUNTY BY MURRAY ENERGY.**

Commissioner Jeff Horrocks opened discussion regarding funds that were provided to the county by Murray Energy for the purpose of reimbursement/bonus for employees time during the Crandall Canyon Mine disaster. Commissioner Horrocks indicated that this has been discussed before and he asked that it be discussed again. He recommended adding Morris Sorensen to the list to be reimbursed. He felt that Morris went over and above what was asked of him not only during the disaster but at other times. The list of employees to be reimbursed or receive a bonus was as follows: Kyle Ekker \$5,000.00

Bill Downard \$2,500.00

Morris Sorensen \$1,000.00

Kathy Jensen \$500.00

Commissioner Kofford indicated that the money was paid by the energy company to the county to compensate for the extra time spent by these employees. This has been discussed and denied a couple of times. Commissioner Gary Kofford stated that in order to resolve this matter and in all fairness he would make a motion to grant the bonuses as discussed. Commissioner Drew Sitterud asked about the bonuses for Jeff Guymon and Brenda Dugmore Tuttle that were also discussed earlier and are listed on the letter from Attorney David Blackwell. Commissioner Gary Kofford amended to his motion to include a bonus for Jeff Guymon and Brenda Dugmore Tuttle

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of \$1,000.00 each. Attorney David Blackwell indicated that Brenda's bonus would need to go through the budget process because she is an elected official. He asked that they go through the budget process. Sheriff Guymon indicated that the money is there, it was deposited in the county and no direction for how to use the funds. Commissioner Gary Kofford restated his motion to grant a bonus to Kyle Ekker for \$5,000.00, Bill Downard for \$2,500.00, Morris Sorensen for \$1,000.00, Jeff Guymon for \$1,000.00, Brenda Dugmore Tuttle for \$1,000.00 and Kathy Jensen for \$500.00 to go through the budget process for 2009 and be paid on the first paycheck in January 2009. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR TRACY NELSON.**

Commissioner Horrocks discussed a letter from Becky Nelson for ambulance write-off for Tracy Nelson. The letter indicated that a write-off of \$422.00 was granted. However, there is no record of such a write-off coming before the Commissioners. The bill indicates the write-off and an insurance payment plus a few payments from the patient making a 0 balance. Professional Collections has a remaining balance of \$578.37. Commissioner Gary Kofford indicated that the discrepancy was between Professional Collections and JCI Billing. Commissioner Gary Kofford made a motion to, if needed write-off the \$422.00 and have the Ambulance Director, Jim Gordon contact JCI Billing to pick up the difference. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(11)

**CITIZEN CONCERNS**

Darrell Leamaster, Castle Valley Specials Service District discussed the short term and medium term local capital improvement list to be handed in to the CIB for 2009. Commissioner Sitterud indicated that Mr. Leamaster received the list to late to get it on the agenda for today's meeting. Commissioner Sitterud asked to have the list considered and approved and have that action ratified in the next Commission meeting. The list has to be prioritized and turned in to the CIB by December 1, 2008 to meet the first trimester funding period. Mr. Leamaster reviewed the list with the Commissioners. Commissioner Drew Sitterud made a motion to approve the prioritized Permanent Community Impact Fund Board 2009 Local Capital Improvement List for Emery County and to ratify this action in the December 2, 2008 Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

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(12)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Approval of Huntington Airport liability insurance renewal.

Request was made to renew the liability insurance for the Huntington Airport. Commissioner Gary Kofford made a motion to approve renewal of the Huntington Airport liability insurance. The motion was seconded by Commissioner Drew Sitterud And approved by all members present.

B. Approval of hiring Summer Clark, part-time, working 20 hrs or less no benefits janitor at Castle Dale Library.

Jerilyn Mathis requested approval to hire Summer Clark as a part time, working 10 hours per week janitor in the Castle Dale Library at Grade 6, \$8.02 per hour. Commissioner Gary Kofford made a motion to approve hiring Summer Clark as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

C. Request to begin recruitment for assistant librarian at the Orangeville Library.

Jerilyn Mathis requested approval to start the recruitment process for a part time, working 193/4 hours per week, assistant librarian. Kay Jeffs is leaving for a mission and her last day of work will be December 26, 2008. Commissioner Gary Kofford made a motion to approve starting the recruitment process for a part time assistant librarian at the Orangeville Library as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(13)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Gary Kofford made a motion to approve the minutes dated October 21, 2008 and November 5, 2008 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(14)

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported that He and Mike McCandless traveled to Green River to meet with name brand paper products for Costco, Sam's Club and Wal-mart. They are looking to relocate in the west. They are down to 3 sites. Green River is one of those sites. Many of the jobs will be warehouse workers. The question asked was do we have enough people to fill the jobs they will need. The concern over trucks was addressed. They will need about 17 trucks a day.

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They will be about 18 months out in permitting if they choose Green River.

Commissioner Sitterud reported on the swimming pool. The building inspector gave the county full occupancy. They had twelve lifeguards training last night. The ribbon cutting is planned for December 1<sup>st</sup> from 2 to 8. Free swimming days are planned for December 9, 10, & 11. On the 1<sup>st</sup> they will run the outdoor fun equipment just for everyone to see and then it will be covered up for the winter. Commissioner Sitterud expressed his appreciation to the local general contractor for the project Ken Stilson for all his hard work and watching out for the county's best interest on the project.

*Commissioner Kofford*

Commissioner Kofford reported on the progress of the Huntington Airport Hangers and Children's Justice Center. Both projects are moving along nicely.

*Commissioner Horrocks*

Commissioner Horrocks reported on UAC's Fall Conference in St. George that he and other elected officials from Emery County attended last week. Emery County Treasurer, Steven Barton was named Treasurer of the Year at the conference.

**(15)**

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

A closed session was not needed.

**(16)**

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Gary Kofford, Seconded by Commissioner Drew Sitterud and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_



9

COMMISSION MEETING MINUTES  
NOVEMBER 18, 2008

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

DECEMBER 2, 2008

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**RATIFY PCIB 2009 LOCAL CAPITAL IMPROVEMENT LIST.**

Commissioner Drew Sitterud made a motion to ratify the action taken on November 18, 2008 to approve the PCIB 2009 Local Capital Improvement List. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(2)**  
**RATIFY CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS DATED NOVEMBER 18, 2008.**

Commissioner Gary Kofford made a motion to ratify the action taken on November 18, 2008 to approve the Warrant Check Edit List, requisitions and dispositions as presented on that day. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(3)**  
**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #194012 through and including #194130 for payment. There were no requisitions or dispositions.

Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(4)

**GREEN RIVER CITY REQUESTS LETTER OF SUPPORT IN ACQUIRING WHITE SANDS LAUNCH FACILITY FOR PLACEMENT OF A PALEONTOLOGY AND TECHNOLOGY FIELD OFFICE AMONG OTHER USES.**

Conae Black, Green River City requested a letter of support from the Emery County Commissioners to acquire White Sands Launch Facility for placement of a paleontology and archeology field office and other uses. A Green River Field Station would provide a base of operations for researchers and educators conducting field studies in the Region. In doing this we would be providing an opportunity to become a focal point for future discoveries. Much of this research would be within the San Rafael Swell and Range Creek areas. Commissioner Gary Kofford made a motion to approve writing a letter of support for the City of Green River in support of acquiring the White Sands Launch Facility. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**9:00 A.M. -PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS WITH REGARD TO THE ISSUANCE OF CASTLE VALLEY SPECIAL SERVICE DISTRICT GENERAL OBLIGATIONS BOND AND POTENTIAL ECONOMIC IMPACT THAT THE PROJECT WILL HAVE ON THE PRIVATE SECTOR REGARDING ISSUANCE OF BONDS FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

A public hearing scheduled for this time will not be held. There was a problem with the posting and advertising of the public hearing. The public hearing will be moved to January 6, 2009 at 10:00 am.

Alex Buxton, Zions Public Finance explained that the bond issue is something that has to be done every year. In the last legislation session a new policy was set for notice of all bond issues. The advertising has been done for two weeks prior to the public hearing as well as on state website. The Bond council is responsible for posting for posting for 14 days. That time frame fell short of the 14 days. Mr. Buxton asked if the Commission would adopt the bond resolution today and a notice of bonds to be issued will be posted and published with a thirty day comment/protest period. Closing on the bonds will be January 14, 2009 after the thirty day comment period. The signatures can be ratified in the January 6<sup>th</sup> meeting.

(6)

**CONSIDERATION AND ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT,**

Commissioner Gary Kofford made a motion to approve Resolution 12-2-08 a resolution authorizing the issuance of bonds for Castle Valley Special Service District. The motion was

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seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to move out of the regular Commission Meeting and into a Public Hearing to hear comment regarding a zoning change to create a new Industrial Park near the City of Green River from MG&R to T1 Zone. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(7)

**10:00 AM- PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A ZONING CHANGE TO CREATE A NEW INDUSTRIAL PARK NEAR THE CITY OF GREEN RIVER FROM MG&R TO T1 ZONE.**

Economic Development Director Michael McCandless explained that in the spring the Planning Commission began discussions on changing the zoning near the City of Green River to a T1 Zone. The County signed an agreement with SITLA to lease property west of the City of Green River for industrial development. Having the process under the T1 Industrial Zone will make the process much cleaner and will outline the specific uses for the property. They have not received any opposition from private land owners. Conae Black, City of Green River indicated that the feeling that she gets from the elected officials in Green River is that without the zoning change water may not be provided to the developers. Randal Stilson asked about the nuclear plant protestors. Mike indicated that their concerns were addressed during the initial process with SITLA.

Commissioner Drew Sitterud made a motion to return to the regular Commission Meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF ZONING CHANGE TO CREATE AN INDUSTRIAL PARK NEAR THE CITY OF GREEN RIVER FROM MG&R TO T1 ZONE.**

Commissioner Gary Kofford made a motion to approve of a zoning change to create an Industrial Park near the City of Green River from MG & R to T1 Zone. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(9)****CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR TRACY NELSON AND GLENDA SHURTLEFF.**

Commissioner Drew Sitterud made a motion to deny the request of ambulance write-off for Tracy Nelson. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Drew Sitterud made a motion to approve payments of at least \$25.00 per month for Glenda Shurtleff. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(10)****APPROVAL OF COMMISSION TAX ADJUSTMENT FOR PARCEL 3-10-38 IN JOE'S VALLEY AND PARCEL 1-177D-38 AND 1-190-11 IN HUNTINGTON.**

Commission adjust requests were discussed as follows:

03-0010-0038- Property is not buildable unless a variance is given per Mile McCandless, Planning and Zoning. Previous taxes were \$185.33. New taxes are \$92.66. -\$92.67

01-177D-0038- Lot has 24 inch secondary line going through it, as per letter from Castle Valley Special Service District. Previous taxes were \$142.08. New taxes are \$19.81. -\$122.27

01-0190-0011- Lot does not have enough frontage for building lot in city and home is on two lots. Previous taxes were \$113.53. New taxes are \$14.75. -\$98.78

01-154b-0032- Abate taxes 2008/refund 2004-2007/ Deed issue, Recorder's Office per county purchase and discovery. Previous taxes were \$28.10. New taxes are \$0. -\$28.10

Commissioner Gary Kofford made a motion to approve the Commission adjust requests as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(11)****CITIZEN CONCERNS**

Alan Mitchell, Joan Griffin and Thora Bott, representatives from Sam's Club came before the commission to discuss the possibility of offering reduced cost membership to Emery County employees. In the past this was a popular perk for the employees, however prior commissioners

COMMISSION MEETING MINUTES  
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did not want to take advantage of the offer. Several employees have asked if this process could be re-thought. It is a great benefit for people to have access to items wholesale. Commissioner Sitterud indicated that prior commissioners were opposed to it because it encouraged people to shop out of the area. Commissioner Kofford felt that it could be looked at a little further and invited them to return for the December 16<sup>th</sup> Commission Meeting to be on the agenda.

Delena Fish, DWS, in a phone conversation with Commissioner Jeff Horrocks indicated that her comments in the last Commission Meeting were not what she meant to say. She has no problem with the United Way administering the Sub for Santa program and is sure that they will see that every card on the tree is taken care of.

Kate Alleman, Executive Director United Way and Marvin Mutz, Board of Directors came before the Board of Commissioners to discuss the Sub for Santa program. Since United Way is a 501C3 all donations must go into one account. Commissioner Kofford indicated that he felt that what they are doing in Carbon County is going well but, not necessarily helping in Emery County. He stated that he hoped that for the kids sake that the contention doesn't turn people off to making donations. Many of the local businesses in Emery County want their donations to go to Emery County families. It was the hope of the Emery County Commissioners that the program move forward.

Conae Black, City of Green River expressed her appreciation to Commissioner Drew Sitterud for his service to the citizens of Emery County.

(12)

**CONSIDERATION AND APPROVAL OF VISA CARDS FOR JIM GORDON AND LAURIE PITCHFORTH.**

Commissioner Drew Sitterud made a motion to approve issuance of VISA cards for Jim Gordon and Laurie Pitchforth. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(13)

**DISCUSSION AND PROCEDURE FOR ADOPTING RESTAURANT TAX IN EMERY COUNTY.**

Attorney David Blackwell indicated that the process is similar to the process the county went through for adopting the Transient Room Tax. The county would have to adopt an ordinance and upon passage a 90 day notice provision. The application of the tax takes place at the beginning of a quarter so the earliest it could be ready to apply is April 1<sup>st</sup>, the beginning of the second

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quarter. The ordinance will need to be passed in September of each year to keep in effect for the next coming year. He looked into the city adopting the tax and found that there was nothing in the statute that allows for that. The process will begin by adopting an ordinance during the December 16, 2008 Commission Meeting.

(14)

**DISCUSSION AND APPROVAL OF INVOICE FROM JOHANSEN AND TUTTLE ENGINEERING, INC. FOR CORNER LOCATION FOR 13 SECTIONS IN T14S, R6E, AND T15S, AND R6E.**

Commissioner Gary Kofford explained that the County budgets \$10,000.00 each year to have Johansen & Tuttle Engineers survey corners in the county. Recorder Dixie Swasey reported that each year for the past several years she has had J&T locate 20 to 25 sections for the \$10,000.00 budgeted amount. When she needed sections around Electric Lake, she cut the sections down to 13 sections knowing that it would be difficult. She did not get the information for 2006 or 2007. This year J&T billed the county \$31,600.00 thinking that the \$10,000.00 rolled over to the next year. However, that is not the case. The money goes back into the county coffers. We just have the budgeted \$10,000.00. The county has had an understanding with J&T for years to do the work for \$10,000.00 a year. Commissioner Kofford suggested that maybe we need a better contract in the future and get the intent tied to the budgeted \$10,000.00. Commissioner Gary Kofford made a motion to split the bill with J&T and pay for two years at \$20,000.00 and request that J&T write-off the difference. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Dixie Swasey will submit the bill to the C/A office for payment and Commissioner Kofford will talk to J&T.

(15)

**DISCUSSION AND APPROVAL OF CHANGE ORDERS FOR SWIMMING POOL COR#30, COR#31, COR#32, COR#33, COR#35, AND PR#11.**

Change orders were presented as follows:

COR#30- the original specification only called for one closer for each pair of doors at the south end of the pool. This adds the needed second closer for each pair of doors. +\$353.00

COR#31- this adds an emergency ballast kit to a light fixture located in the family dressing room. + \$164.00

COR#32- this adds remote switches to the pumps located in the pump pit so they can be turned on without climbing down into the pump pit.

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COR#33- this adds power to monument sign. It includes a separate conduit to a signal wire to a reader board. +\$3,057.00

COR#35- the same charges ended up in COR#20 and COR#22. This change eliminates on set of those charges. -\$1,483.00

PR#11- this changes adds 2 outlets to the south wall of the pool and 4 outlets on 4 light poles in the outdoor pool area. The outlets at the pool have been added to the poles to save conduit expense.

Commissioner Drew Sitterud made a motion to approve the change orders for the swimming pool as presented. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(16)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following personnel action:

A. Approval to adopt the 2009 ULGT Workers Compensation premium and extended the three year agreement.

Mary Huntington requested approval to adopt the Worker's Compensation premium for 2009 with Utah Local Governments Trust and extend the three year rate guarantee. Commissioner Gary Kofford made a motion to approve adopting the Worker's Compensation premium for 2009 with Local Governments Trust and extending the three year rate guarantee. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

B. Approval for a 3% wage increase for Merrill Duncan who has completed his 6 month orientation period.

Morris Sorensen requested a 3% wage increase for Merrill Duncan who has successfully completed his 6 month orientation period. If approved Merrill would move from Grade 13, \$12.85 per hour to Grade 13 \$13.25 per hour and would be effective December 8, 2008. Commissioner Gary Kofford made a motion to approve a 3% wage increase for Merrill Duncan as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

C. Approval for a 3% wage increase for Nancy Jensen who has completed her 6 month orientation period.

Brenda Tuttle requested a 3% wage increase for Nancy Jensen who has successfully completed her six month orientation period. If approved Nancy would move from Grade 13 \$12.85 per hour



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to Grade 13 \$13.25 per hour and would be effective December 8, 2008. Commissioner Drew Sitterud made a motion to approve a 3% wage increase for Nancy Jensen as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

D. Approval to hire Nicholas Rhoten, Tammy Oliverson, Mindi Labrum, Sabrina Wood, Chance Ariotti, Brady Jensen, John Conder, Nikki Rogers, and Drew Sitterud as part time lifeguards working 19 3/4 hours based upon certification as a lifeguard.

Shannon Hiatt requested approval to hire Nicholas Rhoten, Tammy Oliverson, Mindy Labrum, Sabrina Wood, Chance Ariotti, Brady Jensen, John Conder, Nikki Rogers, and Drew Sitterud as part time lifeguards working 19 3/4 hours per week at Grade 5, \$8.06 per hour. However, if they do not pass the lifeguard certification class they will not be hired. Drew Sitterud indicated that he just wanted approval to take the certification class to be available to help in a pinch. Commissioner Gary Kofford indicated that he needed to abstain from voting on Tammy Oliverson due to the fact that she is his daughter, therefore, Commissioner Gary Kofford made a motion to approve hiring Nicholas Rhoten, Mindy Labrum, Sabrina Wood, Chance Ariotti, Brady Jensen, John Conder, and Nikki Rogers as part time lifeguards working 19 3/4 hours based upon passing lifeguard certification. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Commissioner Drew Sitterud made a motion to approve hiring Tammy Oliverson as a part time lifeguard working 19 3/4 hours based upon passing lifeguard certification. Commissioner Jeff Horrocks stepped down to second the motion. The motion passed.

Commissioner Gary Kofford made a motion to allow Drew Sitterud to take the lifeguard certification class. Commissioner Jeff Horrocks stepped down to second the motion. The motion passed.

E. Approval to hire Cory Collard who is a certified lifeguard.

Shannon Hiatt requested approval to hire Cory Collard as a part time lifeguard. He has already certified as a lifeguard. Commissioner Gary Kofford made a motion to approve hiring Cory Collard as a part time lifeguard. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(17)

**DISCUSSION AND APPROVAL OF CREDIT CARD PROCESSING AGREEMENT AND EQUIPMENT FOR THE EMERY COUNTY AQUATIC CENTER.**

Commissioner Drew Sitterud made a motion to approve moving forward with a credit card processing agreement and equipment for the Emery County Aquatic Center. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

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(18)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Gary Kofford made a motion to approve the minutes dated November 18, 2008 as corrected. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(19)

**COMMISSION REPORTS**

*Commissioner Sitterud*

Commissioner Sitterud reported on the grand opening for the swimming pool. During the walk through the public had an opportunity to begin purchasing season passes. Problems are still being worked out with the boiler at the pool. Free swim days are from the 9<sup>th</sup> to the 13<sup>th</sup>. December 15, 2008 people will have to begin paying to use the pool.

*Commissioner Kofford*

Commissioner Kofford thanked Sheriff Guymon, Search & Rescue Posse and volunteers for their efforts in the ongoing search for a missing women in Goblin Valley.

(20)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An executive session was not needed.

(21)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Drew Sitterud, seconded by Commissioner Gary Kofford and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER \_\_\_\_\_

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

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Present at the meeting was Commissioner Jeff Horrocks, Commissioner Drew Sitterud, Commissioner Gary Kofford, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**RATIFY CHANGE OF PUBLIC HEARING ON CASTLE VALLEY SPECIAL SERVICE DISTRICT BOND TO JANUARY 6, 2009 AT 10:00 A.M.**

Commissioner Drew Sitterud made a motion to ratify the changing of a Public Hearing on Castle Valley Special Service District bond to January 6, 2009 at 10:00 a.m. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(2)

**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 194230 through and including # 194403 for payment. There were no requisitions or dispositions. Commissioner Gary Kofford made a motion to approve the Warrant Check Edit List as presented. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(3)

**DEB DULL, ROCKY MOUNTAIN POWER AND PACIFICORP ENERGY QUARTERLY UPDATE.**

Deb Dull, Rocky Mountain Power, Reg Soepnel, Gary Denhalter, and Darrell Cunningham, Pacificorp Energy provided a quarterly update of activity.

Reg Soepnel reported that both plants have been operating safely this year. Mr. Soepnel announced that he would be leaving in January to go to eastern Iowa to manage Mid American. He thanked the Commission for their continued support for the plants while he has been in the area. He stated that the recruitment process is underway for a managing director at both plants.

Gary Denhalter, Huntington Plant reported that they are actively pursuing planning an procurement for their planned overhaul in the fall of 2010. In March they plan a 14 day outage to take the turbine apart and build a new rotor. The continuous emission monitoring system is

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operating well. Plant employees raised \$3,272.00 for the Sub for Santa program and 24 children in the area. He stated that the company is losing a good plant manager when Reg leaves. He will be missed.

Darrell Cunningham, Hunter Plant reported that they are also in the process of planning for an overhaul in the spring of 2010. They have had a good generation year with numbers that they haven't seen for four or five years. The new continuous emission monitoring system is online and working well. They have had a good safety year. Employees at the Hunter Plant have also raised funds to help with the Sub for Santa program for 56 children in the Carbon and Emery County area. Darrel commented that Reg will be missed. He thanked Reg for the learning opportunity to work with him.

Deb Dull, thanked the Commission for their assistance in the Huntington Airport Project that is just wrapping up. The temporary line for Lila Canyon is underway. On January 13, 2009, Utah Power & Light President Rich Walji will hold discussions on issues of concern before the new legislature begins.

(4)

**REQUEST FOR VISA CARD FOR MARK DEBRY, BUILDING INSPECTOR.**

Commissioner Gary Kofford made a motion to approve a VISA card with a \$2,000.00 limit for Mark DeBry. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(5)

**APPROVAL OF NOTICE OF EMERY COUNTY TO THE UTAH STATE TAX COMMISSION PURSUANT TO SECTION 59-12-603 (9) (b) TO ENACT THE TOURISM, RECREATION, CULTURAL AND CONVENTION FACILITIES TAX IN EMERY COUNTY. APPROVAL OF ORDINANCE TO IMPOSE A TOURISM PROMOTION AND FACILITIES TAX FOR THE YEAR 2009.**

Attorney David Blackwell advised the Commission that an ordinance needs to be approved and notice sent to the State Tax Commission informing them of the imposed tax. The tax would not go into effect until April first to allow for the 90 days that the State Tax Commission requires. Commissioner Drew Sitterud made a motion to approve Ordinance 12-16-08 imposing a tourism promotion and facilities tax in the amount of 1% for the year 2009. The motion was seconded by Commissioner Gary Kofford and approved by all members present. David Blackwell will contact the State Tax Commission and write the notice for the newspaper.

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(6)

**PRESENTATION BY SAM'S CLUB REPRESENTATIVES ALLOWING COUNTY EMPLOYEES TO SIGN UP FOR BUSINESS MEMBERSHIP.**

Representatives did not attend the meeting. Commissioner Drew Sitterud stated his opposition to promoting Sam's Club when the county is trying to promote shopping locally.

(7)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE FOR ANDERSON MINE SUPPLY.**

Commissioner Gary Kofford made a motion to approve a business license for Ralph Anderson and Rodney Anderson DBA: Anderson Mine Supply. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF MILEAGE RATE FOR 2009.**

The county's current mileage reimbursement rate is 48cents a mile. The IRS rate for 2009 is 55 cents. Commissioner Gary Kofford made a motion to set the mileage reimbursement rate for Emery County at 50cents per mile. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF COMMISSION MEETING SCHEDULE FOR 2009.**

January 6, 2009	9:00 a.m.
January 27, 2009	9:00 a.m.
February 10, 2009	9:00 a.m.
February 24, 2009	9:00 a.m.
March 10, 2009	9:00 a.m.
March 24, 2009	9:00 a.m.
April 14, 2009	9:00 a.m.
April 28, 2009	9:00 a.m.
May 12, 2009	9:00 a.m.
May 26, 2009	9:00 a.m.

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June 9, 2009	9:00 a.m.
June 23, 2009	9:00 a.m.
July 14, 2009	9:00 a.m.
July 28, 2009	9:00 a.m.
August 11, 2009	9:00 a.m.
August 25, 2009	4:00 p.m. * To follow
	Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.
September 8, 2009	9:00 a.m.
September 22, 2009	9:00 a.m.
October 13, 2009	9:00 a.m.
October 27, 2009	9:00 a.m.
November 10, 2009	9:00 a.m.
November 24, 2009	9:00 a.m.
December 8, 2009	9:00 a.m.
December 22, 2009	4:00 p.m.

Commissioner Gary Kofford made a motion to approve the Commission meeting schedule for 2009 as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(10)****CONSIDERATION AND APPROVAL OF HOLIDAY SCHEDULE FOR 2009**

New Year's Day	Thursday	01-01-09
Human Rights Day	Monday	01-19-09
President's Day	Monday	02-16-09
Memorial Day	Monday	05-25-09
Independence Day	Friday	07-03-09
Pioneer Day	Friday	07-24-09
Labor Day	Monday	09-07-09

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Columbus Day	Monday	10-12-09
Veterans Day	Wednesday	11-11-09
Thanksgiving Day	Thursday	11-26-09
Thanksgiving Day	Friday	11-27-09
Christmas Eve	Thursday	12-24-09(½ day)
Christmas Day	Friday	12-25-09

Commissioner Drew Sitterud made a motion to approve the 2009 Holiday Schedule as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Commissioner Drew Sitterud made a motion to come out of the regular commission meeting and move into a public hearing to receive comment on the amended 2008 budget. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(11)

**5:30 P.M. PUBLIC HEARING- TO RECEIVE PUBLIC COMMENTS ON OPENING AND AMENDING FY2008 BUDGETS FOR EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Clerk/Auditor Brenda Tuttle presented the amended 2008 budget for the Emery County General Fund, Special Revenue Funds, Capital Projects and for the Castle Valley Special Service District. She reported that amended budget is similar to the budget presented at the beginning of the year. The amended budget reflects the transfers made to coordinate with revenue and spending for 2008.

Darrell Leamaster, CVSSD reported that he did not have an amended budget for 2008. He did point out that due to the unavailability of oil this year he was not able to do the chip seal projects. Therefore, he will be carrying over into 2009 the funds appropriated for this project.

Commissioner Horrocks asked if there were any questions or comments. There were o questions or comments.

Commissioner Gary Kofford made a motion to come out of the public hearing and return to the regular commission meeting. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF AMENDED FY 2008 BUDGETS FOR EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Drew Sitterud made a motion to approve Resolution 12-16-08A amending the FY 2008 budget for the Emery County General Fund, Special Revenue Funds, and Capital Projects. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

Motion to recess the meeting until 6:00 p.m. was made by Commissioner Drew Sitterud, seconded by Commissioner Gary Kofford and approved by all members present.

At 6:00 p.m. Commissioner Drew Sitterud made a motion to come out of the regular Commission Meeting and move into a public hearing to receive comment on the FY 2009 budget for the Emery County General Fund, Special Revenue Funds, Capital Projects and for the Castle Valley Special Service District.

(13)

**6:00 PM PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON FY2009 BUDGET FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT INCLUDING COLA INCREASES FOR EMERY COUNTY EMPLOYEES AND ELECTED OFFICIALS, MERIT INCREASES FOR EMPLOYEES, AND INCREASE IN SALARY FOR CLERK/AUDITOR AND JUSTICE COURT JUDGE.**

Commissioner Jeff Horrocks presented the 2009 budget and explained that the budget reflected a 4% COLA excluding the Commissioners. The budget also reflects a \$3,000.00 a year increase in salary for the Clerk/Auditor and \$2,000.00 a year increase for the Justice Court Judge. He explained that the increase for the Clerk/Auditor is due to the dual duties of the Clerk/Auditor and to bring the position up with state statute. The increase for Justice Court Judge is affect of Judge Burns retiring in Green River and Judge Stream taking on the added responsibility of Green River and to also bring the position up with state statute by January 1. In an earlier Commission Meeting the Commission voted to dispense a one time bonus to Kyle Ekker in the amount of \$5,000.00 for the over and above hours spent on the Crandall Canyon disaster. Other one time bonuses were approved for Bill Downard in the amount of \$2,500.00 for the Crandall Canyon Disaster, Kathy Jensen, \$500.00, Morris Sorensen, \$1,000.00 also for the Crandall Canyon disaster. The money for these bonuses was given to the county by Murray Energy owner of the Crandall Canyon Mine. One time bonuses were also approved for Jeff Guymon and Brenda Dugmore Tuttle in the amount of \$1,000.00 each for the extra hours and effort put into preparing for the 2007 election with the new electronic voting machines at the last minute after the resignation of Bruce Funk.



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Darrell Leamaster, CVSSD explained the 2009 budget for the CVSSD. They have three budgets which he reviewed with the public. He explained that the budgeted amount for salaries reflected a 4% increase for employees. Darrell expects to be retiring in September and so the salaries also reflect bringing on the person to replace him while he was still working to bring the new person up to speed. Darrell indicated that CVSSD may need to increase their tax to meet their budget. Commissioner Kofford asked that they raise the rates instead of raising the tax. Darrell indicated that they can only use property tax to repay bonds.

Commissioner Horrocks asked if there were any questions or comments. There were no questions or comments.

Commissioner Drew Sitterud made a motion to move out of the public hearing and back into the regular commission meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF FY2009 BUDGET FOR EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS AND FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Gary Kofford made a motion to approve Resolution 12-16-08B adopting the FY 2009 budget for the Emery County General Fund, Special Revenue Funds, and Capital Project Funds and Resolution 12-16-08C for Castle Valley Special Service District. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF APPLICATION TO THE BLM FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS TO UPGRADE A PORTION OF COUNTY ROAD #801- SOUTH MOORE ROAD.**

Commissioner Gary Kofford made a motion to approve application to the BLM for transportation and utility systems and facilities on federal lands to upgrade a portion of County Road #801-South Moore Cut-off Road. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(16)

**APPROVAL TO ADVERTISE FOR TWO VACANCIES ON THE PLANNING COMMISSION AND RE-ADVERTISE FOR FOUR VACANCIES ON THE PUBLIC LANDS COUNCIL.**

Commissioner Gary Kofford explained that they needed to advertise for two vacancies on the Planning Commission to fill the vacancies of expired terms for Mac Huntingon, Chairman and Bill Dellos, Boardmember. They also need to re-advertise for four vacancies on the Public Lands Council allowing for application on the website. Commissioner Gary Kofford made a motion to approve advertising for applicants to fill two vacancies on the Planning Commission and re-advertise for four vacancies on the Public Lands Council. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(17)

**CONSIDERATION AND APPROVAL OF FEDERAL AID AGREEMENT FOR LOCAL AGENCY- F-1612 (7) 0- SOUTH MOORE CUTOFF ROAD- PHASE VII.**

Commissioner Gary Kofford made a motion to approve a Federal Aid Agreement for local agency F-1612 (7) 0- South Moore Cut-off Road- Phase 7. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(18)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND ECSSD#1 FOR FUNDING ON SOUTH MOORE CUTOFF ROAD - PHASE VII.**

Commissioner Gary Kofford made a motion to approve of an agreement between Emery County and Emery County Special Service District #1 for administering the funding of Phase 7 of the South Moore Cut-Off Road Project. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(19)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT WAIVER FOR EMERY COUNTY RECREATION RE-ROOF PROJECT AT LITTLE BEAR CAMPGROUND.**

Commissioner Drew Sitterud made a motion to waive the building permit fee for the Emery County Recreation Special Service District in the amount of \$83.25 for a re-roofing project at Little Bear Campground. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(20)

**CONSIDERATION AND APPROVAL TO WRITE-OFF/REDUCE AMBULANCE BILL FOR JOHN T. PRETIGER.**

Commissioner Gary Kofford made a motion to write-off the remainder of the ambulance bill for John T. Pretiger as requested. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

(21)

**DISCUSSION AND APPROVAL TO PROVIDE A DISCOUNTED RATE FOR GREEN RIVER RESIDENTS AT THE AQUATIC CENTER.**

Commissioner Sitterud stated that the request came from the Green River representative on the Recreation SSD board. Commissioner Sitterud stated that while he agreed that it is a long way for Green River citizens to travel to benefit from the swimming pool he was opposed to giving discounted rates to any one group of citizens. All the taxpayers are paying for the swimming pool. Commissioner Kofford stated that their request does have merit, however, he would rather see having available to purchase something like a punch card. He felt we needed to look into this a little further before any decision was made.

While on the subject of the swimming pool, Commissioner Sitterud reported on a situation that has come up regarding the pool. While our pool is a new pool with all the new technology, we will be out of code with regards to the drain in the pool. Apparently the grate that covers the drain needs to be redesigned. The new design for the drain grates have not be designed yet. So until they are ready we will be out of compliance. Commissioner Kofford indicated that the Health Department is aware of the problem and it is not just our pool it is all pools in the state. The problem affect each pool in the state in a different way and until a new screen or grate becomes available there is not much we can do. Emery County Aquatic Center will stay open and will do something as soon as it becomes available. Commissioner Drew Sitterud made a motion to keep the problem in mind and look at what needs to be done to correct the situation and bring the matter back at a later date to discuss again. The motion was seconded by Commissioner Gary Kofford and approved by all member present.

(22)

**DISCUSSION OF MOU BETWEEN EMERY COUNTY RECREATION AND EMERY COUNTY FOR MANAGING OF THE SHOOTING RANGE.**

Commissioner Sitterud reported that the County has gone to the BLM to procure property to expand the shooting range. The BLM needs an MOU between Emery County and the Emery

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County Recreation Special Service District to operate the shooting range on BLM property. Ray Petersen suggested having a representative from the Commission, Recreation District, Attorney's office and Mary Huntington get together to draw up an MOU that will work to satisfy the needs of everyone. Mary indicated that no matter what, if anything happens at the shooting range it will fall back on the county as it is under the liability insurance umbrella of the county.

(23)

**CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND JOHANSEN AND TUTTLE ENGINEERING FOR EA AND POD ON LANDFILL AND SHOOTING RANGE, WHICH INCLUDES EXPANSION OF LANDFILL WITH THE STATE OF UTAH.**

Commissioner Gary Kofford discussed a contract between Emery County and Johansen & Tuttle Engineering to apply to the BLM for the property which is necessary to accommodate the proposed expansion of the Emery County Landfill and to amend the existing landfill permit to include the expansion. The application to BLM for property for expansion including the necessary mapping and Plan of Development were listed as follows:

JBR Environmental Consultants to prepare an EA which will supplement the BLM Application IGES to gather criteria for inclusion in the POD  
J&T to provide the Topo surveys, mapping, description, Application, POD, etc.  
Total \$52,230.00.

Division of Solid and Hazardous Waste Permit Application (DSHW) projected costs:  
IGES permit amendment; modification to Part II, General report; modification to drawings; dialog with DSHW.  
J&T for mapping, soil analysis, etc.  
Total \$10,000.00.

The total cost for the contract was \$62,230.00.

Commissioner Gary Kofford made a motion to approve a contract with Johansen & Tuttle Engineering for application to BLM for property for expansion of the Emery County Landfill and shooting range. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

**(24)**  
**REQUEST FROM COMMUNITY FOUNDATION TO REMOVE TWO TREES FROM THEIR PROPERTY.**

Commissioner Gary Kofford made a motion to have Morris Sorensen remove the Chinese Elms at the Community Foundation Center and also at the Museum of the San Rafael. The motion was seconded by Commissioner Drew Sitterud and approved by all members present. Morris indicated he would remove the trees when time allows.

**(25)**  
**CITIZEN CONCERNS**

Jared Anderson, Emery TelCom addressed the Commission with regards to a request to acquire or transfer the franchise of Precis Communications. Emery TelCom is in negotiations to acquire the assets of Precis Communications. Attorney David Blackwell advised to have the matter put on the January 6, 2009 agenda.

Patsy Stoddard, Emery County Progress announced that the drawing for the Shop Emery County promotion will be held during half time of the Emery High School basketball game this week.

Bill Dellos expressed his appreciation to Drew Sitterud for his eight years of service to the citizens of Emery County while serving as Emery County Commissioner.

**(26)**  
**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval of grade step for Kurt Price for graduation from POST.**

Sheriff Guymon requested approval for a pay increase for Kurt Price who has successfully completed the POST certification training. If approved Kurt would move from Grade 14 @ \$14.04 per hour to Grade 15 @ \$14.89 per hour and be effective December 12, 2008.

Commissioner Drew Sitterud made a motion to approve a wage increase as proposed for Kurt Price who has successfully completed POST certification. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**B. Approval of 3% wage increase for Kathy Perkins who has completed her 6 month orientation period.**

Margaret Keller requested a 3% wage increase for Kathy Perkins who has successfully completed her 6 month orientation period. If approved Kathy would move from Grade 6 @ \$8.12 per hour to Grade 6 @ \$8.35 per hour and would become effective December 21, 2008. Commissioner Gary Kofford made a motion to approve a 3% wage increase for Kathy Perkins as proposed. The

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motion was seconded by Commissioner Drew Sitterud and approved by all members present.

C. Approval to hire Melodie Hoffman as a part time, working 19 3/4 hours per week, assistant librarian in Orangeville.

Jerilyn Mathis requested approval to hire Melodie Hoffman as a part time assistant Librarian, working 19 3/4 hours per week. If approved Melodie's wage would be Grade 7 @ \$8.78 per hour and would become effective December 29, 2008. Commissioner Gary Kofford made a motion to approve hiring Melodie Hoffman as Assistant Librarian as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

D. Approval of merit increase for Wayne Nielsen, Russell Swasey, and Mike McCandless.

Morris Sorensen requested a 3% increase for Wayde Nielsen. There are employees that Wayde supervises that almost make as much as he does without the responsibility. If approved Wayde would move from Grade 22 @ \$22.72 per hour to Grade 22 @ \$23.40 per hour. Commissioner Gary Kofford made a motion to approve a 3% wage increase for Wayde Nielsen as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

Morris Sorensen requested a 6% wage increase for Russell Swasey. Russ has demonstrated increased capability and has saved the Road Department valuable time and money on repair of equipment. If approved Russ would move from Grade 16 @ \$15.78 per hour to Grade 16 @ \$16.73 per hour. Commissioner Gary Kofford made a motion to approve a 6% wage increase for Russell Swasey as proposed. The motion was seconded by Commissioner Drew Sitterud and approved by all members present.

The Commission requested a 3% wage increase for Michael McCandless for the three departments he oversees. (Economic Development, Planning /Zoning and Building). If approved Mike would move from Grade 22 @ \$22.98 per hour or \$1,838.40 per pay period to Grade 22 @ \$23.67 per hour or \$1,893.60 per pay period. Commissioner Drew Sitterud made a motion to approve a 3% wage increase for Michael McCandless as proposed. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

(27)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Drew Sitterud made a motion to approve the minutes dated December 6, 2008 as corrected. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**(28)**  
**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks presented Commissioner Sitterud with a plaque of appreciation for his 8 years of service to the citizens of Emery County. To Which, Commissioner Sitterud thanked the citizens of Emery County and especially the people that he worked with everyday. Emery County is a great place to work. It has been a joy to work for the citizens of Emery County.

*Commissioner Kofford*

Commissioner Kofford reported on the parties recently held for the employees and the Senior Citizens. He also reported that an advertisement will soon go out reminding the citizens of Emery County that as of February 7, 2009 the analog television transmission will be gone. Along with that Channel 26, Emery County's television station will also be gone. Emery County has been broadcasting digitally for two years now. If you have not made the conversion either by purchasing the converter box top or buying a new television set with the converter built in you need to do so now. People with cable or satellite need to do nothing.

Commissioner Sitterud reminded everyone that the old analog system is 50 years old and as components go down they will not be replaced. Therefore, we may be off the air before the February date. FM stations are off the air currently due to the snapped aluminum lines on Horn Mountain. They hope to have them back up by next week.

**(29)**  
**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(30)**  
**ADJOURNMENT**

Commissioner Drew Sitterud made a motion to adjourn the meeting. The motion was seconded by Commissioner Gary Kofford and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JANUARY 6, 2009

Present at the meeting was Commissioner Jeff Horrocks, Commissioner Gary Kofford and newly elected Commissioner Laurie Pitchforth, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

**(1)**  
**APPOINTMENT OF 2009 COMMISSION CHAIRMAN**

Commissioner Jeff Horrocks made a motion to appoint Commissioner Gary Kofford as Commission Chair for 2009. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

Commissioner Jeff Horrocks made a motion to suspend the agenda order as needed. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

**(2)**  
**DISCUSSION AND APPROVAL OF COMMISSION RESPONSIBILITIES.**

Chairman Kofford read the Commission responsibilities as follows:

Jeff Horrocks

Ambulance/EMTs  
Attorney  
COG  
CCP  
DWR  
Economic Development  
GR Medical Center  
Housing Authority  
Justice Court  
MBA  
Museum  
NEWU District  
Personnel  
Public Lands  
Travel Council  
Treasurer  
Weed/Mosquito  
Workforce Services

Gary Kofford

Airport  
Aquatic Center  
AOG  
BLM  
CVSSD  
Clerk Auditor  
County Facilities  
Economic Development  
ECSSD#1  
IT/GIS  
Lawrence Cemetery  
MBA  
Planning/Zoning  
Public Lands  
Public/Mental Health  
RC&D  
Road Dept./Landfill  
TV/Communications  
Water Conservancy

Laurie Pitchforth

Animal Control  
Assessor  
Care Center  
Chamber of Commerce  
Economic Development  
Extension/USU  
Historical Preservation  
Library  
MBA  
Public Lands  
Recorder/Archives  
Recreation Dist./Fair  
Senior Citizens  
Sheriff/Homeland Security  
USFS  
Wildland Fire



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Commissioner Jeff Horrocks made a motion to accept the 2009 Commission responsibilities as presented. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 194678 through and including #194769 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
01-09	Refrigerator, Range, Microwave Aquatic Center	\$1,609.85
02-09	Microwave radio frequency co-ordination Sheriff/Communications	3,000.00

There were no dispositions.

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List and requisitions as presented. Commissioner Laurie Pitchforth seconded the motion. The motion passed.

(4)

**REQUEST FROM PRECIS COMMUNICATIONS, LLC TO TERMINATE THE CABLE TELEVISION FRANCHISE WITH EMERY COUNTY.**

Shane Baggs, Precis Communications, LLC came before the Board of Commissioners to request the termination of a cable television franchise with Emery County.

(5)

**CONSIDERATION AND APPROVAL OF RESOLUTION TERMINATING CABLE TELEVISION WITH PRECIS COMMUNICATIONS, LLC.**

Commissioner Jeff Horrocks made a motion to approve Resolution 01-06-09 terminating cable television with Precis Communications, LLC subject to the sale of the franchise. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(6)

**EMERY TELCOM, BEAU STOKER, DISCUSSION AND APPROVAL OF CABLE TELEVISION FRANCHISE ORDINANCE/RESOLUTION FROM EMERY COUNTY THAT WOULD GOVERN CUSTOMERS LIVING OUTSIDE MUNICIPAL BOUNDARIES.**

Jared Anderson, Emery TelCom came before the Board of Commissioners to discuss and request a cable television franchise ordinance that would govern customers living outside municipal boundaries. He explained that Emery TelCom has purchased the cable television franchise from Precis Communications, LLC. He addressed concerns that the Commissioners had regarding section 10 and the county's desire to have free government rate for its departments who use the cable television. He explained that there would be a set top box cost and ET has to purchase the content from the studios and would more than likely not be able to provide this service for free. There is a hard fixed rate which ET has to pay to the programmers. This cost would be distributed to the government offices who use the service. Therefore, he could not commit to the service for free. Commissioner Kofford reviewed Section 18 regarding Line Severing and Section 5 Conditions and Street Occupancy. Commissioner Kofford asked that language be included to address encroachment permits though County roads. Mr. Anderson indicated that he was certain that proper permits would be obtained and that language to that effect could be added as per the county attorney. Regarding line severing he indicated that cost for repairing a severed line would be the responsibility of the party that severed the line. They discussed the local channel, channel 26. Emery County had been paying a person to maintain the channel. Advertising on the channel for local, non-profit events was free. As of January 1, 2009 Channel 26 has not been of the air. Commissioner Kofford reported that the Commission has not budgeted for the continuation of the channel and the cost associated with bringing the channel back up. The Commission has been looking at whether the cost to bring it back up is worth the interest from the public. Mr. Anderson discussed the company's plans for local events coverage. Getting back to the ordinance Mr. Anderson addressed the free television at each location for one television set not available to the public. They discussed the possibility that equipment be available for cost to the County offices.

Commissioner Jeff Horrocks made a motion to approve Ordinance 1-06-08 granting a franchise to Emery TelCom Video, LLC, and assigns, to construct, operate and maintain a cable television system within the limits of Emery County and set the conditions accompanying the grant of the franchise with the addition in Section 5 that Emery TelCom will acquire an encroachment permit from the Emery County Road Department anytime that they encroach any county road, and the addition of equipment made available the county offices at cost. Subject to the addition of these items the Ordinance it will be signed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(7)****DISCUSSION AND DECISION REGARDING OLD SHERIFF OFFICE BUILDING.**

Commissioner Kofford explained that last April the county held a surplus property action wherein the old sheriff's building was auctioned off in the amount of \$1,500.00 to Darrin Hurdsman and Scott Labrum. Their intent was to salvage the contents of the building as well as the rubble from demolition of the building. The terms of the agreement with Mr. Hurdsman and Mr. Labrum were to have a signed release of liability and a \$30,000.00 bond to Emery County should they default and not demolish the building by the end of the year as agreed upon. Emery County has an agreement with Castle Dale City that ensures that the building will be demolished, the rubble removed and the ground cleared and prepared by the end of 2008. At the time the county was storing materials for the swimming pool in the building until needed in the pool's construction process. Commissioner Kofford indicated that after speaking with Mr. Hurdsman and Mr. Labrum they came to the conclusion that the county needs to take back possession of, and assume the responsibility for, demolishing the building. Since the county used the building to store the swimming pool materials he felt that we should return the \$1,500.00 back to Mr. Hurdsman and Mr. Labrum for rental of the space and that the \$30,000.00 bond to the county should be forgiven. After more discussion on the matter, Commissioner Jeff Horrocks made a motion to have County Attorney, David Blackwell draft a letter to Mr. Hurdsman and Mr. Labrum advising them of Emery County's intent to reclaim possession of the building, refund the \$1,500.00 paid for the building as rental while storing materials for the swimming pool's construction, forgive the \$30,000.00 bond to the county as well as the county's intent to demolish the building as agreed to with Castle Dale City. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed. Commissioner Jeff Horrocks made a motion to have Road Supervisor, Morris Sorensen set up a plan for the demolition and removal of the rubble from the old sheriff's building as agreed to with Castle Dale City. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(8)****APPOINTMENT OF RAY JEFFS TO THE EMERY COUNTY TRAVEL BUREAU.**

The Emery County Travel Bureau has recommended Ray Jeffs to fill the remainder of Mary Huntington's term who has asked to be replaced on the board. The term is until March of 2010. Commissioner Jeff Horrocks made a motion to appoint Ray Jeffs to the Emery County Travel Bureau for the remainder of the term that ends March 2010. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(9)

**APPROVAL OF CELL PHONE STIPEND FOR COMMISSIONER PITCHFORTH**

Commissioner Jeff Horrocks made a motion to approve a cell phone stipend for Commissioner Laurie Pitchforth. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed. Sheriff Guymon asked that a cell phone stipend be approved for Brooks Smith. Apparently the paperwork did not make it to the proper place. Commissioner Jeff Horrocks made a motion to approve a cell phone stipend for Brooks Smith and to have the action ratified in the next Commission Meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

**CONSIDERATION AND APPROVAL OF AGREEMENT WITH GOVERNMENT MATTERS LLC FOR PUBLIC LAND CONSULTANT.**

Commissioner Kofford explained that in the past Emery County has contracted with Robert Weidner to lobby in Washington, DC on behalf of Emery County regarding public land issues. Government Matters LLC, Randy Johnson has contacted Emery County and proposed contracting with him for this service. The contract amount is \$15,000.00 for the year. Commissioner Jeff Horrocks made a motion to not renew the contract with Robert Weidner and to contract with Government Matters, LLC, Randy Johnson for \$15,000.00 for the year. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(11)

**CONSIDERATION AND APPROVAL OF AMENDMENT TO PUBLIC LANDS BYLAWS.**

The Public Lands Council has asked for an amendment to the Public Lands bylaws allowing for the chairman's term to change from a one year term to a two year term. Commissioner Jeff Horrocks made a motion to approve the change in the bylaws for the Public Lands Council to allow the chairman's term to be a two year term. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(12)

**CONSIDERATION AND APPROVAL OF EMERY COUNTY CLASS I LANDFILL FINAL COVER QA/QC PLAN.**

Commissioner Jeff Horrocks made a motion to approve of the Emery County Class I Landfill

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JANUARY 6, 2009

Final Cover Quality Assurance and Quality Control Plan for the Emery County Landfill. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(13)

**APPROVAL OF LAWRENCE CEMETERY LOT FEE WAIVER FOR JOHN L. OLIVER.**

When the Lawrence Cemetery lot fee was established by the Commissioners a condition was placed in the ordinance to allow for those individuals who already owned lots or family plots in the cemetery to have the \$150.00 fee waived. A request was made to waive the fee for John L. Oliver who owns a lot in the Lawrence Cemetery. Commissioner Jeff Horrocks made a motion to waive the \$150.00 lot fee in the Lawrence Cemetery for John L. Oliver. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner Jeff Horrocks made a motion to leave the regular Commission Meeting and move into a Public Hearing as advertised. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(14)

**10:00 AM- PUBLIC HEARING- TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO THE ISSUANCE OF THE BONDS AND THE POTENTIAL ECONOMIC IMPACT THAT THE PROJECT WILL HAVE ON THE PRIVATE SECTOR.**

Darrell Leamaster, Castle Valley Special Service District commented that last year the legislature passed a law that requires holding a public hearing prior to the issuance of any bonds. Although the bonds are the result of a voter approved bond the public hearing still has to be held. The posting and advertising needs to be thirty days prior to the public hearing. To be compliant with this new law a public hearing is being held today after advertising for thirty days. A public hearing was also held on December 2, 2008. He reported on the uses of the funds and the amount remaining of the voter authorized bond.

Commissioner Kofford asked if there were any questions or comments.

There were no questions or comments.

Commissioner Horrocks made a motion to close the public hearing and return to the regular Commission Meeting. Commissioner Pitchforth seconded the motion. The motion passed.

**(15)****RATIFICATION OF RESOLUTION 12/2/08 RELATING TO THE BONDS.**

Commissioner Jeff Horrocks made a motion to ratify the approval and signing of Resolution 12-2-08 relating to bonds for the Castle Valley Special Service District. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(16)****CITIZEN CONCERNS.**

Miss Emery County, Holly Damron came before the Board of Commissioners to thank the county for the opportunity to serve the county as Miss Emery. She reviewed her platform and reported on some of the things she has done thus far.

Commissioner Jeff Horrocks discussed Emery County Travel Council's request for Tina Carter to travel to Denver, Co. She showed that Tina needs to travel to in on the 21<sup>st</sup> of January and due to the change in Commission Meeting dates she needs to have this approved at this time and brought back in the January 27<sup>th</sup> meeting for ratification and further discussion of future travel for the Tina and the Travel Council. Commissioner Jeff Horrocks made a motion to approve Emery County Travel Council's request for Tina Carter to travel to Denver, Co. to attend a travel show and to have the action ratified in the next Commission Meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(17)****CONSIDERATION AND APPROVAL OF COR#34, #36, AND #37 FOR SWIMMING POOL.**

Change orders for the swimming pool were presented as follows:

COR#34- Adding a digital alarm receiver to the monitoring system + \$21,962.00

COR#36- Paint changes + \$1,852.00

COR#37- Adding a tempering value + \$2,123.00

Commissioner Jeff Horrocks made a motion to approve the proposed change orders as presented. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner Jeff Horrocks asked Commissioner Kofford for a report of work that needs to be completed on the Swimming Pool project. Commissioner Kofford indicated that there will be a meeting with all the contractors and general contractor tomorrow. There are problems with the boiler that still need to be resolved.

(18)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.****A. Approval of 3% wage increase for Mark DeBry who has successfully completed his 6 month orientation period, in addition to 4% COLA.**

Mike McCandless requested approval for a 3% wage increase for Mark DeBry who has successfully completed his 6 month orientation period. If approved this would move Mark from Grade 21 @\$20.48 per hour to \$21.09 per hour. Mark will also receive a 4% COL increase as well, which will take him to \$21.93 per hour. Commissioner Jeff Horrocks made a motion to approve the 3% increase for Mark DeBry as proposed. Commissioner Laurie Pitchforth seconded the motion. The motion passed.

**B. Approval of family leave for Dottie Grimes**

Dixie Swasey requested a one month leave of absence for Dottie Grimes who has a family emergency. Commissioner Jeff Horrocks made a motion to approve a one month leave of absence for Dottie Grimes as requested. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**C. Approval of Bernice Payne and Holly Damron as 90 day or less temporary employees.**

Dixie Swasey requested approval to hire Bernice Payne as a 90 day or less temporary employee until Dottie Grimes is able to return to work. If approved her wage would be \$8.00 per hour. Commissioner Jeff Horrocks made a motion to approve hiring Bernice Payne as a 90 day temporary employee as requested. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Jeff Guymon has hired Holly Damron as a 90 day temporary employee. Her wage is \$8.00 per hour. No action was needed on this matter.

**D. Approval to hire Lane Gardner and Taylor Cox as part-time, working 19 3/4 hrs per week as lifeguards.**

Shannon Hiatt requested approval to hire Lane Gardner and Taylor Cox as part time, working 19 3/4 hrs per week lifeguards. They have both passed the lifeguard certification class. If approved their wage would be \$8.06 per hour. Commissioner Jeff Horrocks made a motion to approve hiring Lane Gardner and Taylor Cox as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

COMMISSION MEETING MINUTES  
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(19)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to approve the minutes dated December 16, 2008 as corrected. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(20)

**COMMISSION REPORTS**

*Commissioner Pitchforth*

Commissioner Pitchforth expressed her excitement and gratitude for being a new Commissioner. She stated that she looked forward to working with the staff and serving the citizens of Emery County.

*Commissioner Kofford*

Commissioner Kofford reported on the swimming pool. A new pool open hours and routine schedule which will soon be posted on the county's website.

(21)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive Session was not needed.

(22)

**ADJOURNMENT**

Motion to adjourn was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



10  
COMMISSION MEETING MINUTES  
JANUARY 6, 2009

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

JANUARY 27, 2009

Present at the meeting was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
**RATIFY APPROVAL OF OUT-OF-STATE TRAVEL FOR TINA CARTER AND MORRIS SORENSEN.**

In the last Commission Meeting approval was given for out-of state travel for Tina Carter and Morris Sorensen. Commissioner Jeff Horrocks made a motion to ratify the approval for out-of-state travel for Tina Carter and Morris Sorensen. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(2)  
**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # Through and including # for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
3-09	Polaris Ranger 6x6 Weed/Mosq	\$10,274.00
4-09	Cat Compactor Highway	\$159,000.00
5-09	2007 Kenworth Diesel Highway	\$71,015.00
6-09	2007 Cat D6T Dozer Highway	\$238,780.00

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7-09	12' Snow Plow Highway	\$6,186.00
8-09	14' Sander Highway	\$12,700.00
9-09	UPX-C300 Passport Camera Clerk/Auditor	\$1,595.00
10-09	Microwave Radio Equip for Emery, Horn, Cedar & Bruin Communications	\$248,459.71
11-09	ROIP/VOIP Communications Equip. 800 Mhz Repeater KTU Mounting Shelf And Conference Bridge	\$41,753.25 \$11,044.40 \$4,936.00
12-09	DVR Camcorder Cube Clock Drug Task Force	\$ 549.00
13-09	(5) 2009 Dodge Durangos Sheriff	\$118,460.00
14-09	Dell Printer/scanner/copier (15) Optiplex Computers (2) Laptop Computers Projector IT/Capital Replacements	\$26,590.03
15-09	(3) Canon Image Runner IT/Capital Replacements	\$16,309.31

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented . The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**BILL BATES, DWR, PRESENTATION OF PILT PAYMENT**

Bill Bates, DWR Director of Price office presented the Commissioners with a check in the amount of \$2,751.30 representing contractual in-lieu tax payment on the approximately 5,500 acres land the Division of Wildlife Resources owns in Emery County. The money used to pay the in-lie tax is provided by hunters and anglers in Emery County and across the state.

(4)

**DISCUSSION OF TERMINATING CONTRACT WITH SUSAN DORSCH FOR OPERATION OF CHANNEL 26.**

Commissioner Kofford opened discussion on terminating the contract with Susan Dorsch for operation of Emery County's Channel 26. Under contract with Susan Dorsch the county has been paying \$1,100.00 per month for the operation of Channel 26. Ads from non-profit organizations and community events have been done for free. Local businesses have been paying for the service. With the change over to digital broadcasting, the revenue generated from those businesses advertising on the Channel has gone way down. The operation of the channel was not budgeted for this year. The cost to keep the channel up and running would be around \$120,000.00. The Commission has determined that they are not getting what they wanted out of the channel. The cost of bringing Channel 26 back up would not be cost effective and have therefore determined to not continue the funding. The Commissioners had a desire to terminate the contract with Susan Dorsch for the operation and maintenance of the channel. According to the contract the county must give thirty days notice to Susan before terminating the contract. Commissioner Jeff Horrocks recommended having County Attorney David Blackwell send a letter to Susan Dorsch terminating the contract in thirty days. Commissioner Jeff Horrocks made a motion to terminate the contract with Susan Dorsch for operation of Channel 26 and to pay her through February and to recognize her service to the county by presenting her with a plaque. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Phil Fauver asked if the analog equipment would be auctioned off. Commissioner Kofford indicated that the components will be sold at a future auction and as components of the system go down they will not be replaced.

(5)

**APPROVAL OF APPOINTMENT TO THE PLANNING COMMISSION.**

Commissioner Kofford indicated that advertising went out to fill two vacancies on the Planning Commission. Terms for Bill Dellos and Mac Huntington have expired. The Commission received two applications from Bill Dellos and Mac Huntington. Commissioner Jeff Horrocks

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made a motion to re-appoint Bell Dellos and Mac Huntington to the Emery County Planning Commission. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(6)**

**APPROVAL OF APPOINTMENT TO PUBLIC LANDS COUNCIL.**

Commissioner Kofford indicated that there are four openings on the Public Lands Council. Several applications were received in the Clerk/Auditor's office. Interested applicants were: Chuck Semborski, Gary Petty, Randal Stilson, Clark Ungerman, Mistie Christiansen, and Michael Olsen. Commissioner Laurie Pitchforth nominated Gary Petty, Randal Stilson, Chuck Semborski and Michael Olsen. Commissioner Jeff Horrocks indicated that he would like the Commission to give Mistie Christiansen a second look as she has a lot of experience and knowledge to bring to the committee. Commissioner Laurie Pitchforth made a motion to appoint Gary Petty, Randal Stilson, Chuck Semborski and Michael Olsen to the Emery County Public Lands Council. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**(7)**

**NOTIFICATION OF VACANCY ON EMERY COUNTY WATER CONSERVANCY DISTRICT, CASTLE VALLEY SPECIAL SERVICE DISTRICT, AND EMERY COUNTY SPECIAL SERVICE DISTRICT #1.**

Commissioner Kofford indicated that there are openings on the Emery County Water Conservancy District, Castle Valley Special Service District and Emery County Special Service District #1. EWCD has one opening. ECSSD#1 has 2 openings. Applicants must live in the District boundary. CVSSD has 2 openings and applicants must live within a city boundary. Under state statute the county must advertise only for local district for applicants to fill these openings. The Commissioners determined that applications must be received in the Clerk/Auditor's office by March 5. Appointments will be made in the March 10, 2009 Commission Meeting. Commissioner Jeff Horrocks made a motion to advertise to fill board openings on the Emery Water Conservancy District, Castle Valley Special Service District, and Emery County Special Service District #1 closing applications on March 5<sup>th</sup> and appointing on March 10<sup>th</sup>. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(8)**

**RATIFY FINAL SETTLEMENT OF AUCTION PURCHASE OF OLD SHERIFF'S BUILDING.**

In the last Commission Meeting a motion was made to have County Attorney David Blackwell draft a letter to Mr. Hurdsman and Mr. Labrum informing them of Emery County's intent to

COMMISSION MEETING MINUTES  
JANUARY 27, 2009

reclaim possession of the building, refund the \$1,500.00 they paid in return for rental of the building for the swimming pool materials and of the county's intent to demolish the building. When the Road Department was removing the salvageable items from the building it was found that a power source component was removed. The Commissioner determined to split the \$1,500.00 and only return \$750.00 to Mr. Labrum and Mr. Hurdsman. Therefore, Commissioner Jeff Horrocks made a motion to ratify the amount to be return to Mr. Labrum and Mr. Hurdsman and change the amount to \$750.00. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(9)

**CONSIDERATION AND APPROVAL OF CUSTOMER REQUESTED WORK AGREEMENT WITH ROCKY MOUNTAIN POWER TO REMOVE FACILITIES NO LONGER NEEDED AT THE OLD JAIL.**

No action

(10)

**RATIFY APPLICATION TO U.S. ARMY CORPS OF ENGINEERS FOR CULVERT INSTALLATION ON SO. MOORE PHASE VII PROJECT.**

Commissioner Kofford gave a brief explanation of the work on So. Moore Phase VII Project. The alignment of the proposed road will intercept the drainage before all the washes come together into one wash. A small ditch will be required to bring separate washes into one wash at the inlet of the culverts. Rip rap section will be placed along the shoulder of the road to protect the new road section from flood stage flow, but will not reduce flow of the original drainage. Time constraints required the application to be signed and submitted before this meeting, therefore ratification of the signing of the application is needed. Commissioner Laurie Pitchforth made a motion to ratify the signing of an application to U.S. Army Corps of Engineers for culvert installation on So. Moore Phase VII Project. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(11)

**DISCUSSION AND APPROVAL OF ADVERTISEMENT IN THE ENERGY EDITION.**

Commissioner Jeff Horrocks made a motion to approve purchasing a 1/4 page ad for \$275.00 in the Energy Edition. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(12)

**CONSIDERATION AND APPROVAL OF AMBULANCE FEE REDUCTION/WAIVER FOR ETHEL P. HARTUNG AND WILLIAM L.CAFFEE.**

Ambulance fee reduction/waiver requests were made on behalf of Ethel P. Hartung and William L Caffee. Ethel Hartung requested to make payments interest free on the balance of \$336.13. Mary Caffee requested a write-of the balance due \$414.51. Both accounts have exhausted the benefits from insurance and Medicare. Commissioner Jeff Horrocks made a motion to write-off the balance due of \$414.51 for William L. Caffee and approve interest free payments on the \$336.13 balance due for Ethel P Hartung. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(13)

**CONSIDERATION AND APPROVAL OF EQUITABLE SHARING AGREEMENT AND CERTIFICATION.**

Sheriff LaMar Guymon explained that the Equitable Sharing Agreement is with the US Department of Justice and US Department of Treasury for the sharing of seizure cash, property or proceeds. Commissioner Jeff Horrocks made a motion to approve signing an Equitable Sharing Agreement and Certification. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(14)

**CONSIDERATION AND APPROVAL OF PAYMENT PLAN FOR ANNUAL SWIMMING POOL.**

Shannon Hiatt indicated that he has had several requests from young families with two or three children who are having difficulty paying the yearly pass fee all at once. Shannon suggested maybe having them pay for a third at time. He felt that he could tract the payments. Commissioner Kofford indicated that there is not a written policy for this type of payment and that the Commissioners have determined that it needs to be discussed. Brenda Tuttle expressed concern that everything be paid up front. This type of payment set up can become a nightmare. There are so many options out there for people who cannot find the money to pay up front for the pass. We do not want to get into budgeting for people.

(15)

**CONSIDERATION AND APPROVAL OF POLICY FOR AQUATIC CENTER PASS EXCEPTIONS.**

Shannon discussed pass waivers for persons with special needs. Because he frequently gets asked this question he felt he needed to bring it to the Commissioners to discuss. He indicated

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that when he looked at six different pools in the state he never asked this specific question of the pool managers. Commissioner Jeff Horrocks expressed concern for where you draw the line. He can see the benefit for allowing people buy a quarter pass. Commissioner Kofford wanted to address all the needs. If we start making exceptions, where do you draw the line, where do you stop? Commissioner Jeff Horrocks made a motion to table the matter for now to allow time for more discussion. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner Jeff Horrocks made a motion to set up an Aquatic Center Policy Advisory Committee under the direction of Attorney David Blackwell, and include Shannon Hiatt, Brenda Tuttle, Mary Huntington and Commissioner Gary Kofford on the committee. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(16)**  
**CITIZEN CONCERNS**

There were no concerns.

**(17)**  
**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval to transfer Summer Clark, as part-time janitor of the Castle Dale library to the Cleveland/Elmo libraries.**

Jerilyn Mathis requested approval to transfer Summer Clark from the Castle Dale library as a part time janitor working 10 hours per week to the Cleveland/Elmo libraries as a janitor working 19 3/4 hours per week. Carolyn Atwood has resigned effective 1-23-09. If approved Summer's wage would remain the same. Commissioner Jeff Horrocks made a motion to approve moving Summer Clark to the Cleveland/Elmo libraries as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**B. Approval to begin the recruitment process for a part-time, working 10 hrs. per week janitor at the Castle Dale library.**

Jerilyn Mathis requested approval to start the recruitment process for a part time, working 10 hours per week, janitor for the Castle Dale library at Grade 6, \$8.02 per hour. Commissioner Jeff Horrocks made a motion to approve the recruitment process for a janitor at the Castle Dale library as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.



**C. Request approval of 3% wage increase for Tamera Lacock who has completed her 6 month orientation period.**

Jerilyn Mathis requested a 3% wage increase for Tamera Lacock who has successfully completed her 6 month orientation period. If approved Tamera would move from Grade 6, \$8.02 per hour to \$8.28 per hour and would become effective 2-9-09. Commissioner Jeff Horrocks made a motion to approve the wage increase for Tamera Lacock as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(18)**

**APPROVAL OF COMMISSION MEETING MINUTES.**

Motion to approve the minutes dated January 27, 2009 was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth. The motion passed.

**(19)**

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on attending UAC meeting where they discussed proposed tax cuts from the state legislature. State Courts are looking at a 7.5 percent cut in funding requiring a 26 day unpaid furlough a year. UAC intends to hold meetings every Thursday to keep up with where the budget is going. Commissioner Horrocks indicated he planned on attending these meetings.

There are EMT training classes going on at this time.

Legislature Day for elected officials is January 30, 2009. He encouraged all elected officials to attend.

*Commissioner Pitchforth*

Commissioner Pitchforth reported that her first three week in office have been very busy. She reported on meeting with the Emery County Recreation Special Service District Board. Clint Olsen from the IT Department presented a demonstration on signing up for league sports on-line. She also reported on sports team participation in the county as well as classes and activities available through the Recreation District. There will be a dodge ball tournament sometime in

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March. The Pro Rodeo date is set for July 30, 31, and August 1, 2009. The Emery County Fair will be August 5,6,7,8, 2009.

She also reported on attending Aging and Nutrition, AOG Board meeting where they discussed concerns with state cuts. 40% of the funding for the Aging & Nutrition program comes from Emery County.

She expressed consideration to those citizens who are willing to sit on the various boards in the county. Everyone does a great job.

Commissioner Pitchforth will be leaving on Wednesday for newly elected officials training and Elected Officials day at the Legislature.

*Commissioner Kofford*

Commissioner Kofford reported on receiving a letter from Department of Air Quality regarding the Emery County Landfill Class I Landfill Cover. We have an approved plan in place for covering existing cells at the landfill with mancos shale which saves the county money. We do not have to haul in clay to cover the cells. Apparently we are the only landfill in the state of Utah who has been approved to do this. We have to run quality assurance test, topographic overviews to get desired slopes and grades, monitor the methane gas and seepage. We are happy with the outcome and to have an approved plan to follow for future use. We have been told that Emery County is one of the better run landfills in the state.

Huntington Airport is as complete as it can be until the weather permits for the last phase of the project.

There are three project on tap for approval if the State's stimulus package goes through. UAC asked that the county have a wish list of projects that are ready to go. Those three projects are remodeling the care center, resurfacing Consol Road and resurfacing the Huntington Airport runway.

The So. Moore Road Project is extended until July 2009. Nielson Construction is not able to get the asphalt needed for the project this year. We have to go a different route for the asphalt and need to get the approval from UDOT. UDOT will be meeting in Richfield to design the Moore Phase VII. Bids will go out in late February early March for the nearly \$4 million dollar project. Temple Mountain Road in the Goblin Valley Access Project has four miles left to complete. There is \$2 million dollars for the project, but the county will be requesting an additional \$2 million.

10  
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**(20)**  
**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY /CLIENT**  
**COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED**  
**BY LAW.**

An executive session was not needed.

**(21)**  
**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

FEBRUARY 10, 2009

Present at the meeting was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Sheriff LaMar Guymon, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

(1)  
**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #195238 through and including #195385 for payment.

Requisitions were presented as follows:

16-09	Hotwater Pressure Washer	Aquatic Center	5,325.65
17-09	Adjustable Swim Station (2)	Aquatic Center	1,980.00
18-09	Weed Sprayer	Highway	10,234.00
19-09	Mercury 200L Optimax motor and steering system	Sheriff	11,904.00
20-09	Global Executive Chair (2)	Sheriff	2,709.98
21-09	Satellite Phones (2)	Sheriff	1,799.98
22-09	Radars (5)	Sheriff	8,275.00
23-09	Storage for Gun Range	Sheriff	3,867.50
24-09	Kenwood radios (10)	Sheriff/Communications	3,200.00
25-09	2008 Dodge Ram 1500 SLT Quad	Weed/Mosq	22,987.00

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Dispositions were presented for the following:

160-3342	Armchair	Courthouse
160-3520	Executive chair	Sheriff
146-8615	Brother Intellifax	Assessor
180-8481	Electric Stapler	P/Z
410-8289	APC Backup	Road
180-8642	Transcriber	P/Z
144-7420	Daytek 19" Monitor	Recorder
144-7241	PIII 600 Computer	Recorder
181-7179	Printer	GIS
146-7119	Battery backup	Assessor
122-6098	Laserjet Printer	Justice Court
145-5961	Printer	Attorney
142-6180	Fax Machine	Clerk
410-6941	1995 Kenworth (trade in)	Road
111-3388	Calculator	Commission
410-7030	1999 Ericsson mobile radio	Road
410-7027	1999 Ericsson mobile radio	Road
410-7024	1999 Ericsson mobile radio	Road
410-7025	1999 Ericsson mobile radio	Road
410-7021	1999 Ericsson mobile radio	Road
410-7023	1999 Ericsson mobile radio	Road

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented . The motion was seconded by Commissioner Laurie Pitchforth. The motion was approved by all members present.

Commissioner Gary Kofford also mentioned changes that were made to the 2009 Capital Budget. The crusher broke down and the repairs are \$35,000. This expense is to be covered by the savings on the purchase of the landfill compactor. The compactor was budgeted at \$240,000 and was purchased for \$159,000. In the Weed & Mosquito budget the new fogger truck increased from \$20,000 to \$25,000. Two foggers were budgeted for so only one new fogger will be purchased. The fogger line item will be changed from \$21,400 to \$11,000 to cover the additional cost of the truck.

(2)

**CONSIDERATION AND APPROVAL OF FY 2009 CONTRACT AMENDMENT #2 AND #3 BETWEEN EMERY COUNTY AND THE SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS, SUAAA.**

The amendments to the Southeastern Utah Association of Local Governments are standard and are reallocating the money from the State of Utah because of budget changes. Commissioner Jeff Horrocks made a motion to approve the FY 2009 contract amendment #2 and #3 between Emery County and SUAAA. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(3)

**PRESENTATION OF PLAQUE TO JOEL/SUSAN DORSCH FOR COUNTY SERVICE ON CHANNEL 26.**

Commissioner Kofford showed the plaque that will be delivered to Joel and Susan Dorsch expressing appreciation for their dedicated service to Channel 26.

(4)

**NOTIFICATION OF VACANCY ON EMERY COUNTY CARE AND REHABILITATION BOARD AND APPROVAL TO ADVERTISE.**

Commissioner Kofford informed the Commission that Frank Hall's term on the Emery County Care and Rehabilitation Board has expired. The Care Center's bylaws do not state that the board members have to be from a certain geographical area. Commissioner Laurie Pitchforth made a motion to advertise for a board member on the Emery County Care and Rehabilitation Board with an application closing date of March 6, 2009. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(5)

**APPOINTMENT OF BERNICE PAYNE AND LAURIE PITCHFORTH TO THE EMERY COUNTY HISTORICAL PRESERVATION COMMISSION AND RATIFICATION OF OTHER MEMBERS.**

Current members of the Emery County Historical Preservation Commission are Ray Petersen, Vernell Rowley, Jan Petersen, Dottie Grimes, Evelyn Huntsman and LaMar Guymon. Commissioner Jeff Horrocks made a motion to appoint Bernice Payne and Laurie Pitchforth to the Emery County Historical Preservation Commission and to ratify the above members. The motion was seconded by Commissioner Laurie Pitchforth and approved by all member present.

(6)

**APPOINTMENT OF MISTIE CHRISTIANSEN AS AN AT-LARGE MEMBER OF THE PUBLIC LANDS COUNCIL.**

After the appointment of the Public Lands Council members last meeting it was brought to the Commission's attention that there were two at large seats open. Commissioner Jeff Horrocks made a motion to appoint Mistie Christiansen as an at-large member of the Public Lands Council. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(7)

**APPOINTMENT OF GARY KOFFORD TO THE BUSINESS TECHNICAL ASSISTANCE BOARD OF TRUSTEES.**

The Business Technical Assistance Board of Trustees functions under the direction of the Association of Governments. Commissioner Laurie Pitchforth made a motion to appoint Gary Kofford to the Business Technical Assistance Board of Trustees. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(8)

**APPOINTMENT TO UTAH WATER USERS ASSOCIATION BOARD OF DIRECTORS.**

The Commission received a letter from the Utah Water Users Association of a vacancy on their Board of Directors. Emery Water Users Association made a recommendation filling the vacancy with Jay Mark Humphrey. Commissioner Jeff Horrocks made a motion to appoint Jay Mark Humphrey to the Utah Water Users Association Board of Directors. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF COR#38 FOR THE SWIMMING POOL.**

COR#2 changes the original contract price of \$5,790,479 to \$5,435,385. Change order #38 moves unused contingency money from change orders five and six up to change order #38. Commissioner Jeff Horrocks made a motion to approve COR #38. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING AN EMPLOYER PICK-UP OF EMPLOYEE RETIREMENT CONTRIBUTIONS.**

The Utah Retirement System is requiring a resolution authorizing the employer pick-up of employee retirement contributions so they are compliant with IRS regulations. The resolution authorizes Emery County to pick-up 100% of the contributions for county employees participating in the Utah Retirement System. This is not a change from what the County has already been doing. Commissioner Jeff Horrocks made a motion to adopt Resolution 02-10-09 authorizing an employer pick-up of employee retirement contributions. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF AGREEMENT WITH CYNTHIA GRANT AS LEPC COORDINATOR.**

The LEPC Coordinator is paid for with a grant. The total reimbursement for the position is \$1,500.00. Cynthia Grant is responsible for revising the emergency response plan for Emery County. Commissioner Jeff Horrocks made a motion to approve the agreement with Cynthia Grant as the LEPC Coordinator. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF EMERGENCY MANAGEMENT PERFORMANCE GRANT.**

The Emergency Management Performance grant is to train personnel and update operations for Homeland Security. Captain Kyle Ekker will be the applicant name and will manage the contract. Commissioner Laurie Pitchforth made a motion to approve the emergency management performance grant. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE.**

Planning & Zoning has approved a business license for Jesse Nielsen doing business as JN Auto. It will require a conditional use permit. Commissioner Jeff Horrocks made a motion to approve the business license for Jesse Nielsen. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.



(14)

**CONSIDERATION AND APPROVAL OF APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS FOR COMMUNICATIONS SITES.**

This application is to amend the Cedar Mountain agreement that we took over a year ago. It is to include a generator, satellite dish and propane tank. Commissioner Jeff Horrocks made a motion to approve the application for transportation and utility systems and facilities on federal lands for communications sites. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(15)

**CITIZEN CONCERNS.**

Commissioner Gary Kofford stated that the local analog channels are scheduled to be shut off on February 17, 2009. The federal government has approved broadcasting analog channels until June 12, 2009. The Commission had previously decided to shut the channels off as planned. Commissioner Jeff Horrocks made a recommendation to go ahead with the previous plan to shut off the channels on February 17, 2009. It was the consensus of the Commission to stick with that decision.

(16)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.****A. Approval to hire Tina Carter, Travel Bureau, full time, working 40 hours per week, eligible for full time benefits.**

Commissioner Jeff Horrocks made a motion to approve Tina Carter as full time employee for the travel bureau eligible for full time benefits effective February 23, 2009. The motion was seconded by Commissioner Laurie Pitchforth and approved by all member present.

(17)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Jeff Horrocks made a motion to approve the minutes dated January 27, 2009 as corrected. Commissioner Laurie Pitchforth seconded the motion and it was approved by all members present.

**(18)****COMMISSION REPORTS.*****Commissioner Horrocks***

Commissioner Horrocks reported on attending the Council of Governments meeting. The Council is working toward adoption a unified animal control policy. Commissioner Horrocks also reported on attending a rural school funding meeting in Richfield as well as attending the Weed and Mosquito quarterly meeting. There was a scenic byways meeting yesterday. Tina Carter from the Travel Bureau had attended a travel show in Denver and had passed out new pamphlets that highlight the Huntington Eccles Canyon Scenic Byways. Commissioner Horrocks also attended the UAC meetings on Thursday. The State budget cuts have ended up at about 3.8% for each State Agency.

***Commissioner Pitchforth***

Commissioner Pitchforth stated she had attended a week long training provided by the Utah Association of Counties. She also attended the Elected Official's day at the legislature. Commissioner Pitchforth also reported on attending the Emery County Recreation Board meeting. The Recreation District is planning to sponsor a spring soccer league. Green River is sponsoring a mule ride. The District also had a racquetball tournament a few weeks ago. If you have any new ideas contact the Recreation Board representatives.

***Commissioner Kofford***

Commissioner Kofford attended a rural schools meeting with the Forest Service and Counties. Under the rural schools money Emery County got about \$350,000 of that we are required to give about 15% to different programs. Part II falls under a guideline where the Forest Service has to set up a RAC Committee. The question was how to set up the committee. It was determined the RAC would need to be set up by forest and would include fifteen people. There would be RAC Committees set up to cover the Manti Lasal Forest, Dixie Forest and Fish Lake Forest.

Pam Juliano, representing Jim Matheson, informed the Commission that the 2010 census is getting underway. There will be an opportunity for several people to participate in the census gathering information.

Commissioner Kofford met with Craig Johansen, Johansen & Tuttle Engineering, in Woods Cross and attended a non urban joint highway meeting. An application was submitted for park access funds for a total of \$3,000,000 for temple mountain road. There are projects approved for 2009 and 2010 and will be bid out in May. That is a \$1,900,000 project. These projects thus far have

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reconstructed approximately twelve miles of road between Goblin Valley and Highway 24. There are still four miles that need to be done.

Commissioner Kofford also met with the Department of Transportation concerning the design of Moore 7. This project will be bid in March. There are still negotiations taking place on the Asphalt for the Moore Cutoff. Nielson's Construction has the contract to have it asphalted by July 31, 2009.

**(19)**

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY /CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An executive session was not needed.

**(20)**

**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

FEBRUARY 24, 2009

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 195499 through and including # 195749 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
26-09	(5) ION Car Cameras Sheriff/New vehicles	16,818.24
27-09	(2) Vacuums Courthouse/Maintenance	1,617.00
28-09	(4) Patrol Vehicle Light/Siren Set-up Sheriff/New vehicles	17,602.04
29-09	(1) Detective Vehicle Light/Siren Set-up Sheriff/New vehicles	2,550.79

There were no dispositions.

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, additional claims and requisitions as presented. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(2)

**APPROVAL OF OUT OF STATE TRAVEL FOR MEMBERS OF THE TRAVEL BUREAU.**

Mike McCandless requested approval for out of state travel for himself, Tina Carter, Jeff Horrocks and LaMar Guymon to attend a trade show in Las Vegas. Commissioner Jeff Horrocks made a motion to approve out of state travel for members of the Travel Bureau as requested. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**TERMINATION OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND HUNTINGTON CITY FOR THE HUNTINGTON INDUSTRIAL PARK. APPROVAL OF DISTRIBUTION OF REMAINING FUNDS PER AGREEMENT.**

Commissioner Kofford explained that Emery County and Huntington City cooperated in an Interlocal Agreement regarding the creation of the Industrial Park in Huntington. According to paragraph 4 of the interlocal agreement which created the Industrial Park in November of 1993, Emery County may request that the agreement be terminated and that any funds remaining from the park be divided equally between the county and the city. There is approximately \$30,000.00 remaining in the Industrial Park account and since the purpose for the creation of the Industrial Park has been fulfilled, Commissioner Gary Kofford recommended that the agreement be terminated and the funds be divided equally between Emery County and Huntington City. Commissioner Jeff Horrocks made a motion to terminate the agreement between Emery County and Huntington City for the Huntington Industrial Park and to return 50% of the remaining balance in the account back to Huntington City. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

**DISCUSSION OF AQUATIC CENTER PARK. APPROVAL TO ADVERTISE FOR BIDS AND ASSOCIATED EXPENSES FOR DESIGN ENGINEERING.**

Commissioner Gary Kofford requested approval to advertise for bids and associated expenses for design engineering of a park at the Aquatic Center. He explained that it has been determined that a park on the west side of the pool would help with keeping dirt, tree limbs and other debris from blowing onto the outside pool. Plans for the park include restroom facilities, three or four gazebos, a pavilion, walking path and soccer field with a sprinkling system throughout the park. He indicated that Johansen and Tuttle Engineering is putting together a design for the park. The project was budgeted for in 2009 and he asked that the project move forward. Advertising for bids should be March 3, 10, and 17<sup>th</sup> with a site showing on the 17<sup>th</sup>. Opening the bids should be March 23 in the Clerk/Auditor's office and awarding the bids should be on March 24<sup>th</sup> during the regular Commission Meeting. Motion to move forward with the Aquatic Center Park project as

outlined was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

**APPROVAL OF RESOLUTION ESTABLISHING LANDFILL TIPPAGE CHARGE.**

Commissioner Gary Kofford discussed Resolution 2-24-09 establishing a Landfill Tippage Charge. Currently the landfill is charging \$12.00 per ton for commercial contractors with a cap of \$200.00. Morris Sorensen, Highway and Landfill Supervisor has determined that it is costing the landfill upwards of \$27.00 per ton to accept commercial debris. Morris explained that they have an out of county contractor wanting to deposit debris at the landfill. At the current tippage fee the county would be losing money. The resolution indicates setting the tippage rate at \$15.00 per ton for commercial contractors and removing the cap. Commissioner Horrocks indicated that if a local contractor found this to be a hardship that they could appeal to the Board of Commissioners for relief. Motion to adopt Resolution 2-24-09 was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(6)

**DISCUSSION AND APPROVAL OF DISPOSAL OF LANDFILL COMPACTOR.**

Road Supervisor Morris Sorensen discussed the disposal of a compactor from the landfill. A newer compactor was recently purchased. He recommended advertising to sell the older compactor on a worldwide website Iron Planet where the county may get a better price. Motion to approve advertising to sell the older compactor on the Iron Planet website was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

(7)

**DISCUSSION AND CONSIDERATION OF APPROVAL BILL PAYMENT FOR TRACY/REBECCA NELSON.**

This matter was tabled.

(8)

**CONSIDERATION AND APPROVAL OF SERVICE AGREEMENT WITH HONEYWELL BUILDING SOLUTIONS AND EMERY COUNTY FOR AUTOMATION MAINTENANCE SERVICES.**

Commissioner Kofford explained that the contract is for repairs and replacement of serviceable components of Honeywell equipment at the Aquatic Center. The contract is for three years at a

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cost of \$3,383.00 for the first year, \$4,554.00 for the second year and \$4,704.00 for the third year. Motion to approve the contract with Honeywell Building Solutions as proposed was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

(9)

**APPROVAL TO HIRE JOHANSEN AND TUTTLE ENGINEERING TO DO A LAND SURVEY ON THE LAWRENCE CEMETERY.**

Commissioner Kofford explained that Wayde Nielsen owns the property surrounding the Lawrence Cemetery. The Lawrence Cemetery needs to be expanded and to do so the county must purchase property from Mr. Nielsen. Corner markers need to be determined in the existing cemetery boundaries. These corner markers require surveying. Commissioner Kofford recommended hiring J&T Engineering to do the survey to begin the process to expand the cemetery. Commissioner Jeff Horrocks made a motion to hire J&T Engineering to do a land survey on the Lawrence Cemetery. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN STATE OF UTAH AND EMERY COUNTY FOR CADASTRAL MAPPING.**

Commissioner Kofford explained that this is a standard agreement with the state for establishing section corner markers in the county. This a grant with the state for \$6,240.00 to do the work. Commissioner Jeff Horrocks made a motion to approve the agreement between State of Utah and Emery County for cadastral mapping. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(11)

**CITIZEN CONCERNS**

Republican representative Bill Dellos reported that Senator Bob Bennett will be in Emery County for town meeting forum on March 7<sup>th</sup> at 9:00 am at Barn's Grill in Castle Dale.

(12)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Personnel Director, Mary Huntington presented the following personnel action:

- A. Approval of annual EEO plan update.  
Commissioner Jeff Horrocks made a motion to approve the annual EEO plan. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.
- B. Approval to begin the recruitment process for a part-time, working 7 ½ hrs/wk janitor for the Cleveland Library.  
Jerilyn Mathis requested approval to begin the recruitment process for a part-time, working 7 1/2 hrs/wk janitor for the Cleveland Library. Commissioner Jeff Horrocks made a motion to approve the recruitment process for a janitor at the Cleveland Library as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.
- C. Approval to hire Jacklynn Farren as a part-time, working 10 hrs/wk janitor for the Castle Dale Library.  
Jerilyn Mathis requested approval to hire Jacklynn Farren as a part-time, working 10 hrs/wk janitor for Castle Dale Library. Commissioner Laurie Pitchforth made a motion to approve the hiring of Jacklynn Farren as janitor for Castle Dale Library as proposed. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.
- D. Approval to begin in-house recruitment process for a part-time, working 19 3/4 hrs/wk Water Safety Instructor and 3 Head Lifeguards.  
Shannon Hiatt requested approval to post in-house only for a part-time, working 19 3/4 hrs/wk, Water Safety Instructor at Grade 7 or 8 based on skill, and 3 Head Lifeguards at Grade 6. Commissioner Jeff Horrocks made a motion to approve posing in-house only for part-time Water Safety Instructor and 3 Head Lifeguards as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.
- E. Approval to award Aquasize Instructor contract to Kaylee VanWagoner and Gwen Peacock.  
Shannon Hiatt requested approval to award Aquasize Instructor contracts to Kaylee VanWagoner and Gwen Peacock for \$175.00 per month. Commissioner Jeff Horrocks made a motion to approve awarding contracts to Kaylee Van Wagoner and Gwen Peacock as Aquasize Instructors as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.



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Commissioner Laurie Pitchforth made a motion to make the start date for the contract February 1, 2009. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

F. Approval of 3% merit increase for Shannon Hiatt, for successful completion of his 6 month orientation period. Approval to receive 4% COLA.

Request was made to give Shannon Hiatt a 3% merit increase for successful completion of his 6 month orientation period and receive the 4% COLA which was given to employees 1-1-09. If approved this would become effective March 9, 2009 and Shannon would move from Grade 22 @ \$1,736.80 per pay period to \$1,860.00 per pay period. Commissioner Jeff Horrocks made a motion to approve a 3% merit increase and 4% COLA increase for Shannon Hiatt as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

G. Approval of 3% merit increase for Jim Gordon, for successful completion of his 6 month orientation period. Approval to receive 4% COLA.

Request was made to give Jim Gordon a 3% merit increase for successful completion of his 6 month orientation period and receive the 4% COLA which was given to employees 1-1-09. If approved this would become effective March 9, 2009 and Jim move from Grade 17 @ \$16.22 per hour to \$17.38 per hour. Commissioner Jeff Horrocks made a motion to approve a 3% merit increase and 4% COLA increase for Jim Gordon as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

H. Approval for Dottie Grimes to work one day a week until the end of March.

Request was made for Dottie Grimes to work all day on Thursdays until the end of March and then she will resume her regular part time work schedule. Bernice Payne will continue to work the other two days. Commissioner Jeff Horrocks made a motion to approve Dottie to work one day a week until the end of March as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

I. Approval to begin in-house recruitment process for 5 EMS Scheduling Coordinators.

Jim Gordon requested approval to begin an in-house recruitment process for 5 EMS Scheduling Coordinators at a wage of \$200.00 per month. Commissioner Jeff Horrocks made a motion to approve an in-house recruitment process for 5 EMS Scheduling Coordinators as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

J. Approval to begin in-house recruitment process for an EMS Training Officer.

Jim Gordon requested approval to begin an in-house recruitment process for an EMS Training Officer at a wage of \$300.00 per month. Commissioner Jeff Horrocks made a

COMMISSION MEETING MINUTES  
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motion to approve an in-house recruitment process for an EMS Training Officer as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed. Jim Gordon explained that the wage amounts for these positions is not new money in the program but actually a re-allocation of existing funds.

**(13)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to accept the minutes dated February 10, 2009 as written. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(14)**

**COMMISSION REPORTS**

*Commissioner Jeff Horrocks*

Commissioner Horrocks reported on meeting with Randy Johnson, lobbyist in Washington DC for Emery County. They discussed the Red Rock bill and the State Legislature's SB66 re-allocation of school funds throughout the state. Emery County stands to lose approximately \$485,000.00. Much of this money will be going to charter schools. They also discussed mineral lease funds and the county's ability to use funds for road battles in the courts.

*Commissioner Laurie Pitchforth*

Commissioner Pitchforth recently participated in Festive Friday sponsored by the USU Extension Service.

Commissioner Pitchforth recently met with the architect regarding the remodel of the Care Center. The board hopes to be ready with plans for the next CIB funding cycle.

Commissioner Pitchforth recently met with the Emery County Recreation Special Service District.

*Commissioner Gary Kofford*

Commissioner Kofford reported that he and Commissioner Pitchforth recently attended Senator Bob Bennett's Rural Business Conference in Moab. The business conference is moving throughout various locations in the state with conferences scheduled through August.

**(15)**  
**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT**  
**COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED**  
**BY LAW.**

An executive session was not needed.

**(16)**  
**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

MARCH 10, 2009

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**REQUEST FOR USE OF AQUATIC CENTER FOR GRAD NIGHT WITH FEES  
WAIVED.**

Senior Advisor to the Governing Youth Council of Emery High School, Lori Huntington and President of the Governing Youth Council Kameron Stilson along with several members came before the Board of Commissioners to proposed using the Aquatic Center from 9pm until 1am on Graduation Night, May 21, 2009. The purpose of Grad Night is to provide a wholesome activity that encourages safety by gathering everyone in one central location. Several activities will be offered such as swimming, dance, movie, climbing wall, games and other activities. The GYC asked to use the center with the fee waived or at a reduced price. Commissioner Kofford asked how many students they anticipated attending Grad Night. Ms. Huntington indicated that they had approximately 350 students attend last year. Shannon Hiatt, EC Aquatic Center Director addressed his concerns. He indicated that the pool has a capacity of approximately 130. For safety reasons the bottom of the pool must be visible. If you get more than 130 people in the pool at one time you will have no visibility. The outdoor pool will not be available as it is still covered and not scheduled to be open until mid June. Ms. Huntington indicated that with the other activities going on at the same time she felt that controlling the number of students in the pool at one time would not be a problem. He also asked about supervision, clean-up and if there will deputies on site to assist. Ms. Huntington indicated that there have been many adults who have volunteered to supervise from various groups and organizations who will be there to help with everything including clean-up. Sheriff Guymon indicated that deputies will be assigned to be on site all night. In the past the high school has paid for the overtime associated with covering Grad Night. He felt it was a good thing and that his department has not experienced a bad incident yet from Grad Night. The Commissioners asked Shannon if he felt he would have adequate lifeguard coverage. Shannon indicated that he would have maximum amount of lifeguards on duty. Commissioner Jeff Horrocks made a motion to approve allowing the Governing Youth Council to use the Aquatic Center at no charge from 9 pm until 1 am for Grad Night 2009 with the understanding that there would be no more than 130 people in the pool at one time and the GYC will be responsible for clean-up. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

COMMISSION MEETING MINUTES  
MARCH 10, 2009

(2)

**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # through and including # for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
30-09	Water Pressure reducer Aquatic Center	\$3,400.00
31-09	(3) HP P2055 dn Printers Attorney/Sheriff	\$1,123.14

Dispositions were presented for the following:

160-3520	Armchair	Courthouse
160-3342	Armchair	Courthouse
122-6243	Typewriter	Justice Crt
111-3388	Calculator	Commission
144-7269	Monitor	Recorder
143-7635	Computer	Treasurer
580-8415	Computer	Library
141-8114	Computer	Clerk/Auditor
122-7403	Computer	Justice Crt
141-8183	Passport Camera	Clerk/Auditor
210-1867	Minolta Ex5 Camera	Sheriff
210-1875	35mm Camera Lens	Sheriff
210-1876	90mm Lentar Lens	Sheriff
210-1877	Overhead Projector	Sheriff
210-1878	16mm Elmo Projector	Sheriff
210-1896	35mm Annon AE-1 Camera	Sheriff
210-0274	Canon AEI Camera	Sheriff
193-4567	Amplifier w/mike	Comm/Sheriff
193-5845	AM-FM Cassette Player	Comm/Sheriff
210-0043	Radio MT500 Motorola	Sheriff
210-0044	Radio Maxar w/80w ant	Sheriff
210-1760	Video Screen	Sheriff
210-1793	GE Refrigerator	Sheriff
210-1794	Kenmore Stove	Sheriff
210-1824	Color Enlarger	Sheriff
210-1825	Color Enlarger	Sheriff
210-1826	Color Analyzer	Sheriff

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MARCH 10, 2009

210-1829	Fingerprint Camera	Sheriff
210-1830	Silicone Rubber & Plastic Kit	Sheriff
210-1831	Number Restoration Kit	Sheriff
210-1832	Evidence Collection Kit	Sheriff
210-1833	Evidence Vacuum Sweeper Kit	Sheriff
210-1834	Latent Print & Evidence Kit	Sheriff
210-0278	Metal detector w/acc	Sheriff
210-0097	Wet/Dry Vacuum 16 gal	Sheriff
210-0098	Car Washer Machine	Sheriff
210-0275	Easel w/extender	Sheriff
210-1865	Camera Graphic Crown	Sheriff
210-1866	Camera Rapid 100 Omega	Sheriff
210-1867	Camera Minolta XE-5	Sheriff
210-1868	Lens wide angle Sigma	Sheriff
210-1869	Lens Telephoto 135 mm	Sheriff
210-1870	Lens Macro Vivitar	Sheriff
210-1871	Strobe Metz 45 ct-1	Sheriff
210-1872	Vivitar Tripod	Sheriff
210-1873	Carousel Projector w/tray	Sheriff

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(3)**

**APPOINTMENT TO CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Gary Kofford indicated that there were two openings on the Castle Valley Special Service District. The two openings were Neal Peacock and Tom Humphrey. Two applications were received from Neal Peacock and Tom Humphrey. Commissioner Jeff Horrocks made a motion to re-appoint Neal Peacock and Tom Humphrey to the Castle Valley Special Service District. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(4)**

**APPOINTMENT TO EMERY COUNTY CARE AND REHABILITATION CENTER.**

Emery Care and Rehabilitation had one opening. Applications were received from Sharon Wayman, Kaleen Wilcox and Dan Wells. Commissioner Laurie Pitchforth made a motion to appoint Kaleen Wilcox to the Emery Care and Rehabilitation Board. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**(5)**

**APPOINTMENT TO EMERY COUNTY SPECIAL SERVICE DISTRICT #1**

Emery County Special Service District # 1 has two openings on their board. Terms have expired for board members Merrill Swasey and Richard Jensen. Applications were received from Michael McCandless, Mark H. Williams, Merrill Swasey, Richard Jensen and Marie Johnson. Commissioner Jeff Horrocks made a motion to appoint Mark H. Williams and Richard Jensen to the Emery County Special Service District Board. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(6)****APPOINTMENT OF GUY WEBSTER TO EMERY COUNTY PUBLIC LANDS COUNCIL AS AN AT-LARGE MEMBER.**

The Public Lands Council has for some time searched for a representative from Green River to be an at-large member. Guy Webster has indicated that he would be willing to be on the board representing Green River. Commissioner Jeff Horrocks made a motion to appoint Guy Webster as an at-large member on the Public Lands Council. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(7)****PRESENTATION OF REVISED COUNTY EMERGENCY PLAN.**

Sgt. Tom Harrison provided an updated version of the county's emergency plan. He explained that the guts of the plan have not changed. The changes are in the terms used as well as names of key personnel. For this reason the plan must be updated on a regular basis. He has contacted each of the cities as they each have to be compliant with NIMS (National Incident Management System). They have to either adopt the county's plan or develop their own. He has been told by the cities that he has contacted thus far that they will be adopting the county's plan. Green River has their own plan, which is a good one since they are so far from any help, that we on this end of the county would be able to offer them. In order for the county to receive any federal help from FEMA in the event we need help we would have to have this plan in place. Sgt. Harrison indicated that he is bringing this before the Commissioners so that they know about the plan and everyone is on board with it. He asked that the Commissioners accept the plan as a whole with the understanding that it will be up-dated regularly to make changes as needed in key personnel and terminology. Since there is sensitive information in the plan it is imperative that the plan not get out to the public, that the plan be kept for key personnel in the county and cities. Commissioner Gary Kofford thanked Captain Kyle Ekker and Sgt. Tom Harrison for their hard work and dedication to this project. Now that the plan is on computer it will be much easier to update. He indicated that, to make it official, adoption of the plan will be placed on the agenda for the next Commission Meeting.

**(8)****DECISION AND APPROVAL TO ADVERTISE FOR BID COUNTY OWNED PARCEL 1-128-39.**

The Commission received a request from Philip Larsen in Ferron to purchase a parcel of property that the county acquired in the 1991 tax sale. The County Assessor's office has placed a value of \$93.00 on the property. There is a process that needs to be followed to sell the property. The adjacent property owners need to be notified of the counties intent to sell the property as surplus property. A minimum set dollar amount needs to be set. Attorney David Blackwell indicated that the adjacent property owners need to be notified and a notice posted on the property of intent to sell, when and where to send bids and the minimum amount that will be accepted.

Commissioner Jeff Horrocks made a motion to declare the property as surplus property and direct Attorney David Blackwell to draw up the necessary legal documents to move forward with Emery County's intent to accept bids to sell parcel 1-128-39. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner Laurie Pitchforth made a motion to set the minimum bid at \$120.00. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**(9)****APPROVAL FOR ROCKY MOUNTAIN POWER TO STORE MATERIAL FOR PROJECT AT GREEN RIVER ROAD SHOP.**

Rocky Mountain Power has made a request to store materials for an upcoming project in Green River at the Green River Road Shop. They would be using the yard as a staging area for the project for approximately one year. Morris Sorensen, Road Supervisor has indicated that there is adequate space and does not have a problem letting RMP use the yard as proposed. A separate key can be given to them for access to the yard. Mary Huntington asked if they will absolve Emery County from any damage that may occur to their personnel or property while on our property. Attorney David Blackwell indicated that he will draw up a waiver that holds the county harmless should anything happen to their personnel, materials and or property. We will not be charging RMP a fee for rent as this will hold the County responsible. Commissioner Jeff Horrocks made a motion to allow Rocky Mountain Power to use the Green River Road Shop yard as a staging area to store materials and to have Attorney David Blackwell draw up the necessary waiver for RMP to sign holding Emery County harmless for any damage to personnel, materials or property. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(10)**



**APPROVAL OF BUILDING PERMIT FEE WAIVER FOR EMERY COUNTY FOOD BANK AND CLOTHING EXCHANGE.**

The Emery County Food Bank and Clothing Exchange is putting in a new furnace. They have asked to have the \$69.85 building permit fee waived. Commissioner Jeff Horrocks made a motion to waive the building permit fee for Emery County Food Bank and Clothing Exchange. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(11)

**APPROVAL TO ADVERTISE RMP FOR COURTHOUSE PAINTING PROJECT.**

Commissioner Jeff Horrocks made a motion to move forward with advertising for RMP requiring a 5% bond for the courthouse painting project. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(12)

**CITIZEN CONCERNS**

Dixie Swasey expressed concern that she just purchased a new television for her home and the indoor antenna did not work. She now needs an outdoor antenna and wondered why. The Commissioners referred her to Bret Mills.

(13)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.****A. Approval of Annette Hatch, 90 day temporary at the Aquatic Center.**

Annette Hatch is currently working part-time as lifeguard at the Aquatic Center. Shannon Hiatt would like to move her to a 90 day temporary employee. Annette has requested the month of June off and Nicholas Rhoten has given his two week notice. Nick's last day was March 6, 2009. This leaves Shannon short handed. Annette would be a 90 day temporary employee at Grade 6, \$8.88 per hour. She would then go through the hiring process if we have a position available upon her return from her vacation in June. Commissioner Jeff Horrocks made a motion to approve hiring Annette Hatch as a 90 day temporary employee as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(14)

COMMISSION MEETING MINUTES  
MARCH 10, 2009

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Laurie Pitchforth made a motion to approve the minutes dated February 24, 2009 as corrected. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**(15)**

**COMMISSION REPORTS**

*Commissioner Pitchforth*

Commissioner Pitchforth reported on attendance at the recent Recreation Special Service District Board meeting. She reviewed current and future activities of the District. She also reported on Miss Emery Pageant and the Emery Care and Rehabilitation Center project.

*Commissioner Jeff Horrocks*

Commissioner Horrocks reported on UAC's state legislative update on proposed bills in the house and senate. He recently attended the Board of Director's meeting for Green River Clinic where he was made an honorary board member. He met with the Emery County Fire Protection Special Service District where they are still in the process of locating five new fire trucks. The price on the trucks have gone up \$12,000.00 per truck. Senator Bennett was in the county on Saturday. The function was well attended by the community. He filled the public in on what is going on in Washington.

*Commissioner Gary Kofford*

Commissioner Kofford reported that Emery County has received word that they will be receiving \$2,000,000.00 for the completion of Goblin Valley Road. There is four miles left on the road to be completed. The first section will be ready advertise for bids in about 90 days.

They hope to have the park project by the swimming pool completed by June 15<sup>th</sup> to avoid the dirt and dust getting into the outdoor pool.

Pam Brown from the Forest Service will have a meeting with the AOG, Commissioner Kofford, Commissioner Horrocks and Ray Petersen. The Forest Service is setting up a new 15 member RAC for the Manti-LaSalle forest to use Title 2 and Title 3 funds out of the Rural School Funds. They will be holding the same meetings in other counties affected by the Manti-LaSalle Forest. The hope to get Ray Petersen on this RAC.

Commissioner Jeff Horrocks made a motion to leave the regular Commission Meeting and move

8

COMMISSION MEETING MINUTES  
MARCH 10, 2009

into an Executive session to discuss pending litigation matters as allowed by law and at the conclusion of the session to return to the regular Commission Meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(16)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Present at an executive session was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Personnel Director Mary Huntington, and Deputy Clerk/Auditor Carol Cox.

Pending litigation matters were discussed.

(17)

**ADJOURNMENT**

Upon returning to the regular meeting Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 11, 2009

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Public Lands Director Ray Petersen, Economic Development Director Michael McCandless, Deputy Clerk/Auditor Carol Cox, and Utah Association of Counties Council Mark Ward.

(1)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Commissioner Jeff Horrocks made a motion to move into a closed/executive session to discuss pending litigation matters and at conclusion of the closed session to return to the regular meeting. Motion to second was made by Commissioner Laurie Pitchforth. The motion passed.

(2)

**DECISION REGARDING POSSIBLE PARTICIPATION IN LITIGATION.**

Upon returning to the regular meeting Commissioner Jeff Horrocks made a motion to act as interveners and get involved in the litigation regarding the Price RMP. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner Jeff Horrocks made a motion to authorize Attorney David Blackwell to pursue an attorney that would be interested and capable in representing Emery County in this lawsuit. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner Jeff Horrocks made a motion to look at the budget in regards to this litigation and pursue funding for the litigation. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**OTHER BUSINESS**

Commissioner Gary Kofford discussed a contract with UDOT for the Temple Mountain Project Phase 2. Because other entities in the state are vying for the money earmarked for these types of projects it is imperative that Emery County ite up money and pursue with UDOT to get ready for construction the two miles of road at Temple Mountain. Based on the urgency of the process

Commissioner Kofford recommended that the Commission authorize the Chairman to sign the document with UDOT with the understanding that funding is being pursued by other entities. That the document be sent in tomorrow, March 12, 2009 and put the matter on the next Commission Meeting agenda for approval and ratification.

(4)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Jeff Horrocks, seconded by Commissioner Laurie Pitchforth. The motion passed.

**ATTEST:** \_\_\_\_\_ **CHAIRMAN:** \_\_\_\_\_

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

MARCH 23, 2009

Present at the meeting were Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle.

(1)

**DISCUSSION OF BUDGET AMENDMENTS. DISCUSSION AND APPROVAL OF CAPITAL PROJECTS.**

Emery County received approximately \$630,000 in December from mineral lease funds that was not taken into account in preparing the 2009 budget. This money needs to be allocated to spend so the fund balance is in compliance with State law. There was a discussion concerning the litigation appeal between Southern Utah Wilderness Alliance and eleven other agencies and the BLM concerning the Price rmp. Attorney David Blackwell expressed his desire to hire a part-time attorney to free up more time for him and Public Lands Director Ray Petersen to be able to work on this lawsuit instead of hiring outside council. The salary would be approximately \$40,000 plus benefits for a total for \$67,000. Following is a list of items discussed for addition to the 2009 budget:

Part-time attorney	\$ 67,000
Water Shares/Huntington Cleveland Irrigation Co.	\$ 15,000
Rebuilt Generator for Road Dept	\$ 13,000
Transfer to Aquatic Center	\$200,000
Perki Van	\$ 25,000
EMS Training	\$ 25,000
Truck for Economic Development	\$ 25,000
Animal Control Vehicle	\$ 30,000
Remodeling GR Justice Court	\$100,000
Huntington Sr. Center Remodel	\$150,000
Chiller at Courthouse	<u>\$ 8,500</u>
	\$658,500

A public hearing will need to be held before the budget can be increased. Setting a date for the public hearing is on the agenda for tomorrow's meeting.

Commissioner Jeff Horrocks made a motion to recess this meeting until the 10:00 bid opening. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

Commissioner Jeff Horrocks made a motion to reconvene the meeting. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

2

COMMISSION MEETING MINUTES  
MARCH 23, 2009

(2)

**10:00 A.M. - OPENING AND READING OF BIDS FOR AQUATIC SOCCER  
FIELD/PARK FACILITY PROJECT.**

Three bids were received for the aquatic soccer field/park facility project. Commissioner Gary Kofford opened the bids and they were as follows:

Stilson Construction \$390,480.00  
Nielson Construction \$457,500.00  
Nelco Construction \$312,347.90

The bids will be given to Johansen & Tuttle Engineering for evaluation and will be awarded in Commission meeting tomorrow.

(3)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Jeff Horrocks, seconded by Commissioner Laurie Pitchforth. The motion passed.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

MARCH 24, 2009

(1)  
**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Brenda Tuttle presented the Warrant Check Edit List # through and including # for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
32-09	Panasonic Toughbook (2) HLS Grant/07 Sheriff	2,550.79
33-09	Colt Commando Patrol Rifles (6) M-4 2000 Suppressors (6) EOtech Holographic Sights A65 (6) DTF Grant / Sheriff	14,185.14
34-09	Trash Cans (8) Lids/Liners (8 each) Aquatic Center	2,686.20
35-09	Table Tops (7) Seats/Hardware/Freight Aquatic Center	5,326.73
36-09	Market Umbrellas/Shipping (12) Aquatic Center	4,855.78
37-09	Range/Oven Courthouse	429.95

There were no dispositions.

Motion to approve the Warrant Check Edit List, Additional claims and requisitions was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.



(2)

**RATIFICATION OF FEDERAL AID AGREEMENT BETWEEN UDOT AND EMERY COUNTY FOR TEMPLE MOUNTAIN ROAD, PHASE 2.**

Commissioner Kofford explained that Emery County has qualified for some of the stimulus package funds from the Federal Aid Highway Funds due to fact that we had a project ready to go and the funds available for the county's portion of the match for the project. The county was required to move fast on the documentation therefore the agreement was signed and sent in last week. The signing of that document needs to be ratified. The Temple Mountain Road, Phase 2 project qualifies for part of the \$2,200,000.00 stimulus package funds through UDOT which the county will match with \$150,429.00. The county anticipates going out to bid on the project in mid May. Phase 3 of the project will be done with Utah State Park Access funds with an anticipated bid date in mid August. Commissioner Jeff Horrocks made a motion to ratify the signing of a Federal Aid Agreement between UDOT and Emery County for Temple Mountain Road, Phase 2. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN ECSSD#1 AND EMERY COUNTY FOR FUNDING PARTICIPATION ON THE TEMPLE MOUNTAIN ROAD, PHASE 2.**

Commissioner Jeff Horrocks made a motion to approve an agreement between Emery County and Emery County Special Service District #1 for the management of the Temple Mountain Road, Phase 2 Project. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

**APPOINTMENT TO THE EMERY COUNTY WATER CONSERVANCY DISTRICT.**

The Emery Water Conservancy District has one opening for appointment to their board. Morris Sorensen, whose term has expired, along with Evan Fillmore have sent in applications for appointment. Commissioner Jeff Horrocks recommended re-appointing Morris Sorensen due to the fact that there is already a representative from the north end of the county on the board. Commissioner Jeff Horrocks made a motion to re-appoint Morris Sorensen to the Emery Water Conservancy District. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

**DISCUSSION OF OPENED BIDS FOR AQUATIC CENTER PARK. CONSIDERATION AND APPROVAL OF BID AWARD, CONSTRUCTION CONTRACT AND ASSOCIATED PAPERWORK.**

Commissioner Kofford reviewed bids for the Soccer Field/Park Facility Project. Bids were as follows:

Nielson Construction	\$457,500.00
Stilson Construction	\$390,480.00
Nelco Contractors	\$312,347.00

The engineer's estimate was \$393,990.00. The low bidder was Nelco Contractors. Work is to begin April 1, 2009. Castle Dale City will build the restrooms. The seeding for the lawn will be done by mid July. Motion to award the bid for the Aquatic Center Park to Nelco Contractors was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

(6)

**CONSIDERATION AND APPROVAL OF LAWN CARE PROGRAM FOR 2009 WITH LAWN TECH.**

Commissioner Kofford explained that for the past few years the county has contracted with Lawn Tech to fertilize and treat the lawns of the courthouse, museum, senior center and road office. Commissioner Kofford recommended that they continue to participate with Lawn Tech for this service. Commissioner Jeff Horrocks made a motion to participate with Lawn Tech for lawn treatments as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(7)

**CONSIDERATION AND APPROVAL OF LAW ENFORCEMENT AGREEMENT NUMBER 06-LE-11041000-001 FOR FY2009.**

Commissioner Kofford explained that the Law Enforcement Agreement is for the patrolling of high use areas on all Forest Service Lands in the Manti-La Sal National Forest. The agreement is the same as in years past. Commissioner Jeff Horrocks made a motion to approve Law Enforcement Agreement Number 06-LE-11041000-001 for FY 2009. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(8)****ADOPTION OF THE EMERY COUNTY EMERGENCY OPERATION PLAN AS A WORKING DOCUMENT.**

Commissioner Kofford explained that Captain Kyle Ekker and Sargent Tom Harrison presented the Emery County Emergency Operation Plan during an earlier Commission Meeting and asked that the document be adopted by the county as a working document. The plan is now on computer and is available to update easier for required personnel changes. It is available to the cities and they were asked to consider adopting the plan. All but Green River City, who has developed their own due to the proximity to the rest of the county, has indicated that they will be adopting the county's plan. Commissioner Jeff Horrocks made a motion to adopt the Emery County Emergency Operation Plan as a working document for Emery County. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(9)****CONSIDERATION AND APPROVAL OF COURTHOUSE CHILLER REPLACEMENT CONSTRUCTION MANAGEMENT SERVICES AGREEMENT AND AUTHORIZATION TO MOVE FORWARD WITH PROJECT.**

Commissioner Kofford explained that the county budgeted \$72,000.00 for replacement of the chiller in 2009. It was decided that it would be best to have a mechanical/electrical engineer managing the replacement project. Therefore, PVE, Inc. was contacted to provide a proposal for management services on the project. PVE, Inc. proposed to manage the project for a construction management fee of \$8,540.00. They will oversee the bidding process and the replacement of the chiller. Commissioner Jeff Horrocks made a motion to move forward with contracting with PVE, Inc. for the courthouse chiller replacement construction management service and move forward to replace the chiller. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(10)****CONSIDERATION AND APPROVAL OF LAND EXCHANGE WITH EMERY TOWN FOR A NEW FIRE STATION.**

Emery Town is in the process of building a new fire station. Commissioner Kofford discussed exchanging land on the south side of Emery Library for a parcel of land on the west side of the library. Commissioner Horrocks indicated that the fire station will also house the Emery Ambulance. He felt that since the property will be used to benefit the county that the county should give the land to Emery Town. Commissioner Jeff Horrocks made a motion to transfer the property to Emery Town without an exchange and let them use the property for future

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development. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(11)**

**SETTING OF DATE FOR MAY TAX SALE**

Clerk/Auditor, Brenda Tuttle requested May 21, 2009 at 10:00am to hold the 2009 May Tax Sale. Commissioner Jeff Horrocks made a motion to set the 2009 May Tax Sale for May 21, 2009 at 10:00 am. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(12)**

**SETTING OF DATE FOR PUBLIC HEARING TO AMEND THE 2009 BUDGET FOR EMERY COUNTY.**

Clerk/Auditor Brenda Tuttle requested setting a date and time for a public hearing to amend the 2009 budget for Emery County. Commissioner Jeff Horrocks made a motion to set the date and time of April 14, 2009 at 9:30 am to hold a public hearing to amend the 2009 budget for Emery County. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(13)**

**CONSIDERATION AND APPROVAL OF STANDARD COOPERATIVE AGREEMENT FOR USU EXTENSION EDUCATIONAL WORK.**

Commissioner Jeff Horrocks made a motion to approve a standard cooperative agreement for USU Extension Educational work for 2009. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(14)**

**CONSIDERATION AND APPROVAL OF SUPPLEMENT NO. 1-09 TO THE FOREST ROAD AGREEMENT NUMBER 95-RO-11041000-002 BETWEEN FOREST SERVICE AND EMERY COUNTY.**

Supplement No. 1-09 to the Road Agreement number 95-11041000-002 between Forest Service and Emery County is for reshaping the travelway and applying dust suppressant on the Ferron-Mayfield Road # 50022. Emery County will do the work and Forest Service will pay for the Mag-Chloride. Commissioner Jeff Horrocks made a motion to approve supplement no. 1-09 to

the Forest Road Agreement number 95-RO-11041000-002 between Forest Service and Emery County. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(15)

**CONSIDERATION AND APPROVAL OF RELEASE OF LIABILITY BETWEEN EMERY COUNTY AND ROCKY MOUNTAIN POWER FOR TEMPORARY STORAGE OF EQUIPMENT, MATERIALS, AND ACCESSORIES.**

Tabled

(16)

**DISCUSSION OF SECURE RURAL SCHOOL TITLE I FUNDS AND DESIGNATION OF DISBURSEMENT.**

Commissioner Kofford discussed House Bill 149 and Secure Rural School Title I Funds. He reported that last fall the county was notified that of the \$393,209.00 Title I, II and III Secure Rural funds available to Emery County the Title I and Title III funds were available for distribution to a county special service district, if the county so chose. The Commission received a letter from the Division of Finance addressing House Bill 149. The letter provided a correct interpretation of the recently passed bill. Only Title I funds may be distributed to a SSD. The letter asked for a letter from the legislative body instructing them as to where the county would like the Title I funds disbursed, either directly to the county or to a road special service district. Commissioner Gary Kofford recommended directing Emery County's share of Secure Rural School Title I funds amounting to \$167,113.00 to SSD#1 to be used for the county's match to the federal aid for the Temple Mountain Road, Phase 2 project. Commissioner Jeff Horrocks made a motion to forward a letter to the State Division of Finance instructing them to direct Emery County's share of Secure Rural School Title Funds to SSD#1. Commissioner Laurie Pitchforth seconded the motion and the motion passed.

Commissioner Jeff Horrocks made another motion to direct the SSD#1 to allocate the funds from Secure Rural School Title I funds to the Temple Mountain Road, Phase 2 project. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(17)

**SETTING OF PUBLIC HEARING FOR MEDICAID ENROLLEES AND OTHER COMMUNITY MEMBERS TO GIVE INPUT REGARDING THE MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT NEEDS IN EMERY COUNTY.**

Commissioner Jeff Horrocks made a motion to set a public hearing for April 14, 2009 at 10:00

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am to receive input regarding the Mental Health and Substance Abuse Treatment needs in Emery County. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(18)

**CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT FOR OPERATION OF GUN RANGE.**

Commissioner Kofford explained that the Recreation SSD will manage the Gun Range and provide the insurance and the county will cooperate in working on getting the patent on the land that the Gun Range sits on. Commissioner Laurie Pitchforth made a motion to approve an MOU between Emery County and Emery County Recreation Special Service District for operation of the Gun Range. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(19)

**CITIZEN CONCERNS**

None

(20)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

**A. Approval to start the recruitment process for a full time, with benefits, Animal Control Officer.**

Sheriff Guymon requested approval to start the recruitment process for a full time, with benefits, Animal Control Officer. Motion to approve was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

**B. Approval of 3% merit increase for Shonna Peterson for successful completion of six month orientation period.**

Jerilyn Mathis requested approval to give Shonna Peterson a 3% merit increase for successful completion of her 6 month orientation period. If approved, Shonna would move from Grade 6 @ \$8.02 per hour to \$8.28 per hour and become effective April 6, 2009. Motion to approve was made by Commissioner Laurie Pitchforth and seconded by Commissioner Jeff Horrocks. The motion passed.

**C. Approval of 3% merit increase for Mari Peacock for successful completion of 6 month orientation period and 4% COLA given to employees 1-1-09**

Dixie Swasey requested approval to give Mari Peacock a 3% merit increase for successful

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completion of her 6 month orientation period. Mari will receive a 4% COLA that was given to employees 1-1-09. If approved Mari would move from Grade 7 @ \$9.07 per hour to \$9.70 and would become effective April 6, 2009. Motion to approve was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

**D. Approval to promote Mindi Labrum, Tammy Oliverson, and Stayler McOmie to head life guards.**

Shannon Hiatt requested approval to promote Mindi Labrum, Tammy Oliverson and Stayler McOmie to head lifeguards at the Aquatic Center. If approved Mindi, Tammy and Stayler would move from Grade 5 @ \$8.06 per hour to Grade 6 @ \$8.88 per hour and become effective April 6, 2009. Motion to approve was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

**E. Approval to promote Marilyn Collar to a Water Safety Instructor II.**

Shannon Hiatt requested approval to promote Marilyn Collard to a Water Safety Instructor II. If approved Marilyn would move from Grade 5 @ \$8.06 per hour to Grade 8 @ \$9.98 per hour and become effective April 6, 2009. Motion to approve was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

**F. Approval to hire Jannetta Young as a part-time, working 7 1/2 hours per week, janitor for the Cleveland Library.**

Jerilyn Mathis requested approval to hire Jannetta Young as a part time, working 7 1/2 hours per week, janitor at the Cleveland Library at Grade 6, \$8.02 per hour. Motion to approve was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

**G. Approval to place the following EMT's as the scheduling coordinator for their unit: Valerie Newland, James Byars, Becky Nelson, Marie Jensen and Pete Alger.**

Jim Gordon requested approval to place the following EMT's as the Scheduling Coordinator for their unit. If approved they will receive a stipend of \$200.00 per month and become effective April 2, 2009.

Green River	Valerie Newland
Emery	James Byars
Ferron	Becky Nelson
Castle Dale	Marie Jensen
Huntington	Pete Alger

Motion to approve was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

**H. Approval to place Sue Copping as the Training Office for the EMT's.**

Jim Gordon requested approval to have Sue Copping become the EMT's Training Officer. If

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approved Sue will receive a stipend of \$300.00 per month and become effective April 2, 2009. Motion to approve was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

**(21)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve the minutes dated March 10, 2009 and March 11, 2009 as corrected was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

**(22)**

**COMMISSION REPORTS**

*Commissioner Jeff Horrocks*

Commissioner Horrocks reported on attending a travel show in Las Vegas along with Tina Carter and Michael McCandless and other members of the Emery County Travel Council. The show was slower than in years past due to the state of the economy.

He recently attended a meeting with DWR regarding the noxious weed program.

He stated that the reason for having an EMT Trainer in place was to bring the county in line with state statutes.

*Commissioner Laurie Pitchforth*

Commissioner Pitchforth reported that the Recreation SSD held their first of many Dodgeball Tournaments on Saturday. The Recreation District was pleased with the number of individuals who participated.

*Commissioner Gary Kofford*

Commissioner Kofford reported that on Wednesday, March 25 th from 4 to 7 at the Museum of the San Rafael DOGM will hold a hearing regarding closing all uranium mines. They are looking for input from the county on whether to close them and if so how to close them. He invited everyone to attend and provide input.

He reported on the onsite showing prior to awarding bid on the Aquatic Center Park Project.



10

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There will be a site showing prior to awarding bid on the courthouse painting project at 10:00 am Wednesday, March 25, 2009.

Preparedness Fair is in Carbon County this year. It will be on March 26, 2009 from 4pm to 7pm at the Carbon County Fairgrounds in Price. He encouraged everyone to participate.

He reported on the travel shows he recently attended with the Travel Council. The Sportsman Show in Salt Lake City was much better attended than the show in Las Vegas. Many maps were requested. The Travel Council is heavily promoting the San Rafael Swell which does cause some problem for the Sheriff's Department, Search & Rescue and EMT's.

Motion to move into an executive session and at the conclusion of the session to return to the regular meeting was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

(23)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Present at the closed session was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Public Lands Director Ray Petersen and Deputy Clerk/Auditor Carol Cox.

Current litigation matters were discussed.

(24)

**ADJOURNMENT.**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks and seconded by Commissioner Laurie Pitchforth. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

11  
COMMISSION MEETING MINUTES  
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MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

APRIL 14, 2009

**(1)**  
**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 198372 through and including #198685 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
38-09	Mural for Allosaurus Museum of San Rafael	7,625.00
39-09	20 Water Shares Highway	14,000.00
40-09	Gun Range Target packages Gun Range	2,338.00
41-09	8 EO-TECH Model 512.A65 Sights Sheriff	2,552.00
42-09	5'-9' Tactical Ladder Sheriff-DTF Restitution	365.72
43-09	2 Power Edge T610 Servers IT	11,233.54

Dispositions were presented for the following:

170-4394, velo binder, 142-3159, 142-3603, flag pole bases, 145-1199, electric pencil sharpener, 210-1192, magnetic wall calender, 145-3829, typewriter, 145-4988, 145-5961, laser jet printers, 145-5964, mobile radio, 145-6512, cell phone, 316-6322, 316-6321, motorola pagers, 316-5901, pager pac sets, 316-5158, mobile radio, 316-0004, 316-0010, software, 316-7050-7060, 316-6621-6646, keynote pagers, and 316-7347-7355, keynote pagers w/ chargers.

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, requisitions

and dispositions and presented. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(2)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval of recruitment process for 7 full time 90 day temporary employees and 2 part-time, working 19 3/4 hrs/wk., employees at the Aquatic Center.**

Shannon Hiatt requested approval to start the recruitment process for 9 lifeguards at Grade 5, \$8.06 per hour. 7 will be 90 day temporary and 2 will be part time, working 19 3/4 hours per week. Commissioner Jeff Horrocks made a motion to approve the recruitment process for 7 full time 90 temporary employees and 2 part-time working 19 3/4 hours per week employees at the Aquatic Center. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**B. Approval of 3% merit increase and 4% COLA for Anastasia Palmer Knox for successful completion of 6 month orientation period.**

Sheriff Guymon requested a 3% merit increase for Anastasia Palmer Knox who has successfully completed her 6 month orientation period. Anastasia will also receive the 4% COLA increase that employees received 1-1-09. She would move from grade 14, \$13.62 per hour to Grade 14, \$14.59 per hour and would become effective April 20, 2009. Commissioner Jeff Horrocks made a motion to approve the merit increase and COLA increase for Anastasia Palmer Knox as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**C. Ratify agreement entered into with Meritain Health to administer COBRA in regards to the America Recover and Reinvestment Act.**

Commissioner Jeff Horrocks made a motion to ratify the signing of an agreement with Meritain Health to administer COBRA in regards to the America Recover and Reinvestment Act. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**D. Approval to advertise for career service council members.**

Commissioner Jeff Horrocks made a motion to advertise for career service council members. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**E. Approval to hire Morgan Larson as a full time dispatcher with benefits.**

Sheriff Guymon requested approval to hire Morgan Larson as a full time, with benefits, dispatcher, at Grade 14, \$14.15 per hour. Commissioner Laurie Pitchforth made a motion to approve hiring Morgan Larson as dispatcher as proposed. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**F. Todd Auberger has been hired as a 90 day temporary in the Road Department.**

The hiring of Todd Auberger as 90 temporary in the Road Department was a matter of information for the Commissioners.

(3)

**CONSIDERATION AND APPROVAL OF EMERY COUNTY AQUATIC CENTER EMPLOYEE MANUAL.**

Commissioner Jeff Horrocks made a motion to approve the Emery County Aquatic Center Employee manual as operating procedures for the Aquatic Center. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

**OPENING OF PAINTING BIDS. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

There was a mandatory site showing for painting contractors interested in bidding on painting the main floor of the courthouse. Only one contractor, O'Shea Painting was present. Another contractor M&M Painting submitted a bid, but was told that his bid would not be accepted unless O'Shea was out line comparatively with his bid. O'Shea submitted a bid of \$14,750.00 with \$500.00 bond for a total bid of \$15,250.00. M&M Painting's bid was \$16,033.00. Commissioner Jeff Horrocks made a motion to accept O'Shea Painting's bid of \$15,250.00 to paint the main floor of the courthouse. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner Jeff Horrocks made a motion to move into a public hearing to receive comments on opening and amending the FY2009 budget for Emery County. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

**9:30 AM PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON OPENING/AMENDING FY2009 BUDGET.**

Commissioner Gary Kofford explained that \$630,000.00 came to the county in December and was not placed into the budget figures for 2009. As a Commission they are required to allocate the funds. They have met and discussed areas that need to be addressed. Most of the money has been allocated to Capital Replacement. \$67,000.00 will be used to hire an attorney for the remainder of the year to help with litigation. Allocation was discussed as follows:

Revenue: 630,000.00

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## Expenditures:

Attorney	67,000.00
Ambulance	25,000.00
Dues, Contributions & Transfers	538,000.00
Total:	630,000.00

Capital Replacement:	Contribution & Transfers
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Water Shares	14,000.00
Rebuild Generator at Road Shop	13,000.00
Perkie Van	25,000.00
Animal Control Van	30,000.00
Engineering for Chiller/Courthouse	8,500.00
Lawrence Fire System Upgrade	30,000.00
Aquatic Park Lawn Mower	14,000.00
Ditch Replacement/Aquatic Center	30,000.00
Aging Bus	10,000.00
Economic Development Vehicle	25,000.00
Green River Sheriff/Justice Bldg	125,000.00
Server/Computer Equip/Crths	13,500.00

Aquatic Center Revenue:	150,000.00
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Aquatic Center Expenditure:	150,000.00
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## Debt Service-Aquatic Center

Revenue:	50,000.00
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Expenditure:	50,000.00
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Motion to return to the regular meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**(6)****CONSIDERATION AND APPROVAL OF AMENDMENTS TO FY2009 BUDGET.**

Commissioner Jeff Horrocks requested that the funds for the Lawrence fire system upgrade put in the Fire District budget and allow them to participate in the upgrade process.

Commissioner Jeff Horrocks made a motion to approve Resolution 4-14-09 amending the FY2009 budget as proposed with the change that the funds for the Lawrence Fire System upgrade be placed in the Emery County Fire Protection District. The motion was seconded by

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Commissioner Laurie Pitchforth. The motion passed.

Motion to move into a public hearing to receive comments regarding mental health and substance abuse treatment needs in Emery County was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(7)

**10:00 AM PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT NEEDS IN EMERY COUNTY.**

Jan Bodily, Four Corners Behavioral and Mental Health stated that Utah Code requires that Four Corners hold a public hearing to receive comment from citizens of the county regarding mental health issues. Four Corners serves the three county area of Carbon, Emery and Grand Counties. They employ approximately 100 people. They are especially grateful for the Drug Court program. Sheriff Guymon expressed his appreciation for the program and his concern that the program has been losing funding each year and he hoped that it will continue to be funded. Jennifer Thomas, Clinic Director expressed her gratitude to the Sheriff Department for their continued support of the program.

Commissioner Kofford asked for comments from the public.

Susan Austin expressed her appreciation to Four Corners for their mental illness services. Her son has been doing well on their program. She stated that without this service she was sure that her son would end up on the street. She encouraged the county to help Four Corners stay funded.

Commissioner Jeff Horrocks made a motion to return to the regular Commission Meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

**JONI PACE, REQUEST FOR DONATION OF VAN TO THE GREEN RIVER COMMUNITY CENTER. DISCUSSION OF DONATION TO THE CONSTRUCTION OF A NEW COMMUNITY CENTER.**

Joni Pace, Green River Community Center came before the Board of Commissioner to request donation of a van if one is available. They currently have a 1992, 15 passenger van that has 145,000 miles on it. Commissioner Kofford indicated that there is a van parked at the Road Shop at this time awaiting the next county auction. She is welcome to go and take a look at it

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and if it meets their needs it could be transferred to the Community Center.

Joni also discussed their plans to build a new community center in Green River. They currently have \$75,000.00 mostly from grants from the Eccles Foundation, World Development and LDS Foundation. They have set May 15, 2009 as the date to begin demolition of the old building. She introduced Jack, from the AmeriCorp Vista program. The group is currently working on ideas to refresh Broadway Street in Green River.

Commissioner Jeff Horrocks made a motion that if the van at the Road Shop is in condition that meets their needs then to transfer the van to the Green River Community Center. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(9)

**GAYLEE JEFFS, REQUEST FOR USE AND FEE WAIVER OF AQUATIC CENTER/PARK FOR FREE CONCERT AND FREE SWIMMING TO KICK-OFF THE EMERY COUNTY FAIR. REQUEST FOR USE AND FEE WAIVER OF AQUATIC CENTER FOR TEEN PARTY.**

Gaylee Jeffs, Emery County Recreation Special Service District came before the Board of Commissioners to request use of the Aquatic Center for free swim day to kick-off the Emery County Fair. She requested Wednesday, August 5<sup>th</sup>, 2009 for free swimming from 12:00 pm to 4:00 pm. She also requested a fee waiver for Teen Night at the Fair for free swimming and activities on August 6, 2009 from 8:30 pm to 11:30 pm. Commissioner Jeff Horrocks made a motion to waive the fee at the Aquatic Center for Free Swim Day at the Fair on August 5, 2009 from 12:00 pm to 4:00 pm and Teen Night at the Fair on August 6, 2009 from 8:30 pm to 11:30 pm. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

**CONSIDERATION AND APPROVAL OF ELECTRONIC DATA RECORDING APPROVED PROCEDURES AGREEMENT BETWEEN SIMPLIFILE AND EMERY COUNTY.**

Recorder Dixie Swasey explained that Simplifile is a company that transfers files electronically. This is a relatively new service and cost the county nothing. The company gets their money from the lenders. There are currently 14 other counties using this type of electronic transfers. Attorney David Blackwell has reviewed the agreement and indicated it was a standard agreement that could be terminated in thirty days. Commissioner Jeff Horrocks made a motion to approve an agreement between Emery County and Simplifile for electronic data recording. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.



(11)

**CONSIDERATION AND APPROVAL OF RELEASE OF LIABILITY BETWEEN EMERY COUNTY AND ROCKY MOUNTAIN POWER.**

Commissioner Jeff Horrocks made a motion to approve of a Release of Liability between Emery County and Rocky Mountain Power releasing Emery County from any liability with regard to employees or property of Rocky Mountain Power as they use Emery County property as a staging area for upgrades in Green River. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(12)

**DISCUSSION AND APPROVAL TO PROCEED SECURING SERVICE CONNECTION AT AQUATIC PARK FROM ROCKY MOUNTAIN POWER.**

Commissioner Jeff Horrocks made a motion to proceed with securing a service connection from Rocky Mountain Power at the Aquatic Park for the restroom and pavilion. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(13)

**CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT WITH JOHANSEN AND TUTTLE ENGINEERING INC. FOR SOCCER FIELD/PARK FACILITY.**

Commissioner Kofford discussed a contract with Johansen and Tuttle Engineering for design/engineering and overseeing of the Aquatic Park project. He suggested changing the wording in the contract from soccer field/park facility to Aquatic Park. The contract amount is \$50,000.00. Commissioner Jeff Horrocks made a motion to approve a contract with Johansen and Tuttle Engineering Inc. for the Aquatic Park Project. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(14)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR EMERY COUNTY SCHOOL DISTRICT.**

The Emery County School District requested a building permit fee waiver for a sign in front of

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Book Cliff Elementary in Green River. The fee was \$168.65. Commissioner Jeff Horrocks made a motion to grant a building permit fee waiver for the Emery County School District as requested. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(15)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR EMERY COUNTY AQUATIC PARK.**

Commissioner Jeff Horrocks made a motion to waive the building permit fee for the Emery County Aquatic Park. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(16)

**APPROVAL TO ADVERTISE FOR VOLUNTEERS TO SERVE ON THE EMERY COUNTY TRAVEL BUREAU BOARD.**

Travel Bureau Board members Olive Anderson and Susan Sitterud's terms have expired. Commissioner Jeff Horrocks made a motion to advertise for volunteers interested in serving on the Emery County Travel Bureau Board. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(17)

**CONSIDERATION AND APPROVAL OF BEER LICENSE FOR FERRON CITY GOLF COURSE.**

Commissioner Jeff Horrocks made a motion to approve a beer license for Ferron City Millsite Golf Course. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(18)

**CONSIDERATION AND APPROVAL OF CELL PHONE REIMBURSEMENT FOR WAYDE NIELSEN.**

Motion to approve a cell phone stipend for Wayde Nielsen at the standard rate was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

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(19)

**SETTING OF DATE FOR COUNTY AUCTION**

Motion to set a date of June 27, 2009 at 10:00 am at the Emery County Road Shop for a county auction was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

Motion to allow Castle Valley Special Service District to participate in the county auction was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(20)

**DISCUSSION AND APPROVAL OF INCREASE OF AMBULANCE FEES.**

The State has set new ambulance rates. The county has the option of adopting the state rates. The state removed the \$200.00 for responding with no transport. Current rates are as follows:

Basic	\$ 413.00
Intermediate	490.00
Billable per mile rate	\$18.00

The State has set the maximum allowable rate as follows:

Basic	\$ 465.00
Intermediate	615.00
Billable per mile rate	\$31.65

Jim Gordon recommended the following rate changes:

Basic	\$ 465.00
Intermediate	615.00
Billable per mile rate	\$20.00. All other rates remain the same.

Motion to approve the increase in Ambulance fees as proposed was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(21)

**CONSIDERATION AND APPROVAL OF OIL AND GAS LEASE WITH DIAMOND RESOURCES COMPANY.**

Emery County owns the mineral rights for the 69.83 gross acres of property Diamond Resources Company has request to lease at \$10.00 an acre paid up for a five year lease. Attorney David

Blackwell has reviewed the lease agreement and recommends signing it. Motion to accept the oil and gas lease with Diamond Resources Company was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(22)

**DISCUSSION AND APPROVAL TO PROCEED WITH ADVERTISING/BID PROCESS FOR ADA DOORS FOR COURTHOUSE.**

The Commissioner discussed the advertising and bid process for ADA doors for the courthouse. The Risk Management Committee has discussed this a great length and recommended moving forward with replacing the doors with self-opening doors to make them ADA compliant. They also discussed the curb and gutter at the current ADA access into the building. Commissioner Jeff Horrocks made a motion to advertise for bids to replace the doors at the courthouse with ADA compliant doors and other related projects. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(23)

**APPROVAL OF LAWN CARE CONTRACTS.**

Lawn care contracts for the libraries and the Road Shop were reviewed. The contracts are for lawn care from may 1, 2009 to October 17, 2009 for \$30.00 per week per location. Kyle Cook will do the Huntington Library, Cleveland Library, Elmo Library, Castle Dale Library and Orangeville Library lawns and the Emery County Road Department lawn. Patricia Willson will do the Ferron Library lawn. Jesse Malan will do the Emery Library lawn. Motion to approve the lawn care contracts for the Emery County libraries and Emery County Road Shop was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(24)

**APPOINTMENT OF MARK H. WILLIAMS TO PUBLIC LANDS COUNCIL.**

Commissioner Kofford explained that a few years ago the Public Lands Council dropped the Commissioners as voting members of the council. This left the board with eleven voting members. The Public lands Council has recently amended their by-laws to extend their voting membership to twelve voting members. The Public Lands Council recommended filling the twelfth seat with Mark H. Williams until the end of the year. Commissioner Jeff Horrocks made a motion to appoint Mark H. Williams to the Public Lands Council for the remainder of the term this year. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**(25)**  
**DISCUSSION AND APPROVAL TO ADD COUNTY ROAD 126 LILA CANYON RE-CONSTRUCTION PROJECT TO THE PCIFB 2009 LOCAL CAPITAL IMPROVEMENT LIST AS A SHORT TERM PROJECT.**

The Commissioners received a request from AEI to pursue funds for reconstruction of county road 126. They discussed the need to place the Lila Canyon Re-Construction Project on the PCIFB 2009 Local Capital Improvement List as a short term project. There was discussion that this project is important because it will bring jobs into the county and improve the county's tax base. The process calls for a letter to be sent to Darrel Leamaster requesting that he add the project to the short term PCIFB list. Darrel would then contact AOG requesting to add the project to the PCIFB list. Commissioner Jeff Horrocks made a motion to proceed with the process to add the Road 126 Lila Canyon Re-construction project to the PCIFB 2009 Local Capital Improvement short term list. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**(26)**  
**CITIZEN CONCERNS**

Patsy Stoddard reminded everyone of the upcoming Celebrity Golf Tourney. The Miss Emery Pageant will be July 11, 2009. June 6 there will be a Royal Tea Party to raise funds for the Miss Emery Pageant.

**(27)**  
**APPROVAL OF COMMISSION MEETING MINUTES.**

Motion to approve the minutes dated March 23, and March 24, 2009 as corrected was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**(28)**  
**COMMISSION REPORTS**

*Commissioner Pitchforth*

Commissioner Pitchforth reported on recent activity from the Emery County Recreation Special Service District.

COMMISSION MEETING MINUTES  
APRIL 14, 2009

*Commissioner Horrocks*

Commissioner Horrocks reported on meeting with Public Lands Sub Committee working on the county plan. Commissioners Horrocks and Pitchforth recently attended the Emergency Awareness Conference in Price. He also reported on attending a meeting with Commissioners Pitchforth and Kofford regarding DOT stimulus package money. He reported on meeting with Tim Vetere in Green River regarding Green River farms entities wanting ways to move natural gas into Green River. He reported on discussions in Fire District Meeting regarding training on a local level for volunteer fire fighters.

*Commissioner Kofford*

Commissioner Kofford reported on a road project from Horseshoe to the County line. Other road projects he discussed were Highway 6 and several projects in Price Canyon that will cause delays in travel on these routes. Moore cut-off road asphalt project will begin next week. Moore VII is scheduled to be bid out on May 9<sup>th</sup>. Goblin Valley 2 will be bid the last part of May. Lila Canyon Mine is beginning work. The hope to be mining by next June. They hope to put 250 miners to work in Carbon and Emery Counties. AOG has recruited several local people to identify each house with people living in it with a GO code so that when they go out to do the census in 2010 they will physically visit every house in Emery County. They will need people to participate.

(29)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An executive session was not needed.

(30)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

13  
COMMISSION MEETING MINUTES  
APRIL 14, 2009

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

APRIL 28, 2009

Present at the meeting was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 198757 through and including # 198885 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
44-09	Wildcat 200 Engine Drive Welder Highway	2,450.00
45-09	Commercial Charger Highway	665.00

There were no dispositions.

Motion to approve the Warrant Check Edit List, additional claim and requisitions as presented was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth. The motion passed.

**(2)**  
**OPEN BIDS FOR CHILLER REPLACEMENT PROJECT. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

Commissioner Kofford reported that there was a mandatory site showing held on Tuesday, April 21, 2009 as part of the bidding process for the chiller replacement project. Alternative Mechanical Contractors, Inc. was the only bidder on the project. Their bid was in the amount of \$79,613.00 which includes a bond for 5% of the bid amount. They anticipate the project to take 84 days to complete. A glycol feeder needs to be installed on the chiller at an additional cost of \$7,657.00. This project had a budget of \$72,000.00. It was determined that there was money left over from the courthouse painting project that could be put into the chiller budget.



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APRIL 28, 2009

Commissioner Jeff Horrocks made a motion to award the bid for the chiller replacement project and installation of a glycol feeder to MCI. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner Kofford discussed replacing the humidifier at the Museum of the San Rafael. He indicated that the current humidifier has not worked for years. He stated that he had the representative from MCI take a look at it while he was here. MCI quoted a price for replacing the humidifier. Commissioner Kofford requested to advertise to replace the humidifier at the Museum of the San Rafael. The issue will need to be ratified in the next Commission Meeting. Commissioner Jeff Horrocks made a motion to advertise for bids to replace the humidifier at the Museum of the San Rafael and to ratify this action in the next Commission Meeting. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(3)

**OPEN BIDS FOR COUNTY OWNED PARCEL 1-128-39. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

The Clerk/Auditor's office received two bids for sale of county owned parcel 1-128-39. The sale of the property was advertised and the adjacent property owners were notified. A minimum bid of \$120.00 was placed on the property. The bids were as follows:

1. John Housekeeper, bid \$120.00
2. Philip Larsen, bid \$300.00

Commissioner Jeff Horrocks made a motion to award the bid to Philip Larsen and authorize the county attorney to prepare the deed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(4)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE FOR SNACK SHACK.**

A business license application was presented for Marvin and Elaine Garrett dba: Snack Shack at Millsite Golf Course. The license has been reviewed and recommended by Economic Development Director Michael McCandless. Commissioner Jeff Horrocks made a motion to approve a business license for Marvin & Elaine Garrett dba: Snack Shack at Millsite Golf Course. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(5)

**CONSIDERATION AND APPROVAL OF TAX SALE DEFERRAL AGREEMENT APPEALS.**

Treasurer, Steven Barton presented Tax Sale Deferral Agreements for four tax payers who have

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APRIL 28, 2009

requested tax deferment agreements. The agreement will extend the payment for six months. All but one is the principal residence. Two of the four have made payments.

The tax payers requesting deferments are: Zen Majors owes \$2,486.00 in November he will owe \$2,610.02. Michael Bean owes \$596.00 in November he will owe \$624.18. John Salisbury owes \$4,320.00 in November we will owe \$4,479.48.

Ivan & LaVer Nielsen, which is owned by Johnny bloomer but was not recorded, owes \$1,701.83 in November he will owe \$1,777.97. Commissioner Jeff Horrocks made a motion to sign tax deferment agreements with the four tax payers with a stipulation that if they are not paid by November the properties will be added to the next May Tax Sale. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(6)

**UPDATE ON CENTRALLY-ASSESSED PROPERTY TAX APPEALS.**

The Tax Commission ruled in favor of Questar in the amount of \$4,014.00. The appeal has been appealed by Utah Association of Counties and is now in district court. PacifiCorp's appeal for 2006 is \$61,241.00 plus interest. UAC is lumping both appeals together and will go to trial in the fall.

(7)

**CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND EMERY COUNTY SPECIAL SERVICE DISTRICT #1 FOR SERVICES.**

Motion to table was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(8)

**DISCUSSION OF RE-SCHEDULING MAY 26, 2009 COMMISSION MEETING. APPROVAL OF DATE CHANGE.**

Commissioner Laurie Pitchforth made a motion to re-schedule the May 26, 2009 Commission Meeting to May 27, 2009 at 9:00 am. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(9)

**DISCUSSION AND APPROVAL OF CHANGE ORDER FOR AQUATIC PARK REST ROOMS/FENCING.**

Commissioner Kofford explained that when Nelco bid on the Aquatic Park at the time Castle Dale City was going to complete the restroom. Castle Dale City has now determined that they

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can not do that in the time frame for completion which is mid June. Castle Dale City has asked the county to consider going back to Nelco to see if they would complete the restrooms. Castle Dale City would have available \$10,000.00 to contribute to the project in July when their new fiscal year begins. The change order for Nelco is \$99,806.00. Commissioner Jeff Horrocks made a motion to approve the change order for the Aquatic Park Rest/Rooms/Fencing and push to get a better cost breakdown of the project. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**(10)**

**RATIFICATION OF CHANGE ORDER FOR SOUTH MOORE 5&6 PROJECT.**

Last fall oil prices skyrocketed and Nielson Construction extended the contract for asphaltting So. Moore 5&6 in hopes that the cost of oil would come down. Superpave is still not available at a cost we can afford. Nielson's and UDOT came up with a solution of 64/22 changing the cost from \$62.00 per ton to \$65.00 per ton. The change order is for the fuel adjustment and asphalt adjustment. Nielson was ready to go so the work began. The change order needs to be ratified. Commissioner Jeff Horrocks made a motion to ratify the change order with Nielson Construction and UDOT for the fuel and asphalt adjustment. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**(11)**

**CONSIDERATION AND DISCUSSION FOR APPROVAL OF JEFF HORROCKS TO REPRESENT EMERY COUNTY ON THE SOUTHEASTERN REGION DWR RAC.**

Commissioner Gary Kofford stepped down to make a motion to appoint Jeff Horrocks to represent Emery County on the Southeastern Region DWR RAC. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**(12)**

**APPROVAL OF DATE CHANGE FOR COUNTY AUCTION.**

The auctioneer has determined that the June 20, 2009 date set for the county auction is not a good day to hold the auction. He suggested June 27, 2009 at 10:00 am would be a better date. Commissioner Jeff Horrocks made a motion to set June 27, 2009 at 10:00 am at the Emery County Road Shop as the date for a County auction. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**(13)****CONSIDERATION AND APPROVAL OF AGREEMENT WITH ROCKY MOUNTAIN POWER/EMERY COUNTY ON SOUTH MOORE PHASE 7.**

Work on Phase 7 of the South Moore Cut-off Road requires moving power poles and service connections. The cost is covered by UDOT but does need approval from Emery County. Commissioner Jeff Horrocks made a motion to approve the relocation of power poles on South Moore Cut-Off Road. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**(14)****CITIZEN CONCERNS**

Phil Fauver asked Sheriff Guymon how he felt the new ham radio system will benefit the Sinbad Radio Club. Sheriff Guymon stated that there have been times when communications were down in Green River and ham radio was the only communication. Tower sites have been equipped for ham radio and have been integrated into the homeland security system. This will allow more access to people who can operate ham radios which have been in use for over twenty years.

**(15)****PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Personnel Director, Mary Huntington presented the following personnel action:

1. Approval of 3% merit increase for Eric Nielsen's successful completion of a six month orientation period.

Morris Sorensen requested a 3% merit increase for Eric Nielsen who has successfully completed his 6 month orientation period as an Equipment Operator/Driver II. If approved Eric would move from grade 16 @ \$16.88 per hour to \$17.40 per hour and become effective May 4, 2009. Commissioner Jeff Horrocks made a motion to approve a 3% merit increase for Eric Nielsen as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**(16)****APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve the minutes dated April 14, 2009 as corrected was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and approved by all members present.

(17)

**COMMISSION REPORTS***Commissioner Pitchforth*

Commissioner Pitchforth reported on UAC Conference in Richfield where she received valuable information. She recently met with the Sheriff's Department regarding training opportunities. Commissioner Pitchforth also reported on attending DNR meeting in Green River regarding their hiring procedures. She encouraged everyone to participate in the up coming cancer walk.

*Commissioner Horrocks*

Commissioner Horrocks also reported on UAC Conference in Richfield and Public Lands activity.

He also reported on meeting with Dale Stapley from DOT regarding efforts to designate SR29 as an ATV/OHV route. People are being cited for traveling on SR29 to and from OHV trails. This is an effort to make the area more user friendly.

The mural at the Museum of the San Rafael is completed. This was done with a grant/donation to the Museum. During a recent Museum board meeting the board discussed ideas for the stumps left as a result of removing the trees in front of the Museum.

*Commissioner Kofford*

Commissioner Kofford reported on SSD#1's looking into pursuing a CIB loan to work on the Lila Canyon Road Project. He stated that the Commission feels strongly about mine production in the county. Lila Canyon Mine has the potential to provide approximately 250 jobs in Carbon and Emery Counties. He also reported on the South Moore Cut-off Road Project 7. The project is on the UDOT bid list for this coming Saturday. They hope to get the project moving by this summer.

(18)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive session was not needed.

7

COMMISSION MEETING MINUTES  
APRIL 28, 2009

**(19)**

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

MAY 12, 2009

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**CONSIDERATION AND APPROVAL OF WARRANT CHECK EDIT LIST,**  
**REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 199039 through and including # 199218 for payment.

Requisitions were presented as follows:

<u>REQUISITIONS</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
46-09	Boat Trailer Sheriff	800.00
47-09	Laptop Computer and Projector Ambulance	1,890.32
48-09	Sound System & cabinet Aquatic Center	15,923.00
49-09	(10) Optiplex Computers Library	10,343.60
50-09	High Frequency Radio Sheriff	799.95
51-09	Tivoli License Backup IT	400.00
52-09	2009 Chevrolet Colorado Crew Cab Economic Development	24,157.00

53-09

2008 Chrysler Town & Country Van  
Courthouse

25,927.00

Two dispositions were presented for a VCR out of Extension #4819 and a typewriter out of the Clerk's office #5352.

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions as presented. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(2)

**CONSIDERATION AND APPROVAL OF 2009 PROPERTY TAX EXEMPTION LIST.**

American Legion Post 42 #1-130-18	Emery County Community Foundation #1-13-36	Habitat for Humanity #1-36-29	Rocky Mountain West Baptist Mission #5-94-6
Castle Dale Independent Baptist Church #4-37-9	Ferron Cattleman's Association #5-87-27	LDS Church various #'s	#5-93-7 #5-94-3 #5-94-5
Daughters of Utah Pioneers-Hunt #1-196-22	First Baptist Church of Green River #1-154A-26 #1-154A-27	Mountain View Baptist Church #1-177A-20	United Mine Workers Of America #4-16-14
Daughters of Utah Pioneers-Orange #1-253-18		Orangeville City/ Housekeepers #1-239-52	Utah Museum of Natural History/ University Of Utah #5-56-2
Daughters of Utah Pioneers-Elmo #1-72-16	First Baptist Church of Emery County #1-126-45	Rural Utah Child Development #1-180-20	
Daughters of Utah Pioneers-CD #1-15-20	Four Corners Mental Health #1-195-9	Roman Catholic Church #3-50-16 #1-151H-25 #1-151E-2	
Desert Edge Christian Chapel #01-179-1	Green River Bible Church #1-151G-36 #1-151F-18&19	Stuart B. Wilson Orient Lodge #1-151G-54	



Motion to approve the 2009 Tax Exempt Property List was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(3)

**RATIFICATION OF EMPLOYMENT CONTRACT FOR MICHAEL OLSEN**

Motion to ratify the employment contract for Michael Olsen was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(4)

**RATIFICATION OF APPROVAL TO BEGIN ADVERTISEMENT FOR MUSEUM HUMIDIFIER PROJECT.**

Motion to ratify the advertising for the Museum Humidifier Project was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(5)

**APPOINTMENT OF DAN WELLS TO EMERY COUNTY CARE AND REHABILITATION CENTER BOARD AND APPROVAL TO ADVERTISE FOR BOARD MEMBER VACANCY REPRESENTING THE EASTERN SIDE OF EMERY COUNTY.**

Motion to appoint Dan Wells to the Emery County Care and Rehabilitation Center Board and to begin advertisement to fill a vacancy for a board member representing the east side of Emery County was made by Commissioner Laurie Pitchforth and seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

**CITIZEN CONCERNS**

Bill Dellos asked about the possibility of providing restrooms for the rock climbers in Straight Canyon. Commissioner Horrocks indicated that there have been discussions with the BLM regarding providing the restrooms.

(7)

**CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND EMERY COUNTY SPECIAL SERVICE DISTRICT #1 FOR SERVICES.**

Commissioner Jeff Horrocks made a motion to approve of an Interlocal Agreement between Emery County and Emery County Specials Service District #1 for \$55,000.00 per year for the services of a part-time secretary, auditor, and public lands director as a part-time assistant. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(8)

**CONSIDERATION AND APPROVAL OF AMENDED APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS, AND FACILITIES ON FEDERAL LANDS FOR THE CEDAR MOUNTAIN COMMUNICATIONS SITE.**

Motion to amend the application for transportation, utility systems, and facilities on federal lands for Cedar Mountain Communications site was made by Commissioner Jeff Horrocks seconded by Commissioner Laurie Pitchforth and the motion passed.

(9)

**CONSIDERATION AND APPROVAL OF DRUG TASK FORCE GRANT.**

Commissioner Jeff Horrocks made a motion to approve the Drug Task Force Grant Application for \$73,168.00. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(10)

**CONSIDERATION AND APPROVAL OF JAG STIMULUS GRANT.**

Commissioner Jeff Horrocks made a motion to approve the JAG Stimulus Grant Application for \$10,000.00. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(11)

**DISCUSSION AND APPROVAL OF SPONSORSHIP FOR THE ROCKY MOUNTAIN COAL MINE RESCUE. BENCHMAN, FIRST AID AND EMT CONTEST EVENT BEING HELD IN JUNE 2009.**

Motion to sponsor \$200.00 for the Rocky Mountain Coal Mine Rescue, Benchman, First Aid and EMT event being held in June 2009 and to purchase 1 additional banquet meal ticket for \$25.00 for an approve total of \$225.00 was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(12)

**CONSIDERATION AND APPROVAL BETWEEN EMERY COUNTY AND EMERY COUNTY SCHOOL DISTRICT FOR USE OF THE BUSES FOR RECREATIONAL PURPOSES.**

This matter was deferred to the Recreation Special Service District.

(13)

**DISCUSSION AND APPROVAL TO DONATE TRUCK/SNOW PLOW ASSIGNED TO THE AIRPORT TO HUNTINGTON AVIATION LLC.**

Commissioner Horrocks explained that the truck/snowplow currently at the Huntington Airport being used to clear the landing strip needs to be donated to Huntington Aviation LLC and removed from the county's insurance and liability.

Commissioner Jeff Horrocks made a motion to transfer the truck/snow plow to Huntington Aviation LLC for snow removal at the Huntington Airport and to have the Clerk/Auditor's office transfer the title.

(14)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following Personnel action:

A. Approval to hire Clay Collard as part-time lifeguard working 19 3/4 hrs./wk. at the Aquatic Center.

Shannon Hiatt requested approval to hire Clay Collard as part-time, working 19 3/4 hrs. Per week lifeguard. This would be at Grade 5 \$8.38 per hour. Commissioner Jeff Horrocks made a motion to approve hiring Clay Collard as part-time lifeguard as proposed. The motion was seconded by Commissioner Laurie Pitchforth. Motion passed.

B. Approval of 3% merit and 4% COLA increase to Cory Collard, Jessica Labrum, Troylynn Bentley and Aaron Knighton for successful completion of their 6 month orientation period as a part-time lifeguard.

Shannon Hiatt requested approval to give Cory Collard, Jessica Labrum, Troylynn Bentley, Davi Bosshardt, and Aaron Knighton, who are lifeguards, a 3% merit increase for successful completion of their 6 month orientation period. They will also receive the 4% COLA given to employees 1-1-09. This would be at Grade 5, \$8.64 per hour effective May 18, 2009. Commissioner Jeff Horrocks made a motion to approve the 3% merit increase and the 4% COLA as proposed for the indicated lifeguards. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

C. Approval of 3% merit increase for Marilyn Collard and Stayler McOmie for successful completion of their 6 month orientation period as a part-time lifeguard.

Shannon Hiatt requested approval to give Marilyn Collard, who is a water safety instructor a 3% merit increase for successful completion of her 6 month orientation period. This would be at Grade 8, \$10.28 per hour and be effective May 18, 2009. Commissioner Jeff Horrocks made a motion to approve a 3% merit increase for Marilyn Collard as proposed. The motion was seconded by Commissioner Laurie

Pitchforth. The motion passed.

Shannon Hiatt requested approval to give Stayler McOmie, who is a head lifeguard, a 3% merit increase for successful completion of his 6 month orientation period. This would be at Grade 5, \$9.16 per hour and be effective May 18, 2009. Commissioner Jeff Horrocks made a motion to approve a 3% merit increase for Stayler McOmie as proposed. The motion was seconded by Commissioner Laurie Pitchforth. Motion passed.

D. Notification of 90 day temporaries at the Aquatic Center

For your information. Jessica Murray, Justin Cox, Karen Royall, Julie Hall, Stevie Feuers, Shala Pitchforth, and Kaylee Van Wagoner have been hired as 90 temporaries at the Aquatic Center.

E. Approval of 3% merit increase for Summer Clark who has completed her 6 month orientation period as a part-time library janitor.

Jerilyn Mathis requested a 3% merit increase for Summer Clark who has successfully completed her 6 month orientation period. This would be at Grade 6, \$8.02 per hour and be effective May 18, 2009. Motion to approve a 3% merit increase for Summer Clark as proposed was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

F. Approval to change existing agreement with ECSSD#! And include monthly stipend into county wage for Leslie Bolinder.

Request was made to change the existing contract with Special Service District #1 in regards to Leslie Bolinder's wage by incorporating her monthly stipend from SSD#1 into her county wage. This will increase the amount she is currently receiving changing her pay grade to Grade 16, \$19.93 per hour or \$1,594.40 per pay period. Motion to approve this proposed action was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

**(15)**

**APPROVAL OF CELL PHONE STIPEND FOR LESLIE BOLINDER.**

Motion to approve a cell phone stipend for Leslie Bolinder was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**(16)**

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR CLAWSON AND EMERY TOWNS.**

A building permit fee waiver was requested for Emery Town in the amount of \$9,299.34. Commissioner Jeff Horrocks made a motion to approve a building permit fee waiver for Emery Town. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

A building permit fee wavier was requested for Clawson Town in the amount of \$2,241.95.

Commissioner Jeff Horrocks made a motion to approve a building permit fee waiver for Clawson Town. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(17)

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve the Commission Meeting Minutes dated April 28, 2009 was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(18)

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on discussions with Ferron City regarding EMT training.

He will be attending the Travel and Tourism Conference along with Michael McCandless and Tina Cater May 13-15 in Layton.

He has reviewed final blueprints for the information station at Buckhorn Draw. It will be a small building with an information kiosk and restroom facilities.

He informed everyone of the blockbuster movie Star Trek is opening in theaters. Filming for Volcan scenes in the movie were done on the San Rafael Swell, mostly Eardley Canyon and Three Fingers area.

The Fire District is in the process of updating membership and representatives on the board. The Board voted to retain Garth Childs as Fire Chief. They are in the process of applying for a grant/loan from the CIB for 8 new fire trucks. The current units are 20 to 22 years old. The cost for new units is running around \$290,000.00 per unit.

The Forest Service will have a prescribed burn on the 14<sup>th</sup> east of the Pines, 5 miles NW of Emery.

He recently met with the Green River Conservation District regarding plans to assist local farmers in the area.

*Commissioner Pitchforth*

Commissioner Pitchforth reported on progress of the Emery Care and Rehabilitation Center.

She reported on a Library Seminar recently held in Castle Dale. Librarians from Emery County and throughout the state attended the seminar. She praised our librarians and asked for support of the programs that they offer.

Miss Emery County golf tournament to raise money for the pageant will be held on Saturday, May 15<sup>th</sup>. The County Fair has a theme now it is " Sagebrush and Surprises". The free concert band will be Emerson Drive. There are no bidders yet for the Lamb Fry at the Fair. The Commissioners will host a chili cook-off contest. There will be a Royal Tea Party fundraiser on June 6<sup>th</sup>. This will be to raise funds for the Miss Emery Pageant. Young girls up to 12 can come dressed in their princess dresses and be a princess for a day. All the Disney princesses will be there with planned activities for the girls.

### *Commissioner Kofford*

Commissioner Kofford reported on the planned open house at 1:30 pm for the Children's Justice Center. The house will not be completed yet, but since it is the last week of school they wanted to recognize the students who worked on the house.

He reported on recent attendance at a Personnel Conference in St. George. Others who attended were Mary Huntington, Commissioner Gary Kofford and Sheriff Guymon. Items discussed at the conference were travel expenses and IRS rules governing the expenses.

The Aquatic Center will open the outdoor pool for Senior Night at the Pool on Thursday, May 21<sup>st</sup>. The outdoor pool will open for the public on May 25<sup>th</sup>, weather permitting. He reported that the staff of 28 lifeguards and other staff members are looking forward to the summer crowd. The Commissioners have heard positive comments from the public thus far.

The MECCA bike ride hosted by the Recreation SSD and MECCA will be on the 16<sup>th</sup> of May.

MBA will be finalizing the Huntington Airport project today. He reported that this is a great addition to the county.

He reported on the progress of the Moore Cut-Off Road Project and Temple Mountain Road project.

Motion to move into a closed/executive session and upon completion of that meeting to return to the regular Commission Meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(19)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Present at a closed/executive session was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Public Lands Director Ray Petersen, Economic Development Director Michael McCandless, Deputy Clerk/Auditor Carol Cox, Assistant Attorney General Richard K. Rathbun.

(20)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 27, 2009

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Laurie Pitchforth, Commissioner Jeff Horrocks, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**BID OPENING FOR SALT SHED STRUCTURE. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

Two bids were received for the construction of a salt shed at the Road Department. The first bid was from David O. Robertson in the amount of \$37,535.00. The second bid was from Stilson & Sons Construction, Inc. in the amount of \$33,326.00. Commissioner Jeff Horrocks made a motion to award the bid to the low bidder Stilson & Sons Construction, Inc. for \$33,326.00. Commissioner Gary Kofford stepped down to second the motion. Commissioner Jeff Horrocks was not in the room. The motion passed.

(2)

**BID OPENING FOR HUMIDIFIER AT THE MUSEUM OF THE SAN RAFAEL. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

Commissioner Gary Kofford stated that when the courthouse chiller project was bid out the contractor, AMCI looked at the humidifier at the Museum and provided a bid of \$11,677.00 for replacement of the humidifier at that time. However, the bid was given before advertising for bids. One other bid was received after advertising from Dugmore Heating and Appliance in the amount of \$4,595.00. Commissioner Jeff Horrocks made a motion to award the bid for replacement of the humidifier at the Museum of the San Rafael to Dugmore Heating and Appliance in the amount of \$4,595.00. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Brenda Tuttle presented the Warrant Check Edit List # 199305 through and including #199431, additional claims, requisitions and dispositions for payment.

Requisitions were presented as follows:



<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
54-09	Inspiron 1545 Computer Queen contestant	549.00
55-09	Adobe Design Software Travel Bureau	1,775.00
56-09	Armor Tonneau Cover Planning/Zoning vehicle	498.95
57-09	Storage cabinets lifeguard room Aquatic Center	16,250.00

Dispositions were presented for the following:

415-7122 monitor, 580-4761 vcr, 143-7369 validator, 580-7327 computer, 580-3914 chair, 580-4762 television stand.

Motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(4)

**APPOINTMENT OF TAINA BENSON AND KEITH BRADY TO THE EMERY COUNTY TRAVEL BUREAU.**

The Travel Bureau currently has two openings previously filled by Susan Sitterud representing the west end of Emery County and Olive Anderson representing Green River. Advertising was done for applications to fill these two seats. There were only two applications sent in to fill the vacancies. Commissioner Jeff Horrocks made a motion to appoint Taina Benson and Keith Brady to the Emery County Travel Bureau. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

**APPOINTMENTS TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.**

Commissioner Jeff Horrocks asked the mayors of the cities and towns in Emery County to send in a letter indicating the appointment of Fire Chief's in their respective city or town to the Emery County fire Protection Special Service District Board. These letters have been received and Commissioner Horrocks recommended appointing the following as Fire Chiefs who will be on

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the board of the Fire Protection Special Service District:

Emery Town- Nash Roberts  
Ferron City- Randy Nielsen  
Castle Dale- Richard Herring  
Orangeville- Tracy Addley  
Huntington- Garth Childs  
Cleveland- Greg Oliver  
Elmo- Clark Atwood  
Green River- Howard Burnett  
Members at large are: Sheriff LaMar Guymon  
Commissioner Gary Kofford  
Commissioner Jeff Horrocks

Commissioner Jeff Horrocks made a motion to approve the appointments of Fire Chiefs as indicated by the cities and towns in Emery County. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(6)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER ON PAINTING PROJECT.**

Commissioner Gary Kofford reported that the courthouse painting project was bid with the intent of painting the downstairs but requested a price per square foot for painting the upstairs also. The change order is for \$18,200.00 to paint the upstairs. This changes the total of the courthouse painting project to \$34,140.00. Commissioner Jeff Horrocks made a motion to approve the change order with O'Shea Painting for \$18,200.00 to paint the upstairs of the courthouse. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(7)

**COMMUNITY THEATRE REQUEST FOR DONATION FOR SUMMER PRODUCTION.**

Linda Daley President, Community Theatre came before the board of Commissioners to request a donation to help with the summer production of "Beauty and the Beast". Linda indicated that the group qualifies for a grant to present one play a year. Now that the Castle Valley Pageant is only running every other year, the group is looking at bringing in some kind of art for the off year. The cost for royalty to use the play is around \$5,000.00 which may be recouped with ticket sales. However, they need help with funds to pay for lighting, sound and other aspects of putting on a play. They are looking at August 4,5,6,7,and 8<sup>th</sup> as play dates which is during the Emery County Fair. Commissioner Laurie Pitchforth discussed the county's standard donation of \$250.00. They

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discussed incorporating the play into the Fair. Attorney David Blackwell indicated that this type of donation is acceptable under state law. Commissioner Laurie Pitchforth made a motion to donate \$2000.00 to the Community Theater for their summer production. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(8)

**CONSIDERATION AND APPROVAL OF RESOLUTION IN SUPPORT OF FAIR RE-DISTRICTING PROCESS.**

A group working in support of fair re-districting has asked for the support of the county in their efforts to get this issue on the ballot in the fall. The resolution states that redistricting is conducted once each decade, following the census, to determine election district boundaries with a strict line for completion. Redistricting must adhere to all federal and state Constitutional requirements and the Voting Rights Act and should respect the preserve municipal and county boundaries to achieve geographical compactness and to accommodate natural geographical features and barriers. A fair redistricting process creates honorable democracy and citizens have the civic duty to oversee their leadership and a competitive political climate leads to greater voter participation; and, arbitrary and confusing district boundaries split apart local communities by creating tortured election districts lacking in the necessarily shared similar characteristics; and make it more difficult for voters to identify their representatives and hold them accountable. These confusing election boundaries place additional burdens on State House and Senate candidates by increasing the difficulty in effective canvassing and requiring media purchases in multiple market. Utah State Legislators have been permitted to arbitrarily or favorably draw the boundary lines on their districts, effectively picking their voters to ensure re-election. Voters are disenfranchised by this unfair and inscrutable redistricting process. Be it Resolved that the Emery County Commission supports the formation of a nine-member independent redistricting commission made up of qualified citizens appointed by legislative leadership of both parties in both houses to make recommendations for a fair redistricting process by creating and using a uniform scoring matrix to ensure neutrality and transparency. The redistricting plan must respect existing political subdivisions and local communities and eliminate manipulation of election district lines for political advantage. Commissioner Jeff Horrocks made a motion to approve Resolution 5-27-09 A with the intent that it is non-partisan. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(9)

**CONSIDERATION AND APPROVAL OF RESOLUTION IN SUPPORT OF AFFORDABLE ELECTRIC GENERATING RESOURCES.**

Commissioner Gary Kofford discussed Resolution 05-27-09B a resolution to pursue new nuclear

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power development within Emery County and the State of Utah. Emery County and the State of Utah requires affordable and abundant energy for homes and business to maintain and grow their economy, and relies upon the energy generation industry for much private employment within the county. Utah and the surrounding western states have experienced increased new electricity demands and have forecasted continued increases over the next several decades; and, Utah and the surrounding areas will likely suffer significant financial difficulties without new reliable and affordable electric generating resources being built, adding to and prolonging the depressed economy. Nationwide nuclear power provides low cost, long term, stable retail and wholesale pricing for customers and the development of nuclear power plants will provide significant economic benefits to the local, regional, and state populations in the form of many high paying jobs and additional tax revenues. A new nuclear facility in Emery County would greatly enhance Emery County's economy during the two unit construction period spanning up to seven years and would provide hundreds of permanent jobs for highly skilled workers over the plant's 60 to 80 year projected lifetime. Now therefore be it resolved that the Emery County Commission urges that new nuclear power development be pursued within the boundaries of the State of Utah including within the borders of Emery County and that the Emery County Commission urges that commercial development of new nuclear power be pursued in the county due to its beneficial impact on the economy, fuel diversification, and the environment, and its impressive operational safety and security record. Emery County Commission encourages investor-owned and municipally owned utilities and power marketers and traders to consider participating in a nuclear power project in Emery County. The Emery County Commission directs staff including, but not limited to Economic Development, Public Lands, IT and Planning and Zoning to provide support and appropriate information to potential developers on nuclear power within Emery County. Commissioner Jeff Horrocks made a motion to approve Resolution 05-27-09B in support of affordable electric generating resources. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(10)

**CONSIDERATION AND APPROVAL OF GENERAL SERVICE CONTRACT  
BETWEEN ROCKY MOUNTAIN POWER AND EMERY COUNTY FOR SERVICE AT  
THE AQUATIC PARK.**

Commissioner Laurie Pitchforth made a motion to approve a General Service Contract with Rocky Mountain Power for \$3,186.00 to provide underground power to the Aquatic Park. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(11)

**DESIGNATION OF COUNTY'S REPRESENTATIVE ON THE MULTI-COUNTY APPRAISAL TRUST BOARD.**

Commissioner Kofford indicated that in the past Assessor Kris Bell has been the county's representative on the Multi-County Appraisal Trust Board. This board is through UAC and governs the upgrades on the computer program for valuation of personal property for the Assessor's Office. A representative from the county needs to be appointed to the board. Kris Bell has expressed her desire to be replaced. Commissioner Jeff Horrocks made a motion to temporarily assign Commissioner Gary Kofford to represent Emery County on the Multi-County appraisal Trust Board. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(12)

**DISCUSSION OF AMBULANCE SERVICE AND ORGANIZATIONAL STRUCTURE.**

Commissioner Gary Kofford stated that there has been some concern regarding the ambulance service in the county. Ten months ago the Commission pulled the ambulance department from under the Sheriff's Department and put it under the direction of Jim Gordon. Commissioner Jeff Horrocks and Jim Gordon have put a lot of work into making it work. However, Commissioner Kofford felt like it was floundering.

Commissioner Jeff Horrocks commented that they moved the ambulance service to try and make needed improvements to the program. He stated that it is going to take time to make it work the way that we want it to work. Jim puts in a lot of extra time. He stated that he disagrees with the comment that the program is foundering. There are a lot of obstacles to get over. He stated that he felt that the move that we took ten months ago was the right move. Given time we can make this program work. He asked for support for what has been done.

Commissioner Laurie Pitchforth stated that she was not in office when the ambulance department was turned over, as a Commissioner she is very concerned. She stated that she understands that the ambulance department has been trying to stand on its own for ten months now and there has been good, positive things happening. However, she said, she has received comments from citizens that it is not working. She stated that she has concern for liability regarding coverage time. She wondered if we can afford to wait for the program to get to that point.

Commissioner Jeff Horrocks stated that the ambulance program is an ongoing program. There have been good, positive improvements to the program. Sole operation was the purpose for the move from the Sheriff's Department. The move was made to lighten up his manpower. Communication may have been somewhat of a problem.

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Commissioner Kofford asked for comments from the public.

Mary Wilmarth, Green River:

She stated that she felt that the travelers and the community were at risk due to lack of coverage causing a liability issue. She expressed concern for training opportunities. It was her suggestion to give the Ambulance Department back to the Sheriff's Department.

Pat Brady, Mayor Green River City:

He stated that he understands that some citizens have had to wait for up to an hour for service. He said he felt that change takes time. Ten months is not enough time to see if things will get better. The program is at a crucial stage. He asked to get Jim Gordon and the Green River EMTs together and see what needs to be done.

Gary Richins, Green River:

He stated that he recognizes that this not just a Green River issue. This may be a state wide issue. Law enforcement officers do not want to be on the scene of an accident waiting for an hour for ambulance service to arrive. He stated that he has seen the program deteriorate in Green River. There have been certain EMTs from the past that have been asked to come back. Competency has been an issue. Supervision is an issue. He does not have an answer. Green River is a unique situation. Supervisors have been pulled and that supervision returned to the core of the county. I'm not sure if that is an answer. Green River handles a lot of traffic, travel and transient public from Highway 6. Training is an issue. There are issues that need to be looked at. It will take time for this to get where we want it to be and there will be growing pains.

Dr. Travis Engar, Castle View Hospital, Price:

He stated that he is the medical director for the Emery County EMS program and has been for the last five years, four years under Sheriff Guymon and 10 months under Jim Gordon. He stated that he wanted to make a few comments from his knowledge base. He stated that he is very familiar with what is going on in the towns and Green River. The problem in Green River isn't because of the switch from the Sheriff to the Commission. It started when Diane Chandler quit. She quit a few months before the switch. The person that was put in her place did not do a good job. He stated he tried to communicate with her, even driving down there to visit with her on his own time and expense. She did not even show up to the meeting. This is a supervisor that was put in place before the switch. That is a huge moral problem right there. He explained that he does not get paid for any of his time, everything is purely volunteer. He is not even a citizen of Emery County, he lives in Price. He stated he just wants the EMS program to work for the citizens of Emery County. He re-stated that there is no way that you will change things in ten months. The Sheriff had how many years with the Ambulance Department? He stated he always tried to get a point person but could not ever get one person. Sheriff Guymon tried to help him out. Martin Wilson always had to go through Sheriff Guymon even with medical concerns. Sheriff's concern with money but not a medical person. Those decisions should be apart from

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that. He felt that this move was a good thing because now there is one person whose whole concern is over the Emery Medical System, instead of ten different hats. He feels that it is very appropriate to have one person in control. He stated that he doesn't care if it goes back to the Sheriff, but there still needs to be one person in charge of the EMS. There still needs to be one person to make decisions on their own with a little oversight. That was never the case. Before it was really hard to get things done because there was never any "one" go to person. It was very difficult, to the point that I was thinking, this is just not working, I am wasting my time. But I decided it was part of my responsibility, but as far as the Green River issue, it is a big, critical issue, and it is a problem. But it is not because of the switch! Diane Chandler had family issues and had issues trying to get things done by herself. She put in tons of hours and did not get paid for it and she said, she just can not do this anymore. It was stressing her out, so she quit. From that point on it went downhill. The CME sucked and everything from that point on. He said he went down there several times to help out with CME issues and when Diane was there everything was going well. He did not feel that anyone should be throwing anything out as far as something to do with the Sheriff vs the Commission. It had nothing to do with that. This would have happened even if the Sheriff still would have been in control. It is just mainly an issue of someone who was running it well and she had to quit for whatever reason and ever since then there has not been a supervisor who could do it. The supervisory was brought back to central because there was no one in Green River who could do it. The only one there who he felt might be able to do it right now, without political baggage, is Paula. Now she has somewhat burned out because of that. There are three or four active medical EMT's there right now and three more waiting to take the test the first of June who were previously certified. He stated that he felt that Green River needs to step up and pay for them to take the test and pay for the hours to take time off from their job to become certified. There are citizens in Green River who complain about the service and rightly so, but they also need to step up and do something about it. People keep complaining about it. Do something about it. On the other side of the county things have improved. Things are running much smoother. There is less tension. The Green River thing would have happened no matter what because it started before the switch ever started. We need to find someone in Green River who is willing and maybe we need to step up to pay them to do their position better because Diane put in a lot time and did not get paid for it. Another thing is these people do not get the recognition that they deserve. These people take time out of their lives to volunteer on your behalf. They cannot leave, they have to stay there and be available. It is a huge commitment! Recognition needs to happen for this to improve. Kudos to those EMTs in Green River and all EMTs. People keep complaining but are not willing to step up to the plate and do something about it. People need to step up and take the class. He stated that he has yet to see a list of ten peoples names in Green River. If there is a list of names of people interested in taking the class get it to me. I will go down to Green River and personally have a meeting and get a commitment from these people and get the class going. I will get people to go help train them. We are willing to help train. He has yet to see the citizens of Green River step up. Until that happens the problem is not going to be solved by switching it back to Sheriff Guymon. The problem is going to be there no matter what. He is here today to help the situation in any way he

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can. He came to the meeting on his own time and just has the interest of seeing the program work. He stated that he can see definite improvements in what has been done so far. As a medical director there are changes he has been able see get done. There is one person to get help from, he is able to track the morphine much better. He asked that the Commission hold the hatchet for a while. Lets get the Green River thing fixed. It would not have been the Sheriff's problem, it would not have been the Commission's problem. It would have happened no matter what. He stated that he is happy to help in any way that he can. He asked for 10 people names from Green River and he will go and get the class started.

Sheriff LaMar Guymon:

Sheriff Guymon started by stating that the CME was hand picked and put into place by Diane. He stated that he did not ask for the Ambulance Department to be taken away from him. He was not included in any discussion. He had been over the Ambulance Department for 35 years. He said that he takes responsibility for the way the Ambulance Department was ran in those 35 years and though he does not have a medical background it was ran very well. Never did he have to call in any assistance. He thought he and Dr. Engar worked together very well. He feels that Green River is an entity unto itself. There are a lot of problems that no wants to discuss about Green River. He stated that he is tired of the slanderous things that have been said about his office, and the EMTs. What was done with the Ambulance Department in the past speaks for itself. He had no problem running it. Yes there was a problem when Diane quit. We were in the process of trying to fix that. Communication is something we need to work on. You can not base everything on rumor. He has deputies who do not want to come to work because they do no want to be the one to provide the service when called to an accident. It is an unconscionable way to run a service. Whose fault is that? All I know is it is not mine because I am not in charge. Whatever you do, someone has got to do something. It cannot continue.

Kimberly Andrus, Green River

She stated that she is the CME that was put in place when Diane quit. She only had it for a couple of months before the switch. There is a lot of problems that were created when Diane quit.

She did not feel that it was her fault but if the blame has to go somewhere she will take it. She never had a problem with the morphine list. She stated that she felt that she was being attacked. She said she did not appreciate that. As far as the Commission being over the Ambulance Department she felt that they had a better rapport with the sheriff's department but she tried to give the Commissioners a try. The longer they have had it the more problems they have had. In her personal opinion the Ambulance Service should go back to the Sheriff. She stated that she is one of the few EMTs still working, trying to make this work. The only way it is going to get fixed is for someone to step up and fix it. It is unfair to blame one person for the problem. Go back to what works.

Mary Wilmarth, Green River:



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If the City of Green River step up and find funds to help pay for EMT's to train then maybe the Commission should come up with some funds also. After all, you just approved \$1,600.00 for cabinets for the lifeguards at the pool.

Commissioner Kofford agreed.

Commissioner Horrocks:

He commented that recently he met with Green River City mayor and council. They agreed to pay for 1/3 of the cost for the training a basic EMT. The EMT program will pay 1/3 of the class and the trainee will pay 1/3 so that they have vested interest in the training. They will sign a contract when they become certified with the State of Utah as EMTs. After they have run with Green River Ambulance for one year the two thirds paid by the city and the county will be written off. The county will pay for re-certification for EMT's for any EMT's. We know it is a problem. We are working on it. Jim and Sue went to Green River for orientation with the ten people who signed up to take the class and for whatever reason only two were interested in taking the class. He currently has the Green River Mayor, the secretary for Green River and Mary from the clinic trying to recruit people to take the class. Things are trying to be done to improve things in Green River.

Tammy Goodin, State Bureau of Emergency Medical Services:

She stated that what Emery County is experiencing is going on state wide. It is not a Green River issue. It is not an Emery County issue. It is not broken. And with time and with all the people willing to help, it will get better. You need the support of the community. The Sheriff's support and the citizens support. It is a rural problem. Response time in rural areas is different than in big cities. People move to the area from big cities and expect the response time to be the same and it is not. The State EMS does not mandate where an ambulance shift should be. But the state is here to help you. We are more than willing to get you the training you need. It may take a few more months but it will work.

Commissioner Kofford:

Commissioner Kofford stated that he appreciated everyone's comments. We are not here to fault find or blame anyone. When this all started, it was a question of how do we want to put it together how best to run the department and to some extent what do we want for the future. We are at the crossroads as far as I am concerned in Emery County. We relied on volunteers and the wage payment has been very poor. We've got a lot of mileage out of volunteers. I don't know how you encourage volunteers, but it is something we need to learn. At the same time maybe we need to look at putting more dollars into the Ambulance Department to make it function so that the people who do volunteer can realize a little bit out of it. The Commissioners did put the Ambulance Department under the direction of the Commission, but it has been completely Commissioner Horrocks who has been working to put it together. That's partly because of the structure and function of the Commissioners. The Commissioners have portfolios and

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responsibilities. Because of Commissioner Horrocks background I felt, personally, he could address the issues and the needs of the EMTs. I think he has done a good job. There seems to be a personality conflict between Commissioner Horrocks and Sheriff Guymon. We have tried to resolve that and seems that it may not go away. He stated that he doesn't know the answer to that. As far as a point person, he stated he felt that Green River needs its own point person. You need a strong individual over them and that person needs the full support of the Commissioners. Commissioners tend to look at the whole county and are hired to look at all aspects of the county and are not to govern the daily operations of one department. In his mind that is micro-management. There should be a department head that makes those decisions. At the same time, as you look at the future and as you talk about the need for more money, if there is more money put into the ambulance service he felt that money should go to the EMT's or to the people doing the job. He stated that he felt that if it was under the Sheriff, there are several things that can happen. There is a need for personnel on a daily basis. He has a structure, an organization of sergeants working seven days a week 24 hours a day. These individuals, although they are not point persons for the ambulance, they are there and can be shuffled around to make things happen. With this in mind, he sees three people in green river that can be drivers tonight. So as you do that you increase the staff or the availability to supply a crew to respond. Carbon County has been great to help us, but it is not a Carbon County problem, it is an Emery County problem. The people in Green River need the latitude to make decisions. As we go on, one of the concerns as we look at the structure of the program, is finding the money to support it. He commended Jim for what he has been doing. He has been doing an excellent job for what he has got, five days a week, four hours a day. There is no way you can cover it all. To take him to full time it takes more money. He commended Jim and Commissioner Horrocks for all their hard work. To be frank this has been ignored for years. Emery County has received a great service from Sheriff Guymon over the years. You can't put the responsibility on Sheriff Guymon. I don't know where we go from here. This has been a great fact finding meeting. He has had several comments of concern from citizens. He has had numerous phone calls.

Commissioner Horrocks:

Commissioner Horrocks commented that he agreed that deputies can be additional drivers, so can highway patrol officers. This can be done without disassembling what has been done thus far. He agreed with Sheriff Guymon and Dr. Engar that communications has been a problem, and he stated that he took full responsibility for that. A class was scheduled in Green River last fall but it did not materialize. I do not believe that anyone was chased off. It was the choice of several individuals on the list not to take the class. He stated that he strongly disagreed with Commissioner Kofford that the program needs to go back to the Sheriff. He stated that he does not condemn anything that the Sheriff has done in the past. The program needs to stand on its own. It is service that is vital to the citizens of Emery County. It will function better on its own. Some of the pitfalls that we have overcome thus far have built a good foundation for the program. I think we need to give it more time.

12

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Green River EMT?

Drivers are not a problem. We have plenty of drivers at any given time.

Commissioner Kofford:

There has been communications breakdown with dispatchers. He is not sure whose problem this is. There have been situations where they have dispatched ambulance and no one responded.

Commissioner Horrocks:

Commissioner Horrocks commented that dispatch centers, law enforcement and EMS people work together statewide. They work well together. If there is a communication problem he will step up and take the blame for that. The answer is not a shift how the program is run. It is a shift in how we deal with communication and how the different agencies work together. Given some time the problem can be corrected.

Sheriff Guymon discussed some aspects of the program as it was under his direction.

Commissioner Pitchforth:

Commissioner Pitchforth commented that she and Commissioner Horrocks have talked many times about this issue. She also feels that the EMS program and law enforcement go together. She commented that no matter who the EMS program is put under she wants the EMTs to realize how important they are to Emery County citizens. We appreciate what they do. No matter who the department goes under, I hope that all of the EMTs running and not running can mend their fences and work together for the benefit and the best of the community.

**(13)**

**CITIZEN CONCERNS**

Commissioner Gary Kofford discussed out of state travel for Commissioner Laurie Pitchforth to travel with other Commissioners in the state to Washington, DC to meet with lobbyist, Rob Weidner to discuss rural county problems. Commissioner Gary Kofford stepped down to allow out of state travel for Commissioner Laurie Pitchforth and to ratify the action in the next Commission meeting. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

Huntington Mayor Hilary Gordon informed the Commissioners that Representative Jim Matheson will be visiting in Huntington with Talon Resources on May 28<sup>th</sup> but will not have time for the planned town meeting. He will, however, be at Gordon's Floral sometime between 3:00 and 4:00 that afternoon. His day schedule is very tight.

(14)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval to hire Jake Sehestedt as a part-time lifeguard.**

Shannon Hiatt requested approval to hire Jake Sehestedt as a part time lifeguard working 19 3/4 hours per week at Grade 5 \$8.38 per hour. Commissioner Jeff Horrocks made a motion to approve hiring Jake Sehestedt as a part-time lifeguard as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**B. Approval to begin the recruitment for a part-time lifeguard, working 19 3/4 hrs./wk.**

Shannon Hiatt requested to start the recruitment process for one, part-time lifeguard working 19 3/4 hours per week. Commissioner Jeff Horrocks made a motion to approve beginning the recruitment process for one-part time lifeguard working 19 3/4 hours per week. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**C. Request to change part-time life guards Chance Ariotti, Jessica Labrum, Cory Collard, John Conder, and Troylynn Bentley to 90 temporary employees.**

Shannon Hiatt has moved Chance Ariotti, Jessica Labrum, Cory Collard, John Conder, and Troylynn Bentley from part time employees to 90 day temporary employees. They are graduating seniors and will be leaving this fall to attend college. Commissioner Jeff Horrocks made a motion to approve moving the graduating senior lifeguards to 90 day temporary employees as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**D. Notification of Nick Behling as 90 temporary employee at the Road Department.**

Morris Sorensen hired Nick Behling as a 90 day temporary employee effective 5-11-09.

**E. Notification of Leslie Lake and Shalae Cox as 90 day temporary employees in the IT/GIS Department.**

Jeff Guymon is hiring tow 90 day temporary employees in the IT Department, Leslie Lake and Shalae Cox.

**F. Approval of 3% merit increase and 4% COLA for Jay Fausett for successful completion of his 6 month orientation period.**

Morris Sorensen requested a 3% merit increase for Jay Fausett for successful completion of his 6 month orientation period. He will also receive the 4% COLA effective 6-1-09 and move from Grade 14 \$13.62 per hour to Grade 14 \$14.60 per hour. Commissioner

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Jeff Horrocks made a motion to approve the merit increase for Jay Fausett as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(15)

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve the minutes dated May 12, 2009 was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(16)

**COMMISSION REPORTS**

*Commissioner Pitchforth*

Commissioner Pitchforth reported on the Emery County Fair. She went to Green River to attend a meeting on Aging. She visited with the MECCA group and their annual bike festival. She reported on traveling to Vernal to meet with the new interior deputy secretary David Hays. Senator Bennet was holding up his appointment due to the 77 leases that were pulled and the RMP. One of the conditions that he would not hold that up any longer was that if Mr. Hays would travel to Utah and visit these sites. Mr. Hays did come and then they held a town hall meeting with concerned citizens. She stated that she hoped he now had a better feel for what is going on out here.

*Commissioner Horrocks*

Commissioner Horrocks reported that he and Jim Gordon attended a meeting with Ferron City council regarding the EMT program and asking the city for assistance with paying for training on new basic EMT's. He also reported on attending Museum of the San Rafael Board meeting. They are working on a grant for improvements to the museum. He and Ray Petersen attended a training meeting regarding the Land Council and Red Rock Bill. Commissioner Horrocks reported on the Children's Justice Center open house. He also attended Local Governments Trust board meeting in North Salt Lake. They discussed finances and recruiting members. He talked about a recent meeting with Green River City mayor and Mary Wilmath and Conae Black regarding recruiting individuals to take the EMT training class.

*Commissioner Kofford*

Commissioner Kofford reported on the Emery High School graduation party at the pool. There were some problems that developed as a result of lack of power to the outside of the building and the parking lot area of the Aquatic Center. They will be looking at beefing up the power access at the center and the new park.

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He also reported on the Constitutional Defense Council's has several litigation suits ongoing regarding intervening litigation. They have yet to be filed on behalf of Emery County. There are seven roads in litigation in discovery mode. They are not moving very fast. They asked Emery County and other counties involved what they intend to do regarding public lands and is there a need for CDC to be involved in this litigation. A few months Mesia Nyman, Forest Service came to Public Lands council and under the management plan proposed closing several camping areas. These are not improved campgrounds. But the need for these types of camping areas increases each year along with the roads that access them. The CDC has indicated that they will help with this issue. They will keep monitoring. He also attended board of health meetings. They discussed budgets for the programs under the health and mental health programs such as Drug Court program. They will have to address these issues come fall.

(17)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An Executive session was not needed.

(18)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JUNE 3, 2009

Present at the meeting was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Assistant Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DISCUSSION OF EMS SERVICES.**

Commissioner Jeff Horrocks opened the discussion. He explained that he asked Dr. Travis Engar to attend the meeting to discuss licensing of services in Emery County.

Dr. Engar repeated what he had stated in the last discussion, that Green River is not an issue. The problem in Green River would have happened no matter what. It is no one's fault. He stated that they have had three meetings with Green River EMTs in the last week and he has determined that it is a personality conflict. No one wants to work together. This problem should have been addressed earlier. There are only a certain amount of EMT's in Green River and they need more. They need people to step up and take the class. He has met with the Mayor of Green River City and has asked those people to put their feelings aside and get the program moving. Mayor Brady, Green River City has asked that the program remain the way it is now. He has committed to meeting with Jim every month to be sure things are moving along smoothly. The problems can be resolved. The mayor is behind keeping it the way it is. Dr. Engar stated that moving forward and change is the name of progress. He provided statistics showing how the rest of the state is running their EMS programs. All are being run by city or county governments and all are experiencing problems similar to Emery County's. The EMS program should be run by a medical person.

Commissioner Kofford expressed concern for where to get the money to run the program and the lack of communication.

Jim Gordon discussed some of the concerns he has been faced with and the battles he has had to fight to get the program as far as it is now.

Sue Coppinga, Training Supervisor talked about all the positive things that have been done.

Becky, Ferron EMTs talked about all the time involved in being on call. The pay for on call time is not conducive to enticing people to give up their time with their families to be on call.

Dr. Engar declared that Emery County EMTs bend over backwards to serve the citizens of

Emery County. The citizens of Emery County should demand that the EMTs' be well trained. Legally the EMS program cannot work without a medical supervisor.

Commissioner Kofford thanked everyone for coming and added that it was a very productive meeting.

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

JUNE 9, 2009

Present at the meeting was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Laurie Pitchforth was out of town. Commissioner Gary Kofford will step down throughout the meeting to execute motions as needed.

(1)  
**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 199590 through and including # 199740 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
58-09	Drain covers/travel and labor Aquatic Center	18,199.42
59-09	Antenna Mounts Communications	4,354.00
60-09	Freon Extractor Unit Highway	2,591.00

One disposition was presented for a calculator #3705.

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, requisitions and dispositions. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(2)  
**CONSIDERATION AND APPROVAL OF RETIREMENT CONTRIBUTION RATES FOR JULY 1, 2009- JUNE 30, 2010.**

Clerk/auditor Brenda Tuttle presented the retirement contribution rates for July 1, 2009 through June 30, 2010. The current rate for regular employees is 13.61% the new rate is 13.65%. This

is a .04% increase. The current rate for law enforcement is 22.61% the new rate is 23.34%. This is a .73% increase. Commissioner Jeff Horrocks made a motion to approve the new retirement rates for July 1, 2009 through June 30, 2010. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(3)

**JEFF KELSEY, DISCUSSION AND APPROVAL OF HEALTH INSURANCE RENEWAL.**

Jeff Kelsey and Tawnie Zimmer reviewed the county's insurance plan and summary of expenses for July 1, 2008 through June 1, 2009. He reviewed bids from other providers. Mr. Kelsey recommended renewing with the county's current provider. The current plan pays very well and has a quick turnaround. Emery County's claims have been down. He anticipated no increase to premiums. Commission Kofford asked Mr. Kelsey to what he attributed the no increase in premiums. Mr. Kelsey attributed it to good health choices by the employees of Emery County. Emery County implemented a wellness plan a few years ago and many employees are taking advantage of the plan to make good health choices and low premiums is the pay off. Commissioner Jeff Horrocks made a motion to renew with the current insurance provider for Emery County's health insurance. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(4)

**RE-APPOINTMENT OF THOMAS ROUSH TO THE PUBLIC HEALTH BOARD.**

Commissioner Gary Kofford made a motion to re-appoint Thomas Roush to the Public Health Board. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(5)

**CONSIDERATION AND APPROVAL OF SPECIAL BILLING AGREEMENT BETWEEN EMERY COUNTY AND THE STATE OF UTAH FOR STATE NETWORK ACCESS.**

Commissioner Jeff Horrocks made a motion to approve of a special billing agreement between Emery County and the State of Utah for state network access. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(6)

**CONSIDERATION AND APPROVAL OF OIL AND GAS LEASE BETWEEN EMERY COUNTY AND DIAMOND RESOURCES CO.**

Diamond Resources Company has found an additional 40 acres they want to lease at an agreed

\$5.00 per acre. They intend to get in and get it done as quickly as possible. The agreement is the same as the original 40 acres that they leased earlier for \$10.00 an acre. Commissioner Jeff Horrocks made a motion to approve an oil and gas lease between Diamond Resources Company and Emery County. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(7)

**CONSIDERATION AND APPROVAL OF DONATION TO SAGE RIDERS, BACK COUNTRY HORSEMEN AND OTHERS FOR SPONSORSHIP OF POLE CANYON TRAIL MAINTENANCE PROJECT.**

Commissioner Gary Kofford asked Ray Petersen, Public Lands Director to discuss a donation request from Wade Allinson on behalf of the Sage Riders, Back Country Horsemen and other volunteers. The group has a signing project in Pole Canyon. They will be placing 3 kiosks with maps of the area in three locations in the canyon. They have asked for \$100.00 to help with the breakfast to start off the day. The work will be done on June 13, 2009. Commissioner Jeff Horrocks made a motion to donate \$100.00 to the Sage Riders and Horsemen and other volunteers. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(8)

**CONSIDERATION AND APPROVAL OF APPLICATION FOR FEDERAL SURPLUS PROPERTY PROGRAM.**

The application to participate in the Federal Surplus Property program has expired. Morris Sorensen discovered it has expired when he tried to purchase a tank from the Forest Service. Application was sent in and now it needs to be ratified. Commissioner Jeff Horrocks made a motion to ratify making application with the Federal Surplus Property Program. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(9)

**DISCUSSION AND DECISION CONSIDERING ACQUISITION/TRADE FOR LAWRENCE CEMETERY EXPANSION.**

Commissioner Gary Kofford discussed the possibility of expanding the Lawrence Cemetery. There are several problems associated with the Lawrence Cemetery. The cemetery is getting full and they have run out of places for new people to be buried. There are places left for those who have already assigned plots. Expanding the cemetery requires backfill, fences and relocation of cattle guards. Wayne Nielsen owns property that could be used for expanding the cemetery. He has indicated that he would make available 3.29 acres in exchange for the 1980 Mac Water Truck that is currently at the Road Department. Morris Sorensen indicated that the truck has not been used for years because it is not able to be licensed for the road. They have talked about putting it in the auction. After talking with Attorney David Blackwell it was decided that a trade of equal value could be done. It was determined that the value of both is about \$3,000.00. Commissioner

Gary Kofford made a motion to trade the 1980 Mac Truck for 3.29 acres of land in Lawrence for the expansion of the Lawrence Cemetery and to have David Blackwell draw up the deed for the transfer. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(10)

**CONSIDERATION AND APPROVAL OF AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT BETWEEN EMERY COUNTY AND MULTI-COUNTY APPRAISAL TRUST. APPOINTMENT OF EMERY COUNTY REPRESENTATIVE.**

In the last Commission Meeting the Commission appointed Commissioner Kofford to the Multi-County Appraisal Trust temporarily. UAC has sent out an Amended and Restated Interlocal Cooperation Agreement to the contracting counties of which Emery County is one. It was discussed that since this affects the Assessor's Office Kris Bell should remain on the trust. Therefore, Commissioner Jeff Horrocks made a motion to accept the Amended and Restated Interlocal Cooperation Agreement between Emery County and Multi-county Appraisal Trust and to appoint Kris Bell as Emery County's representative on the board. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(11)

**APPROVAL OF CHANGE ORDER #2 FOR COURTHOUSE PAINTING PROJECT.**

Change order #2 is for painting the exterior doors and hand rails for a lump sum of \$1,100.00. This makes the entire courthouse painting project \$35,240.00. Commissioner Jeff Horrocks made a motion to approve Change order #2 for the courthouse painting project. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(12)

**SETTING OF DATE FOR PUBLIC HEARING ON EMERY COUNTY ZONING ORDINANCE.**

Commissioner Gary Kofford discussed holding a public hearing for the purpose of presenting the re-written or re-stated Emery County Zoning Ordinance. Commissioner Jeff Horrocks made a motion to set a public hearing for July 14, 2009 at 10:00 am for the purpose of receiving public comment on the re-written/re-stated Emery County Zoning Ordinance. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(13)

**CITIZEN CONCERNS**

Commissioner Gary Kofford reminded everyone of some upcoming events in the county.

(14)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Notification of Kyle Hales and Franklin (Duane) Fowler as 90 day temporary employees for Weed/ Mosquito Department.

Kyle Hales and Franklin (Duane) Fowler have been hired as 90 day temporaries for Weed and Mosquito effective June 1, 2009. Wage is \$10.00 per hour.

B. Notification of Dustin Jensen as 90 day temporary employee working with Bret Mills at the Sheriff's Office.

Dustin Jensen has been hired as a 90 day temporary employee working with Bret Mills at the Sheriff's Department effective May 27, 2009 at \$8.00 per hour.

C. Notification of Derek Tuttle as 90 day temporary employee at the Attorney's Office

Derek Tuttle has been hired as a 90 day temporary employee working in the Attorney's Office effective June 2, 2009 at \$5.85 per hour.

D. Notification of Grant Nelson and Brandon Larson as 90 day temporary employees at the Road Department.

Grant Nelson and Brandon Larson have been hired as 90 day temporary employees effective May 26, 2009 at \$12.00 per hour.

E. Reclassification of Ken Eley as Correction Officer I, Grade 15 due to successful completion of POST.

Ken Eley successfully completed POST March 16, 2009 and should be reclassified as a Correction Officer I and assigned to Grade 15 at \$15.46 per hour effective June 15, 2009. Commissioner Jeff Horrocks made a motion to approve reclassifying Ken Eley as proposed. The motion was seconded by Commissioner Gary Kofford and the motion passed.

F. Approval of Search-Rescue and Posse Volunteers.

The following individuals were submitted to be Search-Rescue and Posse Volunteers:

Brad Reed	Ken Eley	Greg Jewkes
Howard Tuttle	Pete Alger	Rue Bell
Lowell Morris	Chad Lake	Clay Oliverson
Leonard Norton	Chris Nielson	Garth Childs
Richard Murdoch	Julian Bowman	Kirk McQuivey

Randy Lake  
Ben Orgill  
Kimble Larsen  
Courtney Cox  
Jason Childs  
James Byars

Chuck Ebling  
Lee Magnuson  
Jeff Tuttle  
Brian Caldwell  
Russ Archibald

Russell Jones  
Mclayne Potter  
Layne Potter  
Randall Stilson  
Andy Wall

Commissioner Jeff Horrocks made a motion to approve the list of volunteers for Search-Rescue and Posse. The motion was seconded by Commissioner Gary Kofford and the motion passed.

**(15)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve the minutes dated May 27, 2009 as corrected was made by Commissioner Jeff Horrocks and seconded by Commissioner Gary Kofford. The motion passed.

**(16)**

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks noted that Tina Carter, Emery County Travel Bureau received first place for the Emery County Travel Map. Weed & Mosquito received a grant from AARA to assist in eradicating noxious weeds. Commissioner Horrocks attended the open house for Nielson Construction's new asphalt plant in Carbon County. He attended the board meeting for the Green River Medical Center. They are working on a grant to increase the size of the facility. He also attended the Rocky Mountain Coal Banquet where they honored the mine rescue teams who participated in the mine rescue competition.

*Commissioner Kofford*

Commissioner Kofford reported that Emery County Special Service District met on the Moore Road-Eagle Road Phase 4,5 and 6. The project is complete with the final inspection in the next few days. This project has been a good addition to the county. The newly asphalted road will cut down the travel time to Green River and I-70. He reported on meeting at the Huntington Airport where he participated in an interview for the local television station. He met with Kirk Nielson from the Aeronautical Division concerning needed projects at the airport. In the last Public Lands Council the council voted to pursue looking at legislation on the San Rafael Swell.

Sheriff Guymon reported on EMS funding. For the most part people east of the Wasatch front got money, north of the Wasatch front did not.

Commissioner Kofford reminded everyone of the surplus auction set for June 27<sup>th</sup>. RMA is the auctioneer for the sale and would like pictures and a list of items to be in the sale as soon as possible so they can get flyers out.

(17)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An executive meeting was not needed.

(18)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks seconded by Commissioner Gary Kofford and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JUNE 23, 2009

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Assistant Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**(1)**  
**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # through and including # for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
61-09	Prolaser III/Battery Module/charger Sheriff / DTF Grant 8A02	2,750.00
62-09	(2) 2008 Dodge Ram 1500 4x4 pickups Sheriff	48,196.00
63-09	Office Flooring Aquatic Center	683.54
64-09	(2) Bike Racks Aquatic Center	1,489.28
65-09	Ithaca Series 90 Printer Aquatic Center	671.52
66-09	Optiplex 760 Computer/Dell Aquatic Center	1,212.48

Dispositions were presented for the following:

150-8627	1995 Supreme Bus	Sr. Citizen
160-7331	2000 Ford Windstar	Courthouse



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212-6158	1994 GMC Sierra Pickup	Sheriff
210-5056	1992 Dodge Van	Sheriff
210-6311	1996 Ford Bronco	Sheriff
210-7506	2001 Chevrolet Tahoe	Sheriff
210-5054	1992 Dodge Ram Charger	Sheriff
210-6828	1999 Dodge Durango	Sheriff
210-7091	2000 Ford Crown Vic	Sheriff
210-7526	2001 Dodge Durango	Sheriff
210-8085	2003 Dodge Durango	Sheriff
210-8148	2003 Dodge Durango	Sheriff
210-8087	2003 Dodge Durango	Sheriff
210-8086	2003 Dodge Durango	Sheriff
410-4704	1980 Mack RS6 Water Truck	Road
410-4214	1982 Cat D6D Dozer	Road
411-1681	1972 Cat D6C Dozer	Landfill
410-4775	1986 Wisconsin Tilt Trailer	Road
410-5430	1989 Lincoln Welder	Road

Motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(2)

**JAN BODILY, FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, INC.**  
**REVIEW AND APPROVAL OF ANNUAL AREA PLAN FOR FY 2010.**

Jan Bodily, FCCBH presented the Board of Commissioners with their 2010 annual area plan for substance abuse and mental health services in Emery County for their review. She stated that the plan addressed the ten mandated areas of service to the citizens of Emery County. They are increasing their efforts in the area of prescription drug use awareness which has now surpassed substance abuse. She indicated that FCCBH focuses on the client. They have added a new child psychiatrist on residency from the U of U. Four Corners has the largest penetration rate in the state with service facilities in outlying areas. Jan indicated that the state uses FCCBH as a model statewide for how to provide services. The Commissioners thanked Jan and her staff for the service they provide to the citizens of Emery County. Commissioner Jeff Horrocks made a motion to accept and approve FCCBH's annual area plan 2010 for Emery County. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(3)

**KAY KIMBALL, PRESENTATION AND APPROVAL OF FY2008 AUDIT**

Kay Kimball, Kimball and Roberts, Independent Auditors for Emery County reviewed the 2008 audit with the Board of Commissioners. He stated that the elected officials in Emery County do a great job. Emery County's books and records are in very good shape. They did not have to propose any journal entries. There were no problems and no disclaimers. He stated that they look at 2 areas, those being compliance and financial. One thing that they do is address fraud and the public's awareness of fraud. They look at areas that may have the possibility of fraud. They interview employees, because generally speaking employees know more about what is going on. The employees did not have any issues. Everything is good and is going as it should. They test for mistakes by taking random samples of disbursement. They found all records in order and did not need to expand the test. The financial condition of the county is very good. Emery County has money put away. The state puts limits on the dollar amount in federal fund surplus. Brenda is very good to make sure you don't go over. The general fund is in compliance with the state. Emery County looks to retire \$540,000.00 in debt in the coming year and there is revenue to cover the bonded debt. Emery County has several component units that provide audit reports to us on a timely manner and we appreciate that. Commissioner Jeff Horrocks made a motion to accept and approve the 2008 financial audit from Kimball and Roberts. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(4)

**APPROVAL TO ADVERTISE FOR FOUR (4) VACANCIES ON THE NORTH EMERY WATER USERS' SPECIAL SERVICE DISTRICT BOARD.**

The Board of Commissioners received notice from North Emery Water Users' Special Service District Board asking that they begin the process to receive applications to fill four vacancies on their board. The four board members up for re-appointment Randall Bell, William Coyne, Carl Fillmore and Raymond Quinn. Commissioner Jeff Horrocks made a motion to begin advertisement to fill four vacancies on the North Emery Water Users' Special Service District. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(5)

**CONSIDERATION AND APPROVAL OF FY 2010 CONTRACT BETWEEN EMERY COUNTY AND THE SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS, SOUTHEASTERN UTAH AREA AGENCY ON AGING.**

Commissioner Gary Kofford indicated that there is no change in the contract from last year. Commissioner Jeff Horrocks made a motion to approve FY2010 Contract between Emery

County and the Southeastern Utah Association of Local Governments, Southeastern Utah Area Agency on Aging. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**(6)**

**OPEN AND APPROVE LAWN MOWER BID FOR AQUATIC PARK**

Two bids were received for a lawn mower at the Aquatic Park. Commissioner Kofford indicated that the bids was specific in that we wanted a Walker mulching machine. \$14,000.00 was budgeted for this purchase. When the Commissioners budgeted for this item they did not consider the cost of the side discharge deck assembly which takes the bids considerably over the budgeted amount. The bids were as follows:

Jones Ace Hardware bid \$16,309.12 for a MDD SD-Model D w/Kubota Diesel and 52" side discharge deck with 52 DD mulch kit. \$17,133.12 for model MDD GH-Model SA with a bagger, side discharge deck and mulching kit.

Cantrell Turf Equipment bid \$19,073.90 for the same SD respective model. \$20,143.90 for the same GH model.

Commissioner Jeff Horrocks made a motion to award the bid for the MDD GH-Model SA with bagger to Jones Ace Hardware and to find the funds to make up the difference from the budgeted cost for the mower. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**(7)**

**CONSIDERATION AND APPROVAL OF RESOLUTION ESTABLISHING TRAINING FOR EMERY COUNTY EMPLOYEES TO BE COMPLIANT WITH THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS).**

The Commissioners discussed a resolution to establish training for Emery County employees to be compliant with the National Incident Management System (NIMS). Sargent bill Downard indicated that the County receives federal funding which requires compliance with the NIMS and the county wants to continue to receive federal funding. NIMS has on-line training available at <http://training.fema.gov>. Emery County can only maintain compliance if all of its employees and EMT's receive NIMS training. The resolution if approved resolves that all Emery County employees and EMT's shall complete the NIMS on-line training as required by the Federal Emergency Management Act (FEMA). All employees and EMT's shall complete all training within six months of passage of the resolution and any mandatory training sessions thereafter.

All new hires shall complete the training within six months of their hire date and any mandatory training thereafter. The Human Resources Director shall maintain a checklist in each employee's file indicating NIMS compliance courses are completed. Employees shall complete courses ICS 100, 200, 700 and 800. The Emergency Services Director and or Human Resources Director will advise employees if their positions require additional training in ICS 300 and 400. The Commissioners stated that they know this will require an effort on the employees part and pressure on supervisors to make this happen. The fire departments in each city are already compliant or are working on it as are Search and Rescue volunteers and EMT's. Downard indicated that supervisors and employees can contact Tom Harrison, Kyle Ekker and Bill Downard to provide assistance with the website training. Commissioner Jeff Horrocks made a motion to adopt Resolution 062309 establishing training for Emery County employees to be compliant with NIMS with the understanding that department heads will need to step forward and make sure this happens. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**(8)**

**OPEN AND APPROVE METAL BIDS FOR LANDFILL**

This was advertised for later. Therefore, it was moved to the next Commission Meeting.

**(9)**

**CONSIDERATION AND APPROVAL OF TAX RATES FOR 2009**

Clerk/Auditor Brenda Tuttle presented the Tax Rates for 2009 for consideration and approval. There was new growth in centrally assessed properties. If the certified tax rate is approved it is similar to what it was last year. There is no tax levy this year, however, there may be next year. Motion to approve the tax rates for 2009 was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**(10)**

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR MARILYN HENDRICKS.**

The Board of Commissioners received a letter from Marilyn Hendricks of Green River requesting a reduction or possibly a write-off of her ambulance bill from December of 2008. Commissioner Jeff Horrocks indicated that she has made no effort to pay anything on the bill so he would like an opportunity to discuss it with her. Commissioner Jeff Horrocks made a motion to reduce the bill for Marilyn Hendricks from \$2,455.00 to \$1,227.00 and to bring the matter

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back for consideration later after he has visited with her. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(11)

**CONSIDERATION AND APPROVAL OF OIL AND GAS LEASE WITH COASTAL PLAINS ENERGY, INC.**

Coastal Plains Energy, Inc. Has found an additional 1.35 acres in Township 20 south, Range 7 east, S L - Section 15 they would like to lease for oil and gas lease. Commissioner Jeff Horrocks made a motion to approve of oil and gas lease with Coastal Plains Energy, Inc. as described in the lease. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(12)

**UPDATE OF TAX COMMISSION RULING ON 2007 QUESTAR APPEALS.**

Treasurer Steven Barton provided a brief update on the Tax Commission's ruling on 2007 Questar appeals. The amount of the appeal is \$5,700.00 which includes all county entities. \$2,400.00 is the county's portion of that appeal. The cities are not affected by this appeal. UAC as appealed the Tax Commission's ruling on this matter. Steve's question to the Commissioner was "do we pay our portion now to keep the interest from accruing or do we wait out the appeal process?" Brenda Tuttle suggested waiting out the appeal process. The Commissioners wanted to wait out the appeal process also. No action was needed.

(13)

**CONSIDERATION AND APPROVAL OF BLM RIGHT-OF-WAY GRANT UTU-79524-01**

Commissioner Kofford indicated that the BLM Right-of -Way permit needed to be renewed to complete the stimulus project on Temple Mountain road. Commissioner Jeff Horrocks made a motion to approve of BLM Right-of-Way Grant UTU-79524-01. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(14)

**CITIZEN CONCERNS**

None

(15)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Personnel Director, Mary Huntington presented the following Personnel action:

- A. Approval to hire Arianua Arrien as part-time lifeguard working 19 3/4 hrs/week.

Shannon Hiatt requested approval to hire Ariauna Arrien as a part time lifeguard working 19 3/4 hours per week effective sometime in June 2009 at Grade 5, \$8.38 per hour. Commissioner Jeff Horrocks made a motion to approve hiring Ariauna Arrien as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

- B. Approval of matron fee increase for Nicole Deabenderfer, Jan Luke and Cheryl Keener.

Sheriff Guymon requested a \$1.00 per hour matron fee increase for Nicole Deabenderfer, Jan Luke, and Cheryl Keener who are on call 24/7. Currently they are receiving .30 per hour and with the proposed increase would be \$1.30 per hour. Commissioner Jeff Horrocks made a motion to approve matron fee increase as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

- C. Approval to begin the recruitment process for a certified lifeguard who can teach swimming lessons.

Shannon Hiatt requested approval to begin the recruitment process for a part time, certified lifeguard who can help with swimming lessons. Commissioner Jeff Horrocks made a motion to begin the recruitment process for a part-time certified lifeguard to help with swimming lessons. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(16)

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve the minutes dated June 9, 2009 was made by Commissioner Jeff Horrocks and seconded by Commissioner Gary Kofford who stepped down due to the fact that Commissioner Laurie Pitchforth was not present at the June 9<sup>th</sup> Commission Meeting. The motion passed.

(17)

**COMMISSION REPORTS**

*Commissioner Pitchforth*

Commissioner Pitchforth reported on her trip to Washington D.C. as a guest with four other Commissioners from Carbon, Uintah, Duchesne, and Sevier Counties. The group visited Congress and the Senate, and the Office of the Interior. They discussed the RMP and the 77 leases that were pulled stressing the problems that it causes to the state mineral lease program and how it will affect these counties and its citizens. They stressed the importance of the energy producers to their respective counties. She indicated that she hoped that their presence there made a difference and encouraged the other Commissioners to take a turn and keep the pressure on the legislators. She indicated that it was an eye opening experience.

Commissioner Pitchforth attended the Miss Utah Pageant. Miss Emery, Holly Damron represented our county very well. She did a great job. She indicated that as of this date they have eight girls signed up for the Miss Emery Pageant on July 11, 2009. She attended a Fair meeting where things are on the fast pace to prepare for the 2009 Fair. She indicated that they are encouraging employees to volunteer to help out.

The Miss Emery Royal Tea Party fund raiser held on June 6, 2009 went very well. She did not have an official count but figured there was around 200 princesses and their mommies attend. They will do the fund raiser again next year. They learned a lot and were pleased with the outcome.

*Commissioner Horrocks*

Commissioner Horrocks reported on Relay For Life where he and Commissioner Kofford prepared and served breakfast. He reported on Council Of Governments discussion regarding dog issues in the cities and county. The County Attorney's office is currently working on an Animal Control Policy.

Local Governments Trust Board is working on upgrading the process to provide better service to businesses in the counties and cities in the state.

Public Lands Council will have a training session with regards to the Emery County Bill. Input is needed by the citizens of Emery County.

Weed and Mosquito is very busy with all the wet weather the mosquitoes are very active.

*Commissioner Kofford*

Commissioner Kofford thanked the other Commissioners who work hard. It was beneficial to Emery County to have Commissioner Pitchforth participate in the trip to Washington D.C. to see how government runs, how bills are proposed and passed and the affect that they have on our county.

The final inspection was done on the Moore Cut-Off Road Phase 5 and 6, asphaltting for 6.4 miles of road. Phase 7 will be bid on July 15. Temple Mountain Road is in the process of being bid at this time. They had 9 bidders show up to the mandatory site showing for the project.

The Aquatic Center Park project is moving along. They anticipate July 1<sup>st</sup> for hydro seeding the lawn.

The County will hold a surplus property auction on Saturday, June 27, at 10:00 am. He expressed appreciation to those who work to pull the auction off.

Advertising is out for bidders to replace the front doors at the courthouse and change the concrete for ADA compliance.

**(18)**

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(19)**

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

**ATTEST:** \_\_\_\_\_

**COMMISSIONER:** \_\_\_\_\_



10  
Commission Meeting Minutes  
June 23, 2009

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

JULY 7, 2009

Present at the meeting was Commission Chair Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**JIM GORDON, PRESENTATION/DISCUSSION OF NEW STRUCTURE FOR EMERY COUNTY EMT/EMS PROGRAM.**

Commissioner Gary Kofford explained that three weeks ago the Commission discussed the EMS program in a special meeting. Jim Gordon was asked to put together a proposal or plan for the EMS program for Emery County. Commissioner Kofford stated that we are to understand that the proposed plan is not an accepted plan. It will have to go before Clerk/Auditor Brenda Tuttle and Personnel Director Mary Huntington then back to the Commissioners for approval. Finally, he added, we will have to find the money to implement the proposed plan.

Jim Gordon, EMS Director and Sue Coppinga, Training Officer presented a proposal or new structure plan for the EMS program for Emery County as follows:

The Mission Statement for the Emergency Medical Services of Emery County, "Emery County Ambulance Service will enhance the quality of life in the communities it serves by providing the highest level of out-of-hospital care possible, in accordance with established federal, state and county standards, thereby, improving the outcomes of catastrophic illness and significant injury. This mission will be accomplished in a caring environment with an emphasis on the safety and professional competency of all employees and volunteers. All resources will be utilized in a efficient manner and solely in pursuit of accomplishing this mission."

In order for Emery County Ambulance Service to meet the commitments outlined in our mission statement, we will implement the following plan;

- Establish a foundation of trust in the leadership of the of the service by communicating in an open and effective manner.

° In addition to existing emails and phone calls, time will be set aside during our regularly scheduled training meetings to allow those present an opportunity to voice any concerns.

° By assuring that all employees and volunteers have access to the Directors office and cell phone numbers.

- Ensure that all changes to existing protocols and policies are clearly communicated to all EMT's and drivers in writing.
- A policy and procedures manual will be put into effect covering all aspects of the ambulance service. Job descriptions will be developed.
- By employing certified EMT's who are competent, committed , caring, and responsible.
  - Through careful pre-employment screening and interviews we will ensure that all employees and volunteers;
    - Are free from criminal backgrounds
    - Exhibit the personality characteristics essential for quality patient care.
    - Display a willingness to work well with others and contribute in a positive way to the “team” mentality.
- By having reliable and well maintained ambulances and rescue vehicles ready, stocked with the required equipment, regularly maintained and replaced, and supplied as mandated by the State Bureau of Emergency Medical Services (EMS).
  - The purchase of a new ambulance will be made annually as the county budget allows ensuring that unsafe and unreliable vehicles with excessive mileage are replaced regularly.
  - Equipment used in regular patient care will be maintained and replaced as necessary, such as AED's, splints, stair chairs, backboards, etc.
- By holding regularly scheduled training meetings throughout the county with an emphasis on “providing the highest level of out-of-hospital care possible.”
  - Training topics will be scheduled and taken from the state required topics necessary for re-certification and approved by Emery County Ambulance's offline Medical Control Physician. The training schedule will be posted on the county website and emailed to each individual EMT in the county. In addition, printed copies will be made available at each training session.
  - Training sessions will be held on a regular basis while allowing for variation in order to meet the needs of those shift work and to accommodate individual needs whenever possible.
  - The training topics will be adjusted to address issues identified through quality review procedures, personnel requests, and at the request of Medical Control.

° We will utilize instructors who have proven their competency in EMS and who possess a clear understanding of our unique circumstances as a rural EMS Service.

° Quarterly we will hold local seminars. The instructors used will be those considered, by the EMS community, to be experts in their field.

° Mass Casualty Incident (MCI) Training.

- Quality review of training and patient care reports with the offline Medical Control Physician to be held on a quarterly basis.

° For the purpose of focusing our training on the specific needs of the EMT's based on past patient care reports.

° So that our Medical Control Physician can help guide our training based on information obtained from the hospital Emergency Department statistics.

° By reviewing the run reports on a regular basis we will be able to address any concerns with response times.

- Inter-agency co-operation and communication.

° To better work as a team committed to providing the highest level of out-of-hospital care possible it is vital to train and co-operate with our local Law Enforcement, Highway Patrol, Dispatch Centers, Sheriff's Search & Rescue, Fire Departments, and Citizen Volunteer Groups.

° By participating in MCI training and table top exercises that involve all agencies which will include follow up de-briefings and critiques.

- Improving compensation to help in the retention of existing employees, volunteers and the recruitment of new.

° An annual review during the budget process of the compensation scale for EMT's and drivers, involving the EMS Director, County Commissioners and the County Personnel Director, for the purpose of increasing compensation commensurate with the requirements of the job.

° The "on call" pay that is presently \$.50 an hour will be increased to \$1.00 an hour for the remainder of the current year, and increasing to a total of \$2.00 over the next five years.

° The Director position for Emery County Ambulance will become a

full-time position immediately.

° A part-time secretarial position will be considered during the budget process this year.

- Community education and involvement.

° New basic EMT classes will be held every other year, or as need arises.

° EMT intermediate classes will be held as EMT basics qualify to advance and will likely alternate years with the basic classes.

° In an effort to provide the public with the information and knowledge required to make better use of and when to activate the EMS system.

· Emergency Medical Responder classes will be held once a year to offer those with a desire for more training, ( but without a desire to be an EMT) the opportunity for such.

· CPR Classes offered to the citizens of the county on a bi-annual basis ( A nominal fee will be charged).

° Education within the local schools.

· By our presence at the various schools throughout the county we will generate an increased awareness about emergency medical services.

· Our education will also foster a desire for more education in the medical fields in general, with a focus on the continued need for EMT's within our county; a particular emphasis will be made at the high school.

· At the high school level programs such as "What to do until the ambulance arrives" will be presented at the request of school administration and faculty.

- This is a working document and will be reviewed bi-annually by the EMS Director, Training Officer, County commissioner responsible for the EMS Department and the Personnel Director, in order to ensure that it is being implemented as outlined and to make course corrections where necessary.

Training Officer, Sue Coppinga reviewed the training schedule for the next six months.

She stated that each EMT in the State of Utah must accrue 100 continuing medical education hours, 75 of those in specific areas, in order to re-certify every four years. The amount of time required for the different subject areas vary. For instance we are required to spend 5 hours every four years on Pharmacology, 8 hours on airway and only 4 on Physical Exam. Also, we believe it

necessary to spend additional time training on areas that are particularly life treating, having high numbers of incident in our area, or are simply difficult for some of our EMT's. Those extra hours however, may not be counted toward their total hours by the state. To make that more clear, an EMT may take a class in pediatrics which adds up to 50 hours. They can claim the 6 which are required by the state and use all 25 of their elective hours towards their goal of re-certifying but no more than that. The extra hours are just that, extra hours and extra experience. In addition, every training class includes a "mega-code" where we practice different cardiac difficulties, learn cardiac rhythms, sharpen our skills in cardiac emergencies and generally become more comfortable in handling a complicated, life threatening circumstance.

The elective hours suggested by the state include such important things as Mass Casualty Incidents, Hazmat, Neurological Emergencies and Documentation. We attempt to cover those important areas as well as the required ones in our training.

Because each EMT's re-certification is due at a different time (four years after they first became an EMT) we adjust our training to rotate so every EMT receives the opportunity to train in all requires areas every four years.

Currently, our training is held in Green River on the second Thursday of every month. We meet in Ferron on the third Thursday with the Ferron/Emery crews and on the fourth Thursday in either Castle Dale or Huntington with their particular crews. Any EMT who can not attend the training in their area has an open invitation to the other areas. Emails are sent out weekly to appraise the EMT's of the current schedule. We also maintain an EMT Blog where we make the schedule as well as other pertinent information available.

Sue provided an over view of a tentative training schedule for the next twelve months. She informed the Commissioners that the Basic and Intermediate classes are subject to enrollment numbers. Mini-Classes are set but specific dates are not.

Commissioner Jeff Horrocks addressed a concern that the EMT's were no longer attending EMS Conferences. He explained that due to the limited number of EMT's, He felt that having all the EMT's out of the area to conferences would leave the county with out EMT coverage for that time. Conferences are great. The EMT receives information that is out there in the world and provides updated information. But it also leave the county vulnerable during the time they are gone.

Commissioner Laurie Pitchforth asked about the policy and procedures that the Ambulance Department has been using. Is there not one in place at this time?

Sue indicated that they have treatment protocols as mandated by the state but as far as the operation of the ambulance service itself they do not. Questions like the use of the credit card, employment, etc.

Sue indicated that they have obtained a policy model from Cedar City that they are currently looking at to put together a policy for Emery County Ambulance.

Commissioner Jeff Horrocks stated that decisions made by the Ambulance Director have been made through me as the Commissioner over the Ambulance Department. He commended Jim and Sue for their work and dedication to the program.

Commissioner Gary Kofford expressed his appreciation to Jim and Sue for their time and effort into the Ambulance Service and vowed to move forward and come to a conclusion shortly. The Commissioners will put figures into the budget through the budget officer and see what can be done.

(2)

### **CITIZEN CONCERNS**

Valerie Newland, Scheduling Coordinator for Green River EMT's stated that she has been a certified EMT in Green River since 1989. She indicated that she felt the current system for EMT's in Green River was not working. She said she is one of eleven EMT's that cover Green River for approximately 30 hours a week. This does not include drivers. GR EMT's average 170 runs a year. The lack of available EMT's in Green River has been a problem for years. She stated that a year ago the Commissioners chose to restructure the EMS system. Credit card use has been changed. She stated that she felt the spirit of volunteering has declined in Green River. The process to recruit new EMT's is slow. Valerie suggested putting a team together to research other agencies to find a fair compensation for your EMT's. There are many concerns in Green River. We need better communication and representation in Green River.

Commissioner Gary Kofford felt that Valerie's suggestion to put together a team to research what is being done in other agencies was a good idea. The county is in the process of looking into developing a policy and addressing the travel and what the IRS expects of the county.

Commissioner Jeff Horrocks addressed the bills received in the past from ambulance travel to the various locations that the ambulance transports patients. Astronomical meal bills have been seen in the past as well as people who are not even employed as EMT's or drivers.

Valerie stated concern that the use of the credit card was changed and not explained until months later.

Commissioner Gary Kofford stated that this whole experience has been a good learning experience for everyone involved. We certainly need better communication. The best course is to move forward as quickly as possible.

Valerie stated that the Commissioners have been given a plan. What next?

Commissioner Gary Kofford indicated that the Commissioners hope to look at the budget and human resources and make a stab at it and do the best we can. This has gone on too long. He stated that he would like to see this matter ready to address by the July 14<sup>th</sup> Commission Meeting or the next meeting at the latest. They will need to look at where to get the money. There are a

lot of issues that are tied to whatever we decide to do with this.

Bruce Funk commented that he has swam the political waters and survived. He said he had 23 years of watching the Ambulance Service under the direction of the Sheriff's Office. These problems were just as prevalent under the Sheriff as they are now. He stated that he felt putting the Ambulance Service under Jim was a good move because it took the political aspect out of the equation. The Commission has the opportunity of taking the Ambulance Service out of the political arena. Way back, a number of years ago, the Commissioners had to write-off nearly \$300,000.00 in uncollectible ambulance billings. Taking the service out of the political arena is critical to that program. He stated that he knows that it all comes down to money, but you are working with people who save lives. You have a chance to do something that will be good for the citizens of Emery County. He challenged the Commissioners to go their meetings, get involved with the EMT's and find out the truth. Do not become a political pawn.

(3)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

(4)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**ATTEST:\_\_\_\_\_ COMMISSIONER:\_\_\_\_\_**



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

JULY 13, 2009

Present at the meeting was Commission Chair Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, Personnel Director Mary Huntington, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**DISCUSSION OF AMBULANCE BUDGET AND COMPENSATION**

Commissioner Kofford asked Clerk/Auditor Brenda Tuttle to put together some figures to see if the county had the funds to cover what has been proposed of if the will need to find the funds to cover what they are looking at doing.

Brenda reviewed the June 30<sup>th</sup> Ambulance budget/expenditures.

Currently the budget for the Director, which is part time, no benefits is at \$19,215.00.

If you were to make the Director full time at the current wage, with benefits the budget would be \$62,284.00. This is a \$43,069.00 increase to the budget. The next scenario would be to make the director full time at \$23.28 per hour which is the grade that the other supervisors in the county are on, \$77,286.00. This is a \$58,071.00 increase to the budget.

Looking at the on call time for EMT's: Currently they are paid .50 per hour with a budget of \$65,700.00 calculated on 15 EMT's 24hrs a day 365 days a year. If you increase the on call pay to \$1.00 per hour the budget would be \$131,400.00 which is a \$65,700.00 increase to the budget. \$1.50 per hour \$197,100.00 which is a 131,400.00 increase to the budget. \$2.00 per hour \$262,800.00 which is a 197,100.00 increase to the budget.

Currently the Ambulance Budget is \$522,500.00 per year of which \$115,000.00 is budgeted for a new ambulance. That leaves \$407,500.00 for the rest of the expenses.

The Commissioners discussed where to possibly find the money. Brenda reminded them that this is not a one time only expense it will be an every year expense.

There will be an increase in the property tax revenue that will be collected in November.

Commissioner Kofford asked the other Commissioners to look at their respective departments and see where they may be able to come up with money. Capital improvements is one place to look. However, we may have to pull money tagged for projects not yet started.

Jim Gordon indicated that the Ambulance Department budget has allocated \$115,000.00 for a new ambulance this year. Jim indicated that he did not have plans to purchase a new ambulance this year so those funds may be used. He stated that he realizes that helps short term and the added cost will need to be addressed in the budget for next year. He indicated that he was awarded grant money for training of which Emery County was the largest awarded in the state. He has made tremendous savings in the supplies budget. He also stated that no one in the state was awarded a grant for a vehicle this year.

Commissioner Kofford indicated that there is \$55,000.00 budgeted in school expense where there is \$51,000.00 remaining through the end of June. Jim indicated that he may spend a good portion of that to replace training equipment that is outdated and worn out.

Commissioner Kofford reviewed the possible scenarios for the Ambulance Department. Everyone has an opinion on the subject. He stated that the Emery County Commissioners will hopefully make the right decision for the county.

(2)

## **DISCUSSION OF EMERY COUNTY POLICY AND PROCEDURE MANUAL.**

Commissioner Kofford asked Personnel Director, Mary Huntington to review policy changes to the Personnel Policy.

Changes included Section 5 for new hires and vacant positions.

Section 8 Compensation, Performance/Incentive Awards.

Section 9, Fringe Benefits. (Annual Leave, Holiday Leave, FMLA)

Section 10, Travel and Vehicle Policy. (Travel Expenses, Department Travel Budget, Reimbursement Expenses, Per Diem, Non-Specific Expenses, Receipts, Credit Cards, Expense Reports, Cellular Telephones)

Vehicle General Purpose, County Vehicle Assignment and Exceptions.

Section 18 Occupational Health and Safety, Return to Work-Transitional Duty Program

Section 22 Substance Abuse Policy- Pre-employment, Reasonable suspicion testing, Post accident testing, Random testing for Commercial Driver License Licensees and Public Safety Personnel.

Section 24 Computers, Internet and Electronic Communications. (Privacy Clause, Guidelines, Roles and Responsibilities.

Mary reported that Tooele County just went through a grueling, six month long audit process. The proposed changes to the Personnel Policy are a result of that audit, bringing Emery County in line with what is required by the IRS.

The Commissioners discussed in length the vehicle policy, credit card use and per diem.

Mary indicated that a Resolution is needed to include the Elected officials in the Travel Policy portion of the Personnel Policy. Elected Officials are bound by state laws. Commissioner Kofford asked that the statement regarding payment for expenses from other agencies to be left in the policy. This will cover double payments.

Commissioner Kofford indicated that they hoped to have a Resolution prepared by August 11<sup>th</sup> Commission Meeting for consideration. They hope to take action on the proposed Personnel Policy changes in the August 11<sup>th</sup> Commission Meeting.

**(3)**  
**CITIZEN CONCERNS**

None

**(4)**  
**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(5)**  
**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 14, 2009

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)  
**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Brenda Tuttle presented the Warrant Check Edit List #200156 through and including #200357 for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
67-09	Telewave meter,antenna,duplexers/isolators Communications	\$18,534.54
68-09	TS 420 Cut Quick Saw Highway	899.00

Dispositions were presented as follows:

4410-calculator, 8124-printer/copier,6804-computer,3865-filmstrip projector, 2364-filmstrip projector, 2363-tape player, and a 1993 Dodge W150 4x4 pickup.

Motion to pay the Warrant Check Edit List and additional claims, and the requisitions and dispositions as presented was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(2)  
**BID OPENING FOR COURTHOUSE RENOVATIONS. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

One bid was received to complete renovations in the courthouse. The scope of work to be done includes replacing the front door, enclose the storage area upstairs, remove and replacing curb

and gutter/sidewalk area to compliance with ADA and re-stripping the parking lot with new ADA signage. The bid received was from Stilson and Sons Construction in the amount of \$21,605.00. Commissioner Jeff Horrocks made a motion to accept the bid from Stilson and Sons for \$21,605.00 for courthouse renovations. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**BID OPENING FOR PURCHASE OF SCRAP METAL RECEIVED AT THE EMERY COUNTY LANDFILL. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

The Emery County Landfill advertised for dealers wishing to purchase all of the scrap metal received at the landfill. The following dealers have submitted bids:

- |                             |                 |
|-----------------------------|-----------------|
| 1. D& R Salvage             | \$30.00 per ton |
| 2. Western Metals Recycling | \$62.00 per ton |
| 3. Stephenson Removal Serv. | \$61.00 per ton |
| 4. Sims Metal Management    | \$66.50 per ton |

Commissioner Jeff Horrocks made a motion to accept the high bid of \$66.50 per ton from Sims Metal Management. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

**CASTLE VALLEY SPECIAL SERVICE DISTRICT, DISCUSSION OF SPECIAL ELECTION TO AUTHORIZE THE ISSUANCE OF GO BONDS AND AN INCREASE/EXTENSION OF TAX LEVIED BY DISTRICT AND OTHER RELATED MATTERS.**

Darrel Leamaster and Jacob Sharp, Castle Valley Special Service District came before the Board of Commissioners to discuss a special election to authorize the issuance of General Obligation Bonds and an increase/extension of tax levied by the district. Darrel indicated that this has to be done under the direction of the Emery County Commissioners who created the District. CVSSD does not have the authority to issue the bonds. Anything dealing with bonds or tax matters has to be done under the county's authority. He provided a summary of the SSD's history. CVSSD was the first special service district in the state. It was created in 1976. Special Service District legislation was prepared at the request of Emery County and with the cooperation of Utah Power and Light whose attorney drafted the language for the SSD legislation in 1975 and helped to get it passed in the legislature. In January of 1977 voters passed a \$5 million bond authorization and 3.0 mill tax rate for operation and maintenance. December 1980 Commissioners adopted a

resolution to annex new territory into the district. November 1981 voters passed a \$15.0 million bond authorization. November 1985 voters passed an authorization to increase O&M tax by 1 mill, making the total 4 mills until the year 2007. June 1994 Commissioners passed Resolution annexing Clawson Town and other area into the District. November 1994 voters passed a \$10.0 million bond authorization. August 2001 the Commission passed a resolution annexing areas into the district. November 2001 voters passed a \$12.0 million bond authorization and authorization to increase the O & M tax levy from .008 to .0010 to extend the tax rate until 2031. The SSD would like to continue with the projects that they have lined out. They need to ask the voters to authorize the continuation of the bonds. They are not asking to increase the bonds just extend the time frame at the same rate which is set at whatever it takes to repay the bond. They do not anticipate increasing that rate.

Jacob Sharp, Castle Valley Special Service District has been hired to replace Darrel as Mr. Leamaster will be finishing up his tenure in the fall. Jacob reviewed the many projects that the district has in the works. He discussed the process that the board has been going through to prepare for the bond election and the time frame of the election. The county will not incur any additional cost to administer the election as the cities in Emery County have elected to contract with Emery County to administer their municipal elections in the fall. The bond question will appear on the same ballot with the municipal election ballot. He asked the Commissioners to consider a Resolution calling for the election. He will get on the agenda for the next Commission Meeting for that authorization. Jacob assured the Commissioners that it is his desire to continue the same program as Darrell has started.

Commissioner Gary Kofford thanked Darrell for his many years of service CVSSD and the citizens of Emery County and his wise use of tax payer money. He wished him well in his retirement and welcomed Jacob and commented that the Board of Commissioners look forward to working with him in the years to come.

(5)

**APPOINTMENT OF RICHARD SEELY TO EMERY CARE AND REHABILITATION BOARD.**

Commissioner Laurie Pitchforth made a motion to appoint Richard Seely to the Emery Care and Rehabilitation Board. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

Motion to move out of the regular Commission Meeting, move into a public hearing and at the conclusion of the public hearing to return to the regular meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(6)

**10:00 AM- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT CONCERNING THE REPEAL AND REPLACEMENT OF THE EMERY COUNTY ZONING ORDINANCE.**

Planning/Zoning Director Michael McCandless reviewed the process that the Planning Commission has been going through to get to this point. The Planning Commission saw a need to bring the Zoning Ordinance into compliance with state regulations and terminology. David Blackwell's office contracted with Neil Landberg to begin the process. The Planning Commission held meetings throughout 2008. In December a public hearing was held wrapping up the outcome. In May 2009 the changes were completed. The changes were few mostly dealing with where and how decisions are made in accordance with state law. In terms of legal needs the Land Use Authority is now used. The appeal process has been clarified. This process does make it more burdensome on the Planning and Zoning Commission. Copies of the Emery County Zoning Ordinance with the changes has been available to the public in the Clerk/Auditor's Office and the Planning/Zoning Office. They have been receiving comments from the public. Members of the Planning/Zoning Commission present at this public hearing are: Ron Barney and Bill Dellos.

Cindy Lopez asked if this includes the adoption of all international codes.

Michael stated that building codes are adopted by the State of Utah. This is a zoning code that only deals with the planning 'process', not codes that have been adopted.

Michael explained the changes. In Article 5 and 6 the changes pertained to the application process and notification process. In Article 6 and 7 defines temporary land uses. There are no changes to procedures and practices. In Article 10 conditions are established in Conditional Use Permits. The state has changed the way property can be split. Lots may be split in certain counties under certain rules.

Commissioner Kofford asked for any further comments or questions. Being none, they returned to the regular meeting.

(7)

**APPROVAL TO REPEAL AND REPLACE THE EMERY COUNTY ZONING ORDINANCE.**

Commissioner Gary Kofford thanked the Planning and Zoning Commission for their time and effort on this process.

Commissioner Jeff Horrocks made a motion to repeal and replace the Emery County Zoning

Ordinance. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**(8)**

**CITIZEN CONCERNS**

Cindy Lopez and Winston Palmer raised concern over individual property rights under the U.S. Constitution and the adoption of international law. The concern, as she stated was for the recent decision by Castle Dale City to pass a property maintenance ordinance and an emergency plan. She asked if the county is following a plan for sustainable development and smart growth? Commissioner Horrocks indicated that each city has their own plan and the county has a plan. Some cities have opted to adopt the county's plan. This plan is directed by the Emery County Sheriff's Department. She expressed concern that the country (USA) is being put under international law and guidelines. She expressed concern that the county not adopt international codes and laws. She asked to get on the next agenda so that she bring more questions forward. She was told to contact the Commission office to get on the next agenda.

Kelly Curtis introduced herself to the Board of Commissioners as the new bank manager at Wells Fargo Bank in Castle Dale. She indicated that she would like the Branch to be involved in the community and asked to be contacted if there was anything that she and her staff could do to help in the community. Commissioner Laurie Pitchforth informed her that the Emery County Fair was coming up and they are looking for volunteers.

**(9)**

**RATIFICATION OF GOBLIN VALLEY (TEMPLE MOUNTAIN ROAD) PHASE 2  
AWARD AND ASSOCIATED PAPERWORK.**

Commissioner Kofford explained that Phase 2 of the Goblin Valley (Temple Mountain Road) Project is being funded through stimulus money from Utah Department of Transportation. Brown Brothers was the low bidder on the project. The associated paperwork needed to be forwarded to UDOT therefore, the bid award was signed and forwarded on to UDOT. That action now needs to be ratified. Commissioner Jeff Horrocks made a motion to ratify the bid award to Brown Brothers for Phase 2 of the Goblin Valley (Temple Mountain Road) Project and the signing of the associated paperwork. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.



(10)

**CONSIDERATION AND APPROVAL OF BECOMING A COOPERATING AGENCY ON ONE OR BOTH PROPOSED TRANSMISSION LINE PROJECTS- GATEWAY SOUTH AND TRANSWEST EXPRESS- WITH THE BLM.**

Commissioner Laurie Pitchforth made a motion to draft a letter to the BLM from the Emery County Commission asking to be considered as a cooperating agency on the Gateway South and TransWest Express Transmission Line Projects. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(11)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR THE EMERY COUNTY CARE AND REHABILITATION RE-MODEL PROJECT, COURTHOUSE RE-MODEL PROJECT, AND COURTHOUSE CHILLER PROJECT.**

Commissioner Jeff Horrocks made a motion to approve building permit waivers for the Emery County Care and Rehabilitation Re-Model Project, Courthouse Re-Model Project and the Courthouse Chiller Project. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(12)

**CONSIDERATION AND APPROVAL OF AMENDING THE BUDGET AND COMPENSATION FOR AMBULANCE PERSONNEL. DISCUSSION OF CREATING A SPECIAL SERVICE DISTRICT FOR EMS AND OTHER RELATED MATTERS; OR OTHER ORGANIZATIONAL ADJUSTMENTS TO EMS STRUCTURE.**

Commissioner Gary Kofford stated that a year ago the Commission pulled the Ambulance Service from under the direction of the Sheriff's Department. The Ambulance Department was made a department on its own and Jim Gordon was hired part time( 4 hours a day) as the Director of the Ambulance Service under the direction of the Commissioners. He indicated that the Commissioners are at a crossroads at this point after listening to several groups express concern for the EMS program. The Commission asked Jim to put together a plan for the future of the EMS program. Jim Gordon and Sue Copinga presented that plan in a special Commission Meeting held on Monday, July 13<sup>th</sup>.

Commissioner Kofford indicated that it was recommended that Jim be made full time Director of the EMS. He stated that as the Commissioners looked at the Ambulance budget and after further study it was determined that the salary should be Grade 20, \$20.70 per hour.

Commissioner Jeff Horrocks stated that after looking at the Ambulance budget for the remainder

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of the year he believed that there is money in the budget to fund the cost of moving Jim to full time. Commissioner Jeff Horrocks made a motion to approve making Jim Gordon full time director of the Ambulance Department at Grade 20, \$20.70 per hour. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

The Commissioners discussed 'on call time' pay for EMT's, who currently receive .50 cents per hour which amounts to \$65,700.00 per year. If the 'on call time' pay is increased to \$1.00 per hour it will increase the Ambulance budget to \$131,400.00. Increasing it to \$1.50 per hour would increase the budget to \$197,100.00. Increasing it to \$2.00 would increase the budget to \$262,800.00. Commissioner Jeff Horrocks made a motion to increase the 'on call time' pay for EMT's to \$1.00 per hour for now and look at it again later. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed. Steve Barton asked whether there is revenue to cover the raise in 'on call time' pay for EMT's. Commissioner Kofford indicated that the Ambulance Service is paid for by charges. As we move forward we may have to start supplementing the service out of the general fund or possibly make it a special service district and then we can use PILT money. We just recently increased the basic rate on an ambulance run from \$450.00 to \$600.00. We raised the mileage rate a few cents but we do have the option of raising the mileage rate if we need to. It is going to be close. There is only five months left in the year. Jim has been conservative with the funds he has to work with. We did add \$25,000.00 to the budget this year for training. We think we can fund it this year. But it is ongoing and we will have to look at how to fund next year.

Darrel Leamaster asked if they have checked into the Fair Labor Act to be sure you are following fair labor standards. Commissioner Kofford explained that EMS personnel fall under different standards than the general public. EMT's are volunteers and are paid by run not per hour except for when they are on call and that is currently 50 cent per hour.

Commissioner Kofford indicated that they have looked into creating a special service district with the idea of a five member advisory board with three EMT's, one from the south, one from the north and one from Green River, the Sheriff and a Commissioner which gives the opportunity of putting mineral lease money into it. We have also talked about leaving it where it is, under the Commissioners and establishing an advisory council with three EMT's, the Sheriff and a Commissioner. We have also discussed moving it back under the Sheriff where it was originally, or under the Sheriff with an advisory council made up of three EMT's the Sheriff and a Commissioner. The latter is the one several EMT's has requested. Commissioner Jeff Horrocks asked if any action can be taken on this today. Attorney David Blackwell indicated that to create a SSD you would have go through the public process. Anything else you choose today can go forward with this public process. Commissioner Horrocks discussed the possibility of creating a SSD which would require about three months for the public process, additional funding, and additional personnel, but the positive note to that is it will provide mineral lease funds.. The other options were discussed. He personally felt it was not beneficial to move it back under the

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Sheriff. An advisory council would be more in line with what the EMT's wanted when we met with them. Commissioner Pitchforth conveyed her feelings regarding this matter. She indicated that she has thought long and hard on the matter and has listened to the concerns expressed by several EMS people. She indicated that she personally felt it should not have been taken from the Sheriff's Department. She indicated that she felt that if more energy, money and time were put into the program when it was began floundering we would not be here today. There have been some positive things that have happened since it was made its own department, but, she indicated that she felt it still has a long way to go and that it is still floundering. Commissioner Laurie Pitchforth's recommendation was to put it back under the Sheriff's Department with an advisory council with representation from the EMT's who have expressed that they need some input.

Commissioner Horrocks disagreed with Commissioner Pitchforth stating that for the first time in the history of the Ambulance Department we have a mission statement and long range training and operation program. He still believes that the department needs to stand alone and operate independently of the Sheriff's Department. He indicated that he is receptive to forming a SSD, or an advisory council, but leave it where it is.

Commissioner Kofford stated that both Commissioners have valid arguments. Jim has worked hard to put it on track to where it is, especially in four hours a day. He has not had the support he needed to get to where he wanted it to be. At the same time it is an emergency service under FEMA and it is best served under the Sheriff where it needs to be.

Commissioner Jeff Horrocks made a motion to leave it as it is with an advisory council to oversee it. The advisory council is to work with all three Commissioners and Jim Gordon as the Director over the EMS program. There was no second so the motion died.

Commissioner Laurie Pitchforth made a motion to keep Jim Gordon as full time EMS Director and put the program back under the Sheriff with an advisory council. Commissioner Gary Kofford stepped down to second the motion. Commissioner Jeff Horrocks opposed the motion. The motion passed.

Commissioner Jeff Horrocks made a motion to make Jim Gordon full time at Grade 20, \$20.70 per hour and the \$1.00 on call time for EMS personnel effective the next pay period. Commissioner Kofford asked to consider changing the motion to make it effective Monday, July 13, 2009. Personnel Director Mary Huntington reminded the Commissioners that we usually do not make pay changes retroactive. Commissioner Kofford stated that he has been told that the Commissioners can do what they want. Therefore, Commissioner Jeff Horrocks amended his motion to make Jim's wage change and the change to EMS personnel on call time effective Monday, July 13, 2009.

(13)

**DISCUSSION AND APPROVAL OF LETTER REQUESTING MANCOS HILLS INDUSTRIAL TRAVEL PARK BE DESIGNATED AS RENEWABLE ENERGY ZONE.**

Commissioner Jeff Horrocks made a motion to approve drafting a letter under the Commissioner's letterhead to the Governor's Office of Economic Development requesting Mancos Hill Industrial Travel Park be designated as a renewable energy zone. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(14)

**APPOINTMENT OF TRAIL COMMITTEE AND DESIGNATION OF EMERY COUNTY TRAVEL BUREAU AS THE LEAD AGENCY.**

Michael McCandless reported on recent discussions within the Emery County Travel Bureau regarding roads and trails. The EC Travel Bureau recently put together a trails map. The question has been asked, 'what entity is responsible for trails?' In order to qualify for grant money a specific entity has to be designated as the lead agency for that function. The EC Travel Bureau recently voted to recommend to the Commission that they be designated as the lead agency for a recommended five member Trail Committee. The suggested that the committee should be made up of two members of the Travel Council, two members of the Public Lands Council and a Commissioner. The Bureau asked for Commission support to get the ball rolling on this process. With the Trails Committee in place they will be able to use TRT and Restaurant Tax funds as matching funds for grant applications for trail improvement projects. Commissioner Kofford asked Attorney David Blackwell if the Commission can move forward on appointing a Committee or if a Resolution will be necessary? David Blackwell indicated that it depended if you wanted to allow Travel Council and Public Lands Council make recommendations for appointments to the committee. Commissioner Jeff Horrocks made a motion to move forward with the intent to develop and pass a resolution allowing the Public Land Council and Travel Council to recommend appointments to a Trails Committee for Emery County. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(15)

**DISCUSSION AND APPROVAL OF LETTER OF SUPPORT FOR CONDUCTIVE COMPOSITES FOR RELOCATION INTO GREEN RIVER AREA.**

Michael McCandless reported that on a business opportunity in Green River from a company called Conductive Composites who is examining Emery County as well as two other communities in Utah for relocation. We have identified several potential properties that they could move into. To help provide them with official notification that we would like to have them

relocate here he requested approval to draft a letter to Conductive Composites informing them that we would welcome them if they so choose to relocate in our community. Conductive Composites is a Heber City based company that deals with composites such as nickle, used for aircraft. It could means as many as fifty jobs in the Green River area. Commissioner Jeff Horrocks made a motion to approve a letter of support drafted by Michael McCandless and David Blackwell on the Commissioner's letterhead to be submitted to Conductive Composites for relocation into Green River. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(16)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval of 3% merit increase to Melodie Hoffman for successful completion of 6 month orientation period.**

Jerilyn Mathis requested approval to give Melodie Hoffman a 3% merit increase for successful completion of her 6 month orientation period. She would move form Grade 7, \$8.78 per hour to \$9.06 per hour and would be effective July 27, 2009. Commissioner Jeff Horrocks made a motion to approve a 3% merit increase for Melodie Hoffman as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**B. Approval of 3% merit increase to Lane Gardner, Nikki Rogers, Sabrina Wood, Brady Jensen, and Taylor Cox for successful completion of their 6 month orientation period. Approval of 4% COLA for each of them as well.**

Shannon Hiatt requested approval to give Lane Gardner, Nikki Rogers, Sabrina Wood, Brady Jensen and Taylor Cox a 3% merit increase for successful completion of their 6 month orientation period. They will also receive the 4% COLA increase given to employees January 1, 2009. They will move from Grade 5, \$8.06 per hour to \$8.64 per hour and would be effective July 27, 2009.

Commissioner Laurie Pitchforth made a motion to approve merit and COLA increase for Lane Gardner, Nikki Rogers, Sabrina Wood, Brady Jensen and Taylor Cox as proposed. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

**C. Approval of 3% merit increase to Tammy Oliverson and Mindi Labrum for successful completion of 6 month orientation period.**

Shannon Hiatt requested approval to give Tammy Oliverson and Mindi Labrum a 3% merit increase for successful completion of their 6 month orientation period. They will move from Grade 6, \$8.888 per hour to \$9.16 per hour effective July 27, 2009. Commissioner Jeff Horrocks made a motion to approve a 3% merit increase for Mindi Labrum and Tammy Oliverson as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**D. Approval to hire Annette Hatch as a part-time, working 19 3/4 hours per week, Head Lifeguard/Swim Instructor.**

Shannon Hiatt requested approval to hire Annette Hatch as a part time, working 19 3/4 hours per week, head lifeguard/swim instructor at Grade 6, \$9.16 per hour. Commissioner Jeff Horrocks made a motion to approve hiring Annette Hatch as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**E. Approval of Colton Leavitt, Jarold Jeffs, Ignacio Arrien, and Christopher Bingham as volunteers for the 2009 Emery County Fair.**

Commissioner Laurie Pitchforth made a motion to approve Colton Leavitt, Jarold Jeffs, Ignacio Arrien and Christopher Bingham as volunteers to help with the 2009 Emery County Fair. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

**F. Approval of Christopher Bingham, Ignacio Arrien, Jarold Jeffs, and Gary Larsen as volunteers for the 2009 Desertview Pro Rodeo.**

Commissioner Laurie Pitchforth made a motion to approve Christopher Bingham, Ignacio Arrien, Jarold Jeffs and Gary Larsen as volunteers to help with the 2009 DesertView Pro Rodeo. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(17)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Jeff Horrocks made a motion to approve the minutes dated June 23, 2009 and July 7, 2009 as corrected. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(18)

**COMMISSION REPORTS***Commissioner Pitchforth*

Commissioner Pitchforth reported on the upcoming 24<sup>th</sup> celebrations throughout the county. She also reported on the Miss Emery Pageant. There were 8 young women who participated this year. Shelby Huntington was crowned Miss Emery, 1<sup>st</sup> Attendant, Katlin Potter, 2<sup>nd</sup> Attendant, Allie Stokes. She commended the pageant committee, they are dedicated volunteers who put in a lot of hours. She reviewed the upcoming Emery County Fair activities.

*Commissioner Horrocks*

Commissioner Horrocks reported on North Emery Water Users meeting he attended. Their Elk

Springs water project is complete. He also attended a Public Lands Council meeting and Emery County Travel Council meeting where they discussed appointments to the Trails Committee that the Commission approved today.

*Commissioner Kofford*

Commissioner Kofford reported on the Emery County Aquatic Park. It is nearing completion and will be closed for 30 days while the grass is set. He reported that he recently met with the architect and contractor for the boiler at the Emery County Aquatic Center (swimming pool). The sound system at the swimming pool is being installed today.

He reported that the MBA recently went to CIB for a 50% match grant for the Emery Care and Rehabilitation Center remodel. We were not successful in getting that grant this time. We were put on the pending list because a member of the CIB understood that we may qualify for funds from another source. We were advised that we do not qualify from the other source. Now we are back to going before the CIB board again. The MBA does have the 1.5 million to start the project. We will be awarding the bid to begin that project today in MBA meeting.

He reported that the SSD asked CIB for money to construct the coal haul road in Lila Canyon. This is a 9.6 million dollar project. The CIB Board did approve a 1.5 million grant and 6.5 million loan but the project is on the pending list. UEI would like to be able to move coal in 2010. CIB approved a grant for the seven county communications group working on the change over from analog to digital. The Emery County Road Department has finished the chip seal projects throughout the county. The Moore Road Phase 7 scheduled to be bid around last of August.

**(19)**

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

A closed session was not needed.

**(20)**

**ADJOURNMENT**

Motion to adjourn was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 28, 2009

Present at the meeting was Commission Chair Gary Kofford, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Jeff Horrocks was absent from the meeting. Commissioner Kofford will step down throughout the meeting to execute motions as needed.

**(1)**  
**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # through and including # for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
69-07	(2) Truck Shells Sheriff	\$ 2,492.00
70-09	(6) Laptop computers Drug Task Force/Grant CCJ/Grant Sheriff	\$14,081.40

There were no dispositions.

Motion to approve the Warrant Check Edit List, additional claims and requisitions. The motion was seconded by Commissioner Gary Kofford and the motion passed.

**(2)**  
**VOLUNTEERS OF AMERICA, REQUEST FOR CONTRIBUTION TO RSVP  
RECOGNITION DINNER AND WALK TO RUSSIA EVENT.**

Gerry Stotler, Director of RSVP for Emery County along with three of the advisory committee, Jerry Stotler, Sue Lutu and Jodie Richins came before the Board of Commissioners to request a donation to assist with their annual recognition dinner and Walk to Russia event. She reported that the seniors in Emery County are active in the community. They volunteer in schools, relay for life, with the senior band and many other events and activities. They are looking to increase

the number of active volunteers in the county. Currently there are fifty active seniors in all of Emery County including Green River. There are a lot of seniors out there still working. Emery County could receive more money if we could show more seniors doing more volunteer work. She indicated that they are working to get hours counted on the Walk to Russia event which will give the county more money for the RSVP program. September 17<sup>th</sup> will be their annual recognition dinner. She asked for \$250.00 to help pay for the food for the dinner which will be held at the Orangeville Community Center. Commissioner Laurie Pitchforth made a motion to approve a donation of \$250.00 to the Emery County RSVP Program to assist in paying for the food for their recognition dinner and Walk to Russia event. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(3)

**CONSIDERATION AND APPROVAL OF A RESOLUTION PROVIDING FOR THE HOLDING OF A SPECIAL TAX ELECTION IN THE CASTLE VALLEY SPECIAL SERVICE DISTRICT FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE DISTRICT THE QUESTION OF AUTHORIZING AN ANNUAL TAX OF .001 PER DOLLAR OF THE TAXABLE VALUE OF THE TAXABLE PROPERTY WITHIN THE DISTRICT, FOR THE PURPOSE OF PAYING OPERATING MAINTENANCE EXPENSES OF THE DISTRICT (IN LIEU OF ALL OTHER TAXES CURRENTLY LEVIED IN THE DISTRICT FOR OPERATING AND MAINTENANCE EXPENSES; FOR PROVIDING FOR RELATED MATTERS.**

Darrell Leamaster and Jacob Sharp, CVSSD and Alex Buxton, Zions Public Finance were present to discuss Resolution 07-28-09A. Darrell explained that in 2001 voters authorized a tax rate used for operation and maintenance of CVSSD. At that time the rate had a date tied to it. Castle Valley would like to request voters to continue the rate into the future. The legislature does not allow them to tax without authorization of the voters. Since Emery County is the controlling entity for CVSSD they asked that they approve Resolution 07-28-09A and put the question to the voters on the ballot in the fall. Commissioner Laurie Pitchforth made a motion to approve Resolution 07-28-09A a resolution providing for the holding of a special tax election in the Castle Valley Special Service District for the purpose of submitting to the electors of the District the question of authorizing an annual tax of .001 per dollar of the taxable value of the taxable property within the District, for the purpose of paying operating maintenance expenses of the District( in lieu of all other taxes currently levied in the District for operating and maintenance expenses.) The motion was seconded by Commissioner Gary Kofford and the motion passed.

(4)

**CONSIDERATION AND APPROVAL OF A RESOLUTION PROVIDING FOR THE HOLDING OF A SPECIAL BOND ELECTION IN THE CASTLE VALLEY SPECIAL SERVICE DISTRICT FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE DISTRICT THE QUESTION OF AUTHORIZING THE ISSUANCE OF UP TO \$12,500,000.00 GENERAL OBLIGATION BONDS OF THE DISTRICT; AND PROVIDING FOR RELATED MATTERS.**

Jacob Sharp discussed Resolution 07-28-09B. He explained that Resolution 07-28-09B will provide for holding a special bond election to the voters in the District the question of authorizing the issuance of up to \$12,500,000.00 General Obligation Bonds of the District. It will allow the District to continue the projects they have going and the new projects planned for the near future.

They have been working with the cities to provide a facility plan for projects for the next ten years and into the future. The list of projects is prioritized. They have come up with a proposed bond without raising the tax rate and so they can pay the bonds off in a short amount of time. The bond amount of \$12,500.00.00 will keep the bond payment the same without raising the tax rate.

Alex Buxton explained that it equates to about \$44.00 per year for a \$100,000.00 home. Darrell explained that a public hearing is required which they have set for September 22, 2009 at 10:00 am. The Commission is responsible for the Canvas of Election which is set for November 10, 2009 at 12:00 pm. They have time line to meet for getting information to the voters. Commissioner Laurie Pitchforth made a motion to approve Resolution 07-28-09B providing for the holding of a special bond election in the Castle Valley Special Service District for the purpose of submitting to the electors of the District the question of authorizing the issuance of up to \$12,500,000.00 General Obligation Bonds of the District. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(5)

**APPOINTMENT OF BOARD MEMBERS TO NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT.**

Commissioner Kofford reported that there are four vacancies on the NEWUSSD. Terms have expired for William Coyne, Carl Fillmore, Randy Bell and Ray Quinn. Four applications were received for consideration of appointment to the NEWUSSD board. Ray Quinn, William Coyne and Carl Fillmore applied for re-appointment. Randy Bell has moved out of the area covered by NEWUSSD and was not eligible for re-appointment. Bruce Wilson, Lawrence did apply. Commissioner Laurie Pitchforth made a motion to appoint William Coyne, Carl Fillmore, Ray

Quinn and Bruce Wilson to the NEWUSSD board of directors. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(6)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE FOR PAYNE-LESS SOLUTIONS AND MILZY'S LANDSCAPING, LLC.**

Applications were received from Brandon L. Payne dba: Payne-Less Solutions and Whitney & Michael Mills dba: Millzy's Landscaping, LLC. The applications have been reviewed and signed by the Zoning Administrator. Commissioner Laurie Pitchforth made a motion to approve business licenses for Brandon L. Payne and Whitney and Michael Mills. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(7)

**CONSIDERATION AND APPROVAL OF GRANT AGREEMENT BETWEEN STATE OF UTAH 911 COMMITTEE AND EMERY COUNTY.**

Commissioner Laurie Pitchforth made a motion to approve a grant agreement between State of Utah 911 Committee and Emery County. The motion was seconded by Commissioner Gary Kofford and the motion passed. The grant is in the amount of \$13,532.00 and must be used for Public Safety Answering Point (PSAP) 911 Telecommunications Enhanced, Phase I and Phase II equipment installation, testing and implementation.

(8)

**CONSIDERATION AND APPROVAL OF 4% COST OF LIVING INCREASES FOR ALL LIBRARY PERSONNEL.**

Mary Huntington, Personnel Director explained that in January when employees with Emery County received a 4%COLA the Library personnel did not. It was not calculated into their budget for 2009. New money has come into the Library budget and the Library Board has voted to approve a 4%COLA for all Library personnel effective August 10, 2009. Commissioner Laurie Pitchforth made a motion to approve of 4% cost of living increases for all Library personnel to be effective August 10, 2009. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(9)

**CITIZEN CONCERNS**

Cindy Lopez, Castle Dale, came before the Board of Commissioners with an issue of importance

that being to raise public awareness of Agenda 21. She asked the Commissioners if they were following plans for Smart Growth. She expressed, heartfelt concern ☹ for the Commission's recent passing of the Emery County Zoning Ordinance. She expressed a desire to be able to vote on the Zoning Ordinance. She made the Commissioners aware of her intent to follow the Constitution of America. She asked about the process to petition a recall of the passing of the ordinance. Attorney David Blackwell told her she would have to file a petition with the courts and have evidence that something was done wrong in the process used in passing the ordinance. She asked the Commissioners to give her more time to get the word out to the citizens and allow for a vote of the people regarding the passing of the ordinance.

Bill Dellos, Emery County Planning/Zoning Board member explained that there was a process that was followed before bringing the final ordinance to the Commissioners for approval. A public hearing was held, which he stated he did not see her attend or provide comment about. A draft of the ordinance was made available for the public to view. Every opportunity was provided to the citizens of Emery County to view and make comment regarding the ordinance.

Commissioner Kofford explained that the Emery County Zoning Ordinance was originally passed in 1970. The process that the Planning/Zoning nine member board just went through was to revise and restate the Zoning Ordinance. The process was advertised, the copy was made available to the public to view and make comments on. Nothing new was added. It affects only the unincorporated areas of Emery County. It is a structured way of zoning in the county. It sets guidelines for conditional use permits.

Phil Fauver, Orangeville informed the Commissioners of a pothole in Castle Dale that no one seems to want to take responsibility for to get fixed.

**(10)**

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval to promote Jay Fausett to an Equipment Operator 1.**

Morris Sorensen requested approval to promote Jay Fausett to an Equipment Operator I at a Grade 16, \$15.90 per hour. Jimmy Blackburn has submitted his resignation effective August 6, 2009. If approved the promotion for Jay will go into effect August 10, 2009. Commissioner Laurie Pitchforth made a motion to approve promoting Jay Fausett as proposed. The motion was seconded by Commissioner Gary Kofford and the motion passed.

**B. Approval to start the recruitment process for a Solid Waste Technician.**

Morris Sorensen requested approval to start the recruitment process for a full time, with benefits,

Solid Waste Technician at Grade 14, \$14.15 per hour. This is because Jay Fausett has been promoted to an Equipment Operator I. Commissioner Laurie Pitchforth made a motion to approve starting the recruitment process for a Solid Waste Technician as proposed. The motion was seconded by Commissioner Gary Kofford and the motion passed.

C. Approval to hire Tyson Huntington, full time, with benefits, in Corrections.

Sheriff Guymon requested approval to hire Tyson Huntington, full time, with benefits, in Corrections, at Grade 14, \$14.15 per hour. Commissioner Laurie Pitchforth made a motion to approve hiring Tyson Huntington as proposed. The motion was seconded by Commissioner Gary Kofford and the motion passed.

D. Approval of on-call pay for Jerod Curtis.

Sheriff Guymon has reassigned Jerod Curtis's job responsibilities to include Animal Control. Therefore, Sheriff Guymon requested on call pay of \$50.00 per week for Jerod effective August 2009. Commissioner Laurie Pitchforth made a motion to approve on call pay of \$50.00 per week for Jerod Curtis as proposed. The motion was seconded by Commissioner Gary Kofford and the motion passed.

E. Approval for Cody Beckstead, Dallon Cologie, Nichole Beckstead, and Shannon Beckstead to help as volunteers for the 2009 Emery County Fair.

Motion to approve Cody Beckstead, Dallon Cologie, Nichole Beckstead and Shannon Beckstead as volunteers for the 2009 Emery County Fair was made by Commissioner Laurie Pitchforth, seconded by Commissioner Gary Kofford and the motion passed.

(11)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An executive session was not needed.

(12)

**COMMISSION REPORTS**

Commissioner Laurie Pitchforth gave a quick rundown of events during the 2009 Emery County Fair. The Desertview Pro Rodeo is July 30, 31, and August 1, 2009. The 2009 Emery County

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July 28, 2009

Fair will begin August 5<sup>th</sup> with free swimming, free food and free entertainment. Events are planned through August 8<sup>th</sup> when there will be a parade and free concert, Emerson Drive. Beauty and the Beast Production will be held at the pageant site at 8:00 pm August 4<sup>th</sup> through 7<sup>th</sup> .

(13)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner Gary Kofford and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

AUGUST 11, 2009

Present at the meeting was Commission Chair Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy/Clerk Auditor Carol Cox, other elected officials and citizens.

(1)  
**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #200752 through and including #200900 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
71-09	Ingersol Rand Impact wrench Highway	\$ 498.00
72-09	Cooling Unit Highway	\$ 3,299.00
73-09	Salamander upgrade Sheriff- HLS Grant 2007	\$13,475.00
74-09	Light setup for new Trucks Sheriff	\$ 6,208.88

Dispositions were presented for #7284, 20,000 gallon drum, 5105, Impact wrench.

Motion to approve the Warrant Check Edit List, additional claims, requisitions and dispositions was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.



2

COMMISSION MEETING MINUTES  
AUGUST 11, 2009

(2)

**RATIFY BAILIFF AND PERIMETER SECURITY CONTRACTS WITH STATE OF UTAH.**

Motion to approve the Bailiff and Perimeter Security contract with the State of Utah was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(3)

**CONSIDERATION AND APPROVAL OF RESOLUTION ESTABLISHING THE AMBULANCE ADVISORY BOARD.**

Motion to adopt Resolution 081109, a resolution establishing the Ambulance Advisory Board with seven members consisting of Commissioner Laurie Pitchforth, Sheriff LaMar Guymon, Green River Supervisor, Huntington Supervisor, Castle Dale/Orangeville Supervisor, Ferron Supervisor, Emery Supervisor was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(4)

**CONSIDERATION AND APPROVAL OF RESOLUTION ESTABLISHING AN EMERY COUNTY TRAIL COMMITTEE.**

Tabled

(5)

**CONSIDERATION AND APPROVAL OF EMERY COUNTY PERSONNEL POLICY AMENDMENTS.**

Motion to Table was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(6)

**EMERY COUNTY SCHOOL DISTRICT REQUESTS BUILDING PERMIT FEE WAIVER FOR EMERY HIGH SCHOOL PROJECT HOUSE.**

Motion to approve building permit fee waiver for Emery High School Project House was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion

passed.

(7)

**CONSIDERATION AND APPROVAL OF ASSET PURCHASE AGREEMENT AND CUSTOMER REQUESTED WORK AGREEMENT BETWEEN EMERY COUNTY AND ROCKY MOUNTAIN POWER FOR UPGRADE, TRANSFER, AND SALE OF THE CEDAR MOUNTAIN, UT POWER LINE.**

Commissioner Kofford explained that Emery County owns a power line in Green River on Cedar Mountain which supplies power for the Green River repeater station and San Juan County communication equipment. The power line is in dire need of repair. The Commission has talked about budgeted the repair in next years budget. However, Commissioner Kofford indicated, there is approximately \$100,000.00 in Communications that will probably not be spent this year. He recommended expending \$71,050.00 to bring the line up to utility standard and transfer ownership of the line to Rocky Mountain Power. The contract has been reviewed by Attorney David Blackwell who indicated a correction to the document in section 9 of the document wherein Oregon needs to be crossed out and replaced with Utah. San Juan county shares in the power line and therefore will pay half the cost. Commissioner Jeff Horrocks made a motion to approve an Asset Purchase Agreement and customer requested work agreement between Emery County and Rocky Mountain Power for upgrade, transfer, and sale of the Cedar Mountain, Utah power line. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(8)

**RATIFICATION OF FEDERAL AID AGREEMENT SUPPLEMENT BETWEEN EMERY COUNTY AND UTAH DEPARTMENT OF TRANSPORTATION FOR SOUTH MOORE CUTOFF ROAD- PHASE VII.**

Commissioner Kofford indicated that in March, Emery County signed a contract with UDOT for South Moore Cut-Off Road Phase VII. At that time the cost of the project was approximately \$4 million dollars. The cost has now gone up to more than \$6 million dollars. A new contract had to be signed to bring the contract current with the dollar amounts. The documents needed to be signed and sent off to meet with UDOTs bidding times. Therefore, Commissioner Kofford signed the documents and now that action needs to be ratified. Commissioner Jeff Horrocks made a motion to ratify the signing of a federal aid agreement supplement between Emery County and Utah Department of Transportation for South Moore Cut-Off Road-Phase VII. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(9)

**CONSIDERATION AND APPROVAL OF CONTRACT FOR CONSULTANT SERVICES TO DEVELOP, REVISE AND UPDATE EMERY COUNTY'S EOP.**

Commissioner Kofford indicated that Emery County proposes contracting with Dee Ell Fifield Consulting, an independent consultant to develop, revise and update the county's All-Hazards Homeland Security Emergency Operations Plan (EOP). There was a concern expressed that there is no maximum \$ amount indicated in the contract. Commissioner Jeff Horrocks made a motion to approve the contract for consultant services to develop, revise and update Emery County's EOP as long as we do not exceed the amount budgeted in Homeland Security for this project. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(10)

**CITIZEN CONCERNS**

None

(11)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Approval of 3% increase and 4% COLA for John Conder who has successfully completed his 6 month orientation period.

Shannon Hiatt requested approval to give a 3% increase and 4% COLA to John Conder who has successfully completed his 6 month orientation period. Commissioner Jeff Horrocks made a motion to approve the increase for John Conder as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

B. Approval to start the recruitment process for 7 part-time, working 19 3/4 hours per week lifeguards.

Shannon Hiatt requested approve to start the recruitment process for 7 part-time, working 19 3/4 hours per week lifeguards. Several lifeguards will be leaving for college. Commissioner Jeff Horrocks made a motion to approve starting the process to recruit 7 part-time, working 19 3/4 hours per week lifeguards. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

COMMISSION MEETING MINUTES  
AUGUST 11, 2009

C. Notification of hiring LeeAnn Seely as 90 day temporary at the  
Museum of the San Rafael.

LeeAnn Seely has been hired as a 90 day temporary at the Museum of the San Rafael.

(12)

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve the minutes dated July 13 and July 14, 2009 was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

Motion to approve the minutes dated July 28, 2009 was made by Commissioner Laurie Pitchforth and Commissioner Gary Kofford stepped down to second the motion as Commissioner Jeff Horrocks was out of town for that meeting. The motion passed.

(13)

**COMMISSION REPORTS**

*Commissioner Pitchforth*

Commissioner Laurie Pitchforth thanked the many hands that helped make this year's Emery County Fair successful. So many people pulled together to make everything run well. She thanked the MECCA Club, OHV Club, 4H and Extension service for doing the Lamb Fry.

*Commissioner Horrocks*

Commissioner Horrocks had a family commitment during the week of the fair but return in time for the Fair Parade and Saturday events.

*Commissioner Kofford*

Commissioner Kofford reported on the many projects that have been going on this summer. MBA was successful in procuring a grant for \$800,000.00 for the Emery County Care Center Remodel Project. The successful bidder, Carter Construction from Orem, Utah started work on the project yesterday. Nielson Construction was the successful bidder on the Goblin Valley Road project # 3 which is funded by park access funds. They will begin that project in 30 to 60 days. Congressman Jim Matheson was in the county on Friday. He met with some of the mayors in the county, toured the county and South Moore Cut-off road to I-70. Representative Kay McKiff was also here and helped out at the lamb fry on Saturday.

6

COMMISSION MEETING MINUTES  
AUGUST 11, 2009

(14)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An Executive session was not needed.

(15)

**ADJOURNMENT**

Motion to adjourn was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COMPLEX, GREEN RIVER ,UTAH

AUGUST 25, 2009

Present at the meeting was Commission Chair Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

(1)  
**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #200977 through and including #201140 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
75-09	Dodge Ram Ultra Bed/Sheriff	\$1,480.00
76-09	Picnic Tables/Aquatic Center	\$4,355.60
77-09	Janitors Cabinets/Aquatic Center	\$4,440.00

Commissioner Jeff Horrocks made a motion to approve the requisitions and check edit list as presented. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(2)  
**GREEN RIVER CITY REQUEST WAIVER OF BUILDING PERMIT FEE FOR GREEN RIVER MEDICAL CENTER.**

Commissioner Laurie Pitchforth made a motion to table this item. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF RESOLUTION ESTABLISHING AN EMERY COUNTY TRAIL COMMITTEE.**

This resolution would establish an Emery County Trail Committee. The committee would consist of five members: two members representing the Emery County Travel Bureau, two members representing the Public Lands Council and one representative from the Emery County Commission. The initial committee will consist of Lamar Guymon and Mark H. Williams from the Emery County Travel Bureau, Randal Stilson and Mistie Christiansen from the Public Lands Council and Gary Kofford representing the Emery County Commission. The committee shall establish bylaws and procedures to govern the affairs of the committee. The purpose of the committee shall be to develop and promote non-motorized trails and shall have oversight responsibility for recognized motorized trails. The committee shall work under the direction of the Emery County Travel Bureau and funds for any project shall be part of the budgeted Bureau funds or from grants. Commissioner Jeff Horrocks made a motion to approve resolution #08-25-09 establishing an emery county trail committee. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF EMERY COUNTY PERSONNEL/TRAVEL POLICY AMENDMENTS.**

Chairman Gary Kofford explained that the County has been working for about a year on revising the personnel policy. There is a section of travel and it is the County Attorney's recommendation that the travel policy be removed and adopted as a separate resolution. Commissioner Jeff Horrocks made a motion to approve the Emery County Personnel Policy amendments. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

One of the reasons that the county is revising the travel policy is the county is subject to IRS audit particularly relating to travel and how employees have access to vehicles. If employees are allowed to take vehicles home it is a taxable benefit. One of the revisions of the policy states that no county vehicles will be taken home. The other option is if the employee takes the car home they will be taxed on \$3.00 per day for forty-eight weeks in the year. The Commissioners need to make a motion for one option or the other. Commissioner Jeff Horrocks made a motion to allow the employees to take the vehicles home at a taxable benefit of \$3.00 per day. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present. The departments affected by this will be public lands, economic development, building inspection and county maintenance. The sheriff's department is handled separately. The road department vehicles and weed & mosquito vehicles fall under the emergency call out provision.

(5)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN UDOT AND EMERY COUNTY FOR RE-CONSTRUCTION OF TEMPLE MOUNTAIN ROAD LEADING INTO GOBLIN VALLEY STATE PARK - PHASE III.**

This agreement is for a total of \$1,900,000. Fiscal year 2008 had zero funds allocated. Fiscal year 2009 has \$450,000 allocated and FY2010 has \$500,000. This is matched 50 percent by the Emery County Special Service District #1. This will complete a new road from highway 24 to Goblin Valley. The project should be completed this spring. Commissioner Jeff Horrocks made a motion to approve the cooperative agreement between UDOT and Emery County for re-construction of temple mountain road leading into Goblin Valley State Park - phase III. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF MOU BETWEEN BLM AND EMERY COUNTY AS COOPERATING AGENCY ON THE GATEWAY SOUTH TRANSMISSION LINE PROJECT AND TRANSWEST EXPRESS TRANSMISSION LINE PROJECT.**

The Commission received a letter from the Wyoming State office stating that the Price BLM was part of that district. The letter asked if Emery County wanted to be a cooperating agency . Rocky Mountain Power is looking for a new corridor from Wyoming to Nevada. The new line project will go through Utah. If the County is a cooperating agency then we will have representatives involved in the process. Commissioner Jeff Horrocks made a motion to approve the MOU between the BLM and Emery County as cooperating agency on the gateway south transmission line project and transwest express transmission line project with change of following Wyoming state law to Utah state law. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY APPLICATION UTU-026549 BETWEEN EMERY COUNTY AND THE BLM FOR EMERY COUNTY COMMUNICATION SITE.**

This communication site is at Cedar Mountain and transmits into Green River and San Juan County. It is a 30 year agreement for a 400x400 piece of right-of-way. Commissioner Laurie Pitchforth made a motion to approve the right-of-way application UTU-026549 between Emery County and the BLM for the Emery County communication site. The motion was seconded by Commissioner Jeff Horrocks and approved by all member present.



(8)

**CONSIDERATION AND APPROVAL OF DONATION FOR SENIOR CITIZEN LAMB FRY.**

The Senior Citizen Lamb Fry will be held at the Bear Creek Campground on September 11, 2009 at 11:00 a.m. Commissioner Laurie Pitchforth made a motion to donate \$300 for the lamb fry. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF COOPERATIVE FIRE RATE AGREEMENT.**

The cooperative fire rate agreement is with the State Forestry and Fire division. It sets rates for the county road equipment if there is a fire that requires the use of county equipment. Commissioner Jeff Horrocks made a motion to approve the cooperative fire rate agreement. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(10)

**NOTIFICATION OF MEMOS CONCERNING COUNTY-OWNED VEHICLES AND CHRISTMAS PARTY.**

The County Commissioners have put together two memo's that will be going out to departments. The first memo is concerning the County Christmas party that has been held every year. It has been decided to try it for a year without having a Christmas party and instead holding a department or building party. The \$25.00 gift certificate that has been given to all employees in the past will be increased to \$50.00. Commissioner Laurie Pitchforth made a motion to give \$50.00 gift certificates to county employees at Christmas. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

The second memo is concerning county-owned vehicles. Effective September 1, 2009 all county owned vehicles will be parked at the road department in the fenced enclosure. If you need to check out a fleet vehicle contact the Road Department. If the vehicle has been assigned to a specific department then that department will retain the keys. All other keys will be retained by the Road Department.

(11)

**DISCUSSION AND APPROVAL OF ASSIGNMENT OF COUNTY-OWNED VEHICLES.**

Chairman Gary Kofford stated that recently Jim Gordon was made director over the EMT's. At that time he was told a vehicle would be assigned to him. Commissioner Laurie Pitchforth made a motion to assign Jim Gordon the white impala to use when he is on duty or on an emergency.

COMMISSION MEETING MINUTES  
AUGUST 25, 2009

The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(12)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Jeff Horrocks made a motion to approve the minutes dated August 11, 2009. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(13)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Approval to move the Network Services/GIS Administrator and Ambulance Director positions to FLSA exempt. Commissioner Jeff Horrocks made a motion to move the Network Services/GIS Administrator and Ambulance Director positions to FLSA exempt. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

B. Approval to hire Jessica Murray, John Conder, and Karen Royall as part-time lifeguards working 19 3/4 hours per week. Shannon Hiatt is requesting approval to hire Jessica Murray, John Conder and Karen Royall as part-time lifeguards. He also requesting approval to hire Julie Hall and Kaylee VanWagoner now and ratify them in the next commission meeting. Commissioner Jeff Horrocks made a motion to hire Jessica Murray, John Conder, Karen Royall, Julie Hall and Kaylee VanWagoner as part-time lifeguards working 19 3/4 hours per week. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

C. Approval to give Jacklynn Farren a 3% merit increase and a 4% COLA for successful completion of her 6 month orientation period. Jerilyn Mathis is requesting approval to give Jacklynn Farren a 3% merit increase and a 4% COLA for successful completion of her 6 month orientation period. Commissioner Laurie Pitchforth made a motion to approve the increase. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

D. Approval of Summary of Material Modification and Amendment #2 to the Emery County Employee Benefit Plan. Commissioner Jeff Horrocks made a motion to approve the summary of material modification and amendment #2 to the Emery County Employee Benefit Plan. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

COMMISSION MEETING MINUTES  
AUGUST 25, 2009

(14)

**COMMISSION REPORTS**

*Commissioner Pitchforth*

The Association of Governments had a meeting and had a presentation by Browns Field voluntary clean up program. There are grants and money available for properties that may qualify under their program. The lamb fry for the Senior Citizens September 11, 2009 at 11:00 a.m. At Aging the Board decided that from now on during election years anyone running for election is still welcome to come to the sr. center to campaign but they will be limited to fifteen minutes and they will be limited to coming no sooner than a month before the election. The aging center will also be doing more seminars with information relevant to senior citizens. The care center project has the foundation in and hopefully by the end of the week the walls will be up.

*Commissioner Horrocks*

Commissioner Horrocks stated that in the meeting this morning Public Lands Director Ray Petersen informed the group that the interpretive panels at the MK tunnels are now in place.

*Commissioner Kofford*

Brown Brother is currently working on Phase II of Goblin Valley Road. Nielsen Construction has the contract for Phase III. The Moore VII road site showing was this morning. The bids will be opened on the tenth and awarded shortly after. That phase will be finished next spring. There will be one more phase which will be a chip seal. It will run from the tee in Moore to I-70. The total project was approximately \$23,000,000. The reason for spending that much money on the road was it was made available through the federal government. Also back when I-70 was put through it was promised that there would be a road through there for ambulance services and to bring tourism to the western part of the county. The road will be complete next summer.

Last Wednesday was the one year anniversary of the Green River Senior Center opening. A walk through was conducted with the builder and they are working to finish up any warranty work that needed to be done.

(15)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An Executive session was not needed.

7

COMMISSION MEETING MINUTES  
AUGUST 25, 2009

(16)

**ADJOURNMENT**

Motion to adjourn was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 8, 2009

Present at the meeting was Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commission Chairman Gary Kofford was out of town, therefore, Commissioner Jeff Horrocks, as acting Chairman, stepped down throughout the meeting to execute the motions as needed.

(1)

**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # through and including # for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
78-09	(2) 2010 Chevrolet Tahoe Sheriff	\$61,000.00
79-09	(3) Command Center Equipment Sheriff	1,575.00

There were no dispositions:

Motion to approve the Warrant Check Edit List, additional claims and requisitions was made by Commissioner Laurie Pitchforth and seconded by Commissioner Jeff Horrocks. The motion passed.

(2)

**CONSIDERATION AND APPROVAL OF AMBULANCE BILL REDUCTION/ABATEMENT FOR DONALD OLSEN.**

The Commissioners received a letter from JCI Billing regarding Donald Olsen. The letter indicated that Mr. Olsen is currently in a care center, unemployed, and has no means to pay the balance of his ambulance bill which is in the amount of \$2,558.00. No payment have been made on the bill. Commissioner Laurie Pitchforth made a motion to write off an ambulance bill for Donald Olsen. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(3)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR CLEVELAND TOWN.**

Commissioner Jeff Horrocks explained that the building permit in the amount of \$9,858.69 is for construction of Cleveland Town's Fire Station. Customarily building permit fees are waived for government entities. This allows funds allocated for the project to go directly to the construction of the project. Commissioner Laurie Pitchforth made a motion to approve a building permit waiver for Cleveland Town for construction of a new fire station. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(4)

**CONSIDERATION AND APPROVAL OF RESOLUTION ESTABLISHING A NEW TRAVEL POLICY FOR EMERY COUNTY AND RESCINDING ALL PRIOR TRAVEL POLICIES, RULES, AND REGULATIONS.**

Commissioner Jeff Horrocks commented that a lot of work has gone into establishing a new travel policy for Emery County. The new policy will bring the county into compliance with IRS regulations and requirements. The new travel policy rescinds all prior travel policies, rules and regulations. Commissioner Laurie Pitchforth thanked Mary Huntington and all staff who worked diligently on this new travel policy. Ray Petersen asked about county issued credit use for meals. Attorney David Blackwell reviewed section 3.c.a.g. wherein it explained that county issued credit cards may not be used to purchase meals while traveling. The traveler will be paid a per diem rate for meals. However, the card may be used for entertainment meals under IRS Code, meaning "business purpose". You must indicate on the receipt the business discussed, those present, the date and amount spent on the meal. Dixie Swasey asked if the business purpose meals are just for when you are traveling or can they be in the county? Attorney David Blackwell explained that they can be for here also. If you are entertaining someone here from out of the area, like if someone is here from the state in a business capacity and you take them to lunch. Dixie asked if the card can be used for local people? David Blackwell explained that it does not have to be someone from out of the area, the whole purpose is that it does some business good. If you take someone to lunch that helps you in performing your duties then the meal falls under business purpose. Brenda Tuttle asked if the business meal has have more than two county employees. Attorney David Blackwell did not have an answer but referred to the IRS regulations. Commissioner Jeff Horrocks indicated that the key is that it has to meet IRS regulations. Going to lunch and saying you are having a business lunch does not qualify, unless there is a real purpose for the lunch. There has to be a business purpose. That purpose must be indicated on the receipt. It has to be beneficial for the county. If I were to go to lunch with Attorney David Blackwell and talk business it does not fall under the IRS regulations because I can go to his office to talk business. Dixie indicated that is where the problem has been in the past. She stated that we have gotten away from that, if we need to talk to another elected official it can be done

COMMISSION MEETING MINUTES  
SEPTEMBER 8, 2009

during working hours. Commissioner Horrocks indicated that we, as elected officials and department heads need to make sure our employees are following through with this new policy. Brenda Tuttle informed the Commissioners that new expense forms will be sent out along with a copy of the resolution to all departments. Phil Fauver asked the Commissioners to clarify the earlier statement that if an elected official is out of town on county business that he cannot use the county issued card for meals. Commissioner Jeff Horrocks answered that if the trip is a one day trip then no they can not use the county issued credit card for meals. Meals are on a per diem schedule. Commissioner Laurie Pitchforth made a motion to approve Resolution 090809 establishing a new travel policy for Emery County and rescinding all prior travel policies, rules and regulations. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(5)

**CONSIDERATION AND APPROVAL OF EMERY COUNTY CARE AND REHABILITATION CENTER BYLAWS.**

Commissioner Laurie Pitchforth explained that the Emery County Care and Rehabilitation Center has revised their bylaws to increase their board to a 9 member board representative of the county's geographic areas. The 9 member board consists of the following: Gil Conover, Richard Seely, Dan Wells, Connie Nelson, Randy Lake, Ruth Stilson , Tom Humphrey, Caleen Wilcox, and Laurie Pitchforth. Commissioner Laurie Pitchforth made a motion to approve of Emery County Care and Rehabilitation Center bylaws. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(6)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #39 AND #40 FOR THE AQUATIC CENTER.**

Commissioner Jeff Horrocks reported that Change order #39 is a revised change order to repaint the sound barrier units that stained by condensation. The amount is + \$2,530.00. Change Order #40 is add panic hardware and security screen to the main gate in the outdoor pool area. The amount is + \$1,761.00. There is still money in the AC contingency fund to cover the change orders in the amount of \$4,291.00. Commissioner Laurie Pitchforth made a motion to approve change order #39 and #40 for the Aquatic Center as proposed. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(7)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE STATE OF UTAH (DIVISION OF STATE PARKS AND RECREATION) AND EMERY COUNTY FOR DEVELOPMENT OF THE BUCKHORN INFORMATION CENTER.**

Public Lands Director, Ray Petersen presented a Cooperative Agreement between the State of Utah (Division of State Parks and Recreation) and Emery County for development of the Buckhorn Information Center. The county agrees to utilize state funding to construct restroom facilities for use by trail users and other recreational visitors to the Buckhorn area on property under control of the County. The State agrees to provide up to \$40,000.00 in funding for the project. Commissioner Laurie Pitchforth made a motion to approve a cooperative agreement between the State of Utah (Division of Parks and Recreation) and Emery County for the development of Buckhorn Information Center as outlined in the agreement. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(8)

**CONSIDERATION AND APPROVAL OF RENEWAL OF TITLE V RIGHT-OF-WAY FOR A PORTION OF GREEN RIVER AIRPORT ROAD (CR 1007)**

Commissioner Horrocks discussed right-of-way renewal application UTU-37253. He explained that when the airport was built in Green River a portion of the road was displaced and the built around. The right-of-way permit gives the county the right to operate and maintain county Road 1007 for a road routed around the Green River Airport. Commissioner Laurie Pitchforth made a motion to approve renewal of Title V Right-Of-Way for a portion of Green River Airport Road (CR 1007). The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(9)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR JAMES NIELSEN, WEED AND MOSQUITO DEPARTMENT.**

Commissioner Horrocks explained that James Nielsen has been working with a cooperative group made up of Carbon and Emery Weed and Mosquito Departments. They have put together 18 smaller groups that go out and help them spray for noxious weeds and remove non-native trees to the area and re-vegetate the areas. They have won an award and would like permission to travel to Sacramento, CA with Carl Ivy to receive the award. The expenses will be paid by the BLM. It is an honor for James to receive this award. Commissioner Laurie Pitchforth made a motion to approve out of town travel for James Nielsen. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.



COMMISSION MEETING MINUTES  
SEPTEMBER 8, 2009

(10)

**CITIZEN CONCERNS**

None.

(11)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval to hire David Ames as a full time Solid Waste Technician with benefits.**

Morris Sorensen requested approval to hire David Ames as a full time Solid Waste Technician at a Grade 14, \$14.15 per hour with full benefits effective September 9, 2009. Commissioner Laurie Pitchforth made a motion to approve hiring David Ames as Solid Waste Technician as proposed. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

**B. Ratify approval to hire Julie Hall and Kaylee Van Wagoner as part-time lifeguards, working 193/4 hours per week, with no benefits.**

In the last Commission meeting, action was taken to approve hiring Julie Hall and Kaylee Van Wagoner as part-time lifeguards working 193/4 hours per week, with no benefits at Grade 5, \$8.38 per hour. That action needs to be ratified. Commissioner Laurie Pitchforth made a motion to ratify the hiring of Julie Hall and Kaylee Van Wagoner as part-time lifeguards as proposed. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

**C. Approval to hire Stevie Feuers and Shala Pitchforth as part-time lifeguards, working 193/4 hours per week, with no benefits.**

Shannon Hiatt requested approval to hire Stevie Feuers and Shala Pitchforth as part time lifeguards, working 193/4 hours per week, with no benefits at Grade 5, \$8.38 per hour. Commissioner Jeff Horrocks made a motion to approve the hiring of Stevie Feuers and Shala Pitchforth as part-time lifeguards as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(12)

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to accept the minutes dated August 25, 2009 was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(13)

**COMMISSION REPORTS***Commissioner Pitchforth*

Commissioner Pitchforth reported on attending Historical Society's Cowboy Poetry event. The Emery County Care and Rehabilitation Center remodeling project is moving along. Walls are going up. The acting director has given her notice that she is leaving, so the center is in the process of hiring a new director. The design team has picked the colors for the carpet and walls. On Friday, September 4, 2009 the Senior Lamb Fry was held at Little Bear Campground. It was well attended and everyone had an enjoyable time. Ferron's Peach Days are coming up as well as Melon Days in Green River. An end of summer luncheon has been planned for September 26<sup>th</sup> for all employees. The Little Grand Canyon Marathon will be this coming weekend. 400 people have signed up to participate in the marathon, ½ marathon and 10k from Huntington to Swinging Bridge on the San Rafael.

*Commissioner Horrocks*

Commissioner Horrocks reported that the last Commission meeting was held in Green River where BOE was also held that day. Castle Country Partners met recently at the Museum of the San Rafael where information was exchanged on tourism and travel as well as the status of the economy in Carbon, Emery, Grand and San Juan Counties the five counties that make up the Castle Country Partners. They toured the Huntington Power Plant which is currently the most efficient power plant in the state of Utah. He reported on attending Green River Clinic's Board meeting on September 1, 2009 where they discussed moving forward with the addition to their facility and plans to enhance the ability to treat people in their area. He also attended Green River City Council meeting where they discussed using proposed city property tax revenues to pay for upgrading the city's infro-structure. During a recent Local Government Trust meeting they discussed contract employees and putting together a package to put out for bids from insurance brokers.

(14)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An executive session was not needed.

7

COMMISSION MEETING MINUTES  
SEPTEMBER 8, 2009

(15)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

SEPTEMBER 22, 2009

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # through and including # for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
80-09	2 post 12K Heavy Duty Lift Highway	\$4,875.14
81-09	ADA Accessible Water Cooler Library-Huntington	441.89
82-09	Leather Club Lounge Loveseat Library- Green River	554.83
83-09	Chair & Ottoman Library- Orangeville	776.00
84-09	Table & Chair set Library- Orangeville	695.00
85-09	Cricut Expressions Cutting System Library- Emery	368.14
86-09	Conference Chair/Studio Adj. Table Library- Ferron	504.95
87-09	Cricut Expressions Cutting Machine Library- Ferron	302.00

One Disposition was presented for #6901, Circular video display from the Library.

Motion to approve the Warrant Check Edit List, additional claims, requisitions and disposition as presented was made by Commissioner Jeff Horrocks, Seconded by Commissioner Laurie Pitchforth. The motion passed.

Motion to leave the regular meeting and move into a public hearing and at the conclusion of the public hearing to return to the regular meeting was made by Commissioner Jeff Horrocks, Commissioner Gary Kofford stepped down to second the motion. The motion passed.

(2)

**10:00 AM- PUBLIC HEARING-Conducting a public hearing to receive input from the public with respect to the issuance of up to \$12,500,000.00 general obligation bonds, if approved by eligible voters at a special bond election to be held in the Castle Valley Special Service District on Tuesday, November 3, 2009, for the purpose of paying all or part of the cost of certain capital improvement projects and the potential economic impact that the projects will have on the private sector.**

Commissioner Gary Kofford stated the purpose of the public hearing and turned the time over to Jacob Sharp, Castle Valley Special Service District and Alex Buxton, Zions Public Finance.

Jacob provided a brief summary of the election to be held on November 3, 2009 in conjunction with the 2009 Municipal Election. 2 questions will be put before the voters of Emery County. The first question asks the voter to authorize a \$12,500,000.00 bond to be used for the continuation of construction and improvement projects in the cities and towns of Emery County. The second question asks the voter to authorize to extend the annual tax levy of .001 into the future for the purpose of operation and maintenance of Castle Valley Special Service District as well as road maintenance such as chip seal and crack seal projects in the cities and towns in Emery County. Jacob added that the bond will not raise taxes but will continue the bond repayment until the new bond is retired instead of coming back in a few years to do it again. The verbage for the notice and question states that it is a notice of a tax increase. However, he reiterated, it is not a tax increase just an extension of the length of time to repay the bond. On the ballot this may be confusing to the voters. Without this authorization from the voters improvement projects will stop, and the District would have to raise rates significantly. Jacob stated that he has been vising cities and town council meetings to educate the local governments. They will be sending out a voter information brochure to augment their efforts to get the word out.

Commissioner Gary Kofford commented that he failed to mention that Darrell Leamaster retired

on September 11, 2009. Jacob is now the Director of the CVSSD. In the past the District has been able to take these voter approved funds to the CIB and sometimes double the money to fund projects throughout the county. Most of the time with grants that do not have to be repaid or 0% interest loans.

Commissioner Kofford asked for any comments or questions.

Phil Fauver asked if we ever get any of these bonds paid off?

Jacob answered that it takes five to six years to repay a bond. Each year we retire a few bonds and add another. This new bond will take us into 2024. He also added that the District is looking at replacing the county's aging infrastructure in the next 10 to 15 years. The culinary systems has been in the ground for at least 50 to 60 years. Some has been replaced, but a lot has not. This has the potential to cost a lot of money. Some of this replacement is planned with this bond election and some is in the future.

Alex Buxton explained that the District has done an outstanding job of getting 0% financing with this money. Without this bond election that would not be available to them. That saves the taxpayer 1.3 million just on interest alone. The voter information brochure that will be going out to the voters will summarize everything that has been discussed today.

Phil Fauver asked if there was a chance that this available money from the CIB would ever go away?

Alex reported that is possible at anytime with anything. Mineral lease money is federal money based on the energy producing counties in the state. Emery County is an energy producing county and he does not see that going away anytime soon.

There were no more questions or comments.

The public hearing was closed and they returned to the regular meeting.

(3)

**CONSIDERATION AND APPROVAL OF UTU-38044 RIGHT-OF-WAY APPLICATION FOR WILBERG MINE COAL HAUL ROAD**

Commissioner Gary Kofford recommended signing UTU -38044 Right-Of-Way application for Wilberg Mine Coal Haul Road with the BLM. Commissioner Jeff Horrocks made a motion to approve of UTU-38044 Right-Of-Way Application for Wilberg Mine Coal Haul Road. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(4)

**CONSIDERATION AND APPROVAL OF CLOSURE OF BOARD OF EQUALIZATION.**

Clerk/Auditor Brenda Tuttle explained that this is just a formality. The required forty-five days open protest period has come to an end. It is now time to close Board of Equalization. Commissioner Jeff Horrocks made a motion to close BOE for 2009. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(5)

**CONSIDERATION AND APPROVAL OF CLOSURE OF BOARD OF EQUALIZATION ADJUSTMENTS.**

Commissioner Jeff Horrocks made a motion to approve the Board of Equalization adjustments as presented. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(6)

**CONSIDERATION AND APPROVAL OF STATE OF STATE TRAVEL FOR BRENDA TUTTLE AND CAROL COX.**

Out of state travel to attend Caselle Conference in Las Vegas, NV was requested for Clerk/Auditor Brenda Tuttle and Deputy Clerk/Auditor Carol Cox. Commissioner Jeff Horrocks made a motion to approve out of state travel for Brenda Tuttle and Carol Cox as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(7)

**APPROVAL OF LETTER SUPPORTING UDOT IN THE BID AWARD FOR SOUTH MOORE PHASE VI TO NIELSON CONSTRUCTION.**

Commissioner Gary Kofford explained that there were 8 bidders on the South Moore Phase VII project. Nielson Construction was the low bidder on the project with a bid of \$2,948,081.25. UDOT has requested a letter from the Commission supporting award of the bid for South Moore Phase VII to Nielson Construction. Commissioner Jeff Horrocks made a motion to draft a letter from the Commission supporting award of the bid for South Moore Phase VII to Nielson Construction as low bidder on the project. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(8)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #2 FOR THE AQUATIC PARK.**

Change order #2 was for finishing up a few things with regards to the restrooms in the amount of \$19,161.35. A release of claims and final payment on the project is in the amount of \$22,995.82 making the total cost of the project \$426,591.25. Commissioner Jeff Horrocks made a motion to approve change order #2 for the Aquatic Park. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(9)

**CONSIDERATION AND APPROVAL OF PERSONAL PROPERTY EXEMPTIONS.**

Legislation that was passed in 2006 (HB338) states that a business with a taxable value less than \$3,800.00 may be exempt from Personal Property Tax. You must apply for this exemption and are subject to review and audit. A list of these personal property exemptions was presented for approval. Commissioner Jeff Horrocks made a motion to approve the list of personal property tax exemptions for 2009. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(10)

**CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$2,000,000.00 AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT BONDS (CONDUCTIVE COMPOSITES MANUFACTURING FACILITY PROJECT), SERIES 2009 OF THE COUNTY; FIXING CERTAIN MAXIMUM TERMS FOR THE BONDS; AND PROVIDING FOR RELATED MATTERS.**

Michael McCandless, Economic Development and Alex Buxton, Zions Public Finance representing the bonding company were present to discuss a resolution authorizing the issuance and sale of up to \$2,000,000.00 aggregate principal amount of Industrial Development Bonds (Conductive Composites Manufacturing Facility Project), Series 2009 of the county. Michael introduced George Hansen owner of Conductive Composites Manufacturing Facility, a research development firm located in Heber City, Utah. The company has put together a line of products. The products are non-conductive materials useful in aircraft manufacturing. The company is in need of a new manufacturing facility due to the number of orders that are currently lining up. Michael has been in negotiations with this company to locate their facility at the Industrial Park in Green River. They have negotiated a lease with Green River City to allow him, on a temporary basis, move into Green River City to begin manufacturing. The goal is to be in the



manufacturing mode by Thanksgiving and will provide approximately 35, household sustainable jobs to the area. This a very aggressive time line for the kind of high tech work that they do. But the orders are out there and the company needs to generate revenue. We still need to put together the overall financing package for him to put together his expansion plan. George has been working with delegates in Washington to secure on the Senate side through Senator Hatch's Office a 3.5 million dollars appropriation in the defense appropriation bill through a program to help make sure that the military has good suppliers for military manufacturing. They have funds to help companies that they view as key and critical to the defense's long term stability. They have an appropriation program that allows businesses to receive funds from the federal government to help them build manufacturing facilities. That money made it through the senate side a week ago. The whole project in total, acquisition of land, building of the building, putting in the infrastructure we are talking about 7 to 8 million dollars. We have come today with a component of that financing package with what is called Private Activity Bond. A Private Activity Bond is a tool that the IRS has developed over the last 30 to 40 years that allows municipalities to assist in the development of manufacturing entities in the state to create jobs. Instead of handing them money or giving them an incentive such as building them a road, we lend them our name. George has already been before this Private Activity Bond Board in July. Michael read from the State's Private Activity Bond Board's website as follows: "State and federal laws allow manufacturing company to ask a government entity or city or county to use their name and tax exempt financing status to issue tax exempt bonds the same way cities and counties finance themselves. However, instead of using the proceeds for a public purpose like a public activity the bonds are used to benefit a private user like a manufacturer, hence the bonds are called Private Activity Bonds. The tax exempt status of the bonds is obtained by having a government entity issue the bonds. The security that the government issues, assuming that they meet all the tax requirements are exempt from state and federal income taxes. Private users of the qualified Public Activity Bonds benefit because the interest rate of tax exempt bonds is lower than taxable bonds. Although Private Activity Bonds are issued by government entities there is no guarantee, debt, liability, obligation or pledge of faith by the city or county. Essentially, the government entity lends its name as the issuer enabling the manufacturing entity to realize the tax exempt interest rate. Tax exempt bonding provides manufacturers in Utah with an alternative low cost source of funds to finance capital expenditure which in turn creates jobs and other public benefits to the state's economic development."

Mr. Hansen went before the Private Activity Bond Board in July and was approved to receive up to 2 million dollars under the Private Activity Bond Program. This is another way for us to offer incentives to locate their business in Emery County.

Alex Buxton commented that the tax exempt benefit between a tax exempt bond and taxable bond is about 1.5 to 2 %. If you are dealing with a \$2 million bond issue you can see that the savings and interest over the life of the bond is a few hundred thousand dollars. Not a small amount. So you can see why it is worth it for Mr. Hansen and his company to go through the

hoops of meeting before the Private Activity Bond board, putting together an application, getting a municipality or county to issue the bonds on his behalf. Again, there is no commitment from the county's perspective. You are not on the hook in any way, shape or form with respect to repayment of this debt. You are just the conduit issuer on behalf of the company to get the tax exempt interest rate.

Commissioner Kofford asked if this affects the county's bonding ability for the future?

Alex indicated that it will show up on your financial statement but not as far as bonding capacity, credit rating or bank qualification, where there is a limit of \$30 million dollars you can issue in any one given year and still maintain a bank qualification status.

Michael commented that it will actually show up on the State's limit.

Alex indicated that the second piece to this process is probably the toughest part. Finding a financial institution to be purchaser of the bond. Alex indicated that he is confident that they will be able to do that.

Attorney David Blackwell commented that investors, when they look at this they look at the company, not the county to guarantee the bond.

Commissioner Jeff Horrocks made a motion to approve and move forward with the issuance of up to \$2,000,000.00 aggregate principal amount of Industrial Development Bonds on behalf of Conductive Composites Manufacturing Facility Project, Series 2009 of the County. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(11)

**SETTING OF A PUBLIC HEARING FOR OCTOBER 13, 2009 WITH RESPECT TO THE ISSUANCE OF UP TO \$2,000,000.00 AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT BONDS (CONDUCTIVE COMPOSITES MANUFACTURING FACILITY PROJECT), SERIES 2009 IN ACCORDANCE WITH THE PROVISIONS OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.**

Commissioner Jeff Horrocks made a motion to set a public hearing for October 13, 2009 at 10:00 am with respect to the issuance of up to \$2,000,000.00 aggregate principal amount of industrial development bonds (Conductive Composites Manufacturing Facility Project), Series 2009 in accordance with the provisions of Section 147(f) of the IRS Code, as amended. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(12)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director Mary Huntington presented the following personnel action:

**A. Approval to provide and pay the employee's costs for flu, pneumonia, and swine flu (when available) vaccines in conjunction with the Wellness Fair, November 5-6 2009.**

Commissioner Jeff Horrocks made a motion to approve paying the employee's costs for flu, pneumonia, and swine flu (when available) vaccines in conjunction with the Wellness Fair in November. Spouse and dependents are invited to receive the vaccines and Emery Medical will bill Meritain in their behalf. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**B. Approval of 3% merit and 4%COLA increase for Janetta Young for successful completion of 6 month orientation period.**

Jerilyn Mathis requested approval for a 3% merit increase and 4% COLA for Jannetta Young who has successfully completed her 6 month orientation period. Jannetta move from Grade 6, \$8.02 per hour to Grade 6, \$8.61 per hour effective October 5, 2009. Commissioner Laurie Pitchforth made a motion to approve a 3% merit increase and 4% COLA fro Jannetta Young as proposed. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

The following names were presented for approval to be volunteers for the Emery County Travel Bureau:

Shawna Horrocks  
Gayla Guymon  
Helen McCandless  
Brandon McCandless  
Terry Williams  
Mark Benson  
Chris Carter  
Beth Marshall

Commissioner Laurie Pitchforth made a motion to approve the volunteer list for the Emery County Travel Bureau. The motion was seconded by Commissioner Jeff Horrocks and the motion passed. This action will be ratified in the next Commission Meeting.

(13)

**CITIZEN CONCERNS**

Commissioner Gary Kofford reported that a hearing will be held on October 1, 2009 in Washington, D.C. on the Red Rock Wilderness Bill wherein, it is proposed to designate 9.2 million acres to wilderness. Should this bill pass 1.2 million acres of Emery County would become wilderness. Lobbyist Robert Weider made a request through the GOP that Governor Gary Herbert, Representative Jim Matheson, Commissioner John Jones (Carbon County) and Commissioner Pitchforth have an opportunity to testify at this hearing. Commissioner Kofford recommended that approval be given to pay for travel and associated costs to Washington, D.C. for Commissioner Pitchforth should the need arise. Commissioner Jeff Horrocks made a motion to approve travel to Washington, D.C. and associated costs for Commissioner Pitchforth to testify at a hearing on the Red Rock Wilderness Bill. Commissioner Gary Kofford stepped down to second the motion. The motion passed. This matter will be ratified in the next Commission Meeting.

(14)

**COMMISSION REPORTS***Commissioner Laurie Pitchforth*

Commissioner Laurie Pitchforth reported on the recent Senior Lamb Fry at Little Bear Campground. She expressed appreciation to Kent and Julie Wilson for the food and Green River Senior Citizens for bringing the watermelons to share. She attended the Recreation Special Service District's board meeting in Green River. Various leagues are starting up play in the county. The Rec District will host a Pumpkin chucking festival the week after Halloween. MECCA Fall Bike Ride will be Fri and Sat, September 25,26, 2009. Historical Society will host an outing at Delon Olsen Ranch in Joe's Valley. Peach Days was great. Little Grand Canyon Marathon had over 400 people from 30 different states and 6 different countries. Goblin Valley Ultra Marathon is coming up. She reported on attending a CDBG funding workshop. RSVP held a party to celebrate their walk to Russia program. She also attended SEUDH Council on Aging. Melon Days had a big crowd. Library Board has approved improvements to several libraries in the county. Their summer read program had over 600 participants this year. The Emery Care and Rehabilitation Center remodel project is well under way. Walls are up and roofing has begun.

*Commissioner Jeff Horrocks*

Commissioner Horrocks reported on meeting with DNR RAC board in Green River. They discussed the release of Tiger Muskie in Joe's Valley Reservoir in hope to deplete the trash fish.

10

Commission Meeting Minutes  
September 22, 2009

He recently met with UAC Board. They did some housekeeping and made some appointments to UAC and discussed insurance and coverages. He recently met with Darrell Stapely, DOT regarding the designation of a portion of SR 29 Joe's Valley as OHV trail area. Signs are being placed there. You can now drive to the Marina on your 4x4 without getting a ticket. The Fire Protection Special Service District is working on getting CIB funding to get 8 new trucks.

*Commissioner Gary Kofford*

There will be a fly-in at the Huntington Airport on September 25, 26,2009 from the Back Country Pilots Association. They have some activities planned for Saturday. Regarding road projects he reported on the progress of the South Moore Phase VII project and Goblin Valley Phase II and III projects.

(14)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER CLOSED MATTERS ALLOWED BY LAW.**

An Executive Session was not needed.

(15)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

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

OCTOBER 13, 2009

Present at the meeting was Commission Chairman Gary Kofford and Commissioner Laurie Pitchforth, Commissioner Jeff Horrocks was absent from the meeting due to illness. Therefore, Commissioner Gary Kofford stepped down throughout the meeting to execute motions as needed.

**(1)**  
**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #201922 through and including #202138 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
88-09	Inverter Sheriff	\$2,370.40
89-09	Rotator, stand, rifle target Sheriff/Gun Range	3,130.00
90-09	50 Cal Rifle Sheriff	8,269.00
91-09	80 Pagers, 24 hand held radios/EMT's 5 TK-790 Kenwood Mobile Radios Communications/Sheriff's Posse/EMT's	47,044.00
92-09	2 FMT-25 FM Radio Translators 2 Isolators for Translators Television	9,360.00
93-09	2 Eden Pure Heaters Assessor	639.98

Commission Meeting Minutes  
October 13, 2009

94-09	Office Chair Clerk/Auditor	383.72
95-09	Office Chair Personnel	452.62

Dispositions were presented for the following:

9375 Vacuum	Library	1822 Freezer	Sheriff	5386 Pager	J Court
0096 Chair	Sheriff	1821 Freezer	Sheriff	5029 Television	Sheriff
0095 Stool	Sheriff	1820 Buffer	Sheriff	3409 Microwave	Crthse
0087 Meter	Sheriff	1818 Scale	Sheriff	2753 Typewriter	Recrtn
0089 Resistor	Sheriff	1819 Camera	Sheriff	6008 Microwave	Sheriff
0086 Power supply	Sheriff	1816 Foodmixer	Sheriff	6007 Television	Sheriff
0083 Table	Sheriff	1813 Slicer	Sheriff	6017 Scale	Sheriff
9095 Vacuum	C/A	1812 Grill/Range	Sheriff	1862 Camera	Sheriff
7138 Radio	Sheriff	1785 Metal Cabinet	Sheriff	3551 Chairs	Sheriff
6340 Radio	Sheriff	1786 Metal Cabinet	Sheriff	3572 Chair	Sheriff
6336 Radio	Sheriff	1797 Metal Cabinet	Sheriff	3571 Chair	Sheriff
6363 Radio	Sheriff	1774 Chair	Sheriff	5037 Camera	Sheriff
5293 Radar gun	Sheriff	1775 Chair	Sheriff	0043 Radio	Sheriff
5492 Radio	Sheriff	1777 Coatrack	Sheriff	0101 Monitor	Sheriff
5290 Radio	Sheriff	1778 Coatrack	Sheriff	5260 Solar Panel	Sheriff
5654 Radio	Sheriff	1747 Desk	Sheriff	5266 Camcorder	Sheriff
6010 Radio	Sheriff	1750 Desk	Sheriff	5281 Console	Sheriff
7137 Radio	Sheriff	1752 Desk	Sheriff	0280 Television	Sheriff
6360 Radio	Sheriff	1753 Desk	Sheriff	5765 VCR	Sheriff
7026 Radio	Sheriff	1744 Chair	Sheriff	5758 Laminator	Sheriff
7136 Radio	Sheriff	1745 Chair	Sheriff	5150 Analyzer	Sheriff
6367 Radio	Sheriff	3519 Desk	Sheriff	5155 Dishwasher	Sheriff
7140 Radio	Sheriff	7439 Vehicle top	Sheriff	5500 Printer	Sheriff
0280 Television	Sheriff	6840 Cellphone	J Court	6652 Motor, boat	Sheriff
1001 Water purifier	Sheriff	6285 Television	Sheriff		
6355 Radio	Sheriff	6286 Television	Sheriff		
1122 Desk	J Court	6287 Television	Sheriff		
1133 Desk	J Court	6171 Cellphone	Wldfire		
1172 Cash register	J Court	6000 Freezer	Sheriff		
1177 Desk	Crthse	5659 Chair	Sheriff		
1940 Television	Sheriff	5660 Chair	Sheriff		
1919 Radio	Sheriff	5385 Radio	J Court		

Motion to approve the Warrant Check Edit List, Requisitions and Dispositions was made by Commissioner Laurie Pitchforth and Seconded by Commissioner Gary Kofford. The motion passed.

(2)

**DISCUSSION OF COUNTY GIFT FOR ANNUAL UAC CONFERENCE IN ST. GEORGE, UTAH.**

UAC Conference will be November 12 and 13<sup>th</sup> in St. George, Utah. Counties are asked to bring a gift that represents their county. The minimum amount of the gift should be a minimum of \$50.00 and not over \$300.00. Dixie Swasey has been assigned to get the gift in the past and was asked if she would be willing to do it again this year. Dixie indicated that she would be willing to get the gift. Commissioner Gary Kofford made a motion to assign Dixie Swasey to get a gift representative of Emery County, spending under \$300.00. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

Commissioner Laurie Pitchforth made a motion to leave the regular meeting and move into a public hearing and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(3)

**10:00 AM, PUBLIC HEARING- TO RECEIVE PUBLIC INPUT WITH RESPECT TO THE ISSUANCE OF UP TO \$2,000,000.00 AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT BONDS (CONDUCTIVE COMPOSITES MANUFACTURING FACILITY PROJECT) SERIES 2009 IN ACCORDANCE WITH THE PROVISIONS OF SECTION 147 (F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.**

Mile McCandless, Economic Development provided a brief background of the purpose for the public hearing. The purpose is to receive input with respect to the issuance of up to \$2,000,000.00 aggregate principal amount of Industrial Development Bonds (Conductive Composites Manufacturing Facility Project) Series 2009 in accordance with the provision of Section 147 (f) of the Internal Revenue code of 1986 as amended. Mike explained that this is meet IRS guidelines in relationship to Emery County's assisting Conductive Composites in receiving up to \$2 million in industrial revenue bonds or private activity bonds which allows the company to utilize the county's name to go out and searching for bonds that they can sell to fund a portion of the project. The project is actually approximately between \$6 and \$8 million dollars this would constitute a fairly large part of the overall project but not the total financing package. The county did approve to move forward with the issuance of the bonds. However, to meet requirements of the law we have to hold a public hearing to receive any public comment that arises during the process. This process will be attached to Conductive Composites statements as



part of the process and in filing their taxes. Conductive Composites is moving forward in working on their temporary facility in Green River. They are targeting to move into the temporary facility by Thanksgiving. The planning and zoning approval is on the agenda for tomorrow night's Planning & Zoning meeting at 7:00pm. They have made it through the Senate Committee to receive approximately \$3.5 million dollars towards the project through military appropriations. Things look favorable for that. It should make it through that process soon. That component of the financing package is moving along well because of the type of business that they are. They have already hired some local Green River residents, mostly construction and workers at the location. The purpose of the public hearing today is to receive concerns or comments the public might have in relation to the issuance of the bonds. The county is offering, instead of cash as they would a normal incentive, such as a tax incentive or assistance in building a road, we are offering the county's name to assist Conductive Composites in the development of their bond. Once we issue our name on this we will effectively be out of the process. Other than there will be a follow up meeting to approve the sale of the bonds once the bonds are sold.

Commissioner Kofford asked for any questions or comments.

Steven Barton asked if on the application it shows Emery County as a supporter of the process.

Mike indicated that we send an inducement letter indicating that Emery County approves of them to utilize our name for the purpose of the private activity bond.

Commissioner Kofford indicated that the bond will be tax free and whoever buys the bond will not have to pay tax on it. That is the incentive to buy the bond. The accountability for the bond goes back to the State of Utah rather than the County's and does not affect the county's ability to bond in the future. The State is allotted \$ 6million dollars for bonding purposes.

Commissioner Kofford indicated that he went down there last week. They are working out a few fire code issues.

Phil Fauver asked about the fire code issue. Is the manufacturing process flammable?

Mike indicated that the chemicals that they use in the process have specific classification associated with them under the fire code. They want to make sure the construction of the building has meets the fire code for the specific chemicals that they have in place. It means that they need a three hour fire rating on the wall between the office and portion of building where manufacturing takes place. They have to determine the best way to meet the need in the building.

Phil Fauver: There is no way that the chemicals can leak out into the ground water?

Mike indicated that the chemicals are all in gas form. Actually it is Carbon Monoxide. They use

the Carbon Monoxide to mix with Nickel that creates the process that they want. That process is the reason for the concern.

Commissioner Kofford indicated that the reason for the concern is that the building where the manufacturing takes place is next to an office area. That wall is the reason for the three hour fire rating.

Hearing no more comments. They returned to the regular meeting.

(4)

**CONSIDERATION AND APPROVAL OF OUT OF STATE TRAVEL FOR JANALEE LUKE, NICOLE DEABENDERFER, TOM HARRISON, JARED CURTIS, AND JOHN BARNETT.**

Motion to approve out of state travel for Janalee Luke, Nicole Deabenderfer, Tom Harrison, Jared Curtis and John Barnett was made by Commissioner Laurie Pitchforth and seconded by Commissioner Gary Kofford. The motion passed.

(5)

**OPENING OF FUEL BUNKER BIDS. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

The Highway Department publish advertisement for bids to construct a fuel bunker at the road shop. One bid was received from Wall Contractors in the amount of \$6,864.00. Commissioner Laurie Pitchforth made a motion to award the bid for construction of a fuel bunker at the road shop to Wall Contractors for \$6,864.00. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(6)

**RATIFICATION OF 2010 SECURE RURAL SCHOOL ALLOCATION. NOTIFICATION OF PUBLIC COMMENT PERIOD.**

Commissioner Gary Kofford asked for a ratification of action taken to determine allocation of Emery County's FY2009 Secure Rural School Funds. Action had to be taken prior to meeting in order to comply with an October 1<sup>st</sup> deadline. The amount coming to Emery County for FY2009 is \$353,888.00. It was determined that 85% would go to Title I projects (split 50/50 between Emery County School District and Emery County Special Service District #1), 8% would go to Title II which goes to area Forest Service RAC's and 7% would go to Title III projects. Commissioner Laurie Pitchforth made a motion to ratify the distribution of Secure Rural School

funds for FY2009 as 85% to Title I, 8% to Title II, and 7% to Title III. The motion was seconded by Commissioner Gary Kofford and the motion passed.

Title III funds go to the county to be used to carry out activities under the fire wise communities program or to reimburse county for emergency services performed on federal land or to develop a community wild fire protection plan. Commissioner Kofford asked that FY2008 Title III funds in the amount of \$19,660.00 be issued to Emery County to reimburse for costs involved in search and rescue efforts in the San Rafael Swell. The county is required to put notice in the paper of the intended use of Title III funds and allow 45 days for a public comment period before allocating these funds. The county must also certify that funds were used for the authorized uses. Commissioner Laurie Pitchforth made a motion to approve publishing notice in the Emery County Progress of Emery County's intent to distribute FY2008 Title III funds as discussed above. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(7)

**CONSIDERATION AND APPROVAL OF VETERAN, CIRCUIT BREAKER, AND BLIND TAX ABATEMENTS.**

Motion to approve the veteran, circuit breaker, and blind tax abatements for 2009 was made by Commissioner Laurie Pitchforth and seconded by Commissioner Gary Kofford. The motion passed.

(8)

**CONSIDERATION AND APPROVAL OF LOW INCOME TAX ABATEMENTS FOR MARY ANN RIZZUTO, VERNE HINTON, AND DORIS COOPER.**

Brenda Tuttle presented the low income abatement applications for Mary Ann Rizzuto, Verne Hinton and Doris Cooper. At the Commissioners discretion the abatement may be up to fifty percent of the tax owing in 2009. Taxes for Mary Ann Rizzuto are \$831.63, 50% would be \$415.82. Taxes for Verne Hinton are \$472.53, 50% would be 236.27. Taxes for Doris Cooper are \$686.81. Doris has been making payments and has a balance of \$76.21. Commissioner Laurie Pitchforth made a motion to approve abating 50% of the owing property taxes for Mary Ann Rizzuto and Verne Hinton and \$76.21 for Doris Cooper. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(9)

**SETTING OF DATES FOR FY2010 BUDGET WORK MEETINGS.**

The Board of Commissioners discussed setting budget meetings for the following dates:

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October 20<sup>th</sup> at 9:00 am, October 23<sup>rd</sup> at 9:00 am, November 4<sup>th</sup> at 9:00 am, November 5<sup>th</sup> at 9:00 am and November 6<sup>th</sup> at 9:00 am. Commissioner Laurie Pitchforth made a motion to set budget meetings for t October 20<sup>th</sup> and 23<sup>rd</sup>, November 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> beginning at 9:00 am. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(10)

**CONSIDERATION AND APPROVAL OF AGREEMENT TO JOINTLY PARTICIPATE WITH CARBON COUNTY AND ASSOCIATION OF GOVERNMENTS ON AN APPLICATION FOR AN EPA ASSESSMENT GRANT FOR SOUTHEASTERN UTAH.**

Mike McCandless explained that this is an agreement with Carbon County, Emery County and Southeastern Utah Association of Local Governments to facilitate the organization Brownfield Assessment to inventory and reclaim properties that have contamination such as old service stations. Point man on the project would be Delynn Fielding, Carbon County, with Mike McCandless, Emery County assisting. Commissioner Laurie Pitchforth made a motion to approve an agreement to participate with Carbon County and Association of Governments on an application for an EPA Assessment Grant for Southeastern Utah. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(11)

**CONSIDERATION AND APPROVAL OF UNDERGROUND RIGHT-OF-WAY AGREEMENT BETWEEN EMERY COUNTY AND ROCKY MOUNTAIN POWER FOR CARE CENTER.**

Commissioner Kofford reported that the transformer on the pole at the Emery County Care Center needs to be moved closer to the building. Since the property is in Emery County's name the approval for an underground right-of-way easement must come from the county. The work involved in doing this will be approved in MBA. The easement document has been reviewed by Attorney David Blackwell. Commissioner Laurie Pitchforth made a motion to approve an underground right-of-way easement with Rocky Mountain Power to move the transformer power line at the Emery County Care Center. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(12)

**AWARD CONTRACT FOR REMOVAL OF RUSSIAN OLIVE TREES FROM SWINGING BRIDGE TO FULLER'S BOTTOM AND ASSOCIATED PAPERWORK.**

James Nielsen, Emery County Weed/Mosquito has received a grant through the BLM for the purpose of flagging, removing and treating Russian Olive Trees along Fuller's Bottom to Swinging Bridge. Request for proposals to do the work on the 20 to 26 mile stretch were advertised. Bids were received from the following:

Global Studies Institute, \$2,750.00 for the first two miles of the project or \$18,760.00 complete.

Castle Valley Landscaping, \$87,000.00

Kolby Jensen, \$26,000.00

Lee Jeffs, \$8,000.00

Commissioner Kofford suggested having James review the bids along with Attorney Blackwell to

determine the liability involved in this project and to determine the best qualified to do the job, not necessarily the lowest bidder. James indicated that it is hard to determine the magnitude of this project. The county attorney needs to draw up a contract indicate the liability involved in this project. Commissioner Laurie Pitchforth made a motion to let James review the bids along with the assistance of Attorney David Blackwell and determine the best one to do the work. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(13)

**SETTING OF FIRST PUBLIC HEARING TO CONSIDER POTENTIAL PROJECTS FOR WHICH FUNDING MAY BE APPLIED UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITIES PROGRAM FOR PROGRAM YEAR 2010.**

Commissioner Laurie Pitchforth made a motion to set a public hearing date for November 10, 2009 at 10:00 am to consider potential projects for which funding may be applied under the Community Development Block Grant Small Cities Program for program year 2010.

The motion was seconded by Commissioner Gary Kofford and the motion passed.

(14)

**CONSIDERATION AND APPROVAL OF COMMISSIONER ADJUSTMENT FOR STONEY JENSEN ON PROPERTY ASSESSMENT.**

Kris Bell, Assessor presented a Commissioner adjustment (refund) request for property owned by Stoney Jensen which was missed during BOE. This property should have been placed on Greenbelt. Previous market value was \$1,250.00, new market value is \$1,250.00 with the use for

Greenbelt at \$80.00. Previous taxes were \$18.59, new taxes are \$1.18. This is a difference of -\$17.41. Also, a Commissioner's adjustment through the Treasurer's program, owner Stoney Jensen had a question regarding percentage completed on his home in Elmo, Utah. This was to be done for BOE but was missed by area appraiser. Previous market value \$135,677.00, new market value \$75,376.00. Previous taxes \$1,109.55, new taxes \$616.42. This is a difference of -\$493.13. Commissioner Laurie Pitchforth made a motion to approve the proposed property assessment adjustments for Stoney Jensen. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(15)

**CITIZEN CONCERNS.**

Phil Fauver commented on the proposed initiatives on the ballot in November. He urged everyone to read them carefully.

(16)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

A. Ratification of Emery County Travel Bureau volunteers.

Ratification to add Shawna Horrocks, Gayla Guymon, Helen McCandless, Brandon McCandless, Terry Williams, Mark Benson, Chris Carter, and Beth Marshall as volunteers for the Emery County Travel Bureau. Commissioner Laurie Pitchforth made a motion to ratify the list of volunteers for the Emery County Travel Bureau. The motion was seconded by Commissioner Gary Kofford and the motion passed.

B. Notification of 90 day temporaries, Kyle Cook and LuAnn Koch.

Notification that Jerilyn Mathis hired Kyle Cook as a 90 day temporary employee to help with the general maintenance of the Libraries while Owen Olsen is out for personal reasons. The arrangement will be \$10.00 per hour plus .55 cents per mile. This was effective September 30, 2009. Notification that LuAnn Koch will be a 90 day temporary employee teaching aqua size for one hour 5 times a week. The wage will be \$8.75 per hour and was effective October 8, 2009.

C. Approval for Mark DeBry, Ray Petersen and Mike McCandless to take county vehicles home per personnel policy section 10.

Request was made for Mark DeBry, Ray Petersen, and Mike McCandless to be able to take home a county owned vehicle based upon the qualifying events under the vehicle personnel policy section 10. \$60.00 per month will be deducted from their paycheck for the use of the county

owned vehicle. Commissioner Laurie Pitchforth made a motion to approve Mark DeBry, Ray Petersen and Mike McCandless to take home a county owned vehicle at \$60.00 per month per policy. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(17)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Motion to approve the minutes dated September 8, 2009 and September 22, 2009 as corrected was made by Commissioner Laurie Pitchforth, seconded by Commissioner Gary Kofford and the motion passed.

(18)

**COMMISSION REPORTS**

*Commissioner Pitchforth*

Commissioner Pitchforth reported on attending UAC in Park City September 23,24,& 25, 2009. She also reported on several Care Center meetings held recently. Things are moving along quickly at the Care Center. There is a push to get the roof shingled before the snow flies. They have appointed a new director at the Care Center, Caleen Wilcox. Caleen will be there for 6 months at which time the board will decide how to proceed. Commissioner Pitchforth indicated that working on the Care Center remodel project has been learning experience. She reported on recent activities in the Recreation Special Service District.

*Commissioner Kofford*

Commissioner Kofford reported on attending UAC in September. He also reported on the House Subcommittee and the Red Rock Wilderness Bill. President Obama's Administration recommended that the bill come back to the local area. The bill has been out there for over twenty years now. Compromises will be required to find something that is workable. The pressure is on for the legislature to put together something that will fill the need. Commissioner Kofford reported on ongoing road projects in the county. Moore VII has been awarded to Nielson Construction. They have started the survey work. It will be a winter project with asphaltting in the spring. Goblin Valley road has started and is contingent upon the weather.

CIB funding cycle favorable lists with \$800,000.00 for the Care Center remodel project that the MBA will match for a total project amount of \$1.6 million. Lila Canyon road is a \$9.6 million dollar project with UEI putting up \$1.6 million dollars. The AOG has a project with Daggett,

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Commission Meeting Minutes

October 13, 2009

Uintah, Duchesne, Carbon, Emery, Grand and San Juan Counties for communications equipment to meet low band radio requirements by 2013 in conjunction with a grant from CIB to put in the backbone for the system. Emery County's share of this grant is \$720,000.00.

**(19)**

**ADJOURNMENT**

Motion to adjourn was made by Commissioner Laurie Pitchforth, seconded by Commissioner Gary Kofford and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

OCTOBER 27, 2009

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Laurie Pitchforth was out of town. Therefore, Commissioner Gary Kofford stepped down throughout the meeting to execute motions as needed.

(1)  
**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 202262 through and including #202409 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
96-09	(2) Variable Flow Foggers Weed/Mosquito	\$18,217.00
97-09	Sheartech DS-6500 Document Sequence Attorney	1,950.00

There were no dispositions.

Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List and requisitions as presented. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(2)  
**AWARD CONTRACT FOR REMOVAL OF RUSSIAN OLIVE TREES FROM SWINGING BRIDGE TO FULLER'S BOTTOM AND ASSOCIATED PAPERWORK.**

Bids for the removal of Russian Olive Trees from Swinging Bridge to Fuller's Bottom were opened in the last Commission Meeting. At that time James Nielsen was instructed to determine the best person to do the job and get with Attorney David Blackwell to coordinate a contract with the county to do the work. James has met with Lee Jeffs, the low bidder for the project and has indicated that he feels confident that Lee has the experience and ability to do the job. Commissioner Jeff Horrocks made a motion to award the bid for the removal of Russian Olive

COMMISSION MEETING MINUTES  
OCTOBER 27, 2009

Trees from Swinging Bridge to Fuller's Bottom for the bid amount of \$8,000.00 to Lee Jeff's contingent upon Lee's signing a contract with Emery County. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(3)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR  
DUP HUNTINGTON HOME AND EMERY COUNTY ROAD DEPARTMENT.**

Building permit waivers were discussed for replacing the roof on the Daughters of Utah Pioneers home in Huntington in the amount of \$69.25 and Emery County Road Department for fuel tank bunker in the amount of \$229.76. Commissioner Jeff Horrocks made a motion to approve building permit fee waivers for Huntington DUP and Emery County road Department as proposed. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(4)

**CONSIDERATION AND APPROVAL OF COMMISSIONER ADJUSTMENT FOR  
GREENE PROPERTIES ON PROPERTY TAX.**

Assessor Kris Bell requested a Commission Adjustment for Green Properties located in Castle Dale. She indicated there was an Assessor's Office coding error resulting in the commercial property's wall structure were put in as steel frame rather than masonry bearing walls. The previous market value was \$788,300.00, new market value is \$556,779.00. Previous Taxes were \$9,444.62, new taxes are \$6,670.76. The result is a difference in taxes of \$2,773.86. Commissioner Jeff Horrocks made a motion to approve a Commission Adjustment for Green Properties as proposed. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(5)

**CONSIDERATION AND APPROVAL OF TENTATIVE BUDGET FOR EMERY  
COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT FOR FY2010.**

Clerk/Auditor Brenda Tuttle explained that by state law the Clerk/Auditor must present a tentative budget to the governing body of the county prior to November 1<sup>st</sup>. The Commissioners will start meetings next week with department's to go over their individual department's budget requests. County revenues are the same except for mineral lease funds which will be budgeted for later when it comes in. Commissioner Jeff Horrocks made a motion to approve the 2010 tentative budget for Emery County. The motion was seconded by Commissioner Gary Kofford and the motion passed.

COMMISSION MEETING MINUTES  
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Jacob Sharp, CVSSD presented 2010 tentative budgets for their three funds, Capital Projects Fund, Debt Service Fund and General Fund. Jacob indicated that the board of the CVSSD met on October 14<sup>th</sup> where they approved the tentative budgets presented. Jacob reviewed the individual fund budgets with the Commissioners. Commissioner Jeff Horrocks made a motion to approve the 21010 budgets for Castle Valley Special Service District. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(6)

**CONSIDERATION AND APPROVAL OF OUT OF STATE TRAVEL FOR NORMAN VUKSINICK, BILL DOWNARD, AND ROBERT BLACKBURN.**

Commissioner Jeff Horrocks made a motion to approve out of state travel for Norman Vuksinick, Bill Downard, and Robert Blackburn. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(7)

**CITIZEN CONCERNS**

None

(8)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

**A. Approval of a 3% longevity pay adjustments for Mitch Vetere, Bob Blackburn, Les Reece, Gayle Jensen, John Burdick, and Gerry Hatch and 1.5% for Deborah Williams.**

Request was made for a 3% longevity pay adjustment for Mitch Vetere, Bob Blackburn, Les Reece, Gayle Jensen, Johns Burdick and Gerry Hatch. A 1.5% longevity pay adjustment was requested for Deborah Williams. This was inadvertently missed at the beginning of the year. A lump sum check for each was requested and then their hourly rate will be adjusted.

Commissioner Jeff Horrocks made a motion to approve a 3% longevity pay adjustment for Mitch Vetere, Bob Blackburn, Les Reece, Gayle Jensen, John Burdick and Gerry Hatch and a 1.5% for Deborah Williams as proposed. The motion was seconded by Commissioner Gary Kofford and the motion passed.

**B. Approval to utilize Emery Medical Center for the annual Wellness Clinic.**

Request was made to utilize Emery Medical Center again this year for the annual Wellness Clinic. The cost will be \$173.00-\$177.00 based on gender and age. Commissioner Jeff Horrocks made a motion to approve utilizing Emery Medical Center for the annual Wellness Clinic. The motion was seconded by Commissioner Gary Kofford and the motion passed. The

COMMISSION MEETING MINUTES  
OCTOBER 27, 2009

Wellness Clinic is for the employees and spouses and will be held on November 5 & 6, 2009.

C. Approval to authorize 4 hours of paid vacation to employees who participate in the Wellness Clinic.

Request was made to give employees who participate in the Wellness Program 4 hours of paid vacation. Commissioner Kofford explained that due to the savings on the county insurance due to employees desire to live a healthier lifestyle it was decided to find a way to reward employees who participate the Wellness Program. The Commissioners decided to give employees who participate 4 hours of paid vacation as an incentive to participate. Commissioner Jeff Horrocks made a motion to approve 4 hours of paid vacation to employees who participate in the Wellness program. The motion was seconded by Commissioner Gary Kofford and the motion passed.

D. Approval of 3% pay increase for Morgan Bell who has successfully completed her 6 month orientation period.

Sheriff Guymon requested approval to give Morgan Bell a 3% pay increase due to the successful completion of her 6 month orientation period. If approved Morgan would move from Grade 14, \$14.15 per hour to Grade 14, \$14.59 per hour. This would be effective November 1, 2009. Commissioner Jeff Horrocks made a motion to approve a 3% pay increase for Morgan Bell as proposed. The motion was seconded by Commissioner Gary Kofford and the motion passed.

E. Discussion and approval to appoint a representative and an alternate representative for Emery County at the UCIP annual meeting December 3, 2009.

Commissioner Jeff Horrocks made a motion to approve Resolution 10-27-09 appointing Mary Huntington as representative and David Blackwell as alternate representative for Emery County at the UCIP annual meeting December 3, 2009. The motion was seconded by Commissioner Gary Kofford and the motion passed.

F. Approval to promote Robert Riley from Corrections Officer I to Patrol Deputy I after successful completion of POST.

Sheriff Guymon requested approval to promote Robert Riley from Corrections Officer I to Patrol Deputy I. If approved Robert would move from Grade 15, \$15.49 per hour to Grade 16, \$16.39 per hour effective November 1, 2009. Commissioner Jeff Horrocks made a motion to approve promoting Robert Riley as proposed. The motion was seconded by Commissioner Gary Kofford and the motion passed.

COMMISSION MEETING MINUTES  
OCTOBER 27, 2009

(9)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Commissioner Jeff Horrocks made a motion to move approval of the minutes date October 13, 2009 to the next Commission Meeting. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(10)

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on attending Castle County Partners meeting in Moab where they discussed Transient Room Tax funds and how they have fluctuated up and down in various counties. They determined that the economy is causing people to stay close to home. They also discussed Restaurant Tax and how the money is spent. According to what the statutes require for the money's uses they felt good about how it is being spent.

The Emery County Care Center project is moving along well. The facility looks nice and is long past due for the County.

*Commissioner Kofford*

Commissioner Kofford reported that he met with Nielson Construction at a pre-construction meeting on the South Moore Cut-Off Road. They will have to do some mitigation work on a section of wetlands by October 31, 2009. Signs are up for that work to begin and they will be working through the fall.

Goblin Valley Phase II is being completed with stimulus funds. The asphalt phase is completed. Depending on the weather Nielson Construction will complete Phase III this fall.

American Energy will begin work on Lila Canyon Road once the funds acquired from CIB are secured.

Huntington Airport recently got new heaters in the hangers.

Motion to leave the regular meeting and enter into an executive session to discuss attorney/client communications regarding possible litigation or other matters as allowed by law and at the conclusion of the closed session to return to the regular meeting was made by Commissioner Jeff

6

COMMISSION MEETING MINUTES  
OCTOBER 27, 2009

Horrocks, seconded by Commissioner Gary Kofford and the motion passed.

(11)

**CLOSES/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING POSSIBLE LITIGATION OR OTHER MATTERS  
ALLOWED BY LAW.**

Present at an executive session was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Personnel Director Mary Huntington and Deputy Clerk/Auditor Carol Cox. Possible litigation and personnel matters were discussed.

(12)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS  
HELD INT EH EMERY COUNTY COURTHOUSE

NOVEMBER 10, 2009

Present at the meeting was Commissioner Gary Kofford, Commissioner Laurie Pitchforth, Commissioner Jeff Horrocks, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant check Edit List # 202511 through and including # 202711 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
98-09	LED lights, flashers Sheriff	\$3,400.00
99-09	(17) Spike systems Sheriff	\$7,667.00
100-09	Lean to shed Highway	\$1,879.00

Dispositions were presented for the following:

318-0317 Freezer	318-2587-2592 Carts	318-2614 Projector
318-1360 Cart	318-2593 Mixer	318-2615 Stretcher
318-1001 Desk	318-2594 Freezer	318-2616 Table
318-1162 Cabinet	318-2599 Cabinet	318-2618 Table
318-1476 Cabinet	318-2600 Typewriter	318-2622-2623 Table
318-2567 Cabinet	318-2602 Desk	318-2625 Table
318-2570 Chair	318-2603-2604 File	318-2626 Bed lift
318-2571-2578 Chairs	318-2608 Cabinet	318-2627 Chair (Conval)
318-2581 Floor safe	318-2610 Chair	318-2628-2629 wheelchair
318-2584 Stand/doors	318-2611 Check Protect	318-2630 Commode

318-2631-2632 Fold table	318-2788 beauty chair	318-6028 heater
318-2633 Exercise bike	318-2789 Wheelchair	318-6091 generator
318-2635 Table	318-2790-2836 Beds	318-6103 computer
318-2637-2638	318-2845-2876 nightstnd	318-6112 nurse call sys
Wheelchair	318-2878 table	318-6144 printer
318-2639 Auto clave	318-2879 lamp	318-6154 dryer
318-2642-2643 Scales	318-2882-2884 chairs	318-6161-6162 radio
318-2644-2645 Table	318-2885 table	318-6202 copier
318-2646-2648 Commode	318-2886 showcase	318-6218 concentrator
318-2649-2650 Cart	318-2888 snowblower	318-6228-6234 wheelchair
3182652-2653 Bath/jacuzz	318-2890 lawnmower	318-6235 tv
318-2654-2658	318-3429 bookcase	318-6249 drain line clnr
Wheelchair	318-4264 desk	318-6252 exerciser
318-2660 Cart	318-4289 bath/lift	318-6279 chair
318-2663-2664 Cart	318-4664 keyboard	318-6288-6289 cart
318-2665 Laundry tub	318-4665 phone system	318-6290 ventilator
318-2666 Sewing machine	318-4666 typewriter	318-6310 copier
318-2667 Cart	318-4667 calculator	318-6316-6317 air condnr
318-2668 Cabinet	318-4668-4670 heaters	318-6328 pulse oxmtr
318-2672 Paper Cutter	318-4671 phone	318-6458 computer
318-2673-2675 Table	318-4672 phone	318-6459 printer
318-2676 Projector	3184673 generator	318-6460 lawnmower
318-2677 17 bedside tables	318-4674-4678 phones	318-6497 compter
318-2694 Chairs	318-5318 cart	318-6533 compter
318-2696-2702 chairs	318-5319 lawnmower	318-7286 file cabinet
318-2703 16 chairs	318-5345 cart	210-1780-1782 table
318-2719-2721 chairs	318-5395 wheelchair	210-1345 chair
318-2722-2723 tables	318-5396 computer	210-1693-1694 file
318-2724 Sewing machine	318-5399 lift	210-1740 file
318-2725 Cabinet	318-5400 geri chair	210-1744 chair
381-2726-2729 Tables	318-5342 Chair	210-1746 file
318-2731-2734 Table	318-5645 heater	210-1755 file
318-2737-2747 Tables	318-5704 toaster	210-1771 file
318-2764 Dryer	318-5713-5715 wheelchair	210-1785-1786 cabinet
318-2767/2769 Ironer	318-5841 chair	210-1797 cabinet
318-2770/2772 Table	318-5892 computer	210-1798-1799 file
318-2773/2774 Iron board	318-5893 printer	210-1737 copier
318-2775 steam table	318-5912-5914 chairs	210-1760 video screen
318-2776 Steam cooker	318-5915-5916 love seat	210-1787 projector
318-2777 Deep fryer	318-5917-5920 lnge chair	233-1820 buffer
318-2778 Hood	318-5921-5922 recliner	233-1940 tv
318-2780 Dishwasher	318-5923 chair	234-1859 data bank/contr
318-2782 Lamp	318-5924-5927 tables	234-1713 table
318-2783 Wheelchair	318-5945-5947 carts	233-1812 grill
318-2784-2785 hair dryer	318-6018-6020 lift	233-1816 foodmixer



233-1819 camera	210-5214 scuba equip
210-1702 file	210-5215 scuba equip
210-1704 file	210-5216 scuba equip
210-1705 file	210-5217 scuba equip
210-1758 chair	210-0098 car wash mach
210-1759 chalkbrd	210-0096 chair
210-1761-1762 chairs	210-0083 table
210-1779 bookshelf	210-0097 vacuum
210-1788 table	210-5225 locker
210-1866 camera	210-5227 chair
210-1919 radio	210-5228 chair
210-1950 base station	193-4567 amplifier
233-1813 slicer	210-5229 cabinet
234-1862 monitor camera	234-5253 radio
210-1741 file	210-5260 solar panel
210-1745 chair	210-5251 camera
210-1727 table	230-5250 pump
210-1113 chair	210-5266 camcorder
233-1863 monitor camera	234-4719-4720 amplifer
210-1243 file	210-0275 easel
210-1773 file	210-0279 boat
210-1783 table	210-0274 camera
210-0044 radio	210-0276 camera
210-3551 chair	230-0280 tv
210-3519 desk	210-5764 tv
210-3570 chair	210-5765 vcr
210-3571-3572 chair	234-4325 surge protectr
210-5001 chair	210-5759 cabinet
590-3569 desk	234-5738 prgmmer 4 radio
210-3461/3463 cabinet	
210-2399 camera	
210-2216 heater	
210-5004 vcr	
210-5005 vcr adaptr	
210-5006 tripod	
210-5007 camera	
210-5008 battery	
233-5029 tv	
210-1896 camera	
210-5037 camera	
210-0043 radio	
210-0095 stool	
210-0202 scuba equip	
210-0204 scuba equip	
210-5213 scuba equip	

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Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, requisitions and dispositions as presented. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

Commissioner Laurie Pitchforth made a motion to move out of the regular meeting and enter into a Public Hearing to receive public comment to consider potential projects for which funding may be applied for under CDBG Small Cities Program. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(2)

**10:00 a.m.- PUBLIC HEARING- To receive public comment to consider potential projects for which funding may be applied for under CDBG Small Cities Program.**

The Emery County Commission Meeting convened in regular session on November 10, 2009, in the Emery County Courthouse, meeting commenced at 9:00 a.m. The public hearing was noticed as part of this meeting and commenced at 10:00 a.m..

Present:           Emery County Commissioner: Gary Kofford  
                      Emery County Commissioner: Laurie Pitchforth  
                      Emery County Commissioner: Jeff Horrocks  
                      Deputy Clerk/Auditor: Carol Cox  
                      Administrative Assistant: Leslie Bolinder  
                      Personnel Director: Mary Huntington  
                      Emery County Treasurer: Steven Barton  
                      Highway Supervisor: Morris Sorensen  
                      Sargent: Bill Downard  
                      Patsy Stoddard: Emery County Progress  
                      Public: Bill Dellos,  
                      Debbie Hatt: Southeastern Utah Association of Local Governments  
                      Emery County Recorder: Dixie Swasey  
                      Emery County Clerk/Auditor: Brenda Tuttle  
                      Emery County Attorney : David Blackwell

Commissioner Gary Kofford, opened the public hearing for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2010 Community Development Block Grant program. It was explained that the grant money must be spent on projects benefitting primarily low and moderate income persons. The Southeastern Utah Association of Local Governments, in which Emery County is a member, is expecting to receive approximately \$300,000.00 to \$350,000.00 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at any time. Commissioner Gary Kofford

COMMISSION MEETING MINUTES  
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read several of the eligible activities listed including, construction of public works and facilities, ie: water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters. Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation for low income homeowners or for persons owning rental housing for lower income persons. Commissioner Gary Kofford indicated that in the past this region has received \$300,000.00 to \$350,000.00. The County has handed out its capital investment plan as a part of the regional **“Consolidated Plan”**. **This list shows which projects the county has identified as being needed in the community.** It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing. Commissioner Jeff Horrocks suggested a new food bank facility. The current facility in Castle Dale is over 50 years old, has been remodeled several times and is in disrepair. Commissioner Gary Kofford responded to suggestion by stating that a new food bank facility would be an eligible project.

Commissioner Gary Kofford then opened the meeting up to further suggestions from the audience. Emery County Progress, Editor Patsy Stoddard suggested that Green River Community Center is looking for funds to construct a new facility. Commissioner Laurie Pitchforth suggested that low income housing is an issue that could be addressed. Patsy Stoddard asked if the \$300,000.00 to \$350,000.00 was to be shared with the other counties participating in SEUALG? Patsy Stoddard asked if the funds could be used to purchase an existing building such as the old doctor’s office building in Ferron? Commissioner Gary Kofford responded by saying that Castle Dale is central to the number of participants that would be using a food bank. Bill Dellos asked if the funds could be used to purchase property? Commissioner Kofford stated that Emery County owns the property that the current facility is located on. Bill Dellos asked if the funds could be used to remodel the facility? Debbie Hatt responded that she was not sure that a facility could be remodeled due to health code issues.

Commissioner Gary Kofford asked if there were any other suggestions?

There were no other suggestions.

The hearing was adjourned at 10:30 a.m.

(3)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR GARY MATTOX, CRYSTAL ELLIOT, AND THOMAS YBANEZ.**

Commissioner Jeff Horrocks suggested that before the county writes off any more ambulance bills that policy and procedures be established to address the requests. Commissioner Laurie Pitchforth indicated that she, Sheriff Guymon, Jim Gordon and Attorney David Blackwell have already been talking about policy and procedures for ambulance write-offs. Commissioner Jeff Horrocks made a motion to not write-off any more ambulance accounts until a policy has been established for write-offs. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed. Brenda Tuttle will inform JCI of the Commissioner's decision.

(4)

**CONSIDERATION AND APPROVAL OF RESOLUTION FINDING AND PROMULGATING THE RESULTS OF A SPECIAL BOND ELECTION HELD IN THE CASTLE VALLEY SPECIAL SERVICE DISTRICT FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT THE QUESTION OF THE ISSUANCE OF \$12,500,000. GENERAL OBLIGATION BONDS; AND PROVIDING FOR RELATED MATTERS.**

This item was tabled until the noon canvas meeting.

(5)

**CONSIDERATION AND APPROVAL OF RESOLUTION FINDING AND PROMULGATING THE RESULTS OF A SPECIAL TAX ELECTION HELD IN THE CASTLE VALLEY SPECIAL SERVICE DISTRICT TO AUTHORIZE IMPOSITION OF AN ANNUAL TAX OF .001 OF PER DOLLAR OF THE TAXABLE VALUE OF THE TAXABLE PROPERTY WITHIN THE DISTRICT, FOR THE PURPOSE OF PAYING OPERATING AND MAINTENANCE EXPENSES OF THE DISTRICT; AND PROVIDING FOR RELATED MATTERS.**

This item was tabled until the noon canvas meeting.

(6)

**SETTING OF BUDGET MEETINGS**

Commissioner Jeff Horrocks made a motion to set additional budget meetings as follow:  
Friday, November 6, Monday, November 23, Wednesday, November 25, Tuesday, December 1,

7

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beginning at 1:00 p.m. and Wednesday, December 2, Monday, December 7, and Wednesday, December 9, and December 17, beginning at 9:00 a.m. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(7)

**CONSIDERATION AND APPROVAL OF COMMISSIONER PROPERTY TAX ADJUSTMENT FOR IRENE WILCOX.**

Attorney David Blackwell reported that the property that is partially on the Green River. Mrs. Wilcox keeps insisting that she owns the property. However, this matter was litigated back when the golf course was put in. Mrs. Wilcox wants to be taxed for the .12 acres that she says is not under water, this year and forever. She does not own the property. David Blackwell recommended that the Commission take no action on this matter. Commissioner Jeff Horrocks made a motion to take no action on this matter as legal council suggests that she does not own the property. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(8)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR FERRON CITY.**

The building permit was for a 10x14 shed to cover the pump at the golf course. Commissioner Laurie Pitchforth made a motion to approve waiving the \$89.10 building permit fee for Ferron City. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(9)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR LAMAR GUYMON, KYLE EKKER, TOM HARRISON, AND JOHN BARNETT.**

Commissioner Laurie Pitchforth made a motion to approve out-of-state travel for LaMar Guymon, Kyle Ekker, Tom Harrison and John Barnett. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(10)

**CITIZEN CONCERNS**

None

(11)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.****A. Approval to hire Jannetta Young for 9 3/4 hours a week to clean Elmo Library.**

Jerilyn Mathis requested approval to hire Jannetta Young to clean the Elmo Library. She is currently cleaning the Cleveland Library and will clean both in 19 3/4 hours per week. She will remain at the same grade and wage that she is currently making, Grade 6, \$8.61 per hour. Commissioner Jeff Horrocks made a motion to approve hiring Jannetta Young to clean the Elmo Library as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(12)

**APPROVAL OF COMMISSION MEETING MINUTES**

Commissioner Laurie Pitchforth made a motion to approve the minutes dated October 13, 2009 as corrected. Commissioner Gary Kofford stepped down to second the motion. Commissioner Jeff Horrocks abstained from voting as he was absent from the meeting. The motion passed.

Commissioner Jeff Horrocks made a motion to approve the minutes dated October 27, 2009 as corrected. Commissioner Gary Kofford stepped down to second the motion. Commissioner Laurie Pitchforth abstained from voting as she was absent from the meeting. The motion passed.

(13)

**COMMISSION REPORTS***Commissioner Laurie Pitchforth*

Commissioner Pitchforth reported on attending Public Officials meeting in Midvale where they discussed emergency preparedness with Homeland Security and Governor Herbert. Emphasis was placed on showing respect for our emergency services. On Festive Friday which is sponsored by USU Extension Services they focus was also on emergency preparedness. They focused on evacuation plans and emergency supplies. The recent pumpkin chucking festival was well received. Pumpkins were chucked using various means for some as far as 700 feet. The Emery County Care and Rehabilitation Center is in the process of hiring another director. Kaleen Wilcox has resigned. Through no fault of her own she was found to not have a temporary license. Turns out it was a mistake made on a state level. They hope to have a new administrator in place soon. The remodeling project is moving along very well. The Domestic Violence Coalition recently held a conference in the Courthouse. The speaker was Laurie Hacking's mother. The conference was well attended.

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*Commissioner Jeff Horrocks*

Commissioner Horrocks reported on attending Department of Natural Resources RAC meeting in Green River. They discussed proposed changes to the muzzle loader hunt and the rifle hunt. In Public Lands Council they discussed the public lands use bill and voted as a board to continue with efforts to pursue in congress. In Council Of Government meeting they discussed the Fire District's need for 8 new fire trucks and how to pay for them. They have made a presentation to the CIB Board for funding. He also attended Coal County Partnership Board meeting in Moab where they discussed the economic status of the State of Utah and the increase of use at the National Parks in Utah. They also discussed the cost of use of Parks and TRT tax money. The Travel Council is currently working on an information center on Buckhorn Draw.

*Commissioner Gary Kofford*

Commissioner Kofford reported on current road projects in the county. Temple Mountain Goblin Valley Road to Highway 24 has two projects going. Funds for these projects are coming from stimulus money and park access funds. Moore Cut-Off Road is under construction from Highway 10 to intersection by Moore. They are trying to get earth work done this fall. He recently attended CIB funding meeting with Garth Childs and Garth Oliver where they requested funds for the purchase of 8 new fire trucks. The request was for \$2.5 million dollars of which Emery County Fire Protection Special Service District and Emery County will match 50/50. The CIB did award a grant but will now go to the February 2010 meeting for the funding phase. The district will be replacing 30 year old trucks that do not develop the water pressure needed to fight fires. With new regulations in place new fire trucks now must be equipped to fight wildland fires. On November 19, 2009 at 8:30 p.m. at the Green River Senior Center in Green River there will be a UDOT quarterly committee meeting which is open to the public. UAC Convention starts on November 11, 2009 in St. George. All elected officials will be going. There will be a Wilberg Mine Tribute on December 19<sup>th</sup> at 4pm at the Monument site in Orangeville and a program held at Emery High School that evening.

(14)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An executive session was not needed.

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**(15)**  
**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_



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

NOVEMBER 10 ,2009

Present at the meeting was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Clerk/Auditor, Brenda Tuttle, Castle Valley Special Service District Director Jacob Sharp and Deputy Clerk/Auditor Carol Cox.

(1)

**CANVASS OF ELECTION RETURNS FROM THE NOVEMBER 3,2009 BOND AND TAX ELECTION FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Clerk/Auditor Brenda Tuttle read the election results for the CVSSD Proposition #1 as follow:

For Issuance of Bonds 1101  
Against Issuance of Bonds 623

Clerk/Auditor Brenda Tuttle read the election results for the CVSSD Proposition #1 as follow:

For Authorization of Tax 995  
Against Authorization of Tax 760

(2)

**CONSIDERATION AND APPROVAL OF RESOLUTION FINDING AND PROMULGATING THE RESULTS OF A SPECIAL BOND ELECTION HELD IN THE CASTLE VALLEY SPECIAL SERVICE DISTRICT FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT THE QUESTION OF THE ISSUANCE OF \$12,500,000. GENERAL OBLIGATION BONDS; AND PROVIDING FOR RELATED MATTERS.**

Commissioner Gary Kofford stated that the Board of Commissioners have canvassed the election results for Proposition #1 the issuance of \$12,500,000.00 General Obligation Bonds and find the results to be 1101 for the issuance of the bonds and 623 against the issuance of the bonds. Therefore, Proposition # 1 has passed. Commissioner Jeff Horrocks made a motion to approve Resolution 11-10-09A promulgating the results of a special bond election held in the Castle Valley Special Service District. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)  
**CONSIDERATION AND APPROVAL OF RESOLUTION FINDING AND PROMULGATING THE RESULTS OF A SPECIAL TAX ELECTION HELD IN THE CASTLE VALLEY SPECIAL SERVICE DISTRICT TO AUTHORIZE IMPOSITION OF AN ANNUAL TAX OF .001 OF PER DOLLAR OF THE TAXABLE VALUE OF THE TAXABLE PROPERTY WITHIN THE DISTRICT, FOR THE PURPOSE OF PAYING OPERATING AND MAINTENANCE EXPENSES OF THE DISTRICT; AND PROVIDING FOR RELATED MATTERS.**

Commissioner Gary Kofford stated the Board of Commissioners have canvassed the election results for Proposition #2 to authorize imposing an annual tax of .001 of per dollar of the taxable value of the taxable property within the District, for the purpose of paying operating and maintenance expenses of the District and find the results to be 995 for the authorization of tax and 760 against authorization of tax. Therefore, Proposition #2 has passed. Commissioner Jeff Horrocks made a motion to approve Resolution 11-10-09B authorizing imposition of an annual tax of .001 of per dollar of the taxable value of the taxable property within the District, for the purpose of paying operating and maintenance expenses of the District. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)  
**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

## **FIRST HEARING**

### **MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS** **HELD IN THE EMERY COUNTY COURTHOUSE** **NOVEMBER 10, 2009**

The Emery County Commission Meeting convened in regular session on November 10, 2009 in Castle Dale, Utah, meeting commenced at 9:00 A.M.

Present:           Commissioner: Gary Kofford  
                  Commissioner: Jeff Horrocks  
                  Commissioner: Laurie Pitchforth  
                  Deputy Clerk/Auditor: Carol Cox  
                  Administrative Assistant: Leslie Bolinder  
                  SEUAOG CDBG Coordinator: Debbie Hatt  
                  Personnel Director: Mary Huntington  
                  Attorney: David Blackwell  
                  Treasurer: Steven Barton  
                  Recorder: Dixie Swasey  
                  Clerk/Auditor: Brenda Tuttle  
                  Highway Supervisor: Morris Sorensen  
                  Sargent: Bill Downard  
                  Emery County Progress Editor: Patsy Stoddard  
                  Public: Bill Dellos

#### **COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC MEETING:**

Commissioner Gary Kofford opened the public hearing for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2010 Community Development Block Grant Program. It was explained that the grant money must be spent on projects benefiting primarily low and moderate income persons. The Southeastern Utah Association of Local Governments in which Emery County is a member, is expecting to receive approximately \$400,000.00 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at any time. Commissioner Gary Kofford read several of the eligible activities listed including, (examples such as: construction of public works and facilities, ie: water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters.) Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation for low income homeowners or for persons owning rental housing for lower income persons. Commissioner Gary Kofford indicated that in the past this region has received

\$300,000.00 to \$350,000.00. The County has handed out its capital investment plan as a part of the regional **“Consolidated Plan”**. **This list shows which projects the county has identified as being needed in the community.** It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing. Commissioner Jeff Horrocks suggested a new food bank facility. The current facility in Castle Dale is over 50 years old, has been remodeled several times and is in disrepair. Commissioner Gary Kofford responded to suggestion by stating that a new food bank facility would be an eligible project.

Commissioner Gary Kofford then opened the meeting up to further suggestions from the audience. Emery County Progress, Editor Patsy Stoddard suggested that Green River Community Center is looking for funds to construct a new facility. Commissioner Laurie Pitchforth suggested that low income housing is an issue that could be addressed. Patsy Stoddard asked if the \$300,000.00 to \$350,000.00 was to be shared with the other counties participating in SEUALG? Patsy Stoddard asked if the funds could be used to purchase an existing building such as the old doctor’s office building in Ferron? Commissioner Gary Kofford responded by saying that Castle Dale is central to the number of participants that would be using a food bank. Bill Dellos asked if the funds could be used to purchase property? Commissioner Kofford stated that Emery County owns the property that the current facility is located on. Bill Dellos asked if the funds could be used to remodel the facility? Debbie Hatt responded that she was not sure that a facility could be remodeled due to health code issues. Commissioner Gary Kofford asked if there were any other suggestions? The hearing was adjourned at 10:30 A.M.

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

NOVEMBER 24, 2009

Present at the meeting was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 202831 through and including # 203001 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
101-09	Keyless Upgrade on Fuel System Highway	\$15,108.78
102-09	(3) 42" LCD Computer Monitors Backup DAT Spillman Sheriff	\$7,7667.00
103-09	Cascade Rescue Levitator Rescue Transport Sheriff-Search/Rescue/Ambulance	\$5,181.89
104-09	(2) X26E Tasers Sheriff	\$1,629.90

There were no dispositions.

Motion to approve the Warrant Check Edit List, additional claims, and requisitions was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(2)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE FOR OLIVIA'S CHILD CARE.**

A business license application was presented for Olivia Peterson dba: Olivia's Child Care. The business license has been approved by the Building Inspector and Zoning Administrator. Motion to approve a business license for Olivia Peterson dba: Olivia's Child Care was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(3)

**DISCUSSION OF PARTICIPATION IN MULTI-JURISDICTIONAL HAZARD PRE-DISASTER MITIGATION (PDM) PLANNING PROCESS. APPROVAL OF LETTER OF COMMITMENT.**

Commissioner Gary Kofford explained that the Multi-Jurisdictional Hazard Pre-Disaster Mitigation (PDM) Planning Process is done every five years and is necessary to participate with FEMA in the event of a disaster. Southeastern Utah Association of Governments is asking for a letter of commitment from the Board of Commissioners. Commissioner Jeff Horrocks made a motion to send a letter to SEUAG stating Emery County's commitment to the process. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(4)

**REVIEW AND APPROVAL OF EMERY COUNTY PERMANENT COMMUNITY IMPACT FUND BOARD 2010 LOCAL CAPITAL IMPROVEMENT LIST.**

Commissioner Gary Kofford reviewed the Emery County Permanent Community Impact Fund Board 2010 Local Capital Improvement List. On the short term list, it was proposed to remove the Recreation SSD's Aquatic Center Park sprinkler project as that project has been completed. On the medium term list, it was proposed to add North Emery Water Users SSD spring development and maintenance project for \$250,000.00. Commissioner Jeff Horrocks made a motion to approve the PCIFB 2010 Local Capital Improvement List with the noted changes. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(5)

**RATIFICATION OF OUT-OF-STATE TRAVEL FOR JARED CURTIS.**

Commissioner Laurie Pitchforth made a motion to ratify approval of out-of-state travel for Jared

Curtis. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(6)

**CONSIDERATION AND APPROVAL OF BONUS FOR LIBRARY PERSONNEL.**

Commissioner Gary Kofford explained that in the budget process for 2009 the Commissioners approved a 4% wage increase for employees. The Library is its own taxing entity and did not set aside money for wage increases in 2009, so library personnel did not get a wage increase. The Library Board voted to use funds not spent from regular salaries in 2009 to give a wage increase to library personnel. They have chosen to give the wage increase in the form of a wage adjustment or bonus. The bonus ranges from \$479.00 for a full time employee to \$96.00 for a 8 hours a week employee. The Library Board has already approved this action so it is just a formality for the Commission to approve. Motion to approve pay adjustments for library personnel for 2009 was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed

(7)

**REPRESENTATIVES FROM LIBERTY NATIONAL LIFE INSURANCE COMPANY,  
DISCUSSION OF OFFERING GROUP TERM LIFE INSURANCE TO FULL TIME  
EMPLOYEES THROUGH A PRE-TAX PAYROLL DEDUCTION.**

Representatives from Liberty National Life Insurance Company, Chris Gibson and Blair Hiatt were present to present a group term life insurance program to full time employees through pre-tax payroll deduction. Following their presentation Commissioner Gary Kofford thanked them for coming. The Commissioners will meet with Personnel Director, Mary Huntington to determine if the program fits with what the county already has in force.

(8)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #3 FOR EMERY  
COUNTY AQUATIC CENTER.**

Commissioner Gary Kofford reviewed change order #3 for the Emery County Aquatic Center. This is to return to Emery County unused contingency in the amount of \$44,311.00. The project was completed a year ago and the facility was opened to the public in December 2008. The original contract was \$5,790,479.00. The new contract sum is \$5,391,074.00. A letter of appreciation was sent to Naylor Wentworth Lund Architects, PC and Hughes General Contractors for their work on the project. Motion to approve change order #3 for Emery County Aquatic Center was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(9)

**APPROVAL TO ADVERTISE FOR TWO AT-LARGE BOARD MEMBER VACANCIES ON THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.**

Commissioner Gary Kofford stated that the four year terms have expired of Emery County Recreation Special Service District at-large board members, John Nielson and Jimmy Jones. He recommended advertising for interested persons to be considered for appointment to the Recreation SSD Board. Commissioner Laurie Pitchforth made a motion to advertise for two at-large board members for the Emery County Recreation Special Service District. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(10)

**CONSIDERATION AND APPROVAL OF PURCHASE DOCUMENTS FOR UDOT RIGHT-OF-WAY ACQUISITION AND ASSOCIATED PAPERWORK.**

Commissioner Gary Kofford discussed an offer to purchase right-of-way from UDOT for the Quitchupah Hill Climbing Lane 4 miles south of Emery on SR-10. UDOT made an offer of \$1,100.00 as just compensation for the property. The document package included all the necessary documents to complete the purchase if Emery County agreed with the purchase. Commissioner Laurie Pitchforth made a motion to approve the purchase documents from UDOT for the purchase of property known as Quitchupah Hill Climbing Lane. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(11)

**CITIZEN CONCERNS.**

None

(12)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.****A. Approval of a 3% wage increase for Jake Sehestedt and Clay Collard for successful completion of their 6 month orientation period.**

Shannon Hiatt requested a 3% wage increase for Jake Sehestedt and Clay Collard for the successful completion of their 6 month orientation period. If approved this would become effective November 30, 2009 and they would move from Grade 5, \$8.38 per hour to \$8.64 per hour.

**B. Approval of Huntington Airport Insurance renewal.**

Approve was sought to renew insurance for the Huntington Airport at a total premium const of



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\$2,185.00, an increase of \$105.00 over last year. Commissioner Jeff Horrocks made a motion to approve renewal of insurance for the Huntington Airport as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**(13)**

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve minutes dated November 10, 2009 from the regular Commission Meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

Motion to approve minutes dated November 10, 2009 from the Canvas of Election was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**(14)**

**COMMISSION REPORTS**

*Commissioner Pitchforth*

Commissioner Pitchforth reported on UAC conference held November 11, 12 and 13, 2009 in St. George. Commissioner Pitchforth reported on attending a Utah Transmission Commission meeting in Green River. She also reported on the HOPE Coalition luncheon recently held in the courthouse. Dr. Lowell Morris talked about prescription use in the communities. The Head Start program in Huntington recently held a luncheon to raise money for their new sign at the facility.

*Commissioner Kofford*

Commissioner Kofford reported on the progress of road projects in the county. Phase II of Goblin Valley Road was done with stimulus money and is now complete. Phase III is complete other than to chip seal the road which will be done in the spring. The road to Goblin Valley State Park is a nice addition to the county for those accessing the park. The county road crew is currently working on upgrading Little Wildhorse Canyon road. The crew will chip seal in the spring to stabilize the road.

Commissioner Jeff Horrocks made a motion to move out of the regular meeting and move into an executive session and at its conclusion to return to the regular meeting. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

6

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(15)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Present at an executive session was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Public Lands Director Ray Petersen, Sheriff La Mar Guymon, Assessor Kris Bell, Deputy Clerk/Auditor Carol Cox, Representatives from the Attorney General's Office, Roger Fairbanks, AAG, David Caudill, Paralegal, John Harja, Public Land Coordinator, Tiffany Pezzulo, Public Lands Analyst.

Kris Bell discussed possible personal property litigation.

Attorney General's Office discussed possible litigation of public lands.

At the conclusion of the session the Commissioners returned to the regular meeting.

(16)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

DECEMBER 8, 2009

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS .**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 203099 through and including # 203231 for payment.

One requisition was presented and signed by the Commissioners prior to this meeting to meet the deadline for requisitions. The requisition was from the Aquatic Center for software for the swimming pool at a cost of \$10,095.00. There were 2 dispositions for chairs from Green River Justice Court. Commissioner Jeff Horrocks made a motion to approve the Warrant Check Edit List, additional claims and dispositions and to ratify the signing of the requisition. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(2)

**APPROVAL FOR LIBERTY NATIONAL INSURANCE COMPANY TO OFFER TERM LIFE INSURANCE POLICIES TO COUNTY EMPLOYEES THROUGH PAYROLL DEDUCTION.**

Two weeks ago representatives from Liberty National Insurance Company made a presentation to the Board of Commissioners regarding providing life insurance for county employees. This would be life insurance over and above what the county already offers its employees. The advantages to this insurance is it goes with you when you retire, the premium never goes up and is paid with pre-tax dollars. If the employee elects this insurance the premium is paid before taxes are taken out of their paycheck. Steven Barton asked if there has been a rate comparison done? Mary Huntington indicated that she had not done a rate comparison but that there aren't very many companies out there that offer the same things that this company is offering. Commissioner Jeff Horrocks made a motion to move forward with having Steve Barton and Mary Huntington contact other insurance companies to get rate comparisons and to move this to the next Commission Meeting for consideration. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(3)

**CONSIDERATION OF APPROVAL AND DISCUSSION REGARDING THE RECOMMENDATIONS OF THE PUBLIC LANDS COUNCIL THAT THE EMERY COUNTY BOARD OF COMMISSIONERS ACCEPT THE ADVICE OF THE UTAH PUBLIC LANDS POLICY COORDINATING OFFICE (PLPCO) TO DISMISS WITHOUT PREJUDICE THE LAWSUIT ENTITLED STATE OF UTAH, et. AL. VS UNITED STATES OF AMERICA, et. AL., IN THE DISTRICT COURT OF UTAH, CENTRAL DIVISION.**

Commissioner Gary Kofford reported that a few years ago Emery County filed a legal motion regarding 12 roads on San Rafael trying to get RS 2477 title to them. At that time it was determined that there were 7 that Emery County could possibly go to trial on. The lawyers have to give information to the courts by December 15, 2009. They tell us that the affidavits are weak. Some of the people have passed away or have backed down on their testimony. So therefore, the lawyers felt that we need to back down from the lawsuit but to leave the option open should we desire to pick up the fight at another time. The recommendation from the Public Lands Council was that there are other avenues to pursue. The Attorney General's Office told them that two weeks ago they went to court with a slightly stronger case in San Juan County that they lost. The Commissioners have spoken to USA-ALL who is working on finding someone who has used the roads for ten continuous years prior to 1970 but it is hard to get witnesses to solidify the case. Dixie Swasey asked what will happen to those roads? Ray Petersen indicated that nothing will change by dropping the lawsuit. The roads will remain open. We are just trying to reopen those parts of the roads that were closed. Commissioner Kofford indicated that this dismissal without prejudice allows us to re- file later when we have a stronger case. Commissioner Jeff Horrocks made a motion to accept the recommendation of the Public Lands Council that the Emery County Board of Commissioners accept the advice of the Utah Public Lands Policy Coordinating Office to dismiss without prejudice the lawsuit entitled State of Utah, et.al. vs United States of America, et.al., in the District Court of Utah Central Division. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(4)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR HUNTINGTON CITY.**

Commissioner Jeff Horrocks made a motion to approve a building permit waiver of \$69.25 for Huntington City for a junction box at the city park. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(5)

**CONSIDERATION AND APPROVAL OF REQUEST FOR WAIVER/DEDUCTION OF LANDFILL INVOICE FOR JANET LOTT.**

Commissioner Gary Kofford explained that last spring Janet Lott cleaned up Lott's Mobile Home Park in Orangeville. Debris was taken to the landfill by Mark and Sons, Cleveland who was billed \$1,441.20. The Commissioners received a letter from Janet Lott requesting a waiver or reduction of the bill. Commissioner Jeff Horrocks stated that he felt it was a benefit to the city and the county to have the trailer park kept clean. Commissioner Kofford recommended reducing the bill. Commissioner Jeff Horrocks made a motion to reduce the bill to \$500.00. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(6)

**APPROVAL TO ADVERTISE FOR POSITIONS ON THE EMERY COUNTY PUBLIC LANDS COUNCIL AND EMERY COUNTY CARE AND REHABILITATION BOARD.**

There are 6 seats on the Public Lands Council Board that need to be filled. The six seats are Sherrel Ward, Mark H. Williams, Priscilla Burton, Vernell Rowley, Bruce Wilson and Mike Olsen (who has resigned). These are all two year terms except for Mike Olsen's, who had 1 year left to fulfill. Commissioner Jeff Horrocks made a motion to approve advertising for Five 2 year seats and one 1 year seat on the Public Lands Council Board. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

There are two seats on the Emery County Care and Rehabilitation Board. The two seats are Ruth Stilson is a four year term and Caleen Wilcox has three years left on her term. Commissioner Laurie Pitchforth made a motion to advertise for two seats on the Emery County Care and Rehabilitation Board. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(7)

**DISCUSSION OF BUILDING INSPECTOR.**

Commissioner Gary Kofford open discussion on possible building inspector options. The Board of Commissioners advertised for a building inspector with all the required licenses. They received thirty applications of which four had the required licenses. They will be interviewing the four applicants next week. They are also looking into contracting the service through a contractor service. The contracting service would take a portion of the plan fee that the county collects but the advantage would be to have several inspectors at our disposal. Phil Fauver asked if the county planned to raise the fees. Commissioner Kofford indicated that the fees are put together under National Building Codes. Most cities have increased their fees since 1987

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however the county has opted not to raise the fees but may have to sometime in the future.

(8)

**CITIZEN CONCERNS**

None.

(9)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION**

Nothing

(10)

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve the minutes dated November 24, 2009 was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(11)

**COMMISSION REPORTS.**

*Commissioner Laurie Pitchforth*

Commissioner Pitchforth reported on the Care Center Remodel project. She indicated that the patrons at the care center are doing a great job of making the job a smooth transition for the patients.

*Commissioner Jeff Horrocks*

Commissioner Horrocks reported on recent Public Lands Council work on wording for the Public Lands Use bill and are collecting comments for the bill.

He recently attended Canyon Country Partners meeting in Green River. Information received at that meeting included the fact that Utah has been deemed the happiest state, 2<sup>nd</sup> healthiest state in the nation and the 2<sup>nd</sup> best place to do business. Arches has been deemed the 2<sup>nd</sup> most popular place to visit in the world.

Oil and Gas lease sales include 13 parcels in Moab.

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Lila Canyon has tunneled in 700 feet but not started work on the surface facility. Mary Wilmarth, Green River Medical Clinic asked Commissioner Horrocks to convey their thanks to the Emery County Commissioners for support on the addition to the facility.

*Commissioner Gary Kofford*

Commissioner Kofford reported on the upcoming Wilberg Mine Disaster Memorial 25 year anniversary ceremony scheduled for December 19<sup>th</sup>. They will begin at 4 pm. at the monument in Straight Canyon and move on to the Emery County High School Auditorium at 5:30 for the remainder of the services. Everyone is invited.

He invited all elected officials to help with the Senior Christmas dinner.

Commissioner Kofford attended a meeting in Ferron regarding Millsite Dam. They have an ongoing study of sediment in the reservoir.

(12)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Not needed.

(13)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

DECEMBER 22, 2009

Present at the meeting was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor, Brenda Tuttle presented the Warrant Check Edit List #203486 through and including #203583 for payment. There were no requisitions. Dispositions were presented for the following:

316-7293, 7288, 7005, 7008, 7006, 7009, 7004, 7003, 6487, 6484, 7295 out dated radios from the Ambulance Department.

Motion to approve the Warrant Check Edit List, additional claims and dispositions was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(2)

**PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Personnel Director, Mary Huntington presented the following personnel action:

**A. LuAnn Koch, 90 day temporary at the Aquatic Center, has been laid off for 10 days and will be re-hired December 28, 2009.**

As a matter of information, Shannon Hiatt has re-hired LuAnn Koch as a 90 day temporary to teach aquasize at the pool as Kylee Van Wagoner is still not able to return to work.

**B. Approval to hire Cameron Nerdin, full time with benefits, as the Building Inspector.**

Motion to approve hiring Cameron Nerdin, with full benefits, as the Building Inspector was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed. Mr. Nerdin will begin work January 4, 2009.



**C. Approval of 3% wage increase for Ariauna Arrien for successful completion of her 6 month orientation period.**

Shannon Hiatt requested a 3% wage increase for Ariauna Arrien for successful completion of her 6 month orientation period. Ariauna would move from Grade 5, \$8.38 per hour to \$8.64 per hour. Motion to approve a 3% wage increase for Ariauna Arrien was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**D. Approval to grandfather existing part-time lifeguards on a Grade 5 and all new hire lifeguards will be a Grade 4.**

Request was made to grandfather existing part time lifeguards on a Grade 5 and all new hire lifeguards will be Grade 4. Motion to approve a request to grandfather existing lifeguards on a Grade 5 and all new hire lifeguards will be Grade 4 was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(3)

**CONSIDERATION AND APPROVAL OF OUT-OF-STATE TRAVEL FOR TINA CARTER**

Motion to approve out of state travel for Tina Carter to represent Emery County at trade shows was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(4)

**ALBERT SPENSKO, PRESENTATION OF STRIP MAP OF THE BUILDING OF I-70 ACCESS ROAD AND DISCUSSION OF EARLY WORK ON THE I-70 PROJECT.**

Mr. Spensko was not able to attend the meeting due to the weather. Patsy Stoddard, Emery County Progress spoke on his behalf. She indicated the Emery County Progress published a story on the building of I-70 in the December 8, 2009 issue. Mr. Spensko has written a personal history of the events leading up to and during the construction of I-70. He would like to see the strip map and other documents, photos and items of historical significance displayed in some manner to inform and make aware the process that went into the building of the road. Commissioner Kofford stated that he will invite Mr. Spensko to another Commission Meeting where they can discuss how to preserve the history of I-70.

(5)

**DISCUSSION AND APPROVAL OF RESOLUTION AND AUTHORIZING THE EXECUTION OF A FOURTH AMENDED INTERLOCAL COOPERATION AGREEMENT WITH OTHER MEMBERS OF UTAH COUNTIES INSURANCE POOL, RELATING TO THE ESTABLISHMENT, FUNDING AND OPERATION OF UTAH COUNTIES INSURANCE POOL.**

Mary Huntington, Emery County's representative to UCIP indicated that the bylaws have been updated and as a result the Board of Commissioners need to approve an amendment by way of a resolution. She indicated that the changes to the bylaws were mostly cleanup that will help in conducting business and act as a board in the future. She presented Resolution 12-22-09A for approval. Commissioner Laurie Pitchforth made a motion to approve Resolution 12-22-09A authorizing execution of a fourth amended interlocal cooperation agreement with other members of Utah County Insurance Pool relating to the establishment, funding and operation in Utah. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(6)

**CONSIDERATION AND APPROVAL OF RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN AND CERTIFICATION.**

Commissioner Gary Kofford indicated that the Residential Anti-Displacement and Relocation Assistance Plan and Certification is necessary to pass in conjunction with the CDBG Grant that Emery County has in the application process. Commissioner Laurie Pitchforth made a motion to approve Resolution 12-22-09B a Residential Anti-Displacement and Relocation Assistance Plan and Certification. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(7)

**CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING SUBMISSION OF APPLICATION TO THE STATE OF UTAH DESIGNATING COMMERCIAL AND INDUSTRIAL ZONES AS ENTERPRISE ZONES.**

Mike McCandless explained that Resolution 12-22-09C is a resolution approving submission of application to the state of Utah designating Commercial and Industrial Zones as Enterprise Zones. He indicated that this is something that has to be done every five years. Commissioner Jeff Horrocks made a motion to approve Resolution 12-22-09C approving submission of application to the State of Utah designating Commercial and Industrial Zones as Enterprise Zones. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

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(8)

**CONSIDERATION AND APPROVAL FOR LIBERTY NATIONAL INSURANCE COMPANY TO OFFER TERM LIFE INSURANCE POLICIES TO COUNTY EMPLOYEES THROUGH PAYROLL DEDUCTION.**

Commissioner Kofford indicated that in the last Commission Meeting representatives from Liberty National Insurance Company a desire to offer term life insurance to Emery County employees through payroll deduction. At that time Steven Barton asked to do some comparisons with other insurance companies to ensure that the county was getting the best available rates. Mr. Barton indicated that he has contacted three companies but would like to delay any decision until he has received the needed information from these other companies. Commissioner Jeff Horrocks made a motion to delay any decision for now. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(9)

**CONSIDERATION AND APPROVAL OF 2010 MEETING SCHEDULE FOR THE BOARD OF EMERY COUNTY COMMISSIONERS.**

Clerk/Auditor Brenda Tuttle presented the 2010 Commission Meeting schedule for approval.

January 5, 2010	9:00 a.m
January 26, 2010	9:00 a.m.
February 09, 2010	9:00 a.m.
February 23, 2010	9:00 a.m.
March 09, 2010	9:00 a.m.
March 23, 2010	9:00 a.m.
April 13, 2010	9:00 a.m.
April 27, 2010	9:00 a.m.
May 11, 2010	9:00 a.m.
May 25, 2010	9:00 a.m.
June 08, 2010	9:00 a.m.
June 22, 2010	9:00 a.m.
July 13, 2010	9:00 a.m.
July 27, 2010	9:00 a.m.

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August 10, 2010	9:00 a.m.
August 24, 2010	9:00 a.m. * Prior to Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.
September 14, 2010	9:00 a.m.
September 28, 2010	9:00 a.m.
October 12, 2010	9:00 a.m.
October 26, 2010	9:00 a.m.
November 09, 2010	9:00 a.m.
November 23, 2010	9:00 a.m.
December 07, 2010	9:00 a.m.
December 21, 2010	4:00 p.m.

Motion to approve the 2010 Commission Meeting schedule as presented was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth. The motion passed.

**(10)****CONSIDERATION AND APPROVAL OF 2010 HOLIDAY SCHEDULE.**

Clerk/Auditor Brenda Tuttle presented the 2010 Holiday Schedule as follows:

New Year's Day	Thursday	01-01-10
Human Rights Day	Monday	01-18-10
President's Day	Monday	02-15-10
Memorial Day	Monday	05-31-10
Independence Day	Monday	07-05-10
Pioneer Day	Friday	07-23-10
Labor Day	Monday	09-06-10
Columbus Day	Monday	10-11-10
Veterans Day	Thursday	11-11-10

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Thanksgiving Day	Thursday	11-25-10
Thanksgiving Day	Friday	11-26-10
Christmas Eve	Thursday	12-23-10(½ day)
Christmas Day	Friday	12-24-10
New Year's Eve	Thursday	12-30-10(½ day)
New Year's Eve	Friday	12-31-09

Motion to approve the 2010 Holiday Schedule as presented was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks. The motion passed.

## (11)

**CONSIDERATION AND APPROVAL OF AQUATIC CENTER FEES FOR 2010.**

Shannon Hiatt proposed the following fees be adopted for 2010:

	<u>2009</u>	<u>2010 Yearly</u>	<u>2010 Quarterly</u>
Family Pass (for 4)	\$335.00 (plus \$25 for	<b>\$350.00</b> (plus \$25 for	<b>\$102.00</b> (plus \$10 for
	Each extra family	Each extra family	Each extra family
	Member)	Member)	Member)
Couple	\$260.00	\$275.00	\$84.00
Single Adult (18-61)	\$185.00	\$195.00	\$63.00
Senior couple (62+)	\$185.00	\$195.00	\$63.00
Senior (62+)	\$135.00	\$145.00	\$51.00
Student (12-17)	\$135.00	\$145.00	\$51.00
Youth (4-11)	\$110.00	\$120.00	\$45.00
Monthly Aquasize	\$ 30.00(per month)	Not offered	\$63.00
Monthly Aquasize			
(Senior 62+)	Not offered	Not offered	\$51.00
Locker rental (6 mths)	\$ 36.00	\$ 36.00	
EHS Swim Team			
Locker Rental			
(4 months)		\$ 15.00	
Adult 10 punch pass		\$ 35.00	
Youth/Senior 10 punch pass		\$ 25.00	

Motion to approve the proposed Aquatic Center fees for 2010 was made by Commissioner Laurie

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Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(12)

**CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY RENEWAL FOR CEDAR MOUNTAIN ON UDOT STRUCTURE.**

A Right-of-way renewal for Cedar Mountain Communication Site was presented for approval. Commissioner Jeff Horrocks made a motion to approve an application for right-of-way renewal for Cedar Mountain. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(13)

**APPROVAL TO ADVERTISE FOR SEVEN POSITIONS ON THE BOARD OF DIRECTORS FOR THE MUSEUM OF THE SAN RAFAEL.**

Commissioner Kofford indicated that there currently seven positions that need to be filled on the Board of Directors for the Museum of the San Rafael. The following member's terms have expired:

Ramal Jones	4 year	term ends 9-20-09
Clyde Thompson	2 year	term ends 9-20-07
Kent Petersen	4 year	term ends 9-20-09
Vicky Jensen	2 year	term ends 9-20-07
Randy Jensen	4 year	term ends 9-20-09
Donnette Tuttle	2 year	term ends 9-20-07
Pete Jones	4 year	term ends 9-20-09
Cliff Oviatt	2 year	term ends 9-20-07

Jan Petersen replaced Clyde Thompson when his term ended in 07 therefore her term ends in 2011. This leaves seven members to be replaced or re-appointed. These seven positions should be advertised for appointment to the board. Those members who wish to remain on the board must re-apply. Commissioner Jeff Horrocks made a motion to advertise for seven positions on the board of directors for the Museum of the San Rafael. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(14)

**CONSIDERATION AND APPROVAL OF AMENDMENT NO.1 TO SPECIAL USE LEASE AGREEMENT NO. 1622.**

Mike McCandless explained that amendment # 1 to Special Use Lease Agreement #1622 is establish December 9, 2009 as the official date. Commissioner Jeff Horrocks made a motion to approve amendment #1 to Special Use Lease Agreement # 1622. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(15)

**CONSIDERATION AND APPROVAL OF THE TRANSFER OF TITLE III SECURE RURAL SCHOOL FUNDS TO EMERY COUNTY GENERAL FUND FOR EXPENDITURES INCURRED BY THE COUNTY FOR SEARCH AND RESCUE AND OTHER EMERGENCY SERVICES PERFORMED ON FEDERAL LANDS.**

Commissioner Kofford explained that the use of Title III Secure Rural School Funds required advertising as to the intended use of the funds. The advertising has been done. It is now time to transfer the funds to the Emery County General Funds to reimburse the county for expenditures incurred by the County for Search and Rescue and other emergency services performed on federal lands. Commissioner Jeff Horrocks made a motion to authorize the transfer of Title III Secure Rural School Funds in the amount of \$19,660.00 to the Emery County General Fund for Expenditures incurred by the County for Search and Rescue and other emergency services performed on federal lands. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(16)

**CITIZEN CONCERNS.**

None

(17)

**APPROVAL OF COMMISSION MEETING MINUTES.**

Motion to approve the Commission Meeting Minutes dated December 8, 2009 was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

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(18)

**COMMISSION REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on visiting the Care Center with Commissioner Laurie Pitchforth. He reported on problems at the Pioneer Museum. The building is very old and is experiencing problems with the roof leaking. There is concern for how to protect the items on display at the museum. He reported that the ECFPSSD has plans to conduct training on their new fire apparatus. Cleveland Town is building a new fire station. He attended Department of Natural Resources meeting where they discussed bear hunting regulations.

*Commissioner Pitchforth*

Commissioner Pitchforth reported that the sub contractors working on the Care Center are on Christmas break. They will resume work soon. The Center hopes to be able to move patients into the new section sometime in January. She also reported on Festive Friday sponsored by the Utah Extension Service which is held in the courthouse every Friday. They have a big turnout every Friday with lots of fun things to make and do. There was a big turnout to the Senior Christmas Dinner. She thanked those who helped.

*Commissioner Kofford*

Commissioner Kofford reported that all the road projects are on hold for the holiday.

(19)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An executive session was not needed.

Motion to recess the meeting until 5:30pm was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.



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Upon reconvening the meeting at 5:30pm Commissioner Jeff Horrocks made a motion to move into a Public Hearing to receive comment on opening and amending the 2009 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds and for the Castle Valley Special Service District. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(20)

**5:30 P.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON OPENING AND AMENDING THE 2009 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Clerk/Auditor Brenda Tuttle presented amendments to the 2009 budgets for the Emery County General Funds, Special Revenue Funds and Capital Projects Funds.

Commissioner Kofford asked if there were any questions on the amendments to the 2009 budgets.

There were no questions or comments on the amendments to the 2009 budget.

Jacob Sharp, Castle Valley Special Service District presented amendments to the three funds of the 2009 Castle Valley Special Service District budget. He reviewed the General Fund Budget, the Debt Service Fund Budget and the Capital Projects Fund Budget.

Commissioner Kofford asked if there were any questions or comments on the amendments to the 2009 Castle Valley Special Service District budgets.

There were no questions or comments.

Commissioner Jeff Horrocks made a motion to move out of the public hearing and to recess the meeting until 6:00pm. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

Upon reconvening the meeting at 6:00pm Commissioner Laurie Pitchforth made a motion to move into a public hearing to receive comment on 2010 budgets for the Emery County General Fund, Special Revenue Funds, Capital Project Funds and for the Castle Valley Special Service District.

(21)

**6:00 PM- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON 2010 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Gary Kofford presented the 2010 budgets for the Emery County General Fund, Special Revenue Funds, and Capital Projects Funds. He reviewed the budgets, pointing out that the budget did not reflect a cost of living increase for employees in 2010.

Commissioner Kofford asked if there were any questions or comments on the 2010 budgets.

There were no questions or comments.

Jacob Sharp, Castle Valley Special Service District presented the three budgets of the Castle Valley Special Service District for 2010. He indicated that the budget did not reflect a cost of living increase for their employees. He did indicate that the cost of the chip seal project has increased due to the rising cost of materials.

Commissioner Kofford asked if there were any questions or comments on the 2010 Castle Valley Special Service District budgets.

There were no questions or comments.

Motion to leave the public hearing and return to the regular meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(22)

**CONSIDERATION AND APPROVAL OF AMENDMENTS TO 2009 BUDGETS AND APPROVAL OF THE 2010 ADOPTED BUDGET FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Motion to approve Resolution 12-22-09D approving the amendments to the 2009 budgets for Emery County General Funds, Special Revenue Funds, and Capital Projects Funds. was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

Motion to approve Resolution 12-22-09E approving amendments to the 2009 budgets for the Castle Valley Special Service District was made by Commissioner Jeff Horrocks, seconded by

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DECEMBER 22, 2009

Commissioner Laurie Pitchforth and the motion passed.

Motion to approve Resolution 12-22-09F adopting the 2010 budgets for the Emery County General Funds, Special Revenue Funds, and Capital Projects funds was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

Motion to approve Resolution 12-22-09G adopting the 2010 budgets for the Castle Valley Special Service District was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(23)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JANUARY 5, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Laurie Pitchforth, Commissioner Jeff Horrocks, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

**APPOINTMENT OF CHAIRMAN FOR 2010.**

Commissioner Laurie Pitchforth made a motion to re-appoint Commissioner Gary Kofford as Commission Chairman for 2010. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(2)

**ASSIGNMENT OF RESPONSIBILITIES FOR 2010.**

Commissioner Jeff Horrocks made a motion to leave the responsibilities the same as last year with the exception of putting the Ambulance Department under Commissioner Pitchforth. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(3)

**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List and additional claims for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1-10	Megacode Advanced Manikin Ambulance	\$8,482.50
2-10	2010 F-350 Ambulance Ambulance	\$119,500.00

COMMISSION MEETING MINUTES  
JANUARY 5, 2010

3-10	FlexRadio System FLEX-3000 Communications	\$1,621.76
4-10	FlexRadio System FLEX-5000 Communications	\$4,633.46
5-10	Microwave Links for Cedar/GR Communications	\$84,784.20
6-10	Compact Pass Reject Base Duplexer Communications	\$2,473.42
7-10	Alco-Sensor FST (15) Sheriff	\$5,625.00

There were no dispositions.

Motion to approve the Warrant Check Edit List, additional claims and requisitions was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(4)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT #06-LE-11041000-001 FOR LAW ENFORCEMENT ON THE MANTI-LASAL NATIONAL FOREST.**

Commissioner Kofford reviewed the agreement for law enforcement on the Manti-LaSal National Forest in the amount of \$6,343.00. Commissioner Jeff Horrocks made a motion to approve cooperative agreement #06-LE-11041000-001 for law enforcement on the Manti-LaSal National Forest as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(5)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR EMERY COUNTY HOUSING AUTHORITY AND CLAWSON TOWN.**

The Emery County Housing Authority asked for a building permit fee waiver of \$573.55 for furnaces at the duplex apartments in both Castle Dale and Ferron. Clawson Town asked for a building permit fee waiver of \$645.66 for a metal building. Commissioner Jeff Horrocks made a motion to approve building permit fee waivers for Emery County Housing Authority and Clawson Town as requested. The motion was seconded by Commissioner Laurie Pitchforth and

the motion passed.

(6)

**CONSIDERATION AND APPROVAL OF CREDIT CARD AND CELL PHONE STIPEND FOR CAMERON NERDIN.**

Commissioner Jeff Horrocks made a motion to approve a credit card and cell phone stipend for \$45.00 per month to Cameron Nerdin. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(7)

**UPDATE ON FOOD BANK**

Commissioner Kofford indicated that the application has been submitted to CDBG. We are just waiting for a decision from the board. The anticipated amount for the food bank is \$400,000.00. Once the decision is made the money will not be available until after the budget approval process. It could be months before we know anything. However, he stated, we are hoping for next fall.

(8)

**APPOINTMENT TO PUBLIC LANDS COUNCIL, EMERY COUNTY CARE AND REHABILITATION BOARD OF DIRECTORS, AND EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.**

The Public Lands Council has 7 openings. Applications were received from individuals interested in serving on the Public Lands Council Board. Commissioner Laurie Pitchforth made a motion to appoint Ed Geary, Bruce Wilson Priscilla Burton, Mark H. Williams, Sherral Ward for two year terms on the Public Lands Council and Jon Gilbert for one year. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

Emery County Care and Rehabilitation has 2 openings. Applications were received from individuals interested in serving on the ECCR board. Only one application was received. Commissioner Jeff Horrocks made a motion to appoint Ross Huntington representing the Castle Dale/Orangeville area to the ECCR board for 4 years. The appointment for the Huntington/Cleveland area will be filled at a later date. The at large appointment is Commissioner Laurie Pitchforth. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

Emery County Recreation Special Service District has 3 openings. One is the at large appointment which is Commissioner Laurie Pitchforth. Commissioner Laurie Pitchforth made a

4

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JANUARY 5, 2010

motion to appoint Joel Dorsch and Randal Stilson to 4 year terms on the ECRSSD Board of Directors. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(9)

**CITIZEN CONCERNS**

None

(10)

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve the minutes dated December 22, 2009 was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(11)

**COMMISSION REPORTS**

*Commissioner Kofford*

Commissioner Kofford commended Mike McCandless, Tina Carter and the Emery County Travel Board members on the Emery County Travel Guide named appropriately, San Rafael County, We're Closer Than You Think. He stated that it is very good representation of what Emery County is all about. He indicated that the brochure will be handed out at travel shows all over.

(12)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

(13)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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COMMISSION MEETING MINUTES  
JANUARY 5, 2010



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

JANUARY 26, 2010

Commissioner Gary Kofford was out of town. Therefore, Commissioner Jeff Horrocks was acting Chair and stepped down throughout the meeting to execute motions as needed. Also present at the meeting was Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox other elected officials and citizens.

Commissioner Laurie Pitchforth made a motion to suspend the agenda order and move to #13, Citizen Concerns. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(13)

**CITIZEN CONCERNS**

Tracy Behling, President, Ferron Canal Company addressed the Commissioners. He stated that the Ferron Canal Company hired contractor, Royce Stilson, to engineer a building for their water project by Millsite Reservoir. Tracy was asked to get a building permit for the building. At that time Tracy sat down with Emery County's Building Inspector, Mark Debry and Planning & Zoning Director, Michael McCandless. At that time the Canal Company was told that the building permit fee could be waived because it is an agriculture structure. So the Canal Company had Royce Stilson move forward with the construction of the building. Royce contacted the Building inspector to have him inspect the foundation before moving on with the construction process and again was told it was not necessary because it was an agriculture structure. So they proceeded with construction of the building according to the engineers drawings. Now that the building is completed, it is time to put power into the structure. Rocky Mountain Power required a building inspector's certificate to put power to the building. So, now they are being told that they have to go back and do things that at the beginning they were not required to do. Royce has also been told that there needs to be installed energy saving insulation on the overhang doors. Tracy indicated that the Canal Company felt that they qualify for a fee waiver and that they need to move forward with the electrical.

Mike McCandless stated that he had no preference one way or another as to whether to grant them a fee waiver. They were granted an exemption for the agriculture structure. They were told if, in the future the use of the structure changes and electrical and plumbing was added that they would have to meet state requirements. Employees working in the building changes the use to commercial. The Canal Company indicated that the use of the structure was storage of equipment. At the time that the Canal Company came in for a permit Mark Debry was not commercial certified. Bob Bennett was doing the commercial building inspections. Cameron Nerdin is the new building inspector and is going on current codes and the intended use of the

COMMISSION MEETING MINUTES  
JANUARY 26, 2010

building.

Gordon Bennett, Manager for Ferron Canal Company indicated that the retro-fitting around the overhang doors cost \$850.00. the Canal Company is a non-profit organization. That money comes out of the pockets of the farmers. Millions of dollars have been spent on this project locally. He asked why the Canal Company was being required to go back and do something that was not required in the beginning and that we tried to do in the beginning but was told it was not needed?

Mike McCandless indicated that communication with the Planning & Zoning board indicated that the structure would be for storage of equipment and was given a zoning clearance.

Tracy indicated he did not mis- represent the use of the building. The P/Z board was told that at some point there would be an office with employees performing maintenance on equipment and projects. This is a \$17 million dollar project and they need a place to locate.

Attorney David Blackwell suggested looking into the information based on current code and law.

Commissioner Jeff Horrocks explained that this was non-action agenda item and that the Board of Commissioners will take the information under advisement and make a decision soon.

Kash Winn also addressed the Commissioners with a concern regarding procurement, specifically procurement of contractors for jobs in the county. He encouraged the Commissioners to look into the procurement of contractors for projects in the county. He sited recent projects where the contractors were from out of the area and brought in contractors when we have several contractors in the county. He asked if the Commission has any power to see that the contractors give advantage to local contractors on these projects. These are several million dollar projects and this money is leaving the county.

Commissioner Horrocks stated that the three commissioners as well as the elected officials in the county are all aware of the economic status in the county and are doing what they can, within the law, to keep those jobs here. It is a major concern, and we look at it everyday. There are state procurement laws and also requirements from the money source that the county has to follow.

Attorney David Blackwell, explained that there is not a way to give advantage to in county contractors. We have to abide by state procurement law.

Commissioner Laurie Pitchforth indicated that the County tried to get local contractors to bid on recent projects, but opted not to bid on them. We try to use local contractors as much as we can by law.

COMMISSION MEETING MINUTES  
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David Blackwell stated that the County can't trump state and federal laws. There are strict guide lines to follow.

(1)

**CONSIDERATION AND APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # through and including # for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
8-10	JPS Voter and cards Communications/PSIC & CIB grants	\$17,446.00
9-10	Small snow plow w/wings Highway	5,999.00
10-10	Dump bed body Highway	12,869.00
11-10	Semi truck Highway	73,200.00
12-10	69 Kenwood radios w/antennas/cases Communications/PSIC Grant	32,609.40
13-10	John Deere 824K Wheel Loader Highway	311,750.00
14-10	2 48 volt power supply/fuse panel Communications/CIB Grant	3,870.61
15-10	48 volt power inverter for 800 Mhz radio Communications/SIEC Grant	2,775.00
16-10	4 Lifepak 1000 advanced w/ECG display Ambulance/EMS Grant	11,980.00

COMMISSION MEETING MINUTES  
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17-10	8 Telewave coupler, 11 Isolaters Communications/CIB Grant	11,148.12
18-10	20 Telewave Antennas Communications/CIB Grant	14,247.96
19-10	2 Intellituner, Kenwood Radio Communications/PSIC	1,659.85
20-10	2 Kenwood radios/control pkgs/ext speaker Communications/PSIC	2,237.20
21-10	47 Motorola Pagers Communications/PSIC Grant	16,309.00
22-10	Palstar ATAUTOK, Kenwood radio Communications/PSIC	1,715.90
23-10	Canon Camera Travel Bureau	632.99
24-10	2 Inspirin 1010 Computers 10 Optiplex 780 Towers 5 HP 6000 Towers Shredder 3500 S 4 Laptop Computers IT/Capital Replacements	18,515.40

There were no dispositions.

Commissioner Laurie Pitchforth made a motion to approve the Warrant Check Edit List, additional claims and requisitions. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(2)

**BILL BATES, DWR, PRESENTATION OF PILT PAYMENT AND UPDATE ON  
DIVISION ACTIVITIES.**

Bill Bates-DWR provided a brief update of recent division activity.

\* Changes to Big Game hunting. Maybe changing season dates and combing deer and elk hunts.

COMMISSION MEETING MINUTES  
JANUARY 26, 2010

They are looking for input from the public in helping to make these decisions.

- \* Regional Council in Green River discussed the status of deer herds in the county.
- \* They have installed a permanent wash station at Huntington State Park.
- \* They are conducting a study of Big Horn Sheep on the San Rafael. They recently lost some rams to disease.
- \* They have set up a walk-in access program for agricultural sites for hunting access.
- \* He presented the Commissioners with the Division's PILT check for \$2,751.30 representing a percentage of the hunting and fishing licenses on the 5500 acres that the Division holds title on Emery County.

Ray Petersen asked how the public can make comment on the Division's processes.

Mr. Bates indicated that they make comment on line. At this time they are looking for comment on the deer management unit by unit.

Ray also commented that the elk counts in the county are up this year. Does that mean that there will be more cow permits available? Mr. Bates did not have an answer.

Phil Fauver asked what the division is doing to cut down of accidents involving deer on the highway? He also asked for help getting the deer out of his garden. Mr. Bates suggested that he contact the office for help with the garden. As far as cutting down on accidents, they have installed fencing along the highway between Huntington and Price to help keep the deer and elk from migrating across the roadways.

(3)

**APPOINTMENT OF VACANCIES ON THE BOARD OF DIRECTORS FOR THE MUSEUM OF THE SAN RAFAEL.**

Commissioner Jeff Horrocks explained that they have seven vacancies on the Board of Directors for the Museum Of the San Rafael. They received seven applications for those vacancies. Commissioner Laurie Pitchforth made a motion to appoint Christine Jensen, Dawnette Tuttle and Clifford Oviatt to two year terms and Nancy Espanet, Randy Jensen, Mervin Miles and Ramal Jones to four year terms on the Museum of the San Rafael. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(4)

**CONSIDERATION AND APPROVAL OF REFUND OF ANNUAL AQUATIC CENTER PASS FOR LINNEA OGDEN.**

Commissioner Laurie Pitchforth made a motion to deny a refund of annual Aquatic Center Pass for Linnea Ogden. The motion was seconded by Commissioner Jeff Horrocks and the motion

passed.

(5)  
**RATIFICATION OF FEDERAL AID AGREEMENT FOR SOUTH MOORE PHASE 8.**

Commissioner Laurie Pitchforth made a motion to ratify the signing of a federal aid agreement for South Moore Phase 8. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(6)  
**CONSIDERATION AND APPROVAL OF APPLICATIONS FOR RIGHTS-OF-WAY AUTHORIZED BY BLM FOR THREE BACK COUNTRY AIRSTRIPS- CEDAR MOUNTAIN, MEXICAN MOUNTAIN AND HIDDEN SPLENDOR.**

Tabled

(7)  
**APPROVAL OF OUT-OF-STATE TRAVEL FOR NATHAN MARTINEZ, AMY WILMARTH, CHERE PACKER, KIM ANDRUS AND LISA WEIHING FOR EMT TRAINING.**

Commissioner Laurie Pitchforth made a motion to approve out-of-state travel for Nathan Martinez, Amy Walmarth, Chere Packer, Kim Andrus and Lisa Weihing for EMT Training. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(8)  
**SETTING OF PUBLIC HEARING FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT ISSUANCE OF GENERAL OBLIGATION BONDS.**

Commissioner Laurie Pitchforth made a motion to set a public hearing for February 9, 2010 at 10:00 am to receive public comment for Castle Valley Special Service District issuance of General Obligation Bonds. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(9)

**DISCUSSION OF PLACING AN AD IN THE ENERGY EDITION OF SUN  
ADVOCATE/EMERY COUNTY PROGRESS.**

Commissioner Laurie Pitchforth made a motion to approve placing a 1/4 page ad in the Energy Edition of the Sun Advocate/Emery County Progress. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(10)

**CONSIDERATION AND APPROVAL OF EQUITABLE SHARING AGREEMENT  
BETWEEN EMERY COUNTY AND US DEPARTMENT OF JUSTICE.**

Commissioner Laurie Pitchforth made a motion to approve of Equitable Sharing Agreement between Emery County and US Department of Justice. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(11)

**REPRESENTATIVE FOR FARM BUREAU FINANCIAL SERVICES. DISCUSSION OF  
OFFERING GROUP TERM LIFE INSURANCE TO FULL TIME EMPLOYEES  
THROUGH PRE-RAX PAYROLL DEDUCTION.**

Tyler Jeffs, representative for Farm Bureau Financial Services presented the Board of Commissioners with a proposal to offer term life insurance to full time employees through pre-tax payroll deduction. He indicated that the life insurance would also be portable, meaning if they leave the county the premium could move with them to another job.

Commissioner Jeff Horrocks informed Mr. Jeffs that another company has also made a presentation and they will look at the options and let him know at some time in the future.

(12)

**CONSIDERATION AND APPROVAL OF A BUSINESS LICENSE FOR NATURAL  
RESOURCES CONSULTING.**

A business license for Val Payne dba: Natural Resources Consulting was presented for approval. Commissioner Laurie Pitchforth made a motion to approve a business license for Val Payne dba: Natural Resources Consulting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

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(13)

**CITIZEN CONCERNS**

At the beginning of the meeting.

(14)

**PERSONNEL ACTION ITEMS.**

**A. Approval to move Julie Hall, Shala Pitchforth and Kaylee VanWagoner to head lifeguards.**

Shannon Hiatt requested approval to move Julie Hall, Shala Pitchforth, and Kaylee VanWagoner to head lifeguard positions effective 2-8-10 at Grade 6, \$9.15 per hour. Commissioner Jeff Horrocks made a motion to approve moving Julie Hall, Shala Pitchforth and Kaylee VanWagoner as proposed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

**B. Approval to move Mindi Labrum to regular lifeguard.**

Shannon Hiatt requested approval to move Mindi Labrum from head lifeguard to a regular lifeguard effective 2-8-10 and move her to Grade 5, \$8.64 per hour. Commissioner Laurie Pitchforth made a motion to approve moving Mindi Labrum from head lifeguard to a regular lifeguard as proposed. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

**C. Approval to grandfather all head lifeguards on a Grade 6 and all new incoming head lifeguards will be assigned Grade 5.**

Shannon Hiatt requested approval to grandfather all head guards on a Grade 6 and all new incoming head guards will be assigned to a Grade 5. Motion to approve was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

**D. Approval to give Wayde Nielsen 3% longevity pay adjustment for 16-20 years of service.**

Approval was sought for a 3% longevity pay adjustment for Wayde Nielsen. This was inadvertently missed at the beginning of 2009 and therefore he should receive a lump sum check and his hourly rate adjusted. Motion to approve was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.



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COMMISSION MEETING MINUTES  
JANUARY 26, 2010

(15)

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve the minutes dated January 5, 2010 was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(16)

**COMMISSION REPORTS**

There were no reports.

(17)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OTHER MATTERS ALLOWED BY  
LAW.**

Not necessary.

(18)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 9, 2010

Present at the meeting was Commission Chair Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Laurie Pitchforth was out of town. Therefore, Commissioner Kofford stepped down throughout the meeting to execute motions as needed.

Consent Agenda items were presented as follows:

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 204125 through and including # 204269 for payment.

Requisitions reviewed as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
25-10	14" Sander Highway	\$12,700.00
26-10	3 hp Pump Highway	858.60

Dispositions were reviewed as follow:

415-6256, 1992 Peterbilt Tractor (traded), 610-4648, Clippers, 610-4900, Monitor, 610-4901, Computer Terminal, 610-1438, Typewriter, 610-3828, Typewriter, 610-4551, PA System.

(2)

**APPOINTMENT OF JUDY ANN SCOTT AND DARRELL GARDNER TO THE EMERY COUNTY PLANNING COMMISSION.**

Judy Ann Scott and Darrell Gardner's terms on the Planning Commission have expired. Each has requested to be re-appointed. The Board of Commissioner's received a letter from the Planning Commission requesting this action be taken.

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February 9, 2010

(3)

**APPROVAL OF MODIFICATION #1 TO FEDERAL AID AGREEMENT NUMBER 098640 FOR GOBLIN VALLEY PHASE 2.**

Federal Aid Agreement number 098640 was approved on March 26, 2009 with the county's shared portion \$150,429.00. This modification lowers the county shared amount to \$125,081.00

(4)

**APPROVAL OF GRANT APPLICATION BETWEEN UTAH STATE HISTORY AND EC HISTORIC PRESERVATION COMMISSION FOR INTERPRETIVE SIGN AT TEMPLE MOUNTAIN.**

The Emery County Historic Preservation Commission is applying for a grant to put up an interpretive sign at Temple Mountain.

(5)

**APPROVAL OF PERSONNEL ITEMS**

A. Approval to move Tyson Huntington to Correction Officer I for successful completion of Fred House.

B. Approval to hire Nathan Trujillo as a 90 day temporary employee at the Road Dept.  
This item was pulled and moved to the beginning of discussion items.

(6)

**APPROVAL OF COMMISSION MEETING MINUTES**

(7)

**APPROVAL OF BUSINESS LICENSE FOR CONDUCTIVE COMPOSITES COMPANY.**

Conductive Composites Company is already in business and operating out of Green River manufacturing nickel CVD coated carbon fiber. The Zoning Administrator has approved this license.

(8)

**APPROVAL OF BUSINESS LICENSE FOR DUTCH FLAT FIREARMS.**

Dutch Flat Firearms is a new business that wants to sell firearms and optics on special order. He will keep a small inventory on site.

Motion to approve consent items with the exception of Personnel Item B. was made by

Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and the motion passed.

## **Discussion Items**

(1)

### **ITEMS PULLED FROM CONSENT AGENDA**

Commissioner Gary Kofford reported that Mr. Trujillo failed to report for work. John Jacobsen was also interviewed and was the Road Dept.'s second choice. Commissioner Gary Kofford made a motion to hire John Jacobsen as a 90 day temporary employee at the Road Department. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(2)

### **PRESENTATION OF SERVICE AWARDS.**

Commissioner Kofford explained that the county usually hands out service awards at the county Christmas Party. The county opted to not have the party in 2009. The Commissioners determined that the employees should come to Commission Meeting to receive their award. Attorney David Blackwell read off the employees names and Commissioner Kofford and Commissioner Horrocks presented the award to those who were in attendance. Those receiving awards were as follows:

35 years - Jerilyn Mathis

30 years - Norman Vuksnick

25 years - Morris Sorensen

20 years - Annette Allen, Leslie Bolinder, Cheryl Keener, Lynda Smith and John Spinney

15 years - Marian Mangum, Nancy Orgill

10 years - W. Brent Langston

5 years - Michael Van Wagoner, Michael McCandless, Gaylene Gillespe, Ann Marie Anderson, Jackie Collard, Ronald Manzanares, and Clayton Bell.

### **EMTS**

20 years - Deanna Sunstrum and Les Thompson

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15 years - Leonard Norton, Etova Snow and Linda Burrage

10 years - Kenneth Eley, Harry D. Ekker, Barbara Petty, Adam Guymon, George Jensen, and Toni Jo Jones

5 years - Paula Dunham, Rachael Dunham, Karen Smith, and Kathleen Marshall.

Commissioner Jeff Horrocks made a motion to move out of the regular meeting and into a scheduled Public Hearing to receive input from the public with respect to the issuance and sale of up to \$1,300,000.00 general obligation bonds by Castle Valley Special Service District for the purpose of paying all or part of certain capital improvement projects and the potential impacts that the projects will have on the private sector. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(3)

**10:00 A,- PUBLIC HEARING- To receive input from the public with respect to (1) the issuance and sale of up to \$1,300,000.00 general obligation bonds by Castle Valley Special Service District, for the purpose of paying all or part of the costs of certain capital improvement projects and (2) the potential economic impact that the projects will have on the private sector.**

Castle Valley Special Service District Director Jacob Sharp reviewed the parameters of the bond with the public. Jacob explained the repayment schedule. He explained that CVSSD did not want to further impact the payment to 2001 bonds so the CIB worked with them to allow an additional year to repay that bond. Alex Buxton, Zions Finance addressed some legal aspects of the bonds.

There were no additional comments or questions from the public. Therefore, the hearing was closed.

(4)

**CONSIDERATION AND APPROVAL OF RESOLUTION CONFIRMING THE SALE AND AUTHORIZING THE ISSUANCE OF UP TO \$1,300,000.00 GENERAL OBLIGATION BONDS FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT; AND PROVIDING FOR RELATED MATTERS.**

Commissioner Jeff Horrocks made a motion to approve Resolution 2-9-10 confirming the sale and authorizing the issuance of up to \$1,300,000.00 General Obligation Bonds for Castle Valley Special Service District. The motion was seconded by Commissioner Gary Kofford and the

motion passed.

(5)

**DISCUSSION OF CONTRIBUTION/PARTNERSHIP WITH YOUTH DETENTION SERVICES AND CARBON COUNTY.**

Commissioner Kofford reported that Sheriff Guymon recently met with youth detention services in Carbon County regarding the program. The Board of Commissioners received a letter from the Carbon County Commissioners requesting that Emery County participate in the youth detention services program with Carbon County. The legislature has cut funding for the program and both counties are feeling the impact of those cuts. When there is a shortfall in the state they begin to push services to the county level. Based on last years totals they calculate Emery County's contribution to be \$17,000.00 to the program and Carbon County's contribution to be \$42,000.00. Commissioner Kofford indicated that he was not sure where they could take the funds from but agreed that it was something that needs to be looked into. Commissioner Jeff Horrocks made a motion to table the matter until after the legislative session and they are better able to calculate an amount to participate in the program. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(6)

**CONSIDERATION AND APPROVAL OF PROJECT APPLICATION AND GRANT AGREEMENT FOR STATE AID IN THE DEVELOPMENT OF PUBLIC AIRPORTS FOR CRACK SEAL AIRPORT PAYMENTS, RPZ OBSTRUCTION REMOVAL AND BEACON RELOCATION.**

The Commission asked Special Service District to look at a project at the Huntington Airport in 2010. The airport needs to have several items moved to comply with a 400 feet clear zone. The parking lot and entrance also need to be moved as well as crack seal and painting of the tarmac. UDOT Aeronautical Division has a grant package to which we can match to provide for this work to be done. Commissioner Jeff Horrocks made a motion to move forward with the grant application for state aid in the development of public airports for crack seal and RPZ obstruction removal and beacon relocation. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(7)

**CONSIDERATION AND APPROVAL OF ARCHITECT CONTRACT FOR EMERY COUNTY SHERIFF'S TRAINING BUILDING.**

The Commission received two bids for the design of a Sheriff's Training Building. The first bid was from Jim Dresslar who proposed \$1,500 to come to Castle Dale, meet with the

Commissioners and Sheriff Guymon to verify the design, field measure the building and site, take photos and develop a concept plan from which the Commissioners may solicit budget pricing and develop a fee proposal including consultant design of the facility.

The second bid was from Guilford A. Rand, Architectural Coalition PLLC who proposed an analysis of the existing space, at least one design proposal, working drawings so that the accepted design may be bid out and constructed, and contract administration during the construction process. They proposed \$11,345.00 which would include the architectural design and drawings, electrical, mechanical, plumbing & structural engineering and drawings as well as contract administration during construction. The architectural portion of the fee is \$7,145.00 and the engineering portion is \$4,200.00. they requested a retainer upon acceptance of the bid in the amount of \$1,500.00. Commissioner Jeff Horrocks made a motion to accept the bid from Architectural Coalition PLLC in the amount of \$11,345.00. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(8)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER TO HUNTINGTON CITY.**

Commissioner Jeff Horrocks made a motion to waive the \$50.95 for replacing a furnace in the Huntington City Hall. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(9)

**CONSIDERATION AND APPROVAL OF AMENDED WARRANTY DEED GRANTING A RIGHT-OF-WAY TO WAYDE AND TRACY NIELSEN.**

Commissioner Kofford indicated that about a year ago the county purchased property from Wayde Nielsen to expand the Lawrence Cemetery. Mr. Nielsen has asked for an amendment to the Warranty Deed granting him a right-of-way to access his corrals. Commissioner Jeff Horrocks made a motion to approve an amended Warrant Deed granting a right-of-way to Tracy and Wayde Nielsen. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(10)

**CITIZEN CONCERNS.**

Commissioner Kofford stated that Morris Sorensen, Emery County Road Department has been looking at tanker trailers to replace a tanker trailer that has been damaged. They need the tanker for distribution of water. He has found two, one in Colorado and one in New Mexico. Morris requested out of state travel to inspect the tanker trailers. Commissioner Jeff Horrocks made a motion to approve out of state travel for Morris Sorensen and Wayde Nielsen and to ratify the decision in the next Commission Meeting. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(11)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Horrocks*

Commissioner Horrocks reported on attending a meeting with Green River Medical Clinic regarding going out for bid on architectural drawings and then a contractor to do the work on increasing the size of the clinic. Fire Protection SSD has received a CIB grant to purchase new trucks. The District is currently working on ways to keep the volunteer fire workers certified.

*Commissioner Kofford*

Commissioner Kofford reported on the progress of the Care Center Remodeling Project. As soon as the personnel move from the old laundry and kitchen to the new ones they will begin the demolition process of the old kitchen and laundry.

He attended a Non- Urban Joint Highway Committee meeting where they discussed the Stip List for 2014-2015.

Commissioner Jeff Horrocks made a motion to leave the regular meeting and enter into a closed/executive session to discuss pending litigation matters and upon completion of said closed meeting to return to the regular meeting. The motion was seconded by Commissioner Gary Kofford and the motion passed.



8

Commission Meeting Minutes

February 9, 2010

(12)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BYLAW.**

Present at a closed/executive session was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Treasurer Steven Barton, Clerk/Auditor Brenda Tuttle, Assessor Kris Bell, and Herb Jenkins, State Tax Commission Personal Property Auditor/Manager.

Pending litigation matters were discussed.

(13)

**ADJOURNMENT.**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

FEBRUARY 23, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Consent Agenda items were presented as follows:

(1)  
**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #204512 through and including # 204636 for payment.

Requisitions were reviewed as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
27-10	2 Panasonic Tough Books 1 Hp EliteBook 8540w Mobile Workstation Communications/CIB Grant	\$6,334.92
28-10	6 Nikon D5000 Cameras Sheriff	\$11,980.00

There were no dispositions.

(2)  
**RATIFICATION OF OUT-OF-STATE TRAVEL FOR MORRIS SORENSEN AND WAYDE NIELSEN.**

(3)  
**APPOINTMENT OF LORI ANN LARSEN TO EMERY COUNTY CARE AND REHABILITATION BOARD.**

(4)

**APPROVAL OF PERSONNEL ITEMS:**

**A. Approval of 3% wage increase for Julie Hall, Karen Royall and Tyson Huntington for successful completion of their 6 month orientation period.**

**B. Notification that Troylynn Bentley has been hired as a 90 day temporary employee.**

(5)

**APPROVAL OF COMMISSION MEETING MINUTES DATED FEBRUARY 9,2010.**

Motion to approve the consent items was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks. The motion passed.

**Discussion Items**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

(2)

**CONSIDER ADOPTION OF A RESOLUTION COVENANTING TO NOT IMPAIR THE MINERAL LEASE REVENUES OF EMERY COUNTY SPECIAL SERVICE DISTRICT.**

Resolution 2-23-10 states that Emery County Commission will not lower the percentage of mineral lease money that goes to the Special Service District #1. Commissioner Jeff Horrocks made a motion to approve Resolution 2-23-10. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(3)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND ECSSD#1 FOR PARTNERSHIP ON AN IMPROVEMENT PROJECT AT HUNTINGTON AIRPORT.**

The Board of Commissioners have asked the Special Service District #1 to oversee a grant that the county has obtained from the Utah Department of Transportation, Aeronautical Division. The grant will provide funds to complete several projects needed at the Huntington Airport to comply with federal standards for a 400 feet clear zone. The runway will be painted and crack sealed, the trailer house, parking lot and entrance will be moved and lighting improved. the Special Service District will also add funds to the project. The agreement between Emery County and Emery County Special Service District #1 will provide for ECSSD#1 to oversee the

project. Commissioner Jeff Horrocks made a motion to approve an agreement between Emery County and Emery County Special Service District #1 for partnership on an improvement project at the Huntington Airport.

(4)

**CONSIDERATION AND APPROVAL OF ANNUAL EEO PLAN UPDATE.**

Commissioner Jeff Horrocks made a motion to approve an annual Equal Employment Opportunity update. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed. The Commissioners thanked Mary Huntington and Brenda Tuttle for their work on the update.

(5)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR CLEVELAND TOWN OF \$391.25 FOR ELECTRONIC SIGN AT NEW FIRE STATION.**

Commissioner Jeff Horrocks made a motion to approve a building permit fee waiver for Cleveland Town in the amount of \$391.25 for an electronic sign at the new fire station. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(6)

**CITIZEN CONCERNS**

Commissioner Gary Kofford reported that the Emery High School FFA brought in treats to the Commissioners and elected officials and announced that February 21 through 27 is National FFA week and thanked them for their continued support.

Pay Petersen, Public Lands discussed an issue regarding the Crandall Canyon Mine Memorial Site. He indicated that the site is on Forest Service administered property. Emery County is the holder of a special use permit for 5 years. At that time the intent was to make the location private property through a land trade with the Forest Service. Ray read a letter forwarded to the Commissioners regarding this land trade. It read as follows: On June 4, 2008, Andalex Resources, Inc. and Intermountain Power Agency (IPA), joint owners of the Crandall Canyon Mine, signed a quitclaim deed which transferred ownership to Emery County of a certain parcel of land at the minesite for permanent use as part of the Crandall Canyon Memorial. We now propose to amend that quitclaim deed to expand the deeded area from 0.8 acres to approximately 1.7 acres, as shown on Exhibit 1 attached. The purpose for expanding the deeded area is to provide additional area for the parking lot after the mine is ultimately reclaimed, and to include transfer of the required length of 6' diameter culvert which runs under the parking area, and must be left in place after reclamation.

The amended quitclaim deed also includes conveyance to Emery County of a certain parcel of land located in Huntington Canyon. This parcel has been reviewed by representatives of Emery County and the U.S. Forest Service, and is intended to be used at some time in the future to be exchanged for the Forest Service land presently surrounding the memorial. This is in fulfillment

of the commitment which Andalex/IPA made in the Memorandum of Agreement with Emery County signed May 21, 2008. A draft copy of the amended quitclaim deed was included with the letter and if found acceptable in concept the letter was to be signed and returned to Project Engineer, David Shaver. Attorney David Blackwell recommended signing the letter agreeing in concept to the proposal and the signing needs to be ratified in the next Commission Meeting. He indicated that the date on the deed needs to be corrected. Commissioner Jeff Horrocks made a motion to approve the amended deed and to have the Commission Chairman sign the letter and bring the matter back to the next Commission Meeting for ratification. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(7)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Jeff Horrocks*

Commissioner Horrocks reported on Fire Protection Special Service District's meeting where they discussed and approved the purchase of 8 new fire trucks and equipment. Emery County Housing Authority is currently replacing heaters in the Castle Dale and Ferron units.

He recently attended a Civil Air Patrol meeting with Major Jess Hall where they discussed the process of revitalizing the program in the County. They are looking for adults and youth ages 12 to 18, pilots and non-pilots, interested in being involved with search and rescue.

*Commissioner Pitchforth*

Commissioner Pitchforth attended Senator Bob Bennett's Rural Economic Conference with Commissioner Kofford. It was held in Carbon County Events Center and there was a large attendance.

Commissioner Pitchforth attended a Drug Coalition meeting with Director Lori Huntington. The group is working diligently to find ways to prevent drug use in the county.

USU Extension Service recently sponsored a class on building relationships in marriage. The speaker was Matt Townsend who has a PHD in Communications and Marriage Relationships. Their next class will be a Master Gardening Class. They will also be sponsoring family photos on March 6 and 7, 2010.

The Miss Emery Pageant is recruiting people interested in serving on the board and recruiting young women for the pageant. The Royal Tea Party will be in June and they are looking for interested people to serve on that committee also.

She reported on the progress of the Emery County Care and Rehabilitation Center Remodel

Project. She expressed her thanks to the staff at the center for their patience and continued help with the transfer of patients to the new south wing.

*Commissioner Kofford*

Commissioner Kofford reported that there will be a Economic Development Council Summit at the John Wesley Powell Museum in Green River on March 11, 2010 from 1:00 pm to 7:00 pm.

He recently attended the RV Show at the Events Center in Salt Lake where the Emery County Travel Bureau participated in handing out maps and brochures designed to pull people into the county.

Commissioner Kofford commented on the recently headlines indicating President Obama's intention to make the San Rafael Swell a monument. Governor Herbert recently met with Secretary Salazar on the matter and assured the Commissioners that he trusts him. Senator Bob Bennett is putting together a bill that will keep legislature from creating monuments due to the antiquities act. When the story broke on Thursday, they were in a meeting with Representative Matheson as well as other key land people. Emery County Public Lands Council has been working toward producing a land use bill.

(8)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Not needed.

(9)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

MARCH 9, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Jeff Horrocks was not able to attend the meeting. Therefore, Commissioner Gary Kofford stepped down throughout the meeting to execute motions as needed.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Requisitions for approval:

<u>Requisition</u>	<u>Description</u>	<u>Amount</u>
29-10	Fan Search & Rescue/Sheriff	594.00
30-10	Yates Spec Pak Search & Rescue/Sheriff	1,020.00
31-10	Water Tanker Highway	906.10

There were no dispositions.

(2)

**RATIFICATION OF ACCEPTANCE OF AMENDED QUIT CLAIM DEED FORM  
ANDALEX RESOURCES, INC. AND INTERMOUNTAIN POWER AGENCY FOR  
LAND TO BE EXCHANGED FOR THE FOREST SERVICE LAND PRESENTLY  
SURROUNDING THE CRANDALL CANYON MEMORIAL AND PARKING LOT  
EXPANSION.**

(3)

**APPROVAL OF ANNUAL LAWN CARE FOR COUNTY-OWNED FACILITIES.**

(4)  
**RATIFICATION OF EMERGENCY MANAGEMENT PERFORMANCE GRANT APPLICATION.**

(5)  
**APPROVAL OF PERSONNEL ITEMS:**

**A. Approval of 3% wage increase for Jessica Murray and David Ames for completion of 6 month orientation period.**

(6)  
**APPROVAL OF COMMISSION MEETING MINUTES DATED FEBRUARY 23, 2010.**

Commissioner Laurie Pitchforth made a motion to approve the consent agenda. The motion was seconded by Commissioner Gary Kofford and the motion passed.

**Discussion Agenda**

(1)  
**ITEMS PULLED FROM THE CONSENT AGENDA.**

There were no items pulled from the consent agenda for discussion.

(2)  
**DISCUSSION AND APPROVAL FOR FARM BUREAU FINANCIAL TO OFFER LOW-COST LIFE INSURANCE TO COUNTY EMPLOYEES THROUGH PAYROLL DEDUCTION.**

Commissioner Kofford reported that in previous meetings presentations were given regarding offering low-cost life insurance to county employees through payroll deduction. After looking over the proposals Commissioner Kofford recommended allowing Farm Bureau to offer the insurance to county employees. Commissioner Laurie Pitchforth made a motion to approve Farm Bureau to offer low-cost life insurance to county employees through payroll deduction. The motion was seconded by Commissioner Gary Kofford and the motion passed.



(3)

**OPEN BIDS FOR DEMOLITION OF BUILDING AT GREEN RIVER ROAD SHOP.  
CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED  
PAPERWORK.**

Commissioner Kofford reported that on February 12, 2010 a mandatory site showing was held at the Green River Road Shop for contractors interested in bidding on the demolition of the road shop building. Five contractors attended and four submitted the following proposals:

- 1) Double E. Construction, Inc. \$86,165.00
- 2) Dennis Lierd II Construction, Inc. \$24,365.00
- 3) High Desert Excavating, Inc. \$69,480.00
- 4) Nelco Contractors, Inc. \$35,300.00

Commissioner Laurie Pitchforth made a motion to award the bid to Dennis Lierd II Construction, Inc. as the low bidder. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(4)

**OPEN BIDS FOR FLOORING AT CASTLE DALE AND FERRON SENIOR CENTERS.  
CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED  
PAPERWORK.**

Bids were requested for the replacement of flooring in the Ferron and Castle Dale Senior Centers. Bid proposals were received from two contractors. The bids were opened as follows:

- 1) Affordable Flooring \$11,233.00 for Ferron/ \$12,353.00 Total \$23,586.00
- 2) Abbey Carpets \$18,605.45

Commissioner Laurie Pitchforth made a motion to award the bid to Abbey Carpets. The motion was seconded by Commissioner Gary Kofford and the motion passed.

Maughn Guymon Senior Citizen Director will contact Abbey Carpets of the decision.

Motion to leave the regular meeting and into a public hearing was made by Commissioner Laurie Pitchforth, seconded by Commissioner Gary Kofford and the motion passed

(5)

**9:30 AM PUBLIC HEARING TO RECEIVE INPUT REGARDING THE MENTAL  
HEALTH AND SUBSTANCE ABUSE TREATMENT NEEDS IN EMERY COUNTY.**

Jan Bodily, Director of Four Corners Community Mental Health addressed the public in attendance. She reported that Utah code dictates that local authorities receive input from the communities regarding mental health issues. It also requires that they present an annual plan with the information that they receive during a public process. Jennifer Thomas, Director of the

Castle Dale office and Rich Dunham, Director over the Four Corner Agency were also present at the Public Hearing.

Maughn Guymon, Director, Senior Citizen Program for Emery County asked if their plan placed any focus on the mental health of the 60 and over population.

Jan Bodily answered that they have specialist in geriatric care in the Nursing Home for clients of all ages.

Maughn Guymon, as director over Area Agency for Aging in Emery County as well as the State of Utah, he would like to see in the plan a focus for senior's needs and mental health services.

Jennifer Thomas reported that the department will be undergoing a remodel project at the Castle Dale offices of Four Corners Community Behavioral Health. They will begin the project in the next few weeks.

Commissioner Kofford thanked FCCBH for the work that they do for the citizens of Emery County. Jan is over mental health for Grand, Carbon and Emery Counties. Budget constraints makes things tight. This is one area where the legislature cuts first in hard times. Jan works hard to keep the services out there for our citizens. The County appreciates all that they do.

Commissioner Laurie Pitchforth made a motion to return to the regular meeting. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(6)

**CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING EMERY COUNTY TO SHARE REVENUES WITH EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.**

Commissioner Kofford explained Resolution 3-9-10 which authorizes Emery County to share revenues with Emery County Fire Protection Special Service District. The Fire District has ordered 8 new fire trucks. They received 50% of the \$2,435,000.00 needed to purchase the trucks from CIB. The Fire District had \$667,500.00 to put towards the purchase. Emery County budgeted \$550,000.00 to make up the difference. This resolution will allow the sharing of revenues to make the purchase of the trucks. Commissioner Laurie Pitchforth made a motion to approve Resolution 3-9-10 authorizing Emery County to share revenues with ECFPSSD. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(7)

**CITIZEN CONCERNS**

Commissioner Laurie Pitchforth made a motion to advertise for applicants to fill a vacancy on the Library Board. The motion was seconded by Commissioner Gary Kofford and the motion passed. This will be ratified in the next meeting.

(8)

**COMMISSION/ELECTED OFFICIAL REPORTS**

*Commissioner Kofford*

Commissioner Kofford reported that an Economic Development Summit will be held in Green River at the John Wesley Powell Museum on Thursday, March 11, 2010 at 1:00 pm and is free to all interested citizens.

Emery County Special Service District met regarding the final process on Lila Canyon Road. A notice to proceed with the project will be soon be issued to Nielson Construction.

*Commissioner Pitchforth*

Utah State Extension Service will be hosting Festive Friday this week.

Recreation Special Service District has several events coming up:

An Easter Egg Hunt in Castle Dale, March Madness Basketball Tournament, Golf Camp, Fly Tying Camp, Racquetball Camp, Dodge Ball Tourney.

She read a letter from a young man who will be competing in the Special Olympics and is looking for help to attend the meet in Nebraska.

(9)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

(10)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

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

MARCH 9, 2010

Present at the meeting Commissioner Gary Kofford, Commissioner Laurie Pitchforth, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, Assessor Kris Bell, Deputy Assessor Nadine Thompson, Utah State Tax Commission Herb Jenkins and Kimm Lacey, Leslie Bolinder, Matthew M.. Cannon from Ray Quinney & Nebeker. Commissioner Jeff Horrocks was not able to attend the meeting.

**In Regard to Personal Property Tax Appeal Central Bank & Trust; Account BU-06-0223:**

Matthew M.. Cannon, Ray Quinney & Nebeker began the hearing by presenting his case. Central Bank & Trust loaned Black Gold Leasing \$1,000,000 for drill rigs and equipment. The property was to be acquired and refurbished. Before the equipment was refurbished Black Gold Leasing filed for bankruptcy. Central Bank got an order to sell the equipment. After it had seized the rigs Central Bank learned that Black Gold Leasing had not paid any personal property taxes. The rigs sold for \$283,000 in December of 2009. The Emery County Assessor's office placed a value of \$3,000,000 for 2009 and \$3,000,000 for 2008 on the rigs.

It is the banks position that the property value is between \$283,000 and \$500,000. The third party assessed value was \$283,000. Mr. Cannon is requesting that the Emery County Board of Equalization lower the assessed personal property value.

Commissioner Gary Kofford stated that Central Bank has never disclosed how much they felt the rigs were worth. The bank is not going to make a loan without sufficient collateral. Commissioner Kofford stated that he feels like the assessor's office has done the job they had to do. They went to the Utah State Tax Commission to get comparable values.

Assessor Kris Bell asked Mr. Cannon if the bank had an appraisal done on the property prior to the loan. Mr. Cannon stated that he did not have that information. It was his understanding that the bank made a \$1,100,000 loan on the rigs and other equipment.

Herb Jenkins, Utah State Tax Commission, stated that the auction of equipment was held in December 2009. The valuation of equipment is as of January 1 of the current year. Mr. Cannon stated that he felt like the value was established before the equipment was inspected.

Attorney David Blackwell stated that in Utah Code section 59-2-307 the Board of Equalization can not reduce values. Mr. Jenkins agreed that once an estimate is placed on the property the value can not be changed unless the estimate was completely out of line. Mr. Cannon felt like

this section of the code did not apply because an affidavit was not filed on the property. Mr. Jenkins read from the Utah State Code that if any transitory property enters the State then the owner or agent shall immediately file an affidavit with the assessor's office. Black Gold Leasing failed to file the affidavit. It was not the assessor's job to send them an affidavit.

Attorney David Blackwell asked Mr. Cannon if his firm had been involved in the bankruptcy proceeding with Black Gold Leasing. Mr. Cannon said that his involvement in the case came after the bankruptcy and he was not sure how involved his firm had been prior to that.

Mr. Jenkins told how he became involved with the case. He received a call from the County and informed Assessor Kris Bell that she had to make an estimate of the property. Mr. Jenkins went back to audits of similar property. The State Tax Commission has audits of similar property in every County in the State except for Salt Lake County. That is how the personal property value was established.

Mr. Jenkins informed the Board that the process from here would be for them to meet and issue a decision in this case. Central Bank can then appeal the decision to the State Tax Commission. An informal or a formal hearing could be requested. If unsatisfied with that decision they could appeal to the District Court and then to the Supreme Court.

Commissioner Gary Kofford informed Mr. Cannon that a decision would be forthcoming in the mail. The decision would be mailed within ten days. Mr. Cannon stated that they would not challenge the time frame because the original hearing was moved back because of a scheduling conflict they had.

All members present were then excused from the meeting.

**Decision:**

Present were Commissioner Gary Kofford, Commissioner Laurie Pitchforth, Attorney David Blackwell and Clerk/Auditor Brenda Tuttle.

It was the decision of the Board of Equalization that the bank has not shown the value of the assets at the time of the loan to show what the collateral was worth. The legal standard for lowering the assessed value is the estimate has to be arbitrary and capricious. The Board does not feel this was the case. Commissioner Gary Kofford made a motion to let the value stand as is and send a letter stating that the request was denied. Commissioner Laurie Pitchforth seconded the motion and it was approved by all members present. Commissioner Kofford requested Attorney David Blackwell draft a letter to that effect. Mr. Blackwell will sign the law references in his letter.

3

Board of Equalization Hearing

March 9, 2010

Commissioner Gary Kofford made a motion to adjourn the meeting. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 23, 2010

Present at the meeting was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox other elected officials and citizens.

**Consent Agenda**

**(1)**  
**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Requisitions presented for approval:

<u>Requisition</u>	<u>Description</u>	<u>Amount</u>
32-10	2010 Dodge Truck Sheriff	\$27,248.00
33-10	(5) 2010 Chevrolet Tahoes Sheriff	\$122,000.00
34-10	Canon EF-S Zoom Lens 18mm-200mm Travel Bureau	\$597.83
35-10	Software- Inventory tracking Road Department/IT	\$5,519.00

There were no dispositions.

**(2)**  
**RATIFY ACTION TO ADVERTISE FOR LIBRARY BOARD VACANCY.**

**(3)**  
**RATIFICATION OF ROAD AGREEMENT BETWEEN EMERY COUNTY AND UTAH  
AMERICAN ENERGY, INC. ON COUNTY ROAD 126 - LILA CANYON.**

(4)

**APPROVAL OF BUSINESS LICENSE FOR BUCKHORN UNLIMITED.**

(5)

**APPROVAL OF COMMISSION MEETING MINUTES DATED MARCH 9, 2010.**

Motion to approve the consent agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed. Commissioner Horrocks abstained from voting on agenda item #5 as he was presented at the meeting to approve the minutes.

**Discussion Items**

(1)

**ITEMS PULLED FROM CONSENT AGENDA**

Commissioner Laurie Pitchforth discussed requisition #33-10 which was for 5 Chevrolet Tahoes. She indicated that the Sheriff had money for only 4 vehicles. Therefore, she asked to have the motion amended to approve 4 Tahoes and have the Sheriff turn in a new requisition indicating the corrected amount. Commissioner Jeff Horrocks made a motion to approve requisition 33-10 for 4 Chevrolet Tahoes and to have the Sheriff turn in a corrected requisition. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(2)

**CONSIDERATION AND APPROVAL OF LICENSE FEE AGREEMENT BETWEEN EMERY COUNTY AND PICTOMETRY INTERNATIONAL CORPORATION FOR PICTOMETRY IMAGES.**

Commissioner Gary Kofford suggested that this item be tabled until the cost can be confirmed. The agreement called for the cost to be stretched out over a two year period. It was determined that the Commission cannot obligate funds for the next year. Therefore, Commissioner Jeff Horrocks made a motion to table this agenda item until the next Commission Meeting to get more information. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.



(3)

**DISCUSSION AND SETTING OF SECOND PUBLIC HEARING FOR CDBG SMALL CITIES PROGRAM APPLICATION FOR PROGRAM YEAR 2010.**

Commissioner Gary Kofford explained that Emery County has applied for a CDBG Grant in the amount of \$400,000.00 for the construction of a Food Bank building. As part of the requirements for the grant the county must publish and hold public hearings to discuss the project with the public. Commissioner Jeff Horrocks made a motion to set a date and publish in the paper the date of April 13, 2010 at 10:00 am to hold a second public hearing to receive public comment regarding the construction of a building for the Emery County Food Bank and other matters related to the project. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(4)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN UTAH DIVISION OF FORESTRY, FIRE, AND STATE LANDS AND EMERY COUNTY FOR WILDLAND FIRE PROTECTION PROGRAM.**

The agreement has been reviewed by Attorney David Blackwell who has indicated that the document, although the intent remained the same, needed some wording changes. There were discrepancies in the amount of Emery County's cost to participate in the Fire Warden's salary. Mr. Blackwell indicated that a new, corrected contract is on the way. Commissioner Jeff Horrocks made a motion to approve an agreement between Utah Division of Forestry, Fire, and State lands and Emery County for the Wildland Fire Protection Program and to authorize the corrected agreement to be signed upon review. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(5)

**DISCUSSION AND APPROVAL OF FEE WAIVER FOR FREE SWIM DAY AND A TEEN ACTIVITY IN ASSOCIATION WITH THE EMERY COUNTY FAIR.**

Recreation District Director, Gay Lee Jeffs reported that the Emery County Fair will be held on August 5,6,and 7<sup>th</sup>. The Fair Committee has planned a Free Swim Day for the 5<sup>th</sup> and Teen Activity on the 4<sup>th</sup> from 8:30 pm until midnight to kick off the fair. The committee requested a fee waiver for the free swim day and teen activity. She indicated that these activities were well attended last year. Commissioner Laurie Pitchforth made a motion to approve a fee waiver for free swim day and teen activity on August 4<sup>th</sup> and 5<sup>th</sup> in association with the Emery County Fair. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(6)

**REQUEST APPROVAL TO HOLD THE FREE CONCERT, IN ASSOCIATION WITH THE EMERY COUNTY FAIR, ON THE LAWN NEAR THE EMERY COUNTY AQUATIC CENTER.**

Gay Lee Jeffs also requested permission to hold the August 7<sup>th</sup> free concert, usually held at the rodeo grounds, at the lawn of Aquatic Center Park. Commissioner Kofford discussed some logistic problems that may occur. Parking may be an issue. It was suggested to have people park at the high school and walk over to the park, leaving the parking lot at the Aquatic Center for handicap access and the band, avoiding having vans or big trucks pulling onto the newly planted grass. Commissioner Laurie Pitchforth made a motion to approve holding the free concert at the Aquatic Center Park lawn with the stipulation that Gay Lee meet with the Sheriff to figure out the logistics situation and get permission from the School District for possible parking. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(7)

**CONSIDERATION AND APPROVAL OF DONATION TO EMERY COUNTY COMMUNITY THEATER.**

Commissioner Jeff Horrocks made a motion to donate \$250.00 to the Emery County Community Theater. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(8)

**DISCUSSION AND APPROVAL OF ENTERING INTO AN AGREEMENT WITH PAYNE RELIEF, LLC FOR PUBLIC LAND CONSULTING.**

Commissioner Gary Kofford discussed entering into an agreement with Payne Relief, LLC for public land consulting. The county has extensive public lands, and decisions made regarding management of those lands continually impacting county resources, planning and economics, as well as its customs and culture. The county desires to hire Val Payne to monitor public land management issues and advise the county on public land policy decisions. The term of the agreement will begin immediately upon approval on conclude on or before June 30, 2010. If approved the county shall pay Mr. Payne \$12,500.00 for the term of the contract, payable in \$6,250.00 at the commencement of the contract and \$6,250.00 halfway through the contract on May 11, 2010. Mr Payne shall report to the Public Lands Director as needed, at least monthly, and will meet regularly with the Public lands Council. Mr. Payne will perform tasks as assigned by the Public Lands Director which may include research, correspondence, advocacy, permitting, planning and other issues related to Emery County Public Lands. It was agreed that Mr. Payne is an independent contractor with the county, and is not an employee, and therefore is not entitled to any of the benefits normally provided by County to its employees. Patsy Stoddard commented that the cost seemed a little high for the amount of work that he will be doing and asked if there wasn't someone who could do this a little cheaper? Ray Petersen, Public Lands Director explained that Mr. Payne will not be drafting the land bill that Public Lands is currently working

on, only the duties as set out in the agreement. Mr. Payne will mostly be freeing up his time so that he can spend more time on the land bill legislation. Mr. Payne added that the agreement equates to approximately \$25.00 an hour and he will be using his own vehicle and equipment with the exception of mapping and GIS support from the county. Motion to enter into an agreement with Payne Relief, LLC for Public Lands Consulting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(9)

**APPOINTMENT TO EMERY COUNTY LIBRARY BOARD OF DIRECTORS.**

Motion to appoint Shirley Van Zyverden to the Emery County Library Board of Directors for a 4 year term was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(10)

**CITIZEN CONCERNS**

Commissioner Kofford explained that a Board of Equalization meeting was held on March 9, 2010 regarding an appeal of personal property tax. The minutes from that meeting need to be approved and ratified in the next meeting. Commissioner Laurie Pitchforth made a motion to approve the minutes of the BOE held on March 9, 2010, the motion was seconded by Commissioner Gary Kofford as Commissioner had to abstain from voting because he was absent from the meeting. The motion passed and will be ratified in the next meeting.

(11)

**COMMISSION/ELECTED OFFICIALS REPORTS.**

*Commissioner Horrocks*

Commissioner Horrocks recently attended DWR RAC meeting where they discussed buffalo permits, elk and deer permits and the time of year for the hunts.

Commissioners Kofford, Horrocks and Pitchforth attended the Economic Summit in Green River. There was a good turnout with good discussion on how to make the group function in Green River. Canyon Country Partnership made up from individuals from Carbon, Emery, Grand and San Juan counties recently met to discuss jobs going and coming to the area. They also discussed movies being currently made in Emery and Grand Counties. They are expected to boost the economy of both counties. The filing period for elected offices in the county is now over. He stated he is looking forward to campaigning.

*Commissioner Pitchforth*

Commissioner Pitchforth reported more on the Economic Summit in Green River. She reported that the Green River Chamber Of Commerce sponsored the summit. Members of the Moab Chamber of Commerce Carbon County Chamber of Commerce and city developer from

Panguitch all made presentations on how to pull businesses together. Emery County will soon begin pulling together businesses to form an Emery County Business Partnership to take advantage of working together to make businesses stronger in Emery County.

She reported on Festive Friday sponsored by the USU Extension Service. This last Friday was organization and spring cleaning. She encouraged everyone to take advantage of what the department has to offer.

*Commissioner Kofford*

Commissioner Kofford reported on attending the Sportsman Expo in Sandy. He enjoyed talking to people about Emery County. He stated that it is evident that holding events in the county such as the recent Poker Run pays off for the retailers. He saw many trailers with 4 wheelers parked in the Stewart's parking lot on Saturday. He also reported that he will be attending BLM RAC Advisory meeting on Wednesday and Thursday.

(12)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

(13)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**ATTEST:** \_\_\_\_\_

**COMMISSIONER:** \_\_\_\_\_

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

APRIL 13, 2010

Present at the meeting was Commission Chair Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

**A. RATIFY AMENDMENT TO REQUISITION FOR 4 TAHOES.**

Requisitions presented for approval:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
36-10	New Holland Weed Mower Highway	\$85,500.00
37-10	Canon Image Runner Copier IT/Treasurer	\$7,143.00
38-10	Tonneau Cover for 2010 Dodge Truck Sheriff	\$ 820.00
39-10	Vault for 2010 Dodge Truck Sheriff	\$2,194.00

There were no dispositions.

(2)

**RATIFY APPROVAL OF BOARD OF EQUALIZATION MINUTES DATED  
MARCH 9, 2010**

(3)

**APPROVAL OF RE-APPOINTMENT OF MARK H. WILLIAMS AND RAY JEFFS TO  
THE EMERY COUNTY TRAVEL BUREAU.**

(4)  
**RATIFY ADVERTISEMENT OF BOARD MEMBER VACANCY ON THE EMERY COUNTY TRAVEL BUREAU REPRESENTING THE EASTERN SIDE OF THE COUNTY.**

(5)  
**APPROVAL TO WAIVE AQUATIC CENTER FEES FOR GRAD NIGHT 2010 ON MAY 27, 2010.**

(6)  
**APPROVAL TO GRANT NIELSON CONSTRUCTION A WATER CONNECTION ON EMERY COUNTY LANDFILL WATER LINE.**

(7)  
**APPROVAL OF BUSINESS LICENSE FOR CHRIS GRUNDTVIG.**

(8)  
**APPROVAL OF BUSINESS LICENSE FOR RANDALL STILSON'S BUSINESS SUDSECONDS.**

(9)  
**APPROVAL OF PERSONNEL ITEMS**

(10)  
**APPROVAL OF COMMISSION MEETING MINUTES DATED MARCH 23, 2010**

Motion to approve the consent agenda was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

#### **Discussion Agenda**

(1)  
**ITEMS PULLED FROM CONSENT AGENDA.**

none

(2)

**GERRY STOTTLER, VOLUNTEERS OF AMERICA. DISCUSSION OF A CENTRAL COUNTY VOLUNTEER STATION.**

Gerry Stottler, Volunteers of America, Utah addressed the Commissioners to get their response and support for a proposal they are exploring to expand their outreach into a Community Volunteer Center which will include those under 55 as well as those above. She stated that their purpose would be to create a clearing house for many volunteer positions throughout the western side of Emery County. They would like to involve people throughout the community in volunteerism, such as: Community improvement projects, city and county events like the rodeo and county fair, providing enabling services for seniors and others that might need lawns mowed, errands run, transporting for appointments and prescriptions, also mentoring youth, CERT participation, neighborhood watch, museum docents, relay for life, various tournaments and competitions and Red Cross certified first aid providers. They have spoken to principal Larry Davis at Emery High and he is in favor of the idea and is willing to partner with them. They are looking for suggestions from everyone as to projects and where people may be useful. She asked the Commissioners for their support and suggestions for the program. Commissioner Kofford commended Gerry and the Volunteers of America for what they are trying to do. Commissioner Pitchforth stated that it sounds like a great idea and supports their efforts. Commissioner Horrocks stated that he is interested in the program and seeing what it can do and where it can go. Commissioner Jeff Horrocks made a motion to send a letter of support to the Volunteers of America for their efforts to expand their outreach into a Community Volunteer Center. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(3)

**CONSIDERATION AND APPROVAL OF LICENSE FEE AGREEMENT BETWEEN EMERY COUNTY AND PICTOMETRY INTERNATIONAL CORPORATION FOR PICTOMETRY IMAGES.**

Pictometry International Corporation representative John Madajasic explained that Pictometry utilizes images in oblique dimensions, combining measurement tools to give heights of buildings, lot acreage, etc. It benefits the Assessor office in cutting down on the amount of field trips. It benefits the Sheriff's office and first responders to pull up the area and know ahead what they are getting into. For example in a fire they locate a propane tank and determine the distance from a structure. At this time they have available Highway 10 to Green River and the San Rafael area allowing access to desert terrain. IT Director, Jeff Guymon stated that it offers a new dimension to aerial photography. He suggested looking at picking up the mosaic option in the program. The license fee agreement between Emery County and Pictometry International Corporation was discussed. The fee would be \$77,233.00 for two years. There will be a maintenance fee after two years which the county may or may not decide to continue. If the county decides that they do not want the upgrades as they are made available. The funds for the fee will be made available through a Homeland Security Grant. Attorney David Blackwell as reviewed the agreement. Commissioner Jeff Horrocks made a motion to approve a license fee agreement between Emery County and Pictometry International Corporation for pictometry images as reviewed. The motion was seconded by Commissioner Laurie Pitchforth and the

motion passed.

(4)

**CONSIDERATION AND APPROVAL OF REVISED SCHEDULE A EMERY COUNTY/FOREST ROAD AGREEMENT 2010.**

Revised Schedule A for the Emery County- Forest Road Agreement was reviewed. The schedule outlines the Forest roads the Emery County Road Department will help maintain in 2010. Commissioner Laurie Pitchforth made a motion to approve of revised schedule A Emery County/Forest Road Agreement 2010. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

Commissioner Jeff Horrocks made a motion to move out of the regular Commission Meeting and into a Public Hearing to receive comment on Emery County Food Bank project to be funded using CDBG Program 2010. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(5)

**PUBLIC HEARING- 10:00 AM- TO RECEIVE PUBLIC COMMENTS ON EMERY COUNTY FOOD BANK PROJECT TO BE FUNDED USING CDBG PROGRAM 2010 UP TO \$400,000.00.**

The Emery County Board of Commissioners will hold a public hearing to discuss the project determined to be applied for in the CDBG Small Cities Program in program year 2010. The project, to receive funding up to \$400,000.00 is the Emery County Food Bank to be located on Center Street, located between Main Street and 100 East, in Castle Dale, Utah. The building will be 40' deep by 60' wide. The first floor plan contains offices, utility room, restroom, break room, soap room, walk-in cooler and freezer and a work area. The balance of the first floor is a warehouse area. There will be a mezzanine above the office area. The site will be covered with asphalt from the sidewalk back to the building to allow for delivery truck maneuvering. Parking and access to the building will be provided per ADA accessibility requirements.

The purpose of the public hearing is to solicit comments on project scope, implementation, and its effects on residents.

Program Manager, Jackie Butkovich stated the purpose of the food bank is to distribute food boxes to participants who at 125% to 150% of poverty level. Participants may pick up a box every thirty days. They will also be offering cooking classes to participants to learn how to use the staples that are in the box. They also offer emergency assistance, HEAT program and the HEAT crisis program. They receive commodities from the state as well as the Boy Scouts of America food drive and other locally sponsored food drives. Currently Emery County has 105 families participating in the program.

Patsy Stoddard, Emery County Progress asked if the current location will be available to the



public while in the construction phase.

Jackie indicated that they will probably have to find an alternate location until the construction phase is complete. She also discussed the need for a NEPA study on the location as well as asbestos removal, and an air quality review.

Commissioner Kofford indicated that there are fifteen areas that have to be addressed and an audit of the project. If these things are not followed correctly, the county could have to cover the cost of the whole project.

There were no more comments.

Commissioner Jeff Horrocks made a motion to leave the public hearing and return to the regular Commission Meeting. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(6)  
**CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION AND CONTRACT AGREEMENT, AMENDMENT #1, BETWEEN EMERY COUNTY AND ALG AAA.**

Commissioner Jeff Horrocks made a motion to approve an inter local cooperation and contract agreement, amendment #1 between Emery County and ALG AAA. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed. Attorney David Blackwell had reviewed the agreement and recommended signing the document.

(7)  
**CONSIDERATION OF LAW ENFORCEMENT ANNUAL OPERATING PLAN AND FINANCIAL PLAN BETWEEN THE EMERY COUNTY SHERIFF'S OFFICE AND THE USDA, FOREST SERVICE, MANTI-LA SAL NATIONAL FOREST.**

Attorney David Blackwell and Sheriff La Mar Guymon have reviewed the Law Enforcement annual operating plan and financial plan between the Emery County Sheriff's Office and the USDA, Forest Service, Manti-La Sal National Forest and recommended approval. The amount as indicated on the agreement is \$6,877.00. Commissioner Laurie Pitchforth made a motion to approve the Law Enforcement annual operating plan and financial plan as proposed. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(8)  
**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR HUNTINGTON CITY RODEO GROUNDS.**

Huntington City requested building permit fee waivers to replace the damaged pavilion at the Huntington City Park, \$1,293.19 and lighting at the Huntington City rodeo grounds, \$746.38.

Commissioner Jeff Horrocks made a motion to approve the building permit fee waivers for Huntington City as requested. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(9)

**CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND AUTOMATED GEOGRAPHIC REFERENCE CENTER (AGRC)**

The contract between Emery County and Automated Geographic Reference Center (AGRC) is for the collection of public land section corner data. The work must be completed by September to secure the contracted \$27,200.00. Commissioner Laurie Pitchforth made a motion to approve the contract between Emery County and Automated Geographic Reference Center (AGRC). The motion was seconded by Commissioner Jeff Horrocks and the motion passed. The Commissioners discussed whether to go out to bid for an interested engineering firm to complete the work. Commissioner Jeff Horrocks made a motion to allow Dixie Swasey to advertise for interested engineering firms to contract with the Emery County Recorder's Office to complete the work. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(10)

**CONSIDERATION AND APPROVAL OF LOCAL/STATE ORGANIZATION AGREEMENT BETWEEN EMERY COUNTY AND THE MISS UTAH SCHOLARSHIP PAGEANT ORGANIZATION.**

Attorney David Blackwell reviewed a local/state organization agreement between Emery County and the Miss Utah Scholarship Pageant Organization and recommended approval of the document. Commissioner Laurie Pitchforth made a motion to approve of local/state organization agreement between Emery County and the miss Utah Scholarship Pageant Organization. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(11)

**CONSIDERATION AND APPROVAL OF ARTICLES OF AGREEMENT FOR FY2010 EMERGENCY MANAGEMENT PERFORMANCE GRANT.**

The Articles of Agreement for 2010 Emergency Management Performance Grant was reviewed by the Commissioners and Attorney David Blackwell. Commissioner Jeff Horrocks made a motion to approve the Article of Agreement for 2010 EMP Grant. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(12)

**CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN UTAH STATE HISTORY AND EMERY COUNTY FOR PURCHASING AND INSTALLING A HISTORIC MARKER AT TEMPLE MOUNTAIN.**

Ray Petersen explained that the contract between Utah State History and Emery County is for purchasing and installing a historic marker at Temple Mountain similar to the markers placed in

other areas in the county. The markers are beneficial for tourism in that the marker directs people to places in the county and provides information. The contact amount is \$3,000.00 and will be matched by in kind work from the Road Department and the Historic Preservation Committee. Commissioner Jeff Horrocks made a motion to approve a contract between Utah State History and Emery County for purchasing an installing a historic marker at Temple Mountain.

(13)

**CONSIDERATION AND APPROVAL OF 2010 PROPERTY TAX EXEMPTIONS.**

American Legion Post 42 #1-130-18	Ferron Cattleman's Association #5-87-27	Rural Utah Child Development #1-180-20
Castle Dale Independent Baptist Church #4-37-9	First Baptist Church of Emery County #1-126-45	Roman Catholic Church #3-50-16 #1-151H-25
Daughters of Utah Pioneers-Hunt #1-196-22	Four Corners Mental Health #1-195-9	Stuart B. Wilson Orient Lodge #1-151G-54
Daughters of Utah Pioneers-Orange #1-253-18	Green River Bible Church #1-151G-36 #1-151F-18&19	Rocky Mountain West Baptist Mission #5-94-6 #5-93-7 #5-94-3 #5-94-5
Daughters of Utah Pioneers-Elmo #1-72-16	Habitat for Humanity #1-36-29	United Mine Workers Of America #4-16-14
Daughters of Utah Pioneers-CD #1-15-20	LDS Church various #'s	
Desert Edge Christian Chapel #01-179-1	Mountain View Baptist Church #1-177A-20	Utah Museum of Natural History/ University Of Utah #5-56-2
Emery County Community Foundation #1-13-36	Orangeville City/ Housekeepers #1-239-52	

Motion to approve the 2010 Property Tax Exemptions was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(14)

**APPROVAL TO ADVERTISE FOR A RFP FOR ARCHITECT FOR EMERY COUNTY FOOD BANK PROJECT.**

Commissioner Jeff Horrocks made a motion to advertise for a RFP from interested architects for the Emery County Food Bank project. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(15)

**DISCUSSION AND APPROVAL OF A QUIT CLAIM DEED TO BILL Z. JONES FAMILY TRUST AGREEMENT FOR GRAVEL EASEMENT.**

A gravel easement was issued to Emery County in 1963 purchasing the rights to a gravel pit in Ferron. The county has obtained all the material from the pit and feels that it would benefit the owner to quit claim deed the gravel easement back to Bill Z. Jones Family Trust. Commissioner Jeff Horrocks made a motion to proceed with a quit claim deed to Bill Z. Jones Family Trust for gravel easement. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(16)

**CITIZEN CONCERNS**

Citizens were encouraged to participate in the 2010 census. Governor Herbert in a proclamation encouraged citizens of Utah to participate in the census.

(17)

**COMMISSION/ELECTED OFFICIAL REPORTS**

*Commissioner Pitchforth*

The Recreation Special Service District has completed an activity catalog for 2010. The Care Center is coming along. They will be moving patients to the west wing at the end of the week. They will begin work on the east wing next. They will soon begin landscaping.

Commissioner Pitchforth reported on several upcoming events in the county.

June 5<sup>th</sup> will be the Princess Tea Party. July 17<sup>th</sup> will be the Miss Emery Scholarship Pageant. The Jr. Miss Emery Pageant, who will accompany Miss Emery to the Miss Utah Pageant. There will be a Miss Emery Golf Tournament and Softball tournament to help raise funds for Miss Emery's expenses to attend the Miss Utah Pageant. The Cancer Relay For Life will be June 11<sup>th</sup> and 12<sup>th</sup>. Jr. Livestock Show will be July 8, 9, and 10, 2010. She encouraged people to attend Festive Friday's. She talked about the work being done on the Tie Fork Rest Area in Spanish Fork Canyon where the Sky View Motel used to be. It is anticipated that it will be a

good thing for tourism in Emery and Carbon counties.

*Commissioner Horrocks*

Commissioner Horrocks reported that the Museum of the San Rafael Board of Directors recently met where they expressed interest in promoting the Folk Art Festival in conjunction with the 2010 Emery County Fair. He reported on recently meeting with UDOT where they discussed the Tie Fork View Area proposal as well as other projects. He reported on a complaint from SITLA regarding unauthorized dumping by Emery Town. The Fire District has ordered the 8 new fire trucks recently funded. Cleveland Town will dedicate their new fire station on May 1<sup>st</sup>.

*Commissioner Kofford*

Commissioner Kofford reported on State BLM RAC meeting. Recently the Emery County Special Service District participated on having a survey done on ground adjacent to Horse Canyon Road to SR-6. 17 acres will be surveyed and have an archeological study to assist UDOT in putting in a rest area. We need to decide to what extent we want to participate. They will try to tie the rest area in to Range Creek and have asked the county to participate in the maintenance of the facility. Two weeks ago money was put into place for the Lila Canyon Road Project. Nielson Construction will begin work on the \$7 million dollar road project.

**(18)**

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

APRIL 27, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Check #205657 through and including #205773 were presented for approval.

Requisitions presented for approval:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
40-10	Aluminum Plank for Tower Sheriff	\$699.98
41-10	Lights for truck Sheriff	\$2,251.69

There was one disposition for #6466 a electric stapler/hole punch.

(2)

**APPROVAL OF PERSONNEL ITEMS**

- A. Notification of hiring Earl Nielsen as 90 day temporary for Road Department.
- B. Notification that the recruitment process for library maintenance worker has begun.
- C. Notification that the recruitment process for full time, with benefits, dispatcher has begun.
- D. Approval of 3% wage increase for Stevie Feuers upon successful completion of the 6 month orientation period.
- E. Approval of promoting Jerod Curtis to a Detective I.
- F. Approval to hire Randon Timothy and Keaton Cowley, full time with benefits, in the Corrections Department.

(3)  
**RATIFICATION OF RIGHT-OF-WAY GRANT UTU-54675 COUNTY ROAD 701 TO MILLSITE RENEWAL.**

(4)  
**APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 13, 2010.**

Motion to approve the Consent Agenda items was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

**Discussion Items**

(1)  
**ITEMS PULLED FOR THE CONSENT AGENDA.**

None.

(2)  
**ENERGY WEST MINING COMPANY- PRESENTATION AND REQUEST FOR LETTER OF SUPPORT FOR A NATIONAL RECLAMATION AWARD FOR DES BEE DOVE MINE SITE.**

Chuck Semborski and Dennis Oakley, Energy West Mining Company, made a presentation of details during the reclamation of Des Bee Dove Mine Site. They explained that they trying for an “Excellence in Reclamation” National Reclamation Award. The process involved submitting application to DOGM where it is reviewed. Two are chosen from the state to go on to OSM regional office in Denver, CO. From there it could move on to Washington, DC where the national winner is chosen. They reviewed through a presentation the history of the mine site and reclamation process over the years. Mr. Oakley stated that with the black eye that coal mining gets nation wide, it is good to see reclamation efforts get some notoriety and good publicity for a change. They asked for a letter of support form the Board of Commissioners in support of Energy West Mining Company and their quest for a National Reclamation Award.

Ray Petersen encouraged the Board of Commissioners to support Energy West Mining Company and their efforts.

Mark H. Williams stated that the OHV Club asked to utilize the cattle trail at the mine site to access the reclamation site. He indicated that the were told that the trail cannot be utilized until after the reclamation bond process and award process is complete.

Commissioner Jeff Horrocks made a motion to issue o letter of support from the Board of Emery County Commissioners in support of Energy West Mining Company and their quest for a National Reclamation Award for Des Bee Dove Mine Site. The motion was seconded by

Commissioner Laurie Pitchforth and the motion passed.

(3)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH AND EMERY COUNTY LIBRARY TO PROVIDE COMMUNITY LIBRARY ENHANCEMENT FUNDS (CLEF).**

Commissioner Laurie Pitchforth made a motion to approve a contract with the State of Utah and Emery County Library to provide Community Library Enhancement Funds (CLEF) in the amount of \$6,943.00. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(4)

**MARK H. WILLIAMS, DISCUSSION OF OLD BRIDGE IN CASTLE DALE.**

Mark H. Williams provided a history of the bridge located in Castle Dale. He indicated that the bridge will be 100 years old in May. He asked to have some kind of celebration to commemorate the 100 year anniversary of the bridge. He will be bringing a request to Castle Dale City also.

(5)

**CONSIDERATION AND APPROVAL OF ELECTION JUDGES FOR 2010.**

Clerk/Auditor Brenda Tuttle presented the list of Election Judges for 2010 election.

Patrick Sundstrom  
Mistie Christiansen  
Shonna Petersen  
Katherine Singleton  
Evelyn Huntsman  
Gayle Ewell  
Jo Sanservero  
Judith Shakespaere  
Paula Lucas  
Joann Behling-Alt  
Barbara Workman  
Lisa Jones  
Sue Simmons  
Dwayne Story  
Melanie Thompson  
Sandra Oman  
Tammi Gilson  
Dana Montgomery  
Marianne Judi  
Eileen Lofthouse

Lori Rogers  
Candace Thomas  
Mark Reynolds  
Darleen Stephens  
Loyette Holdaway  
Linda Daley- Alt  
Lisa Brower  
Michelle Anderson  
Maryella M. Fowler  
Evelyn J. Bird  
Shirley Huntington  
Linda Jensen  
Mary Lofley  
Lisa Lofley  
Shirley Coyne  
Sharon Seely  
Charlotte D. Uptain  
Vicki Bayles  
Iona Ekker- Alt



Commissioner Jeff Horrocks made a motion to approve the election judges for 2010. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(6)

**CITIZEN CONCERNS**

None.

(7)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Commissioner Pitchforth reported on attending UAC Conference in Ogden.

On Monday, April 19<sup>th</sup>, students from the Junior Highs in the County visited the Courthouse to be briefed on the various offices and their functions in the county.

The Emery County Care and Rehabilitation Center remodel is coming along well. Residents are now occupying the west wing. They have began work on the east wing. She commended the staff of the Care Center for helping the residents make a smooth and comfortable transition to new sections as they are ready. She anticipates that there is about 2 months left of work at the center.

*Commissioner Horrocks*

Commissioner Horrocks reported on UAC Conference as well. He reported on attending Justice Court meetings in Green River where they discussed the system updates for the courts reporting system. He reported on the county receiving insurance dividends from Utah Local Governments Trust for safe county facilities.

*Commissioner Kofford*

Commissioner Kofford reported on Lila Canyon. Nielsen Construction will begin work next week on the road project. The Moore Cut-Off Road is in Phase 7 which is the asphaltting phase. The application process is moving along for the Food Bank building. Construction may begin as early as July.

(8)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_



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

MAY 11, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Requisitions presented for approval were as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
42-10	(7)Tactical Headsets Sheriff/Drug Task Force	2,835.00
43-10	Panasonic Toughbook 52 Laptop Sheriff/Drug Task Force	1,638.96
44-10	Mini-Mate-D w/removable mini SD Sheriff/Drug Task Force	3,295.00
45-10	Blackberry Curve Sheriff/Drug Task Force	359.99
46-10	Paint inside/outside road shop/generator bldg Highway	7,990.00
47-10	2001 Chipper Highway	Up to 100,000.00
48-10	2010 Ambulance Ambulance	119,500.00

There were no dispositions.

(2)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSES FOR BIZZI BODIES RELOADING, TOUCHSTONE COMMERCIAL SERVICES, AND JONES STUDIO.**

(3)

**RATIFICATION OF APPROVAL TO ENGAGE KIMBALL AND ROBERTS AS FY2009 INDEPENDENT AUDITORS.**

(4)

**APPROVAL OF PERSONNEL ITEMS.**

A. Notification of 90 day temporary hired at the Aquatic Center, Sabrina Wood, Cory Collard, and John Conder.

B. Notification that the recruitment process for a part-time sales clerk at the Pioneer and San Rafael Museum have begun.

(5)

**APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 27, 2010.**

Motion to approve the Consent Agenda was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth. The motion passed.

**Discussion Items**

(1)

**ITEMS PULLED FROM CONSENT AGENDA.**

No items were pulled for discussion.

(2)

**DISCUSSION AND APPROVAL OF DONATION TO THE ROCKY MOUNTAIN MINE RESCUE ASSOCIATION 34<sup>TH</sup> ANNUAL CONTEST.**

The Rocky Mountain Mine Rescue Association will hold their 34<sup>th</sup> annual mine rescue, benchman, first aid and EMT contest on June 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> with an awards banquet on the 10<sup>th</sup>. They will host close to 20 teams from Utah, Colorado, New Mexico, Alabama and Wyoming. They are asking for a donation to help in thanking these teams for all that they do for the mining industry. Commissioner Jeff Horrocks made a motion to donate the standard \$250.00 to the Rocky Mountain Mine Rescue Association for their 34<sup>th</sup> annual contest. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, DISCUSSION AND APPROVAL OF CONTRIBUTION TO UNIVERSITY OF UTAH SCHOOL OF SUBSTANCE ABUSE TUITION.**

Commissioner Laurie Pitchforth made a motion to approve a contribution of \$544.00 to Four Corners Community Behavioral Health for three staff members to attend the University of Utah School of Substance Abuse School. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(4)

**DISCUSSION AND DECISION REGARDING HIRING OF A BUILDING INSPECTOR OR IN THE ALTERNATIVE CONTRACTING FOR BUILDING INSPECTION SERVICES.**

Commissioner Gary Kofford stated that back in December the Commission advertised for a building inspector. At that time we chose as building inspector, Cameron Nerdin from out of the county. Mr. Nerdin moved to Emery County and began as building inspector in January of this year. Through pressure and various other things from the citizens in the communities he felt that he was not wanted here and has therefore tendered his resignation effective today. We have talked among the Commissioners and with Attorney David Blackwell and Personnel Director Mary Huntington. During the interviewing process we had a couple of people that we were looking at and also Sunrise Engineering put in a proposal. We are in a situation now where we need to fill the position or go with Sunrise Engineering to prove the service. About four years ago the county took on the building inspection program for all of the towns in Emery County. A year later Orangeville opted out of the program and went with Sunrise Engineering because they felt the county was charging too much for fees. After the hiring of Cameron Nerdin in January, Emery and Ferron opted out of the plan and went with Sunrise Engineering. The logical thing for Emery County, if you just figure Emery County and not the communities, would be to go with Sunrise Engineering. It would be more cost effective by eliminating the cost of a building inspector employee and everything associated with an employee as well as vehicle expenses. According to the proposal from Sunrise Engineering they ask for 75% of the fees collected and the County would retain 25% of the fees collected including plan fees. Commissioner Kofford expressed his feeling regarding this matter. He stated the importance of having a building inspector certify your home when buying and selling a home. He discussed the qualifications that a building inspector brings to the county. He talked about the importance of having a good ISO rating to keep the cost of fire insurance down for the homeowner. He expressed his desire to see the county have a building inspector program in the county. He opened the floor to discussion on the matter. Commissioner Jeff Horrocks stated that the county currently does building inspections for several communities in the County. If we go with Sunrise Engineering a couple of things will occur. First, cities will be required to contract for building inspection services on their own and second, there will be no more fee waivers for communities like the one on the agenda today. He felt that a decision needs to be made today. We do not have a building inspector as of today and we have current inspections that are underway that will need to

be dealt with. Commissioner Laurie Pitchforth expressed her feelings with regard to the resignation of Mr. Nerdin. She thanked Mr. Nerdin and stated that she felt that he was very knowledgeable and did a good job for the county. She told a few things about Mr. Nerdin. He was a vet who served three tours of duty in Iraq and Afghanistan. He flew Black Hawk helicopters. He bought a home and was excited to become a part of the community. She stated that when she ran for Commissioner she ran to represent all who live in the communities in Emery County. She hoped that as people move into your communities we need to welcome into our communities and not push them out. She stated she felt bad that Mr. Nerdin did not feel welcomed into the communities. Are we being good neighbors as we need to be? Here we are looking for a new building inspector. She stated that she felt that the only option that we have at this time is to go with Sunrise Engineering. It seems that is what many of the communities want. Commissioner Horrocks asked if Commissioner Pitchforth had any recommendations for what to do with the communities who are still with the county program until they have the opportunity to meet as a group. Commissioner Pitchforth suggested that they have the option to continue to follow with what the county does or move out on their own. Commissioner Kofford indicated that the cities meet on May 17<sup>th</sup> as a County of Government group (COG) soon to talk about this very thing. It is necessary for someone to continue on with the inspections that are in the works now. We have people calling everyday for inspections. We do need to keep going. Sunrise Engineering has indicated that they would do this service for \$25.00 per inspection plus mileage accrued in the county. This is similar to what we did with Bob Bennett while in training mode to Mark DeBry taking over the inspections. Mike McCandless as supervisor over the program asked if it was possible to make this work with Sunrise until the cities have had the opportunity to meet and make a decision. Also, he added, we still have Bob Bennett that we could use until a decision is made. Commissioner Jeff Horrocks made a motion to enter into a contract with Sunrise Engineering for the existing inspections for \$25.00 per inspection plus mileage accrued in the county. the motion was seconded by Commissioner Laurie Pitchforth and the motion passed. Commissioner Jeff Horrocks made a motion to table any permanent contract with any entity or employee regarding the building inspector department until the 17<sup>th</sup> of May and the COG meet and mayors and commission meet and have the opportunity to discuss the issue and to have brought forth on the Commission Meeting on the 25<sup>th</sup> of May for final decision. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

Patsy Stoddard asked what cities are still using the county inspection program? Commissioner Kofford indicated that Huntington, Cleveland, Elmo, Castle Dale, Green River. Part of the concern is the mileage to Green River.

(5)

**CONSIDERATION AND APPROVAL OF BUILDING PERMIT FEE WAIVER FOR GREEN RIVER MEDICAL CENTER.**

Commissioner Jeff Horrocks made a motion to deny the request for a building permit fee waiver for Green River Medical Center for now due to the action that was taken on item #4. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed. This can be brought back at another time.

(6)

**DISCUSSION AND APPROVAL TO “ADVERTISE FOR BID” CONSTRUCTION OF SHERIFF’S TRAINING BUILDING REMODEL.**

Commissioner Gary Kofford indicated that six years ago the county built a metal building behind the Sheriff’s Department. The original plan for the metal building was to have a training room, exercise room, offices for Communications and Ambulance Director and restrooms.

Architectural Coalition has put together a set of plans for the remodel of the building and is now ready for advertising for bids to do the work. There will be a pre-bid meeting on the 26<sup>th</sup> of May with bids due to the Clerk/Auditor’s Office by June 14<sup>th</sup> for opening on June 15<sup>th</sup> . Commissioner Laurie Pitchforth made a motion to approve moving forward with advertising for bids for the remodeling of the Sheriff’s Training Building. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(7)

**CITIZEN CONCERNS.**

Commissioner Gary Kofford discussed a need to approve a project agreement between Emery County and the Forest Service, U.S. Department of Agriculture to reshape the travelway and apply dust suppressant on the Ferron-Mayfield Road #50022 for a distance of approximately 7.75 miles. The item was not on the agenda and will need to be ratified at the May 25<sup>th</sup> meeting.

Commissioner Laurie Pitchforth made a motion to approve a project agreement between Emery County and the Forest Service, U.S. Department of Agriculture and forward to the May 25<sup>th</sup> meeting for ratification. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(8)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Horrocks*

Commissioner Horrocks reported that he and Commissioner Kofford attended and open house for Cleveland Town’s new fire station. He also attended a field trip to Temple Mountain. He reported that Emery County Public Lands Council is continuing work on Emery County’s land use bill, reiterating that the bill needs to be penned by Emery County and be approved by the citizens of Emery County. The Museum of the San Rafael Board discussed in recent board meeting the need for help to move some displays in the museum in preparation for the painting of a new mural. Emery County Fire Protection Special Service District held their regular scheduled meeting where they discussed change orders for the new fire trucks.

*Commissioner Pitchforth*

Commissioner Pitchforth reported that the Emery County Care and Rehabilitation Center will be completed in mid June. The Recreation Special Service District has put together a booklet of

activities in the county for the summer and fall season. You can pick up a booklet at your local city hall. The second annual Miss Tea Party will be held June 5, 2010 at the High School. The Little Miss Pageant will be the evening of June 5, 2010. The winner of the pageant will accompany Miss Emery County to the Miss Utah Pageant in 2011. There will be a golf tournament on June 12, 2010 as a fund raiser for Miss Emery to attend the Miss Utah Pageant. The Special Needs Program sponsored by the Recreation District will hold a special needs dance on May 19<sup>th</sup>. The soccer season went well this year. The kids were able to attend a REAL soccer game at the end of the season. May 15<sup>th</sup> is Armed Forces Day. American Legion posts will be doing projects for home support of military troops serving overseas. Last Thursday, Commissioner Pitchforth and Commissioner Horrocks attended program sponsored by the Emery County Library called "Unsung Heroes" honoring citizens in the county who go above and beyond.

*Commissioner Kofford*

Commissioner Gary Kofford reported on the various ongoing road projects in the county. Nielson Construction has began work on Lila Canyon Road and asphaltting on South Moore Road Phase 7. Staker was the successful contractor for the chip seal project on the So. Moore Road. They will start in mid June. Morris Sorensen and his road crew have been working on the Little Wild Horse Canyon grading project. The Emery County Historical Society has received a grant to construct a panel/kiosk at Temple Mountain similar to what has been done in other areas of the county. This project is about six to eight weeks away. The historical group also contracted to put up panels for Range Creek/Cleveland/Lloyd Dinosaur Quarry. The panels will inform, recognize and promote Range Creek. Emery Town Mayor was successful at acquiring a grant from Army Corp of Engineers for \$5 million required to go to CIB for 20% match of the \$875,000.00 needed to upgrade drinking water infrastructure in Emery Town. The matter still needs to go before the citizens of Emery Town in the formal hearing setting. In other good things going on in Emery County, Huntington/ Cleveland Irrigation project is a \$70 to \$80 million dollar project which promotes employment and the economy.

(9)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive Session was not needed.

(10)

**ADJOURNMENT.**

Motion to adjourn the meeting was made a Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_





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

MAY 25, 2010

Present at the meeting was Commission Chair Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Laurie Pitchforth was not present at the meeting. Therefore, Commissioner Gary Kofford stepped down throughout the meeting to execute motions as needed.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

The Warrant check Edit List #201151 through and including #206293 was presented for approval.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
49-10	(5) MACS CPAP Units (2) CPR Prompt Training Manikins Ambulance	\$7,496.50
50-10	(3) InFocus IN104 Projectors Ambulance	\$1,798.92
51-10	DesignJet T1200(Plotter) IT	\$6,480.00
52-10	(8) GBC Ultima HeatSeal Laminators Libraries	\$3,053.52
53-10	(2) Television Translators for Horn Mtn. Television	\$32,000.00
54-10	Dell 3115cn Print/Scan/Copy Museum of the San Rafael	665.26

(2)

**RATIFICATION OF PROJECT AGREEMENT 95-RO-11041000-002 FOR RESHAPING THE TRAVELWAY AND APPLYING SURPRESSANT ON THE FERRON-MAYFIELD ROAD #50022.**

(3)

**RATIFICATION OF CONTRACT BETWEEN THE DEPARTMENT OF COMMUNITY AND CULTURE AND EMERY COUNTY FOR FOOD BANK FUNDING.**

(4)

**APPROVAL OF PERSONNEL ITEMS**

**A. Notification of hiring 90-day temporaries for Aquatic Center, Samuel Smith, McKay West, Brady Larsen, Ariel Halton, Tennyson, and Kim Behling.**

**B. Notification of hiring 90-day temporary for IT/GIS, Sydni Ekker and Marie Harvey.**

**C. Notification of hiring 90 day temporary for Road Department, Kash Behling.**

**D. Approval to hire Nathaniel Finley as a part time, no benefits, maintenance worker for libraries.**

(5)

**APPROVAL OF COMMISSION MEETING MINUTES DATED MAY 11, 2010.**

Motion to approve the Consent Agenda was made by Commissioner Jeff Horrocks, seconded by Commissioner Jeff Horrocks and the motion passed.

#### **Discussion Agenda**

(1)

**ITEMS PULLED FROM CONSENT AGENDA**

None

(2)

**OPEN AND READ ALOUD REQUEST FOR PROPOSALS FOR LOCATING AND ESTABLISHING SECTION CORNERS. CONSIDERATION AND APPROVAL OF ACCEPTING AND AWARDDING PROPOSAL AND ASSOCIATED PAPERWORK.**

Commissioner Gary Kofford opened and read aloud the proposals for locating and establishing section corners.

1.	Gardner Engineering	\$34,732.00
2.	Jones and Demille	\$22,500.00
3.	J & T Engineering	\$21,950.00
4.	Stanley Consultants	\$17,985.00
5.	Stantec Consulting	\$62,200.00

Commissioner Jeff Horrocks made a motion to forward the proposals to Recorder, Dixie Swasey and Jeff Guymon for analysis and determination of meeting the requirements and to forward to the next Commission Meeting to award the bid. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(3)

**CONSIDERATION AND APPROVAL OF RESOLUTION TO PARTICIPATE IN MULTI-COUNTY APPRAISAL TRUST (MCAT) COMPUTER ASSISTED MASS APPRAISAL SYSTEM.**

Commissioner Gary Kofford explained that MCAT is a computer program started by the State of Utah with the idea to have a uniform appraisal system for class 1 and 2 counties. Now they have come back and want all counties on the program. The cost for the county to convert the data is \$182,000.00 with a \$18,000.00 per year fee to maintain the program. This is an unfunded mandate by the legislature. MCAT wants the county to pass a resolution to participate in the mass appraisal program. After much discussion on this issue it was recommended that the county not participate with the MCAT computer assisted mass appraisal system, to stay where we are at and supply the data to those who may want it. Currently the county pays \$3,600.00 per year to convert appraisal data. Commissioner Jeff Horrocks made a motion to deny going with the state by passing a resolution to participate in Multi-County Appraisal Trust (MCAT) Computer Assisted Mass Appraisal System, to stay with the county's own program. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(4)

**OPEN RFP FOR FOOD BANK ARCHITECT. CONSIDERATION AND APPROVAL OF ENTERING INTO A CONTRACT WITH ARCHITECT FOR FOOD BANK PROJECT.**

Requests for proposals for the Emery County Food Bank were opened and read as follows:

1.	James Chamberlain and Associates	\$22,850.00
2.	Ron Jones Architects	\$24,000.00
3.	Etan Architects Firm	\$28,000.00

Commissioner Jeff Horrocks made a motion to review the RFP's and award as determined in the next meeting. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(5)

**APPOINTMENT OF EUGENE SWALBERG TO EMERY COUNTY TRAVEL BUREAU.**

Motion to appoint Eugene Swalberg to the Emery County Travel Bureau was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and the motion passed.

(6)

**PRESENTATION OF MOUNTAIN STATES CONSTRUCTION AWARD FOR EMERY COUNTY AQUATIC CENTER.**

Commissioner Gary Kofford explained that the architect firm of Wentworth Naylor received a recognition of excellence award in 2009 for the design of the Emery County Aquatic Center. The plaque will hang in the foyer of the Aquatic Center.

(7)

**BRANDON HESS, PRESENTATION OF A LOCAL CITIZENS INITIATIVE CALLED THE NEW MILLENNIUM PROJECT.**

Mr. Hess was not able to attend the meeting today. This item will be forwarded to another meeting.

(8)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR NOXIOUS WEED MANAGEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS AND EMERY COUNTY WEED AND MOSQUITO DEPARTMENT.**

A standard Cooperative Agreement for noxious weed management between the Utah Division of Forestry, Fire & State Lands and Emery County Weed and Mosquito Department in the amount \$7,500.00 was presented for approval. Motion to approve a Cooperative Agreement between Utah Division of Forestry, Fire & State Lands and Emery County Weed & Mosquito Department. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(9)

**CONSIDERATION AND APPROVAL OF CONTRACT NUMBER L10PX02974 BETWEEN BLM AND EMERY COUNTY FOR NOXIOUS WEED CONTROL.**

Contract number L10PX02974 between BLM and Emery County for noxious weed control along the San Rafael River was presented for approval. Motion to approve Contract number L10PX02974 between BLM and Emery County for Noxious Weed Control was made by Commissioner Jeff Horrocks, seconded by Commissioner Garry Kofford and the motion passed.

(10)

**DISCUSSION AND CONSIDERATION OF APPROVAL FOR PROPERTY TAX EXEMPT STATUS FOR FRIENDS OF THE GREEN RIVER.**

The Friends of Green River own four properties in Green River. Two are rental units, one is vacant property and one is the old senior citizen center. Two years ago the county tried unsuccessfully to sell the old senior center and sold it to Green River City for \$100.00. Green River City gave the building to the Friends of Green River for a community center. The Friends of Green River group requested tax exempt status for the four properties. The application was turned in after the deadline of March 1, 2010. Therefore, the application was not considered when the Tax Exempt Properties list was presented for approval in April. Assessor Kris Bell and Clerk/Auditor Brenda Tuttle as well as the Commissioners have reviewed the applications and have determined that only one property, parcel #01-0162-0007, the community center, qualifies for exempt status. Commissioner Jeff Horrocks made a motion to approve exempt status for parcel # 01-0162-0007 for the Friends of Green River. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(11)

**DISCUSSION AND APPROVAL OF EMERGENCY PURCHASE OF PUMP AND TRANSDUCER FOR COUNTY SOFTBALL COMPLEX.**

The Board of Commissioners discussed an emergency purchase of pump and transducer for the county softball complex in Huntington. Commissioner Kofford explained that the Recreation District has responsibility of the softball complex. They have been strapped for funds this year. The complex has had pump failure and Joel Dorsch who is one the Board of Directors for the Recreation Special Service District has indicated that if the district will acquire the needed pump and transducer then he would install it. The Commissioners have indicated that they do not want to see the ball fields deteriorate due to watering difficulties. The Recreation District has planned to re-do a field each year. Commissioner Kofford indicated that there is money in Capital Projects that could be moved to this use. The Recreation District has indicated that the pump and transducer will be approximately \$2,500.00. Clerk/Auditor Brenda Tuttle expressed concern that the county spend money on something that the Recreation Special Service District was set up to do. Leslie Bolinder suggested putting a limit on the amount of the purchase. Commissioner Jeff Horrocks made a motion to make available funds to the Recreation Special Service District not to exceed \$2,500.00 for the purchase of a pump and transducer and to not make this a habit. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(12)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH THE STATE OF UTAH FOR BAILIFF SERVICES AND PERIMETER COURT SECURITY.**

Motion to approve a contract with the State of Utah for bailiff services and perimeter court security in the amount of \$12,500.00 was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and the motion passed.

(13)

**APPROVAL OF CONTRACT WITH SUNRISE ENGINEERING FOR SHORT TERM BUILDING INSPECTOR SERVICES FOR EMERY COUNTY.**

Commissioner Gary Kofford reviewed discussion in the previous Commission Meeting regarding the building inspector situation and going short term with Sunrise Engineering for inspections. He indicated that the Commission has met with the cities who have indicated that they wanted to discuss it with their respective city councils. In the mean time, Sunrise Engineering has been doing the inspections since May 11, 2010 and we need to have some kind of an agreement in place. The contract has been reviewed by Attorney David Blackwell. The terms of the contract are as previously discussed which. Sunrise will provide plan review and building inspections services at a rate of 75% of the combined building permit and plan check fee charged by the city for submitted plans. They will perform the remainder of required inspections on existing issued building permits at a rate of \$25.00 per inspection plus the mileage accrued within the Emery County limits at the IRS rate. They will return all residential plan sets within 5 business days of receipt, and all commercial plan sets within 10 days of receipt. Building inspections will require 24 hour notice for scheduling. Commissioner Jeff Horrocks made a motion to approve a contract with Sunrise Engineering for short term building inspection services for Emery County as set out in the terms of the contract. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(14)

**CITIZEN CONCERNS**

None

(15)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Jeff Horrocks*

Commissioner Horrocks reported that Disney Studios has been filming a movie in the Green River area using local people. He attended a UAC meeting where they discussed TRT tax. There is a group trying to repeal the TRT tax and use the funds for advertising. It seems to be a bigger problem with Class 1 cities. He recently attended CRIC meeting in Price where they discussed the Price City Museum and directing tourist the local museums. He reported that they have had 25 applications for the part-time clerk position at the Museum of the San Rafael and will be doing interviews next week.

*Commissioner Gary Kofford*

Commissioner Kofford reported on road projects currently going on in the county. The County road crew has been working on the Little Wild Horse Road. They received a complaint that they were intruding on the protected wild cactus area. It was determined that they were within the

disturbed area and were not affecting the wild cactus. They will soon be double chip sealing the road and adding dust control.

Asphalting in completed on the Moore Phase 7. Phase 8 is chip seal on Goblin Valley to I-70. Lila Canyon Road is underway. Nielson Construction has that project. Castle Valley Special Service District has a project on the Muddy building diversion dam.

There will be a hearing on the 20<sup>th</sup> of June regarding BLM and coal leases at Bear Canyon. It has been recommended that they leave the leases as is with the stipulation that if anyone objects then the leases will go away.

Sheriff Guymon reported that on June 18, 2010 they will host the Emergency Preparedness Fair in Emery County. It was held last year in Carbon County. There will be a lot of local participation. Ron Mosher from Utah Department of Homeland Security and Emergency Preparedness will be the guest speaker. There will be a video presentation on Crandall Canyon. Maralin Hoff from Department of Public Safety will speak on earthquake safety. There will be food, door prizes and lots of free, valuable information for the public.

**(16)**

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(17)**

**ADJOURNMENT.**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and the motion passed.

**ATTEST:\_\_\_\_\_ COMMISSIONER:\_\_\_\_\_**



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

JUNE 8, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant #206467 through and including #206576 were presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
55-10	Pediatric Pac Ambulance	\$2,178.00
56-10	Kustom Signals Digital DVD Cameras Sheriff/Vehicles	\$11,883.48
57-10	Lightbars, Sirens, Partitions Sheriff/Vehicles	\$11,281.62

There were no dispositions.

(2)

**RATIFICATION OF NOTICE OF AWARD/PROCEED ON LOCATING AND  
ESTABLISHING SECTION CORNERS TO JOHANSEN AND TUTTLE  
ENGINEERING.**

(3)

**NOTIFICATION DEVIN HALES, KEVIN FOWLER AND ERICK NIELSEN ARE 90  
DAY TEMPORARY EMPLOYEES FOR WEED AND MOSQUITO.**

(4)  
**NOTIFICATION LEE JEFFS, RAY JEFFS, JORDAN GRANGE AND JEFFERSON MANNING HAVE BEEN HIRED AS 90 DAY TEMPORARY EMPLOYEES TO WORK ON WEED AND MOSQUITO RUSSIAN OLIVE PROJECT.**

(5)  
**NOTIFICATION CONNER BENSON, LANE GARDNER, STEVIE FEUERS, SABRINA WOOD, JOHN CONDER, NIKKIE ROGERS AND DAVI BOSSHARDT 90 DAY TEMPORARY EMPLOYEES WORKING AT THE AQUATIC CENTER AS LIFEGUARDS.**

(6)  
**NOTIFICATION TO HIRE KATHERINE DEBRY AS A 90 DAY TEMPORARY EMPLOYEE AT THE MUSEUM. LEANN SEELY'S 90 DAY EMPLOYMENT IS UP.**

(7)  
**APPROVAL TO GIVE KAYLEE VAN WAGONER A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 6-14-10.**

(8)  
**APPROVAL TO HIRE PATSY GRANGE AS A PART TIME SALES CLERK FOR THE PIONEER AND SAN RAFAEL MUSEUMS.**

(9)  
**APPROVAL OF PERSONNEL ITEMS**

(10)  
**APPROVAL OF COMMISSION MEETING MINUTES DATED MAY 25, 2010.**

Motion to approve the Warrant Check Edit List, additional claims and requisitions was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

#### **Discussion Items**

(1)  
**ITEMS PULLED FROM CONSENT AGENDA**

None.

(2)

**CONSIDERATION AND APPROVAL OF AMENDED CIB 2010 LOCAL CAPITAL IMPROVEMENT LIST FOR EMERY COUNTY.**

The Commission received a request from Emery Water Conservancy District to amend the CIB short term list. They intend to apply for funds from CIB in the amount of \$253,000.00 to conduct a study on the San Rafael Muddy Creek to look at water shed on the Muddy drainage. Natural Resources Committee will match the funds to do the study to determine if additional water is available that could be used for agriculture or commercial use as part of the salinity project.

Commissioner Jeff Horrocks made a motion to amend the CIB short term list to allow Emery Water Conservancy District to apply for CIB funds for their study. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(3)

**CONSIDERATION AND RATIFICATION OF APPLICATION TO THE BLM FOR A TITLE FIVE ON THE WILD HORSE MUDDY RIVER ROAD EMERY COUNTY # 1013**

The Emery County Road Department is doing improvements to the Little Wildhorse road. In order to add a double chip seal to the road a Title 5 Right-Of-Way must be obtained from the BLM. The application was submitted previous to the meeting to the application process needs to be ratified. Commissioner Laurie Pitchforth made a motion to ratify application to the BLM for a Title 5 Right-Of Way for improvements to the Little Wildhorse Road. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(4)

**CONSIDERATION AND APPROVAL OF INSURANCE RENEWAL JEFF KELSEY, MEDICAL HOSPITALIZATION INSURANCE POLICY.**

Jeff Kelsey, Kelsey Benefits Group reviewed the medical insurance policy renewal for Emery County employees. Jeff provided a summary of the previous year's expenses. A renewal document was presented for approval. Commissioner Jeff Horrocks made a motion to approve renewal of medical insurance for Emery County employees with Kelsey Benefits Group. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

The Commissioners commended Mary Huntington and Emery County employees for keeping the medical costs down through participation in the Employee's Wellness Program.

(5)

**CONSIDERATION AND APPROVAL OF BID AWARD FOR ARCHITECTURE FIRM FOR EMERY COUNTY FOOD BANK BUILDING.**

Commissioner Gary Kofford explained that in a previous Commission Meeting bids were opened

for architecture services for the Emery County Food Bank. It was found that after the bids were opened that a bid from Architecture Coalition had been turned in on time to the Clerk/Auditor's Office but was filed in a different place and was subsequently missed on bid opening day. The envelope was opened and the bid was read at \$13,800.00. Bids for the Emery County Food Bank are as follow:

- |    |                                     |             |
|----|-------------------------------------|-------------|
| 1. | James O. Chamberlain and Associates | \$22,850.00 |
| 2. | WPA Architecture                    | \$24,000.00 |
| 3. | Etan Architecture                   | \$28,000.00 |
| 4. | Architectural Coalition, PLLC       | \$13,800.00 |

Commissioner Laurie Pitchforth made a motion to award the bid for design of the Emery County Food Bank to Architectural Coalition, PLLC. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(6)

### **CITIZEN CONCERNS**

Public Lands Director Ray Petersen presented 2 Title 5 Right-Of-Way applications for Cedar Mountain Airstrip and Hidden Splendor Airstrip. These are back country airstrips that periodically need to have the vegetation cleared off. These airstrips are recognized in the BLM's Management Plan and therefore the County needs to have Title 5 right-of-way to perform the maintenance. Approval was sought for the applications and will need to be ratified in the next meeting. Commissioner Laurie Pitchforth made a motion to approve Title 5 Right-Of-Way applications for Cedar Mountain Airstrip and Hidden Splendor Airstrip. The motion was seconded by Commissioner Jeff Horrocks and the motion passed. This action will be ratified in the next Commission Meeting.

Commissioner Kofford commended the Sheriff's Office and Search and Rescue and the many volunteers who recently spent many hours searching for a drowning victim at Huntington Lake

Commissioner Jeff Horrocks reminded everyone of the Cancer Celebration of Life Walk-a-Thon coming up on Friday and Saturday, June 11<sup>th</sup>, and 12<sup>th</sup>.

The Emergency Preparedness Fair will be held at the Emery High School June 18<sup>th</sup> from 4:00 pm until 8:00 pm.

(7)

### **COMMISSION/ELECTED OFFICIAL REPORTS**

*Commissioner Pitchforth*

Commissioner Pitchforth reported on the Little Miss Pageant. There were 10 girls in the pageant. Aspen Hansen from Huntington is the new Little Miss and will accompany the 2010 Miss Emery to the Miss Utah Pageant next year. The Princess Tea Party was postponed until

July 17<sup>th</sup>. The Friendship Cruise in Green River went well. She thanked the Sheriff's Department for the way they responded to the tragedies in the county last week.

*Commissioner Horrocks*

Commissioner Horrocks reported on the progress of the Land Use Bill and thanked those dedicated volunteers working hard to make the bill the voice of Emery County and not someone else. He participated in interviews for the clerk position at the Museum of the San Rafael. Patsy Grange has been hired for that part time position. He reported on attending a meeting with the Green River Medical Center who is in the process of expanding their facility. Construction is on budget and on schedule for completion.

*Commissioner Kofford*

Commissioner Kofford reported that all the Commissioners attended a meeting in Green River with FEMA regarding the proposed nuclear plant that may be coming to Green River. Emergency preparedness will be the process for several counties and the Ute Indian tribe in a fifty mile radius of the proposed site. There will be several on site training sessions in the months to come.

Site showing for bidders on the renovations at the Huntington Airport were held last week. Bids will be due on the 14<sup>th</sup> of June in the Clerk/Auditor's Office. Also, bids for the remodel project at the Sheriff's Office are due on the 14<sup>th</sup> of June.

(8)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

(10)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JUNE 22, 2010

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #206647 through and including #206793 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
58-10	replace brass shut-off valve Elevator/ Courthouse	\$5,347.00
59-10	(5) Diver Communications/mask Sheriff/Dive Team	6,730.50
60-10	(5) Diver regulators,tanks,wetsuits Sheriff/Dive Team	17,155.00

(2)

**RATIFICATION OF AGREEMENT WITH ALL-AMERICAN/GRANITE  
ENVIRONMENTAL TEAM FOR RE-DEMOLITION ASBESTOS SURVEY OF TWO  
STRUCTURES AT THE HUNTINGTON AIRPORT.**

(3)

**RATIFICATION OF TITLE V RIGHT-OF-WAY APPLICATIONS FOR HIDDEN  
SPLENDOR AND CEDAR MOUNTAIN BACK COUNTRY AIRSTRIPS.**

(4)

**RATIFICATION OF ACCEPTANCE OF AGREEMENT WITH KONE FOR  
EMERGENCY ELEVATOR REPAIRS.**

(5)

**APPROVAL OF BUSINESS LICENSE FOR L & B CONSTRUCTION.**

(6)  
**APPROVAL OF PERSONNEL ITEMS**

(7)  
**APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 8, 2010.**

Motion to approve the consent agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks. The motion passed.

**Discussion Items**

(1)  
**ITEMS PULLED FROM CONSENT AGENDA.**

None

(2)  
**OPEN BIDS FOR EMERY COUNTY SHERIFF'S TRAINING BUILDING.  
CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED  
PAPERWORK.**

Bids were opened for the construction of the Sheriff's Training Facility. The bids were as follow:

1.	Carter Construction	\$202,301.00
2.	Stilson & Sons Construction	\$274,766.00
3.	Skybow Construction	\$208,220.00
4.	Broderick & Henderson	\$227,900.00

Commissioner Jeff Horrocks made a motion to review and compare the bids and then award the bid, ratifying the award in the next Commission Meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)  
**CONSIDERATION AND APPROVAL OF RESOLUTION OF THE BOARD OF  
COUNTY COMMISSIONERS, ACTING IN ITS CAPACITY AS THE GOVERNING  
AUTHORITY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT,  
AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$565,000.00 OF THE  
DISTRICTS'S TAX ANTICIPATION NOTES, SERIES 2010; AND RELATED  
MATTERS.**

Jacob Sharp, Castle Valley Special Service District explained the need for a Tax Anticipation Note. He explained that a TAN is a short term loan that boost money into the CVSSD fund until

the anticipated tax revenue comes in at the end of the year. He explained the reason for being short on cash. CVSSD had an increased debt service payment of \$304,113.00 from 2009 to 2010. (\$1,755,033 in 2009 to \$2,059,146.00 in 2010) CVSSD pays current year debt service payments with prior year tax monies. (2010 payments were due in January and March and were paid with 2009 taxes received in December 2009) CVSSD collected only \$1,545,130.19 in debt service taxes with the remaining amount coming from a fund balance transfer. 2009 Mineral Lease revenue was \$135,000.00 short of budget. 2009 capital projects ran over on costs, which were paid out of the general fund. Result was a low cash on hand to begin 2010. In February 2010 board meeting the administrative control board of CVSSD unanimously approved the acquisition of \$550,000.00 Tax Anticipation Note with associated costs. This TAN will push the high debt service payments into 2013. Attorney David Blackwell recommended that this is a routine TAN and has been done in the past by the county. A Resolution was presented by Alex Buxton, Zion Public Finance to formalize the issuance and sale of up to \$565,000.00 of the district's Tax Anticipation Notes, Series 2010 and related matters. Commissioner Jeff Horrocks made a motion to approve Resolution 6-22-10 authorizing the issuance and sale of up to \$565,000.00 of CVSSD's Tax Anticipation Note, Series 2010 and other related documents. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

**DISCUSSION AND APPROVAL FOR ROCKY MOUNTAIN POWER TO INSTALL TRANSFORMER AND POWER LINE TO NEW LOCATION OF HOME AT HUNTINGTON AIRPORT.**

Commissioner Gary Kofford discussed a project at the Huntington Airport. A clear zone needs to be established at the airport by relocating the house and other structures. Approval was sought to approve Rocky Mountain Power to install a transformer and power line to the new location for the house. This project is being funded through the SSD#1. Commissioner Laurie Pitchforth made a motion to authorize Rocky Mountain Power to install a transformer and power line to the new location of the house at the Huntington Airport. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(5)

**APPROVAL TO ADVERTISE FOR CONSTRUCTION OF THE EMERY COUNTY FOOD BANK.**

Commissioner Gary Kofford explained that the Board of Commissioners has not received the contract from CDBG as this date. However, Commissioner Kofford indicated that advertising for construction of the Food Bank could move forward as the contract was anticipated to arrive any day now. Commissioner Jeff Horrocks wanted to wait to advertise for construction of the Emery County Food Bank until the Commission had the contract in hand. Commissioner Laurie Pitchforth made a motion to advertise for construction of the Emery County Food Bank upon receipt of the contract from CDBG. Commissioner Gary Kofford stepped down to second the motion. Commissioner Jeff Horrocks opposed the motion citing that he felt that the county needed to have the contract in hand before going out to bid for construction of the Food Bank. The motion passed with two approval votes and one opposition vote.



**(6)**  
**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR RICHARD AND ZORA FIELDER.**

Commissioner Gary Kofford stated that some time back the Commission decided to not write off any more ambulance bills until some guidelines had been established for such action. However, in the past if a person was deceased at the time of ambulance service the bill was written off. This is the case in both instances for Richard and Zora Fielder. The ambulance bill is \$1,974.62. Commissioner Laurie Pitchforth made a motion to write-off the ambulance service bill for Richard and Zora Fielder. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**(7)**  
**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND ARCHITECTURAL COALITION FOR FOOD BANK ARCHITECT.**

Commissioner Jeff Horrocks made a motion to approve of an agreement between Emery County and Architectural Coalition in the amount of \$13,800.00 for the architectural design of the Emery County Food Bank. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(8)**  
**CONSIDERATION AND APPROVAL OF 2010 CERTIFIED TAX RATES.**

Clerk/Auditor Brenda Tuttle presented the 2010 certified tax rates for Emery County.

<u>Purpose of Tax Rate</u>	<u>Certified Tax Rate</u>	<u>Proposed Tax Rate</u>	<u>Max by Law</u>	<u>Budgeted Revenue</u>
General Purpose	0.003462	0.003494	.003200/.003600	6,237,800
Interest/Sinking Fund	0.000140	0.000140	sufficient	250,000
County Library	0.000400	0.000404	.001000	720,700
County Health			0.000400	
Tort Liability			0.000100	
Other/Swimming Pool	0.000063	0.000063		112,990
Total Tax Rate	0.004065	0.004101	Total Revenue	7,321,490

Commissioner Jeff Horrocks made a motion to approve the Certified Tax Rates for 2010 as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Jacob Sharp, CVSSD presented the 2010 Certified Tax Rates for CVSSD. The O & M Levy rate is 0.001000, Debt Service Rate is 0.001581 for a total rate of 0.002581. The CVSSD rate is approved by voters. Commissioner Jeff Horrocks made a motion to approve the 2010 voter approved certified tax rates for CVSSD as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(9)

**CONSIDERATION AND APPROVAL OF FY2011 UTAH STATE RETIREMENT RATES**

Brenda Tuttle explained that the retirement rates are set by the State of Utah. There is an increase in the rate for 2011. Non-contributory 2010 rate is 13.65%, for 2011 is 15.36% . That is an increase of 1.71%. Public Safety 2010 rate is 23.34%, for 2011 is 26.13%. That is a 2.79% increase. Commissioner Jeff Horrocks made a motion to approve the FY2011 Utah State Retirement rates as presented. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

**CONSIDERATION AND APPROVAL OF JUSTICE ASSISTANCE GRANT (JAG)**

The Justice Assistance Grant is a grant for Drug Task Force operations in the amount of \$51,234.00. Commissioner Laurie Pitchforth made a motion to approve of Justice Assistance Grant as proposed. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(11)

**CONSIDERATION AND APPROVAL OF LEASE AND MANAGEMENT AGREEMENT BETWEEN EMERY COUNTY AND HUNTINGTON AVIATION, LLC.**

Commissioner Gary Kofford discussed details of the lease and management agreement between Emery County and Huntington Aviation, LLC. Commissioner Kofford wanted it spelled out that Leon DeFriez, Huntington Aviation, LLC is not an employee of Emery County and is an independent leasee/manager of the airport. Mr. DeFriez asked if the county wanted the wording in the agreement to reflect Huntington Aviation, LLC as manager of the airport rather than a leasee. Attorney David Blackwell reviewed the agreement and felt that it reflected the needs of the county as it was. He indicated that the wording may be changed at a later date, if needed. Commissioner Laurie Pitchforth made a motion to approve the agreement between Emery County and Huntington Aviation, LLC as written. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(12)

**CONSIDERATION AND APPROVAL OF EXTENDED WARRANTY TO COVER CHILLER PARTS AND LABOR AT COURTHOUSE.**

Commissioner Gary Kofford explained that a few years ago the County put in a new chiller at the courthouse. This last winter we lost a fan blade and a compressor. The cost of the chiller was \$85,000.00. The warrant carrier for the chiller wants \$4,900.00 to extend the warrant for another 4 years. In order to retain the warranty the extension must be paid before the warranty expires. Therefore, we need to pay the extended warranty before July 1, 2010. Commissioner Jeff Horrocks made a motion to approve payment for the extended warranty for parts and labor on the courthouse chiller. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(13)

**CITIZEN CONCERNS**

Republican Chairman, Bill Dellos reminded everyone that today was Primary Election Day, and to get out and vote.

Attorney David Blackwell discussed a situation in Lawrence regarding trespassing on County property. Nate Finley is putting up a fence that is on a county right-of-way. North Emery Water Users and Emery TelCom also have right-of-way permits for this property. Mr. Blackwell indicated that a verbal communication has taken place with Mr. Finley informing him that he is infringing on a county right-of-way. Mr. Blackwell suggested sending a letter to Mr. Finley officially informing him in writing of the infringement on the county's right-of-way and to remove the fence within thirty days. No action was taken. Mr. Blackwell will keep the Commission informed of future action.

(14)

**COMMISSION/ELECTED OFFICIAL REPORT.**

*Commissioner Horrocks*

Commissioner Horrocks reported that the Emery County Archives has received a grant from Utah History Council to document the history of Central High, North Emery High and education. He reported on attending CCRIC meeting in Price where they discussed a booth in the Price Museum to direct tourist to places in Emery County. The Cancer Relay For Life Walk-a-Thon was well attended. Cathy Jensen retired recently from the Sheriff's Department. Commissioner Horrocks stated that Cathy was a dedicated employee and thanked her for her years of service the citizens of Emery County.

*Commissioner Pitchforth*

Commissioner Pitchforth reported on the recent Emergency Preparedness Fair sponsored by the Sheriff's Department. She commended the LEPC Committee and Cynthia Grant for their

dedication and work on the fair. There was a good turnout and participation. She thanked the many hands who worked diligently on the Cancer Relay for Life Walk-A-Thon. She thanked Cathy Jensen for her 32 years of service to the citizens of Emery County. She reported on attending an Economic Development meeting regarding Business Partners which will take the place of the Chamber of Commerce which is currently inactive. This will be of benefit to the businesses in Emery County in coming up with new ideas. The Miss Emery County Benefit Golf Tourney was a big success. The current Miss Emery County, Shelby Huntington did a great job at the Miss Utah Pageant. The 2010 Miss Emery County pageant will be held July 17<sup>th</sup>. The Princess Royal Tea party will be on July 17<sup>th</sup> at 1:00pm. On Saturday, Commissioner Pitchforth took her grandkids to the Aquatic Center. She reported that the Aquatic Center is a wonderful facility. The Aquatic Center park is great also. She stated that she hoped that everyone in the county is taking advantage of this great facility.

*Commissioner Kofford*

Commissioner Kofford that they soccer league held their first game on the new Aquatic Park field. It was great to see the park being used. Commissioner Kofford reported on the situation in Ferron regarding a petroleum leak. CVSSD dug up the area on the 11<sup>th</sup> of June and found the product in the underground water. The Department of Air Quality and other agencies have been in the area to conduct test and have determined that there is live gas east of Main Street Market. The Emery County Hazmat Team under the direction of Tom Harrison has put in many hours as have the maintenance workers of Ferron City in trying to resolve the problem. The problem is stabilized at this time. Commissioner Kofford applauded the EMS, Ambulance Department Sheriff's Department, LEPC and other teams who worked hard to bring about the success of the Emery County Preparedness Fair.

Commissioner Pitchforth added that she applauded the efforts of the Behling family in helping to get the gas problem in Ferron resolved.

**(15)**

**CLOSED/EXECUTIVE SESSION**

An Executive Session was not needed.

**(16)**

**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**ATTEST:** \_\_\_\_\_

**COMMISSIONER:** \_\_\_\_\_

MINUTES OF THE BOARD OF CANVASSERS  
FOR THE JUNE 22, 2010 PRIMARY ELECTION

JUNE 29, 2010

Present at the canvass was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Clerk/Auditor Brenda Tuttle, IT Director Jeff Guymon, IT Staff Mick Robinson.

Commission Chairman Gary Kofford called the canvass to order at 11:30 am.

IT Director Jeff Guymon audited the forms and security seal logs from the machines used in the election. He also performed an audit of one machine from Clawson Town.

Provisional ballots from Green River were reviewed and rejected on the basis of no proof of residency in Green River.

There were no absentee ballots to review.

The total count after the canvass is as indicated on the attached spreadsheet.

Motion to accept the results of the canvass was made by Commissioner Jeff Horrocks, Seconded by Commissioner Laurie Pitchforth. The motion passed.

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 13, 2010

Present at the meeting was Commission Chair Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

**(1)**  
**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

The Warrant Check Edit List #206975 through and including #207024 was presented for approval.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
61-10	12" Laminator Elections/Clerk/Auditor	381.69
62-10	Eight 2 LED lamps Sheriff's Vehicle	746.07

**(2)**  
**RATIFICATION OF NEW LEASE WITH PITNEY BOWES FOR POSTAGE  
EQUIPMENT.**

**(3)**  
**APPROVAL OF PERSONNEL ITEMS.**

**(4)**  
**APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 22, 2010.**

Motion to approve the Consent Agenda was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

## **Discussion Agenda**

(1)

### **ITEMS PULLED FROM CONSENT AGENDA**

Nothing.

(2)

### **JAN BODILY, FOUR CORNERS MENTAL HEALTH, PRESENTATION AND ACCEPTANCE OF ANNUAL AREA PLAN.**

Jan Bodily, Four Corners Mental Health presented the FY2010 Annual Area Plan for substance abuse services in Emery County. She outlined the program's comparative services and formats. Emery County Commission is the local authority for substance abuse services and facilitates the pass through funding for local services in Emery County. Commissioner Laurie Pitchforth made a motion to approve the 2010 Annual Area Plan for Four Corners Mental Health Services in Emery County. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(3)

### **ROCKY MOUNTAIN POWER/PACIFICORP ENERGY, QUARTERLY UPDATE.**

Deb Dull, Rocky Mountain Power/PacifiCorp Energy reviewed a few ongoing projects. They have been busy in Green River. They recently energized a new substation in Green River. In June strong winds in Green River affected the substation causing Green River customers to experience an outage for a time to perform repairs. Deb turned the time over to Darrel Cunningham, Huntington Plant Manager. Mr. Cunningham informed the Commissioners that the plant just celebrated their 1 year mark for no loss time or reportable accidents. He informed the Commissioners that on September 18, 2010 Huntington Plant will have a shut down for sixty-one days on Unit #1 to perform clean air projects and upgrades. They estimate that they will have up to 700 workers here at peak outage. The plant is running well and is open for group tours and or concerned citizens. Lauren Huntsman, Hunter Plant Manager reported on recent activity. Deer Creek Mine will be performing maintenance over the next 6 months to remove the long wall sections. They will be shipped out for over haul. This is expected to bring extra work and support to local businesses in the county. Hunter Plant just celebrated their 2<sup>nd</sup> year without job loss time or recordable incidents. There is a lot of emphasis on employee safety. In February 2011 Hunter Plant will have a 63 day outage to perform the same clean air projects and upgrades. They anticipate approximately 700 workers in the county during the peak of the outage. Their hope is that these overhauls will increase the efficiency of the turbine and boiler. Hunter Plant and Huntington Plant have been involved with helping the irrigation companies with projects throughout the county. As share holders in these companies they participate in these projects. Commissioner Kofford thanked Rocky Mountain Power and PacifiCorp for all they do for the economy of Emery County. Steve Barton commended RMP for their efficiency in responding to a lightning strike that recently caused an outage in the Cleveland/Elmo area.

(4)

**CONSIDERATION AND APPROVAL OF FY2009 INDEPENDENT AUDIT REPORT.**

Brenda Tuttle, Clerk/Auditor presented the 2009 independent audit from Kimball & Roberts, Emery County's independent auditors. The county received a clean audit with no management letter showing that Emery County is in compliance with state and federal regulations. Kimball & Roberts commended the Clerk/Auditor's office and other offices for their efficiency in handling the budget and records. Commissioner Jeff Horrocks made a motion to accept the FY2009 Independent Audit report. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(5)

**BID OPENING FOR SCRAP METAL CONTRACT. APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

Scrap metal were opened and reviewed as follow:

- |    |                             |                  |
|----|-----------------------------|------------------|
| 1. | Western Metal Recycling LLC | \$115.00 per ton |
| 2. | Stephenson Removal Services | \$120.00 per ton |
| 3. | Sims Metal Management       | \$128.50 per ton |

Motion to accept the high bid of \$128.50 from Sims Metal Management was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(6)

**APPROVAL OF POWER TERMINATION, INSTALLATION OF TEMPORARY POWER AND OTHER NECESSARY ACTIONS BY ROCKY MOUNTAIN POWER FOR CONSTRUCTION OF NEW FOOD BANK.**

A request was made to remove the power meter at the existing food bank building. Because of the location for the new food bank building a new power pole and rerouted power for the new building was requested along with temporary power during the construction of the new building. Commissioner Gary Kofford recommended approaching Rocky Mountain Power to have this work done. Commissioner Jeff Horrocks made a motion to approach Rocky Mountain Power to remove the existing power meter at the food bank building and set a new power pole with rerouted power and temporary power for the construction phase of a new food bank building as discussed. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(7)

**DISCUSSION AND APPROVAL OF DISPOSITION PROPOSAL OF THE MANUFACTURED HOUSE AT HUNTINGTON AIRPORT AS PER SECTION 3 OF ORDINANCE NO. 5-5-93A.**

Commissioner Kofford discussed the disposition of the manufactured house at the Huntington Airport. He explained that under the direction of the Special Service District work is being done



at the Huntington Airport which includes removing the old manufactured house and replacing it with a new one. The price to move it and fix it up was about as much as purchasing a new one. In discussing it, it was determined that it is personal property due to the fact that it sits on BLM property not Emery County property. The Assessor's office has put a value on it of \$29,000.00. This is questionable considering that the roof needs to be replaced and the inside is deteriorated somewhat. In order to move the home it requires that the axles and tongue be put back on or some other way to move the structure. He asked for approval to advertise in the paper for two weeks beginning with July 20th and again on July 22nd with the bids coming in to the Clerk/Auditor's office by August 9<sup>th</sup> to be opened on August 10<sup>th</sup> in Commission meeting. The advertisement would read that the home is for sale, to be moved within thirty days of notification of bid, payment would be necessary within 24 or 48 hours of notice of bid. Failure to remove to home within thirty days of notification of award of bid then the home would revert back to the County and the county would keep the money gained by the sale. Attorney David Blackwell explained that with the home in place the value would be accurate. However, since it has to be moved the value will be substantially less. Because it is personal property we can disposed of it in the recommended manner. He did not see any problem with disposing of it in the manner that Commissioner Kofford recommended. Commissioner Kofford recommended setting a minimum bid of \$5,000.00. Commissioner Jeff Horrocks made a motion to move forward with advertising to sell the home at the Huntington Airport to include removal of the home and other directions as stated by Chairman Gary Kofford. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(8)

**DISCUSSION AND APPROVAL OF AMENDED FOOD BANK PROJECT SCHEDULE AND INVITATION TO BID.**

Commissioner Kofford explained that this did not get advertised on July 6<sup>th</sup> as was previously expected. It will appear in the paper today and again on July 20<sup>th</sup>. There is a mandatory site showing on July 26<sup>th</sup> at 10:00am. The bids are to be in the Clerk/Auditor's Office by August 9<sup>th</sup> at 5:00 pm to be opened on August 10<sup>th</sup> in Commission Meeting. With favorable bids and sufficient funds we will award that bid and proceed with the Food Bank Project. Commissioner Laurie Pitchforth made a motion to approve the amended Food Bank Project schedule. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(9)

**CONSIDERATION AND APPROVAL OF AGREEMENT WITH DIVISION OF WORKFORCE SERVICE FOR WORKSITE LEARNING.**

Mary Huntington presented an agreement with Work Force Services for work-site learning. She explained that the county has done this in the past. Attorney David Blackwell has reviewed the agreement. Workforce Services, if they have an individual to place for employment they want to be able to contact the county to see if the need to have someone come to work for us and then they will pay the wages. Workforce services would assume the Workers Comp, etc. They have another program that places individuals into the workforce with a limitation of some sort and they will pay a portion of their wages up to a threshold dollar amount. It doesn't mean that we

have to place that individual it just means that they will have the ability to call us and see if have a need. Commissioner Jeff Horrocks made a motion to approve an agreement with Division of Workforce Service for Worksite Learning. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(10)

**CONSIDERATION AND APPROVAL OF AGREEMENT WITH PAIN RELIEF LLC FOR PUBLIC LAND CONSULTING.**

Emery County previously entered into an agreement with Payne Relief, LLC to work with Emery County Public Lands office while the Public Lands Director, Ray Petersen works on Emery County's land bill legislation. The terms of the agreement are for \$12,500.00 for three months. Mr. Payne has been working on other jobs that Ray normally performed, one was working with DOGM and the BLM on the closure of uranium and other mines in the desert under BLM guidelines. The agreement with Payne Relief, LLC ended on June 30, 2010. It was the desire of the Public Lands Director that the county enter into another agreement Payne Relief for another 3 months beginning on July 1, 2010 and ending on September 30, 2010. Commissioner Jeff Horrocks made a motion to approve an agreement with Payne Relief, LLC for public land consulting. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

Patsy Stoddard wanted to know if this was budgeted for and where the funds were coming from. Commissioner Kofford indicated that the funds were not budget for and that they have funds in Capital Improvement that was budgeted for demolition of a building in Green River could be used for this purpose

(11)

**CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING BUILDING PERMIT FEE SCHEDULE.**

Recently the county entered into a contract with Sunrise Engineering to do building inspection in the county and cities with the exception of Orangeville and Ferron. One of the problems that we have run into was that the county was charging more on mobile homes and other things. This was and agitation to some in the county. This part of the reason that Orangeville and Ferron went out on their own. The fees are substantially less than what the county has been charging. So into order to match what Orangeville and Ferron have been charging it was suggested that the county adopt a resolution to amend the building inspection fee schedule as follow:

<u>Project</u>	<u>Amount per square feet</u>
Basement finish	\$23.20
Deck	\$12.00
Garage, masonry	\$29.99
Metal Carports	\$ 8.50
Convert garage or carport to living space	\$45.00

Siding/Stucco	\$per valuation
Re-Shingle	\$ 1.75
Roof Conversion	\$ 5.00
Signs, Monument	\$22.50
Signs, pole	\$22.50
Signs, Wall	\$ 6.00
Retaining Walls:	
Cast in place (less than 10'in height)	\$10.00
Masonry (less than 10' in height)	\$ 5.00
Cast in place(above 10' in height)	\$11.00
Masonry (above10' in height)	\$ 5.50

<u>Project</u>	<u>One-time fee</u>
Inspection for which no fee is specifically indicated or one-time only	\$50.00
Modular home with no basement or garage on permanent foundation, one-time only (Includes gas and electrical check)	\$300.00

Commissioner Jeff Horrocks made a motion to approve Resolution 7-13-2010 a Resolution establishing inspection fees for Emery County, Green River, Elmo, Cleveland, Castle Dale, Huntington and Emery. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed

(12)

**CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH DEPARTMENT OF TRANSPORTATION, EMERY AND CARBON COUNTIES FOR PARTICIPATION IN HORSE CANYON REST AREA PROJECT.**

Commissioner Gary Kofford explained the interlocal agreement between Utah Department of Transportation , Emery County and Carbon Counties for participation in Horse Canyon Rest Area Project. The agreement calls for Emery and Carbon County work with UDOT to secure funding to create a rest stop at Horse Canyon intersection and Highway 6. The project will include a turn lane, acceleration lane, and a passing lane that ties onto Lila Canyon Road. It also includes in the rest area a couple of restrooms, some tables and a place for people to pull off. There are two things that this agreement spells out. One is that Emery County Special Service District #1 has agreed to put forward \$100,000.00 towards the construction of the \$700,000.00 project. The other term is that Emery County (Emery County Travel Bureau) make available \$3,000.00 per year towards the maintenance of the facility. The agreement calls for 50 year term which the Commission wants to pull back to five years. Also it calls for the payment of the maintenance which the Commission wants to have spelled out who will perform the maintenance. Phil Fauver asked why the significance of Horse Canyon. Commissioner Kofford

explained that there is a close proximity to Range Creek and other attractions. Kiosks will be put up directing tourist to areas in Carbon and Emery Counties. Commissioner Laurie Pitchforth made a motion to approve the interlocal agreement between UDOT, Emery County and Carbon County for participation in Horse Canyon Rest Area Project. Commissioner Jeff Horrocks stated that he is not comfortable with committing Emery County Travel Bureau money for fifty years and recommended changing the wording on #10 regarding the funding to “five years subject to review and renewal”. Commissioner Kofford also suggested adding the wording “or so long as there is a facility there”. Commissioner Horrocks suggested adding a #12 stating that “as long as the Emery County Travel Bureau has the location to maintain a kiosk advertising Emery County”. Commissioner Kofford suggested adding that UDOT is responsible for the maintenance. With these changes Commissioner Jeff Horrocks seconded the motion contingent upon the recommended changes. The motion passed.

**(13)**

**CONSIDERATION AND APPROVAL OF CONTRACT WITH CARTER CONSTRUCTION FOR SHERIFF’S TRAINING BLDG. REMODEL.**

Commissioner Kofford explained that Carter Construction was the low bidder on the Sheriff’s Training building remodel project. After discussions with the architect, Sheriff Guymon and Carter Construction the Commission felt like they are ready to enter into a contract with Carter Construction for the project. Commissioner Laurie Pitchforth made a motion to approve the contract with Carter Construction for the Sheriff’s Training Building remodel project. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

**(14)**

**CITIZEN CONCERNS.**

Mary Huntington reported that the Library Board met yesterday to late to get on the agenda for today’s meeting. The Library Board would like to appoint Carole Larsen as interim director and underfill the position at the current rate of pay until after the budget process for 2011. They would also like to have an interim assistant to the director and appoint Roxanne Noyes. Carole and Roxanne would retain their positions as head branch librarians until the budget process allowing time to evaluate the situation. It was pointed out that this not creating a new position within the library system and Carole and Roxanne will receive no extra compensation just additional responsibilities in the interim until the budget process. Commissioner Laurie Pitchforth made a motion to approve an interim director and interim assistant to the director for the library system until budgets are approved for next year. This is not creation of a new position. There will be no additional compensation or pay. The motion was seconded by Commissioner Jeff Horrocks and the motion passed. This action will be ratified in the next Commission Meeting.

Commissioner Laurie Pitchforth thanked Jerilyn Mathis for 32 years of service to the communities of Emery County as Library Director. She thanked Mary Huntington, Carole Larsen and Roxanne Noyes for their help in getting through this period of time.

(15)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Commissioner Pitchforth reported attending UAC meetings. She reported on the recent Crandal Canyon Triathlon. There was a great turnout. On Saturday July 17<sup>th</sup> Emery County will host the Little Miss Tea Party which is a fund raiser for Miss Emery. There are five girls entered in the Miss Emery Pageant. The Emery County Recreation District and Emery County are gearing up for the 2010 Emery County Fair. The Rodeo will be July 29, 30, and 31<sup>st</sup>. The Fair begins August 4<sup>th</sup> with the Ice Cream Social and free swim day. The Castle Valley Pageant is on this year scheduled for July 30<sup>th</sup> and 31<sup>st</sup>, August 3<sup>rd</sup> through the 7<sup>th</sup>.

*Commissioner Horrocks*

Commissioner Horrocks attended Castle County Partnership meeting in Moab where they discussed the tourist trade in some parts of the state. He reported on attended TTRC meeting where they discussed the restaurant tax. Salt Lake County and Utah County oppose this tax which creates millions of dollars state wide for tourism in the state. If the tax is removed property taxes may be increased to cover the loss of revenue in tourism.

*Commissioner Kofford*

Commissioner Kofford reported on the recent Crandal Canyon Triathlon. He also reported on the swim teams. There have been 3 swim meets this year at the Aquatic Center. The swim team has also traveled to Richfield for meets.

(16)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Not Needed.

(17)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_



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

JULY 27, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

**(1)**  
**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 207305 through and including # 207607 for payment.

Requisitions were as follow:

<b><u>Requisition</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
63-10	Laptop Computer Queen	\$529.99

There were no dispositions.

**(2)**  
**APPROVAL OF OUT OF STATE TRAVEL FOR MIKE MCCANDLESS.**

**(3)**  
**APPROVAL OF PERSONNEL ITEMS.**

- A. Ratification of temporary re-alignment of Library Director responsibilities.**
- B. Approval of 3% wage increase for Jay Fausett who has successfully completed his six month orientation period.**

**(4)**  
**APPROVAL OF COMMISSION MEETING MINUTES.**

Motion to approve the consent agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

## Discussion Items

(1)

### **ITEMS PULLED FROM THE CONSENT AGENDA.**

There were no items pulled from the consent agenda for discussion.

(2)

### **BILL BATES, DIVISION OF WILDLIFE RESOURCES, UPDATE OF DIVISION ACTIVITIES.**

Bill Bates, DWR provided a brief update of activities within the division. He reported that in their next RAC meeting in Green River to be held on July 28, 2010 they will be discussing the River Otter Plan. About a year ago when the plan was first brought up there were some concerns expressed by the Emery County Public Lands Council regarding the reintroduction of river otters into Straight Canyon. Since that time the DWR has met with the irrigation companies and Emery Water Conservancy District and the Bureau of Reclamation to come up with a co-operative agreement. In the agreement the division agrees to not seek to compel habitat or water management modification to benefit river otters, not interfere with the operation of Joe's Valley Reservoir or water management regimes in Cottonwood Creek for the benefit of otters, nor pursue involuntary water contribution from water users and managers for the management of otters, recognize and respect the water rights and operation of users and water managers in Cottonwood Creek and its tributaries, not to allow river otter management to not interfere with the necessary removal of beavers. In exchange for that other entities agree to not oppose the transportation of otters into straight canyon in Joe's Valley. Any of the terms that they have asked us to agree to are really not a concern for otters. They are a species that do not cause a lot of controversy. Ray Petersen, Public Lands Council indicated that the council's concerns were with the irrigation companies and making sure that they were comfortable with what is proposed. Mr. Bates also reported that the division's plans with the Ferron Creek Reclamation Project to try and restore that to a native cutthroat fishery are moving forward. He reported on their plans for a deer management system. It will be a major change to consider carefully. Anyone interested in looking at the proposed changes in the hunting structure can go to [www.wildlife.ut.gov](http://www.wildlife.ut.gov).

(3)

### **DISCUSSION AND REAFFIRMATION OF SUPPORT FOR CONTINUING LEGAL ACTION RE:RS2477 ROAD RIGHTS IN EMERY COUNTY.**

Commissioner Kofford reported that back in the December 8, 2009 Commission meeting because of lack of affidavits and testimonies on some roads that we were litigating in conjunction with the state of Utah. It was recommended that we pull away from that law suit with the opportunity to come back later should we obtain more testimonies from the public. This created alarm among the populus in Emery County. Several individuals have come forward and have offered testimonies. Lawyers in the Attorney Generals office have gained several hundred pages



of testimony regarding the 6 roads. Things have changed since December 8 as far as our position in doing litigation on the 6 roads in Emery County. Two weeks ago Commissioner Kofford and Ray Petersen represented the county and gave deposition regarding the history of the roads for the federal side of the case. As a result, became apparent that we probably need to put this back on the agenda and reaffirm or state that Emery County is in concurrence with what the State of Utah is doing and are part of the litigation on the six roads in Emery County. Commissioner Jeff Horrocks made a motion to reaffirm Emery County's support of legal action for RS2477 roads in Emery County. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(4)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH LUXURY HOMES FOR NEW MANUFACTURED HOME AT HUNTINGTON AIRPORT.**

Commissioner Kofford explained that in 2005 a airport layout plan was done that called for a clear zone 400 feet each side of the runway. That means we can't have trees, bushes, houses, offices, etc. on either side of the runway for 400 feet from the centerline. This also means that we need to reconfigure the airport. The existing manufactured home and office will need to be moved, build a new parking lot and entrance to the airport. In bidding out the work to be done at the airport it became apparent that moving the manufactured home and putting it back into livable condition would cost as much as purchasing a slightly larger new home. The work at the airport is being paid for by a \$130,000.00 grant from UDOT Division of Aeronautics through the Special Service District. In the previous meeting Commissioner Kofford stated that the manufactured home was a 1980 model and after finding the title to the it has been determined that the home is a 1997. In the last Commission meeting the Commission did approve putting the home up for auction. It has been advertised and bids will be opened in the August 10<sup>th</sup> Commission Meeting. The SSD# 1 board who oversees the project has recommended that it was a better deal for the county to purchase a new home. The home will be in Emery County's name. Therefore, there is a contract that needs to be approved to purchase the manufactured home from Luxury Homes. Commissioner Jeff Horrocks made a motion to approve a contract with Luxury Homes to purchase a new manufactured home for the Huntington Airport. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(5)

**CONSIDERATION AND APPROVAL FOR STILSON CONSTRUCTION TO REPAIR DUCT WORK ON EXHAUST HOOD AT CASTLE DALE SENIOR CITIZEN CENTER.**

Commissioner Kofford explained that in a risk management inspection it came to light that the exhaust fan over the stove at the Castle Dale Senior Citizen Center was missing the connection from the ceiling to the fan. Stilson Construction was the original contractor on the building. Mr. Stilson went back to the original installer and supplier of the fan and tried to work through them. No one would take responsibility for the fan. So, Mr. Stilson finally found a local company Snow's Heating and Air Conditioning who would repair the duct work on the exhaust hood. Several different companies were contacted to do the work, but Snow's was the only one

interested in doing the work. Commissioner Kofford asked for approval to move forward with having Stilson Construction and Snow's Heating and Air Conditioning do the repairs. Commissioner Laurie Pitchforth made a motion to move forward with having Stilson Construction and Snow's Heating And Air Conditioning to repair the duct work on the exhaust hood at the Castle Dale Senior Citizen Center. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(6)

**CONSIDERATION AND APPROVAL OF FY2011 CONTRACT BETWEEN EMERY COUNTY AND ALG AAA FOR ADMINISTRATION OF AGING PROGRAM FOR EMERY COUNTY.**

This is an ongoing contract with ALG for the administration of the aging program for Emery County. Commissioner Laurie Pitchforth made a motion to approve contract FY2011 between Emery County and ALG AAA for administration of the aging program in Emery County. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(7)

**CONSIDERATION OF DONATION FOR RSVP RECOGNITION DINNER.**

Celeste Lute Advisory Council President of Retired Senior Volunteer Program came before the Board of Commissioners to request donation to RSVP to support their recognition dinner for volunteers in Emery County. She reported that Emery County seniors have donated over 1500 service hours in the county. Their dinner will be on August 27<sup>th</sup> at 5:00 pm at the Orangeville Community Center. Commissioner Jeff Horrocks made a motion to donate \$250.00 to RSVP to support their recognition dinner. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(8)

**CONSIDERATION OF DONATION TO SENIOR CITIZEN' S ANNUAL LAMB FRY.**

Commissioner Laurie Pitchforth made a motion to approve a donation of \$250.00 to the Senior Citizen's Lamb Fry to be held on September 12, 2010 at 12:00 pm at the Little Bear Campground in Huntington Canyon. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(9)

**CITIZEN CONCERNS**

Public Lands Council Director, Ray Petersen provided an update on the Crandall Canyon Memorial land trade. Emery County has been involved with the land trade which involves

trading USFS property where the memorial site is situated for Emery County property. The Crandall Canyon Mine owners deeded over to Emery County 7.5 acres to be used to trade for the 2.5 acres of FS property that the memorial is situated on. It was determined that it would be best that the memorial be on private property. There was a special use permit issued by the Forest Service for five years. That time is approaching and we are trying, again, to move the land trade forward. There is work that still needs to be done to firm up this trade before the end of those five years. This work could take a couple of years.

Commissioner Kofford reported that Emery County received notice from the Army Corp of Engineers that Sevier County had filed application again on the Quitchupah Creek on the road from Consol Mine to Highway 10. The ACE asked for comments from Emery County. Emery County has gone on record previously as being in favor of the project and have instructed Ray Petersen to draft a letter to the Army Corp of Engineers that Emery County is still in favor of the project.

**(10)**  
**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Jeff Horrocks*

Commissioner Horrocks reported on the big game RAC board's proposed changes in the hunts. The RAC board is working very closely with the public to make sure that when the changes do take place it will be the best thing for the hunters and property owners. Economic Historic Preservation Committee met recently to discuss Muddy Creek sign replacement. The Temple Mountain sign layout was reviewed. They also discussed the silo at Clyde Magnuson's property.

*Commissioner Laurie Pitchforth*

Commissioner Pitchforth reported on USU Extension Camp at the elementary school. She was especially impressed with the robotics that the elementary school age children were learning. She attended Emery County Business Chamber a new business partnership in place of the Chamber of Commerce. This is expected to help build stronger and better businesses in Emery County through support. She invited businesses to participate. She attended RSVP board meeting recently. She commended them for everything that they do for the County. Volunteers are very important to bringing success to the many functions in the County. We just had the Miss Emery Pageant and the Little Miss Tea Party. The Fair and Rodeo are coming up and volunteers are very important to these activities. She especially thanked Patsy Stoddard for her help. There will be a retirement party for Jerilyn Mathis who has recently retired as Head Librarian after 35 years of service to Emery County. The party will be at the Castle Dale Library on Monday, August 2<sup>nd</sup> from 3:30 pm to 5:30 pm.

*Commissioner Gary Kofford*

Commissioner Kofford reported that the Emery County Road Department will be chip sealing 21 miles by Emery and Clawson starting Monday August 2<sup>nd</sup>. This will take approximately ten days.

The Lila Canyon Road is progressing. Nielson Construction is the contractor on that road and they anticipate asphaltting around September. Yesterday there was a site showing on the Food Bank Building. There were 8 contractors and sub-contractors who attended. Bids will be opened on August 10<sup>th</sup> in Commission meeting. We should have something going on this project by first of September.

Motion to leave the regular meeting and move into a closed/executive session and upon conclusion to said closed meeting return to the regular meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(11)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at the closed session was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox. Possible litigation matters were discussed.

(12)

**ADJOURNMENT**

Upon returning the regular meeting Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

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

AUGUST 10, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS**

The Warrant Check Edit List # 207608 through #207836 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
64-10	Shredder Justice Court	\$ 487.64
65-10	Panasonic Toughbook Sheriff/Jail	\$1,800.51
66-10	38 TK-790 Kenwood Radios Sheriff/Communications	\$41,349.32

(2)

**APPROVAL OF PERSONNEL ITEMS**

- A. Approval to hire Molly Barnes as a full time dispatcher with benefits.
- B. Approval to promote Keaton Cowley and Randon Timothy to Correction Officer I after successful completion of POST.

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED JULY 27, 2010.**

Commissioner Jeff Horrocks made a motion to approve the consent agenda items. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

## Discussion Agenda

(1)

### **ITEMS PULLED FROM CONSENT AGENDA.**

Nothing

(2)

### **OPEN SEALED BIDS FOR EMERY COUNTY FOOD BANK PROJECT. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

The architect for the Food Bank Project sent out an addendum for the parking lot based on a report from the soils engineer. Three of the prospective bidders asked for additional time to find sub-contractors for that portion of the project. Because of this, the bids will not be opened today. Chairman Gary Kofford asked that a special Commission Meeting be set for August 16, 2010 at 10:00 am to open the bids. Commissioner Jeff Horrocks made a motion to move forward the opening of bids to Monday, August, 16, 2010 at 10:00 am. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(3)

### **CONSIDERATION AND APPROVAL OF GENERAL SERVICE CONTRACT BETWEEN ROCKY MOUNTAIN POWER AND EMERY COUNTY FOR ELECTRIC SERVICE AT THE FOOD BANK.**

A general service contract for electric service at the Food Bank site at 40 South Center in Castle Dale was presented for consideration. The County has chosen the contract administration credit option waiving the right for refunds should additional applicants connect to the improvement. The county's portion of the contract is \$3,336.00. To buy out the contract is \$897.00. The total for the contract service is \$4,233.00. Commissioner Laurie Pitchforth made a motion to approve the general service contract between Rocky Mountain Power and Emery County for electric service at the Food Bank. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(4)

### **CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY EASEMENT FOR POWER SERVICE AT THE FOOD BANK.**

The overhead power line, pole and transformer at the Food Bank needs to be relocated. A right-of-way easement for the power service at the Food Bank was presented for approval. Commissioner Jeff Horrocks made a motion to approve a right-of-way easement for power service at the Food Bank. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(5)

**OPEN SEALED BIDS FOR 1997 CHAMPION DOUBLE WIDE MOBILE HOME. CONSIDERATION AND APPROVAL OF HIGHEST BID AND ASSOCIATED PAPERWORK.**

Bids were opened for the 1997 Champion Double Wide mobile home at Huntington Airport.

1. Jeremiah Jensen	\$9,000.00
2. Mervin Nielsen	\$10,111.00
3. George A. Nelson	\$10,500.00
4. Kerwin Jensen	\$6,327.15
5. Boyd Griffin	\$8,101.00

Commissioner Jeff Horrocks made a motion to accept the highest bid from George A. Nelson in the amount of \$10,500.00. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

Commissioner Jeff Horrocks made a motion to move down the list of bidders should the successful bidder decline. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed.

(6)

**OPEN SEALED BIDS FOR AQUA SIZE INSTRUCTOR AT THE EMERY COUNTY AQUATIC CENTER. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

Sealed bids were received for Aqua Size instructor at the Aquatic Center.

1. Samantha Johnson	\$20.00 per hour
2. LuAnn Koch	\$ 175.00 per year.

It was determined that LuAnn Koch was the low bidder. Commissioner Laurie Pitchforth made a motion to hire LuAnn Koch as Aqua Size instructor at the Emery County Aquatic Center. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

(7)

**CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY/CARBON COUNTIES AND UTAH DEPARTMENT OF TRANSPORTATION FOR HORSE CANYON REST AREA.**

The Board of Commissioners discussed an Interlocal Agreement between Emery County, Carbon County and Utah Department of Transportation for Horse Canyon Rest Area. The Commissioners had requested some changes to the agreement. The change to section #10 which specified the terms of the agreement to be 50 years from the effective date could not be changed to five years because of state law 11-13-216. Therefore, the terms remained at fifty years. Section #3 specifies that space will be provided to Carbon and Emery County at the site for interpretive panels, as approved by UDOT, at no additional cost. This section also specifies that Emery County and Carbon county, through their respective travel bureaus, will contribute

\$3,000.00 per year each for the ongoing maintenance of the facility. Commissioner Laurie Pitchforth made a motion to approve an Interlocal Agreement between Emery/Carbon Counties and Utah Department of Transportation for Horse Canyon Rest Area. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

**(8)**

**CITIZEN CONCERNS**

None

**(9)**

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Commissioner Pitchforth thanked everyone who participated in the success of the fair and rodeo this year. She especially thanked the sponsors and the Recreation Special Service District Board and staff. There were a few weather issues but overall it was a great fair and rodeo this year. She attended a Care Center walkthrough and reported on the progress at the center. The landscaping is coming along. Hopefully things will be completed in the next few weeks. The staff and board of the Emery County Care and Rehabilitation Center has planned an open house for September 11, 2010 in conjunction with Peach Days. She congratulated Clerk/Auditor Brenda Tuttle and her husband on the recent birth of their daughter.

*Commissioner Horrocks*

Commissioner Horrocks reported on the Big Game RAC meeting. There were seven items on the agenda. He reported on permitting for cougar hunts, predator kills the deer crop and lack of deer in certain areas. Fish and Game will hold check points this year in certain areas. The Emery County Trails Committee is working on a motorized trails map. He attended a DWFS meeting where they discussed the loss of jobs and residents in the county. The Historical Committee is working on an interpretive sign for Temple Mountain. A successful local Arts Festival was held at the Museum of the San Rafael during the Fair. He reported on a "Take Back Utah" rally in Salt Lake City on the 28<sup>th</sup>. Anyone interested in maintaining public lands in Utah is encouraged to attend the rally.

*Commissioner Kofford*

Commissioner Kofford reported on Public Lands Council meeting where under the Water Users section of the meeting it was reported that Mistie Christiansen was instrumental in acquiring a \$200,000.00 grant for a water study. It was determined that Emery Water Conservancy District will administer the grant and the study. They will work with the Department of Natural Resources in looking at various water storage options. They may be short some money for the study so looking at going back to CIB for additional funds. This is important for Emery County



for industry and water users in the county. Moore Phase 8 is underway, it was a little late getting started due to the weather conditions this summer. Lila Canyon Road is 40% complete. The road is scheduled for completion December 1, 2010. Lila Mine has a stock pile of coal waiting for transport so they are anxious for the road to be completed. Commissioner Kofford also thanked everyone who participated in the success of the Fair and Rodeo. He felt they were well accepted by the people of Emery County as well as those who visited here. The Castel Valley Pageant was a big success. There was a huge turnout on Tuesday, August 3, due to appearance of President Dieter F. Uchtdorf that night. The next Commission meeting will be on August 24, 2010 in Green River in conjunction with Board of Equalization for Green River residents. Commission Meeting will begin at 9:00 am until 10:00 am at which time BOE will go from 10:00 am until 12:30 pm. BOE for the rest of the county will be on Wednesday, August 25, 2010 from 9:00 am until 3:00 pm in this building.

(10)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

(11)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

AUGUST 16, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Deputy Clerk/Auditor Carol Cox and other interested individuals.

(1)

**OPEN BIDS FOR THE EMERY COUNTY FOOD BANK.**

Bidders will identify deduction for 26 gage metal roof in lieu of 24 gage and add for asphaltting on north, west and south sides of building.

Construction Company	Bid	Roof	Asphalt
1. Broderick-Henderson Construction	\$308,900.00	-\$1,000.00	+\$19,000.00
2. Skybow, LLC	\$355,133.00	-\$1,000.00	+\$ 2.15 sq ft
3. CK Construction Corp.	\$334,200.00	-\$ 500.00	+\$ 9,200.00
4. Stilson & Sons Construction	\$331,259.00	-\$4,149.00	+\$17,798.00
5. Double E Construction	\$330,342.00	-\$4,149.00	+\$16,915.00
6. MGM Construction, INC	\$397,307.00	-\$1,500.00	+\$18,088.00

(2)

**CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

Motion to award the bid to the low bidder Broderick & Henderson Construction for \$308,900.00 pending review and approval by the architect for the project was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(3)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD AT THE EMERY COUNTY SHERIFF'S COMPLEX  
IN GREEN RIVER, UT

AUGUST 24, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

(2)

**APPROVAL OF PERSONNEL ITEMS**

A. Shannon Hiatt requested approval to hire Brinne Dawes, Marqui Moss, Eli Oliverson as part-time lifeguards, working 19 3/4 hours per week with no benefits at Grade 4.

B. Sheriff Guymon requested approval to promote Alexander O'Niel and Mike Vanwagoner from Corrections Officer I to Correction Officer II for being a POST certified Corrections Officer I for at least two years. They would move from Grade 15 to Grade 16.

C. Morris Sorensen requested approval to hire Natalie Gardner as a 3/4 time secretary, working 32 hours per week with pro rated benefits at Grade 11.

D. Approval to provide flu, pneumonia, and tetanus vaccines this year in conjunction with our annual Wellness Clinic October 20-21, 2010. The county will pay for employees who choose to receive the vaccine. However, spouse/dependents are invited and Emery Medical will bill Meritain in their behalf.

E. Approval to utilize Emery Medical Center again this year for the annual Wellness Clinic. The cost will be \$173.00 to \$177.00 based on gender and age.

F. Approval to give employees who participate in the Wellness Clinic an additional 4 hours of paid vacation.

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED AUGUST 10, 2010.**

Commissioner Gary Kofford asked to have agenda item 2A pulled for discussion.

Commissioner Laurie Pitchforth made a motion approve the consent agenda with the exception of 2A. The motion was seconded by Commissioner Jeff Horrocks and the motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM CONSENT AGENDA**

Commissioner Gary Kofford explained that he needed to abstain from voting on 2A because his grandson is Eli Oliverson. He pointed out that the new part-time lifeguards are replacing lifeguards from the summer who are now heading off to school. Motion to approve agenda item 2 A was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(2)

**REQUEST FOR DONATION TO EMERY COUNTY BUSINESS ALLIANCE KICK-OFF**

Commissioner Kofford explained that the business people in the county are in the process of forming a business alliance group in attempt to get something going. The county chamber of commerce is not functioning at this time. Attorney David Blackwell was asked if a donation to the group is a legal donation for the county? Attorney David Blackwell indicated that it does qualify as an acceptable donation. Therefore, Commissioner Laurie Pitchforth made a motion to donate \$250.00 to the Emery County Business Alliance for their kick-off event. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(3)

**MIKE MCCANDLESS, DISCUSSION OF ECONOMIC DEVELOPMENT AND B.E.A.R. PROGRAM.**

Economic Development Director, Mike McCandless provided the following update:

(4)  
**CONSIDERATION AND APPROVAL OF AMENDMENT TO BOARDING HOUSE  
RIDGE COMMUNICATION SITE PERMIT.**

(5)  
**CITIZEN CONCERNS**

(6)  
**COMMISSION/ELECTED OFFICIAL REPORTS**

(7)  
**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

(8)  
**ADJOURNMENT**

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE BOARD OF EQUALIZATION MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN GREEN RIVER, UTAH

AUGUST 24, 2010

Present at the meeting was Commission Chair Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Deputy Clerk/Auditor Carol Cox, Assessor Kris Bell, and Deputy Assessor Carol Riddle.

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

SEPTEMBER 14, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Laurie Pitchforth was not able to attend the meeting. Therefore, Commissioner Gary Kofford stepped down throughout the meeting to execute motions as needed.

**CONSENT AGENDA**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #208146 through and including #208417 for payment.

One requisition was presented. Requisition # 68-10 from the IT Department for a controller board (Fire Wire) for Design Jet 815 in the amount of \$583.00.

(2)

**RATIFY APPROVAL OF STANDARD FORM OF AGREEMENT BETWEEN EMERY COUNTY AND BRODERICK & HENDERSON CONSTRUCTION, LLC FOR CONSTRUCTION OF THE EMERY COUNTY FOOD BANK.**

(3)

**APPROVAL OF LAWRENCE CEMETERY BURIAL LOT FEE FOR CARROL E. CULLUM**

(4)

**APPROVAL OF BUSINESS LICENSE FOR TRIMAC TRANSPORTATION CENTRAL INC.**

(5)

**APPROVAL OF PERSONNEL ITEMS.**

(6)

**APPROVAL OF COMMISSION MEETING MINUTES DATED AUGUST 16 & 24, 2010.**

Motion to approve the consent agenda as presented was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and the motion passed.

## **DISCUSSION AGENDA**

(1)

### **ITEMS PULLED FROM CONSENT AGENDA**

None

(2)

### **PRESENTATION AND DISCUSSION OF RANGE CREEK COMPREHENSIVE MANAGEMENT PLAN.**

Ann Hanniball, Associate Director, Utah Museum of Natural History, Natalie Conlin, Utah Division of Forestry, Fire and State Lands, Duncan Metcalf, Curator and Professor University of Utah, and Dennis Earhart, Consultant for the Utah Museum of Natural History came before the Board of Commissioners to discuss Range Creek's Comprehensive Management Plan. Ann Hanniball addressed the Commissioners. The State of Utah owns property in Range Creek Canyon. In December of 2009, this property was leased to the University of Utah (U of U) for the primary purpose of operating and maintaining a field research station in the canyon to facilitate the long-term, orderly scientific investigation, preservation and protection of cultural resources in the Range Creek drainage. That lease also delegated management authority over the State's property in the canyon to the U of U. In light of the purposes of the lease, the U of U has appointed the Utah Museum of Natural History to administer the U of U's responsibilities in the canyon. Included within the State's property in the canyon are the former Wilcox ranch properties, located partially in Emery County and partially in Carbon County. Under the University's agreements with Utah's State and Institutional Trust Lands Administration (SITLA), which is the division of the state currently holding title to the former Wilcox properties, the University is taking the lead in drafting a comprehensive management plan (CMP) as required by a Conservation Easement placed over the former Wilcox Properties. There is full cooperation and collaboration among the University, the Utah Department of Agriculture and Food and Utah Division of Forestry, Fire and State Lands (the named grantees under the Conservation Easement), SITLA, and the Utah Division of Wildlife Resources (DWR). The CMP will guide management of the former Wilcox properties and the resources, public access, and Field Station operations for and within such properties. Consistent with the University's rights and obligations under its lease, the University's primary interest in Range Creek Canyon is research and educational opportunities afforded through the Museum's Range Creek Research Field Station. It is also keenly interested in the management and protection of archeological historical, and natural resources in the canyon and is very mindful of other established public interests and the various documents of record governing the former Wilcox properties. With the concurrence of DWR and SITLA, the University currently manages public access by permit. Access is by foot or horseback or by commercially operated van tours affording opportunities to view archeological sites, explore the canyon, enjoy its scenery and solitude and conduct other outdoor pursuits including hunting and fishing. We invite you to review our planning process and learn any thoughts you may have about planning for the Range Creek Canyon properties. (Taken from letter written to Emery County Board of Commissioners dated August 9, 2010)



Commissioner Kofford and Commissioner Horrocks expressed desire for the County to be involved in the planning process. They expressed a desire to have items found in the canyon exhibited in our Museum of the San Rafael.

Ms. Hanniball agreed that objects should be exhibited in the area that they are located.

Commissioner Kofford expressed appreciation to Mr. Metcalf and his efforts to document the activity and history of the Fremont people who inhabited the canyon. Mr. Metcalf reported on recent findings in the canyon.

Commissioner Kofford reported that UDOT is putting in a rest stop with the help of the Emery County Historical Society which will have information panels for visitors to the area.

(3)

**CONSIDERATION AND APPROVAL OF INDEPENDENT MANAGEMENT AGREEMENT BETWEEN EMERY COUNTY AND HUNTINGTON AVIATION, LLC FOR MANAGEMENT OF THE HUNTINGTON AIRPORT.**

Commissioner Gary Kofford indicated that there needed to be some wording changes made to the management agreement with Huntington Aviation, LLC for the management of the Huntington Airport. Attorney David Blackwell reviewed the changes. Commissioner Jeff Horrocks made a motion to approve an Independent Management Agreement between Emery County and Huntington Aviation, LLC for management of the Huntington Airport. The motion was seconded by Commissioner Gary Kofford. The motion passed.

(4)

**DISCUSSION AND SETTING OF DATE FOR COUNTY AUCTION.**

Commissioner Gary Kofford indicated that he has contacted Randy Anderson of RMA Sales Management and Company to find out an available date to hold a county auction. Randy indicated that they had November 6 as an available date. Commissioner Jeff Horrocks made a motion to set November 6, 2010 at 10:00 am as the date and time for a county auction to be held at the county road shop. The motion was seconded by Commissioner Gary Kofford. The motion passed.

(5)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY TELCOM AND EMERY COUNTY FOR HORN MOUNTAIN COLLOCATION AND FIBER.**

Bret Mills, Communications and Ben Heaton from Emery Telcom discussed an agreement between Emery County and Emery Telcom for Horn Mountain Collocation and Fiber. Bret explained that Emery County approached Emery Telcom about the possibility of constructing

fiber between the tower sites on the edge of Horn Mountain and the tower site at Long Ridge on Horn Mountain. Emery County currently has a pole line between such sites. Emery Telcom has an interest in such construction, because it provides service to other providers on Long Ridge and needs to transport those services to Emery Telcom's Tower. Emery Telcom will agree to install fiber from the Emery Telcom tower and the Emery County towers on the edge of Horn Mountain to the Emery County tower on Long Ridge. Emery Telcom will own and maintain such fiber and Emery County will agree to allow Emery Telcom to over lash such fiber along the existing pole line and facilities at no charge. Emery County will be given twelve fiber for its use, but Emery County shall not be allowed to use such fibers to compete with Emery Telcom and will not transport third party providers' services on such fibers. Emery County also agrees to allow Emery Telcom to collocate in Emery County's building and on Emery County's tower at Long Ridge. Emery Telcom desires to cease maintaining such fiber, then it will waive its right to collocate and will also turn over all ownership of such fiber to Emery County. Bret added that he believes that this will be a mutually beneficial relationship between Emery Telcom and Emery County. He suggested that it would be good to put this arrangement in the form of letter of agreement between Emery Telcom and Emery County. Attorney David Blackwell has reviewed the letter. Commissioner Jeff Horrocks made a motion to approve signing a letter of agreement between Emery County and Emery Telcom for Horn Mountain Collocation and fiber. The motion was seconded by Commissioner Gary Kofford. The motion passed.

(6)

**DISCUSSION AND APPROVAL OF FINANCIAL PARTICIPATION IN SAN RAFAEL RIVER WATER SHED STUDY.**

The Commissioners discussed financial participation in San Rafael River Water Shed Study. The purpose of the study is, as the irrigation in the county goes from flood irrigation to sprinkler irrigation, will there be additional water in the county to use? Will additional water storage be needed or are the present water reservoirs storage adequate? What affect will be on the San Rafael River environment? What will be the effect on adequate habitat on the lower San Rafael River? There are many different groups that are interested in this study. NRCS, Utah Division of Wildlife Resources, Utah Division of Water Resources including financing \$200,000.00 of the study, Huntington Cleveland Irrigation Company, Cottonwood Creek Irrigation Company, Ferron Canal and Reservoir Company, Muddy Irrigation Company and the Emery Water Conservancy District. This project and these studies can protect the waters in Emery County, and the State of Utah. It could have an effect on the Colorado River Compact with water leaving the state. Know what water we have and when it is available to use and what other environmental pressures are on our water resources, we will be able to make the most use of this resource. The study will take 2 years to complete. There will be three phases to the study. Emery Water Conservancy District went before the CIB Board and were able to get \$150,000.00 to put into phase 2 and 3 of the study. Phase 1 will be funded by \$200,000.00 from NRCS, in-kind match from DWR, \$21,000.00 EWCD \$20,000.00, Sub committee \$10,336.00, cash from DWR \$12,000.00 for a total of \$263,336.00. Phase 2 will be funded by BLM, \$41,225.00, CIB \$31,075.00, EWCD \$21,000.00 and Emery County has been asked to contribute \$15,000.00 towards this phase for a total of \$108,300.00. Phase 3 will be funded by CIB \$55,000.00 and Pacificorp \$15,000.00 for a total of \$70,000.00. Plan Preparation and Administrative cost will

come from CIB \$63,925 and EWCD \$439.00 for a total of \$64,364.00. The total cost of the project is projected to be \$506,000.00.

Commissioner Gary Kofford requested approval to participate in the study by putting into the project \$15,000.00 through the Public Lands Council. He added that this study could possibly put Emery County ahead of the curve for keeping water in Emery County. Clerk/Auditor suggested that it would be best to take the funds from Dues and Contributions as a donation. Commissioner Gary Kofford made a motion to contribute \$15,000.00 to the Emery Water Conservancy District to be used in the San Rafael River Water Shed Study. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(7)

**DISCUSSION AND UPDATE OF COURTHOUSE ELEVATOR REPAIRS.**

In a previous Commission Meeting the Commission approved to repair a leaking valve on the elevator at a cost of \$5,347.00. We now have another valve problem which KONE required a signed order to repair. The signing of that work order now needs to be ratified. Commissioner Jeff Horrocks made a motion to ratify the signing of a work order for the courthouse elevator repair. The motion was seconded by Commissioner Gary Kofford and the motion passed.

(8)

**CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY FOR BUCKHORN TRAVEL BUREAU KIOSK/RESTROOM.**

Commissioner Jeff Horrocks discussed a right-of way from BLM for the Buckhorn Travel Bureau Kiosk/restroom. This is a project funded by the Emery County Travel Bureau and the BLM. The kiosk will have an information center and be a staging area for visiting the San Rafael area. It will be located where the current water well is on the Buckhorn. All the proper impact studies have been completed. This right-of way will move the project forward. Commissioner Gary Kofford made a motion to approve a right-of way permit with BLM for Buckhorn Travel Bureau Kiosk/restroom. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(9)

**CITIZEN CONCERNS**

Leslie Bolinder informed the Board of Commissioners that advertising will begin to fill terms on the Planning Commission Board, Nursing Home Board, and Library Board.

Phil Fauver reported on the Senior Citizen luncheon recently held at Little Bear Campground. He asked what the cost of putting on the luncheon was to the county. Commissioner Kofford reported that Emery County donated \$250.00 to the Senior Citizens for the dinner and Kent Wilson donated the salads and etc. In all the dinner was around \$500.00. Mr. Fauver also expressed concern that with all the new water pressure systems that the ditch banks are dry. How

will this effect the trees?

(10)

## **COMMISSION/ELECTED OFFICIAL REPORTS**

### ***Commissioner Horrocks***

Commissioner Horrocks reported on attending the Governor's 10 year initiative All three Commissioners attended Peach Days. He was especially impressed with the Peach Days' Flag Ceremony. The Public Lands Council is diligently working on Emery County's Public Land bill. The Fire Protection Special Service District has announced that the burn dates for the county are September 25, 2010 through October 24, 2010 for the western end of the county and October 2, 2010 through October 31, 2010 for Green River. Burn permits are required. Commissioner Horrocks reported that Melon Days is this weekend. The Green River Clinic expansion is mostly completed. They will have an open house on September 27, 2010.

### ***Sheriff LaMar Guymon***

Sheriff Guymon reported on the recent Little Grand Canyon 50K Marathon Run. They had 414 registered participants in the marathon. Of those 44 were visitors from other countries, there were 31 states represented, 11 participants from Canada and 42 locals from Carbon and Emery Counties. Sheriff indicated that he visited with several participants who provided very favorable comments about the marathon and the beauty of the area. The marathon continues to grow every year and gain notoriety. He also reported that the Sheriff's Department recently received a \$30,000.00 grant to purchase a vehicle for desert patrol. The Sheriff's Department is in negotiations with Range Creek for law enforcement at Range Creek.

### ***Commissioner Kofford***

Commissioner Kofford reported that on September 16, 2010 UDOT will hold its regular meeting here in the courthouse. It is a good time for local cities and entities to express concerns and ask questions. Commissioner Kofford recently attended State BLM RAC mtg in Salt Lake City. He has applied for reappointment that committee. They met with Juan Palma and reviewed Rich County's allotment grazing permits on BLM/Forest Service ground. A sub committee has been formed to try what they have done in other places in Utah.

The Food Bank project was awarded to Broderick and Henderson. They recently prepared the ground to place the footers. The Sheriff's Training Building remodel is progressing. The Emery County Care and Rehabilitation Center remodel is nearing completion. They have about two to three weeks left on the project. The board is looking at early October to hold an open house. They have new furniture still in boxes that still needs to be put out. Phil Fauver asked if the number he heard for change orders on the project were true? Commissioner Kofford indicated that there were 105 change orders on the project. This is due to a building that was 45 years old and had never been updated. The project had not been delved into deeply enough to get a true accounting of what needed to be done until they actually started working on the project. The

state health inspector found three pages of items that according to state code needed to be changed. The state fire marshal found things that needed to be updated. They weren't going to do the west side of the building but ended up doing so much more than was anticipated. He complemented the staff and manager of the facility for maintaining the patients while the remodel was in the process. The facility will be a good access to the citizens of Emery County.

(11)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Not needed.

(12)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Gary Kofford and the motion passed.

**ATTEST:** \_\_\_\_\_

**COMMISSIONER:** \_\_\_\_\_

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

SEPTEMBER 28, 2010

Present at the meeting was Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, elected officials and citizens. Commissioner Gary Kofford was absent from the meeting.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 208533 through and including # 208661 for payment.

There were no requisitions or dispositions.

(2)

**RATIFY SIGNATURE ON ELEVATOR WORK ORDER WITH KONE.**

(3)

**RATIFY SIGNATURE ON AGREEMENTS WITH QUESTAR FOR NATURAL GAS SERVICE FOR THE HUNTINGTON AIRPORT AND FOOD BANK.**

(4)

**APPROVAL OF PERSONNEL ITEMS.**

A. APPROVAL TO HIRE TINA BRADLEY AS A PART TIME ASSISTANT LIBRARIAN FOR CLEVELAND LIBRARY WITH NO BENEFITS, WORKING 16 HOURS PER WEEK.

B. APPROVAL TO HIRE DEBBIE MURRAY AS A PART TIME JANITOR FOR THE HUNTINGTON LIBRARY WITH NO BENEFITS, WORKING 7.5 HRS PER WEEK.

C. APPROVAL TO HIRE TENNYSON FAUVER, CONNOR BENSON, LANE GARDNER, MCKAY WEST, AND SAM SMITH AS PART TIME LIFEGUARDS WITH NO BENEFITS WORKING 19 3/4 HRS PER WEEK.

(5)

**APPROVAL OF COMMISSION MEETING MINUTES DATED AUGUST 16 & 24, 2010**

Commissioner Jeff Horrocks asked to have item # 5 pulled and moved to the discussion agenda.

Motion to approve the Consent Agenda with the exception of #5 was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks. The motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM CONSENT AGENDA.**

Commissioner Jeff Horrocks indicated that the minutes from August 16 & 24 have already been approved. The minutes from September 7 & 28, 2010 need to be approved in the next Commission Meeting.

(2)

**CONSIDERATION AND APPROVAL OF CLOSING BOARD OF EQUALIZATION FOR 2010.**

Clerk/Auditor Brenda Tuttle explained that Board of Equalization has been open since disclosure notices were sent out in July until now to allow property owners time to protest values. Brenda asked that the Commission now close Board of Equalization. Commissioner Laurie Pitchforth made a motion to close Board of Equalization. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(3)

**CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION ADJUSTMENTS.**

Assessor Kris Bell presented the Commissioners with a list of property owners who requested revaluation and the BOE adjustments that need to be made. Commissioner Laurie Pitchforth made a motion to approve the Board of Equalization adjustments as presented. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(4)

**CONSIDERATION AND APPROVAL OF VETERAN, CIRCUIT BREAKER AND BLIND ABATEMENTS.**

Clerk/Auditor Brenda Tuttle explained the various tax abatement programs that the county has for low income homeowners, blind and veterans. The circuit breaker is for low income homeowners who qualify by age and income. This program is partially funded by the state. The blind abatement is a value reduction for property owners who qualify. The veteran's exemption is for Veteran's with at least 10% disability related to service in the armed forces. Brenda provided a list of property owners who have gone through the application process. Letters have been sent to those who applied but did not qualify. The state will be reimbursing the county \$39,913.00 for those who qualify in the circuit breaker program. Commissioner Laurie Pitchforth made a motion to approve the veteran, circuit breaker and blind abatements for 2010. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(5)

**CONSIDERATION AND APPROVAL OF PARTICIPATION IN THE WILBERG GRAZING ALLOTMENT LANDFILL MITIGATION PROJECT SPONSORED BY SAN RAFAEL CONSERVATION DISTRICT.**

Attorney David Blackwell requested that the Commission table this matter until an MOU can be drafted for all parties involved in this mitigation project. Commissioner Laurie Pitchforth made a motion to table this matter. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

**CONSIDERATION AND APPROVAL OF PERSONAL PROPERTY TAX EXEMPTIONS.**

Assessor Kris Bell presented the Commission with a list of businesses in the county who qualify for personal property exempt status. She explained that about three years ago the legislature passed a bill that exempted businesses from paying personal property tax on property with value less than \$3,800.00 for that year. Commissioner Laurie Pitchforth made a motion to accept the list of personal property tax exemptions for 2010. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(7)

**CITIZEN CONCERNS**

Phil Fauver expressed concern that there are no signs on Highway 10 that direct you where to turn for the towns of Elmo, Cleveland and Moore. If you do not have a map or know where to



turn you would not know where to find these towns. Commissioner Horrocks indicated that he would look into this and bring it up with UDOT and in the mayors meetings.

(8)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

***Commissioner Horrocks***

Commissioner Horrocks reported that all three Commissioners attended USACC meetings in Midway, UT. Topics of discussion included jail cost for housing state prisoners, Public Land, training sessions on taxes. The Lila Canyon Mine has coal on the ground and anxious for the road to be completed in the next couple of weeks so they can begin moving the coal. The Commissioners recently attended a BLM open house where they met with the new state director Juan Palma. Mr. Palma was treated to a tour of the desert visiting the Buckhorn Well where the new kiosk and restrooms are being installed and out to the wedge and swinging bridge. Commissioner Horrocks indicated that Mr. Palma was very receptive and impressed with what the county is doing with public land. He encouraged them to keep up with what they are doing. Huntington Airport improvement project is nearly completed. The Back Country Flyers will hold their annual fly in this weekend. They will have approximately 60 airplanes here for the three day event that will begin on Friday at 1:00 pm and run through Sunday at approximately 5:00 pm. They will have many things going on for the public to enjoy. There was a ribbon cutting for a new business in Huntington, Foot Zone. There was also a ribbon cutting for the Green River Medical Center. The center just underwent a remodel and expansion project. The project came in on time and on budget. The Food Bank is under construction at this time. The footers have been poured. The building is scheduled to be delivered on October 15 and it will take two weeks to construct. They will then begin the work on the interior of the building.

***Commissioner Pitchforth***

Commissioner Pitchforth reported that the Sheriff's Training Building remodel is moving along. Emery County Care and Rehabilitation Center will hold an open house on Wednesday, October 13<sup>th</sup> at 10:30 am beginning with a ribbon cutting ceremony. Open house will be from 11:00 am until 2:00 pm. The Senior Citizen Social that was held at Little Bear a few weeks ago was very well attended. She wanted to express appreciation to those who put in so much work to see that is was successful. She especially grateful to Jay Frandsen for the entertainment and Jim Piece and his daughter for their organization of the dinner and Kent and Julie Wilson for the meal. Commissioner Pitchforth commented on Peach Days and Melon Days. She talked about USACC and the important information that she receives at the conference. She encouraged everyone to look at the candidates who are running for offices this year and become informed on the candidates and vote.

Steve Barton reported on the MECCA Fall Festival recently held on the Wedge. They had approximately 50 participants.

JR Nelson reported that he swims at our wonderful new Aquatic Center nearly everyday. He has met up with several people from as far away as Austria who come for bouldering in Joe's Valley. He was informed that Joe's Valley, Utah is one of the premier locations in the nation for bouldering.

(9)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

A closed session was not necessary.

(10)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

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

OCTOBER 12, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #208760 through and including #208920 for payment.

One requisition was presented for approval.

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
69-10	Camera System for Jail Sheriff	\$15,535.25

One disposition was presented for #316-6330, 1996 Ford Ambulance.

(2)

**APPROVAL OF PERSONNEL ITEMS**

- A. Notification that LeAnn Seely has been hired as a 90 day temporary for the Museum of the San Rafael.

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 14 AND 28, 2010**

Commissioner Jeff Horrocks made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

## Discussion Agenda

(1)

### **ITEMS PULLED FROM CONSENT AGENDA**

Nothing

(2)

### **APPOINTMENT TO EMERY COUNTY LIBRARY BOARD.**

Board member Buleah Oveson had tendered her resignation from the Library Board. Commissioner Laurie Pitchforth made a motion to accept the resignation of Buleah Oveson from the Library Board. The motion was seconded by Commissioner Jeff Horrocks. The motion passed. Commissioner Pitchforth explained that the Library Board has advertised to fill Ms. Oveson's place on the board. They received one application from Joyce Guymon. Commissioner Laurie Pitchforth made a motion to appoint Joyce Guymon to the Library Board. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(3)

### **SETTING OF BUDGET MEETINGS FOR FY2011**

Commissioner Laurie Pitchforth made a motion to set budget meetings as follows:  
October 26, 2010, following Commission Meeting.  
October 28 and 29, 2010 starting at 9:00 am with the departments.  
November 23, 2010 following Commission Meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

Commissioner Gary Kofford indicated that the budget needs to be finalized by December 21, 2010. They will set more meetings if needed.

(4)

### **CONSIDERATION AND APPROVAL OF RESOLUTION REQUESTING RE-CERTIFICATION OF THE EMERY COUNTY JUSTICE COURT, FIRST PRECINCT (CASTLE DALE, UTAH) AND SECOND PRECINCT (GREEN RIVER, UTAH).**

Commissioner Jeff Horrocks made a motion to accept Resolution 10-12-10 a resolution requesting the re-certification of the Emery County Justice Court, First Precinct (Castle Dale) and Second Precinct (Green River). The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 ON FOOD BANK FACILITY**

Changes were made by the structural engineer on the footings and walls for the Food Bank. The concrete subcontractor, Wall Contractors, Inc. proposed the modification will cost \$805.00. Commissioner Laurie Pitchforth made a motion to approve change order #1 for the Food Bank. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

**CONSIDERATION AND APPROVAL OF COOPERATIVE LAW ENFORCEMENT AGREEMENT BETWEEN EMERY COUNTY SHERIFF'S OFFICE AND THE USDA, FOREST SERVICE THROUGH FY2015-FS AGREEMENT NO. 11-LE-11041000-004**

Commissioner Laurie Pitchforth made a motion to approve a Cooperative Law Enforcement Agreement between Emery County Sheriff's Office and the USDA, Forest Service through FY2015. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(7)

**DISCUSSION AND APPROVAL OF OUT-OF-COUNTRY TRAVEL FOR TINA CARTER, EMERY COUNTY TRAVEL BUREAU.**

Tina Carter, Emery County Travel Bureau requested approval to attend the Outdoor Adventure Show in Calgary or VanCouver, Canada in March 2011. The Commissioners discussed the fact that Emery County does not currently have a policy for out of the country travel. They indicated that the travel policy needs to be considered before approving the request. Mike McCandless told of Sam Juan County attending the trade show and increasing their tourism substantially from contacts made at the trade show in Canada. He indicated that the opportunity will come around again. The Travel Bureau would like to consider sending Tina to the show and would like the Commission to take a look at the travel policy and address the out of country travel for when the opportunity comes around again. Ray Petersen commented that the policy may only need to be amended to allow travel out of the country. Commissioner Jeff Horrocks made a motion to put together a committee to amend the policy to allow out of country travel. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

**DISCUSSION AND APPROVAL OF COUNTY GIFT FOR UAC ANNUAL CONVENTION.**

Commissioner Jeff Horrocks made a motion to approve Commissioner Pitchforth to purchase a gift of up to \$300.00 for the UAC Convention in November. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(9)

**DISCUSSION AND DIRECTION FOR ACTION AGAINST THE SALE OF SPICE IN EMERY COUNTY.**

Commissioner Gary Kofford indicated that in the last COG meeting the mayors in Emery County and the Commissioners heard from two representatives from the Sheriff's Department and Mental Health regarding the use of SPICE in Emery County. SPICE is a new drug hitting the market, targeting kids. There is apparently no law for enforcing the use and sale of SPICE. Huntington City and Green River City have enacted an ordinance to regulate the use and sale of SPICE in their communities. Sheriff Guymon indicated that in order to make the ordinance effective the other cities and the County need to do the same. County Attorney David Blackwell indicated that an ordinance will need to be drawn up and advertise for a couple of weeks before it can be adopted. Sheriff Guymon encouraged the cities and the county to adopt the same ordinance to avoid confusion. Commissioner Jeff Horrocks made a motion to instruct Attorney David Blackwell to draft an ordinance for advertising regarding the sale and use of SPICE in Emery County. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

**DISCUSSION AND RATIFICATION OF TERMINATION OF EXISTING EASEMENTS AND ISSUANCE OF NEW EASEMENTS FOR REEDER ROAD.**

Commissioner Jeff Horrocks made a motion to ratify the termination of existing easements and the issuance of new easements for Reeder Road. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(11)

**APPROVAL OF DISPOSITION AND SALE OF USED AMBULANCE.**

Commissioner Gary Kofford discussed the disposition of a used 1996 Ford Ambulance. Historically, when the county has an ambulance that needs to be disposed of the county has not been able to sell the vehicle for very much money. Rocky Mountain Ambulance has offered to purchase the ambulance for \$6,000.00 which is much more that we would get if it was to be sold at the county's auction or sent up north for a private auction. Commissioner Laurie Pitchforth made a motion to approve selling the ambulance for \$6,000.00 as proposed. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(12)

**CONSIDERATION AND APPROVAL OF COMMISSION TAX ABATEMENT FOR GREGORY HUNTINGTON.**

A low income abatement request for Gregory Huntington was presented for consideration. Mr. Huntington's doctor letter arrived late so his application was not turned in on time. If approved this will be a Commission adjustment of up to 50% of the taxes. This type of adjustment is not reimbursed by the state. Commissioner Laurie Pitchforth made a motion to approve a 50% tax abatement for Gregory Huntington. The motion was seconded by Jeff Horrocks. The motion passed.

(13)

**CITIZEN CONCERNS.**

Sheriff LaMar Guymon reported that the Emery County Sheriff's Department has been offered a contract from USU to provide security at Range Creek. USU has agreed to cover all expenses. Commissioner Horrocks asked that Sheriff Guymon look at the overhead involved.

(14)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Commissioner Pitchforth reported on the Emery County Care And Rehabilitation Center Remodel project. There will be a ribbon cutting ceremony on October 13, 2010 at 10:30 am with the open house tour from 11:00 am until 3:00 pm. Huntington City will host their first annual October Fest on October 16, 2010. Castle Dale City will have a Pumpkin Party with stew and chili, fun and games. Banasky Insurance is offering free pumpkins to elementary age children. All others are asked to give a donation to go towards the Christmas Angel Trees program.

*Commissioner Horrocks*

Commissioner Horrocks reported on the Back Country Flyers who were in the county on October 1, 2, and 3<sup>rd</sup>. There were approximately 60 planes here along with the Young Eagles. Local youth got an opportunity to fly around the valley. The Civil Air Patrol had cadets serving the citizens and pilots and providing security and marshaling the planes in and out of the airport. The event was well received and attended. The Back Country Flyers have requested to return again next year. Weed & Mosquito has received a series of new regulations regarding the use of chemicals around water. This may increase the cost of fighting mosquitoes in Emery County. The new sprinkling system for irrigation has created a problem with weeds and mosquitoes in the county.

*Commissioner Kofford*

Commissioner Kofford reported on the various project going on in the county at this time. Food Bank: The building will be here this Friday. Huntington Airport: Waiting for Questar to put in the gas for the house. Sheriff Training Facility: Framing is complete. Electrical and heating are going in this week. Lila Canyon Mine began trucking coal this morning. Muddy River structure built by Emery Water Conservancy District is complete. Their new water diversion line engineered by Johansen & Tuttle Engineering will be a big help to the agriculture people on the Muddy River. He reported that he recently met with BLM regarding roads and title 5 airstrips. They have determined that priority would be on Little Wild Horse Canyon.

Commissioner Laurie Pitchforth made a motion to move into a closed/executive session to discuss pending litigation matters and upon completion of the closed session to return to the regular meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**(15)**

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at a Closed/Executive session was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Sheriff LaMar Guymon, Economic Development Director Mike McCandless, Public Lands Director Ray Petersen, Deputy Clerk/Auditor Carol Cox. Pending litigation matters were discussed.

**(16)**

**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**ATTEST:** \_\_\_\_\_

**COMMISSIONER:** \_\_\_\_\_



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

OCTOBER 26, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Sheriff LaMar Guymon, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Check Edit List #209042 through and including #209194 was presented for approval.

Requisitions presented for approval:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
70-10	MESA 1.2 Skyware Global Linear PALL LNB Transmitter 4 Watt Sheriff/ HLS 2009	\$5,360.00
71-10	10 Kenwood Mobile Radios 8 Kenwood TKR-750 Repeater Radios Communications	\$13,750.80

No dispositions.

(2)

**APPROVAL OF PERSONNEL ITEMS**

- A. Approval of 3% wage increase for Keaton Cowley for successful completion of 6 month orientation period.
- B. Approve promotion of John Barnett from Detective I to Detective II.
- C. Notification that Lori Wallace has been hired as a 90 day temporary working in the Archives.

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED OCTOBER 12, 2010.**

Commissioner Laurie Pitchforth made a motion to approve the Consent agenda as presented. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA**

None.

(2)

**CONSIDERATION AND APPROVAL OF NEGOTIATED PAYMEN -IN-FULL FOR AMBULANCE BILL FOR JIM HIGGS.**

The Commissioners received a letter from Brent Higgs. Mr. Higgs proposed buying out the ambulance bill for his brother Jim Higgs. The bill for Jim Higgs was originally \$3,315.00. Mr. Higgs proposed paying \$1,200.00 to buy out his brother's bill. Commissioner Laurie Pitchforth made a motion to accept payment of \$1,200.00 for Jim Higgs ambulance bill. Commissioner Jeff Horrocks seconded the motion commenting that Emery County is not in the habit of letting family members buy out a family member's ambulance bill. However, he felt it was admirable of Mr. Higgs to do this for his brother. The motion passed.

(3)

**DISCUSSION OF REVISED CIB CAPITAL IMPROVEMENT LIST FOR FY2011.**

Commissioner Gary Kofford discussed projects to be put on the FY2011 CIB Capital list.

1. MBA- Huntington Airport Improvements
2. Green River Public Safety Building
3. Storage building for Public Safety
4. MBA- Storage Building for Weed/Mosquito
5. Huntington Senior Center Remodel

Commissioner Jeff Horrocks made a motion to approve the revised CIB Capital Improvement List for FY2011. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

**CONSIDERATION AND APPROVAL OF OUT-OF-STATE TRAVEL FOR TOM HARRISON, KYLE EKKER, LAMAR GUYMON, JOHN BARNETT, BLAKE GARDNER, GARRETT CONOVER, KURT PRICE, MICHAEL JORGENSEN, ROBERT BLACKBURN, JEROD CURTIS, RAY PETERSEN, AND JEFF HORROCKS.**

Commissioner Laurie Pitchforth made a motion to approve out-of-state travel for Tom Harrison, Kyle Ekker, LaMar Guymon, John Barnett, Blake Gardner, Garrett Conover, Kurt Price, Michael Jorgensen, Robert Blackburn, Jerod Curtis, Ray Petersen and Jeff Horrocks. Commissioner Gary Kofford stepped down to second the motion as Commissioner Jeff Horrocks abstained from voting(he is on the list). The motion passed.

(5)

**CONSIDERATION AND APPROVAL OF AN ORDINANCE PERTAINING TO THE PURCHASE, POSSESSION, SALE AND OFFERING FOR SALE OF CERTAIN INTOXICATING CHEMICAL COMPOUNDS DESCRIBED HEREIN.**

The Commissioners reviewed an ordinance pertaining to the purchase, possession, sale and offering for sale of certain intoxicating chemical compounds as described in the ordinance. The cities in Emery County are also in the process of considering this same type of ordinance. The ordinance will be published in the local paper. Commissioner Jeff Horrocks made a motion to approve ordinance 10-26-10 an ordinance pertaining to the purchase, possession, sale and offering for sale of certain intoxicating chemical compounds described herein, to publish in the local paper and to have the ordinance go into effect in 15 days. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(6)

**CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY AND CARBON COUNTIES FOR THE MANAGEMENT AND SHARING OF COMMUNICATIONS SITES AND MICROWAVE SYSTEM ETHERNET BANDWIDTH EXISTING AND PROPOSED FOR INSTALLATION IN BOTH COUNTIES.**

Commissioner Kofford explained that Bret Mills, Emery County Communications has been working on an MOU between Emery County and Carbon County for the management and sharing of communication sites and microwave system ethernet bandwidth existing and proposed for installation in both counties. Attorney David Blackwell and Sheriff Guymon have reviewed and approved of the MOU. Commissioner Jeff Horrocks made a motion to approve of a MOU between Emery and Carbon County for microwave and communication site partnership as described in the MOU. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(7)

**CONSIDERATION AND APPROVAL OF TENTATIVE BUDGET FOR FY2011 FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Brenda Tuttle, Clerk/Auditor presented the FY2011 tentative budget for Emery County. She explained that she is required by law to submit a tentative budget to the governing board of the county before November 1. The tentative budget indicated an increase in property tax revenue, retirement increases, insurance increases and decrease in interest. This budget does not include a cost of living increase for employees. Commissioner Jeff Horrocks made a motion to approve the FY 2011 tentative budget. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

**CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT ON REAL PROPERTY OF DONNA THOMAS, 5-75-2.**

Commissioner Kofford explained that parcel #5-75-2 belonging to Donna Thomas was accidentally put in as State Assessed. It should not have been, the value needs to be locally assessed and local taxes need to be paid. The previous market value was 0, the new market value is \$4,682.00. Previous taxes were \$0, new taxes are \$48.83. Motion to approve a Commission Tax Adjustment on real property of Donna Thomas #5-75-2 was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(9)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER 1 & 2 ON SHERIFF TRAINING BUILDING REMODEL.**

There were two change orders on the Sheriff's training facility. CO#1 is for concrete for \$800.00 CO#2 is for electrical for \$500.00. Motion to approve change orders #1 and #2 was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(10)

**APPROVAL OF PARTICIPATION IN THE WILBERG GRAZING ALLOTMENT LANDFILL MITIGATION PROJECT.**

Tabled

(11)

**CHANEL ATWOOD, UPDATE FROM CASTLE COUNTRY REGIONAL INFORMATION CENTER (CCRIC)**

Chanel Atwood, Castle Country Regional Information Center (CCRIC) reviewed the purpose of CCRIC. She explained that CCRIC was created in 1999 with seven participants from various entities. Emery County has been a participant in CCRIC since its creation. Jeff Horrocks and Tina Carter have done a great job of getting people into the communities for events. CCRIC has an information center in the lobby of the Prehistoric Museum in Price. they have been networking with other information centers in the area sharing information. She thanked the Commissioners and Emery County for their continued support of CCRIC.

(12)

**CITIZEN CONCERNS**

Ray Petersen, Public Lands Council discussed a time sensitive issue regarding Crandall Canyon water discharge. Water discharged from the mine is high in iron. Mr. Petersen presented a letter written to DOGM regarding the mitigation and perpetual treatment of the water and Emery County's position on the matter. Commissioner Jeff Horrocks made a motion to approve a letter to DOGM to be hand delivered by Ray Petersen stating Emery County's position regarding the mitigation and perpetual treatment of water discharged from Crandall Canyon Mine. The motion was seconded by Commissioner Laurie Pitchforth and the motion passed. This item will be ratified in the next Commission meeting.

Personnel Director, Mary Huntington informed the Commissioners that Garrett Conover has been placed as Animal Control Officer. She requested approval for Garrett to receive \$50.00 per week on call pay. Commissioner Laurie Pitchforth made a motion to approve \$50.00 per week on call pay for Garrett Conover as requested and to ratify the action in the next Commission Meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

Progress Editor, Patsy Stoddard reminded the Commissioners of the upcoming kick-off luncheon for Emery County Business Partners at 12:00 pm November 16, 2010 at the Museum of the San Rafael. They will have two speakers Representative David Hinkins and Price Mayor Joe Piccolo. Commissioner Pitchforth is spearheading this event. Please RSVP do they can be sure to have enough food.

(13)

**COMMISSION/ELECTED OFFICIAL REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on the recent Wellness Fair for the county employees. Many employees participated. The fair is designed to help employees maintain a healthy lifestyle and help keep down the cost of insurance. He recently attended the Emery County Care and

Rehabilitation Center dedication ceremony.

*Commissioner Pitchforth*

Commissioner Pitchforth encourages all business members to come to support the kick-off luncheon of Emery County Partners. The program will work together with businesses in the county to forge and implement new ideas in business. The Emery County Care and Rehabilitation Center dedication ceremony garnered a large crowd. The program was put on by the American Legion. She commended the staff of the Care Center for their patience and attitude throughout the process. She reported on the success of the recent drug bust in Emery County. These people moved into Emery County just to sell drugs to our students. She commended the students who reported, anonymously, the drug activity going on at the high school. She applauded the Sheriff's Department and Drug Task Force for their efforts to make a difference in the county. She reported on Festive Friday which is sponsored by USU Extension Service every Friday. They have great ideas for families. There are 7 different movies that have been or are now being shot in Emery County. TJ Maxx and Marshalls shot model shoots on our desert. A reality show called "man hunters" is shooting a segment on Butch Cassidy history.

*Commissioner Kofford*

Commissioner Kofford reported on the road projects in the county. Moore Road Phase 8 chip seal project is in its final inspection phase. There have been many cows killed on the road so with the funds left over from the project phase 9 will fence in the entire corridor and install a culvert for the cows to cross over to the other side and keep them contained and off the road. The metal building for the food bank was not ready to ship as expected. It is now expected to ship November 3. The site is complete and ready for the building to be put up. The restroom at Buckhorn that was just recently put up has already been vandalized. Someone has shot holes in the doors. There is a reward for any information that will lead to apprehension of the culprits who vandalized the building. There will be security cameras installed. Ray Petersen and Gary Kofford met with the Forest Service regarding the land swap in Huntington Canyon and Utah American Energy with regards to the Crandall Canyon Memorial. Those efforts are moving forward. The Emery County Landfill is working on acquiring 160 acres from BLM for the expansion of the Landfill. The comment period will begin October 15<sup>th</sup>. It will take approximately 6 to 8 weeks to become official.

(14)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Not needed.

(15)

**ADJOURNMENT**

Commissioner Jeff Horrocks made a motion to adjourn the meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**ATTEST:** \_\_\_\_\_

**COMMISSIONER:** \_\_\_\_\_

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

NOVEMBER 9, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #209296 through and including #209483 for payment.

(2)

**APPROVAL OF BUSINESS LICENSE FOR NICOLE HOOLEY PHOTOGRAPHY.**

(3)

**CONSIDERATION AND APPROVAL OF OUT OF STATE TRAVEL FOR GARRETT CONOVER.**

(4)

**RATIFICATION OF LETTER TO DOGM REGARDING POSITION OF WATER DISCHARGED FORM THE CRANDALL CANYON MINE.**

(5)

**APPROVAL OF PERSONNEL ITEMS**

- A. Ratification of \$50/week on-call pay for Garrett Conover for animal control responsibilities.
- B. Approval of 3% increase for Timothy Randon who has completed his 6 month orientation period.
- C. Notification that Logan Tuttle has been hired as a 90 day temporary in the Attorney's office.



(6)

**APPROVAL OF COMMISSION MEETING MINUTES**

Motion to approve the Consent agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA**

Nothing

(2)

**SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON MOUNTAIN HOME DEVELOPMENT CHANGE TO THE EMERY COUNTY ZONING ORDINANCE.**

Commissioner Jeff Horrocks made a motion to set a public hearing for December 7, 2010 at 9:30 am to receive public comment on Mountain Home Development change to the Emery County Zoning Ordinance.

(3)

**CONSIDERATION AND APPROVAL OF COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN AND FINANCIAL PLAN BETWEEN EMERY COUNTY AND THE USDA, FOREST SERVICE, MANTI-LA-SAL NATIONAL FOREST.**

Attorney David Blackwell has reviewed the Cooperative Law Enforcement Annual Operating Plan and Financial Plan between Emery County and the USDA, Forest Service, Manti-La-Sal Forest and recommends signing the agreement. The agreement is for \$6,877.00. Commissioner Laurie Pitchforth made a motion to approve the Cooperative Law Enforcement Annual Operating Plan and Financial Plan between Emery County and the USDA, Forest Service, Manti-La-Sal National Forest. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(4)

**CONSIDERATION AND APPROVAL OF MODIFICATION NO.1 FEDERAL AID AGREEMENT 108494-SOUTH MOORE CHIP SEAL.**

Modification #1 of Federal Aid Agreement 108494- South Moore Chip Seal Project in the amount of \$1,381,102.00 was approved by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

(5)

**CONSIDERATION AND APPROVAL OF FEDERAL AID AGREEMENT FOR LOCAL AGENCY PROJECT SOUTH MOORE PHASE 9.**

Phase 9 is for fencing in the 21 miles of South Moore Road and possibly putting 1 or 2 culverts for cattle crossing. Motion to approve Federal Aid Agreement F-1612(9)0 in the amount of \$1,000,000.00 was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(6)

**APPOINTMENT OF REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE TO ATTEND UCIP ANNUAL MEMBERSHIP MEETING ON DECEMBER 2, 2010.**

Motion to appoint Mary Huntington as Emery County Representative and David Blackwell as alternate representative to attend UCIP annual membership meeting on December 2, 2010 was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(7)

**APPROVAL OF CHANGE ORDERS ON FOOD BANK PROJECT.**

Change order #3 for the Emery County Food Bank is in the amount of \$4,110.00 to place an asphalt strip and drive way at the Health Department building adjacent to the Food Bank parking lot. Motion to approve change order #3 for the Emery County Food Bank was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

(8)

**CONSIDERATION AND APPROVAL OF WINSTON PALMER'S APPLICATION FOR PROPERTY TAX LOW INCOME ABATEMENT ON PARCEL 1-15-12**

Commissioner Laurie Pitchforth made a motion to approve a 50% property tax abatement for Winston Palmer parcel #1-15-12. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(9)

**APPROVAL OF PARTICIPATION IN THE WILBERG GRAZING ALLOTMENT LANDFILL MITIGATION PROJECT. CONSIDERATION AND APPROVAL OF AGREEMENTS WITH ROSS WILBERG AND WAYNE WILBERG FOR LOSS OF GRAZING AUMS.**

Commissioner Kofford explained that about four years ago Emery County began the process to expand the landfill by 200 acres and put in a shooting range. The patent was approved, but in the process the BLM decided they were going to cut grazing allotments in the area for Wayne and Ross Wilberg. The county felt this was unacceptable and negotiated with the BLM to cut back on the AUM's (animal unit months). The BLM agreed that if water was put higher on the allotment they would cut back the AUM's. The Wilberg's went to the San Rafael Water Conservation District and was able to secure a grant to put water troughs on the allotment. Commissioner Kofford proposed that Emery County add \$15,000.00 in mitigation funds to this trough project. With these things in place the BLM has agreed to cut back the loss of AUM's from 37 to 11. He proposed entering into an agreement with Wayne and Ross Wilberg that states that Emery County is not responsible for the installation or maintenance of the troughs or stock water. The Wilbergs will be asked to sign a waiver according to BLM's guidelines. Emery County will pay Ross Wilberg \$2,100.00 for the loss of 7 AUM's (\$300.00 per AUM) and Wayne Wilberg \$1,200.00 for the loss of 4 AUM's. Bill Dellos asked if the 200 acres of land will become the property of Emery County. Commissioner Kofford explained that over the next five years the county will need to complete an operating plan for the landfill expansion and the shooting range. The shooting range plan has already been submitted. Ray Petersen commented that the county will receive a patent on the land which is outlined for a specific use as the county has determined to be for the shooting range and landfill expansion. It cannot be used for anything else. This is similar to what was done in Ferron for the expansion of Millsite Golf course. Commissioner Jeff Horrocks made a motion to approve participation in the Wilber Grazing Allotment Landfill Mitigation Project and approve agreements with Ross Wilberg and Wayne Wilberg for loss of grazing AUMs. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

**CITIZEN CONCERNS**

JR Nelson expressed his appreciation and respect for Commissioner Kofford. He informed the Commissioners that before he even decided to file for the office of Commissioner, that he and his wife Lynda had committed to travel to Australia in late December through early January. He wanted to let them know due to the fact that the swearing in ceremony is in early January. He will return before the second meeting in January. Attorney David Blackwell indicated that he can be sworn in when he returns from his trip. Mr. Nelson thanked Commissioner Gary Kofford for his eight years in service to Emery County.

Bill Dellos also expressed his appreciation for the service provided by Commissioners Gary Kofford.

(11)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Commissioner Pitchforth invited everyone to attend the Emery County Business Chamber Kick-Off Luncheon on November 16, 2010 at noon at the Museum of the San Rafael. They have invited two dynamic speakers, Price City Mayor Joe Piccolo and Utah State Senator David Hinkins. Their goal is to provide information to help businesses in the county become more effective and profitable and provide an enhanced business environment for future business climate in Emery County. She also reported that the Recreation Special Service District will begin Jr. Jazz in December. Football just ended. Castle Dale won the superbowl. Orangeville City will host a chili cook-off during their annual Community Christmas celebration on December 4, 2010.

*Commissioner Horrocks*

Commissioner Horrocks reported that he along with Commissioner Kofford and Ray Petersen attended a tour of the Hunter Power Plant and viewed their recent upgrades at the facility. They have an overhaul scheduled which will bring dollars into the communities. In the latest Emery County Travel Bureau they discussed the vandalism of the new restrooms at Buckhorn Draw. He reported on attending the J N Automotive open house.

*Commissioner Kofford*

Commissioner Kofford reported that the Commissioners have one budget meeting scheduled for November 23, 2010. They will have to set more meetings in the next Commission Meeting. The Emery County Food Bank will be erected this week. They will then be inside the building framing. The Sheriff's Training Center is moving along. It is anticipated to be completed by the end of the year. The Emery County Care and Rehabilitation Center has its final inspection coming up soon. They are still working through a punch list.

Commissioner Jeff Horrocks made a motion to leave the regular Commission Meeting and move into an Executive Session to discuss possible litigation matters and at the conclusion of the meeting to return to the regular meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(12)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Present at a closed/executive session was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Treasurer Steven Barton, IT Director Jeff Guymon, Clerk/Auditor Brenda Tuttle, Deputy Clerk/Auditor Carol Cox.

Upon returning to the regular Commission Meeting Commissioner Jeff Horrocks made a motion to send out amended tax notices to the public and extend the date for property taxes to be paid to December 31, 2010. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed. This action will be ratified in the next Commission Meeting.

(13)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_



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

NOVEMBER 16, 2010

Present at the meeting was Commissioner Laurie Pitchforth, Assessor Kris Bell, Treasurer Steven Barton, Clerk/Auditor Brenda Tuttle, IT Director Jeff Guymon, IT Staff Clinton Olsen

The purpose of the special meeting was to canvass the election results of November 2, 2010. The Board of Canvassers looked at 7 absentee ballots that were received after election night but were postmarked by November 1, 2010 or prior. There were also 18 provisional ballots that were deemed countable for a total of twenty-five ballots that were counted. Treasurer Steven Barton made a motion to accept the results of the 2010 general election. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

Assessor Kris Bell made a motion to adjourn. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 23, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**CONSENT AGENDA**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 209613 through and including #209740 for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
72-10	Tasers Sheriff	\$1,629.90
73-10	10 Camera Security Set-Up Museum of the San Rafael	\$6,092.53
74-10	Professional Carpet Cleaner Museum of the San Rafael	\$2,470.00

Dispositions presented for approval:

An electronic organizer and a hand held GE Radio and charger.

(2)

**RATIFICATION OF DECISION TO EXTEND PROPERTY TAX DEADLINE TO  
DECEMBER 28, 2010 FOR EMERY COUNTY PROPERTY OWNERS.**

(3)

**CONSIDERATION AND APPROVAL OF OUT OF STATE TRAVEL FOR RAY  
PETERSEN.**



(4)

**APPROVAL OF PERSONNEL ITEMS.**

- A. APPROVAL TO PROMOTE JAY FAUSETT FROM EQUIPMENT OP I TO EQUIPMENT OP II.
- B. APPROVAL TO PROMOTE TYSON HUNTINGTON AND KENNETH ELEY JR. TO PATROL DEPUTY I AFTER SUCCESSFUL COMPLETION OF POST.
- C. APPROVAL OF 3% WAGE INCREASE FOR NATE FINLEY DUE TO SUCCESSFUL COMPLETION OF 6 MONTH ORIENTATION PERIOD.
- D. APPROVAL TO BEGIN RECRUITMENT PROCESS “IN-HOUSE ONLY” FOR LIBRARY DIRECTOR.
- E. APPROVAL TO CREATE A NEW ASSISTANT LIBRARY DIRECTOR POSITION AND BEGIN THE RECRUITMENT PROCESS “IN-HOUSE” ONLY.
- F. NOTIFICATION OF 90 DAY TEMPORARY, LESLIE LAKE, IN THE IT DEPARTMENT.

(5)

**APPROVAL OF COMMISSION MEETING MINUTES DATED NOVEMBER 09, 2010 AND MINUTES OF SPECIAL MEETING TO CANVASS 2010 GENERAL ELECTION HELD ON NOVEMBER 16, 2010.**

(6)

**RATIFICATION OF CUT-OFF DATES FOR REQUISITIONS AND CLAIMS FOR 2010.**

Motion to approve the Consent Agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks and the motion passed.

**DISCUSSION ITEMS**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA**

None

(2)

**DISCUSSION REGARDING APPOINTMENT OF CAREER SERVICE COUNCIL MEMBER.**

Keith Ware has stepped down from the Career Service Council. The Commission advertised previously to fill this position on the board with no success. Attorney David Blackwell suggested asking around to see if anyone would be interested in an appointment to the board. The Board of Commissioners assigned Mary Huntington and David Blackwell to ask around for interested individuals to be considered to the position. Commissioner Jeff Horrocks made a motion to assign Mary Huntington and David Blackwell to get names to propose for appointment to the Career Service Council. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Phil Fauver asked for a description of what a Career Service Council does. It was explained that the Career Service Council is an appeal board that hears cases. The Commission considers cases based on the Career Service Councils review.

(3)

**CONSIDERATION AND APPROVAL OF SETTLEMENT OF C.W. MINING BANKRUPTCY TAX ISSUES.**

Commissioner Jeff Horrocks made a motion to table this item. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

**SETTING OF BUDGET MEETING DATES AND TIMES.**

Commissioner Laurie Pitchforth made a motion to set the following dates for budget meetings:

November 30, 2010 9:00 am

December 1, 2010 9:00 am

December 3, 2010 9:00 am

December 6, 2010 9:00 am

December 9, 2010 9:00 am

December 16, 2010 9:00 am

The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(5)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER FOR THE EMERY COUNTY FOOD BANK PROJECT.**

Commissioner Jeff Horrocks made a motion to move this item to the next Commission Meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(6)

**JIM GREENAN, SAN RAFAEL CONSERVATION DISTRICT, DISCUSSION AND APPROVAL OF PARTNERSHIP TO PROVIDE WATER FOR LAWRENCE CEMETERY.**

Jim Greenan, San Rafael Conservation District came before the Board of Commissioners to request assistance with acquiring water shares for Lawrence Cemetery. He explained that last year, with the help of the Commission, they installed fire hydrants and secondary water into the town of Lawrence. This was done with grant money. They have some of the grant money left over. Rather than returning the leftover grant monies they would like to install 3 or 4 inch pipe, with a meter, from the irrigation line to the cemetery. The Huntington Cleveland Irrigation Company wants to know where the water will be coming from if they give SRCD permission to hook into their line. Mr. Greenan wanted to know if the county would be willing to put a little bit of county water toward water for the Lawrence Cemetery. If the cemetery were to ever be planted in grass they would need several shares of water. Commissioner Jeff Horrocks made a motion to make two shares of water available to San Rafael Conservation District and provide a letter of support for the project. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(7)

**CONSIDERATION AND APPROVAL OF FIRST PUBLIC HEARING TO CONSIDER POTENTIAL PROJECTS FOR FUNDING UNDER CDBG SMALL CITIES PROGRAM YEAR 2011.**

Commissioner Kofford stated that there has been a request for a potential project for funding under the CDBG Small Cities Program. A public hearing will need to be held to consider potential projects for program year 2011. Commissioner Jeff Horrocks made a motion to set a public hearing for November 30, 2010 at 3:00 pm to solicit potential projects for funding under the CDBG Small Cities Program for 2011. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

**APPOINTMENT TO EMERY CARE AND REHABILITATION BOARD.**

Commissioner Laurie Pitchforth made a motion to appoint Norma Funk to the Emery Care and Rehabilitation Board to replace Gil Conover. The motion was seconded by Commissioner Jeff Horrocks. The motion passed. There is two years left on the term.

(9)

**CONSIDERATION AND APPROVAL OF INSURANCE RENEWAL FOR THE HUNTINGTON AIRPORT**

Commissioner Jeff Horrocks made a motion to approve renewal of the insurance for the

Huntington Airport. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(10)**

**CITIZEN CONCERNS**

Approval was sought for out of state travel for Morris Sorensen to travel to North Carolina to inspect a chipping machine for potential purchase. Approval for out of state travel was also requested for Kyle Ekker. Commissioner Laurie Pitchforth made a motion to approve out of state travel for Morris Sorensen and Kyle Ekker as requested and to ratified the action in the next Commission Meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

Randal Stilson expressed his appreciation to all the elected officials in the county. He thanked the county officials and staff for the knowledge and expertise in their respective areas as well as their years of service to the citizens of Emery County.

**(11)**

**COMMISSION/ELECTED OFFICIAL REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on attending UAC in St. George where he attended many good sessions regarding benefits and concerns of Emery County. He reported on traveling with Ray Petersen to Washington, D.C. where they met with all the Utah representatives regarding Emery County's proposed land use bill. He indicated that they have the support of the Wilderness Society and a representative is coming to the land use meetings in support of the process. The bill should be ready soon to present to the public.

*Commissioner Pitchforth*

Commissioner Pitchforth also reported on attending UAC in St. George. She commented that she learned a lot from the sessions. Festive Friday had a good turnout last week. Hope coalition drug free campaign has put up signs in the county to encourage families to talk to their children and loved ones about the use of drugs. Emery County Business Chamber held their first lunch and learn meeting. There was a good turnout. The speakers were great. She reported on attending AOG last Friday where they met with Ted Wilson from the Governor's task force regarding the governor's 10 year energy plan. She noted that they discussed the plan at UAC also but that several Commissioners were slightly disappointed in the plan because there were a lot of things that were not addressed in the plan. They talked a lot about renewable energy but not enough about coal, oil and nuclear energy. The Care Center had a state survey last week and passed with flying colors. The Food Bank is nearing completion.

Commissioner Jeff Horrocks made a motion to leave the regular Commission meeting and move into an Executive Session and at conclusion of the meeting to return to the regular Commission Meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(12)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at an Executive Session was Commissioner Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Treasurer Steven Barton, Clerk/Auditor Brenda Tuttle, Deputy Clerk/Auditor Carol Cox.

Pending litigation matters were discussed.

(13)

**ADJOURNMENT**

Upon returning to the regular Commission Meeting Commissioner Laurie Pitchforth made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

## FIRST HEARING

### MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS HELD IN THE EMERY COUNTY COURTHOUSE NOVEMBER 30, 2010

The Emery County Commission Meeting convened in a special session on November 30, 2010 in Castle Dale, Utah, meeting commenced at 3:30 P.M.

Present:           Commissioner: Gary Kofford  
                  Commissioner: Jeff Horrocks  
                  Commissioner: Laurie Pitchforth  
                  Deputy Clerk/Auditor: Carol Cox  
                  Executive Secretary: Leslie Bolinder  
                  Executive Director Emery County  
                  Housing Authority: John Sehestedt  
                  Emery County Housing Authority  
                  Section 8 Coordinator: Debbie Thornton

### PUBLIC HEARING

The Emery County Board of Directors Chairman Gary Kofford opened the public hearing and stated that the public hearing was called to consider potential projects for which funding may be applied under the CDBG Small Cities Program for Program Year 2011.

Commissioner Gary Kofford explained that the grant money must be spent on projects benefitting primarily low and moderate income persons. The Utah South Eastern Association of Local Governments Region in which Emery County is a member, is expecting to receive approximately \$534,651.00 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at any time. The following are eligible activities: Construction of public works and facilities, such as water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks, homeless shelters or public housing. Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation for low income homeowners or for persons owning rental housing for lower income persons.

Commissioner Gary Kofford stated that in the past Emery County has received one grant which was for the Emery County Food Bank.

The County has handed out its capital investment plan as a part of the regional "Consolidated Plan". This list shows which projects the county has identified as being needed in the

community.

Commissioner Kofford asked if there was anyone with questions, comments or suggestions during the hearing would they please identify themselves by name, before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

Emery County Housing Authority Executive Director John Sehestedt suggested a renovation project for the Public Housing Units in Castle Dale and Ferron. He indicated that they have identified two areas of improvements that are needed. Mr. Sehestedt suggesting renovating the bathrooms and replacing the flooring throughout in the 24 low income housing apartments in Castle Dale and Ferron.

Commissioner Jeff Horrocks asked if the Housing Authority has funds budgeted for maintenance and upkeep of the apartments. Mr. Sehestedt indicated that they have funds budgeted for upkeep but not for upgrades.

Commissioner Gary Kofford asked if there are any other suggestions for potential projects?

There were no other comments or suggestions.

Commissioner Gary Kofford stated that the hearing is now adjourned at 3:40 P.M.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 7, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**CONSENT AGENDA**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #209741 through and including #209960 for payment. There were no requisitions or dispositions.

(2)

**RATIFICATION OF OUT-OF-STATE TRAVEL FOR KYLE EKKER AND MORRIS SORENSON.**

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED NOVEMBER 23, 2010 AND PUBLIC HEARING HELD ON NOVEMBER 30, 2010.**

Motion to approve the Consent agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks. The motion passed.

**DISCUSSION AGENDA**

(1)

**ITEMS PULLED FOR CONSENT AGENDA**

None

(2)

**APPROVAL TO ADVERTISE FOR PUBLIC LANDS COUNCIL MEMBERS.**

There are several of the Public Lands Council members whose terms will expire at the end of the



year. Commissioner Jeff Horrocks made a motion to advertise for Public Lands Council members. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**CONSIDERATION OF REQUEST FROM VAN RASMUSSEN TO ABANDONING COUNTY ROAD 512**

Van Rasmussen came before the Board of Emery County Commissioners to request the county abandon the cut-off road between SR-10 and Highway 29, County Road 512. Mr. Rasmussen indicated that he has purchased all of the property on both sides of this road, with the exception of a small portion owned by the Delile Hinkins family. They access their property from Highway 10 on the east and Highway 29 on the west and will not be adversely affected. The road closure will no affect any access to any private property. The road is onlt .59 miles long and is a favorite place for deer hunters who shoot from their vehicles on the road and pose a danger to livestock in his fields. Highway 29 crests a hill less than 1/8 mile south of the road's junction presenting a safety hazard to drivers turning left onto the road from the north. Commissioner Kofford explained that there are set rules for abandoning a county road. Attorney David Blackwell will need to write a letter to Mr. Hinkins advising him of the request to abandon the road. They will need to set a public hearing and advertise said public hearing in the paper for four weeks. Commissioner Jeff Horrocks made a motion to instruct Attorney David Blackwell to write a letter to Mr. Hinkins and advertise to hold a public hearing on January 25, 2010 to begin the process to abandon County Road 512. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner Laurie Pitchforth made a motion to leave the regular meeting and move into a public hearing to receive comments on proposed changes to the Zoning Ordinance Section 11-4-5 Planned Seasonal Home Developments (Mountain Home Development). The motion was seconded by Commissioner Jeff Horrocks. The motion passed

(4)

**9:30 AM- PUBLIC HEARING- TO RECEIVE PUBLIC INPUT ON PROPOSED CHANGES TO THE ZONING ORDINANCE SECTION 11-4-5 PLANNED SEASONAL HOME DEVELOPMENTS (MOUNTAIN HOME DEVELOPMENT)**

Commissioner Gary Kofford indicated that the Public Hearing was now open to receive public input on proposed changes to the Zoning Ordinance Section 11-4-5 Planned Seasonal Home Developments (Mountain Home Development).

Economic Development Director Mike McCandless explained the proposed changes.

The Planning & Zoning Commission has recognized a need to bring section 11-4 into compliance with State law and with other sections of the county ordinance. This only applies to the Mountain Zone. Mountain Home Developments have been part of the ordinance since 1970, however there has been conflicting information as to the size of lots, uses and practices for the management of these developments. The request for the changes from the operators of the Trail

Mountain Resort near Joe's Valley.

The primary changes are as follows:

- a Lot Owners Association or similar organization must be created to provide general administration of/for the development of the subdivision;
- the Association must provide a means to provide approval or clearance to members of the association prior to construction of structures within the development;
- a portion of the land is privately reserved or dedicated as permanent common open space to provide an attractive low density character for the residential lots in the subdivision;
- the overall size of the Subdivision Development Cluster shall be no larger than twenty (20) acres;
- no fewer than five lots or more than twenty lots to be created in the Development;
- the Development shall have direct frontage on to a State Highway or County Class B Road; BLM and Forest Roads do not apply.
- No facility or campsite shall be located within fifty (50) feet of the mean high water mark of any water body; and
- the county reserves the right to provide adequate spacing between clusters to maintain the character of the zone.
- Clarifies uses that are allowed within the development-camping areas, resorts, lodges, etc.
- Requires compliance with State laws relating Wildland Urban Interfaces (Fire Codes)
- Requires proof of certified water rights and point of diversion documentation
- Establishes road construction requirements.

Commissioner Gary Kofford asked for comments or questions.

Val Payne commented on the importance of retaining open space as the plan allows.

Commissioner Jeff Horrocks made a motion to leave the public hearing and return to the regular Commission Meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

**CONSIDERATION AND APPROVAL OF AMENDMENTS TO ZONING ORDINANCE SECTION 11-4-5**

Commissioner Laurie Pitchforth made a motion to approve amendments to the Zoning Ordinance Section 11-4-5. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

**JACOB SHARP, CVSSD, DISCUSSION OF PROPOSED TAX INCREASE OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Jacob Sharp, Castle Valley Special Service District discussed a proposed tax increase for the district. He explained that the State Tax Commission is of the view that additional requirements as set forth in Section 59-2-919 apply to a tax levy increases the rate above the certified tax rate (the rate that would generate the same amount of tax revenues as were budgeted by the taxing entity for the previous year, exclusive of new growth, even if the tax is newly authorized by voters at a recent election. Although there are valid arguments that the Bond Act and the Special Service District Act procedures for implementing a tax should govern with respect to a newly-voter-authorized tax levy. The Tax Commission is not persuaded by arguments that the Bond Act and Special Service Act provisions contain adequate independent authority for such a levy or that Section 59-2-919 contains public notice and public hearing procedures that are redundant and unnecessary in the view of the similar procedures and public process that apply to a tax levy that is approved at an election. The Tax Commission will not allow the District to levy above the certified tax rate( which is slightly lower that the .001 rate that was recently approved by the voters) until the District complies with the additional Section 59-2-919 procedures.

Jacob stated several facts of which the public needs to be informed.

1. The bond and tax rate items have already been voted on by the public and been approved.
2. As explained prior to the bond election, this transaction is not an actual tax increase, even though it must be processed as such.
3. The Truth-in-Taxation notice is a duplication and substantively similar to that of the bond election notice procedure, and must now be essentially redone with more particularity as required by the Utah State Tax Commission in order to implement the tax that has already been approved by the voters.

A public hearing has been set for December 21, 2010 at 6:00 pm to hear comments from concerned citizens regarding the tax increase. The tax on a \$100,000.00 residence would increase from \$139.64 to \$141.93, which is \$2.29 per year. The tax on a \$100,000.00 business would increase from \$253.90 to \$258.07, which is \$4.17 per year. If approved Castle Valley would increase its property tax budgeted revenue by 1.64% above last years' property tax budgeted revenue excluding growth. Jacob asked for the Commissioners support.

Commissioner Jeff Horrocks commented that the County Commissioners support the tax increase as the citizens of Emery County have already voted to approve. There was no action needed. CVSSD will follow the process as the State Tax Commission has set forth.

(7)

**CONSIDERATION AND APPROVAL OF RESOLUTION OPPOSING THE MILLION WATER PIPELINE.**

Casey Snyder and Phillip Jensen came before the Board of Commissioners to request approval for a resolution opposing the Million Water Pipeline. Casey Snyder explained that a Colorado developer, Aaron million wants to take 81 billion gallons of water or 250,000 acre feet a year out of the Green River and Flaming Gorge, and pump it 560 miles to the Front Range of Colorado.

His proposal would kill the communities along the Green River which depend upon the water for agriculture, ruin fisheries above and below Flaming Gorge Dam, and Daggett, Duchesne, and Uintah in Utah have already submitted resolutions opposing the project. A similar resolution by Emery County would only further help stop this project. The U.S. Army Corps of Engineers is preparing an Environmental Impact Statement (EIS) to analyze the direct, indirect and cumulative effects of a proposed water supply project in Wyoming and Colorado, referred to as the Regional Watershed Supply Project proposed by the Million Conservation Group. 17 other government entities and 32 Native American Tribes oppose this project. Mr. Snyder asked the County Commissioners of Emery County to add their name to the list of those opposing this project by adopting a resolution. Attorney David Blackwell has reviewed the resolution and recommended approval. Commissioner Jeff Horrocks made a motion to approve Resolution 12-07-10 as presented. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

**DISCUSSION AND APPROVAL OF LETTER TO US FOREST SERVICE REGARDING MARKET VALUE OF CRANDALL CANYON LAND EXCHANGE.**

Letter to the Director of Lands and Minerals of the US Forest Service, Intermountain Region.

Emery county and the U.S. Forest Service have initiated a land exchange that involves a 7.5 acre Emery County parcel, and a 2.5 acre parcel of National Forest System land. The National Forest System land has a memorial site constructed to commemorate the miners and rescue workers who lost their lives in the Crandall Canyon Mine Accident. The memorial site is currently authorized under a Special Use Permit to Emery County, with the intent to consummate the land exchange before the five-year permit expires at the end of 2012.

The 7.5 acre parcel of land offered by Emery County was conveyed to the County by the mining companies for this specific land exchange. The lands are similar in character; however it is anticipated the value of the Emery County parcel could be higher due to the size disparity. In that both parcels are in close proximity and are undeveloped, the County considers them to be of approximately equal value. To help facilitate the exchange, the County offers to donate to the Forest Service and difference that would represent a potentially higher value for the County parcel over the value of the federal parcel.

It is understood that the County would be entitled to the full market value pursuant P.L. 91-646. However, if the larger size of the County parcel results in the market value exceeding that of the federal parcel, the county agrees to donate any difference.

Please accept this letter as our intent to donate any value difference.

Emery County also acknowledges that the United States of America (USA) will reserve the mineral estate in this land exchange as it applies to the 2.5 acre parcel.

Commissioner Jeff Horrocks made a motion to approve the to U.S. Forest Service regarding market value of Crandall Canyon land exchange. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(9)

**CONSIDERATION AND APPROVAL OF EMPLOYEE CHRISTMAS BONUS.**

Commissioner Kofford explained that in the past the County Commission has given Christmas bonuses of gift certificates to county employees. In order to meet IRS rules we need to include the bonus in the payroll. He proposed \$100.00 per employee for full time employees and \$50.00 per employee for part-time employees. Elected officials and EMT's are excluded from the bonus. Commissioner Jeff Horrocks made a motion to approve \$100.00 per full time employee and \$50.00 per part-time employee and exclude EMT's and elected officials. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed. The bonus will be on the December 17, 2010 payroll.

(10)

**CONSIDERATION AND APPROVAL OF A LETTER OF SUPPORT FOR GREEN RIVER MEDICAL CENTER.**

The Green River Medical Center requested a letter of support from entities that they serve. The letter will be submitted with their application to HRSA for the Section 330 Community Health Center Service Area Competition Grant. Commissioner Jeff Horrocks made a motion to provide a letter of support for the Green River Medical Center to assist them in acquiring the funds that they need. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(11)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK 2011**

Commissioner Laurie Pitchforth made a motion to approve of Cooperative agreement for Utah State University Extension Educational Work 2011. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(12)

**CONSIDERATION AND APPROVAL OF PERMANENT COMMUNITY IMPACT FUND BOARD 2011 LOCAL CAPITAL IMPROVEMENT LIST.**

The cities and county entities have compiled a list of local capital improvement projects for 2011 to the submitted to the Permanent Community Impact Fund Board. Commissioner Jeff Horrocks made a motion to approve the Permanent Community Impact Fund Board 2011 Local Capital

Improvement List. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(13)

**CONSIDERATION AND APPROVAL OF CHANGE ORDERS FOR THE EMERY COUNTY FOOD BANK AND SHERIFF'S TRAINING OFFICE.**

Change orders for the Emery County Food Bank were as follows:

- #1 Structural changes to footings and walls. Cost \$805.00
- #2 Asphalt changes. Credit \$7,108.50  
Trench and back fill for communication line. Cost \$1,457.63
- #3 Asphalt at the curb and gutter and new drive approach. Cost \$4,110.00
- #4 Remove the two unit heaters and swamp cooler and add central air and furnace system. Cost \$12,177.35
- #5 Provide power for the two compressors for the freezer and cooler units. Cost \$661.25  
Add bigger concrete pad for the compressors for both the freezer/cooler system and the new cooling system for the building. Cost \$690.00
- #6 Add additional wiring for future wiring. Cost \$793.50
- #7 Change to a 40 A double pole breaker to facilitate the oven. Cost \$87.34

Commissioner Laurie Pitchforth made a motion to approve change orders #2 through and including #7 for the Emery County Food Bank. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

Change orders for the Emery County Sheriff's Training Center were as follows:

- #2 Electrical- Cost \$661.25
- #3 Weight Room framing Cost \$2,263.20
- #4 Credit-Contract adjustment +\$1,968.00
- #6 Plumbing Cost 1,005.22
- #7 Signs Cost \$172.50

Commissioner Laurie Pitchforth made a motion to approve change orders #2 through and including #7 for the Emery County Sheriff's Training Center. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(14)

**DISCUSSION OF IMPLEMENTATION OF INDIGENT BURIAL QUALIFICATION FORMS.**

Commissioner Gary Kofford explained that the county does not usually have many indigent burial request. However, there have been three requests this year. The Commission felt like

there needs to be a form and a process involved in approving an indigent burial by the county. They have looked into finding a form to model the county's by and found one from California that could be used. They also found one in Carbon County. The Commissioners felt like David Blackwell could take both forms and come up with a form to be filled out by the next of kin and the affected mortuary that will work for the county. Commissioner Jeff Horrocks made a motion to move forward with having David Blackwell comprise a form to implement and present it to the Commission for approval. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(15)**

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE OFF FOR ESTELA CALDERON.**

An ambulance write-off request was received for Estela Calderon. After discussion, Commissioner Jeff Horrocks made a motion to deny the write off and have her make a payment plan arrangement. Commissioner Laurie Pitchforth indicated that she has wanted to get an ambulance write off policy in place but it hasn't seemed to get any support. She indicated she felt strongly that a policy needs to be put into place. However, Commissioner Laurie Pitchforth seconded the motion. The motion passed.

**(16)**

**CITIZEN CONCERNS**

Commissioner Gary Kofford discussed the desire of the Commissioners to pay off the loan for the Emery County Justice Center (Sheriff's and Court's building). The MBA receives 29% of the funds from mineral lease funds to Emery County. They have money left over from projects. The Commission has checked with Zions Public Finance where the bond payment is made for the ECJC. They asked about making prepayments on the bond and pay it off. The bond payment is for twenty years at 4.5 -5% interest. They can save \$1.5 million dollars over the life of the bond. The Commissioners would like to pursue making prepayments and paying off the bond for the Emery County Justice Center. Commissioner Laurie Pitchforth made a motion to allow Brenda to start the process to pay off the note on the Emery County Justice Center. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**(17)**

**COMMISSIONER/ELECTED OFFICIAL REPORTS**

*Commissioner Pitchforth*

Commissioner Pitchforth reported that the final walkthrough was held on the Emery County Care Center. They held a craft sale to raise money for extra curricular activities. Senior Citizen Christmas Party will be on Thursday, December 9, 2010 at 6:00 pm. Emery County Coalition is

seeking a grant to aid in drug prevention. Cities in the county are working on adopting similar ordinances to the one Emery County just passed banning the use and sale of Spice. She reported on Festive Friday held by the Extension Office.

*Commissioner Horrocks*

Commissioner Horrocks reported on attending COG meeting where they discussed the CIB local capital improvement list. They discussed problems in the county with Animal Control. Castle Dale just adopted a new policy regarding Animal Control. He felt the county needed to look at the County's Animal Control policy to be sure we have a fair and equitable enforcement of animal control. On November 24<sup>th</sup> he attended Public Lands Council where they met with Juan Palma and talked about discussions in Washington, D.C. regarding Public Lands.

(18)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

A closed session was not needed.

(19)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_



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

DECEMBER 21, 2010

Present at the meeting was Commission Chairman Gary Kofford, Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #210085 through and including # 210228 for payment.

(2)

**RATIFICATION OF MOTION FOR CLERK/AUDITOR TO PROCEED WITH JAIL BOND PAY-OFF AND ASSOCIATED PAPERWORK.**

(3)

**APPROVAL OF OUT OF STATE TRAVEL FOR TINA CARTER, JEFF HORROCKS, MIKE MCCANDLESS AND LAURIE PITCHFORTH.**

(4)

**APPROVAL OF LAMAR GUYMON, TRINA MAXFIELD, AND GARY KOFFORD AS TRAVEL BUREAU VOLUNTEERS.**

(5)

**RATIFICATION OF CONTRACT WITH ROCKY MOUNTAIN POWER FOR SERVICE AT EMERY COUNTY FOOD BANK.**

(6)

**RATIFICATION OF LOCAL GOVERNMENT CONTRACT FOR SOUTH MOORE CUT-OFF ROAD, PHASE 9.**

(7)

**RATIFICATION OF LETTER REQUESTING TO WAIVE THE 30-DAY APPEAL PERIOD ON LANDFILL PATENT.**

(8)

**RATIFICATION OF CITY APPOINTMENTS TO THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT, SHAUN BELL/ORANGEVILLE, JEFF COWLEY/HUNTINGTON, JESSE WARD/CLEVELAND, AND BRENT HADFIELD/ELMO.**

(9)

**RATIFICATION OF APPROVAL OF NEW SIGNATORIES ON INMATE TRUST ACCOUNT FOR THE SHERIFF'S OFFICE.**

(10)

**APPROVAL OF PERSONNEL ISSUES**

- A. Approval of \$45/month cell phone stipend for Margaret Keller.
- B. Approval of 3% wage increase for Patsy Grange who has successfully completed her 6 month orientation period.
- C. Approval to hire Carole Larsen as the Library Director/Branch Librarian.
- D. Approval to hire Roxanne Noyes as the Assistant Director/Branch Librarian.
- E. Approval to reassign Gayleen Cox from Secretary Grade 11 to Deputy Clerk/Auditor I Grade 13.
- F. Approval of \$25mo.uniform allowance for Pauline Stilson beginning January 2011.
- G. Approval to promote Dustin Deto to a Senior Equipment Operator.

(11)

**APPROVAL OF COMMISSION MEETING MINUTES DATED DECEMBER 7, 2010.**

Motion to approve the Consent Agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner Jeff Horrocks, and the motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM CONSENT AGENDA.**

Nothing

(2)

**PRESENTATION OF EMERY COUNTY EMPLOYEE SERVICE AWARDS.**

Emery County employees receiving service awards in five year increments were acknowledged with a plaque and an award pin.

5 years

Clinton Olsen, Mary Huntington, Dotti Grimes, Stephanie Oviatt, Natalie Gardner, Dustin Deto  
Robby Riley, Kurt Price, Marilyn Olsen

10 years

Tammy Bentley, Mick Robinson, Jeff Guymon, Coby Hunt

15 years

Kris Bell, Nadine Thompson, Carol Cox, Jeanette Bray, Kay Jensen

20 years

Roxanne Noyes, Bonnie Day, Mike Jorgensen, Brook Smith

25 years

Loyette Holdaway, Doug Downard, Tom Harrison, Les Wilberg

30 years

James Nielsen

35 years

Flora Mott

40 years

Lamar Guymon

(3)

**APPROVAL TO ADVERTISE FOR NEW BOARD MEMBERS ON CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY SPECIAL SERVICE DISTRICT #1, EMERY COUNTY CARE AND REHABILITATION BOARD OF DIRECTORS AND EMERY COUNTY HOUSING AUTHORITY.**

Commissioner Jeff Horrocks made a motion to authorize advertising for interested citizens to serve as board members on the Castle Valley Special Service District, Emery County Special Service District #1, Emery County Care and Rehabilitation Board of Directors and Emery County Housing Authority. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

**CONSIDERATION AND APPROVAL OF 2011 COMMISSION MEETING AND HOLIDAY SCHEDULE.**

Commissioner Laurie Pitchforth made a motion to approve the 2011 Commission Meeting Schedule. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

January 11, 2011	9:00 a.m
January 25, 2011	9:00 a.m.
February 08, 2011	9:00 a.m.
February 22, 2011	9:00 a.m.
March 08, 2011	9:00 a.m.
March 22, 2011	9:00 a.m.
April 12, 2011	9:00 a.m.
April 26, 2011	9:00 a.m.
May 10, 2011	9:00 a.m.
May 24, 2011	9:00 a.m.
June 14, 2011	9:00 a.m.
June 28, 2011	9:00 a.m.
July 12, 2011	9:00 a.m.
July 26, 2011	9:00 a.m.
August 09, 2011	9:00 a.m.
August 23, 2011	9:00 a.m. * Prior to Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.
September 13, 2011	9:00 a.m.
September 27, 2011	9:00 a.m.
October 11, 2011	9:00 a.m.
October 25, 2011	9:00 a.m.
November 08, 2011	9:00 a.m.
November 22, 2011	9:00 a.m.
December 06, 2011	9:00 a.m.
December 20, 2011	4:00 p.m.

Commissioner Jeff Horrocks made a motion to approve the 2011 Holiday Schedule. The motion was

seconded by Commissioner Laurie Pitchforth. The motion passed.

Human Rights Day	Monday	01-17-11
President's Day	Monday	02-21-11
Memorial Day	Monday	05-30-11
Independence Day	Monday	07-04-11
Pioneer Day	Monday	07-25-11
Labor Day	Monday	09-05-11
Columbus Day	Monday	10-10-11
Veterans Day	Friday	11-11-11
Thanksgiving Day	Thursday	11-24-11
Thanksgiving Day	Friday	11-25-11
Christmas Eve	Friday	12-23-11(½ day)
Christmas Day	Monday	12-26-11
New Year's Eve	Friday	12-30-11(½ day)

Commissioner Laurie Pitchforth made a motion to recess the meeting until 5:30pm when there will be Public Hearing. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

At 5:30pm, after returning to the regular Commissioner Meeting, Commissioner Jeff Horrocks made a motion to leave the regular Commission Meeting and move into a Public Hearing to receive public input on opening and amending the 2010 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds and for the Castle Valley Special Service District. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

**5:30 PM- PUBLIC HEARING- TO RECEIVE PUBLIC INPUT ON THE OPENING AND AMENDING THE 2010 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Clerk/Auditor Brenda Tuttle explained that the difference in the amended budget is the mineral lease funds. This is so we do not budget for revenue before we actually receive the revenue. Commissioner Laurie Pitchforth thanked Brenda for all the work she does on the budget.

Jacob Sharp, CVSSD reviewed the amended 2010 budget for CVSSD. They have amended two of their three budgets, the general fund budget and the debt service budget. The General fund experienced a savings from what was actually spent in 2010. Mineral Lease funds were slightly higher as well as the property tax revenue due to growth.

Commissioner Jeff Horrocks made a motion to leave the public hearing and recess until 6:00pm. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

At 6:00pm, after returning to the regular Commission Meeting, Commissioner Laurie Pitchforth made a motion to leave the regular Commission Meeting and move into a Public Hearing to receive public input on the 2011 budgets for the Emery County General Fund, Special Revenue funds, Capital Projects funds and for the Castle Valley Special Service District. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

**6:00 PM- PUBLIC HEARING- TO RECEIVE PUBLIC INPUT ON THE 2011 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Jacob Sharp, CVSSD reviewed the CVSSD budgets. He explained that the general fund budget is slightly higher due to maintenance expenses.

Roger Killpack, Ferron expressed concern for the condition of trenches and manholes in Ferron and Castle Dale. He was concerned that they be put in correctly. He asked that the district maintain the trenches so that they are in good driving condition. Jacob explained that they want to get a saw so that they can make the cuts smoother. However, a grinder is very expensive and just not in the budget for now. Commissioner Kofford reminded Mr. Killpack of the districts meeting times and days and asked him to address the issue in their meeting.

Clerk/Auditor, Brenda Tuttle reviewed the Emery County funds. She explained that property tax revenue is up slightly due to growth in the county. The county lost \$500,000 in interest earnings in 2010. She commended the Commission for going along with paying off the jail bond in order to save \$1,000,000.00 in interest over the life of the bond.

Commissioner Laurie Pitchforth made a motion to leave the Public Hearing and return to the regular Commission Meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed

(7)

**CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING THE 2010 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS AND FOR THE CASTLE VALLEY SPECIAL DISTRICT.**

Commissioner Jeff Horrocks made a motion to approve Resolution 12-21-10B amending the 2010 budgets for the Emery County General Fund, Special Revenue Funds, and Capital Projects Funds.

The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner Jeff Horrocks made a motion to approve Resolution 12-21-10C amending the Castle Valley Special Service District General Fund, and Debt Service Fund budgets. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

**CONSIDERATION AND APPROVAL OF RESOLUTION SETTING 2011 BUDGETS FOR THE EMERY COUNTY GENERAL FUNDS, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS AND FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Jeff Horrocks made a motion to approve Resolution 12-21-10D approving the 2011 budgets for the Emery County General Funds, Special Revenue Funds, and Capital Projects Funds. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner Laurie Pitchforth made a motion to approve Resolution 12-21-10E approve the 2011 General Fund, Debt Service Fund, and Capital Project Funds of the Castle Valley Special Service District. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(9)

**ANNE BOYLE, UNITED WAY PRESENTATION.**

Ms. Boyle was not able to attend the meeting.

(10)

**APPOINTMENT TO EMERY COUNTY CAREER SERVICE COUNCIL.**

Commissioner Jeff Horrocks made a motion to appoint McKette Allred to the Emery County Career Service Council. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(11)

**JERRY KENSKA, BLM, PRESENTATION OF BLM PATENT FOR 160 ACRES TO BE USED FOR LANDFILL EXPANSION.**

Jerry Kenska, Acting Manager of the Price BLM Office came before the Commission to present Emery County Commissioners with a land patent for purpose of expanding the Emery County Landfill and Gun Range. He explained that in 2006, the Price Field Office received an application from Emery County to acquire 160 acres of adjacent land to expand their existing landfill. On August 31, 2010 these lands were classified as suitable for conveyance under the Recreation and Public Purposes Act. Emery County submitted payment of \$10.00 per acre, totaling \$1,600.00,

meeting the requirements for the Special Pricing Program covering public health related facilities. He further explained that the County wished to waive the 30-day appeal period in order that the patent on the 160 acres of BLM property adjacent to Emery County's present landfill be issued as quickly as possible. He stated that the patent was signed last Wednesday and he was glad that they were able to push it through before Commissioner Gary Kofford left office. Commissioner Kofford applauded and thanked the BLM for their efforts to expedite the process. Commissioner Kofford accepted the patent from the BLM.

(12)

**CONSIDERATION AND APPROVAL OF USE OF SECURE RURAL SCHOOLS TITLE III FUNDS FOR YEARS 2008-2011.**

It is projected that Emery County will receive approximately \$110,000 in Title III funding for the years 2008 - 2011. Emery County proposes to use these funds for search and rescue reimbursement to Emery County for paid volunteer man hours, mileage and equipment use and replacement on Forest and BLM land as authorized under sec. 302. Use of the Secure Rural Schools Reauthorization Act of 2008. Commissioner Jeff Horrocks made a motion to approve the use of Secure Rural Schools Title III funds for years 2008-2011 for search and rescue reimbursements as proposed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(13)

**CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING THE PERSONNEL POLICY (PARAGRAPH 8.7.B) OF EMERY COUNTY, UTAH.**

It was determined that paragraph 8.7.b of the Emery County Personnel Policy required an amendment to correct an unfair result in longevity pay increases for those employees that are promoted or assigned a different pay grade. It was determined that in the best interest of the county to amend the Personnel Policy to read as follows:

“8.7.b. Midpoint to maximum Progression:

Compensation at the midpoint is considered market competitive. In order to be considered for increases beyond the midpoint, two conditions must be met; First, the employee must have completed ten years of employment with the county; and second, the employee must receive at least a standard rating on their annual performance evaluation. Each employee who meets this requirement may receive a longevity increase, up to the maximum of the pay range based upon the scale below. When an employee is promoted or assigned a different pay grade, longevity will not be interrupted. Upon achieving the maximum, the employee shall still be eligible for any general increase or adjustment to the pay plan (i.e., market, COLA, etc.) And for consideration for performance incentives.

26 plus full years	3% increase
21-25 full years	3% increase
16-20 full years	3% increase
11-15 full years	1.5% increase

Commissioner Laurie Pitchforth made a motion to approve Resolution 12-21-10A amending the Personnel Policy as proposed. The motion was seconded by Commissioner Jeff Horrocks. The



motion passed.

(14)

**CONSIDERATION AND APPROVAL OF CHANGE ORDERS FOR THE EMERY COUNTY FOOD BANK AND SHERIFF'S TRAINING OFFICE BUILDING REMODEL.**

Commissioner Kofford indicated that he did not have the change orders with him but that they # 8 for shelving and # 9 for a sign on outside of building. he asked for approval contingent upon pricing being consistent with what was agreed upon and discussed. Commissioner Laurie Pitchforth made a motion to approve Change orders # 8 and # 9 for the Emery County Food Bank Building. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(15)

**DISCUSSION OF ACQUISITION OF A PIECE OF ARTILLERY FOR DISPLAY AT THE VETERAN'S MEMORIAL.**

Commissioner Kofford explained that the current artillery on display at the Veteran's Memorial in Castle Dale is on loan from Huntington City American Legion Post while they rebuild their memorial. The Commissioners have located another piece of artillery to replace the one on current display at the Memorial. The 105mm Recoilless Rifle is currently in Washington state and would be a donation to the Veteran's Memorial. However, Emery County would have to pay to have the rifle shipped. Commissioner Jeff Horrocks made a motion to pursue the 105mm Recoilless Rifle to display at Emery County's Veteran's Memorial and to request any additional artillery that may be available. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(16)

**CITIZEN CONCERNS.**

Commissioner Pitchforth presented Commissioner Gary Kofford with a certificate signed by Governor Gary Herbert and Lt. Governor Greg Bell in recognition and honor of Commissioner Kofford's eight years serving as Emery County Commissioner.

(17)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Jeff Horrocks*

Commissioner Horrocks reported on attending the Emery County Fire Protection Special Service District meeting where they approved their 2011 budget. They are sending three volunteer firemen to Nebraska to pick up three of the eight new trucks that the Fire District was able to get through a CIB grant and mineral lease funds. Commissioner Kofford was instrumental in receiving the grant. In January they will go pick up two more trucks. They will go again in February or March for the last

three trucks.

*Commissioner Laurie Pitchforth*

Commissioner Pitchforth thanked Commissioner Kofford for all that he has done for the citizens of Emery County. She also thanked all the Emery County employees and citizens who have served on boards for the various county entities.

**(18)**

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATION REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(19)**

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Jeff Horrocks, seconded by Commissioner Laurie Pitchforth and the motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JANUARY 11,2011

Present at the meeting was Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Attorney David Blackwell, Sheriff Greg Funk, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner J.R. Nelson was out of the country. Therefore, Commissioner Jeff Horrocks stepped down throughout the meeting to execute motions as needed.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 210386 through and including #210510 for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1-11	2011 Dodge 3500 4x4 Chassis Highway	\$32,746.55
2-11	2009 F550 XL 4x4 Chassis/w auto crane, and compressor Highway	85,900.00
3-11	(7) X26E Tasers w/holster Sheriff	5,704.65

There were no dispositions.

(2)

**RATIFICATION OF HISTORIC PRESERVATION COMMISSION PROGRAM  
REVIEW.**

(3)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR KYLE EKKER, MORRIS SORENSEN, AND TRAVIS WINN.**

(4)

**APPROVAL OF PERSONNEL ISSUES.**

A. Approval to hire Kash Behling as 90 day temporary with no benefits at the Road Department.

B. Notification that Sheriff Funk is assigning Jeff Thomas as interim Under-Sheriff.

(5)

**APPROVAL OF COMMISSION MEETING MINUTES DATED DECEMBER 21, 2010.**

Commissioner Laurie Pitchforth made a motion to approve the consent Agenda with the exception of 4B which will be held over until the next Commission Meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA**

No items were pulled for discussion.

(2)

**APPOINTMENT OF CHAIRMAN FOR 2011.**

Commissioner Laurie Pitchforth made a motion to appoint Commissioner Jeff Horrocks as Commission Chairman for 2011. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(3)

**CONSIDERATION AND APPROVAL OF CREDIT CARDS FOR J.R.NELSON AND GREG FUNK.**

Commissioner Laurie Pitchforth made a motion to approve obtaining a credit card for Commissioner J. R. Nelson and for Sheriff Greg Funk. The motion was seconded by

Commissioner Jeff Horrocks. The motion passed.

(4)

**CONSIDERATION AND APPROVAL FOR CELL PHONE REIMBURSEMENT FOR J.R.NELSON AND GREG FUNK.**

Sheriff Greg Funk indicated that he was not in need of a cell phone reimbursement. Commissioner Laurie Pitchforth made a motion to approve a \$45.00 per month cell phone reimbursement for Commissioner J. R. Nelson. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(5)

**CONSIDERATION AND APPROVAL OF UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS FY2011 BUDGET.**

Commissioner Laurie Pitchforth made a motion to approve the FY 2011 budget of the Utah Division of Forestry, Fire & State Lands. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

**APPOINTMENT OF REPRESENTATIVE FOR EMERY COUNTY'S WATER SHARES AT THE ANNUAL GREEN RIVER CANAL STOCKHOLDERS MEETING.**

Commissioner Jeff Horrocks indicated that Emery County hold 3 shares of water and therefore a representative needs to attend their annual meeting for voting purposes. Commissioner Laurie Pitchforth made a motion to appoint Commissioner Jeff Horrocks as representative for Emery County at the annual Green River Canal Stockholders Meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(7)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #9 FOR FOOD BANK.**

Commissioner Jeff Horrocks reviewed change order #9 for the Emery County Food Bank. The change order is for installation of snow rails on the roof to keep the snow from falling on the equipment and over the doorway. The cost is \$1,987.00. Commissioner Laurie Pitchforth made a motion to approve change order #9 for the Emery County Food Bank. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(8)

**CITIZEN CONCERNS**

Emery County Progress Editor, Patsy Stoddard informed the public of an upcoming Emery

County Business Chamber Luncheon at noon on January 18, 2011 at the Museum of the San Rafael. The cost is \$12.00 per person. The speaker will be Emery County Economic Development Director Mike McCandless who will inform attendees of the business fast track program. She indicated that they will hold regular lunch and learn meetings on the third Thursday of every other month.

**(9)**  
**COMMISSION/ELECTED OFFICIAL REPORTS**

*Commissioner Horrocks*

Commissioner Horrocks reported on Emery County Fire Protection Special Service District meeting held on Monday evening. He reported that the district had two of the new trucks being transported home from Nebraska breakdown on their way home. The issue is being resolved. Special Service District #1 is in the process of inspection of the fencing project along Lila Canyon Road. Reeder Canyon Road Project goes out to bid on February 11, 2011.

**(10)**  
**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(11)**  
**ADJOURNMENT**

Commissioner Laurie Pitchforth made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JANUARY 25, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Sheriff Greg Funk, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #210634 through and including #210732 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
4-11	Set of bottom belly dumps Highway	\$67,200.00
5-11	Cat grader 140m Highway	\$245,555.00
6-11	Dump bed body Highway	\$13,527.00
7-11	(10) Kenwood mobile radios TK-7180HK (8) Kenwood TKR-750repeater radios Sheriff/Communications	\$13,750.80
8-11	48 volt 25/30 N+1 Battery Charger Replacement parts for the State of Utah Sheriff/Communications	\$3,261.00
9-11	(8) RLC-DSP 404 Repeater Controllers (4) RLC-DSP404 Controller Expanders Sheriff/Communications	\$14,960.00

10-11	Platform Body Highway	\$5,852.00
11-11	Sander Highway	\$11,684.00
12-11	2011 Chevrolet Silverado Work Truck Sheriff/Communications	\$36,916.96
13-11	1998 Caterpillar 623F Scraper Highway	\$77,330.00
14-11	Walk-n-roll Packer Roller Highway	\$28,500.00
15-11	12' Snow Plow Highway	\$6,447.00

Dispositions were presented as follow:

Asset# 234-5253, Oscilloscope Radio, 210-0203, Scuba Diving regulator, 210-5212, Scuba Backpack, 210-5216, Scuba Weight Belt, 234-0102, 1983 Meter Power 44A Telewave, 210-2230, 1981 Jump Kit, 234-3646, 1981 Translator, Ch 11, 234-3645, 1981 Translator FM, 210-8175, 2003 Dodge Dakota

(2)

**APPROVAL OF PERSONNEL ITEMS**

- A. Notification that Leslee Lake has been hired as a 90 day temporary in the IT Department.
- B. Notification that Leann Seely has been hired as a 90 day temporary at the Museum Of the San Rafael.
- C. Approval to promote Jeff Thomas to Co-Captain, and Robert Blackburn and Gayle Jensen to Lieutenant.

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED JANUARY 11, 2011.**



Commissioner Laurie Pitchforth made a motion to move agenda item #2 to the discussion agenda. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commissioner JR Nelson made a motion to approve the remaining consent agenda items. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

## **Discussion Agenda**

**(1)**

### **ITEMS PULLED FROM CONSENT AGENDA**

Commissioner Jeff Horrocks indicated that item A and B of # 2 Personnel Issues are informational only do not require any action. Item C Commissioner Pitchforth wanted to discuss. Commissioner Pitchforth expressed concern that the Sheriff's budget be able to finance the scale and grade upgrade for Jeff Thomas, Robert Blackburn and Gayle Jensen. Mary Huntington addressed the issue. She explained that Jeff Thomas is currently at Grade 25 while Gayle Jensen and Robert Blackburn are at Grade 23. They also have a 6% longevity increase. The proposed upgrades will keep within the Sheriff's budget because Jeff, Gayle and Robert will become exempt, eliminating overtime. Captain and Lieutenant positions will become exempt from overtime. Sheriff Funk explained that he desired to have responsible people in these positions. These three officers are willing to step up to the challenge. He indicated that he wants to have these positions available at all times and not have to worry about pushing them into overtime status. Commissioner Nelson asked for a list of assigned chain of command for the Sheriff's Office. Mary Huntington indicated that she has met with Sheriff Funk and they are working on reassignments and upgrades of positions within the Sheriff's Department. If approved, the upgrades for Jeff Thomas, Gayle Jensen and Robert Blackburn will become effective on February 7, 2011. Commissioner Laurie Pitchforth made a motion to approve promoting Jeff Thomas, Gayle Jensen and Robert Blackburn as proposed to take effect on February 7, 2011. The motion was seconded by Commissioner JR Nelson. The motion passed.

(2)

**CONSIDERATION AND APPROVAL OF COMMISSION RESPONSIBILITIES FOR 2011.**

Commissioner Jeff Horrocks indicated that the Commissioners met in a noticed work meeting the previous day to work out the responsibilities for 2011. It was proposed to have the Commissioner responsibilities for 2011 as follow:

Jeff Horrocks

Chairman

AOG  
Airport  
Attorney  
Clerk Auditor  
DWR/RAC  
ECBC  
Economic Development  
ECSSD#1  
Fire District  
GR Medical Center  
Housing Authority  
LBA  
NEWU District  
Planning/Zoning/Bldg.  
Personnel  
Public Lands  
Roads/Landfill  
Travel Council  
USFS  
Weed/Mosquito  
Wildland Fire

JR Nelson

Aquatic Center  
Assessor  
BLM  
CVSSD  
County Facilities  
ECBC  
Extension/USU  
Economic Development  
Fire District  
IT/GIS  
Lawrence Cemetery  
Library  
LBA  
Museum  
Public Lands  
Public/Mental Health  
RC&D  
Water Conservancy

Laurie Pitchforth

Ambulance/EMTs  
Animal Control  
COG  
CCP  
Care Center  
ECBC  
Economic Development  
Justice Court  
Historical Preservation  
LBA  
LEPC  
Public Lands  
Recreation Dist./Fair  
Recorder/Archives  
Senior Citizens  
Sheriff/Homeland Security  
Treasurer  
TV/Communications

Commissioner JR Nelson made a motion to approve the Commissioner Responsibilities for 2011 as read. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**CONSIDERATION AND APPROVAL OF AMENDED STANDARD COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK-2011**

Commissioner Jeff Horrocks reviewed the Standard Cooperative Agreement for Utah State University Extension Educational Work for 2011. The amount of the agreement is \$70,600.00. Commissioner Laurie Pitchforth made a motion to approve the Standard Cooperative Agreement for USU Extension Educational Work for 2011. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

**APPOINTMENT TO PUBLIC LANDS COUNCIL, EMERY COUNTY HOUSING AUTHORITY BOARD, EMERY COUNTY CARE AND REHABILITATION BOARD, CASTLE VALLEY SPECIAL SERVICE DISTRICT, AND EMERY COUNTY SPECIAL SERVICE DISTRICT.**

Public Lands Council: Public Lands Council is a 12 member board which currently has 11 members. 5 positions ended on December 31, 2010. Guy Webster's term will end in May of this year. The Board of Commissioners, in order to fulfill the 12 member board desired to appoint 7 members to the board. 7 applications were turned in for consideration. Therefore, it was recommended to appoint Jon Gilbert, Charles Semborski, Randal Stilson, Gary Petty, Mistie Christiansen, Gary Kofford and Guy Webster to the Public Lands Council Board for 2 year terms each. The Commissioners felt that appointing 7 to the board at this time will stagger the terms of the board. Commissioner Laurie Pitchforth made a motion to appoint Jon Gilbert, Charles Semborski, Randal Stilson, Gary Petty, Mistie Christiansen, Gary Kofford and Guy Webster to the Public Lands Council for two year terms each. The motion was seconded by Commissioner JR Nelson. The motion passed.

Emery County Housing Authority: ECHA is a 5 member board. There are three openings on the board. Four applications were received from Bart Cox, Randal Stilson, Christine Jensen and Dale Roper. Jeff Horrocks and Carol Ann Stream are already seated on the board. It was the desire of the Board of Commissioners to stagger the terms of the appointments. Commissioner Jeff Horrocks stepped down to make a motion to appoint Christine Jensen for five years, Dale Roper for four years and Randal Stilson for three years to the Emery County Housing Authority. The motion was seconded by Commissioner JR Nelson. The motion passed.

Emery County Care and Rehabilitation Board: Commissioner Laurie Pitchforth made a motion to re-appoint Tom Humphrey the Emery County Care and Rehabilitation Board. The motion was seconded by Commissioner JR Nelson. The motion passed.

Castle Valley Special Service District Board: There is one at large vacancy for a four year term.

Five applications were received from Mack Huntington, Kerry Lake, Delynn Fielding, Vernell Rowley, Bart Cox. Commissioner JR Nelson made a motion to appoint Kerry Lake to fill the at large vacancy on the CVSSD board for a four term. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Emery County Special Service District #1: ECSSD#1 has three openings. Four applications have been received from Bevan Wilson, Kent Petersen, Dean King and Ron Barney. Commissioner Jeff Horrocks stepped down to make a motion to re-appoint Bevan Wilson, Dean King and Kent Petersen to the Emery County Special Service District #1 Board. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

**APPROVAL TO ADVERTISE FOR BOARD MEMBER ON EMERY COUNTY CARE AND REHABILITATION BOARD REPRESENTING FERRON/EMERY AREA AND EMERY COUNTY WATER CONSERVANCY DISTRICT.**

Commissioner Laurie Pitchforth made a motion to approve advertising to fill a board member vacancy on the Emery County Care and Rehabilitation Board representing Ferron/Emery area as well as a board member vacancy on the Emery County Water Conservancy District board. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND PAYNE RELIEF, LLC FOR PUBLIC LAND CONSULTING.**

Emery County has extensive public lands, and decisions made regarding management of those lands continually impact County resources, planning and economics, as well as its customs and culture. Public Lands Director, Ray Petersen explained that the Public Lands Council has taken on the task of developing a land use bill for Emery County. This increases the work load for the Public Lands Department. If the agreement is approved, Val Payne will be working with Ray to undertake the tasks as assigned to him. There are many federal agencies that need to be responded to and assistance with drafting the language for the land use bill. The agreement is for \$50,000.00 for the term of the contract which shall conclude on or before December 21, 2011. Val would be paid \$6,250.00 in the middle of each quarter of the contract and \$6,250.00 at the end of each quarter of the contract. Val would report to the Public Lands Director as needed at least monthly, and will meet regularly with the Public Lands Council. He will perform tasks as assigned by the Public Lands Director which may include research, correspondence, advocacy, permitting, planning and other issues related to Emery County Public Lands. It is agreed that Val is not an employee, and therefore is not entitled to any of the benefits normally provided by County to its employees. The agreement may be terminated by either party on thirty days written notice to the other party. The county may add to or adjust the agreement or negotiate with Val as the nature of his services increases, decreases or changes in any manner. Attorney David Blackwell has reviewed the agreement. Commissioner Laurie Pitchforth made a motion to approve an agreement between Emery County and Payne Relief, LLC for Public Land Consulting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

**CONSIDERATION AND APPROVAL OF PUBLIC AIRPORT LEASE UTSL-068958 RENEWAL FOR HUNTINGTON AIRPORT.**

On June 10, 2010, Emery County requested that Airport Lease UTSL-068958, issued to Emery County for the Huntington Airport that expires August 23, 2011, be renewed for 30 years. According to 43 CFR 2911.1(d) leases under the Act shall be for a period not to exceed 20 years and may be renewed for like periods; therefore, this lease may be renewed for another 20 year period (August 23, 2011 through August 22, 2031). Regulations at 43 CFR 2911.1(e) state that rental shall be considered and revised at 5 year intervals to reflect current appraised fair market value. The last appraisal on the rental for this property was conducted in 1991. The regulations also state that counties shall pay an annual rental calculated at the appraised fair market value of the rental of the property less 50%. The annual rental value was currently appraised at \$2,200.00. Annual rental for this property will be \$1,100.00. Phil Fauver asked what the expenses are for the Huntington Airport and if the county receives any revenues? Brenda Tuttle answered that the county pays a management contract in the amount of \$2,000.00 per month. The airport does not currently bring in any revenues to the county. Commissioner Horrocks stated that Huntington Airport is a working airport however, it does not bring in any revenues to the county. Steven Barton asked what would happen with the property if the county ceases to use it as an airport? Commissioner Horrocks answered that it would return to the BLM. The lease is use specific to a public airport facility. Commissioner JR Nelson made a motion to approve renewal of Public Airport Lease UTSL-068958 for the Huntington Airport. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner JR Nelson made a motion to leave the regular Commission Meeting and move into a noticed Public Hearing to receive comment regarding whether to vacate Emery County Road #512, also known as cut-off road between Highway 10 and State Highway 57 located just north of the Hunter Power Plant interchange. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

**PUBLIC HEARING: 9:30 AM- TO RECEIVE PUBLIC COMMENT ON WHETHER TO VACATE EMERY COUNTY ROAD #512, ALSO KNOWN AS THE CUT-OFF BETWEEN STATE HIGHWAY 10 AND STATE HIGHWAY 57 LOCATED JUST NORTH OF THE HUNTER POWER PLANT INTERCHANGE.**

The Emery County Road Department and Emery County Commissioners received a formal request from Van and Laura Rasmussen to abandon Emery County Road #512. In order to vacate a county road a public hearing must be notice in the local newspaper for four consecutive weeks prior to the public hearing, posted in three public places, and a noticed mailed to all owners abutting the said county road. These requirements have been met. Mr. Rasmussen stated the reasons for requesting the road abandonment.

✓ Mr. Rasmussen recently acquired all of the property on both sides of this road, with the exception of a small portion owned by the Hinkins family. They access their property

from highway 10 on the east and Highway 29 on the west and will not be adversely affected.

- ✓ The road closure will not affect any access to any private property.
- ✓ The road is only .59 miles long.
- ✓ This road is a favorite place for deer hunters who shoot from their vehicles on the road and pose a danger to livestock in his fields.
- ✓ Highway 29 crests a hill less than 1/8 mile south of the road's junction presenting a safety hazard to drivers turning left onto the road from the north.

Morris Sorensen, Emery County Road Supervisor indicated that there are no utility easements along the road. There is an easement to the Canal Company. He also indicated that the loss in B Road money to the county is minimal compared to cost to maintain the road. He stated he has no opposition to abandoning the road.

There were no additional questions or comments.

Commissioner Laurie Pitchforth made a motion to leave the public hearing and return to the regular Commission meeting. The motion was seconded by Commissioner JR Nelson. The motion passed.

**(9)**

**CONSIDERATION AND APPROVAL TO VACATE EMERY COUNTY ROAD #512.**

Commissioner JR Nelson made a motion to approve vacating County Road #512. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(10)**

**DISCUSSION OF GREEN RIVER STATE PARK AND GOLF COURSE.**

Commissioner Jeff Horrocks stated that the Green River State Park and Golf Course is on the hit list by the Division of Parks claiming that it is not profitable. Emery County and Green River City may not benefit financially from the golf course but it does benefit the economy and tourism of the county. Commissioner Nelson commented that because of the location he has been amazed at how many days throughout the year the Green River Golf Course is available for golfing. The people of Green River are passionate about the golf course. Randal Stilson commented that he felt citizens and the Commissioners should send e-mail to our County legislators and the BLM. Bill Dellos asked if they had added the additional holes to the golf course to make it an 18 hole course? It was indicated that it has been deemed expensive to expand the course due to the fact that they will have to cross the highway. Commissioner Nelson indicated that nine hole courses are harder for people to support. Eighteen holes makes it an easier course. A nine hole course is usually a "passing through" course, while an eighteen hole course is a "destination" course. Bruce Wilson suggested creating a management board for the golf course to oversee the functions of the course. He added that Millsite Golf Course under a management board of which he is the president is now in the red. It has reduced the deficit and is now making money. Patsy Stoddard commented that Green River High School has an active junior golf team and league. It

is not only a benefit to the tourist passing through but more importantly to the community of Green River. The Board Of Commissioner discussed drafting a letter to the Division and Emery County legislators stating opposition to closing the Green River State Park and Golf Course.

(11)

**CONSIDERATION AND APPROVAL OF CHANGE ORDERS 10-13 ON THE FOOD BANK.**

Commissioner Horrocks discussed change orders #10,11,13 on the Food Bank. Change order #12 was not available at this time.

#10 Shelving	\$6,056.56
#11 Commercial shelving	\$1,147.70
#13 Gate system	\$ 547.40

Commissioner JR Nelson made a motion to approve Change orders #10, 11, and 13 on the Food Bank. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(12)

**CONSIDERATION AND APPROVAL OF DONATION TO RURAL UTAH CHILD DEVELOPMENT HEADSTART.**

Clerk/Auditor Brenda Tuttle indicated that Rural Utah Child Development Headstart requested \$500.00 in the budget for this year. Commissioner JR Nelson made a motion to contribute the request \$500.00 to Rural Utah Child Development Headstart. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(13)

**CONSIDERATION AND APPROVAL OF DONATION TO CASTLE LAND RESOURCE CONSERVATION & DEVELOPMENT COUNCIL, INC.**

Commissioner Laurie Pitchforth made a motion to donate \$250.00 to Castle Land Resource Conservation & Development Council, Inc. The motion was seconded by Commissioner JR Nelson. The motion passed.

(14)

**CONSIDERATION AND APPROVAL OF EQUITABLE SHARING AGREEMENT AND CERTIFICATION.**

Commissioner Laurie Pitchforth discussed the Equitable Sharing Agreement and Certification. This is an agreement with Emery County Sheriff Department and US Department of Treasury that allows Emery County to be eligible to receive grant money. Commissioner Laurie Pitchforth

made a motion to approve of Equitable Sharing Agreement and Certification for the Emery County Sheriff's Department. The motion was seconded by Commissioner JR Nelson. The motion passed.

(15)

**CONSIDERATION AND APPROVAL OF LETTER REQUESTING SALES TAX LEAKAGE REPORT.**

This request comes through the BEAR program. They are requesting sales tax information from the State Tax Commission. Since this information is not public information a signed letter from the Commissioners is needed to allow the information to be released to the contracted accounting firm. Commissioner Laurie Pitchforth made a motion to approve a letter requesting sales tax leakage report. The motion was seconded by Commissioner JR Nelson. The motion passed.

(16)

**DISCUSSION AND APPROVAL TO MOVE FORWARD WITH BIDDING PROCESS FOR BUCKHORN WASH INFORMATION CENTER.**

Commissioner Laurie Pitchforth made a motion to table this matter to allow for more information. The motion was seconded by Commissioner JR Nelson. The motion passed.

(17)

**CONSIDERATION AND APPROVAL OF LETTER TO SECRETARY OF THE INTERIOR EXPRESSING EMERY COUNTY'S OPPOSITION TO SECRETARY'S ORDER #3310.**

Emery County opposes Secretarial Order 3310 on the basis that it may not be legal. It will drastically impact resource use. It ignores the 2008 Price Resource Management Plan (RMP) signed by the BLM. It is contrary to the promise made to the State of Utah to consider county-by-county land-use legislation to address wilderness designation within the state. Ray Petersen, Public Lands Council, stated that the order reverses what protects Utah from future aggression of environmental groups without the county's input. The BLM RMP will be worthless. He stated that there is no need to do this. The letter was reviewed and edited to include comments from Ray Petersen. Commissioner Laurie Pitchforth made a motion to approve the letter to Secretary of the Interior with additional changes expressing Emery County's opposition to secretary's order #3310. The motion was seconded by Commissioner JR Nelson. The motion passed.

(18)

**CITIZEN CONCERNS.**

Phil Fauver asked about the sales tax leakage report. Commissioner Horrocks explained that it



gives the county an idea of the redistribution of taxes after they go to the state. Phil Fauver also asked why the speed limit is posted at 35 mph on State Highway 57? Morris Sorensen indicated that is a question for the State Highway. Patsy Stoddard, Emery County Progress reported that the Emery County Business Chamber held their second meeting. The meeting was well attended.

Bruce Wilson commented on the appointments to the Public Lands Council. As Chairman of the Public Lands Council it was his recommendation to return the number of board members back to nine members if and when the county's land use bill is passed. The numbers were raised to twelve to add more people the table to help with the creation of the bill. He suggested making the additional board members temporary until the bill is passed and returning to nine to avoid overwhelming the board.

Leslie Bolinder commented that decisions made by the Public Lands Council are not binding. The Commissioners have the final say on all decisions.

**(19)**

### **COMMISSION/ELECTED OFFICIAL REPORTS**

#### *Commissioner Pitchforth*

Commissioner Pitchforth reported that 2011 Fair planning meetings have started. The Emery County Care and Rehabilitation Center is looking great. She stated she is looking forward to her new assignments for this year.

#### *Commissioner Nelson*

Commissioner Nelson commented on his new adventure as a Commissioner. He has attended many meetings which have been very educational. He stated that he is impressed with how much effort people who work in the building put in to their jobs.

#### *Commissioner Horrocks*

Commissioner Horrocks reported that the county currently has three buildings under construction. The final inspections on these projects are anticipated to be this week if possible.

Sheriff Greg Funk thanked the IT Department for their assistance in getting data storage secured.

(20)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

An Executive session was not needed.

(21)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson and the motion passed.

**ATTEST:** \_\_\_\_\_

**COMMISSIONER:** \_\_\_\_\_

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

FEBRUARY 8, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Sheriff Greg Funk, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**CONSENT AGENDA**

**(1)**

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # 210838 through and including # 210941 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
16-11	(5) Golden Eagle Dual Antennas Sheriff/Vehicles	\$8,275.00
17-11	2011 Toyota Tundra Sheriff	\$29,433.74
18-11	Plate Compactor Highway	\$1,790.00
19-11	Asphalt Cutter Highway	\$2,200.00
20-11	Broom Highway	\$25,000.00

Dispositions:

#2389, a bookcase from Justice Court in Green River.

(2)

**RATIFICATION OF MODIFYING EXISTING EMERY COUNTY HOUSING AUTHORITY BOARD MEMBER TERM LIMITS JEFF HORROCKS 1/2/2012 AND CAROL ANN STREAM 1/2013.**

(3)

**APPROVAL OF PERSONNEL ISSUES.**

- A. Notification that Jesse Price has been hired as a 90 day temporary in Communications.
- B. Notification that Heather Eden has been hired as a 90 day temporary at the Aquatic Center.
- C. Notification that Sheriff Funk has taken away all on-call pay.
- D. Approval to promote Garrett Conover from Patrol Deputy II to Detective II on the Drug Task Force.
- E. Approval to promote Jared Curtis from Detective I to Detective II.

(4)

**CONSIDERATION AND APPROVAL OF BUSINESS LICENSE FOR JODY COX, SUNNY SKIES FLIGHT SERVICES.**

(5)

**APPROVAL OF COMMISSION WORK MEETING MINUTES DATED JANUARY 24, 2011 AND COMMISSION MEETING MINUTES DATED JANUARY 25, 2011.**

Commissioner Laurie Pitchforth made a motion to approve the consent agenda as reviewed. The motion was seconded by Commissioner JR Nelson. The motion passed.

**DISCUSSION AGENDA**

Commissioner Laurie Pitchforth made a motion to suspend the discussion agenda order and move to agenda item #10. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commissioner Jeff Horrocks informed those in attendance that there is an advertised public hearing scheduled for 10:00 am at which time the Commissioners will leave the regular meeting and move into a public hearing. The Commission will return to the regular meeting at the conclusion of the public hearing. There is also a telephone closed session at 11:00 am at which time the Commissioners will leave the regular meeting and convene in a closed/executive session. At the conclusion of the closed meeting the Commissioners will return to the regular Commission meeting to continue with the agenda as outlined. The minutes will follow the

agenda.

(1)

**ITEMS PULLED FROM CONSENT AGENDA.**

Nothing

(2)

**BILL BATES, DWS, PRESENTATION OF PILT PAYMENT AND UPDATE OF DIVISION ACTIVITIES.**

Bill Bates, DWR addressed the Board Commissioners providing a report of DWR activity. Mr. Bates presented the Commissioners with the annual PILT payment for 2011. The check was for \$2,751.30 representing the premium paid in lieu of taxes. The Division has ownership of approximately 5,500 acres of land in Emery County. The PILT payment is payment in lieu of taxes for land that passed from private to public land in the county. The tax comes from the sale of fishing and hunting licenses. He indicated that deer management is a hot topic in the county. They are looking at implementing a unit by unit draw in the state. They are looking for input from the public for what to do in the San Rafael area. They will hold a public meeting on April 15<sup>th</sup> to consider deer and elk permits. they will hold a meeting on February 16<sup>th</sup> which will be an open house forum to address concerns about deer management, highway mortality, habitat and help with permits. He invited the Commissioners to attend. The Division has suggested holding meetings with the various sports clubs in Carbon and Emery Counties to propose ideas and solicit public comment. He asked if Emery County would be interested in hosting a meeting. The Aquatic Staff is working with the Public Lands Council on dealings with water issues specifically the Ferron Creek drainage in reintroducing the Colorado cutthroat. Steve Barton commented that he was glad to see the Division address highway mortality. Mr. Bates replied that 30% of accidents on Highway 6 are caused by animals. The Division is working extensively to mitigate corridors for deer and elk. UDOT put a lot of money into the fencing along Highway 10 to mitigate the elk and deer migration through the Huntington to Price corridor.

Commissioner JR Nelson made a motion to leave the regular meeting and move into a scheduled public hearing to receive public comment with respect to the issuance of CVSSD's general obligation bonds and the potential impact that the improvement, facility, or property for which the bonds pay all or part of the cost will have on the private sector. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**10:00 AM PUBLIC HEARING: TO RECEIVE PUBLIC COMMENT WITH RESPECT TO THE ISSUANCE OF THE DISTRICT'S GENERAL OBLIGATIONS BONDS AND THE POTENTIAL ECONOMIC IMPACT THAT THE IMPROVEMENT, FACILITY, OR PROPERTY FOR WHICH THE BONDS PAY ALL OR PART OF THE COST WILL HAVE ON THE PRIVATE SECTOR.**

Jacob Sharp, CVSSD reviewed the process for issuance of the bonds and the use of the funds for capital improvement projects in the county. He explained that the bonds being discussed today are Castle Valley Special Service District's annual consolidated capital improvement project. This is a process that the district has gone through for many years. In 2009 a 12.5 million dollar bond allocation was approved by the voters in the County. The District has ten years to spend that \$12.5 million dollar bond allocation. In accordance with that bond election, CVSSD and their engineer worked with the cities and towns in the County to create a capital facility plan that outlined twenty years worth of improvement projects within the district. Each year, in the fall, they meet with the mayors and councils in the respective cities and towns in the district to come up a list of priority projects from that capital facility plan. Citizens can have an input to this process by working with their mayors and councils to prioritize that list. The District takes that information and creates an application to the Community Impact Board. This year the total amount of their application was \$2.32 million dollars. The bond amount is \$1.3 million dollars. In addition to that they were approved for a \$1.02 million dollar grant. That meeting was on January 6, 2011. This public hearing is for public input and comment and is required for the start of the closing process on the bonds. The bonds are scheduled to close with Zions Bank Public Finance and Chapman and Cutler, the District's bond council on March 15, 2011.

Phil Fauver asked who buys these bonds?

Alex Buxton responded, with the State of Utah.

Commissioner Horrocks commented that the District is able to take the funding that they have available to the CIB and acquire either no interest loans or grants and triple the funding they have available to improve streets, curb and gutter, and other projects for the communities.

Jacob added that he failed to mention that the bond is a \$1.3 million dollar loan is a zero percent interest loan that the District will pay back over six years with the debt service tax that they collect.

Commissioner JR Nelson asked for a breakdown of the places where the money will be used.

Phil Fauver asked if the District will be coming back again next year and the year after for another \$1.3 million or something like that? Jacob indicated that the District has two taxes that they levy. The operation and maintenance tax stays roughly the same each year. The debt service tax that goes to the repayment of the bonds. He indicated that the way they structured the last bond election in 2009 was to borrow approximately the same amount over the course of each of the ten years. This will keep the debt service payment roughly the same. Their goal is to keep it about the same to avoid the fluctuation that they will experience in the next couple of years.

Alex Buxton, Zions Public Finance commented that the majority of the loans that the CIB gives out are not under these terms that CVSSD gets. The majority of loans approved by CIB are low interest bearing loans somewhere between 2.5 and 3.5 percent. Most certainly the majority of those who seek funds do not get grant money. A contributing factor to CVSSD receiving these type of terms is due to Emery County being one of the major mineral revenue producing areas

but

also that Jacob along with J&T Engineering do an excellent job of putting together a plan with a complete application and do a great job with their presentation. Alex indicated that he works regularly with the CIB and attends nearly all of their meetings. On more that one occasion the CIB uses Jacob and CVSSD as an example group of how to approach the CIB as far as preparation with their projects and their application. The county should feel very good about the fact that even compared to others who receive money from the CIB the terms that CVSSD and Emery County gets as far as the 0% interest loan and grant money is certainly not the norm with the CIB Today the Emery County Progress will post the publication of notice of bonds to be issued which sets into motion the thirty day comment period. The scheduled closing is March 15, 2011 to allow for that thirty day period.

Commissioner Laurie Pitchforth made a motion to leave the public hearing and return to the regular Commission Meeting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

**CONSIDERATION AND APPROVAL OF RESOLUTION CONFIRMING THE SALE AND AUTHORIZING THE ISSUANCE OF \$1,300,00.00 TAXABLE GENERAL OBLIGATION PUBLIC PURPOSE BONDS, SERIES 2011 A OF CASTEL VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH PROVIDING FOR THE LEVY OF TAXES TO PAY PRINCIPAL OF AND ANY INTEREST ON THE BONDS; PROVIDING FOR THE USE OF THE PROCEEDS THEREOF, MAKING CERTAIN FINDINGS AND COVENANTS IN CONNECTION THEREWITH; PROVIDING FOR A SYSTEM OF REGISTRATION THEREFORE; RATIFYING ACTIONS HERETOFORE TAKEN; AND PROVIDING FOR RELATED MATTERS.**

Commissioner Laurie Pitchforth made a motion to approve Resolution 2-8-11 confirming the sale and authorizing the issuance of \$1,300,000.00 taxable general obligation public purpose bonds, series 2011 of Castle Valley Special Service District providing for the levy of taxes to pay principal of any interest on the bonds; providing for the use of the proceeds thereof, making certain findings and covenants in connection therewith; providing for a system of registration therefore; ratifying actions heretofore taken; and providing for related matters. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

**CONSIDERATION AND APPROVAL OF PROPERTY TAX EXEMPTION FOR PARCEL NUMBER 01-002C-0013 CASTLE DALE INDEPENDENT BAPTIST CHURCH.**

Commissioner Laurie Pitchforth made a motion to approve property tax exemption status for Castle Dale Independent Baptist Church parcel #01-002C-0013. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

**CONSIDERATION AND APPROVAL OF PROPERTY TAX EXEMPTIONS FOR PARCEL NUMBERS 01-154A-0027, 01-154A-0028, 01-154A-0026, AND 01-154A-0022 POSITIVE ACTION COMMUNITY TEAM (PACT)**

Assessor, Kris Bell reviewed the parcels from Positive Community Team (PACT). Kris indicated that two parcels are low income housing. They receive rent and there is no proof that the tenants are low income. The other two parcels are vacant land and not currently being used for charitable, non-profit, educational or religious purposes. PACT has one parcel, the old senior citizen center currently being used for youth/community center which is already exempt. Commissioner JR Nelson made a motion to allow property tax exempt status for parcel # 01-0162-0007 the community center only. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(7)

**CONSIDERATION AND APPROVAL OF “REQUEST FOR AMBULANCE “WRITE-OFF” FORM.**

Commissioner Horrocks indicated that in the past they have not had a standard form to be used for ambulance write-off requests. Commissioner Nelson stated that having a form with pertinent information that helps the Commissioners to make an informed decision would be valuable. Commissioner Pitchforth stated that she has asked for this type of form for some time now and thanked David Blackwell for preparing an affidavit form to be used to assist them in providing guidelines on how to help the individuals who request ambulance fee write-offs. Commissioner JR Nelson made a motion to approve the standard form/request for ambulance write-off as presented to the Commission. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

**DISCUSSION OF POSTING COMMISSION MEETING MINUTES ON THE EMERY COUNTY WEBSITE.**

Commissioner Horrocks asked IT Director Jeff Guymon to discuss the process for posting Commission Meeting minutes on the Emery County website. Jeff indicated that he could modify the current process by saving the minutes in a PDF format which he would publish to the directory and allow access by the public by way of the Emery County website. He indicated that he currently has a temporary employee scanning the older minutes. Jeff pointed out that other larger counties already post minutes to their website. Some smaller counties do not post minutes to their website. Commissioner Nelson stated that it is very important that the county maintain an open nature of all meetings. Putting as much as possible on the website eliminates questions later.

Commissioner JR Nelson made a motion to post commission meeting minutes on the Emery County website. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.



(9)

**CONSIDERATION AND APPROVAL OF CHANGE ORDERS 8 AND 9 FOR SHERIFF'S BUILDING.**

Change order #8 is for an angle iron at a cost of \$265.65.

Change order #9 is for flooring in what was to be the weight room at a cost of \$6,095.00. Sheriff Funk indicated that the carpet was not supposed to incur a charge. There should be a credit to offset the charge. Commissioner JR Nelson made a motion to accept change order #8 and #9 provided it does not incur additional cost to the project. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

**DISCUSSION AND APPROVAL TO BEGIN ADVERTISING THE NOTICE TO ADVERTISE FOR BIDS FOR BUCKHORN WELL INFORMATION CENTER PROJECT.**

Mike McCandless reported that the Buckhorn Well Information Center's studies have been completed and the Travel Council is ready to move forward with advertising for bids for the construction of the structure. He reported that this is a project that the Travel Council has been working on for two years. He indicated that they hoped to have the project completed by Easter but felt that was being a little optimistic, so they will push for Memorial weekend. Commissioner Horrocks indicated that this item was on the previous Commission Meeting agenda but was tabled to allow time to receive more information. The Commissioners felt that they now had the information that they needed. Commissioner Horrocks stated that the advertising needs to be for three weeks to give the contractors adequate time to prepare a bid package and also to meet state regulations. The bids need to be turned in to the Clerk/Auditor's office and opened in Commission Meeting. Attorney David Blackwell expressed concern that there not be a contract signed that doesn't come before the Commission for approval. They discussed the timeline for the bids to come in and opening of the bids. Commissioner JR Nelson made a motion to approve moving forward with the advertising for bids for the Buckhorn Well Information Center project. Bids will be turned in to the Clerk/Auditor's office by 5:00 pm on March 7, 2011 and opened in the regular Commission Meeting on March 8, 2011. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed. Mike McCandless indicated that the engineer for the project will be paid separate from the bid package.

(11)

**CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT AND AUTHORIZATION TO BEGIN ADVERTISING THE NOTICE TO ADVERTISE FOR BIDS FOR THE EMERY COUNTY LANDFILL FENCE PROJECT, 2011.**

Road Supervisor, Morris Sorensen reported that the newly acquired land at the landfill has to be fenced in as part of the permitting process. Johansen and Tuttle Engineering will be managing the project. Advertising for bids to erect the fence need to be approved as well as the contract with J&T Engineering for management of the project. Commissioner Laurie Pitchforth made a motion to approve of a contract with Johansen & Tuttle Engineering and authorize the advertising for bids for the landfill fence project. The bids need to be turned in to the Clerk/Auditor's office by 5:00 pm on March 7, 2011 and will be opened in the regular Commission Meeting on March 8, 2011.

(12)

**CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION AND CONTRACT AGREEMENT AMENDMENT #1 BETWEEN EMERY COUNTY AND ALG AAA.**

Commissioner Laurie Pitchforth indicated that the interlocal cooperation and contract agreement is a standard contract for Senior Citizens and Aging and Nutrition programs in Emery County. The contract amount is \$446,059.00 for 2011. Commissioner Laurie Pitchforth made a motion to approve of Interlocal Cooperation and Contract Agreement Amendment #1 between Emery County and ALG AAA for 2011. The motion was seconded by Commissioner JR Nelson. The motion passed.

(13)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #12 ON THE FOOD BANK PROJECT.**

Change order #12 on the Food Bank Project is for Commercial Kitchen Supply for materials to deal with the condensation in the coolers. The total is \$1,676.70. Commissioner Laurie Pitchforth made a motion to approve Change order #12 for the Food Bank project as presented. The motion was seconded by JR Nelson. The motion passed.

(14)

**CITIZEN CONCERNS.**

Dixie Swasey addressed the concerns of several ladies who frequent the swimming pool. She indicated that several ladies have stopped going because the water temperature is just too cool for them. She wondered if the water temperature could be monitored a little better. Commissioner Nelson addressed the concern stating that during the swim meets the temperature has to be lowered and sometimes it may take a while to bring the temperature back up. He indicated that he questioned that very thing. Aquatic Center Manager Shannon Hiatt reviewed with im the temperature monitoring process. Commissioner Pitchforth stated that they have to be careful not to raise the temperature too much. State health mandates where the water temperature must stay. they have to be careful that the water temperature does not reach spa level. Commissioner Nelson indicated that he will look into it.

Bill Dellos reminded everyone of the upcoming Lincoln Day Dinner on March 5, 2011 at the

Museum of the San Rafael. They are serving a stake dinner for \$25.00 a plate. Legislators at local and state level are planned to speak.

Phil Fauver asked if the Emery County Care and Rehabilitation Center has been successful in securing a resident doctor? Commissioner Pitchforth indicated that they have not been able to find a doctor willing to take it on yet. At this time they have a doctor from up north that comes down a few times a month.

Patsy Stoddard, Emery County Progress and Emery County Business Chamber reported on ribbon cuttings for two new businesses in the county.

(15)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

***Commissioner Nelson***

Commissioner Nelson reported on attending newly elected official training during Legislative Day at the State Capital. He felt it was well organized and very informative. He spent time visiting with other commissioners from rural counties and communities and found that many of the issues that we have are typical of rural Utah. He attended the Rural Utah Caucuses at the State Capital where he talked with Governor Herbert, Lt. Governor Bell and Senator Hatch. He indicated that he is considering attending NACO.

***Commissioner Pitchforth***

Commissioner Pitchforth also attended Legislative Day and received beneficial information. She indicated that she felt that Legislative Representatives for Emery County, David Hinkins, Christine Watkins and Kay McIff are doing a wonderful job representing the County's interest. She also indicated visiting with several other commissioners who experience the same issues we have in Emery County. Plans for the 2011 Emery County Fair are moving forward.

***Commissioner Horrocks***

Commissioner Horrocks reported attending the same meetings and felt they were very beneficial.

Commissioner Laurie Pitchforth made a motion to leave the regular Commissioner Meeting and move into a closed/executive session by telephone to discuss attorney/client communications regarding pending tax litigation or other matters allowed by law and upon completion of said telephone session to return to the regular commission meeting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(16)

**11:00AM-TELEPHONIC CLOSED/EXECUTIVE SESSION TO DISCUSS  
ATTORNEY/CLIENT COMMUNICATIONS REGARDING PENDING TAX  
LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Tax litigation matters were discussed. Those in attendance were Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, and Deputy Clerk/Auditor Carol Cox.

(17)

**ADJOURNMENT.**

Upon returning to the regular meeting Commissioner Laurie Pitchforth made a motion to adjourn the meeting. The motion was seconded by Commissioner JR Nelson. The motion passed.

**ATTEST:\_\_\_\_\_ COMMISSIONER:\_\_\_\_\_**

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

FEBRUARY 17, 2011

Present at the meeting was Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Deputy Clerk/Auditor Carol Cox.

(1)

**DEB DULL, DISCUSSION OF ROCKY MOUNTAIN POWER ANNUAL PERFORMANCE PLAN.**

Deb Dull, Rocky Mountain Power reported that at least once a year RMP meets and writes up a plan. She is presenting this plan with the Emery County Commissioners. Their goal is to be pro active in all their relationships

The first item on their performance plan is work closely with UtahAmerican Energy Incorporated regarding Lila Canyon Mine. The Commissioners indicated that they had no concerns.

The second item on their performance plan is to continue to work closely with Emery County and Green River City on the proposed Industrial Park. All the Commissioners agreed that this item should be carried over into this year for continued tracking.

The third item on their performance plan was to work with the large industrial consumers of which Emery County is one, to establish a summary billing. They discussed a energy audit to evaluate the energy consumption and possible energy saving strategies for County facilities. The Commissioners suggested getting with Clerk/Auditor Brenda Tuttle regarding a summary billing. There will be rate increase coming in August 2011. They were granted a rate increase due to growth in the state. They will hold public hearings in the summer for the Transwest Transmission line.

She discussed the overhaul currently underway at Hunter Plant. The overhaul will last approximately 90 days and it will bring approximately 1500 workers in the area for that period of time.

The Commissioners applauded Rocky Mountain Power for their great efforts to keep emissions from the power plants clean.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

**FEBRUARY 22, 2011**

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Sheriff Greg Funk, Deputy Clerk/Auditor Carol Cox.

**CONSENT AGENDA**

**(1)**

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #211055 through and including #211203 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
21-11	7 Camera Security System 10 Camera Security System Museum of the San Rafael	\$20,394.53
22-11	Kenworth W900 Tractor W/Trade in credit \$8,000.00 Highway	\$82,100.00
23-11	6 Gallon Hot Water Heater Highway	303.00
24-11	Commercial cooler drop in floor/install Sr. Citizen/Ferron	\$4,480.00

Dispositions were presented for #8858 office chair, #6940, 1995 Kenworth tractor.

**(2)**

**APPROVAL OF OUT-OF-STATE TRAVEL FOR JAMES R. NELSON, GREG FUNK**

**AND JEFF THOMAS.**

(3)

**APPOINTMENT OF COMMISSIONER JR NELSON TO EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.**

(4)

**APPROVAL OF PERSONNEL ISSUES.**

**A. APPROVAL OF 3% MERIT INCREASE FOR NATALIE GARDNER, ROAD DEPARTMENT, MOLLY BARNES, SHERIFF DEPARTMENT, AND ELI OLIVERSON, BRIN DAWES, MARQUI MOSS, AQUATIC CENTER.**

**B. APPROVAL OF LORIE WALLACE AS A 90 DAY TEMPORARY FOR THE RECORDER'S OFFICE.**

**C. APPROVAL OF PART-TIME MAINTENANCE EMPLOYEE FOR THE LIBRARY DEPARTMENT.**

(5)

**APPROVAL OF COMMISSION MEETING MINUTES DATED FEBRUARY 8, 2011 AND SPECIAL MEETING DATED FEBRUARY 17, 2011.**

Commissioner Laurie Pitchforth made a motion to approve the Consent Agenda. The motion was seconded by Commissioner JR Nelson. The motion passed.

## **DISCUSSION AGENDA**

(1)

**ITEMS PULLED FROM CONSENT AGENDA**

Nothing.

(2)

**PRESENTATION OF 30 YEAR SERVICE AWARD FOR BLAKE GARDNER.**

The board of Commissioners presented Blake Gardner with a 30 year service award with Emery County. Commissioner Laurie Pitchforth stated that Blake has done some amazing things working with the drug dog. He also works closely with the schools regarding drug prevention programs. She thanked him on behalf of Emery County for his years of dedication and service



to the communities and citizens of the county. Blake was presented with a plaque and service award pin.

(3)

**10:00 AM- PRESENTATION BY TODD BLACK, CBC EXT. SPECIALISTS, UTAH STATE UNIVERSITY, IN REGARDS TO SAGE GROUSE IN UTAH AND IN EMERY COUNTY.**

Todd Black, CBC Extension Specialists, Utah State University made a presentation with regards to mitigation efforts to build and work with the sage grouse population in Utah and Emery County. Ray Petersen, Public Lands Council indicated that Public Lands is aware of the efforts and are working to help where needed.

(4)

**DISCUSSION AND APPROVAL OF ADVERTISING IN 35<sup>TH</sup> ANNUAL CARBON/EMERY COUNTY ENERGY EDITION.**

Commissioner Laurie Pitchforth made a motion to approve a 1/4 page add in the annual Carbon/Emery County Energy Edition. The motion was seconded by Commissioner JR Nelson. The motion passed. A 1/4 page ad will be \$290.00.

(5)

**APPOINTMENT TO EMERY COUNTY CARE AND REHABILITATION BOARD OF DIRECTORS.**

Commissioner Laurie Pitchforth made a motion to appoint Dixie Fish to the Board of Directors of the Emery County Care and Rehabilitation. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

**CONSIDERATION AND APPROVAL OF CHANGE ORDERS 14 AND 15 FOR FOOD BANK.**

There were 2 Change orders for the Food Bank. CO#14 was for 20 ft of rubber base for the stairs at a cost of \$57.50. CO#15 was for an overhead door and laminated shelf at a cost of \$1,837.00 for the door and \$700.00 for the shelf. Both items were requested by Bill Howell, AOG to meet ADA requirements. There was a charge for paint touch up. The Commission felt that the contractor should be doing paint touch-up without being charged. Therefore, Commissioner Laurie Pitchforth made a motion to approve Change Orders#14 and #15 except for the \$50.00 charge for the paint touch up. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER 9 FOR SHERIFF'S BUILDING.**

The Board of Commissioners discussed change order #9 which was for carpeting. The Commissioners felt that this could be done cheaper locally. It was the consensus of the Commissioners to not go through the contractor for this purchase. Commissioner Laurie Pitchforth made a motion to decline change order #9 for the Sheriff's building. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

**CONSIDERATION AND APPROVAL OF EMERY COUNTY 2011 EEO REPORTING AND AFFIRMATION ACTION PLAN.**

Commissioner Laurie Pitchforth made a motion to approve Emery County's 2011 EEO Reporting and Affirmation Action Plan. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

**APPROVAL TO ADVERTISE/ACQUIRE CARPET BIDS FOR GREEN RIVER SHERIFF/JUSTICE COURT COMPLEX.**

Judge Stream has requested carpet bids to replace the carpeting at the Green River Sheriff/Justice Court Complex. He has acquired the quality and specifications for the carpet and now asks to advertise for bids to carpet the complex. Commissioner JR Nelson made a motion to advertise for bids to carpet the Sheriff/Justice Court Complex as per specifications listed on the request. Bids will be turned in to the Clerk/Auditor's office by 5pm on March 7, 2011 and opened on March 8, 2011 in Commission Meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

**CONSIDERATION AND APPROVAL OF AMENDING EMERY COUNTY'S LOCAL CAPITAL IMPROVEMENT LIST MOVING NORTH EMERY WATER SSD WATER TANKS AND WATER IMPROVEMENTS PROJECT FROM MEDIUM TERM TO SHORT TERM LIST.**

Mike McCandless, NEWUSSD requested approval to move their water tanks and water improvements project from the medium term list to the short term list. He indicated that this is a 1.2 million dollar project to improve spring water development in Huntington Canyon. In order to begin the project and receive the funding from the CIB, the project has to be on the short term CIB list. Commissioner JR Nelson made a motion to approve the change for NEWUSSD's water tanks and water improvements project from the medium term list to the short term list. The

motion was seconded. The motion passed.

(11)

**CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN STATE OF UTAH AND EMERY COUNTY LIBRARY FOR COMMUNITY LIBRARY ENHANCEMENT FUNDS (CLEF).**

Commissioner Horrocks indicated that this is a standard contract between the State of Utah and Emery County Library for Community Library Enhancement Funds (CLEF). He added that Jeff Guymon, IT works closely with the libraries to help procure these funds (\$7,076.00) and use them wisely. Commissioner JR Nelson made a motion to approve a Contract between State of Utah and Emery County Library for Community Library Enhancement Funds (CLEF). The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(12)

**CITIZEN CONCERNS.**

Phil Fauver asked for a current list of board members for the various boards to which the Commissioners appoint members.

(13)

**COMMISSION/ELECTED OFFICIALS**

*Commissioner Pitchforth*

Commissioner Pitchforth reported on attending Senior Day at the legislature. There was a nice turnout. She added that she has been impressed with Emery County's Legislative representatives, David Hinkins, Kay McIff and Christine Watkins. They are doing a good job. They are kind, responsive and give every effort to listen to our needs and serve the citizens of Emery County.

The planning for the 2011 Fair is progressing.

*Commissioner Nelson*

Commissioner Nelson reported on attending an Active Re-Entry Meeting and Four Corners Mental Health board meeting in Price. He reported that he will have to miss Commission Meeting on March 8th's because he will be attending NACO Conference in Washington, DC. He expressed the importance of attendance at all the meetings for which he has responsibility. Attending these meetings on behalf of the citizens of Emery County is very important.

*Commissioner Horrocks*

Commissioner Horrocks reported that Bill Howell, AOG is retiring this year. The AOG is advertising for a replacement. They have an eight person board who reviews the applicants and

determines the top applicants. Those applicants will have an oral interview and then be narrowed down by personal interviews. ECSSD#1 will be chipping Lila Canyon. The fencing project on So. Moore cut-off road is out for bid. Deb Dull, RMP reported to the Commissioners in a special meeting on the 17<sup>th</sup> of February. Public Lands Council is moving forward with work on Emery County's land bill. Emery High FFA provided breakfast for the Commissioners in thanks for their continued support of their program. Testing is going on in Green River regarding the State Parks and golf course. The state is considering closing the park. Emery County is working hard to keep the park and golf course open. The Sheriff's Department combined with other counties to conduct a mock disaster drill. This drill also included ham radio operators and first responders from all fields of emergency services. He said it went very well and really sent home the message of how important communication is during a disaster.

Commissioner JR Nelson made a motion to move out of the regular meeting and into a closed/executive session and at the conclusion of said meeting to adjourn the meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(14)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Present at an executive session was Commissioner Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox. Pending litigation matters were discussed.

(15)

**ADJOURNMENT**

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

MARCH 10, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List # through and including # for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
26-11	Polaris Ranger 800 6X6 Weed/Mosquito	\$10,152.00
27-11	Ford F350 Diesel Chassis Weed/Mosquito	\$31,893.60
28-11	Flat bed w/receiver and fenders For above chassis- Weed/Mosquito	\$ 1,750.00
29-11	MotoSat equipment upgrade for Mobile Command Center- Sheriff	\$ 5,359.00
30-11	Shell w/ ladder rack for Communication truck Communication/TV- Sheriff	\$ 3,894.00
31-11	Restraint Chair Sheriff	\$ 1,549.00
32-11	EMS Manager Ambulance	\$ 1,197.50

33-11

VersaSeal 1200  
Clerk/Auditor

\$ 2,255.00

One disposition was presented. #8182 hot water heater.

(2)

**APPROVAL OF PERSONNEL ISSUES.**

A. Ratification of hiring Mike Scow as part-time maintenance work for the Library.

(3)

**APPOINTMENT OF JR NELSON TO THE BOARD OF DIRECTORS FOR THE MUSEUM OF THE SAN RAFAEL AND TO THE EMERY COUNTY COMMUNITY FOUNDATION AS A AD HOC MEMBER.**

(4)

**APPROVAL TO ADD OWEN OLSEN TO THE EMERY COUNTY TRAVEL BUREAU VOLUNTEER LIST.**

(5)

**RATIFY APPROVAL OF JOHANSEN AND TUTTLE ENGINEERING AS ENGINEER OF RECORD FOR SOUTH MOORE PHASE 9**

(6)

**APPROVAL OF COMMISSION MEETING MINUTES DATED FEBRUARY 22, 2011.**

Motion to approve the Consent Agenda as presented was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson and the motion passed.

**DISCUSSION AGENDA**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

Nothing

(2)

**OPEN BIDS FOR BUCKHORN WELL AND WEDGE OVERLOOK INFORMATION CENTER.**

1.	Double E Construction	\$230,329.38
2.	MetroBuilders, LLC	\$218,240.00
3.	Broderick & Henderson	\$268,800.00
4.	Modern Construction	\$188,130.00
5.	Stilson & Sons Construction	\$234,585.77

(3)

**CONSIDERATION AND APPROVAL OF AWARDING BID FOR BUCKHORN WELL AND WEDGE OVERLOOK INFORMATION CENTER.**

Commissioner Laurie Pitchforth made a motion to award the bid to the lowest bidder, Modern Construction contingent upon review and consideration of engineers comparison of bids. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

**OPEN BIDS FOR EMERY COUNTY LANDFILL FENCE PROJECT 2011.**

1.	Guymon Construction	\$173,469.00
2.	Layne Larsen	\$252,000.00
3.	KV Fencing	\$160,728.00
4.	Western Chain Link Fencing	\$147,345.00
5.	Ward Landscapers	\$249,264.00

(5)

**CONSIDERATION AND APPROVAL OF AWARDING BID FOR EMERY COUNTY LANDFILL FENCE PROJECT 2011.**

Commissioner JR Nelson made a motion to award the bid to the lowest bidder, Western Chain Link Fencing contingent upon review and consideration of engineers comparison of bids. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(6)

**OPEN BIDS FOR CARPET REPLACEMENT PROJECT AT GREEN RIVER JUSTICE COURT BUILDING.**

1.	Affordable Flooring	\$6,749.95	+\$1,000.00 to move furniture	\$7,749.95
2.	Kevin's Abbey Carpets	\$5,482.72	+\$ 300.00 to move furniture	\$5,782.72

(7)

**CONSIDERATION AND APPROVAL OF AWARDED BID FOR CARPET REPLACEMENT PROJECT AT GREEN RIVER JUSTICE COURT BUILDING.**

Commissioner Laurie Pitchforth made a motion to award the bid to the lowest bidder, Kevin's Abbey Carpets. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #16 FOR THE FOOD BANK.**

Commissioner Horrocks explained that a fork lift is required at the Food Bank which requires three phase power. Change order # 16 is for \$2,070.00 to Broderick and Henderson/ Lofthouse Electric to add a 10 hp r10 phase adder. Commissioner JR Nelson made a motion to approve Change order #16 for the Food Bank. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(9)

**RATIFICATION OF LANDFILL PERMIT RENEWAL PROPOSED CONTRACT.**

Commissioner Horrocks explained that the Landfill Permit Renewal Contract was signed earlier to meet a deadline. There was concern that if not renewed before the permit was set to expire that it may not have been renewed. Therefore, the signing of the contract needs to be ratified. Commissioner Laurie Pitchforth made a motion to ratify the signing of a standard landfill permit renewal contract. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commissioner JR Nelson made a motion to leave the regular meeting and move to a Public Hearing to receive comments from citizens regarding the mental health and substance abuse treatment needs in Emery County. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

**10:00 am- PUBLIC HEARING- To receive public comment for the community regarding the mental health and substance abuse treatment needs in Emery County.**

Jan Bodily, Four Corners Community Mental Health explained that this public hearing is something that is done every year. Emery county as the local authority is required to receive citizen input on mental health issues and needs in the county. These comments are used in preparing the annual area plan regarding ten mandated required services.



Mike McCandless addressed the BEAR Program in relation to employment issues related to drug use. He indicated that they see a need for an in-house treatment facility in the area. Jennifer Thomas stated that funding from the state for their programs is based on numbers. Drug Court numbers have been down. Drug Court is an out-patient drug program that provides treatment and coaching for offenders. Participants meet every week. They have to work full time or going to school. They have random drug testing. Commissioner Nelson commented that the programs offered by Four Corners saves lives. The savings for the county comes in the form of less time incarcerated in our jail. The programs seem to be more successful with adults than with youth. He indicated that he has met with Jennifer and her staff and has gained a deep respect for what they are able to do with the amount of funds they have to work with. He stated that the Drug Court system keeps offenders from getting a criminal history. Dixie Swasey commented that she had a not favorable experience with the Drug Court program last summer. Jennifer stated that Four Corners never turns anyone away. Four Corners received a successful outcome compared to the rest of the state on their annual state division annual report card. Jerry Stottler asked about a residential treatment center. Jan indicated that FCBMH currently contracts with a facility up north for in-patient treatment. Patients are there for a minimum of 24 hours of extensive, intervention treatment. Jennifer praised the Emery County Sheriff's Department for the way they deal with offenders that the state hospital won't accept. There are big cracks between agencies that some patients just fall through. Funding has been cut to Division of Human Services and there is just not a safety net for those who fall between the cracks. Case management and wrap around services keep that crack filled. Sgt. Dusty Butler from the Emery County Jail indicated that dealing with those people who fall between the cracks becomes a huge problem. Sometimes there is just nowhere to put them so they remain in jail.

Commissioner Laurie Pitchforth made a motion to return to the regular commission meeting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

**APPROVAL OF RESOLUTION TO DRUG AND ALCOHOL POLICY.**

Personnel Director, Mary Huntington explained that the personnel policy needs to be amended to include drug testing by either urine or blood collection to ensure compliance with Substance Abuse Policy. Commissioner JR Nelson made a motion to approve Resolution 3-10-11A amending the Personnel Policy to include drug testing by either urine or blood collection to ensure compliance with Substance Abuse Policy. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(12)

**APPROVAL OF RESOLUTION FOR NURSING MOTHERS POLICY.**

Commissioner Laurie Pitchforth made a motion to approve Resolution 3-10-11B amending the Personnel Policy to add a provision for nursing mothers. The motion was seconded by Commissioner JR Nelson. The motion passed.

(13)

**APPROVAL TO IMPLEMENT CONSULT-A-DOCTOR WITH MERITAIN HEALTH AT NO COST TO EMPLOYEES.**

Mary Huntington explained the consult-a-doctor program. The program allows an employee to access medical advice on line or by phone. The intent is to avoid undue visits to the emergency room. Jeff Kelsey, Meritain Health representative will come to Emery County to educate employees on the program. Mary indicated that the program will be a huge benefit to the employees and the county. It will hopefully cut down ER visits as well as routine office visits for refills of regular prescription refills. If you are traveling and forget your medications you can get the supply you need. All the employee will need to do is call and enroll in the program. The program will also help with savings to the county's health insurance premiums and rebates. Commissioner JR Nelson made a motion to approve and implement consult-a-doctor with Meritain Health. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(14)

**APPROVAL OF CAREER SERVICE BOARD MEMBERS AND SETTING OF TERM LIMITS.**

The Career Service board hears employee grievances. Appointments to this board will be effective January 1, 2011 and need to be staggered as follow:

Randy Jensen 1 year appointment until 2012.

Judy Scott 2 year appointment until 2013

McKette Allred 3 year appointment until 2014.

Commissioner Laurie Pitchforth made a motion to approve the Career Service board members and term limits as proposed. The motion was seconded by Commissioner JR Nelson. The motion passed.

The Commissioners thanked Leslie Bolinder for taking on the task of bringing all the boards up to date.

(15)

**APPOINTMENT OF BOARD MEMBERS TO EMERY WATER CONSERVANCY DISTRICT.**

There are three members whose terms have expired on the Emery Water Conservancy District Board. Jay Mark Humphrey asked to keep the representation spread throughout the county. Those individuals whose terms have expired are Earl Fillmore, Roger Barton and Craig Johansen.

Commissioner JR Nelson made a motion to reappoint Earl Fillmore, Roger Barton and Craig Johansen. The motion died for lack of a second. Commissioner Laurie Pitchforth made a motion to appoint Sherrell Ward, Roger Barton and Craig Johansen. After some discussion, Commissioner JR Nelson seconded the motion. The motion passed.

(16)

**DISCUSSION AND APPROVAL OF COMMISSION APPOINTMENT TO EMERY COUNTY TRAILS COMMITTEE.**

Commissioner JR Nelson made a motion to appoint Commissioner Laurie Pitchforth to replace Commissioner Gary Kofford on the Emery County Trails Committee. Commissioner Jeff Horrocks stepped down to second the motion. The motion passed.

(17)

**DISCUSSION AND APPROVAL TO ADVERTISE FOR FOUR MEMBERS ON THE PLANNING COMMISSION.**

Commissioner JR Nelson made a motion to advertise for four members each with four year terms on the Planning Commission. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(18)

**DISCUSSION AND APPROVAL TO ADVERTISE FOR WEED BOARD MEMBERS.**

The Weed Board has been inactive for sometime. Previous members terms have all expired. The Weed Board is a five member board that meets monthly regarding planning, implementation of state regulations. Commissioner JR Nelson made a motion to advertise for Weed Board members. Applications should be sent to the Emery County Clerk/Auditor's office by March 28, 2011. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(19)

**CONSIDERATION AND APPROVAL OF COMMUNICATION SITE LEASE AGREEMENT BETWEEN EMERY COUNTY AND RIVER CANYON WIRELESS.**

Commissioner Laurie Pitchforth made a motion to approve of Communications Site Lease Agreement between Emery County and River Canyon Wireless. The motion was seconded by Commissioner JR Nelson. The motion passed.

(20)

**CONSIDERATION AND APPROVAL OF AMENDMENT TO AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES.**

Commissioner Laurie Pitchforth made a motion to approve amendment to agreement between owner, Emery County and engineer, Jones & DeMille for professional services on the Buckhorn Information Center. The motion was seconded by Commissioner JR Nelson. The motion passed.

(21)

**CITIZEN CONCERNS**

Mary Huntington informed the Commissioners that it is time to advertise for general maintenance of the lawns including the Road Department lawn.

Jerry Stottler introduced Tyler Jeffs and announced that he is the newly elected president of the recently organized Emery County Business Chamber. Tyler reminded the Commissioners of the upcoming Lunch and Learn. They have invited a dynamic speaker, Alan Christiansen Director of the Utah Small Business Development Center who will instruct on the use of the internet and social networking for businesses. Tyler asked the Commissioners if they were willing to help support the Chamber financially. He indicated that they may be looking at a part time employee to help promote and entice businesses in the county. He stated he felt that if they don't get some financial help the chamber may fall to the wayside again. Mary Huntington asked if the businesses pay dues to belong to the Chamber? Tyler indicated that the businesses will be paying dues and that they may struggle for a couple of years until they get their footing. Commissioner JR Nelson suggested getting with the towns in the county as they have a vested interest to have businesses in their towns. He also cautioned against using the term "Chamber" so as to not be mistaken for or affiliated with the Chamber of Commerce. Attorney David Blackwell stated that the County is restricted in what they can do as far as donations to a private entity. He added that Emery County will do what it can legally to help. Commissioner Laurie Pitchforth stated that she has been impressed and excited to see the Emery County Business Chamber organized. She indicated that she felt it was so needed in the county. Tyler asked if the ECBC could be allowed a link to their website through the County's website. The Commissioners told them to get with the IT Department.

Mary Huntington expressed concern that so many of the projects bid out go to companies from out of the area and not local contractors. She stated she wondered if it is not always the best for the county to take the lowest bid. Most of the time we end up with change orders that run the project over budget. Attorney David Blackwell stated the he has looked this issue over several times over the years. He added that within the state you have to bid on equal or substantial footing. If you have had experience with a particular bidder and can show just cause for not accepting their low bid then you may have a case. Still, you are exposing yourself to a lawsuit. Commissioner Laurie Pitchforth indicated that the Commissioners have really looked into this issue trying to figure out a way to make preference for locals. The County's hands are tied by law. We would be open to lawsuits.

Bret Mills, Communications informed the Commissioners of damages to Horn Mountain tower by a cell company's contractor. They also caused damage to the US Forest Service fence. The Forest Service was going to charge Emery County for the damages. Bret indicated that he is working on getting that straightened out. Bret has been working on updating the contracts for the cell companies who rent space at Horn Mountain. The Commissioners thanked Bret for all that he does for Emery County.

(22)

**COMMISSION/ELECTED OFFICIAL REPORTS**

*Commissioner JR Nelson*

Commissioner Nelson reviewed his recent trip to Washington, DC for NACO Conference. On Saturday he met with Bob Abbey regarding Public Land issues along with Commissioners from Piute County and San Juan County. He met with the Utah delegation in Congress. He stated he was amazed at how accessible the legislative delegation was and has developed a respect and understanding for lobbyist. He was impressed with the amount of work they do. He stated he felt good about attending legislative NACO Conference in Washington, DC.

Open House for the Food Bank is today. He invited everyone to come and have a tour of the new facility.

(23)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

(24)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 22, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

**(1)**  
**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Clerk/Auditor Brenda Tuttle presented the Warrant Check Edit List #211567 through and including #211710 for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
34-11	(2) Fujitsu Snap Scanners IT/Attorney/Justice Court	\$ 812.52

There were no dispositions.

**(2)**  
**APPROVAL OF PERSONNEL ISSUES**

No Issues.

**(3)**  
**APPROVAL OF OUT OF STATE TRAVEL FOR KYLE EKKER.**

**(4)**  
**APPROVAL OF COMMISSION MEETING MINUTES DATED MARCH 10, 2011.**

Commissioner Laurie Pitchforth made a motion to approve the consent agenda. The motion was seconded by Commissioner JR Nelson. The motion passed.

## Discussion Agenda

(1)

### **ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

### **DELENA FISH, EMERY COUNTY HEALTHY FAMILIES COALITION PRESENTATION AND REQUEST FOR FUNDING.**

Delena Fish, Emery County Healthy Families Coalition Chairman came before the Board of Commissioners to present their objectives and request funding.

Their objectives:

We believe that the hardest and most important job in the world is to be a parent.

Society provides little support for the role.

On the job training is hard to come by.

Parents want what is best for their children.

We believe that we have great families in Emery County.

The challenge we face is supporting those families in the most effective way.

Most parents could benefit from information and other support.

Their Accomplishments:

We have had unbelievable community support. We have sponsored 3 separate events for families in Emery County. Four Corners Mental Health assisted us with becoming our fiscal agent and place where donations could be made. We have received support and funding from our community partners, business, and individuals who believe in families. We have sponsored 3 family education night events at the high school. We served dinner to 600 people, of which approximately 300 people stayed to participate in breakout session and listen to keynote speakers. Evaluations received were very positive, most asked that this event continue and were pleased with the classes.

Delena reviewed several graphs indicating problems with substance abuse and antisocial behavior, sources of alcohol, places of alcohol use, risk profiles, protective profiles and suicide rates for grades 6<sup>th</sup> through 12<sup>th</sup>.

Money and support are needed to continue to bring in trainers, material and advertising.

She stated that in return for the Commission support they will continue their commitment to the children and families in Emery County. They will sponsor at least 1 yearly education night. They will continue to educate our community on the strengths and needs and do something about it.

Commissioner Horrocks asked if they are using volunteers and using other entities to help with

their efforts? How did the County help last year? Delena indicated that the County helped with printing posters and advertising. She asked that the County continue to help with the printing and advertising and use of county employee's time to do these things.

Commissioner Pitchforth as if they have looked into working with the Sheriff Department's Drug Coalition program? Could the two organizations work together and brainstorm ideas together that will make both organizations stronger?

Commissioner Nelson asked about their method of funds and what the money is used for. Delena indicated that contracting with a keynote speaker usually runs anywhere from \$5,000.00 to \$8,000.00. They have thought about not providing food. He stated that he felt that this in an important cause. Many families are struggling. We need to be able to provide the services that they need and to give support to those families that are struggling.

Commissioner Laurie Pitchforth made a motion to donate \$250.00 to the Emery County Healthy Families Coalition and to continue to supply other support such as printing services for their needs as we have in the past. The motion was seconded by Commissioner JR Nelson. The motion passed.

**(3)**

### **EMERY HIGH SCHOOL RODEO CLUB REQUEST FOR DONATION.**

Emery High School Rodeo Club representatives Erin Gordon, Cash Potter, Chet Funk, Taylen Nelson, Carson Cox and their advisor Kevin Gordon came before the Commissioners to make a formal request for a donation to their annual High School Rodeo held this year in Emery County on April 15<sup>th</sup> and 16<sup>th</sup>. Erin Gordon stated that the rodeo will bring in over three hundred families to Castle Dale which will be a boost to the businesses. They are combining Carbon County High School Rodeo with Emery County's. They requested a donation from Emery County to help pay for the stock.. Commissioner Pitchforth asked Erin how the high school rodeo was done in the past. Erin indicated that Carbon and Emery held them at the same time and people would head to Price after the Emery rodeo and stay in Price. Commissioner Nelson asked if they had solicited support from the communities? Erin said that they have solicited support from the communities. Commissioner Nelson indicated that he has great respect for Advisor Kevin Gordon and the work that he does with the rodeo team. Mr. Gordon indicated that the team and their families have been working hard to fix up the rodeo grounds in preparation for the rodeo. Commissioner Pitchforth stated that this is a huge commitment from the students and their families. Commissioner Laurie Pitchforth made a motion to donate \$250.00 to the Emery High School Rodeo Team in support of their High School Rodeo event. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commissioner JR Nelson encouraged them to speak with the Emery County Community Foundation. He suggested meeting with Tyler Jeffs or Neal Peacock.



(4)

**APPROVAL OF RESOLUTION PROCLAIMING APRIL AS PARKINSON'S DISEASE AWARENESS MONTH.**

Commissioner Horrocks reviewed a resolution proclaiming April as Parkinson's Disease Awareness Month and April 11, 2011 as World Parkinson's Disease Awareness Day in Utah. Commissioner JR Nelson made a motion to adopt Resolution 3-22-11 proclaiming April as Parkinson's Disease Awareness Month and April 11, 2011 as World Parkinson's Disease Awareness Day in Utah. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

**APPROVAL OF APPLICATION FOR ELIGIBILITY TO PARTICIPATE IN FEDERAL SURPLUS PROPERTY**

Commissioner Laurie Pitchforth made a motion to approve an application to participate in Federal Surplus Property. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

**SETTING OF DATE FOR 2011 TAX SALE**

Clerk/Auditor Brenda Tuttle recommended May 26, 2011 at 10:00 AM for the May Tax Sale. Commissioner Laurie Pitchforth made a motion to set May 26, 2011 at 10:00 AM as the date for the May Tax Sale. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

**CONSIDERATION AND APPROVAL OF 2011 TAX SALE DEFERRAL AGREEMENT REQUESTS.**

Treasurer Steven Barton indicated that each year his office reviews the delinquent taxes. After five years the property is subject to tax sale. Last year Emery County had approximately 30 properties with past due accounts out five years. On March 15 a list of seven properties was submitted to Clerk/Auditor Brenda Tuttle which are subject to a tax sale. By state statute those property owners may have the taxes deferred to July by signing a deferral agreement. One person has requested deferral. Sharon Mitchell has paid a third of the taxes and still owes \$500.00. Mr. Barton indicated that Emery County is a tax friendly county and as such we do everything we can to help the property owner in this situation and avoid a tax sale. Commissioner JR Nelson made a motion to approve a deferral agreement with Sharon Mitchell as operated by the Emery County Treasurer's Office. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

**DISCUSSION AND APPROVAL TO BEGIN PROCESS TO DISPOSE SURPLUS COUNTY-OWNED PROPERTY IN JOES VALLEY PARCEL NUMBER 3-10-37**

Commissioner Horrocks discussed begin the process to dispose of property in Joes Valley. This is the posse building in the Fillmore/Reeder Subdivision in Joes Valley. He indicated that the Commission received a request to reconsider disposing of the property. Mike McCandless indicated that the property is not salable at this time. He asked the Commission to look at other alternatives and hold on to the property for now. He stated that with the Wildland Fire Urban Interface and code requirements the county may be looking for a location in that area in the future. The county may be responsible in the future to have fire suppression available in that area. It would be better if we did not have to acquire property later when we already own property. It is only half an acre and really not good for building. The building is in disrepair and not an attractive lot. With sales the way they are at this time he felt it would not be a good time to try and sell the property. Commissioner JR Nelson made a motion to table the matter for now to allow for more discussion. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed. Ray Petersen indicated that as a property owner in Joes Valley he can see a time when services to the subdivision will increase. He suggested that maybe the property may be best utilized by Reeder subdivision association for those types of services.

(9)

**APPROVAL OF LETTER OF SUPPORT FOR JR NELSON'S APPLICATION FOR MEMBERSHIP ON BLM RAC.**

Commissioner Nelson has indicated a desire to be appointed to the BLM RAC. The position formally held by Commissioner Kofford is vacant. Commissioner Nelson requested a letter of recommendation and support to accompany his application to the BLM RAC. Ray Petersen, Public Lands Director suggested going before the Public Lands Council for a letter of recommendation and support from them also. Commissioner Laurie Pitchforth made a motion to draft a letter of support for JR Nelson's application for membership on BLM RAC. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(10)

**CITIZEN CONCERNS.**

None

(11)

**COMMISSION/ELECTED OFFICIAL REPORTS**

*Commissioner Pitchforth*

Commissioner Pitchforth reported on the open house for the Food Bank on March 10<sup>th</sup>. The Food Bank was funded through a CDBG Grant. The Association of Governments held their board meeting here in the county that day as they were here for the ribbon cutting ceremony for the Food Bank. There was a March Madness tournament at the Spartan Center on Saturday March 12<sup>th</sup>. There were seventeen teams here from throughout the state. She reminded everyone of the Recreation District's event guide. She recommended checking the county website for any changes that may occur. She congratulated the Emery High Girls's Basketball team for their 3A State Championship win. She also congratulated the Emery High Sterling Scholars. In the twelve categories Emery High has eleven winners. This is a huge commitment on the students part and commended all who participated. She reminded everyone of Festive Friday hosted by USU Extension Service every Friday upstairs in conference room. She also commented that while the events that have happened in Japan are devastating to that country the events are far reaching to the US. The events with the nuclear plant have shed some bad light on the prospect for the proposed nuclear plant in Green River. Blue Castle Holdings is still active and moving forward with their plans. We can hope that we gain knowledge that will help build a stronger plan for nuclear energy.

*Commissioner Nelson*

Emery County Fire Protection Special Service District will hold a media day on April 2, 1022 at 11:30 am at Ghost Rock on I-70 to spotlight their 8 newly acquired fire trucks. He stated that he was disheartened at the announcement from BLM Secretary Salazar that the BLM will be revisiting their master leasing plan putting a halt to energy exploration for a time. Another disheartening announcement is the closeout nationwide of Resource Conservation and Development. This group is extremely beneficial to the farmers and ranchers. There is a very active group in Green River with several employees. He will be watching to see how our congressional delegation votes on this matter.

*Commissioner Horrocks*

Commissioner Horrocks reported that the Fire District did not incur any debt to purchase the new fire trucks. The Recreation Special Service District will be debt free next year. The Sheriff's Building is paid off saving taxpayers nearly 1 million dollars in interest over the life of the loan. SSD#1 received a letter from the US Forest Service allowing them to enter the old gravel pit in Joes Valley. The old road shop will be demolished soon. Commissioner Horrocks asked Ray Petersen to report on leasing and drilling in the area in the next meeting. The AOG is in the process of looking for a new administrator. Bill Howell is retiring. Public Lands Council is working on the Public Lands Bill.

*Sheriff Funk*

Sheriff Greg Funk reported that the Sheriff's Department held FEM Training classes last week. His department is in the process of moving into the new training facility. The old building will be vacated soon to allow for demolition. On April 7<sup>th</sup> his department will have a mock car accident targeting high school students to send home the message of safe driving. Drug Coalition and Four Corners will also be involved in the event.

(12)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

A closed session was not needed.

The meeting ended.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 12, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List #211918 through and including #212140 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
35-11	(1) 45 kVa Trailer Mounted Generator Sheriff's Office	\$25,750.00
36-11	(1) 2011 Chevrolet Tahoe Sheriff's Office	\$30,708.92
37-11	Flooring for Road Shop Road Department	\$20,508.88
38-11	(3) Coordination of Microwave Licenses Communications	\$ 1,050.00
39-11	(10) Picnic Tables Aquatic Center	\$ 4,981.50
40-11	(4) 2011 Dodge Chargers Sheriff's Office	\$95,912.00

There were no dispositions.

(2)

**APPROVAL OF PERSONNEL ISSUES**

- A. Approval of 3% wage increase for Connor Benson, McKay West, and Tennyson Fauver for successful completion of 6 month orientation period.
- B. Approval of 3% wage increase for Deborah Murray and Tina Bradley for successful completion of 6 month orientation period.

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(3)

**APPROVAL OF 4 YEAR CITY APPOINTMENTS TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT** - Cleveland - Greg Oliver, Ferron - Randy Nielson, Castle Dale and Orangeville - Tracy Addley. Terms ending January 2015.

(4)

**APPROVAL OF RE-APPOINTMENT OF EMERY COUNTY BOARD OF ADJUSTMENTS MEMBERS** - Kent Wilson, Nathan Johansen, Glen Johnson, Glenys Sitterud, Dennis Worwood, Catherine Cowley, and Randy Jensen. Terms ending January 2015.

(5)

**APPROVAL OF COMMISSION MEETING MINUTES DATED MARCH 22, 2011.**

Commissioner Laurie Pitchforth made a motion to approve the consent agenda. The motion was seconded by Commissioner JR Nelson. The motion passed.

### **Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

**EMERY COUNTY COMMUNITY THEATER, REQUEST FOR DONATION.**

Gina Sitterud, President of the Community Theater, was present to request a donation from the County. The community theater put on a presentation of Oliver this year. There was good attendance and participation. Commissioner Laurie Pitchforth made a motion to donate \$250.00. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(3)

**REQUEST FEE WAIVER FOR USE OF AQUATIC CENTER FOR TEEN NIGHT & FREE SWIM DAY ASSOCIATED WITH THE FAIR.**

Gaylee Jeffs, Recreation District/Fair Director, informed the Commission that this years fair would be held August 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup>. Ms. Jeffs requested that free swim day be held on August 3<sup>rd</sup> to kick off the fair and would like Emery County residents to be able to swim that day for free. Also connected with the fair is teen night. This would be held August 4<sup>th</sup> from 8:30 p.m. til 11:30 p.m. Both of these events have been held in past years. Aquatic Center Director

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Shannon Hiatt is in favor of these events. Commissioner JR Nelson made a motion to grant a fee waiver on the day and night indicated above. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(4)

**REQUEST FOR FEE WAIVER FOR USE OF AQUATIC CENTER FOR 2011 GRADUATION NIGHT PARY.**

Lori Huntington has made a request to once again use the aquatic center for the graduation party. This has been done for the last two years and has been very successful. Commissioner Laurie Pitchforth made a motion to approve a fee waiver for the graduation night party. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(5)

**OPEN BIDS FOR LAWN CARE FOR THE LIBRARIES AND ROAD DEPARTMENT. CONSIDERATION OF BID AWARD.**

The following bids were opened for lawn care:

Patricia Willson - Ferron Library \$150.00/month

Castle Valley Landscaping - Castle Dale Library \$160.00/month  
Orangeville Library \$160.00/month  
Huntington Library \$200.00/month  
Ferron Library \$200.00/month  
Elmo Library \$200.00/month  
Emery Library \$200.00/month  
Cleveland Library \$200.00/month  
Emery County Road Dept. \$160.00/month

All-Star Property Management - Castle Dale Library \$24.50/hr  
Orangeville Library \$24.50/hr  
Huntington Library \$34.50/hr  
Ferron Library \$29.50/hr  
Elmo Library \$24.50/hr  
Emery Library \$29.50/hr  
Cleveland Library \$29.50/hr  
Emery County Road Dept. \$34.50/hr  
Sprinklers & miscellaneous repairs \$20.00/hr

Huntington Lawn Care - Castle Dale Library \$30.00/wk - \$120.00/month  
Orangeville Library \$30.00/wk - \$120.00/month  
Huntington Library \$30.00/wk - \$120.00/month  
Ferron Library \$35.00/wk - \$120.00month

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Elmo Library \$30.00/wk - \$120.00/month  
Cleveland Library \$30.00/wk - \$120.00/month  
Emery County Road Dept. \$30.00/wk - \$120.00/month

Commissioner JR Nelson made a motion to allow Library Director Carole Larsen to evaluate the bids and contact the bidders for clarification and then award the bid to the one she feels is lowest. The contract length will also be determined by Carole Larsen. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL TO ADVERTISE FOR ONE AT-LARGE POSITION ON THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.**

Commissioner JR Nelson made a motion to advertise for an at-large position on the Emery County Fire Protection Special Service District. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(7)

**APPOINTMENT OF PLANNING COMMISSION BOARD MEMBERS AND TERMS.**

There are two unfilled vacancies and two board members whose terms have expired. There was one application by Bart Cox. Commissioner JR Nelson made a motion to appoint Bart Cox to the planning commission and contact other members to fill the remaining vacancies. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(8)

**APPOINTMENT OF WEED/MOSQUITO BOARD MEMBERS AND TERMS.**

The Weed and Mosquito Board is very outdated. The appointment of new board members should be on staggered terms so the entire Board is not up for reappointment at the same time. Scott Allred, John Sehestedt, Dennis Worwood and Michael Ralphs applied for the Board. Commissioner JR Nelson made a motion to appoint Dennis Worwood and Michael Ralphs to four year terms and Scott Allred and John Sehestedt to two year terms. These terms are effective January 1, 2011. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.



(9)

**CONSIDERATION AND APPROVAL OF CONTRACT FOR ENGINEERING SERVICES ON SOUTH MOORE CUT-OFF ROAD, PHASE 9.**

This contract will be for fencing of the South Moore cut-off. All property owners have been contacted and are aware of where the fence will be installed. Commissioner Laurie Pitchforth made a motion to approve the contract for engineering services on South Moore cut-off road, phase 9. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(10)

**RATIFICATION OF LETTER OF SUPPORT FOR OHV TRAVEL ON A PORTION OF SR 264 TO CONNECT EXISTING TRAILS.**

The Department of Transportation requested a letter of support for OHV travel on a portion of SR 264 to connect the existing trail system. Dale Stapley stated he had letters from two other counties. Commissioner Jeff Horrocks has previously signed a letter of support. Public Lands Director Ray Peterson has concerns about putting OHV's on state highways with other traffic. He suggested that this issue be brought before the trails committee before any further action be taken. Commissioner JR Nelson made a motion to table the letter of support. Commissioner Horrocks will contact UDOT and tell them to hold the letter for further clarification. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(11)

**RATIFICATION OF LETTER OF SUPPORT FOR PACIFICORP ENERGY/FOREST SERVICE LAND EXCHANGE FOR DATA COMMUNICATIONS.**

The land exchange for data communications came about from a presentation done by Darce Guymon. Commissioner JR Nelson made a motion to ratify the letter of support for Pacificorp Energy/Forest Service land exchange for data communications. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(12)

**RATIFICATION OF APPLICATION FOR A FREE USE PERMIT FOR THE REEDER VIEW GRAVEL PIT.**

The application for use of the Reeder View gravel pit will allow us to work on the Reeder Canyon roads and other adjacent roads. Commissioner Laurie Pitchforth made a motion to ratify the application for a free use permit for the Reeder View gravel pit. The motion was seconded by Commissioner JR Nelson and approved by all members present.

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(13)

**DISCUSSION OF DEMOLITION OF COUNTY OWNED COMMUNICATION BUILDING AND APPROVAL TO SECURE AN ASBESTOS ASSESSMENT AND OTHER PERMITS AS REQUIRED BY LAW.**

Commissioner JR Nelson made a motion to proceed in the demolition of the building and obtain asbestos and any other permits as required by law. The motion was seconded by Commissioner Laurie Pitchforth and approved by all member present.

(14)

**DISCUSSION OF COSTS ASSOCIATED WITH THE AGREEMENT TO INITIATE THE CRANDALL CANYON MONUMENT LAND EXCHANGE AND CONSIDERATION OF APPROVAL.**

Public Lands Director Ray Peterson has been working with the Forest Service and mining company on this project for almost two years. The Forest Service initiated the land exchange to make the memorial site private property. There has been concern about the estimated cost of \$17,500 that would be tied to Emery County. Mr. Peterson has contacted the mine and they have agreed to honor their commitment that there will be no cost to Emery County. Emery County will be invoiced and then reimbursed by the mine. There is still an issue of fencing the property but that will be discussed at a later date. Commissioner JR Nelson made a motion to move forward with this application. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF CELL PHONE REIMBURSEMENT FOR BLISS MEAD.**

Sheriff Greg Funk stated that Bliss Mead is the only sergeant that is currently not receiving a cell phone stipend. Commissioner JR Nelson made a motion to approve a \$25.00/month cell phone stipend for Bliss Mead. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(16)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND MODERN CONSTRUCTION FOR THE BUCKHORN INFORMATION CENTER PROJECT. APPROVAL OF NOTICE TO PROCEED.**

Mike McCandless, Economic Development Director, stated that there was a preconstruction meeting held last week and construction is ready to begin. Commissioner JR Nelson made a

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motion to move ahead with the agreement with Modern Construction and sign the notice to proceed. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(17)

**CONSIDERATION AND APPROVAL OF 2011 PROPERTY TAX SALE DEFERRAL AGREEMENT FOR RICHARD COX.**

Treasurer Steven Barton stated Richard Cox has been into his office and requested a deferral of his property taxes until November 30, 2011. Mr. Cox is on the list for the property to be sold in May and is unable to come up with \$989.82 by that time. Commissioner JR Nelson made a motion to approve the deferral of taxes owed by Mr. Cox until November 30, 2011. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(18)

**CONSIDERATION AND APPROVAL OF DONATION (THROUGH THE AOG) TO WELLINGTON CITY'S LAWSUIT TO RETRIEVE SALES TAX LOST DUE TO LEGISLATION.**

Commissioner JR Nelson made a motion to table this item until April 26, 2011. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(19)

**CITIZEN'S CONCERNS**

Bill Dellos informed the Commission that Representative Jason Chavez will be at the Museum of the San Rafael on April 21, 2011 at 7:00 p.m. to answer any questions residents may have.

Patsy Stoddard would like to see some signs installed advertising the aquatic center so visitors from out of the area would know we have a facility. The Commission agreed this was a good idea and would look into the matter.

(20)

**COMMISSION/ELECTED OFFICIAL REPORTS**

*Commissioner Pitchforth*

Commissioner Pitchforth is busy working on the fair. April 1<sup>st</sup> she attended the women's conference in Price and was a presenter. She also attended the open house of the new Ace Hardware store in Green River. It is a very nice facility and will be a great asset to Green River.

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The Miss Emery County pageant will be held on July 16, 2011 and contestants are needed. Miss Emery is also having a golf tournament. The cost is \$200.00 per team.

*Commissioner Nelson*

Commissioner Nelson attended the facilities management conference with Dennis Fuller. He has a new appreciation for how complicated it is to obey all the rules for public buildings. Commissioner Nelson also attended a tax class presented by the Utah Association of Counties. The aquatic center is being used by the Sheriff's office for training. Shannon Hiatt the manager really appreciates their help in replacing under water lights. The picnic tables approved in the budget for this year are being ordered. The Castle Land RC & D group has only been funded through 2011. They provide valuable services in weed control and sedimentation and development. There was a media day held at ghost rock for the fire district. There were many tourists that stopped to take pictures of the fire trucks. Former Commissioner Gary Kofford spent a lot of time securing the new trucks and should be thanked for his effort. The San Rafael Museum has rewritten their rental agreements and are looking for museum quality animals to put in the museum.

*Commissioner Horrocks*

The Commissioners attended a meeting with the Utah Department of Transportation concerning Highway 6 and SR 10. There are a lot of proposed projects that will be taking place in the County. Green River City will be having some rotomill work done on their main street.

*Sheriff Funk*

The Sheriff's office in conjunction with many other agencies had a training called every 15 minutes. It was a training showing the effects of driving while under the influence. It took a lot of agencies to pull this off but it was felt that it was very effective for all of those who participated and attended.

(21)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Commissioner JR Nelson made a motion to move into executive session. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

9

Commission Meeting  
April 12, 2011

Commissioner JR Nelson made a motion to adjourn the meeting. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

APRIL 26, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List #212193 through and including #213342 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
41-11	(3) Furniture for the Lobby Courthouse	\$ 4,019.95
42-11	(1) Desk Personnel Office	\$ 657.82

There were no dispositions.

(2)

**APPROVAL OF PERSONNEL ISSUES**

A. Approval of 3% wage increase for Sam Smith who has completed the 6 month orientation period.

B. Notification that Scottee Hunsaker has been hired as a 90 day temporary at the Aquatic Center.

C. Approval to hire Kristine Jensen as a full time Deputy Clerk/Auditor I with full benefits.

2

Commission Meeting  
April 26, 2011

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 12, 2011.**

Commissioner Laurie Pitchforth made a motion to approve the consent agenda. The motion was seconded by Commissioner JR Nelson. The motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

**BID OPENING FOR HADDEN FLAT BRIDGE SANDBLASTING AND PAINTING.  
CONSIDERATION AND APPROVAL OF BID AWARD.**

Morris Sorensen, Road Department Supervisor, stated that they were not ready to go out to bid at this time. They are anticipating high water and will start this process once the water levels recede. Commissioner Laurie Pitchforth made a motion to table this item. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(3)

**APPOINTMENT OF PLANNING COMMISSION BOARD MEMBERS AND TERMS.**

Commissioner Jeff Horrocks stated he had received applications from two current board members Ann Marie Anderson and Gary Arrington. There is still one seat that would be vacant. Laura Rasmussen volunteered to serve on this board. Commissioner Laurie Pitchforth made a motion to appoint Ann Marie Anderson, Gary Arrington and Laura Rasmussen to serve on the planning commission board. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING EMERY  
COUNTY RESOLUTION NO. 8-16-95A REGARDING THE CREATION OF THE  
EMERY COUNTY TRAVEL BUREAU.**

Attorney David Blackwell has prepared a draft resolution amending the Emery County Travel Bureau bringing their bylaws in compliance with State laws. Commissioner Jeff Horrocks has questions on how this will affect monies already committed. It was the consensus of the Commission that a meeting with the Travel Bureau Board needs to be set up so the issues can be

discussed. Tina Carter, Travel Council, will get some dates to the Commission of when the Travel Bureau Board could meet. Commissioner Laurie Pitchforth made a motion to table this item. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF CONTRACT FOR WEED CONTROL ON FEDERAL LANDS.**

This is an ongoing contract for weed control on federal lands. It will give the weed & mosquito department \$10,000 per the contract. Attorney David Blackwell has reviewed the contract. Commissioner JR Nelson made a motion to approve the contract for weed control on federal lands. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF FY2011 CONTRACT AMENDMENT #2 BETWEEN EMERY COUNTY AND THE SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS, SOUTHEASTERN UTAH AAA.**

This is a standard contract that will bring the Southeastern Utah Association of Local Governments to the correct figures that match the 2011 budget that was adopted in December. Commissioner Laurie Pitchforth made a motion to approve the FY 2011 contract amendment #2 between Emery County and the Southeastern Utah Association of Local Governments. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(7)

**LAURA RASMUSSEN, REQUEST DONATION TO LADIES GOLF ASSOCIATION.**

Laura Rasmussen was present to request a donation to the ladies golf association. The association keeps the dues low so that any woman within Emery County can participate. The organization has been operating for ten years under bylaws. Commissioner JR Nelson stated that while he feels it is a worthy cause he is concerned about other organizations wanting the same donation. Commissioner Jeff Horrocks was concerned about the legality of the contribution. It was suggested that the golf association approach the Travel Bureau as well as the Emery County Community Foundation. Commissioner JR Nelson made a motion to deny the request at this time. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.



(8)

**CONSIDERATION AND APPROVAL OF DONATION FOR 2011 RELAY FOR LIFE.**

Commissioner Pitchforth feels that this would be a very worthy donation where there are so many people that are battling cancer in our area. Commissioner Jeff Horrocks stated that this donation was different from the one discussed in item seven because they are a non profit organization. Citizen Laura Rasmussen told the story of her mother's battle with cancer and she is in full support of this donation. Commissioner Laurie Pitchforth made a motion to approve a \$250.00 donation for the relay for life. The motion was seconded by Commissioner JR Nelson and approved by members present.

(9)

**CONSIDERATION AND APPROVAL OF REQUEST FOR AMBULANCE WRITE-OFFS FOR RODNEY E. DAVIS, JIM HIGGS, AND THOMAS YBANEZ.**

The commission will consider each request separate.

**Rodney E. Davis** - balance owing \$139.69. Commissioner JR Nelson made a motion to approve the write-off of \$139.69 since Mr. Davis is deceased and has been a long time resident. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

**Jim Higgs** - balance owing \$3,142.72. Mr. Higgs has made no attempt to make any payments. He filled out the write-off request form but his information is vague at best. Commissioner Laurie Pitchforth made a motion to deny Mr. Higgs request and send his account to collections.

**Thomas Ybanez** - balance owing \$1789.00. Mr. Ybanez has been sending in a dollar payment for the last year and a half. It was Attorney David Blackwell's opinion that he is just trying to play the system and avoid his account being sent to collections. If he was wanting to make a good faith effort he would pay at least ten dollars. Commissioner JR Nelson made a motion to deny Mr. Ybanez write-off request and send his account to collections. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF SCHEDULE A ROAD MAINTENANCE AGREEMENT WITH THE FOREST SERVICE FOR 2011.**

Road Department Supervisor Morris Sorensen and Commissioner Jeff Horrocks met with the Forest Service concerning the schedule of road maintenance. It is a renewal that has to be done each year. Commissioner JR Nelson made a motion to approve the road maintenance agreement with the Forest Service for 2011. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF \$4,000 PARTICIPATION TO PAY FOR LOBBYIST WHO WORKED ON SB 76 DISTRIBUTION OF REVENUES COLLECTED UNDER THE LOCAL SALES AND USE TAX ACT.**

Commissioner Jeff Horrocks explained that a request from the Association of Governments was received yesterday. Their request is for the County to participate in the cost of the lobbyist who worked on SB 76. The total of the lobbyist's bill was \$30,000.00. The County's portion would be \$4,000.00. At the beginning of this process it was agreed that the Counties receiving money would participate in the costs. Commissioner JR Nelson stated that at his last training he discussed the issue with other county commissioners and they were excited to participate in this. It would result in unexpected revenue for Emery County of \$65,000 this year and for four additional years. Commissioner Nelson feels we need to participate in this with the other counties. Commissioner Laurie Pitchforth also feels like we need to participate and commends Senator Hinkins for sponsoring this bill but doesn't feel like we can just write a check without an interlocal agreement or some kind of paperwork that shows we will receive this money. The Association of Governments (AOG) sent an invoice yesterday for the amount of \$4,000.00. Commissioner Jeff Horrocks read the entities and the amounts they will receive as a result of SB 76:

Carbon County	\$41,854
Helper	19,131
Wellington	58,042
East Carbon	5,176
Emery County	65,657
Emery City	2,680
Huntington	39,069
Cannonville	183
Sanpete County	16,422
Sevier County	85,368

Ray Petersen suggested that there should be some type of document with the AOG in place before the County would be obligated to pay. Commissioner Jeff Horrocks stated that the AOG does have a contract with the lobbyist. Commissioner JR Nelson made a motion to approve \$4,000.00 to AOG as per the invoice. The motion was seconded by Commissioner Laurie Pitchforth with the stipulation that there needs to be a better paper trail. The motion was approved by all members present.

6

Commission Meeting  
April 26, 2011

(12)

**CONSIDERATION AND APPROVAL TO SIGN GRANT TO RECEIVE OHV FUNDING TO IMPROVE PUBLIC LAND KIOSKS.**

Ray Petersen, Public Lands Director, discussed with the Commission that Emery County and the BLM have coordinated efforts to implement this grant. The funding would be used to purchase signs that would be installed in key areas of the San Rafael Swell. The paperwork has not been received yet but this grant needs to be wrapped up by Friday. The grant is for \$4,200.00. Mark H. Williams stated that a portion of your off road vehicle registrations go into this fund and it would be wise for the County to use a portion of this money for the County. Commissioner JR Nelson made a motion to approve the signing of the grant when the paperwork is ready. Commissioner Laurie Pitchforth seconded the motion and it was approved by all members present.

(13)

**CITIZEN CONCERNS.**

There were no citizen concerns.

(14)

**COMMISSION/ELECTED OFFICIAL REPORTS**

*Commissioner Pitchforth*

Commissioner Pitchforth attended the Utah Association of Counties meetings in Layton. They are always very eventful and you come away feeling like you have gained a lot of knowledge. Miss Emery County is having a fund raiser golf tournament this Saturday at 9:00 a.m. Teams are still needed if anyone is interested.

*Commissioner Nelson*

Commissioner Nelson attended the Utah Association of Counties meetings in Layton. He learned a lot from discussions with other commissioners during the training. Commissioner Nelson also attended the FEMA 400 ICS training. It was one of the most difficult training he has ever attended but he passed the test and is now certified. He also attended a meeting with Carbon County and our lands bill was presented. Commissioner Nelson complimented Ray Petersen for his presentation.

7

Commission Meeting  
April 26, 2011

*Commissioner Horrocks*

Commissioners reported that one of the topics the Utah Association of Counties topics discussed was housing of state prisoners. The prisoners are sentenced to our jails and we are not compensated adequately. Discussions also took place on road, interlocal agreements and legislative action that took place. Commissioner Horrocks met with Governor Gary Herbert to request his support the public process for public lands issues.

*Sheriff Funk*

Sheriff Funk stated that it was a big weekend for Easter. Emery County doubles in size during the weekend. There was one fatality vehicle accident. Other than that is was a pretty safe weekend.

(21)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

No executive session was needed.

Commissioner JR Nelson made a motion to adjourn the meeting. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

MAY 10, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List #212507 through and including #212616 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
43-11	(2) water heaters for jail Detention	\$ 8,995.00
44-11	(5) defibrillators & accessories Ambulance	\$129,528.75
45-11	(4) sirens/cages Sheriff	\$ 5,313.43
46-11	(5) light bars/accessories Sheriff	\$ 10,218.51
37-11A	(1) revised flooring Highway	\$ 21,417.65

There were no dispositions.

(2)

**APPROVAL OF PERSONNEL ISSUES**

- A. Notification of Stacey Gordon as a 90 day temporary for Recorder's Office (Archives).
- B. Notification of Eric Nielsen as a 90 day temporary employee for Weed/Mosquito.

2

Commission Meeting  
May 10, 2011

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 26, 2011.**

Commissioner Laurie Pitchforth made a motion to approve the consent agenda. The motion was seconded by Commissioner JR Nelson. The motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

**CONSIDERATION AND APPROVAL OF APPOINTMENT TO THE EMERY COUNTY FIRE PROTECTION DISTRICT.**

The Commission advertised for an at large board member formerly held by LaMar Guymon. Gayland Dugmore submitted an application for the Board of the Emery County Fire Protection Special Service District. Commissioner JR Nelson made a motion to appoint Gayland Dugmore to the Emery County Fire Protection Special Service District. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(3)

**APPROVAL TO ADVERTISE FOR VACANCY ON THE EMERY COUNTY COUNCIL OF AGING.**

The Board needs a member from the Huntington/Cleveland/Elmo area. Commissioner Laurie Pitchforth made a motion to advertise for the board vacancy. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(4)

**OPEN BIDS FOR A.O. SMITH WATER HEATERS FOR COUNTY JAIL.  
CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED  
PAPERWORK.**

Two water heaters at the jail are worn out and need to be replaced. This is an unbudgeted request. Clerk/Auditor Brenda Tuttle has discussed the issue of funding with Sheriff Greg Funk and funds from another area have been allocated for this purchase. Bids were submitted from the following:

Barnes Plumbing	\$10,700.00
Dugmore Appliance & Heating	\$8,995.00

The bid specs were for A.O. Smith water heaters with 199,000 btu. Commissioner Laurie Pitchforth made a motion to award the bid to Dugmore Appliance & Heating for \$8,995.00. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING  
BETWEEN EMERY COUNTY EMERGENCY MEDICAL SERVICES AND THE  
UNITED STATES DEPARTMENT OF ENERGY.**

Attorney David Blackwell explained that this item was presented to the County because of possible contamination by the Energy Solutions project that is underway in Emery County. If any of our emergency services personnel were to be contaminated while responding to an emergency then the United States Department of Energy would cover the costs of decontamination. Commissioner JR Nelson asked if Grand County had a similar agreement. Attorney Blackwell responded that they did. Commissioner JR Nelson made a motion to approve the memorandum of understanding with the United States Department of Energy. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING THE EMERY  
COUNTY RESOLUTION NO. 8-16-95A REGARDING THE CREATION OF THE  
EMERY COUNTY TRAVEL BUREAU.**

Commissioner Jeff Horrocks explained that this item was tabled from last meeting. All three Commissioners attended the Travel Bureau meeting. Commissioner JR Nelson stated he did not feel that the changes to the resolution would change the way the Travel Bureau does business other than make certain they are following State law. Attorney David Blackwell stated that when Board member terms expire they will need to be replaced with representatives who generate the

transient room tax revenue. The Board currently lacks one member who represents the tax payers. Economic Development Director Mike McCandless stated he felt the current Board met that requirement but couldn't remember which members were representative of that class. Extensive discussions have taken place between the attorney, clerk/auditor and commission and it is the consensus that the changes to the resolution will not change the day to day operations of the Travel Bureau. If there are contracts that are entered into that obligate the County for more than the current budget year then they will need to be brought before the Commission for approval. Mike McCandless stated if the resolution was going to be changed then item #3 and 4 need to be struck because we no longer partnership with Canyon Country Partnership. The Travel Bureau has spent their money wisely and need to be commended for that. Leslie Bolinder stated that the Board's bylaws also need to be amended and brought before the Commission for approval. Commissioner JR Nelson made a motion to adopt Resolution #05-10-11 as written in the draft form and delete sections 3 & 4. Included in the motion is the Commission's perception that the Travel Bureau will continue doing business as they have done in the past and within three months will bring back amended bylaws for approval. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN BUREAU OF LAND MANAGEMENT AND EMERY COUNTY FOR SAN RAFAEL SWELL OHV TRAIL HEAD KIOSK SIGNS.**

Public Lands Director Ray Petersen has been the lead on this project. The BLM requested a partnership with Emery County. Mr. Petersen requested tabling this item until the memorandum of understanding was received from the BLM. Commissioner Laurie Pitchforth made a motion to table this item. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF TAX DEFERRAL AGREEMENT FOR MERRILL AND JEANETTE CRAGHEAD.**

Treasurer Steven Barton presented a request from the Cragheads. The Cragheads are divorcing and Ms. Craghead has paid \$2,000.00. There is a court order for Mr. Craghead to pay the balance which he has not done yet. It is Mr. Barton's recommendation that we work with the Cragheads and grant the extension til November 30, 2011. Commissioner JR Nelson made a motion to approve a deferral agreement as outlined above. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.



5

Commission Meeting  
May 10, 2011

(9)

**CONSIDERATION AND APPROVAL OF LETTER OF SUPPORT FOR SANPETE COUNTY'S PROPOSAL TO OPEN A PORTION OF SR-264 TO OPEN OHV USE.**

This item was previously tabled. A letter has been drafted to Dale Stapley from the Trails Committee. The letter supports San Pete County's position to designate a portion of SR-264 open to OHV use. Mark H. Williams voiced his support that this designation would keep OHV's off Highway 31 which would be a safer route. Commissioner Laurie Pitchforth made a motion to send the letter of support. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(10)

**REQUEST ASSISTANCE FROM UTAH STATE PARKS AND RECREATION FOR MAINTENANCE WORK ON THE OHV TRAIL FROM THE CASTLE VALLEY PAGEANT SITE TO HUNTINGTON.**

This request went before the Trails Committee to ask for participation from the Utah State Parks with a trail cat to improve the trail from the Castle Valley pageant site to Huntington. There would be no cost to the County but there has to be a formal written request. Commissioner Laurie Pitchforth made a motion to make the above request. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(11)

**REQUEST COUNTY BEGIN PROCESS TO SECURE RIGHTS-OF-WAYS (FROM BLM AND SITLA) ON THE UPPER AND LOWER MUDDY CREEK TRAIL (OHV).**

Public Lands Director Ray Petersen explained that this is a recommendation from the Trail's Committee. This trail goes through a portion of a section of State road. There are currently thirteen rights-of-ways requests pending with the BLM. This process could take years for the road to be opened. Mark H. Williams stated that this is a high priority for the OHV community. They have hired an archaeological study done with their own funds. Commissioner JR Nelson made a motion to approve the process asking for the right-of-way. The Commission, Public Lands Director, County Road Supervisor and OHV Committee will get together and determine where this request should be prioritized. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

6

Commission Meeting  
May 10, 2011

(12)

**SETTING OF COUNTY AUCTION.**

Commissioner Jeff Horrocks put this item on the agenda. The date needs to be set far enough out to allow the departments to make their lists of excess assets and for the new vehicles that have been ordered to arrive. Green River City is looking for a vehicle to use as a courtesy car at the airport. The Commission will consider their request. Commissioner JR Nelson made a motion to allow the Commission Chairman to establish a date for the County auction and notify the departments of the date. Commissioner Laurie Pitchforth seconded the motion and it was approved by all members present.

(13)

**APPROVAL OF LETTER OF SUPPORT TO UTAH DIVISION OF AIR QUALITY REGARDING HIGH DESERT REFINING, LLC APPROVAL ORDER.**

This is a project targeted for the industrial park. The State has sent their notice of intent to approve High Desert's air quality permit. Commissioner JR Nelson made a motion to submit a letter of support. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF 2011 PROPERTY TAX EXEMPTIONS.**

Clerk/Auditor Brenda Tuttle submitted to the Commission a list of properties that qualify for tax exempt status:

1-130-18	American Legion Post 42
4-37-9	Castle Dale Independent Baptist Church
1-196-22	Daughters of Utah Pioneers - Huntington
1-253-18	Daughters of Utah Pioneers - Orangeville
1-72-16	Daughters of Utah Pioneers - Elmo
1-15-20	Daughters of Utah Pioneers - Castle Dale
01-179-1	Desert Edge Christian Chapel
5-87-27	Ferron Cattleman's Association
1-126-45	First Baptist Church of Emery County
1-13-46	Four Corners Mental Health
1-151G-36	Green River Bible Church
1-151F-18	Green River Bible Church
1-151F-19	Green River Bible Church
Various	Church of Jesus Christ of Latter Day Saints
1-177A-20	Mountain View Baptist Church

7

Commission Meeting  
May 10, 2011

1-239-52	Orangeville City Housekeepers
1-180-20	Rural Utah Child Development
3-50-16	Roman Catholic Church
1-151G-54	Orient Lodge (Stuart B. Wilson)
5-94-6	Rocky Mountain West Baptist Mission
5-93-7	Rocky Mountain West Baptist Mission
5-94-3	Rocky Mountain West Baptist Mission
5-94-5	Rocky Mountain West Baptist Mission
4-16-14	United Mine Workers of America
5-56-2	Utah Museum of Natural History-University of Utah
1-162-7	Friends of Green River - Pact

All of the properties have previously qualified as exempt and have submitted the required paperwork for the exempt status to continue this year. Commissioner JR Nelson made a motion to approve the tax exempt properties for 2011. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

**(15)**

**DISCUSSION OF IMPROVEMENTS FOR THE LAWRENCE CEMETERY.**

Commissioner JR Nelson recently toured the Lawrence cemetery. The property that Emery County owns is larger than the cemetery. The cost to fence the entire property would be prohibitive and unnecessary. The fence should be chain link which would keep animals out and Commissioner Nelson feels the new fence should go where the current fence is. The road also needs some gravel. The County has budgeted \$30,000 for improvements. The project is ready to start advertising. Commissioner JR Nelson made a motion to advertise for the fencing project at the Lawrence cemetery. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

**(16)**

**CITIZEN CONCERNS.**

Phil Fauver asked what it would take to incorporate Lawrence. The citizens would have to initiate the process for that to happen.

8

Commission Meeting  
May 10, 2011

(17)

**COMMISSION/ELECTED OFFICIAL REPORTS**

*Commissioner Pitchforth*

The Jr. High kids visited the courthouse. A golf tournament for Miss Emery was held on Saturday. Ten teams participated. The new nine holes at the golf course should be opened in July. Thanks to Jordan Leonard and Ferron City for their participation in the fund raiser golf tournament. On May 18<sup>th</sup> there will be a sandbagging party in Green River. There is going to be flooding in Green River. MECCA is having their annual bike ride on the 20<sup>th</sup> of May. The adult soccer league is starting on May 12<sup>th</sup> at the aquatic park. There are 250 kids signed up for the youth soccer league. The swimming league has 70 kids signed up this year. The friendship cruise will be held on Memorial Day weekend depending on the water levels. Connor Newland of Green River was featured in a story in the news and deserves commending on all he has accomplished.

*Commissioner Nelson*

The 7<sup>th</sup> graders visited and it was enjoyable to interact with the youth. Commissioner Nelson met with the curator of museums. He learned that pots found on federal lands are the property of the Forest Service. The Museum of the San Rafael does not meet the requirements for having the pot that was found in Ferron Canyon on display permanently. They will allow it to be on display for a short period of time. The Community Foundation is functioning and they have no direct correlation to government. They have been a funding source for those looking for donations. Emery Water Conservancy District has been monitoring the water levels in the reservoirs. They have begun releasing water from Joes Valley and Millsite. There is a meeting on May 16<sup>th</sup> which will explain stream flows and flooding. It will be at 9:00 a.m. at the sheriff's office.

*Commissioner Horrocks*

Commissioner Horrocks went to St. George with Craig Johansen, Johansen & Tuttle Engineering. The meeting they attended was concerning funding for Temple Mountain. There was also a meeting with the Housing Authority concerning financial issues. Their federal funding amount has not increased over the years and they are having funding issues.

(18)

**ACCEPTANCE OF LETTER OF RESIGNATION AND APPROVAL OF REQUEST FOR EXTENSION OF EMPLOYMENT SUBMITTED BY MIKE MCCANDLESS.**

On the 17<sup>th</sup> of April Mike McCandless was offered the position of Association of Governments director and he accepted employment and turned in a letter of resignation. Mike McCandless asked to address the Commission. Mr. McCandless stated he has decided not to take the other position and would like to rescind his resignation. Commissioner JR Nelson made a motion to reject the resignation letter and review Mike's compensation. Commissioner Laurie Pitchforth stated she would second the motion only if the review of compensation was taken out. Compensation is a budgetary issue and should be addressed at budget time. Commissioner JR Nelson stated he has only been involved in a few salary negotiations and is learning that government has very little leeway in negotiating salaries. Commissioner Nelson loved working with private enterprise where merit pay was a yearly thing. Commissioner JR Nelson restated his motion to read reject the resignation letter and invite Mr. McCandless to continue his employment with Emery County on his current terms. The motion was seconded by Laurie Pitchforth and approved by all members present.

(19)

**DISCUSSION OF ECONOMIC DEVELOPMENT/PLANNING ZONING DIRECTOR POSITION AND TRANSITION.**

Because of the action on number eighteen no discussion on this item was needed.

(20)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Commissioner JR Nelson made a motion to move into executive session. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

Commissioner Laurie Pitchforth made a motion to adjourn the meeting. The motion was seconded by Commissioner JR Nelson and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 24, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List #212700 through and including #212852 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
47-11	Tripod System/Quadpod System Search & Rescue	\$ 4,733.00

<u>DISPOSITION</u>	<u>DESCRIPTION</u>
002286	Arm Chair
002289	Arm Chair

(2)

**APPROVAL OF PERSONNEL ISSUES**

A. Notification of 90-day temporaries for Aquatic Center, Kim Behling, Jessica Murray, Jake Sehestedt, Stevie Feuers, Nikki Rogers, Clay Collard.

(3)

**RATIFICATION OF APPROVAL TO BID FENCING PROJECT FOR LAWRENCE CEMETERY.**

2

Commission Meeting  
May 24, 2011

(4)

**APPROVAL OF COMMISSION MEETING MINUTES DATED MAY 10, 2011.**

Commissioner Laurie Pitchforth made a motion to approve the consent agenda. The motion was seconded by Commissioner JR Nelson. The motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

**BRYAN TORGERSON, STATE OF UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION (SITLA), DISCUSSION OF COUNTY ROADS ON SITLA LANDS.**

Bryan Torgerson was present representing State of Utah School and Institutional Trust Lands Administration (SITLA). Mr. Torgerson explained the process that has taken place concerning county roads on SITLA lands and introduced Kim Christy to give further information. Mr. Christy explained that this process started five to six years ago and SITLA has been working county by county on road claims. They have recently finished Carbon County. SITLA recognized that the County has been working diligently on RS2477 road claims and feels that the process they have created compliments the work that has already been done. The process they are currently undertaking only includes class b roads. SITLA understands that the only way we can develop assets is by having access to the resources. Andy Bedingfield, SITLA, explained that county roads fall into two categories. The first category is that they have a valid existing right which shows up prior to SITLA receiving title. The other category is a road that will have to have a perfected easement. Seventy-five percent of Emery County's roads fall into the first category. A total of 80 miles exist and 55 miles have a valid existing right. For the other 25 miles easements have to be granted. In order for SITLA to grant an easement they have to be compensated for the value. In 2004 the Utah State Legislature passed a bill that required OHV owners to pay \$1.50 per registration that goes into an account. With other counties SITLA has used these funds to pay the cost of the easements. Emery County's easements would total \$84,000. In order for SITLA to use these funds for easements the roads have to be open for OHV travel. The County also has the option of just paying for the easements with their own funds and then the restrictions are not there. Nancy Koeber, SITLA, presented a map of the county road systems. The roads highlighted in green were valid existing roads and the roads highlighted in yellow were the roads that would need easements. Dixie Swasey, Emery County Recorder, asked how these roads related to the affidavits that have been previously filed. SITLA is using the

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database that was originally submitted so the roads should be pretty close to the affidavits already on file. Ray Petersen asked if the County would not already have prescriptive rights based on usage for years. Mr. Christy explained that where the lands is trust land they do not feel the time requirement is applicable. The easements that will be issued are for 66 feet which will allow for some leeway for when the RS2477 issue is settled. The easements will be perpetual. Ray Petersen requested to be the contact person on this issue and asked for one Commissioner to be over the process.

(3)

**OPEN REQUEST FOR PROPOSALS FOR AN ASBESTOS SURVEY AND ASSESSMENT OF THE OLD ROAD SHOP/COMMUNICATION BUILDINGS. CONSIDERATION AND APPROVAL OF AWARDED CONTRACTOR AND ASSOCIATED PAPERWORK.**

Bids were received from the following:

Terracon \$1990.00 for up to 40 samples. \$25.00 for each additional sample.

ATC \$1,450.00 for up to 30 samples. \$10.00 for each additional sample.

Commissioner JR Nelson made a motion to have the Attorney David Blackwell and Clerk/Auditor Brenda Tuttle review the bids and make a recommendation to the Commission. The Commission will award the bid based on the recommendation. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE STATE OF UTAH (DIVISION OF PARKS AND RECREATION ) AND EMERY COUNTY FOR PURCHASE OF AN ALL-TERRAIN VEHICLE.**

The Division of Parks and Recreation is providing funding for the purchase of an all-terrain vehicle. The County would be responsible for a radio and the maintenance of the vehicle. The vehicle will be used for search and rescue and patrol on the desert. The vehicle will have stickers showing Emery County and the Division of Parks and Recreation. The agreement is to provide up to \$16,000. Commissioner Laurie Pitchforth made a motion to approve the cooperative agreement with the State of Utah Division of Parks and Recreation. The motion was seconded by Commissioner JR Nelson and approved by all members present.



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(5)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN UTAH DEPARTMENT OF CORRECTIONS AND EMERY COUNTY FOR REIMBURSEMENT OF COMPUTER EQUIPMENT USING FEDERAL GRANT FUNDS.**

This agreement would provide \$2,491.22 of funding for computer equipment. Commissioner Laurie Pitchforth made a motion to approve the agreement with the Utah Department of Corrections. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT BETWEEN EMERY COUNTY AND JOHANSEN AND TUTTLE ENGINEERING FOR LAWRENCE CEMETERY FENCE PROJECT 2011.**

Commissioner JR Nelson has gone over the engineering contract. A site showing is scheduled for June 2, 2011 at 2:00 p.m. at the Lawrence Cemetery. The project is moving along well and appears to be within the budget that was set. Commissioner JR Nelson made a motion to approve the engineering contract with Johansen & Tuttle Engineering. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(7)

**DISCUSSION AND APPROVAL OF EMERY COUNTY'S PARTICIPATION AS A COOPERATING AGENCY FOR A COMMERCIAL LEASING PROGRAM FOR OIL SHALE AND TAR SANDS RESOURCES ON PUBLIC LANDS.**

Ray Petersen, Public Lands Director, received a letter from the BLM inviting us to participate as a cooperating agency for a commercial leasing program for oil shale and tar sands resources. Emery County does not have any oil shale and only a small amount of tar sands. Our neighboring counties do have an interest in this issue. Commissioner JR Nelson made a motion for Emery County to participate as a cooperating agency in show of support for our neighboring counties. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF LETTER REQUESTING EMERY WATER CONSERVANCY DISTRICT RE-OPENING OF GRAVEL PIT AS A SOURCE OF GRAVEL FOR THE REEDER ROAD IMPROVEMENT PROJECT.**

Ray Petersen, Public Lands Director, explained that there was interest in opening a gravel pit that was on forest service lands but that has become a lengthy process and may never take place. Instead the County is requesting a letter be sent to Emery Water Conservancy District (EWCD) to reopen their gravel pit. Emery County would do the work for EWCD and would be paid back in materials. Commissioner JR Nelson made a motion to approve a letter be sent to EWCD requesting they reopen their gravel pit. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF A CREDIT CARD FOR LT. GAYLE JENSEN.**

Commissioner Laurie Pitchforth made a motion to approve the issuance of a credit card for Lt. Gayle Jensen with a \$2,000.00 limit. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN THE STATE OF UTAH AND EMERY COUNTY FOR CADASTRAL MAPPING.**

This is an ongoing contract that has been reviewed by County Attorney David Blackwell. Commissioner Laurie Pitchforth made a motion to approve the agreement between the State of Utah and Emery County for cadastral mapping. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF TITLE V RIGHT-A-WAY AGREEMENT WITH BLM ON LITTLE WILD HORSE ROAD.**

Ray Petersen informed the Commission that an application had been made for a Title V right of way on the little wild horse road. The road begins near the entrance to Goblin Valley and has been a nightmare to maintain for years. The Title V agreement will allow the Road Department to construct, operate, maintain and terminate. If RS2477 is recognized this grant will be superceded. Mr. Petersen recommends signing the agreement. Commissioner JR Nelson made a motion to approve the agreement as presented. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

6

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(12)

**DISCUSSION AND APPROVAL OF AMBULANCE BILL AGREEMENTS FOR JIM HIGGS AND THOMAS YBANEZ.**

Previously the Commissioner agreed to send these accounts to collections. JCI Billing informed the County that the accounts could not be sent to collections because they were considered current since payments had been made. JCI Billing suggested that the Commission set an amount and a date that the accounts be paid if full or they would be sent to collections. Commissioner JR Nelson made a motion to send the above accounts a letter stating that unless 75 percent of the total amount due was not paid within 90 days the account would be sent to collections. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(13)

**CITIZEN CONCERNS.**

There were no citizen concerns.

(14)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Sheriff Greg Funk*

Last week the funeral was held for Garth Childs. He needs to be recognized for his service to Emery County and to the community. Condolences to his family for their loss. In preparation for flooding in Green River a sand bagging day was held. Approximately 3500 sandbags were filled. If flooding does happen they will be trying to protect structures and people. The Road Department is also ready to help with any equipment they have. Millsite Reservoir is another for potential flooding. Debris blocking the bridges is a big concern. Huntington Creek is also a concern as there is still a lot of snow up Huntington Canyon. Yesterday at the high school the sheriff's office had their annual active shooter training. Thanks to Neal Peacock and the drama department and the school district for their participation. It is a very realistic training and good for the officers to experience these types of situations.

*Commissioner Pitchforth*

Commissioner Pitchforth spend the day in Green River to fill sandbags. She also took a boat ride up the river to view possible flooding points. Thanks to Sheriff Funk, Captain Ekker, Captain Thomas and all the other deputies that participated in this event. It was very well organized.

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*Commissioner Nelson*

Commissioner Nelson attended a UDOT meeting in Clawson. Commissioners also attended a luncheon for legislators in Green River. They were able to give a pitch for saving Green River State Park from funding cuts. Commissioner Nelson also attended a public hearing for Blue Castle and went to a Pacific Corp meeting in Price. Pacific Corp is having trouble recouping funds that were spent on cleaning up air quality. The biggest group fighting them are environmentalists who also want the air cleaned up. Commissioner Nelson will suggest a letter of support for Pacific Corp in this issue at a later time. The Commissioners also had lunch with the Governor and during discussions Governor Herbert expressed his support for nuclear power in Green River.

*Commissioner Horrocks*

Commissioner Horrocks attended the Utah Local Governments Trust annual meeting where he was reappointed for another four year term on their Board. The County received an award for actively trying to reduce workers compensation claims and received a rebate check for \$300.00.

(15)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

There were no issues for executive session.

Commissioner Laurie Pitchforth made a motion to adjourn the meeting. The motion was seconded by Commissioner JR Nelson and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JUNE 14, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List #213019 through and including #213179 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
48-11	Polaris Razor Search & Rescue	\$ 10,693.95

<u>DISPOSITION</u>	<u>DESCRIPTION</u>		
003790	Arm Chair	003768	Arm Chair
003781	Arm Chair	003767	Arm Chair
003764	Arm Chair	003766	Arm Chair
003769	Arm Chair	003788	Arm Chair
003791	Arm Chair	003789	Arm Chair
003787	Arm Chair	004748	Typewriter

(2)

**APPROVAL OF PERSONNEL ISSUES**

- A. Approval of search & rescue, sheriff's posse and library volunteers for 2011.
- B. Notification of Seth Weber as 90 day temporary in the Road Department.
- C. Notification of Kara Stilson and Shantelle Hansen as 90 day temporaries in the GIS/IT Department.
- D. Notification of Tyler Cox and Seth Bantjer as 90 day temporaries in the Weed/Mosquito Department.
- E. Notification of Jesse Price as 90 day temporary in the Sheriff's Department.

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- F. Notification of Tennyson Fauver, Sam Smith, McKay West, Karen Royal, Hailee Rogers, Tyler Rowley, Jessica Guymon, Mike Nelson, Morgan Curtis, and Taylor Hardman as 90 day temporaries for the Aquatic Center.
- G. Approval of promotion of Clayton Bell from Patrol Officer I to Patrol Officer II.
- H. Approval to hire Mike Grange and Boe Minchey as full time Corrections Officers with benefits.
- I. Approval to hire Mary Kava as a part-time sales clerk, with no benefits, at the Museum of the San Rafael and the Pioneer Museum.

(3)

**RATIFICATION OF HUNTINGTON CITY'S APPOINTMENT OF PETE ALGER TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.**

(4)

**APPROVAL OF BUSINESS LICENSE FOR DROP TYNE ARCHERY 3-D RANGE (VINCE AND ANGIE GRIMMETT).**

(5)

**APPROVAL OF COMMISSION MEETING MINUTES DATED MAY 24, 2011.**

Commissioner JR Nelson made a motion to approve the consent agenda. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

### **Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

**JEFF KELSEY, DISCUSSION AND APPROVAL OF EMERY COUNTY'S MEDICAL INSURANCE RENEWAL BEGINNING PLAN YEAR JULY 1, 2011.**

Jeff Kelsey was present to discuss the insurance renewal with the Commission. Mr. Kelsey went over the summary of expenses for the current insurance plan year. The County ran at seventy-six percent of their cap. Insurance carriers like to see plans run at seventy-five percent so the County actually did quite well this year. As part of the renewal this year the County has to implement the changes of the health care reform act. Some of the changes include no lifetime maximums and dependent coverage to children age twenty-six or younger regardless of marital status. The renewal quote is a 6.9% increase in costs. Without health care reform the increase would have

only been around 2%. Companion, the current insurance carrier, has submitted the best quote and it is Mr. Kelsey's recommendation that the County renew with the current carrier. Commissioner JR Nelson made a motion to approve Mr. Kelsey's recommendation and sign the associated documents that are required for the renewal. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(3)

**CONSIDERATION AND DECISION TO ELECT OR REJECT LONG TERM  
DISABILITY BENEFIT PROTECTION CONTRACT COVERING TIER 2 MEMBERS.**

Mary Huntington, Personnel Director, informed the Commission that they had to make a decision on whether to elect or reject paying disability benefits for tier 2 employees. The Utah Retirement System is doing an over haul of their entire system. The changes go into effect on July 1, 2011. Employees who are currently part of the Utah Retirement System or who have ever been employed with a participating employer will not be affected by the changes. Currently members who are on long-term disability continue to accrue service credit while they are on disability and the retirement system covers the cost. Under the new plan in order for members to continue to accrue service credit the County would have to pick up 100% of the costs. It is Ms. Huntington's recommendation that the County reject covering the long-term disability benefit and paying the costs associated with it. Commissioner JR Nelson made a motion to reject Tier 2 long-term disability. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(4)

**OPEN AND READ ALOUD BIDS FOR THE LAWRENCE CEMETERY FENCE  
PROJECT, 2011. CONSIDERATION AND APPROVAL OF BID AWARD AND  
ASSOCIATED PAPERWORK.**

Clerk/Auditor Brenda Tuttle stated that two bids were received but one bid was received after the deadline and will not be opened. The bid from Guymon Construction/Cluff Builders was opened and included the bid bond of \$1,000.00. The bid was for \$19,803.00. Commissioner JR Nelson made a motion that upon approval and review by Johansen & Tuttle Engineering the bid by Guymon Construction/Cluff Builders be accepted. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

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(5)

**APPOINTMENT TO THE EMERY COUNTY COUNCIL OF AGING.**

Commissioner Laurie Pitchforth stated that no applications were received for the Council of Aging Board. The position has already been advertised and because of the cost to advertise it was suggested that the Commission recruit someone to fill the position. Commissioner Laurie Pitchforth made a motion to recruit someone for the Board position. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(6)

**APPROVAL OF AMENDMENT TO EMERY COUNTY'S PERMANENT COMMUNITY IMPACT FUND BOARD 2011 LOCAL CAPITAL IMPROVEMENT LIST TO INCLUDE CASTLE VALLEY SPECIAL SERVICE DISTRICT AUTOMATED WATER METER PROJECT.**

Jacob Sharp, Castle Valley Special Service District Director, discussed with the Commission the desire of the larger cities in Emery County to move to an automated water meter system. The Community Impact Board (CIB) suggested that the project be listed as a stand alone project and not part of the other capital project requests. An application has been submitted to the CIB. The application is a request for a large grant and smaller 0% interest loan. The application will not be heard until September. Commissioner JR Nelson made a motion to amend the CIB list to include the automated water meter project. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF MOU WITH UTAH SMALL BUSINESS DEVELOPMENT CENTER AND EMERY COUNTY STATING THAT REIMBURSEMENT FROM ELIGIBLE BUSINESS VISITATION BE ADDRESSED AND SENT TO SOUTHEAST UTAH COMMUNITY DEVELOPMENT CORPORATION.**

Mike McCandless, Economic Development Director, presented an MOU to the Commission for the purpose of continuing their BEAR program which hires vista volunteers and pays a portion of their salaries to keep in contact with businesses that have recently been started. This particular MOU deals with money that was received through a small business development grant. The money will be transferred to Southeast Utah Community Development Corporation. Commissioner Laurie Pitchforth made a motion to approve the MOU with Utah Small Business Development Center. The motion was seconded by Commissioner JR Nelson and approved by all members present.



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(8)

**CONSIDERATION AND APPROVAL OF AMENDMENTS TO STATE OF UTAH  
CONTRACT NO. 102488 FOR BAILIFF AND SECURITY SERVICES.**

This is a standard contract that has to be approved every year. The contract will have an increase in revenue of \$1,000 to the County. Commissioner Laurie Pitchforth made a motion to approve contract no. 102488 for bailiff and security services. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF RADIO SITE LEASE AGREEMENT  
BETWEEN EMERY COUNTY AND XTO ENERGY.**

Attorney David Blackwell and Communications Specialist Bret Mills have been working on getting a contract put together for Horn Mountain lease sites. This is the first agreement to come to the Commission. The contract includes \$4,600.00 in back payments. The agreement will close a gap and make sure that the County is receiving compensation for its lease sites. Commissioner JR Nelson made a motion to approve the radio site lease agreement with XTO Energy. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(10)

**REQUEST TO CONSIDER DESIGNATING A GRAVEL ROAD WHICH PROVIDES  
ACCESS TO THE FRANK GORDON RESIDENCE AS A COUNTY ROAD.**

Mr. Frank Gordon has requested that the County assume his road as a county road. Letters from Ira Hatch and Huntington Irrigation Company were included with the request stating that they also access the road to get to their farms and property. Mike McCandless, Economic Development Director, informed the Commission that it has been the practice of the County to not take over private roads. Prior applications have been rejected for the same reason. Commissioner JR Nelson made a motion to table this item until further information can be gathered. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(11)

**RATIFICATION OF ACCESS AGREEMENT BETWEEN EMERY COUNTY AND UMETCO MINERAL CORPORATION FOR RIP-RAP MATERIAL IN PREPARATION OF POTENTIAL FLOODING FROM THE GREEN RIVER.**

This agreement has previously been signed and needs ratification. Commissioner Laurie Pitchforth made a motion to ratify signing of the access agreement between Emery County and UMETCO Mineral Corporation for rip-rap material. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 TO LANDFILL FENCING PROJECT.**

The County requested this change order to take into account flooding and animal control. It changes how the fence will go through the gullies and give a fourteen day extension. The cost of the change order is \$8,255.00 bringing the total contract to \$155,595.00. Commissioner Laurie Pitchforth made a motion to approve change order #1 to the landfill fencing project. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(13)

**DISCUSSION OF PROCEDURE TO RECOVER COSTS INVOLVED IN SEARCH AND RESCUE.**

Wayne County has posted a sign at the trail heads in their county explaining the ruggedness of the country and the cost and time involved in having to send out a search party. It is costly to conduct a search and rescue and people that use this resource need to be responsible for all or part of the cost of the rescue. Attorney David Blackwell has looked at the statute allowing Counties to charge for search and rescue but has not found a specific statute allowing us to charge. Mr. Blackwell will get in touch with Wayne County and see how they have approached the issue. Attorney Blackwell and Sheriff Greg Funk will research this issue and come back to the Commission with a plan by the first meeting in July.

(14)

**APPROVAL OF LETTER STATING EMERY COUNTY'S POSITION REGARDING GATEWAY SOUTH TRANSMISSION PROJECT AND THE PROPOSED ALTERNATE ROUTES.**

Ray Petersen, Public Lands Director, had a letter from Rocky Mountain Power regarding alternate routes for their proposed project. Two routes travel through Emery County. Both routes that involve Emery County are alternative. Mr. Petersen has already submitted comments on the proposal and they were generally favorable. It was Mr. Petersen's recommendation that the Commission submit comments on the issue and were welcome to use his comments as their basis. Commissioner Laurie Pitchforth made a motion to submit comments concerning Gateway south transmission project. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(15)

**PUBLIC LANDS COUNCIL PRESENTATION AND RECOMMENDATION TO PROCEED WITH LAND USE LEGISLATION LANGUAGE.**

Commissioner Jeff Horrocks started by commending the Board for all of their dedication and hard work. They have put in hundreds of hours of work at no cost to the County for this project. Bruce Wilson, Chairman of Public Lands, addressed the Commission. He first thanked the public lands committee for their work. Those on the public lands committee are: Bruce Wilson, Gary Petty, Guy Webster, Mistie Christiansen, Randall Stilson, Mark H. Williams, Edward Geary, Priscilla Burton, Jon Gilbert, Chuck Semborski and Sherrel Ward. In addition to the Board, Val Payne, Randy Johnson, Ray Petersen and Mike McCandless and numerous other participants have assisted with this project. The project started 2 ½ years ago when the Board was approached by SUWA to look at wilderness designation and land use planning as well as President Obama's interest in monument designation. The Lands Council created numerous subcommittees. There were committees for transportation, grazing, water rights, sportsmen and wildlife, energy, communication and heritage. Each committee held numerous public information meetings to hear public comment on concerns. After many field trips and work meeting all the information was gathered and put into draft form. The draft has been posted on the County's website including all the updates that have taken place from the beginning of the process. Ray Petersen thanked Bruce Wilson for all of his time on this project. The first question that is usually asked is why is the County doing this project. The premis is there will be wilderness in Emery County. This project was taken on to try and maintain some control in the process and to consider areas that can qualify for wilderness and can be designated without impacting current resources. This draft does that. This proposal does not close any current trails and there would actually be more opportunity for motorized travel than there currently is. The Public Lands Council will hold a series of four meetings June 22<sup>nd</sup> 23<sup>rd</sup> 29<sup>th</sup> and 30<sup>th</sup> to inform the public of this recommendation. The meetings will be an opportunity to look at what the Lands

Council has done and to see if there have been any resources that have been overlooked. Commissioner JR Nelson stated this process has really been an education process to him. We do not have a lot of control over what Congressional legislation will be passed. The County needs to now get the States support to move forward with this proposal. Commissioner Laurie Pitchforth also thanked all those who have been involved with this process. All of the above mentioned subcommittees are still active and willing to continue to help with this process if they are needed.

**(16)****CONSIDERATION AND APPROVAL OF AMENDMENT TO RESOLUTION 08-25-09 ESTABLISHING THE EMERY COUNTY TRAILS COMMITTEE.**

Resolution 08-25-09 establishing the Trails Committee needs to be changed to clarify that the Trails Committee is an advisory Committee to the Travel Bureau. The Trails Committee is missing bylaws and they need to be established. The bylaws need to be submitted to the Commission within 90 days. Tina Carter, Travel Bureau, stated that she was unclear on how the bylaws needed to be set up. County Attorney David Blackwell will get with the Travel Bureau and give them direction on what to include in the bylaws. Commissioner Laurie Pitchforth made a motion to approve amending resolution 08-25-09. The motion was seconded by Commissioner JR Nelson and approved by all members present.

**(17)****CONSIDERATION AND APPROVAL OF CERTIFIED TAX RATES FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Clerk/Auditor Brenda Tuttle presented the Commission with the tax rates for 2011. Centrally assessed property has increased in the County which will result in additional revenue to the County. The rates are as follows:

General Fund	0.003503	\$6,542,693
Debt Service	0.000134	\$ 250,000
Library	0.000405	\$ 756,435
Aquatic Center	0.000063	\$ 117,668
Assessing & Collection	0.000300	\$560,322

Commissioner JR Nelson made a motion to approve the above presented tax rates for Emery County. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

Jacob Sharp, Castle Valley Special Service District Director, presented to the Commission the tax rates for CVSSD. The District is proposing a rate of 0.001000 resulting in revenue of \$1,405,478. This rate will require the District to go through the truth in taxation process. A public hearing will be held in August for public comment on the higher rate. CVSSD debt service rate is 0.001636 resulting in \$2,300,000. This is the highest debt service rate the District has ever had. The rate will decrease in following years. Commissioner JR Nelson made a motion to approve the tax rates for CVSSD. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(18)

**CONSIDERATION AND APPROVAL OF UTAH STATE RETIREMENT RATES FOR JULY 1, 2011 - JUNE 30, 2012.**

Each year the Utah Retirement Systems sends out new rates. The rates for July 1, 2011 - June 30, 2012 are as follows:

Non-contributory employees	15.76% an increase of .40%
Public safety employees	27.07% an increase of .94%

Commissioner Laurie Pitchforth made a motion to approve the retirement rates as presented. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(19)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH JCI BILLING FOR AMBULANCE BILLING.**

This is a standard contract for the ambulance billing services. The cost will be \$30.00 per ambulance run. Commissioner Laurie Pitchforth made a motion to approve the contract with JCI Billing. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(20)

**CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR LINDA IRVING.**

A write-off request was received from Linda Irving. She has included letters of hardship but stated that when her income tax refund came back she hoped to pay off the bill. Commissioner Laurie Pitchforth made a motion to send a letter to JCI Billing instructing them to continue to bill Mrs. Irving and not to write off the balance at this time. The motion was seconded by Commissioner JR Nelson and approved by all members present.

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(21)

**CONSIDERATION AND APPROVAL OF STATE TASK FORCE GRANT.**

This is a standard contract to continue with our current drug task force program. Commissioner Laurie Pitchforth made a motion to approve the State Task Force grant. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(22)

**CITIZEN CONCERNS.**

There were no citizen concerns.

(23)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Yesterday things were under control with the flooding situation in Green River. Overnight the water came up substantially and some of the dikes have given way and some flooding is occurring. It is predicted that high water will continue for another week to week and a half. Some of the melon fields have flooded. Saturday, June 4<sup>th</sup> the 3<sup>rd</sup> annual princess tea party was held. Commissioner Pitchforth would like to thank Patsy Stoddard and Montica Cox and her committee for all of their efforts. It was a success for the little girls.

*Commissioner Nelson*

Commissioner Nelson toured Copper Globe with Ray Petersen, the BLM and Mark H. Williams. He was surprised at how open the BLM seemed to be towards our ideas.

*Commissioner Horrocks*

Commissioner Horrocks reported that on May 26<sup>th</sup> the final audit was held for the food bank. He thanked Leslie Bolinder for all of the hours she put into this project. The tax sale for the County was also held on May 26<sup>th</sup>. Three properties were sold.

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**(15)**  
**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT**  
**COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED**  
**BY LAW.**

There were no issues for executive session.

Commissioner Laurie Pitchforth made a motion to adjourn the meeting. The motion was seconded by Commissioner JR Nelson and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JUNE 28, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens. Commissioner Laurie Pitchforth was excused from the meeting.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List #213239 through and including #213364 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
49-11	(1) Polaris Razor Sheriff	\$ 14,211.43
50-11	(1) HP Pro 3130/HP Scanjet 8270 Sheriff	\$ 1,372.12
51-11	(1) Fiberglass Wrap Communications	\$ 2,792.00

There were no dispositions.

(2)

**APPROVAL OF PERSONNEL ISSUES**

- A. Approval to promote Stevie Feuers, Ariauna Arien, Kim Behling, and Jessica Murray to Head Lifeguard.
- B. Notification of Jolynn Jennings as 90 day temporary at the Aquatic Center.
- C. Notification of Kara Stilson and Shantelle Hansen as 90 day temporaries in the GIS/IT Department.

(3)

**APPROVAL OF BUSINESS LICENSE FOR SECRET CLOSET (DANA GUYMON).**



2

Commission Meeting  
June 28, 2011

(4)

**APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 14, 2011.**

Commissioner JR Nelson made a motion to approve the consent agenda. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

**JAN BODILY, FOUR CORNERS MENTAL HEALTH, PRESENTATION OF ANNUAL AREA PLAN.**

Rick Donham, Clinical Director of Four Corners Mental Health, presented the Commission with the annual area plan for substance abuse and treatment. The County is the authority for substance abuse and treatment. The plan outlines how to provide services in Emery County. Four Corners needs approval from the County to move forward with this plan. Four Corners is trying to improve the services they provide. Following are some of the ways that they plan to implement changes:

- ◆ Services will be concurrently documented which will allow diagnosis to be readily available.
- ◆ Crisis and safety plan will be in an electronic document that will be available to the clients.
- ◆ Every client will have a wellness plan.
- ◆ There will be more sophisticated diagnostic formulation.
- ◆ Open access - there will be improved access to psychiatrists and psychologists.
- ◆ Crisis Intervention Team - will be expanding their relationship with law enforcement.

Sheriff Greg Funk asked if a pay increase was included in this plan. Mr. Donham stated that he did not believe so but that would be handled during the County's regular budget cycle. Four Corners is hoping to improve the current relationships without requesting additional funding.

(3)

**KRIS BELL, CONSIDERATION AND APPROVAL OF PROPERTY TAX WRITE-OFF FOR MOBILE HOMES OWNED BY CLINT COOK AND HUMBERTO MIRANDAHT.**

Assessor Kris Bell presented to the Commission two properties that are no longer being lived in and are dilapidated. The property owned by Humberto Mirandaht is located in Huntington and the one owned by Clint Cook is located in Ferron. Both mobile homes have back taxes owing on them. If the County chose to seize and sell the homes then the County would be responsible to dispose of them. It would cost the County \$1,200 to remove each mobile home. If the County were to write-off the taxes then it would be the responsibility of the mobile home park owners to dispose of the property. Doug Berensen, Manager of Castle Valley Mobile Home Park, stated that the trailer owned by Mr. Cook has been abandoned. In February half of the roof blew off and the Cook's left. Mr. Berensen has checked with a trucking company and they would charge \$400.00 for hauling it to the landfill plus an additional \$100 - \$150 for a pilot car. In order for Mr. Berensen to have the trailer removed from the property he would have to have title to it or the County would need to seize and sell it. Commissioner Jeff Horrocks stated that he is aware of other trailers that are in the same condition and is concerned if the County were to take ownership of the trailer that precedence would be set and it would become the County's responsibility to dispose of dilapidated trailers. Commissioner Horrocks did not feel that was in the best interest of the County and stated he felt it was Mr. Berensen's responsibility to dispose of the home. Assessor Kris Bell will give Mr. Berensen the information he will need to try and obtain title to the trailer. Commissioner JR Nelson made a motion to write-off the back taxes on both properties. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF SOFTWARE LICENSE AGREEMENT BETWEEN SINGER SOFTWARE, INC. AND EMERY**

Jeff Guymon, IT Director, stated this was a standard agreement. The agreement would be extended for another five years at an increase cost of \$150.00 per month. Commissioner JR Nelson made a motion to approve the software license agreement with Singer Software, Inc. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

4

Commission Meeting  
June 28, 2011

(5)

**CONSIDERATION AND APPROVAL OF NATURAL GAS CONTRACT AGREEMENT FOR NEW SERVICE AND GAS METERS RELOCATION AT THE WEED AND MOSQUITO BUILDING.**

The County is in the process of getting clearances to tear down the old road shop. In order to do this the gas meters have to be relocated. The agreement to have the lines moved will cost \$2,090.65.

(6)

**OPEN BIDS FOR HADDEN FLAT/HUNTINGTON CREEK BRIDGE PAINTING PROJECT, 2011. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

Commissioner JR Nelson made a motion to table this item until the next meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, ACTING IN ITS CAPACITY AS THE GOVERNING AUTHORITY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$308,000 OF THE DISTRICT'S TAX ANTICIPATION NOTES, SERIES 2011; AND RELATED MATTERS.**

Jacob Sharp, Director of Castle Valley Special Service District (CVSSD), was present to explain the District's need for a tax anticipation note. CVSSD pays their debt service payments in January and does not collect the property tax revenue to reimburse them until November. The District has had its highest debt service payments the last couple of years so a tax anticipation note (TAN) has been required. A TAN is essentially a short-term loan to cover the cash flow needs of the District until the tax revenue comes in November. Commissioner JR Nelson made a motion to approve Resolution #06-28-11 authorizing the issuance and sale of up to \$308,000 of the District's tax anticipation notes, series 2011. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

(8)

**CITIZEN CONCERNS.**

Mark H. Williams - There is flooding in the south-east part of Castle Dale. Mr. Williams presented pictures to show the flooded areas. The river bottom needs to be dredged because the channel has filled with silt. Mr. Williams stated that the County had done away with the flood

tax and maybe need to look at reinstating that tax. Ray Petersen, Public Lands Director stated the streams don't run high every year so there is a problem with the channels filling in. The flood tax was used to replace most of the bridges in Emery County. Colleen Gilbert and Jamie Huggard were both present and stated that their property has also been flooded. The Commissioners will do some research and see what can be done to resolve this issue. The County would have to work with the Army Core of Engineers and also those involved on the State level to come up with a plan to fix the problem.

Bret Mills - Mr. Mills presented the Commission with a request to allow the County to enter into an agreement with Larcan to write the grants for reimbursement on tv translators. The County budgeted \$200,000 for the replacement of translators so it is a budgeted item. The Commission instructed Mr. Mills to go ahead and have Larcan submit the paperwork for the grant.

Commissioner Jeff Horrocks stated that a contract had been received from Public Employees Health Plan (PEHP). The contract is for continuation of our long-term disability benefit. The cost of the contract will remain the same. The contract has to be returned to PEHP by July 1, 2011. Commissioner Jeff Horrocks will sign the contract and return it to PEHP.

**(9)**

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Nelson*

Commissioner Nelson attend a UAC training in Moab. There was a lot of discussion concerning public lands, law enforcement on public lands and the County's public lands bill that is in draft form. The public meetings have begun for the public lands bill. The meeting was held last Wednesday in Huntington and Thursday in Ferron. The Public Lands Council will hold the information meeting in Green River tomorrow night in Green River and Thursday night in Castle Dale. Commissioner Nelson also met with Bill Meadows and Bob Bennett from the Wilderness Society. Everyone was not in complete agreement but it at least have given us a point to move from. Commissioner Nelson attended Emery Water Conservancy District meeting last night. The high water levels are receding and the forecast is for that to continue. Commissioner Nelson would also like to look into moving the Travel Bureau office to the San Rafael Museum. Consolidation of the Museum Board and the Travel Bureau Board needs to be looked into. Commissioner Nelson, Ray Petersen, and Randy Johnson also met with the State Legislative Interim Natural Resource Committee. They presented the process that Emery County has gone through to come up with a public lands bill. They did not show them the bill, just discussed the process that the County has gone through. The word wilderness was mentioned a some on the Committee began to balk. The County will meet with the Committee again in July and will take

6

Commission Meeting  
June 28, 2011

a different approach to present the process. The County just wants the Committee's approval of the grass roots effort in drafting a public lands bill.

*Commissioner Horrocks*

Commissioner Horrocks attended a meeting in Salt Lake with Ray Petersen. They met with those from the State who are working on the public lands document. Commissioner Horrocks also met with Congressman Matheson in Price and he is in favor of our public lands efforts. Commissioner Horrocks also met with UP&L Railroad, Mayor Piccolo and Commissioner Milovich from Carbon County to discuss the railroad needs in Carbon and Emery County. The railroad spur at the industrial park in Green River was discussed. Commissioner Horrocks met with the Forest Service and Johansen & Tuttle Engineering at the Reeder gravel pit in Joe's Valley to work out the legal aspects of getting access to the gravel pit.

(10)

**DISCUSSION OF RS2477 LITIGATION STRATEGY.**

This item will be discussed as part of agenda item #11 in executive session.

(11)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Commissioner JR Nelson made a motion to move into executive session. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

Commissioner JR Nelson made a motion to adjourn the meeting. The motion was seconded by Commissioner Jeff Horrocks and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JULY 12, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List #213532 through and including #213664 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
52-11	(3)Radios Highway	\$ 1,507.80

There were no dispositions.

(2)

**APPROVAL OF PERSONNEL ISSUES**

- A. Approval to hire Brookelle Langi, full time with benefits, as Deputy Clerk/Auditor.
- B. Approval of Eucation and Training Areement.

(3)

**APPROVAL OF BUSINESS LICENSE FOR STURDY 1 SERVICES( HARRY STURDY).**

(4)

**APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 28, 2011.**

Commissioner Laurie Pitchforth made a motion to approve the consent agenda. The motion was seconded by Commissioner JR Nelson and approved by all members present.

2

Commission Meeting  
July 12, 2011

## **Discussion Agenda**

(1)

### **ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

### **CONSIDERATION AND APPROVAL OF LIBRARY BYLAWS.**

Commissioner JR Nelson has read the bylaws from the Library Board. They are very well written. The Library Board and Carole Larsen do an amazing job in operating the libraries and spending the money they have allotted to them wisely. Commissioner JR Nelson made a motion to approve the library bylaws. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(3)

### **CONSIDERATION AND APPROVAL 2011 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG).**

Captain Kyle Ekker explained that this is a grant for \$25,000 to be used for training and equipment that is not covered in the regular budget. The match for this grant comes from the deputies salaries. Commissioner JR Nelson made a motion to approve the 2011 emergency management performance grant. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(4)

### **DISCUSSION OF FUNDING ALLOCATION FOR FY2012 MENTAL HEALTH SERVICES.**

This item will need to be discussed when the County approves its 2012 budget.

(5)

### **DISCUSSION AND APPROVAL OF PROCEDURE TO RECOVER COSTS INVOLVED IN SEARCH AND RESCUE INCIDENTS.**

Attorney David Blackwell contacted Wayne County to see how they were dealing with search and rescue costs. They have not formulated a procedure to recover costs. They put up signs in hope of discouraging people from getting stranded. There have been a few people who have sent donations to search and rescue after being rescued and one time a bill was sent because the person had money and was willing to pay the recovery costs. Commissioner Jeff Horrocks asked

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July 12, 2011

if adopting a county ordinance would help us in trying to recover costs. Attorney Blackwell will also contact Grand County to what their policy on search and rescue is. Commissioner Horrocks directed Attorney Blackwell to put together an ordinance that would give us more power to collect search and rescue costs. Captain Kyle Ekker was concerned an ordinance might cause people to not call for help when they need it. Attorney David Blackwell will report on his findings next meeting.

(6)

**OPEN BIDS FOR HADDEN FLAT/HUNTINGTON CREEK BRIDGE PAINTING PROJECT, 2011. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

Bids were received from the following:

B&T Builders	\$26,660.00
Gateway Company of Utah	\$46,000.00

Commissioner JR Nelson made a motion to approve the bid of B&T Builders pending approval of Johansen & Tuttle Engineering. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND JOHANSEN & TUTTLE ENGINEERING FOR HADDEN FLAT/HUNTINGTON CREEK BRIDGE PAINTING PROJECT, 2011.**

Commissioner Laurie Pitchforth made a motion to approve the agreement with Johansen & Tuttle Engineering for the Hadden Flat/Huntington Creek bridge painting. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(8)

**APPOINTMENT TO EMERY COUNTY AGING BOARD.**

Commissioner Laurie Pitchforth made a motion to table this item. It was seconded by Commissioner JR Nelson and approved by all members present.



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Commission Meeting  
July 12, 2011

(9)

**CONSIDERATION AND APPROVAL OF AMENDMENT TO RIGHT-OF-WAY GRANT UTU-57143/LAWRENCE/TAN SEEPS.**

Public Lands Director Ray Petersen informed the Commission that this is a standard title v right-of-way. The County has worked with the BLM to come up with a standardized terms, conditions and stipulations. Rotomill was placed on the road to try and mitigate dust problems. The project is 98 percent complete. The title v doesn't impede the RS2477 right-of-way. This right-of-way is perpetual and can be renewed every ten years. Title V allows us to operate and maintain our roads. Commissioner JR Nelson made a motion to approve right-of-way UTU-57143/Lawrence/TAN Seeps as discussed. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(10)

**TYLER JEFFS, ECBC, REQUEST FOR DONATION FOR ECONOMIC SUMMIT.**

Patsy Stoddard was present in behalf of the Emery County Business Chamber to request a donation to help with an economic summit that is being planned for September. There will be breakfast at the museum and break out sessions at the courthouse. David Williams and Marshall Moore will be the keynote speakers. The Chamber is hoping 150 people will attend the summit. There will also be a lunch and learn held at the museum on July 20<sup>th</sup>. Candie Lopez will speak about customer relations management and everyone is welcome to attend. Commissioner JR Nelson made a motion to contribute \$500 for the summit. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(11)

**RATIFICATION OF LOCAL "STATE OF EMERGENCY" DECLARATION FOR EMERY COUNTY.**

Commissioner Jeff Horrocks signed this declaration on July 1, 2011 because it was a time sensitive document that will allow us to recover costs from flooding through FEMA. Commissioner Laurie Pitchforth made a motion to ratify the State of Emergency Declaration for Emery County. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(12)

**RATIFICATION OF OPERATING PLAN AGREEMENT AND MINERAL MATERIALS FORM FS-2800-9 FOR THE READER VIEW GRAVEL PIT.**

Commissioner Laurie Pitchforth made a motion to ratify the operating plan agreement and mineral materials form FS-2800-9 for the Reader View gravel pit. The motion was seconded by

5

Commission Meeting  
July 12, 2011

Commissioner JR Nelson and approved by all members present.

**(13)**

**CITIZEN CONCERNS.**

*Business Licenses* - The County received a request from Brinderson Constructors, Inc and Brinderson LP for a business license. The companies will be doing work in the County for XTO Energy and will be starting the job July 18, 2011. Economic Development Director Mike McCandless stated that we normally don't issue business licenses for companies who are here working for other companies. Mr. McCandless would suggest the Commission consider having a business registry so that we would have information of the subcontractors that come to the County to work. Commissioner Jeff Horrocks suggested putting together and ordinance that would require businesses to register with the County. Mr. McCandless recommended that the Commission approve the business licenses. Commissioner JR Nelson made a motion to approve business licenses for Brinderson Constructors, Inc and Brinderson LP and to ratify the motion at the next meeting. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

Commissioner Jeff Horrocks recognized Kainoa and Lucas Bolinder who were in attendance to earn a citizenship merit badge.

**(14)**

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Commissioner Pitchforth attended Heritage Days in Huntington. There was a very large turnout. Commissioner Pitchforth also attended Miss Utah. Elise Debry represented Emery County very well and should be commended for her efforts as Miss Emery County. The Miss Emery County pageant will be held on July 16, 2011 at 6:00 p.m. Commissioner Pitchforth also attended the stock show. There is always a great turnout. The stock show committee consists of almost 40 volunteers. Commissioner Pitchforth thanked the businesses that donate to the stock show. The grand opening of the new nine holes at Millsite golf course was last week. It is an amazing course. The golf course generated more money in three days than they had for months. The expansion was a large expense but in terms of generating revenue will be worth it. Commissioner Pitchforth discussed the lamb fry that is held in conjunction with the fair. They have been unable to find anyone willing to run the lamb fry and are looking for any input of what can be done in order to continue with the lamb fry.

*Commissioner Nelson*

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Commission Meeting

July 12, 2011

Commissioner Nelson reported on the meetings held to inform the public of the public lands bill. There were not overwhelming crowds but the information was well received by those in attendance. Commissioner Nelson met with Blue Castle concerning safety. Safety at a nuclear power plant is an ongoing constant process and they are continually addressing the issue. Commissioner Nelson also was present at the triathlon that was put on by search & rescue. There was a wide variety of participants as young as four years old to olympic quality athletes.

*Commissioner Horrocks*

Commissioner Horrocks met with Randy Johnson and Ted Wilson to record an segment of the County Seat for a discussion of the public lands bill. The show was broadcast on channel 4. Commissioner Horrocks also attended a meeting in Green River concerning the Green River State Park. The discussion centered around the cost of operating the state parks and how to make the financially independent.

(15)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Commissioner Laurie Pitchforth made a motion to adjourn the meeting. The motion was seconded by Commissioner JR Nelson and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JULY 26, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List #213724 through and including #213876 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
53-11	(2) Stealth GPS Tracker Sheriff	\$ 3,100.00
54-11	(2) I-Pad Sheriff	\$ 1,659.98

There were no dispositions.

(2)

**APPROVAL OF PERSONNEL ISSUES**

A. Approval to hire Wayde Nielsen as Road Department Supervisor.

(3)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR DENNIS WORWOOD.**

(4)

**RATIFICATION OF BUSINESS LICENSE APPROVAL FOR BRINDERSON  
CONTRACTORS, INC. AND BRINDERSON LP.**

(5)

**APPROVAL OF COMMISSION MEETING MINUTES DATED JULY 12, 2011.**

Commissioner Laurie Pitchforth made a motion to approve the consent agenda. The motion was seconded by Commissioner JR Nelson and approved by all members present.

2

Commission Meeting  
July 26, 2011

## **Discussion Agenda**

(1)

### **ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

### **10:00 A.M. - PUBLIC HEARING - SECOND CDBG HEARING FOR 2011. TO RECEIVE PUBLIC COMMENTS REGARDING A PROJECT, OF UP TO \$175,000, TO PARTIALLY RENOVATE EMERY COUNTY HOUSING AUTHORITY OWNED TWENTY-FOUR (24) 2 AND 3 BEDROOM APARTMENTS. THE RENOVATIONS WILL INCLUDE, BUT NOT LIMITED TO, REPLACING ALL BATHROOM COMPONENTS, AND REPLACING ALL FLOORING INCLUDING ASBESTOS ABATEMENT.**

Commissioner Jeff Horrocks opened the public hearing by informing the public that the Emery County Housing Authority has been given the opportunity to receive \$175,000 to update the 2 and 3 bedroom apartments. The renovations will be mainly in the bathrooms. Ray Petersen asked if it had been determined there was asbestos. The apartments have not been tested but if asbestos is found it will be disposed of. Bill Dellos asked if the County owns the facility. The County does own the facilities that are managed by the Emery County Housing Authority as HUD facilities. The apartment complexes were built in the 1970's and are located in Ferron and Castle Dale.

(3)

### **RECONSIDERATION AND APPROVAL OF CHANGE ORDER #9 FOR SHERIFF'S TRAINING BUILDING REMODEL.**

Change order #9 for carpet installation at the sheriff's training building was presented in February and it was denied due to the fact that the contractor installed the carpet before the change order was approved. The cost of the carpet was \$4,856.40. Commissioner Laurie Pitchforth made a motion to approve payment to the vendor of \$4,856.40, the cost of the carpet without labor. The motion was seconded by Commissioner JR Nelson and approved by all members present.

3

Commission Meeting  
July 26, 2011

(4)

**DISCUSSION AND APPROVAL OF DISPOSITION OF METAL PILE AT LANDFILL.**

The landfill/road department has gone out to bid for the disposal of the metal pile and are again asking for approval to go out to bid. Road Supervisor Wayde Nielsen will put the advertisement in the paper. Commissioner Laurie Pitchforth made a motion to allow the landfill to bid out the removal of the metal pile. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION AND CONTRACT AGREEMENT BETWEEN SOUTHEASTERN UTAH ALG AAA AND EMERY COUNTY COMMISSION FOR ADMINISTRATION OF OLDER AMERICANS ACT PROGRAMS.**

Commissioner Laurie Pitchforth made a motion to approve the contract agreement between Southeastern Utah ALG AAA as it is a standard contract. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF LETTER OF AGREEMENT BETWEEN FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, INC. AND EMERY COUNTY FOR DRUG COURT.**

This agreement is for a contract with Four Corners Community Behavior Health for Drug Court. The contract period is from January 1, 2011 - December 31, 2011. It was determined that an agreement had not previously been signed. The Attorney, Sheriff and Clerk/Auditor have reviewed the agreement. Commissioner Laurie Pitchforth made a motion to approve the agreement. It was seconded by Commissioner JR Nelson and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #2 FOR LANDFILL FENCE PROJECT,**

The total cost of the fencing project was \$154,599.00. The project is complete with the approval of this change order. The change order is for a \$996.00 decrease. Commissioner Laurie Pitchforth made a motion to approve change order #2. The motion was seconded by Commissioner JR Nelson and approved by all members present.

4

Commission Meeting  
July 26, 2011

(8)

**APPROVAL TO ENTER INTO A ONE YEAR WORKSITE LEARNING AGREEMENT WITH WORKFORCE SERVICES.**

Personnel Director Mary Huntington informed the Commission that this was a continuation of an agreement from last year. If Workforce Services has a displaced worker that needs to learn skills and we have a position available then we can bring them on and Workforce Services pays all the wages and assumes liability for the worker. Commissioner Laurie Pitchforth made a motion to approve the agreement with Workforce Services. Commissioner JR Nelson seconded the motion and it was approved by all members present.

(9)

**DISCUSSION AND APPROVAL OF COURTHOUSE GROUNDS IMPROVEMENT PROJECT.**

The LDS Church has removed a lot of trees and cement adjacent to the courthouse. The courthouse sidewalk is now not complete and needs to be repaired. Commissioner JR Nelson made a motion to contact the contractor doing the work at the church and see if the County can piggyback the sidewalk onto the project already being done. Commissioner Laurie Pitchforth seconded the motion and it was approved by all members present.

(10)

**CITIZEN CONCERNS.**

There were no citizen concerns.

(11)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Commissioner Pitchforth reported that the fair and rodeo are the next two weeks and hopes everyone will come out and support the events. There will be a lamb fry Friday and Saturday night of the fair. Kent Wilson has stepped up to sponsor the dinner. The proceeds will go to his granddaughter who is battling cancer.

The Miss Emery County pageant was also last week. McCall Spears was crowned Miss Emery County. All of the girls did a great job. Commissioner Pitchforth thanked everyone who was involved.

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July 26, 2011

*Commissioner Nelson*

Commissioner Nelson took a field trip that started at Huntington State Park and went up Huntington Canyon looking at water company projects including a dam, diversion channels and ways to store more water. It is impressive the work that has been done to preserve water in Emery County. Commissioner Nelson also went to Tomsich Butte canyon looking at mines. He has wondered why there is a need to close historic mines but when you actually go look at the area it makes sense. He also reviewed trails in the Green River area.

*Commissioner Horrocks*

Commissioner Horrocks reported that interviews for the Road Department supervisor were held. There were a lot of qualified applicants. The job was given to Wayde Nielsen. The Commissioners attended a meeting in Richfield that was called by the Utah Association of Counties. There were four counties involved in the meeting. They are the counties that are currently working on land use bills. The State Senator Mike Lee is involved in this process now also so a meeting will be set up with Mike Noel who is the spokesman to make sure Senator Lee's suggestions are included in the process.

(15)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

No executive session was needed.

**ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_**



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

AUGUST 9, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Clerk/Auditor Brenda Tuttle, Jacob Sharp, Leslie Bolinder, Lamar Sayer and Jon Gilbert.

**6:00 P.M. PUBLIC HEARING - TO RECEIVE PUBLIC COMMENT WITH RESPECT TO FINAL TRUTH IN TAXATION OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT'S TAX INCREASE.**

Commissioner Jeff Horrocks opened the public hearing by reading the newspaper advertisement. Castle Valley Special Service District is proposing to increase property taxes. The increase would result in a \$2.64 per year increase on a \$100,000 residence and a \$4.80 per year increase on a \$100,000 business. Jacob Sharp, manager of Castle Valley Special Service District (CVSSD) explained that this is the second required public hearing. The first hearing was held in December 2010. CVSSD held a bond and tax election in 2009. The voters approved this tax increase in 2009. CVSSD implemented the tax in 2010 but it was disallowed by the State Tax Commission because they did not feel the District met the requirements for advertising. CVSSD had a tax rate of 0.001000 in 2005. Over the years the tax rate has fallen below the 0.001000 rate resulting in a loss of revenue to the District. CVSSD is trying to reset the tax rate to 0.001000. The actual increase in revenue is \$50,000. The other increase shown in the required advertising is due to debt service payments. There were several bonds that have a balloon payment this year. The bond debt service schedules were set five to ten years ago and due to those payments taxes are increasing this year.

Commissioner Laurie Pitchforth stated that in reality this increase was approved by the voters in 2009.

Jon Gilbert stated he struggles with these kind of tax increases. He requested that CVSSD sharpen their pencils and find a way to not have to propose more tax increases. A lot of people are on fixed incomes and can not afford an increase of any kind. Mr. Gilbert stated he does not support the tax increase.

Lamar Sayer, Utah State Tax Commission, stated the wording in the ad is a statutory requirement and one part of the ad requires new growth to be shown and the other part does not. In CVSSD case it looks like a bigger tax increase because of the increase in the debt service tax rate. Mr. Sayer also informed the Commission that the State has a new online tax rate system. If they are interested in looking at the data online they can call and get a password and user name.

2

Commission Meeting Public Hearing  
August 9, 2011

Commissioner JR Nelson made a motion to adopt Resolution 08-09-11 approving the tax increase for Castle Valley Special Service District. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

AUGUST 9, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List #214017 through and including #214149 were presented for payment.

There were no requisitions.

There were no dispositions.

(2)

**APPROVAL OF PERSONNEL ISSUES**

- A. Approval of promotion of Larry Newman to Road Department Foreman effective 08/22/2011.
- B. Approval to hire Cheryl Cox as a 3/4 time Court Clerk I with pro rated benefits.
- C. Approval to provide and pay for flu, pneumonia, and tetanus vaccines this year in conjunction with our Wellness Clinic for employees who choose to receive the vaccine. Dependents will be responsible for \$10 co-pay.
- D. Approval to utilize Emery Medical Clinic for the annual Wellness Clinic.
- E. Approval to give employees who participate in the Wellness Clinic an additional 4 hours of paid vacation.

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED JULY 26, 2011.**

Commissioner JR Nelson made a motion to approve the consent agenda. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

2

Commission Meeting  
August 9, 2011

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

**CONSIDERATION AND APPROVAL OF TRAVEL BUREAU BY-LAWS.**

Commissioner JR Nelson made a motion to table this item. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF TRAILS COMMITTEE BY-LAWS.**

Commissioner JR Nelson made a motion to table this item. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF MODIFICATION OF COOPERATIVE LAW ENFORCEMENT AGREEMENT (11-LE-11041000-004) BETWEEN MANTI-LA SAL NATIONAL FOREST AND EMERY COUNTY.**

Sheriff Greg Funk explained that this agreement is for providing law enforcement and will allow us to carry over funds that are not utilized in the current year. Commissioner Laurie Pitchforth made a motion to approve agreement 11-LE-11041000-004 . The motion was seconded by Commissioner JR Nelson and approved by all members present.

(5)

**MAYOR NEAL PEACOCK, PRESENTATION OF FUTURE PLANS FOR CASTLE DALE RECREATION FACILITIES AND REQUEST FOR COUNTY PARTICIPATION.**

Mayor Neal Peacock was unable to attend the meeting today. Commissioner JR Nelson made a motion to table this item. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

3

Commission Meeting  
August 9, 2011

(6)

**CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN CASTLE DALE CITY AND EMERY COUNTY FOR IMPROVEMENTS ON PAVILION USED FOR COUNTY FAIR ACTIVITIES.**

Commissioner Laurie Pitchforth informed the Commission that the improvement was to enclose the stage area of the pavilion at the fair grounds. The work was completed awhile ago and needs to be paid. The agreement allows the County to make a \$3,500 donation to cover those costs. Commissioner Laurie Pitchforth made a motion to approve the interlocal agreement with Castle Dale City. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(7)

**PRESENTATION OF THE INDEPENDENT AUDIT FOR FY2010.**

Clerk/Auditor Brenda Tuttle informed the Commissioners that the FY 2010 audit was completed by Kimball & Roberts. There were no issues that had to be corrected for 2010 and the County was given a clean audit. Commissioner JR Nelson made a motion to accept the FY2010 audit. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(8)

**DISCUSSION AND APPROVAL OF REQUIREMENT FOR COVERAGE UNDER THE UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) MULTI SECTOR GENERAL PERMIT FOR STORM WATER DISCHARGES FROM INDUSTRIAL ACTIVITIES (SMALL AIRPORTS).**

The State of Utah contacted the County and informed us that we needed a permit. The permit is good for five years and will cost \$550. Commissioner Jeff Horrocks asked the State if there was a waiver that the County could apply for but were informed that no waiver would be granted. Commissioner JR Nelson made a motion to approve the application for the above permit. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

4

Commission Meeting  
August 9, 2011

(9)

**CONSIDERATION AND APPROVAL OF FY2011 PERSONAL PROPERTY TAX EXEMPTIONS.**

Commissioner Jeff Horrocks stated that the Commission has a list of businesses that have applied for personal property tax exemptions. Assessor Kris Bell was not present for further clarification. Clerk/Auditor Brenda Tuttle explained that this exemption was passed by the State Legislature and exempts business that have less than \$3,800 of personal property. Commissioner Laurie Pitchforth made a motion to approve the 2011 personal property tax exemptions. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(10)

**CITIZEN CONCERNS.**

There were no citizen concerns.

(11)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Commissioner Pitchforth reported the rodeo and fair are over. She thanked everyone who helped as well as Gaylee Jeffs, the Recreation District employees and Castle Dale City employees. The events were well attended but the lamb fry could have been better attended.

*Commissioner Nelson*

Commissioner Nelson thanked Commissioner Pitchforth and Leslie Bolinder for all of the hours they spend on the fair. Commissioner Nelson also reported the Lawrence Cemetery fencing project is completed and it came in under budget and looks very nice. Commissioner Nelson thanked the contractor for a job well done.

*Commissioner Horrocks*

Commissioner Horrocks also thanked all of the people who made the fair a success.

5  
Commission Meeting  
August 9, 2011

(15)  
**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

No executive session was needed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE COUNTY COMPLEX IN GREEN RIVER, UTAH

AUGUST 23, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List #214245 through and including #214394 were presented for payment.

**Requisitions:**

#55-11	2011 Charger Guard Kit Sheriff	\$319.95
#56-11	Hot/Cold Pressure Washer Highway	\$3,995.00

**Dispositions:**

4431 Matco Remote Display Landfill  
4431 Freon Recovery Unit Landfill  
9619 Office Chair Aquatic Center

(2)

**APPROVAL OF PERSONNEL ISSUES**

A. Approval of Reserve/Volunteer procedure for the Sheriff's Office.

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED AUGUST 9, 2011.**

Commissioner JR Nelson made a motion to approve the consent agenda. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.



2

Commission Meeting  
August 23, 2011

## **Discussion Agenda**

(1)

### **ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

### **OPEN AND READ ALOUD BIDS FOR PURCHASE OF SCRAP METAL RECEIVED AT THE EMERY COUNTY LANDFILL. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

The following bids were opened:

Acuity Metal Management	\$101.00/ton
Western Metals Recycling	\$167.00/ton
Stephenson Removal Services	\$175.00/ton
Sims Metal Management	\$212.00/ton

Commissioner JR Nelson made a motion to accept the high bid from Sims Metal Management for \$212.00/ton. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(3)

### **CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR NOXIOUS WEED MANAGEMENT BETWEEN UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS AND EMERY COUNTY FOR STATE FY2012.**

This is an ongoing agreement with the Federal Government for removal of weeds on forest service property. The agreement in the past has been for \$10,000. This year the contract is for \$7,500. Commissioner Laurie Pitchforth made a motion to approve the FY2012 Cooperative Agreement for noxious weed management. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN STATE OF UTAH (CDBG) AND EMERY COUNTY FOR LOW INCOME APARTMENT RENOVATION AND ASSOCIATED PAPERWORK.**

The Emery County Housing Authority had received a grant from CDBG for up to \$175,000 for renovation of their housing units. Commissioner JR Nelson made a motion to approve the contract with the State of Utah (CDBG). The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(5)

**RATIFICATION OF RESOLUTION 8/09/11 AUTHORIZING CASTLE VALLEY SPECIAL SERVICE DISTRICT TAX INCREASE.**

Commissioner Laurie Pitchforth made a motion to ratify Resolution 08-09-11 authorizing Castle Valley Special Service District Tax increase. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF NEW WATER CONNECTION FOR THE ROAD SHOP AND TRANSFER OF A WATER SHARE TO CASTLE DALE CITY.**

The Road Department is currently using a large storage tank and filling it up with water to wash their trucks. The tank is rusting out and needs to be replaced or a different process worked out. Wayne Nielsen, Road Dept Supervisor, has been working with Castle Dale City to upgrade the line to a 2 ½" line. In order to do this the City is requiring one share of water. There are three kinds of water - culinary, secondary and stock. The question was raised as to which kind of water would be in the line. After discussion Commissioner Laurie Pitchforth made a motion to table this item until further information is received. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(7)

**BRADY BRADFORD, SOUTHEASTERN UTAH DISTRICT HEALTH DEPARTMENT, PRESENTATION REGARDING THE ADDITION OF ALTERNATIVE WASTE WATER DISPOSAL SYSTEMS TO COUNTIES IN UTAH.**

Brady Bradford (SEUDH) was present to give the Commission a presentation on alternative wastewater disposal systems. Most people have a pretty good idea of what wastewater is. If there is no sewer line close enough then homeowners install septic tanks. Sometimes there is not enough soil to treat the wastewater. In those instances alternative wastewater systems come into play. In order for SEUDH to administer alternative wastewater systems the County must pass a

resolution stating the County supports alternative systems. Commissioner JR Nelson made a motion to approve alternative wastewater disposal systems and to inform Planning & Zoning of the process. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS REGARDING THE RE-ASSIGNMENT OF EMERY CITY BLM PERMIT UTU-36414 TO EMERY COUNTY FOR LAW ENFORCEMENT SEARCH AND RESCUE AND HOMELAND SECURITY FUNCTIONS.**

BLM permit UTU-36414 has been held by Emery Town. Public Lands Director Ray Petersen and the Sheriff's office have completed the work to transfer the permit to Emery County so existing facilities can continue to be used. Commissioner JR Nelson made a motion to approve the application. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(9)

**DISCUSSION OF REQUEST FROM DISTRICT COURT TO INSTALL SAFETY GLASS AT THE PUBLIC SAFETY COMPLEX DISTRICT COURT CLERK'S OFFICE. APPROVAL ON HOW TO PROCEED WITH THIS REQUEST.**

The State Courts have requested the County to install a safety glass at the Court Clerk's office. Currently there is a problem with security because if someone were to go through the window they could have access to the judge's chambers. The Justice Center is a County owned building but the State has stated they will pay the cost to install the glass. Commissioner JR Nelson made a motion to approve moving forward with installing the glass but to get an agreement in place stating the State will pay the cost. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF AGREEMENT WITH MARILYN COLLARD TO TEACH LIFEGUARD CERTIFICATION CLASS.**

Marilyn Collard has taught lifeguard certification classes in the past and another course in being taught. Commissioner JR Nelson made a motion to approve the agreement with Marilyn Collard to teach a lifeguard certification class. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

5

Commission Meeting  
August 23, 2011

(11)

**CITIZEN CONCERNS.**

There were no citizen concerns.

(12)

**CONSIDERATION AND APPROVAL OF TRAVEL BUREAU BYLAWS.**

Commissioner Jeff Horrocks made a motion to table this item. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF TRAIL COMMITTEE BYLAWS.**

Commissioner Jeff Horrocks made a motion to table this item. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(14)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Commissioner Pitchforth attended the rural summit in Cedar City, Utah. It was very informative. Commissioner Horrocks and Commissioner Pitchforth attended horse & buggy days in Elmo. Commissioner Pitchforth attended the aging meeting. They are still missing Board members so if anyone is interested in serving please contact the Commission office. There will be a lamb fry on September 9<sup>th</sup> at 11:00 a.m. at the Little Bear Campground for the Seniors in the county. Commissioner Pitchforth is looking for entertainment to perform at the event.

*Commissioner Nelson*

Commissioner Nelson attended the rural summit in Cedar City, Utah as well as the Utah Counties Insurance Pool Risk Management Conference. Both conferences were very informative. Commissioner Nelson also spoke with Mike Noel concerning the County's public lands bill. Politics are very upsetting when you have a grass roots effort concerning public lands and are not able to move it forward without others wanting to add or take away parts of the bill. Commissioner Nelson also attended the Emery Water Conservancy District meeting. Water is very carefully monitored in this County.

6

Commission Meeting  
August 23, 2011

*Commissioner Horrocks*

Commissioner Horrocks stated the County received a letter from the School Trust Lands indicating that a lot of the lands that were leased and the County has received mineral lease money from are nearing the end of the life so the mineral lease revenue will likely be declining. Emery County Road District #1 currently has six projects going.

*Attorney David Blackwell*

Attorney Blackwell informed the Commission that all of the Counties are working together to come up with more standardized public defender contracts and how they are bid out. The ACLU has been complaining about the representation citizens are receiving. There will be a new bidding process and contract this fall which will most likely result in an increased costs for public defender services.

(15)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Commissioner JR Nelson made a motion to move into executive session. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

**SEPTEMBER 11, 2012**

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Carol Cox, Clerk/Auditor's office, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

The Warrant Check Edit List # 220765 through and including # 220922 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
64-12	Apple Computer Sheriff	\$3,393.79
65-12	Aeroflex 3920 Communications test set Sheriff/Communications	\$36,124.00
66-12	Install ventilation fans in ceiling at Horn Mtn Sheriff/Television	\$3,408.00
67-12	Large scanner part for repairs IT	\$583.00
68-12	Phone system(to replace existing phone system) IT	\$28,390.00
69-12	Spacial Analyst for GIS projects(Software) IT	\$2,254.50

2

Commission Meeting Minutes  
September 11, 2012

There were no dispositions.

(2)

RATIFICATION OF HUNTINGTON CITY'S APPOINTMENT OF JULIE JONES TO THE RECREATION SPECIAL SERVICE DISTRICT.

(3)

APPROVAL OF OUT-OF-STATE TRAVEL FOR CHRISTINE JENSEN, USU EXTENSION OFFICE, TO ATTEND NATIONAL EXTENSION ASSOCIATION OF FAMILY AND CONSUMER SCIENCES CONFERENCE.

(4)

PERSONNEL ITEMS:

A. Approval of 3% wage increase for Dell Mead for successful completion of his 6 month orientation period.

B. Notification that Chyanne Carter and Colten Clement have been hired as 90 day temporary employees.

C. Approval to hire Hunter Hatch, Cezley Collard, Cle Richards, Tyler Pullie, Spencer Fauver, Tanner Petersen, Melec Pullie, and Shantel Sitterud as part time, with no benefits, lifeguards working 19 3/4 hrs. per week.

(5)

APPROVAL OF COMMISSION MEETING MINUTES DATED AUGUST 28, 2012.

Motion to approve the consent agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson and the motion passed.

**Commission Meeting Minutes  
September 11, 2012**

**Discussion Agenda**

(1)

ITEMS PULLED FROM CONSENT AGENDA.

No items were pulled for discussion.

(2)

CONSIDERATION AND APPROVAL OF FY2013 CONTRACT BETWEEN EMERY COUNTY AND THE SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS, SOUTHEASTERN UTAH AREA AGENCY ON AGING.

Commissioner Laurie Pitchforth made a motion to approve a contract between Emery County and the Southeastern Utah Association of Local Governments Area Agency on Aging FY2013. The motion was seconded by Commissioner JR Nelson. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND STATE OF UTAH ( DEPARTMENT OF AGRICULTURE) FOR INVASIVE SPECIES MITIGATION (ISM) GRANT.

Commissioner Horrocks explained that his is an ongoing program to remove Russian Olive Trees throughout the county. Commissioner JRNelson made a motion to approve a contract between Emery County and State Of Utah (Department of Agriculture) for an Invasive Species Mitigation Grant (ISM). The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND THE UTAH DEPARTMENT OF TRANSPORTATION FOR MILLSITE STATE PARK ACCESS ROAD PROJECT.

Commissioner Horrocks explained that project is an ongoing project providing funds to improve roads that access park areas. The program provides for \$500,000.00 with local match for a two year period for a total \$2million dollar project. Ray Petersen asked for explanation of the project. Merrill Johansen, Johansen & Tuttle Engineering explained that the project will begin on the east end of Millsite Golf Course and go up to Millsite State Park access road. This will remove the dip that often floods. The project will be administered through the Special Service District.



Attorney David Blackwell is drafting a contract with the SSD to administer the project. Commissioner JR Nelson made a motion to approve of Cooperative Agreement between Emery County and the Utah Department of Transportation for Millsite State Park Access Road Project. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

DISCUSSION AND APPROVAL OF DROPPING KODJ (OLDIES 94.1) RADIO STATION AND REPLACING IT WITH KRPX (CASTLE COUNTRY RADIO) ON ONE OF THE COUNTY TRANSLATORS.

The Board of Commissioners entered into discussion regarding dropping KODJ (Oldies 94.1) radio station and replacing it with KRPX (Castle Country Radio) on one of the county's translators. A written proposal was submitted to the Commissioners by CCR. Paul Anderson, General Manager, Eastern Utah Broadcasting reviewed the proposal. The Commissioners indicated that they have had several citizens express concern over removing KODJ as one Emery County's radio station choices and replacing it with another country station. Mr. Anderson indicated that KRPX is not a country station, it is an adult contemporary station. Commissioner Laurie Pitchforth made a motion to go ahead and leave KODJ on the air and get with Bret Mills to determine which country channel to switch out and try it for 60 days. We will determine whether KRPX stays by the amount of input we receive from the citizens of Emery County. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

DISCUSSION OF THE NOVA PROGRAM AND CONSIDERATION/APPROVAL OF INCENTIVES.

Sheriff Funk explained that NOVA is the program used to teach the 5<sup>th</sup> graders in elementary schools in Emery County about avoiding drug abuse, alcohol abuse, bullying, etc. The deputies who work with the students will be issuing a challenge to the students to spend a week away from all forms of media and get outside and play. The deputies would like to provide a prize or incentive to those students who can achieve this goal. In the past the prizes have been candy or stickers. The deputies feel that this is not a sufficient incentive. Sheriff Funk asked if the Commissioners could donate 200 free swim passes for the swimming pool to be used as incentives. He indicated that this could be profitable to the county as the student would probably come to the pool with a paying friend or family member. Commissioner Laurie Pitchforth stated that the NOVA program is a great program. However, the county has made it a policy to avoid giving out free pool passes. She suggested maybe spending time with the students. Make the incentive more meaningful. Leslie Bolinder suggested having a 2 hour NOVA night where the

students can swim for free during a specified time. The county has provided free swim time for the high school during graduation night. Commissioner Horrocks indicated he felt the 2 hours of free swim time was a better answer. Patsy Stoddard stated she sees nothing wrong with giving free swim passes for an incentive. Andy Urbanik, Castle County Radio offered a suggestion. Exchange advertising the Emery County Aquatic Center on the radio and in the EC Progress for 200 free swim passes which they will donate to the Sheriff to use as incentives. The Commissioners liked that idea. Commissioner JR Nelson made a motion to allow Castle Country Radio and Emery County Progress to work together to trade advertising the Aquatic Center for 200 pool passes. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(7)

CITIZEN CONCERNS

None

In other business, Commissioner JR Nelson discussed a request from Huntington City for the County to host an NRCS grant. 19 of the 29 counties in the state sponsor this type of grant. The grant is in the amount of \$215,000.00 and is for debris removal in Huntington Creek to mitigate damage to the culinary water lines in the canyon caused from the recent fires on Gentry. Commissioner Nelson indicated that the Commission is under pressure to sign the grant today as there is an urgency to the issue. Emery County will be required to do the work which will go towards the 25% match required. Huntington City and other entities and citizens are willing to help also. The grant has the possibility to go on into the future depending on funds NRCS has available. Commissioner Pitchforth stated that the County is under the gun to get this done by Friday while the funds are available. There is potential for future funds if we should have the need. The Commissioners thanked Ray Petersen who has led all the excursions up the canyon to view the damage caused from the flooding as a result of the fire. Commissioner JR Nelson made a motion to do the necessary work to get this underway and ratify in the next commission meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

COMMISSION/ELECTED OFFICIAL REPORTS*Commissioner Nelson*

Commissioner Nelson reported that the Library doing well on digital use. The fire ban was lifted on September 7, 2012.

He discussed a dilemma facing the cattle grazers on Gentry Mountain. Due to the recent fires grazing range was lost. Grazing cows have been wandering onto Forest Service property. This has been a big issue for the last ten days. The grazers have agreed to work harder to keep the cows off the FS property and the FS will be less aggressive with the grazers.

*Commissioner Pitchforth*

Commissioner Pitchforth asked Sheriff Funk for a report on the recent Identity Theft seminar. He indicated that the seminar was well attended. Identity theft has been a big issue lately. The only way to combat it is to stay informed. "If it sounds too good to be true, It usually is!" There is a link on the county website for more information.

Commissioner Pitchforth attended the first annual Senior Summit in Price. She received good information for people 55 and older that will help with all the red tape associated with getting older. They gave out booklets with much information to help maneuver through aging. Go to Utah.gov and request a book. They are free. Ferron Peach Days went well. She was especially impressed with the field of flags. She applauded Ferron City and the Sheriff's Department for their efforts.

*Commissioner Horrocks*

Commissioner Horrocks indicated that he participated as a veteran in the flag ceremony during Peach Days. He indicated that it was very moving and was great to see how many attended.

He attended the Uinta Basin Energy Summit in Vernal. They discussed the importance of the oil fields, gas fields and coal mines to the economy.

He attended Utah Association of Counties meeting where they discussed a military task force to help military families in the county.

Melon Days is this Saturday. He encouraged everyone to attend.

(9)

CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING PENDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.

An Executive session was not necessary.

7

Commission Meeting Minutes  
September 11, 2012

(10)

ADJOURNMENT

Motion to adjourn was made by Commissioner JR Nelson, seconded by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 13, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Brookelle Langi, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List # 214616 through and including #214814 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
55-11	(1)Snow Plow Airport	\$3586.48
56-11	Concrete Repair-Sidewalk Court House	\$2950.00
57-11	(1)Socket & Wrench Set Highway	\$414.60

Dispositions were presented as follows:

Asset# 4415/05473, 1990 AMC Steam Cleaner/Washer

(2)

**APPROVAL OF PERSONNEL MATTERS**

- A. Approval to hire Merrill Duncan as a District Grader Operator.
- B. Approval of 3% wage increase for Michael Scow for successful completion of 6 month orientation period.
- C. Approval to hire Norman Vuksinick as part time Corrections Reserve Officer.
- D. Notification of 90 day temporary employees at the Aquatic Center, Savahna Hall, Bryson Hales and Delaini Barnson.

(3)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR KYLE EKKER.**

2

Commission Meeting  
September 13, 2011

(4)

**APPROVAL OF BUSINESS LICENSE FOR HOLE IN 1 (SNACK BAR AT FERRON GOLF COURSE)- JULIE E. MARTINEZ.**

(5)

**APPROVAL OF COMMISSION MEETING MINUTES DATED AUGUST 23, 2011 AND SPECIAL MEETING MINUTES DATED SEPTEMBER 1, 2011.**

Commissioner Laurie Pitchforth made a motion to approve the consent agenda. The motion was seconded by Commissioner JR Nelson and approved by all members present.

### **Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 ON BUCKHORN INFORMATION CENTER.**

Commissioner Jeff Horrocks explained that this is the first change order on the Buckhorn Information Center. The change order will result in a cost savings of \$17,143.04 on the project. The BLM requested changes to the tables and fencing and they will now supply those items. The project should be completed within the week. Commissioner JR Nelson made a motion to approve change order #1 on the Buckhorn Information Center. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(3)

**APPROVAL TO ADVERTISE FOR MID-TERM VACANCY FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Castle Valley Special Service District has an opening for a board member. The seat was held by Tom Humphrey who recently passed away. Commissioner Laurie Pitchforth made a motion to advertise for a board member for CVSSD. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(4)

**DISCUSSION AND APPOINTMENT TO FRIENDS OF STATE PARKS BOARD OF DIRECTORS.**

The Friends of State Parks is a Board that is trying to restore funding for the state parks. This year the state parks took a \$2.5 million cut in their budgets. Five parks have been targeted for closure including Green River State Park. The Friends of State Parks Board has requested that Mike McCandless be appointed to their Board. Commissioner JR Nelson made a motion to appoint Mike McCandless to the Friends of State Parks Board. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

(5)

**DIXIE THOMPSON, DISCUSSION OF COUNTY OWNED SIDEWALKS.**

Dixie Thompson was present to discuss her concerns over the county owned sidewalk on Bott lane. There are a lot of people who use the sidewalk year round. During the winter the sidewalk has not been cleared of snow and there are tree branches that need to be trimmed. The Commissioners agreed that the sidewalk should be maintained year round. Road Supervisor Wayde Nielsen explained that snow removal was difficult for the road department on the sidewalk because they do not have any equipment small enough to fit through the area. It is also difficult to pull personnel off of snow removal to shovel sidewalks. Commissioner Laurie Pitchforth made a motion to look into the possibility of having a private contractor keep the sidewalk clear. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(6)

**VAL PAYNE, DISCUSSION AND APPROVAL OF CONCEPT TO PARTIALLY PRESERVE THE BUCKHORN WELL PUMP HOUSE/PUMP JACK.**

Val Payne brought before the Commission his concern that the Buckhorn Well Pump House was slated to be torn down. Mr. Payne feels that the building is a landmark and needs to be preserved. The building was developed in 1946 to serve ranchers who had cattle grazing in the area. The building was maintained by local ranchers until about 1980. Mr. Payne has sent an email to the BLM requesting a kiosk be built that would house the pump jack. The kiosk would be built so the pump could be viewed from the outside. The kiosk would be build from the materials taken from the pump house building. The kiosk would be in a fenced area to keep cattle out. Mr. Payne stated that the BLM did not prematurely demolish the building but stated they could not offer financial help for the project. Commissioner JR Nelson stated that the pump house did have historic validity and he would like to support the project. Commissioner Laurie Pitchforth and Commissioner Jeff Horrocks were both in favor of the project. Commissioner JR Nelson made a motion to approve the concept of partially preserving the Buckhorn well pump house. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

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Commission Meeting  
September 13, 2011

(7)

**CLOSURE OF 2011 BOARD OF EQUALIZATION.**

Clerk/Auditor Brenda Tuttle stated that the time for appealing your 2011 property tax valuation had passed and requested the Commission close Board of Equalization. Commissioner Laurie Pitchforth made a motion to close 2011 Board of Equalization. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF LOW INCOME, VETERAN, BLIND AND INDIGENT PROPERTY TAX ABATEMENTS.**

Clerk/Auditor Brenda Tuttle presented the Commission with a list of applicants that have applied for property tax abatements. There are four types of abatements: veteran, blind, low income and indigent. To qualify for the veteran abatement the applicant must be certified disabled by the Veteran's Administration. They issue disabilities ranging from 10-100 percent. To qualify for a blind abatement the applicant must be certified legally blind by an optometrist and is for up to \$11,500 of taxable value. The low income abatement is based on income. The applicant must be age 65 or a widow or widower and make under \$29,210. The State of Utah reimburses the county for the low income abatements. Commissioner JR Nelson made a motion to approve the low income, veteran and blind property tax abatements. The motion was seconded by Commissioner Laurie Pitchforth and approved by all members present.

The indigent property tax abatements are granted at the discretion of the Commission. The abatement can be up to 50% of the tax owing. The applicant must submit an application, letter from their physician and a letter showing hardship. The Commissioners decided to consider each application separately.

Ryan Cowley submitted an application. The taxes owing on his property are \$689.74 with a possible abatement of \$344.87. Commissioner Laurie Pitchforth made a motion to approve the abatement for Ryan Cowley in the amount of \$344.87. The motion was seconded by Commissioner JR Nelson and approved by all members present.

Vern Hinton submitted an application for abatement. The taxes owing are \$508.60 with a possible abatement of \$254.30. Commissioner JR Nelson was concerned with this application because the income amount of the letter and the income amount on the form do not match. Commissioner Laurie Pitchforth made a motion to request additional information before any abatement will be approved. The motion was seconded by Commissioner JR Nelson and approved by all members present.

Winston Palmer submitted an application. The taxes owing are \$417.94 with a possible



5

Commission Meeting  
September 13, 2011

abatement of \$208.97. Commissioner Laurie Pitchforth made a motion to approve the abatement for Winston Palmer in the amount of \$208.97. The motion was seconded by Commissioner JR Nelson and approved by all members present.

(9)

**DISCUSSION & APPROVAL OF LETTER IN SUPPORT OF BLM ACTION TO REMOVE A BARRIER ON LOWER RANGE CREEK.**

Commissioner Laurie Pitchforth moved to table this item, motion was seconded by Commissioner JR Nelson and approved by all members present.

(10)

**CITIZEN CONCERNS.**

Citizen Bill Dellos stated that he had a concern with the Museum. He went there during the day to visit and it was closed. It was during regular business hours and there were also other people waiting outside to be let in. Commissioner JR Nelson stated that he had a meeting with the museum today where he would address the issue and get it resolved.

Citizen Phil Fauver brought up a concern about the Emery County Food Bank that there weren't any hours of operation listed as well as a lack of hours listed for drop off. Phil Fauver also commented on how nice the new building looks since completion.

(11)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Nelson*

Commissioner Nelson reported on a meeting with Castle Dale City. The City has acquired property to expand the fair park. The City has a plan to build a new pavilion with a permanent stage, dressing rooms and restrooms. Commissioner Nelson commended the City on their efforts to improve the land.

Ferron Peach Days was held on September 9<sup>th</sup> and 10<sup>th</sup>. There were a large number of activities and the event was successful.

Commissioner Nelson also reported that he and Commissioner Horrocks have spent a large amount of time in Green River working on the golf course issues and travel bureau items.

*Commissioner Horrocks*

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The Emery Special Service District #1 has completed the Little Wild Horse project. The Reeder Canyon project has also been started by Nielsen Construction. The project will pave the road up to the cattle guard at the entrance of the Reeder subdivision.

The Commissioners have been meeting with the legislative bodies and parks leadership to try and save Green River Golf Course. It is the hope of all the people involved in the process that those who have worked at the Millsite Golf Course to make it a profitable park will be able to turn Green River Golf Course into also making a profit.

A conference call was held this morning with Juan Palma from the Bureau of Land Management. Mr. Salazar and Mr. Abby are trying to put crown jewel designations but Mr. Palma stated he would not make any designations in Emery County at this time. Mr. Palma would like to see the County continue on with the lands bill and get it before legislators. Southeastern Utah Wilderness Alliance (SUWA) has issued a response to the land bill. They have a problem with most of the bill.

Sept 30<sup>th</sup> and Oct 1<sup>st</sup> the Back County Flyers will be flying into the Huntington Airport. Last year the event brought in over fifty aircraft and this year they are hoping for ninety. On Saturday, October 1<sup>st</sup> there will be an antique car show in the parking lot. There are also activities lined out for the pilots.

Melon Days will be held Sept 16<sup>th</sup> and 17<sup>th</sup> in Green River come out and support this event. A parade will be held on the 17<sup>th</sup> along with other activities.

Sept 21<sup>st</sup> the Emery County Business Chamber will hold a summit. The meetings will start at the San Rafael Museum and the break out sessions will be held at the courthouse.

October 8<sup>th</sup> there will be a steak fry at the San Rafael Museum at 6:00 p.m. This dinner is sponsored by the Republican party but everyone is invited to attend.

(12)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

No executive session was needed.

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Commission Meeting  
September 13, 2011

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

SEPTEMBER 27, 2011

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Sheriff Greg Funk, Deputy Clerk/Auditor Brookelle Langi, other elected officials, and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List #214921 through and including #215073 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
58-11	(1)Used Milling Machine	\$4,230.52
59-11	(2)Servers	\$10,787.44
60-11	(1)Laptop	\$1,019.89
	(5)Desktops 780	\$967.74
61-11	(1)Snapscanner	\$426.06

Dispositions were presented as follow:

Asset# 4415/04322, 1988 Wacker Compactor BS620Y

(2)

**APPROVAL OF PERSONNEL MATTERS.**

A. Approval to hire LeAnne Seely as part time Assistant Librarian for the Huntington Library with no benefits working 19 hrs. per week.

B. Approval to hire Mike Nelson, Taylor Hardman, Morgan Curtis, Tyler Rowley, Jessica Guymon, Hailee Rogers, and Jolynn Jennings as part-time lifeguards with no benefits working 19-3/4 hrs. per week..

C. Notification of hiring of Spencer Fauver as a 90 day temporary lifeguard.

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 13, 2011.**

**Discussion Agenda**

2

Commission Meeting  
September 27, 2011

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

Motion to approve items from the consent agenda made by Commissioner Nelson, seconded by Commissioner Pitchforth and approved.

(2)

**JUSTIN NEEDLES, DISCUSSION OF COUNTY-WIDE BURN ORDINANCE.**

Justin Needles, Fire Warden of Emery and Carbon Counties, presented the option for an adopted county ordinance concerning burn guidelines. Mr. Needles has received several phone calls from local fire chiefs in regards to when open burn season is, what are the regulations, and concerns with what people are burning. Carbon County already has such guidelines in place and a copy was given to the commissioners. During a meeting held with the Fire District the county-wide ordinance was proposed with all members present in favor. The Fire District is made up of all of the fire chiefs from the local towns/cities, Commissioner Nelson, Commissioner Horrocks, and Gayland Dugmore, who is the at large member. The ordinance would also help the Emery County Sheriff's Office better enforce burn restrictions when there is reckless burning and burning of garbage.

Part of the ordinance would be that during the off season, citizens who wish to burn will contact Justin Needles directly to issue an off season permit. The permit number would then be called into the Emery County Sheriff's Office. The citizen with the permit would contact the sheriff's office and notify them that they would be burning. This would allow the sheriff's office to know where the controlled burns are. This will keep false alarms with the fire department down and save the county money in avoiding them. Sheriff Funk had concerns about the additional work for dispatch that the calls would create.

The open burn season is from November 1<sup>st</sup>- May 1<sup>st</sup>, during that time each city/town will designate their own burn seasons. Commissioner Horrocks stated that Emery County would need to formulate an ordinance to be presented through County Attorney Blackwell. The ordinance will be presented in the next COG (Council of Government) Meeting and Fire District Meeting. Commissioner Nelson stated that each city would need to be contacted, given an idea of the burn ordinance, and receive their input.

The next COG Meeting will be Held Dec 6<sup>th</sup> at 6:00 PM and the next Fire District Meeting will be held Nov 14<sup>th</sup>.

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Commission Meeting  
September 27, 2011

(3)

**CONSIDERATION AND APPROVAL OF 2011 BOARD OF EQUALIZATION CHANGES.**

County Assessor Kris Bell presented the Board of Equalization changes. Listed were the qualified participants names, serial number for their property, and the adjusted value.

Commissioner Nelson made a motion to accept BOE changes, seconded by Commissioner Pitchforth and approved.

(4)

**CONSIDERATION AND APPROVAL OF TAX ABATEMENT FOR WACO RANDALL, GRACE HUMPHREY, AND FAYE SWEAT.**

The abatements were presented by Clerk/Auditor Brenda Tuttle. Two of the abatements were circuit breaker, which are reimbursed by the state. The other is a veterans abatement.

Motion to approve was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved by all.

(5)

**CONSIDERATION AND APPROVAL OF REDUCED AMBULANCE BILL AND ACCEPT PROPOSED PAYMENT IN FULL FOR ENRIQUE RODRIGUEZ, HUMBERTO CARRILLO AND HECTOR HERNANDEZ.**

To the understanding of the board, these individual are now in Mexico; so if these offers are not accepted then the county will not be paid. The following amounts were proposed through the individual's attorney: \$348.00 for Humberto Carrillo, \$532.00 for Hector Hernandez, and \$351.75 for Enrique Rodriguez. Commissioner Horrocks also stated that for the record, St. Mary's Hospital reduced their bill to 25% of the original cost and their attorney is requesting that we do the same.

A motion to accept as listed by attorney was made by Commissioner Nelson, seconded by Commissioner Pitchforth and approved.

(6)

**DISCUSSION AND RATIFICATION OF \$50.00 PER DIEM FOR PLANNING COMMISSION MEMBERS BASED ON NECESSARY AND REASONABLE EXPENSES AND ACTUAL ATTENDANCE AT MEETINGS PER COUNTY ORDINANCE.**

The planning commission members have been receiving a \$50.00 per diem for each meeting that they attend. They travel to Green River and are not reimbursed for mileage, so this per diem covers fuel costs and any other necessary expenses that they may incur. There has been some misunderstanding about this per diem in that some have called it a stipend which is not allowed. The per diem is only available to volunteer members of the board. Elected officials or county employees are not eligible for said per diem.

Commissioner Nelson made a motion to ratify and establish per diem an actual cost of expenses which would be mileage that these board members incur to attend their meetings and the price of the \$50.00 per diem with the exception that they have to be present to receive. This was seconded by Commissioner Pitchforth and approved.

(7)

**DISCUSSION AND CONSIDERATION OF COUNTY ORDINANCE FOR NO SEPTIC TANKS WITHIN 300 FT. OF CITIES/TOWNS. APPROVAL AND SUBSEQUENT ACTION.**

This is a planning & zoning matter that needs to be worked out with the Emery County Special Service District before being presented to the Emery County Commissioners. Therefore Commissioner Pitchforth motioned to table this item, the motion was seconded by Commissioner Nelson and approved.

(8)

**CONSIDERATION AND APPROVAL OF TRAVEL BUREAU BYLAWS.**

The Travel Bureau met at the direction of the County Commissioners and submitted their recommendations on a policy to County Attorney Blackwell on a Travel Bureau Policy who made sure it complied with the state laws.

Motion was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

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Commission Meeting  
September 27, 2011

(9)

**CONSIDERATION AND APPROVAL OF TRAILS COMMITTEE BYLAWS.**

The Trails Committee met at the direction of the County Commissioners and submitted their recommendations on a policy to County Attorney Blackwell on a Trails Committee Policy who made sure it complied with the state laws.

Motion was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(10)

**SETTING OF BUDGET WORK SESSION.**

The following will be times for the department heads and elected officials to meet with Clerk/Auditor Brenda Tuttle and the Emery County Commissioners to discuss next years budget: October 5<sup>th</sup> at 9:00 AM, October 11<sup>th</sup> starting at 2:00 PM, October 13<sup>th</sup> 9:00-11:00 AM, October 17<sup>th</sup> 9:00-11:00 AM, October 19<sup>th</sup> 9:00-11:00 AM, October 24<sup>th</sup> starting at 11:00 AM.

(11)

**CITIZEN CONCERNS.**

Lynn Hendersen spoke of her concern on the lack of speed limit signs on the road going south leaving Lawrence. She has called the Emery County Sheriff's Office several times complaining about the speeds being traveled as well as contacting the Emery County School District about the Lawrence school bus speeding. Commissioner Horrocks stated that he would contact Steve Kemple, Sign Foreman for Emery County, and instruct him to visit the area and see what could be done, if anything, to keep Emery County in compliance with Utah State Law.

(12)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Thanked Tina Carter form Travel Bureau for the efforts she made to set up a booth at the Utah State Fair. Commissioner Pitchforth stated this is a commitment that she had made last year and was only able to fulfill because of the hard work from Mrs. Carter.



6

Commission Meeting  
September 27, 2011

*Commissioner Nelson*

Attend a UAC (Utah Association of Counties) meeting where two important issues were discussed. First RS2477 right of ways where our interest is different from the State of Utah. Emery County is claiming rights to six roads where as other counties and UAC are fighting for rights to all roads. Second issue was a discussion with Senator Mike Lee. Senator Lee did give a commitment to help the county getting the Public Lands Use Bill passed through the state.

*Commissioner Horrocks*

All three commissioners received a print out from Mike McCandless on the Bear (Business Expansion and Retention) Program. Commissioner Horrocks stated that everything appears to be going well.

Wednesday September 21<sup>st</sup>, the commissioners attended the Economic Summit Meeting where a speaker from the Blue Castle Group put on a presentation and answered questions about the nuclear power plant that they are trying to secure permits to build in Green River. The conference was well attended with people from several counties including Emery County, Carbon County, and Sevier County.

Commissioner Horrocks also spoke of a fall conference the commissioners attended where the subject of Medicare Reform and the cost deductions were presented by Senator Dan Liljenquist. Senator Liljenquist also spoke about ways to better serve the people of Utah while still saving money. Senator Liljenquist also spoke of the Beer Tax and how it could pay for treatment for those who have that addiction.

The State of Utah is being sued by Civil Liberty's Union for underpaying their public defenders. The reason for the lawsuit stated that indigents are not receiving ample care because defense attorneys are being pushed in the direction of plea bargains. One hope for the lawsuit would be that attorneys that actually take their client's case to the court room would be paid more than if the indigents are being entered into a plea bargain. How this effects Emery County would be if the law suit does pan out then there will be more money in the budget for County Attorney Blackwell.

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Commission Meeting  
September 27, 2011

(13)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

No executive session was needed.

Commissioner Horrocks made a motion to adjourn, seconded by Commissioner Nelson and approved by all members present.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

OCTOBER 11<sup>TH</sup>, 2011

Present at the meeting were Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Sheriff Greg Funk, Deputy Clerk/Auditor Brookelle Langi, other elected officials, and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List #215164 through and including #215288 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
64-11	(1) 32" TV combo LCD/DVD	\$451.24
	(1) Crosley Radio Music Record CD Player	\$322.00
65-11	(2) Digital Television translators for Horn Mountain	\$34,490.00
66-11	(1) Larcan 25 Watt FM translator for Emery Town	\$4,095.00
	(1) Larcan 25 Watt FM for Green River	\$4,095.00
	(2) FMR7340/2 Isolators for both translators above	\$1156.00
67-11	(1) Ethernet/Internet Microwave between Sheriff's Office and other county buildings.	\$33,850.46

There were no dispositions.

(2)

**APPROVAL OF PERSONNEL ISSUES.**

A. Notification of 90 day temporary appointment of Marilyn Behunin at the Museum of the San Rafael.

B. Approval of hire Justin Truman as a full time, with benefits, Equipment Driver/Operator.

2

Commission Meeting  
October 11<sup>th</sup>, 2011

(3)

**APPROVAL OF OUT OF STATE TRAVEL FOR GARRETT CONOVER, JEROD CURTIS, KYLE EKKER, JEFF THOMAS, AND SHERIFF FUNK.**

(4)

**RATIFICATION OF AGREEMENT WITH QUESTAR GAS COMPANY FOR FS SERVICE AT THE AQUATIC CENTER.**

(5)

**RATIFICATION OF APPROVAL FOR WAYDE NIELSEN TO PURCHASE SURPLUS PROPERTY ON BEHALF OF EMERY COUNTY.**

(6)

**APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 27, 2011.**

#### Discussion Agenda

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

Motion to approve items from the consent agenda made by Commissioner Nelson, seconded by Commissioner Pitchforth and approved.

(2)

**CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND USDA, FOREST SERVICE MANTI LA-SAL NATIONAL FOREST FOR COOPERATING AGENCY STATUS.**

Darren Olsen with the Forest Service presented the memorandum to the commissioners and explained that it was the same memorandum that has been approved in previous years but our old agreement expired in 2007 or 2008. This renewal will carry us through to December 31<sup>st</sup> 2016.

A motion to approve was made by Commissioner Pitchforth, Seconded by Commissioner Nelson and approved.

3

Commission Meeting  
October 11<sup>th</sup>, 2011

(3)

**APPOINTMENT TO CASTLE VALLEY SPECIAL SERVICE DISTRICT TO FILL A MID-TERM VACANCY.**

There were three applicants for this opening: Dixie Thompson, Dale Roper, and Kirt Rasmussen. When speaking to the Special Service District they expressed concern with Commissioner Horrocks that they would like to keep the board members evenly spaced throughout the county; therefore, they would like someone from the north end. All three commissioners agreed that all the applicants were very well qualified and public servants.

Commissioner Nelson made a motion to approve Kirt Rasmussen from the north end of the county, motion was seconded by Commissioner Pitchforth, and approved by all.

(4)

**RATIFICATION OF APPOINTMENT OF MARTIN WILSON TO SOUTHEASTERN UTAH DISTRICT HEALTH DEPARTMENT BOARD AND APPROVAL TO ADVERTISE FOR A NEW BOARD MEMBER REPRESENTING EMERY COUNTY.**

Martin Wilson has been a member of this board for several years and has served Emery County well. The Emery County Commissioners would like to ratify his position as board member. There is also an opening on the board for a non-medical member that Emery County would like to advertise for. Non-medical meaning that they can not work in the medical field.

A motion to ratify Martin Wilson as a member of the Board of Southeastern Utah District Health Department and advertise for a new board member was made by Commissioner Nelson, seconded by Commissioner Pitchforth, and approved.

(5)

**APPROVAL TO APPOINT SHARON EARL TO SERVE ON THE EMERY COUNTY COUNCIL OF AGING.**

This position was advertised for previously and there were not any applicants. Sharon Earl was then recruited for this position. Commissioner Pitchforth expressed appreciation towards Sharon Earl for her willingness to accept the position and stated that she knew Mrs. Earl would do a great job.

A motion to appoint Mrs. Earl was made by Commissioner Nelson, seconded by Commissioner Pitchforth and approved.

4

Commission Meeting  
October 11<sup>th</sup>, 2011

(6)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #2 FOR BUCKHORN INFORMATION CENTER.**

This is a change order for several issues at the Buckhorn Information Center. One of the items in the change order are the restrooms, they need to be raised at least 8 inches to avoid damage during heavy rain storms. The cost of the restroom change order will be \$6,692.00. Also a pedestrian pass through the wooden fence needs to be established, this will cost \$1500.00. The next item on the change order is for an air conditioning/heat unit protective cover. The cover will help protect the unit from the elements and vandalism at a cost of \$6,692.00. There also needs to be additional grounding rods at a cost of \$402.50, and additional conduit for camera wire with a cost of \$316.25. These changes will bring the full cost for the project up to \$182,280.90. This is still below the original bid of \$189,047.97.

A motion to accept change order #2 for the Buckhorn Information Center was made by Commissioner Pitchforth, seconded by Commissioner Nelson, and approved.

(7)

**CONSIDERATION AND APPROVAL OF ADDITIONAL BOE CHANGES.**

The time frame for BOE (Board of Equalization) has closed; therefore, these changes need to be approved by the commissioners.

These were segregations from Jethro Majors to Huntington Irrigation Company for 2.45 acres, and from Phil Jensen to Cleveland City for      acres. For 2011 Huntington Irrigation Company and Cleveland City will be exempt from what they received.

Commissioner Nelson made a motion to approve BOE changes, this was seconded by Commissioner Pitchforth and approved.

(8)

**CONSIDERATION AND APPROVAL OF 2012 ANNUAL OPERATING PLAN (MODIFICATION #2) FOR LAW ENFORCEMENT AGREEMENT #11-LE-110410000-004 BETWEEN EMERY COUNTY AND MANTI LA-SAL NATIONAL FOREST.**

This is for the renewal of an agreement between the Forest Service and Emery County. The agreement states that Emery County Sheriff's Office will help patrol the Manti La-Sal Forest on holidays, weekends, and after hours for disturbances. Sheriff Funk and the commissioner expressed concern with the way the money was distributed throughout the state and asked questions on how to make any changes. Darren Olsen, Forest Service Representative, stated that there is only so much money in the pot and it has been disbursed the same way since this started.

5

Commission Meeting  
October 11<sup>th</sup>, 2011

If the amount of money in that budget grows then there is a possibility of getting more money. Another option would be to speak to Forest Service Regional Office and express your concerns with the way the money is being distributed.

A motion to approve the modification was made by Commissioner Pitchforth, seconded by Commissioner Nelson, and approved by all.

(9)

**CONSIDERATION AND APPROVAL OF HUNTINGTON AIRPORT INSURANCE RENEWAL PROPOSAL.**

Mary Huntington, personnel director, presented this item. Mrs. Huntington stated that it was the same policy as last year. The only change was the cost. The premiums have been raised by \$113.00 which would bring the total to \$2388.00. There was also a chance to add terrorist coverage for the additional cost of \$239.00. Emery County's Insurance covers the airport its self. Leon Defriez, who leases the airport, carries insurance for everything else.

A motion to keep the same coverage as last year for a slight increase in premium was made by Commissioner Nelson, seconded by Commissioner Pitchforth and approved.

(10)

**CONSIDERATION AND APPROVAL OF NEW WATER CONNECTION FOR THE ROAD SHOP AND TRANSFER OF A WATER SHARE TO CASTLE DALE CITY.**

Commissioner Horrocks has spoken with the mayor and the only cost of this would be the (1) one culinary water share. The condition of the tank with the 3/4 inch supply line doesn't hold water. Wade Nielsen, Road Department Supervisor, requested to put in a 2 inch connection to maintain the road department equipment. This needs to be done before it snows and the plows put salt on the roads. Once that happens, they need to be able to wash off their equipment to keep it properly maintained.

A motion to approve was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(11)

**CONSIDERATION AN APPROVAL OF CIRCUIT BREAKER TAX ABATEMENT FOR CAROLYN WILCOX.**

Clerk/Auditor Brenda Tuttle stated that we can still be reimbursed from the state on the circuit breaker. This was turned in past the deadline and therefore needed approval from the commissioners. The adjustment would be \$410.80 for the home adjustment and \$106.00 for the

6

Commission Meeting  
October 11<sup>th</sup>, 2011

circuit breaker.

A motion to approve was made by Commissioner Nelson, seconded by Commissioner Pitchforth and approved by all.

**(12)**

**CITIZEN CONCERNS.**

Phil Fauver stated that Senator David Hinkins and Senator Mike Lee are showing concern with the Emery County Land Use Bill, and wanted to know if it was possible to address their concerns during a commission meeting. Emery County has previously sent out letters to both senators asking for their input and concerns. Commissioner Horrocks stated that Emery County would however send both senators a letter inviting them to a commission meeting to address their concerns with the Public Land Use Bill.

**(13)**

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Friday the 9<sup>th</sup> Commissioner Pitchforth attended a retirement party for Molly Scoville. Mrs. Scoville has worked for the Emery County Senior Center in Ferron for 37 years. Commissioner Pitchforth spoke of times that she has worked with all of the senior citizen centers and commended all of the workers there. She stated that they were all very dedicated and hard workers, and she appreciates everything that they do. Molly will be missed, and all of her hard work was greatly appreciated.

Friday October 14<sup>th</sup> is Festive Friday for the Extension Service starting at 12:00, lunch will be served.

*Commissioner Nelson*

Commissioner Nelson attended Local Board of Health Training and learned what they do. The most disturbing news Commissioner Nelson learned during this meeting was the number of citizens getting cancer in Monticello due to the uranium mill that were in that area from 1940's and closed in the 1960's.

Tonight there is a meeting at the Recreation Center in the town of Emery to address the closing of the Emery Post Office.



7

Commission Meeting  
October 11<sup>th</sup>, 2011

October 14<sup>th</sup> at the state capitol at 10:00 AM the Emery County Public Lands Administrator will be presenting the process Emery County went through for the Public Land Use Bill.

*Commissioner Horrocks*

Commissioner Horrocks has been working with Leon Defriez about the expansion of the air port. The proposed extension would be to add more hangars and a West to East runway to avoid the westerly winds in the evening.

Stated that he went to the weed and mosquito convention for two days in Park City and learned of all of the changes with the federal government and new regulations that will have a significant financial increase for the weed and mosquito department's budget to try to keep up with the new regulations and fees.

Commissioner Horrocks stated there is a need for a new city/county building for Green River. The current building has many issues and hasn't been properly maintained throughout the years. The current building needs a new air conditioner, the roof leaks and there are several other problems. Instead of dumping more money into the current building, it would be more practical to build a new city/county building. It would also bring all of the current county offices currently in Green River to one place, along with providing warehouse storage for county vehicles.

(13)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

No executive session was needed.

Commissioner Horrocks called the meeting to adjournment.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 23<sup>rd</sup>, 2011

Present at the meeting were Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Sheriff Greg Funk, Deputy Clerk/Auditor Brookelle Langi, other elected officials, and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List 215389 through and including 215511 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
68-11	(1)ShorTel Telephone system For Sheriff's Office and Courts	\$46,805.82
69-11	(25)HP Officejet 100 Mobile Printer	\$5160.00
70-11	(25)Panasonic Tough Book Computers	\$35,244.25
	(25)Panasonic Memory Expansion 2 GB	\$1,905.25
71-11	(1)Landscape Rake	\$559.00

There were no dispositions.

(2)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR RAY PETERSEN TO ATTEND  
COLORADO RIVER WATER USER'S ASSOCIATION CONFERENCE IN  
LAS VEGAS, NEVADA.**

(3)

**APPROVAL OF PERSONNEL MATTERS.**

- A) Approval to promote Johnathon Minchey to a Corrections Officer I after successful competition of POST effective 10-30-2011.
- B) Approval to hire Morgan Bell as a Reserve Dispatcher
- C) Approval to hire Kyla Bunnell, Wade Allinson, and Matthew Bunnell as Reserve Correction Officers/Patrol Deputies.
- D) Approval to hire Shawn Alton, Larry Johansen, Chris Parkins, and Eugene Swalberg as Reserve Patrol Deputies.

2

Commission Meeting  
October 25<sup>th</sup>, 2011

(4)

**APPROVAL OF COMMISSION MEETING MINUTES DATED OCTOBER 11, 2011.**

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

Motion to approve consent agenda with the exception of 3D was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

A motion to table item 3D was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(2)

**ASPHALT ZIPPER-PRESENTATION AND DISCUSSION OF PROCESS FOR ROAD REPAIRS REUSING MATERIALS.**

Roger Comstock spoke of how the machinery repairs roads. It works in conjunction with the machinery that the road department currently owns and operates. Mr. Comstock also spoke of the different sizes and types of machinery throughout the brochure and what would work best with our current equipment. Commissioner Pitchforth asked about the possibility of Asphalt Zipper bringing down the 8 foot machine and giving Emery County a presentation on some of the county's different roads. Mr Comstock agreed. Mr. Comstock also spoke of how the financing would work and options for the county to consider. Commissioner Horrocks asked about the warranty and the durability of the equipment/teeth. Mr. Comstock stated that the engine had a 2 year 2000 hour warranty, 1 year warranty on the clutch, and 1 year warranty on the gear box. All commissioner present stated they would like to see the presentation and decide further at that time.

(3)

**OPEN AND READ ALOUD SEALED PROPOSALS FOR EMERY COUNTY LEGAL DEFENDER SERVICES AND/OR CONFLICT COUNSEL. CONSIDERATION AND APPROVAL OF LEGAL DEFENDER AGREEMENT.**

Three proposals were presented to the Commission:

- David M and McKette Allred bid \$4,800.00 per month or conflict only at \$3,000.00 per month.
- Mark Tanner and Associate bid \$5,500.00 per month or conflict only at \$2,500.00 per month.
- Oliver and Sitterud bid \$4,100.00 per month or conflict only at \$ 2,300.00 per month.

After the bids were read aloud each of the parties were allowed additional comments to the commission.

Mr. and Mrs. Allred stated that experience was a very important asset that each of them could offer as well as already having built a relationship with the law enforcement agencies and court personnel. Mrs. Allred spoke of the experience she has to offer with family cases which would prove valuable to Emery County. In 2009 Mrs. Allred was awarded the Parental Defense Attorney of the Year Award. Mrs. Allred also stated that she would like to point out that the ACLU (American Civil Liberties Union) has filed lawsuits with several counties because their public defenders were inexperienced. Emery County was not included because they have had public defenders with experience. Mr. Allred stated that in all of his years of public defending he has not received any bar complaints.

Mr. Tanner also spoke of the importance of experience and stated that he would recognize the Allred bid and stated that having experienced attorneys would be worth the extra cost. Mr. Tanner also stated that his conflict bid was only \$200.00 more than the lowest bid. Mr. Tanner also stated that one major contribution he makes is being fluent in Spanish. Therefore, Emery County would avoid the extra time and expense it would take to find an interpreter during regular interactions with their attorney. If Mr. Tanner's bid was accepted for the conflict counsel bid he would also be willing to help with the defender services' Spanish speaking defendants at no extra cost.

Mr. Oliver and Mr. Sitterud spoke of the benefits of youth to their advantage as well as their education, background, and experiences they have had since coming back and working in Carbon and Emery Counties. Mr. Sitterud Stated that he was not interested in having a defendant let off or avoiding their punishment if they were guilty, but has more of an interest of upholding the defendants constitutional rights during the defense process.

(4)

**CONSIDERATION AND APPROVAL OF GRANT APPLICATION FOR E911 EQUIPMENT.**

Bret Mills presented the proposed grant to the commissioners and stated that Emery County's current E911 Equipment is out of date. With this grant most counties our size receive 100-90% of the requested amount. The fund to receive new equipment comes through tax on phone bills of which 40% is paid to the state, and the state divides it to the counties. This is not enough to cover the cost of the full amount, but it would cover the 10% if we have to pay that without completely depleting the fund.

A motion to approve the E911 Grant was made by Commissioner Pitchforth, Seconded by Commissioner Nelson, and approved by all.

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Commission Meeting  
October 25<sup>th</sup>, 2011

(5)

**CONSIDERATION AND APPROVAL OF TENTATIVE BUDGET FOR FY2012 FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Clerk Auditor Brenda Tuttle presented Emery County's tentative budget and stated that budget meetings were still ongoing. Revenue is up \$300,000.00 and overall the rest stays unchanged. There is a large difference in 2010 actual because the mineral lease revenues. The commission has decided to not spend until the funds are actually received. There is not a cost of living increase in the budget. That decision comes down to the commissioners. Clerk/Auditor Tuttle presented a list of 2010's actual amount, 2011's budget and 2012's tentative budget.

Commissioner Nelson made a motion to approve the 2012 tentative budget, it was then seconded by Commissioner Pitchforth and approved.

Jacob Sharp presented the budget for the Castle Valley Special Service District. Mr. Sharp stated that the CVSSD has three budgets: the General Fund, Debt Service Fund, and Capital Project Fund. Mr. Sharp stated that for 2011 CVSSD was up on revenue by \$40,000.00. Down a little bit on mineral lease and interest income. Expenditures would read the same as last year with the exception of \$50,000.00 to road maintenance and chip seal projects. There is not a cost of living increase showing on the CVSSD budget, but the board is showing interest on adding that depending on the outcome with the commissioners. The Debt Services Funds pay for the yearly projects, yearly CIB (Community Impact Board) costs, and a public market bond with Zions Bank. The Capital Project Funds pay for the projects requested by each of the cities such as: street, curb and gutter, garbage, sewer and water.

Commissioner Nelson made a motion to approve CVSSD 2012 budget, which was seconded by Commissioner Pitchforth and approved.

(6)

**CITIZEN CONCERNS.**

Wade Nielsen, Road Department Supervisor, stated that he would like to update all of the Road Department's cell phones and change carriers from Nextel to Verizon with the exception of one. The Road Department's phones are out of date and the carrier Nextel does not work very well in Emery County with the exception of Emery Town.

(7)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Commissioner Nelson, Commissioner Pitchforth, and Ray Petersen, Emery County Public Lands Administrator, attended the Constitution Defense Meeting. Commissioner Nelson made the introductions and Mr. Petersen then conducted a presentation on Emery County's Public Land Use

Bill. House Representative Mike was not in approval of the land use bill and was upset with the fact that Senator Mike Lee has stated that Emery County does not need state support to present the bill in Washington D.C. Representative Noel stated that without the approval of the State of Utah he would not support the bill. Commissioner Pitchforth stated that in her opinion our best option would be to stop waiting for the states approval and move forward with Emery County's Public Lands Use Bill.

Commissioner Pitchforth stated that she attended the Emery County Sheriff's Office shooting re-qualifications and thanked Sheriff Funk for inviting her to attend. She had lunch there with the sheriff's office and enjoyed witnessing the re-qualification process.

Emery County is hosting the CCP (Castle County Partners) on Thursday October 27, 2011 at 9:00 A.M. The meeting will be held in the Ferron Care Center multi-purpose room. Lunch will be served, followed by either enjoying a game of golf at the Millsite Golf Course or attending a tour of the back 9 holes. One hope of the tour and golfing experience would be to have the individuals come back and spend time and money in Emery County.

#### *Commissioner Nelson*

Commissioner Nelson also spoke of the Constitution Defense Meeting and stated that he was surprised by the amount of control Representative Noel would like over the Emery County Public Lands Use Bill.

Commissioner Nelson also stated that on a personal note he would like to commend the Emery County Sheriff's Office on all of their hard work. He recently had a break in, and in a routine inspection of an abandoned vehicle, they may have caught the perpetrator.

Stated that he has had a real education in budget through this year's budget meetings.

#### *Commissioner Horrocks*

Spoke of a recent meeting he had with Leon Defriez at the Emery County Airport where the two of them have come up with a five year master plan to make the airport more of a draw for pilots to use.

Commissioner Horrocks also attended a meeting for the Association of Governments, where the discussion turned to the Federal Money Budget and the projects it may affect if the budget isn't presented timely. Carbon and Emery Counties are speaking with state senators and representatives trying to get help pushing through a Federal Money Budget.

Commissioner Horrocks spent some time with the Local Government Trust who provides part of Emery County's insurance, they are functioning very well. The Local Government Trust is going out and presenting bids for services. The Local Government Trust also put on a tailgate party for

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Commission Meeting

October 25<sup>th</sup>, 2011

the employees of Emery County.

Commissioner Horrocks also stated that he is looking forward to attending the CCP (Castle County Partners) Conference on Thursday.

Commissioner Horrocks attending a Western Energy Alliance meeting where the energy producing companies put on a dinner and invite elected officials to present the ideas and projects of WEA for the near future and long term.

(8)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

No executive session was needed.

Commissioner Horrocks declared the meeting closed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

November 8<sup>th</sup> , 2011

Present at the meeting were Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Brookelle Langi, other elected officials, and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List 215598 through and including 215759 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
72-11	(2)Red MPD Red, CMC	\$1,240.00
73-11	(2)T1/PRI Audio Logger for new E911 Telephone System	\$2,390.00
74-11	(1)Keypad & K-800 Card Reader(Fuel)	\$309.65
	(1)Freight Charge	\$15.89
75-11	(2)Outside Table Canopies	\$5,040.00

There were no dispositions.

(2)

**APPROVAL OF PERSONNEL ISSUES.**

A. Approval of Jana Abrams as a volunteer for Emery County Travel Bureau.

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED OCTOBER 25, 2011.**



2

Commission Meeting  
November 15, 2011

## **Discussion Agenda**

(1)

### **ITEMS PULLED FROM THE CONSENT AGENDA.**

None

Motion to approve consent agenda was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(2)

### **APPOINTMENT TO SOUTHEASTERN UTAH HEALTH DEPARTMENT BOARD.**

This is a position for a non-medical professional. One application was turned in. The applicant, Kathy Kearney Reaves was previously a nurse at the health department. Ms. Reaves is no longer employed in the medical field; she should be eligible for the board member position.

A motion to approve with the understanding that Ms. Reaves previous employment may pose an issue was made by Commissioner Nelson, seconded by Commissioner Pitchforth and approved.

(3)

### **APPROVAL TO ADVERTISE FOR MID-TERM VACANCY ON EMERY COUNTY CARE AND REHABILITATION BOARD OF DIRECTORS.**

This position was previously held by Tom Humphrey of Orangeville who has passed away.

A motion to advertise for the mid-term vacancy was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved by all members present.

(4)

### **APPROVAL OF RESOLUTION OF APPOINTMENT OF AN EMERY COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INSURANCE POOL ANNUAL MEMBERSHIP MEETING.**

In the past Personnel Director, Mary Huntington has been the Emery County Representative with County Attorney, Dave Blackwell as the alternate.

A motion to reappoint Mary Huntington as the representative with David Blackwell as the alternate was made by Commissioner Nelson, seconded by Commissioner Pitchforth and approved.

(5)

### **DISCUSSION OF COUNTY GIFT FOR UAC ANNUAL CONVENTION.**

The gift of a nativity scene has already been arranged for by County Assessor Kris Bell.

3

Commission Meeting  
November 15, 2011

(6)

**APPROVAL OF CORRECTED PROPERTY VALUE (COMMISSION ADJUSTMENT)  
ON 01-0013-0036/MICHAEL D. OLSEN.**

There was a computer error when inputting the value for Michael D. Olsen, therefore an adjustment needs to be made to correct the value.

A motion to approve the corrected value was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(7)

**CONSIDERATION AND APPROVAL OF PROPERTY TAX ABATEMENT,  
(COMMISSION ADJUSTMENT) FOR MARY ANN RIZZUTO.**

Clerk/Auditor Brenda Tuttle addressed the commission stating that this application was turned in on time but information was disclosed to the clerk/auditor's office that this home was no longer her primary residence. The home at the time was up for sale and appeared vacant which resulted in Ms. Rizzuto being ineligible for the abatement. Ms. Rizzuto has turned in letters from neighbors stating that she holds her primary residence in Huntington. Ms. Rizzuto was staying in Price to help take care of her mother who has since passed away.

A motion to approve the abatement for Mary Ann Rizzuto was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(8)

**CONSIDERATION AND APPROVAL OF BYLAWS FOR EMERY COUNTY  
ADVISORY COUNCIL OF AGING.**

The bylaws went before the Aging Board and had some of the verbiage changed. After the changes it was returned to County Attorney, David Blackwell for review. Both parties have come to an agreement.

A motion to approve was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(9)

**CONSIDERATION AND APPROVAL OF PUBLIC DEFENDER CONTRACTS.**

County Attorney Blackwell reviewed the contracts and after consideration of the ongoing lawsuit with the ACLU(American Civil Liberties Union) recommend the following:

County Attorney Blackwell offered David Allred the public defenders position and asked for a reduction in the bid. Mr. Allred agreed to reduce their original bid by \$1,100.00 for the year and include drug court cases as well as McKette Allred's services as the primary defender in the parental rights cases.

4

Commission Meeting  
November 15, 2011

The conflict contract was awarded to Mark Tanner who also reduced his bid to \$1,500.00 a month. The bid will include Spanish speaking services. In addition a contract with Mr. Tanner for conflicts on parental rights cases is listed at \$100.00 per hour.

A motion to approve County Attorney Blackwells' recommendation was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(10)

**CITIZEN CONCERNS.**

Bill Dellos announced that with the redistricting Emery County's new representative would be Jason Chafetz. Representative Chafetz will be holding a meeting at the Holiday Inn in Price, Thursday November 10<sup>th</sup>, at 10:00 AM to address citizen concerns.

(11)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Commissioner Pitchforth reported on the Castle County Partners meeting which took place at the Care Center in Ferron with around 20 representatives in attendance. Lunch was served followed by a tours of the Ferron Care Center and the Millsite Golf Course.

Spoke of attending Shop-A-Palooza in Carbon County which is sponsored by Carbon and Emery Counties. Commissioner Pitchforth stated that she purchased many of her holiday gifts between the Shop-A-Palooza and the Christmas Festival in Emery County. Commissioner Pitchforth stressed the importance of supporting local vendors and businesses .

Festive Friday is this Friday, November 11<sup>th</sup>, beginning at noon located at the Swell Conference Room at the Emery County Court House.

Commissioner Pitchforth will be attending the UAC (Utah Association of Counties) meeting next week.

*Commissioner Nelson*

Commissioner Nelson spoke of the county moving forward with budget meetings.

*Commissioner Horrocks*

Commissioner Horrocks also spoke of budget meetings and stated there is not enough money to go around, so some requests will not be fulfilled.

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Commission Meeting  
November 15, 2011

Spoke of working with Wade Nielsen, Road Department Supervisor, to acquire some of the major equipment needed. Mr. Nielsen is researching the best equipment for the jobs and his efforts are appreciated.

Commissioner Horrocks also thanked the Emery County Employees for all of their hard work.

Commissioner Horrocks attended CIB(Community Impact Board) and CDBG (Community Develop Block Grant) training. CIB will be changing their calendar to a fiscal calendar to better accommodate the federal funds used by the board.

(12)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

No Executive Session was needed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

November 22<sup>nd</sup>, 2011

Present at the meeting were Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Brookelle Langi, other elected officials, and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List 215857 through and including 216021 were presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
76-11	(1)Crusher Unit w/Trade In	\$999,035.00
77-11	(23)Drager X-AM 2000 4 Gas Monitor, EX/02/CO/H2S, Alkaline Battery Pack	\$13,225.00
	(9) Drager Bump Test Station, X-AM 2000 w/o Gas Cylinder	\$3,888.00
78-11	(5) Portable Battery Powered Airway Suction	\$1,947.50
79-11	(5) Stryker Stair Pro Model #6252	\$12,471.30
80-11	(1) Honda WT20X2" Trash Pump	\$1,128.00
81-11	(1) 16 Port Router	\$419.99
	(2) Rackmount UPS	\$711.96
82-11	(1) 20' Storage Shed for Green River	\$3,000.00
83-11	(1) EURAMCO 8" 12VDC Ventilation Fan w/25' Duct, 115 volt included	\$655.00
84-11	(1) Wells Cargo Enclosed Trailer, 17'7"	\$4,750.00

There were no dispositions.

(2)

**APPROVAL OF PERSONNEL MATTERS.**

- A. Approval to hire Meagan Wilberg as a part-time sales clerk at the Museum of the San Rafael.
- B. Notification of Earl Nelson as a 90 day temporary employee in the Road Department until year end.
- C. Notification of Diana Thompson as a 90 day temporary employee at the Museum of the San Rafael until year end.

2

Commission Meeting  
November 22, 2011

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED NOVEMBER 8, 2011.**

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

Motion to approve consent agenda was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(2)

**PUBLIC HEARING: To invite and receive public comment with respect to the issuance of taxable general obligation bonds and water revenue bonds (collectively, the “bonds”) and the economic impact that the issuance of the bonds will have on the private sector. The bonds to be issued in the aggregate principle amount of not to exceed \$400,000, and another \$400,000, respectively, issued for the purpose of (i) financing the costs of constructing water system improvements, including water meters, and related improvements and (ii) paying the costs of issuance of the bonds.**

A motion to open the public hearing was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved

Jacob Sharp, Director of Castle Valley Special Service District, explained that these funds are to install electric water meter monitors in all of the cities/towns in Emery County. The electric monitors will help with leak detection therefore promoting water conservation, worker safety, and efficiency. CVSSD contacted the CIB (Community Impact Board) about a grant and were denied because of the type of project. The approval of bonds went through a public hearing in June at the CVSSD meeting and all of the town/city mayors were in approval. There will be two bonds: one which will be paid back through the debt service tax, the other will result in a \$1.00 monthly increase for city water bills.

A motion to close the public hearing was made by Commissioner Nelson, seconded by Commissioner Horrocks and approved.

(3)

**CONSIDERATION AND APPROVAL OF RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING AUTHORITY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH (THE ISSUER) AUTHORIZE THE ISSUERS' \$381,000 GENERAL OBLIGATION BONDS, SERIES 2012 (THE SERIES 2012 BONDS) FOR WATER SYSTEM IMPROVEMENTS, INCLUDING WATER METERS AND RELATED IMPROVEMENTS; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY FOR THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.**

A motion to approve resolution 11-22-11A was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(4)

**CONSIDERATION AND APPROVAL OF RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING AUTHORITY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH AUTHORIZING THE \$382,000 TAXABLE WATER REVENUE BONDS, SERIES 2012 OF THE DISTRICT, TO FINANCE WATER SYSTEM IMPROVEMENTS AND RELATED IMPROVEMENTS.**

A motion to approve resolution 11-22-11B was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved by all.

(5)

**CONSIDERATION AND APPROVAL OF ADVERTISING FOR BOARD MEMBER ON EMERY COUNTY ADVISORY COUNCIL ON AGING REPRESENTING FERRON, EMERY, AND CLAWSON AREA.**

Aleen Riley stepped down from this position. Commissioner Pitchforth stated that Mrs. Riley has served on the board for many years, and all of her work is greatly appreciated.

A motion to approve advertising was made by Commissioner Nelson, seconded by Commissioner Pitchforth and approved.

(6)

**CONSIDERATION AND APPROVAL OF CUSTODIAL AGREEMENT FOR LOAN AND USE OF FEDERAL EXCESS PERSONAL PROPERTY.**

This is an agreement between the Division of Forestry, Fire and State Lands. County Attorney Blackwell has read the agreement and stated it was a yearly contract being renewed.

A motion to approve was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

4

Commission Meeting  
November 22, 2011

(7)

**UTAH LOCAL GOVERNMENTS TRUST, PRESENTATION, OVERVIEW, AND QUESTION/ANSWER FOR PROPERTY AND CASUALTY INSURANCE COVERAGE PROPOSAL FOR FY2012.**

A presentation was given by Josh McKell and Ryan Hatch. There were comparisons between Emery County's current coverage as well as updates to the policy recommended by the Utah Local Governments Trust. There is a three year guarantee on the rate and there is not a time contract. For further details see attachment.

(8)

**CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING THE AMENDED AND RESTATED AGREEMENT FOR JOINT MENTAL HEALTH SERVICES AND JOINT SUBSTANCE ABUSE SERVICES BETWEEN EMERY COUNTY AND FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, INC.; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION AND IMPLEMENTATION OF SAID AGREEMENT, AND RELATED MATTERS.**

This is a renewal of previous contracts that states Four Corners Community Behavioral Health Inc. will be the provider for mental health services in Emery County. This is a 10 year agreement backdated to 2010 and valid until 2020. This is a statutory agreement and currently FCCBH is the only provider in Emery County.

A motion to approve resolution 11-22-11C was made by Commissioner Nelson, seconded by Commissioner Pitchforth and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF SOFTWARE LICENSE AGREEMENT BETWEEN FATPOT TECHNOLOGIES, LLC AND EMERY COUNTY SHERIFF DEPARTMENT.**

The software will allow the officers to input tickets, accident reports, etc. directly into the database and will remove the need for them to write them out at the scene and bring them back to the office for input. There is a cost of \$95,000.00 for initial installation and a \$20,000.00 monthly maintenance fee. The monthly maintenance fee would be the same as what is currently being paid by the sheriff department for less software.

A motion to approve was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.



(10)

**CONSIDERATION AND APPROVAL OF CELL PHONE UPGRADE AND NEW PROVIDER FOR THE ROAD DEPARTMENT.**

The current provider for the Road Department is Nextel which provides seven phones. The phones are outdated and Nextel does not work well in Emery County with the exception of Emery Town. The Road Department would like to keep one Nextel phone for their worker from Emery and get four phones from Verizon Wireless.

A motion to approve was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(11)

**CITIZEN CONCERNS.**

Alfred Oliver spoke of his family heritage in Emery County, then spoke of his disagreement with the decision for the public defender.

Val Payne stated that he was concerned with the BLM (Bureau of Land Management) mine closure process. Commissioner Nelson stated that he wasn't the only citizen concerned with this and it is being looked at.

Jodi Christensen spoke on behalf of the Green River Conservation District about the delineator poles on North Long Street. The poles make it hard for farm equipment and traffic to pass. Commissioner Horrocks stated that he would contact the road department and see what could be done about this while maintaining code.

(12)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Commissioner Pitchforth spoke of attending UAC (Utah Association of Counties) and stated that it was very informative. There were many impromptu meetings that were very beneficial as well as a lunch with Governor Gary Herbert.

*Commissioner Nelson*

Commissioner Nelson spoke of attending the UAC training and feels that it is very important to help the officials keep up on current policies and recommendations.

6

Commission Meeting

November 22, 2011

*Commissioner Horrocks*

Attended a tourism meeting where they discussed TRT (Transient Room Tax) and TRCC (Tourism Recreation Cultural Convention) tax.

Commissioner Horrocks spoke of a meeting attended with Representative Jason Chaffetz on November 10<sup>th</sup>, where they discussed mineral lease funds. Representative Chaffetz was very receptive to the Comments of both Emery and Carbon Counties.

Commissioner Horrocks also spoke of attending the UAC training stating it was an informative conference that was well attended.

(13)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

No Executive Session was needed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

December 6<sup>th</sup>, 2011

Present at the meeting were Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Deputy Clerk/Auditor Brookelle Langi, other elected officials, and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List 216074 through and including 216196 were presented for payment.

There were no requisitions

Dispositions were presented as follows:

Library - Vacuum #008614  
Highway - Portable Feeder Belt & Screen #08880  
Highway - 1982 Cedar Rapids Jaw Crusher #004206  
Highway - 1982 El Jay Secondary #04205  
Highway - 1982 Kolberg Stacker Conveyor #03665  
Highway - 1988 36" Belt Feeder 04863  
Highway - 1984 NC Ribble Conveyor Belt #04659  
Highway - 1984 Pemco Conveyor Stacker #04660  
Highway - 1987 30"x50' Conveyor Belt #04833  
Highway - 1989 30"x50' Conveyor Belt #05426  
Highway - 1982 36"x10' El Jay Conveyor #04182  
Highway - 1955 Flat Bed Trailer #01507  
Highway - 1979 Cummins 350 Generator #04209  
Highway - 1982 Cummins 350 Generator #04208  
Highway - 1966 Utility Generator Trailer #04207

(2)

**APPROVAL OF PERSONNEL ISSUES.**

A. Approval to hire Seth Weber as a full time Equipment Operator I with benefits.

(3)

**RATIFICATION OF ROAD PROJECT AGREEMENT BETWEEN EMERY COUNTY  
SPECIAL SERVICE DISTRICT #1 AND FOREST SERVICE FOR GRAVEL FROM  
COUNTY PIT.**

(4)

**APPROVAL OF COMMISSION MINUTES DATED NOVEMBER 22, 2011**

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

A motion to approve the consent agenda was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(2)

**GREEN RIVER CITY REPRESENTATIVES, DISCUSSION OF PARTNERING WITH EMERY COUNTY ON AN EMERGENCY SERVICES BUILDING.**

Conae Black, Green River City Recorder, presented a plan to partner with Emery County on an Emergency Services Building and the land they would build on. There is contamination on ten to twelve thousand yards, twenty to thirty feet deep that Green River City proposed could be paved over rather than excavated. They are asking Emery County to contribute twenty five percent of the two million dollars that would be needed to fund the new building. For additional information see attachment. Commissioner Horrocks stated that he would like to take time to discuss this and get more details on the project.

(3)

**CONSIDERATION AND APPROVAL OF 2012 COMMISSION MEETING SCHEDULE.**

January 10, 2012	9:00 a.m
January 24, 2012	9:00 a.m.
February 14, 2012	9:00 a.m.
February 28, 2012	9:00 a.m.
March 13, 2012	9:00 a.m.
March 27, 2012	9:00 a.m.
April 10, 2012	9:00 a.m.
April 24, 2012	9:00 a.m.
May 08, 2012	9:00 a.m.
May 22, 2012	9:00 a.m.
June 12, 2012	9:00 a.m.
June 26, 2012	9:00 a.m.
July 10, 2012	9:00 a.m.
August 14, 2012	9:00 a.m.
August 28, 2012	9:00 a.m. * Prior to
	Board of Equalization at the County Sheriff/County Complex at
	45 East Farrer Street in Green River, Utah.
September 11, 2012	9:00 a.m.
September 25, 2012	9:00 a.m.
October 09, 2012	9:00 a.m.
October 23, 2012	9:00 a.m.

3

Commission Meeting  
December 6, 2011

November 13, 2012	9:00 a.m.
November 27, 2012	9:00 a.m.
December 18, 2012	5:00 p.m.

A motion to approve the 2012 commission meeting schedule was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(4)

**CONSIDERATION AND APPROVAL OF 2012 HOLIDAY SCHEDULE.**

New Year's Day	Monday	01-02-12
Human Rights Day	Monday	01-16-12
President's Day	Monday	02-20-12
Memorial Day	Monday	05-28-12
Independence Day	Wednesday	07-04-12
Pioneer Day	Tuesday	07-24-12
Labor Day	Monday	09-03-12
Columbus Day	Monday	10-08-12
Veterans Day	Monday	11-12-12
Thanksgiving Day	Thursday	11-22-12
Thanksgiving Day	Friday	11-23-12
Christmas Eve	Monday	12-24-12(½ day)
Christmas Day	Tuesday	12-25-12
New Year's Eve	Monday	12-31-12(½ day)

A motion to approve the 2012 holiday schedule was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF MODIFICATION #3 FOR COOPERATIVE  
LAW ENFORCEMENT AGREEMENT #11-LE-11041000-004 BETWEEN EMERY  
COUNTY SHERIFF'S OFFICE AND MANTI LA-SAL NATIONAL FOREST.**

This modification is to carryover \$1,261.00 from 2011 to 2012 bringing the FY2012 total to \$8,138.00. The agreement is for the Emery County Sheriff's Office to help patrol the Manti La-Sal National Forest on holidays, weekends, and as needed.

A motion to approve was made by Commissioner Nelson, seconded by Commissioner Pitchforth and approved.

4

Commission Meeting  
December 6, 2011

(6)

**APPOINTMENT TO FILL UNEXPIRED TERM ON THE EMERY COUNTY CARE AND REHABILITATION BOARD.**

This position was previously held by Tom Humphrey who has passed away. The term will expire in 2015. One application was turned in for this position by Carol Ware of Orangeville.

A motion to appoint Carol Ware to the board was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved.

(7)

**CITIZEN CONCERNS**

Brenda Tuttle, Emery County Clerk/Auditor, addressed the commission about two ambulance claims, to be acted upon individually and ratified in the next commission meeting. Chang Lee's original bill was \$2,275.00 and professional collections mediator is requesting that we settle the bill for \$1,000.00. Mr. Lee lives in Korea so Clerk/Auditor Tuttle advised that any amount we could get would be better than nothing. A motion to accept the amount of \$1,000.00 was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved. The second case has not been sent to collections and is for the amount of \$3,275.00. Alexandria Barker has requested a reduction to 20% of the charges. A letter of explanation and a tax return were included. A motion to accept the offer for Mrs. Barker to pay 20% was made by Commissioner Nelson, seconded by Commissioner Pitchforth and approved.

Tina Carter, from the Travel Bureau, addressed the commissioner about a letter of approval to use byway funds to complete a trail from Huntington Reservoir into Huntington City. The travel bureau will also be applying for a grant as well as Huntington City contributing to the project. Mrs. Carter's request will need to be ratified in the next commission meeting. A motion to approve was made by Commissioner Pitchforth, seconded by Commissioner Nelson and approved by all members present.

Douglas Taylor spoke to the commission about receiving funds for damages he claims his property received from the Emery County Road Department during snow removal. Commissioner Horrocks stated that he would like to meet with the other commissioners and the county attorney to draw up an agreement to present to Mr. Taylor.

5

Commission Meeting  
December 6, 2011

(8)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*Commissioner Pitchforth*

Stated that Senior Citizen Christmas Party will be held December 8<sup>th</sup>, at the Museum of the San Rafael beginning at 6:00 p.m.

Commissioner Pitchforth also spoke of visiting the Emery County Food Bank and stated that the number of people needing help this holiday season was up from around 30 people, from previous years, to over 150 people and the food bank ran out of turkeys. Commissioner Pitchforth encourages those who can to donate to the food bank to help those in need.

*Commissioner Nelson*

Attended the Water Summit and learned a great deal about the Emery Water Conservancy District and is very impressed with the time and resources that go into water conservation.

Commissioner Nelson also spoke of attending the Castle County Partnership in Moab. While attending Commissioner Nelson learned about new interesting ways Moab was using nature, and how they sell themselves.

*Commissioner Horrocks*

Thanked Green River City for their presentation and deferred further comment until next commission meeting.

(9)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

No Executive Session was needed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

December 20, 2011

Present at the meeting were Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle and other elected officials, and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

(2)

**APPROVAL OF PERSONNEL ISSUES.**

- A. Approval to allow all employees \$100.00 discount towards the purchase of an Aquatic Center annual pass.
- B. Approval of \$200.00/month on call pay for John Barnett, Jerod Curtis, and Garret Conover while performing detective responsibilities.

(3)

**RATIFY ACTION TAKEN ON AMBULANCE WRITE-OFFS/ADJUSTMENTS MADE ON DECEMBER 6, 2011.**

(4)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR TINA CARTER, MIKE MCCANDLESS, BETH MARSHALL, TAINA BENSON, LAMAR GUYMON, MARK H. WILLIAMS, GARY KOFFORD, EUGENE SWALBERG AND DAVID AMES.**

(5)

**APPROVAL OF COMMISSION MINUTES DATED DECEMBER 6, 2011**

Commissioner Laurie Pitchforth made a motion to approve the consent agenda with the exception of 2(a). The motion was seconded by Commissioner JR Nelson and approved by all members present.

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

2(a) Approval to allow all employees \$100.00 discount towards the purchase of an Aquatic Center annual pass.

Commissioner Nelson wanted clarification on this item. This is a non-monetary offering. The annual pass would help improve health of county employees and would in the end be a benefit to



the county's health insurance premiums. The discount would be allowed for a family or individual annual pass but would not be good for a quarterly pass. With the clarification Commissioner Nelson made a motion to approve item 2(a). The motion was seconded by Commissioner Pitchforth and approved by all members present.

(2)

**APPOINTMENT OF TRACY URIE AND JACKIE ALLRED FOR A SECOND TERM ON THE EMERY COUNTY LIBRARY BOARD EFFECTIVE 01/01/2012.**

Tracy Urie and Jackie Allred are currently serving on the library board. The Board is very effective and functions well. Commissioner Nelson made a motion to reappoint Tracy Urie and Jackie Allred to the library board. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF FIFTH AMENDED INTERLOCAL AGREEMENT WITH UTAH COUNTIES INDEMNITY POOL.**

Attorney David Blackwell explained to the Commission that one word has been changed in the name of this organization. It was formerly called Utah Counties Insurance Pool and has been changed to Utah Counties Indemnity Pool. This change was made so that the impression was not given that they were an insurance company. Attorney Blackwell has reviewed the agreement. Commissioner Nelson made a motion to approve the agreement. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A FIFTH AMENDED INTERLOCAL AGREEMENT WITH OTHER MEMBERS OF UTAH COUNTIES INDEMNITY POOL, RELATING TO THE ESTABLISHMENT, FUNDING AND OPERATION OF THE UTAH COUNTIES INDEMNITY POOL.**

This resolution is in conjunction with agenda item #3 and changing the name of Utah Counties Indemnity Pool. Commissioner Nelson made a motion to approve Resolution 12-20-11A authorizing this agreement. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(5)

**DISCUSSION OF CRANDALL CANYON MONUMENT LAND EXCHANGE AND DECISION REGARDING INDEMNIFICATION CLAUSE.**

Commissioner Pitchforth made a motion to table this item until final documents are ready. Commissioner Nelson seconded the motion and it was approved by all members present.

(6)

**DISCUSSION AND CONSIDERATION OF APPROVAL OF CONTRACT WITH MARILYN COLLARD TO TEACH A LIFEGUARD CERTIFICATION CLASS OR OTHER OPTIONS.**

An annual life guard class had taught by Marilyn Collard in the past. Personnel Director Mary Huntington explained that Marilyn is a part-time employee who can only work 19 3/4 hours per week. She is the only one certified to teach the life guard class and if it is in the normal course of her work she would be over the hours allotted. We have in the past contracted with her to teach the class for \$500.00. Commissioner Pitchforth made a motion to approve the contract with Marilyn Collard. The motion was seconded by Commissioner Nelson and approved by all members present.

(7)

**PRESENTATION OF UTAH NATIONAL GUARD COMMUNITY COVENANT PROGRAM AND DISCUSSION OF ACTIVITY IN EMERY COUNTY.**

Chaplain David Jones was present with Staff member Durfee to present a video and discuss with the Commission the Utah National Guard Community Covenant Program. This program was started nationally in 2008 and in Utah in 2009. The program forges a formal relationship with communities. It is often geared toward Cities but is also beneficial for Counties to join in. The program goals include:

- \*Adopting a resolution
- \*Creating a group
- \*Having a community signing event
- \*Appoint a military liaison
- \*Having a home support program

Chaplain Jones stated the first step for the County would be to adopt a resolution. Chaplain Jones will be the point of contact if the military is wanted to come to any events in the County.

(8)

**6:00 P.M. PUBLIC HEARING - TO RECEIVE PUBLIC INPUT ON THE OPENING AND AMENDING OF THE 2011 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Clerk/Auditor Brenda Tuttle presented the Commission with the amended budget for 2011. The amended budget is usually higher than the coming budget year due to the budgeting of mineral lease monies after they are received and spending them the following year.

Jacob Sharp, Castle Valley Special Service District Manager, presented the Commission with the amended budgets for 2011. A few projects were carried over from last year and some will carry over into next year.

(9)

**6:00 P.M. PUBLIC HEARING - TO RECEIVE PUBLIC INPUT ON 2012 BUDGETS FOR EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT, INCLUDING A 3% COST OF LIVING INCREASE FOR COUNTY EMPLOYEES AND ELECTED OFFICIALS EXCLUDING COMMISSIONERS.**

Clerk/Auditor Brenda Tuttle presented the Commission with the 2012 budget that had been prepared from the budget work meetings. The 2012 budget includes a 3 percent cost of living increase for regular county employees and elected officials excluding the Commission. The sheriff's deputies will receive a 6 percent increase.

Jacob Sharp presented Castle Valley Special Service District's 2012 budgets. Their budget also includes a 3 percent cost of living increase. The debt service payments are also decreasing the next couple of years for the District.

(10)

**CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING THE 2011 BUDGETS FOR EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT**

Commissioner Pitchforth made a motion to approve resolution 12-20-11B to amend the 2011 budgets for Emery County as presented. The motion was seconded by Commissioner Nelson and approved by all members present.

Commissioner Pitchforth made a motion to approve resolution 12-20-11C to amend the 2011 budgets of Castle Valley Special Service District as presented. The motion was seconded by Commissioner Nelson and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING THE 2012 BUDGETS FOR EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT**

Commissioner Pitchforth made a motion to adopt resolution 12-20-11D approving the 2012 budgets for Emery County. The motion was seconded by Commissioner Nelson and approved by all members present.

Commissioner Pitchforth made a motion to adopt resolution 12-20-11E approving the 2012 budgets for Castle Valley Special Service District. The motion was seconded by Commissioner Nelson and approved by all members present.

(12)

**DISCUSSION OF CLAIM FROM DOUG TAYLOR AND CONSIDERATION OF APPROVAL OF POSSIBLE SETTLEMENT.**

Commissioner Nelson made a motion to offer Doug Taylor \$250.00 for gravel and \$100.00 for the inconvenience of the situation provided Mr. Taylor sign a document releasing liability on this claim. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(13)

**CITIZEN CONCERNS.**

***Kristy Bingham*** - voiced concerns about issues at the aquatic center. Ms. Bingham was concerned that there was not a back up generator so that when the power goes off the pool would not cool down. She also informed the Commission that the handicapped door has not been working. Ms. Bingham also was concerned about the lack of supervision that she has observed at the center.

***Becky Johnson*** - informed the Commission that she brings three handicapped individuals to the pool every Tuesday and wished that there would be more life guards on duty.

***Janet Damron*** - voiced concerns about the temperature of the pool. There used to be about 30-40 people that came to aquasize and now there are not many that come because of the water temperature.

Commissioner Nelson will look into these issues that have been raised since that the aquatic center is one of his departments.

***Randall Stilson*** - voiced concerns on term limits for boards. Mr. Stilson also was concerned about the visiting booths at the jail. It is very difficult to hear. Sheriff Greg Funk stated that they are in negotiations to install a phone system so that you would be on a phone instead of talking through a wall.

***Personnel Issue*** - The Sheriff's office has been short a jailer. The next opening at post begins January 9<sup>th</sup>. The hiring process has been completed and Brent Ward has been selected to fill the position. Commissioner Pitchforth made a motion to approve hiring Brent Ward and ratify the selection in the next meeting. Commissioner Nelson seconded the motion and it was approved by all members present.

(14)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

**JR Nelson** - Commissioner Nelson has sat through many meetings on the RS2477 road issue and is much more comfortable with Emery County's position. There is now a cover on the tables at the San Rafael Museum.

**Laurie Pitchforth** - The Senior Citizen Christmas party was very successful and there was a good turnout. Commissioner Pitchforth thanked all those who made it work and for all those who helped serve.

**Jeff Horrocks** - The Association of Governments met on December 8, 2011 and there are a lot of concerns about funding cuts. Meals on Wheels is one area that could be hard hit. They will be working hard to try and curb the cuts. The Big Game RACK Board met on the 7<sup>th</sup> of December in Monticello. There is going to be an increase in the number of bear permits issued.

(15)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Commissioner Nelson made a motion to go into executive session. The motion was seconded by Commissioner Pitchforth and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

January 3, 2012

Present at the meeting were Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Clerk/Auditor Brenda Tuttle and other elected officials, and citizens.

**1. DISCUSSION WITH SITLA REPRESENTATIVES REGARDING LAND USE  
PROPOSAL AND RELATED MATTERS.**

Randy Johnson felt this meeting was important to get up to speed with SITLA and the progress of the County's land bill. John Andrews, Associate Director of SITLA was present at the meeting with his intern Matt Kirkegaard. Mr. Andrews asked what the time frame for presenting the lands bill to Congress was. Randy Johnson stated that the common goal is to present introduce something as early in the year as possible. Early could be defined as the later part as March and as late as August. Mr. Andrews discussed the process of exchanging SITLA lands. There are pending land exchanges in Grand and Uintah counties that were approved two years ago and are still waiting for appraisals to be completed. SITLA's proposal is to not appraise minerals but to agree on sharing mineral revenue that may be received. Mr. Andrews went through the formula for how most mineral revenue is distributed. The United States receives 12.5% of which 6.25% goes to the US Treasury and 6.25% goes to the State of Utah. The State of Utah then disburses their share through the Permanent Community Impact Funding Board and County road departments. SITLA leases are issued at 18.75% so there would be an additional 6.25% of revenue to disburse. Randy Johnson stated that SITLA trades need to be part of the land use bill so there is some economic benefit. Mr. Andrews will take a map of our proposal and figure out acreage and try to find other acreage that has an upside with more minerals. He will have is map ready for the next public lands meeting in February. It was suggested that a work meeting be set up prior to the public lands meeting.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

January 10, 2012

Present at the meeting were Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle and other elected officials, and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

(2)

**APPROVAL OF PERSONNEL ISSUES.**

- A. Ratification of the hiring of Brent Ward as a correction officer.
- B. Approval of 3% increase for Johnathon Minchey for successful completion of 6 month orientation.
- C. Approval of promotion of Kurt Price from Patrol Deputy I to Patrol Deputy II.
- D. Approval of promotion of David Ames from Grade 14 to Grade 19.
- E. Approval of promotion of Sharon Boyle from Grade 17 to Grade 18.
- F. Approval of promotion of Clinton Olsen from Grade 16 to Grade 20.
- G. Approval of merit increase of 3% for Michael McCandless.
- H. Approval of Library volunteers for 2012 as follows:

Cleveland Library: Janetta Young, Julie Bell, Melissa Jensen, Amber Minchey, Shannon World, Emily Huntington, Amanda O'Neil, Kisty Ward, Kim Rasmussen, Lynae Christensen, Tammy Payne, Michele Birch, Sara Draper, Heather Norton, Jamie Jensen, Tom Holdaway, Justin Bradley, Olivia Burton, Simone Burton, Jackson Bradley, Jenny Parkins, Janet Ewell, Carissa Mann, Priscilla Burton, Tammy Funk, Cassie Thatcher, Katie Sitterud, Carma Iturrio, Eldon Holmes, Vicky Holmes, and Christine Holetas.

Ferron Library: Lexee Jewkes, Tammy Lacock, Tina Lacock, TJ Lacock, Tyler Lacock, Shawn Jewkes, Steve Murdock, Heather Blake, Rebecca Johnson, Dennis Worwood, Christine Jensen, and Mercedes Yardley.

Emery Library: Hugh Peterson, Ken Christiansen, Jenny Rich, Debbie Jolley, Eric Anderson, Abbie Christiansen, Marilyn Malan, and Shalane Christiansen.

Huntington Library: Joyce Guymon, Janet Geary, Susan Hess, Chrisanne Durrant, Richard Motte, Debbie Murray, Christine Jensen, Anne Cox, Janell Beagley, and Megan Durrant.

Castle Dale Library: Joe Collard, Jerry Spague, Wade Bohn, Kelsie Simmons, Richard Simmons, Jacklynn Farren and Jackie Collard.



**(3)**  
**APPROVAL OF BUSINESS LICENSE FOR FRESH & CLEAN CARPET CLEANING, B. GRIMES SURVEYING AND ENVIRONMENTAL SERVICE, LLC, AND MOBY 1 EXPEDITION TRAILERS, LLC.**

**(4)**  
**APPROVAL OF COMMISSION MEETING MINUTES DATED DECEMBER 20, 2011 AND SPECIAL MEETING JANUARY 3, 2012.**

Commissioner Laurie Pitchforth made a motion to approve the consent agenda. The motion was seconded by Commission JR Nelson and approved by all members present.

**(1)**  
**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

**(2)**  
**APPOINTMENT OF CHAIRMAN FOR 2012.**

Commissioner Nelson made a motion to appoint Commissioner Horrocks as the chairman for 2012. The motion was seconded by Commissioner Pitchforth and approved by all members present.

**(3)**  
**DISCUSSION AND APPROVAL OF COMMISSION RESPONSIBILITIES FOR 2012.**

<u>Jeff Horrocks</u>	<u>JR Nelson</u>	<u>Laurie Pitchforth</u>
Chairman		
Ambulance/EMTs	Aquatic Center	Attorney
Animal Control	Assessor	Clerk/Auditor
Airport	BLM/RAC	COG
AOG	CVSSD	CCP
DWR/RAC	County Facilities	Care Center
ECBC	ECBC	ECBC*
Economic Development*	EMC Foundation	Economic Development
ECSSD#1	Economic Development	Extension/USU
Fire District	Fire District	Historical Preservation
Housing Authority	GR Medical Center	Justice Court
LBA	IT/GIS	LBA*

NEWU District	Library	LEPC
Planning/Zoning/Bldg.	LBA	Lawrence Cemetery
Personnel	Museum	Public Lands
Public Lands	Public Lands*	Recreation Dist/Fair
Sheriff/Homeland Security	Public/Mental Health	Recorder/Archives
TV/Communications	RC&D	Road Dept/Landfill
USFS	SITLA	Senior Citizens
Weed/Mosquito	Travel Bureau	Treasurer
Wildland Fire	Water Conservancy	

\* contact Commissioner

Commissioner Nelson made a motion to approved the above list of responsibilities. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF BOARD APPOINTMENTS TO EMERY COUNTY CARE AND REHABILITATION BOARD OF DIRECTORS.**

Commissioner Pitchforth made a motion to table this item until commission meeting on February 14, 2012. The motion was seconded by Commissioner Nelson and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF BOARD APPOINTMENTS TO THE MUSEUM OF THE SAN RAFAEL BOARD OF DIRECTORS.**

There are four board member positions up for appointment: Janet Petersen, Christine Jensen, Clifford Oviatt and Dawnette Tuttle. Commissioner Nelson made a motion to reappoint those four members to the Museum of the San Rafael Board. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF BOARD APPOINTMENTS TO EMERY COUNTY PLANNING COMMISSION.**

Commissioner Pitchforth made a motion to appoint Bill Dellos, Julie Johansen, Mack Huntington and Mary Kava to the Planning Commission board. The motion was seconded by Commissioner Nelson and approved by all members present.

4

Commission Meeting Minutes  
January 10, 2012

(7)

**CONSIDERATION AND APPROVAL OF BOARD APPOINTMENTS TO EMERY COUNTY PUBLIC LANDS COUNCIL.**

Commissioner Pitchforth made a motion to table this item until January 24, 2012. The motion was seconded by Commissioner Nelson and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF BOARD APPOINTMENTS TO EMERY COUNTY CAREER SERVICE COUNCIL.**

Commissioner Pitchforth made a motion to table this item. The motion was seconded by Commissioner Nelson and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF BOARD APPOINTMENTS TO NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT.**

Commissioner Nelson made a motion to appoint Joy Barton, Mike McCandless and Kevin Jensen to the North Emery Water Users Special Service District board. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF BOARD APPOINTMENTS TO EMERY COUNTY COUNCIL OF AGING.**

No applications were received for this board. Commissioner Pitchforth made a motion to table this item. The motion was seconded by Commissioner Nelson and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF BOARD APPOINTMENTS TO EMERY COUNTY HOUSING AUTHORITY.**

Commissioner Nelson made a motion to appoint Commissioner Horrocks to the Emery County Housing Authority board. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF GENERAL SERVICE CONTRACT BETWEEN ROCKY MOUNTAIN POWER AND EMERY COUNTY FOR SERVICE AT THE BUCKHORN INFORMATION CENTER PARKING AREA.**

This is a standard contract with Rocky Mountain Power. Commissioner Nelson made a motion to go with a non-refundable option at a cost of \$3,912.00. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(13)

**TYLER JEFFS, EMERY COUNTY BUSINESS CHAMBER, UPDATE AND DISCUSSION ON EMERY COUNTY BUSINESS CHAMBER ACTIVITIES AND GOALS.**

Tyler Jeffs reported on some of the activities that the Emery County Business Chamber has done in 2011:

- ◆ Establish an active board that has been recognized by the State.
- ◆ Hold lunch and learns every other month
- ◆ Economic Summit
- ◆ Visit local businesses on a regular basis
- ◆ Shop local campaign with prizes for those who shop local
- ◆ Established a website

The chamber has only been operating for a year so they have accomplished a lot in that year. Mr. Jeffs also requested that the County continue to waive the rental fee and the museum for the lunch and learn. The next lunch and learn will be held on January 18, 2012. Mr. Jeff's thanked the County for their support and requested that the County support the local vendors as much as possible. The Chamber has been meeting with Attorney David Blackwell to help educate businesses on the legalities of bidding and the parameters that have to be followed.

(14)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH PAYNE RELIEF, LLC FOR PUBLIC LANDS CONSULTING.**

Commissioner Nelson made a motion to approved the contract with Payne Relief, LLC for \$25,000. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(15)

**CONSIDERATION AND APPROVAL OF AN INCREASE IN FEES AT THE AQUATIC CENTER.****Current aquatic center fees:**

	Full Year	Quarterly
family pass (4)	\$350.00	\$102.00
Couple	\$275.00	\$ 84.00
Single Adult	\$195.00	\$ 63.00
Senior Couple	\$195.00	\$ 63.00
Senior	\$145.00	\$ 51.00
Student	\$145.00	\$ 51.00
Youth	\$120.00	\$ 45.00
Locker Rental	\$ 36.00	
EC Sting Rays		

**Proposed aquatic center fees:**

	\$350.00	\$110.00
	\$275.00	\$ 90.00
	\$200.00	\$ 65.00
	\$200.00	\$ 65.00
	\$150.00	\$ 55.00
	\$150.00	\$ 60.00
	\$125.00	\$ 50.00
	\$ 36.00	
	\$ 50.00	

Commissioner Nelson reported that the increases are to clean up the fee schedule. The biggest change is to require the Emery County Sting Ray swim team to pay a \$50.00 fee. Commissioner Nelson made a motion to approve the increase in fees at the aquatic center. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(16)

**CONSIDERATION AND APPROVAL OF APPLICATION TO RENEW RIGHT-OF-WAY FOR DESBEE DOVE WILBERG CROSSOVER ROAD.**

Ray Petersen, Public Lands Director, is requesting approval to submit a right-of-way for Desbee Dove Wilberg crossover road. The previous right-of-way was for a ten year period. Mr. Petersen is requesting it be granted indefinitely. Commissioner Nelson made a motion to approve the application and request the right-of-way be granted for as long as possible. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(17)

**CITIZEN CONCERNS.**

There were no citizen concerns.

(18)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*JR Nelson* - Last meeting issues concerning the aquatic center were brought up. A work order is in for the handicapped door but since it is specialized equipment it will take some time for it to get fixed. The other issues have been addressed.

*Laurie Pitchforth* - The recreation district holiday basketball tournament did very well. Jr. Jazz has started and on March 17<sup>th</sup> the kids can attend a Jazz game for \$5.00. Adult tickets are \$9.00. Archery league has also started. The program is run by Randy O’Neil and has large participation. The Emery County fair has been scheduled for August 1-4, 2012. The rodeo will be July 26-28, 2012. The Castle Valley Pageant will begin August 1, 2012 and run through August 11, 2012 with the exception of Sunday and Monday.

*Jeff Horrocks* - The Crandall Canyon Monument land exchange has been completed. Ray Petersen was thanked for all of the work he has put in to make this exchange happen. Commissioner Horrocks also discussed the meeting that was held on January 3, 2012 with SITLA. The North Emery Water Users director resigned so they will be looking for a new director.

*Sheriff Funk* - The new computer system for the sheriff’s office is in the process of being installed and the deputies trained.

(19)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

No executive session was needed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

January 24, 2012

Present at the meeting were Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle and other elected officials, and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

(2)

**APPROVAL OF PERSONNEL ISSUES.**

- A. Approve promotion of Keaton Cowley and Alexander O'Neil to Patrol Deputy I effective 02/05/12.
- B. Approval to hire Savahna Hall and Bryson Hales as part-time, with no benefits, lifeguards.
- C. Approval to hire Delaine Barnson (01/09/12) and Clay Collard (01/02/12) as 90 day temp head lifeguards.
- D. Approval to hire Spencer Fauver, Weston Allinson and Cezly Collard as 90 day temporary lifeguards.

(3)

**APPROVAL OF OUT OF STATE TRAVEL FOR KYLE EKKER, SHERIFF OFFICE.**

(4)

**APPROVAL OF BUSINESS LICENSE FOR RIVER CANYON WIRELESS.**

(5)

**APPROVAL OF BUSINESS LICENSE FOR ARM SECURITY.**

(6)

**APPROVAL OF COMMISSION MEETING MINUTES DATED JANUARY 10, 2012.**

Commissioner Laurie Pitchforth made a motion to approve the consent agenda. The motion was seconded by Commission JR Nelson and approved by all members present.

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

**PRESENTATION OF SERVICE AWARDS.**

Commissioner Horrocks, Nelson and Pitchforth presented employees with five, ten, twenty, twenty-five and thirty year service awards. The employees were thanked for their dedicated service to Emery County.

(3)

**CONSIDERATION AND APPROVAL OF STANDARD COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK - 2012.**

This is a standard agreement with Utah State University to provide extension services. The agreement is in the amount of \$73,000. Commissioner Nelson made a motion to approve the 2012 agreement. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF SCHOOL DISTRICT VOTING BOUNDARIES BASED ON 2010 CENSUS DATA.**

Clerk/Auditor Brenda Tuttle and IT Director Jeff Guymon presented the Commission with the 2010 census data pertaining to school district boundaries. Currently there are two areas in the County where the school district boundaries do not agree with precinct boundaries. One area is Castle Dale West and the other area is Huntington East. Separate ballots have to be printed for each of these areas where there are only about a hundred voters in each area. It is the recommendation of the Clerk/Auditor and IT Director that these areas be realigned to match the precinct boundaries. State law directs that boundaries will be as equal as possible. If the proposed changes are made there will be a difference of 204 people between the smallest district and the largest district which equals less than 2%. Commissioner Pitchforth made a motion to approve the school district voting boundaries as explained. The motion was seconded by Commissioner Nelson and approved by all members present.

(5)

**DANNA GRAY, REPRESENTING BOY SCOUTS OF AMERICA, EXPLAIN EAGLE SCOUT REQUIREMENTS AND SOLICIT SUPPORT FROM COUNTY ON EAGLE SCOUT PROJECTS. REQUEST FEE WAIVER FOR USE OF THE MUSEUM OF THE SAN RAFAEL FOR THE ANNUAL EAGLE SCOUT BANQUET.**

Dana Gray requested the Commission waive the use fee for the San Rafael Museum for the District Eagle Scout awards banquet. The fee has been waived in past years. In addition to the



fee waiver request Mrs. Gray explained the requirements and hours of service required for a boy to obtain the rank of eagle scout. The scouts are always looking for projects to provide service so if the County has anything that they would be willing to let the scouts use for a project please contact her. Commissioner Nelson will take care of the building fee waiver as an administrative item.

(6)

**APPROVAL TO ADVERTISE FOR BOARD MEMBER VACANCIES ON EMERY WATER CONSERVANCY DISTRICT.**

Jay Mark Humphrey, District Manager, informed the Commission that their board has three vacancies. The vacancies are from the Huntington, Cottonwood and Ferron areas. Commissioner Nelson made a motion to approve advertising for the vacancies. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(7)

**APPROVAL TO ADVERTISE FOR BOARD MEMBER ON EMERY COUNTY WEED AND MOSQUITO BOARD TO FILL AN UNEXPIRED TERM.**

Commissioner Nelson made a motion to advertise for a board member for the weed & mosquito board. Commissioner Pitchforth seconded the motion and it was approved by all members present.

(8)

**APPROVAL TO ADVERTISE FOR BOARD MEMBER ON CASTLE VALLEY SPECIAL SERVICE DISTRICT BOARD OF DIRECTORS TO FILL AN UNEXPIRED TERM.**

Commissioner Nelson made a motion to advertise for a board member for Castle Valley Special Service District. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(9)

**APPROVAL TO ADVERTISE FOR BOARD MEMBER ON NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT TO FILL AN UNEXPIRED TERM.**

Carl Fillmore was named the manager of North Emery Water Users Special Service District which leaves a vacancy on their board. Commissioner Nelson made a motion to advertise for a board member. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(10)

**CONSIDERATION AND APPROVAL OF AMENDMENTS TO EMERY COUNTY PUBLIC LANDS GUIDELINES.**

The change to the public lands guidelines concerns the number of board members. It will change the guidelines to state that there can be up to eleven board members but not less than seven. Commissioner Nelson made a motion to approve the change to guidelines. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF BOARD APPOINTMENTS TO EMERY COUNTY PUBLIC LANDS COUNCIL.**

Commissioner Pitchforth made a motion to appoint Rod Player, Ed Geary, Bruce Wilson, Sherrell Ward and Mark H. Williams to the Public Lands Council. The motion was seconded by Commissioner Nelson and approved by all members present.

(12)

**CONSIDERATION AND APPROVAL OF SPONSORSHIP AGREEMENT BETWEEN EMERY COUNTY AND THE COUNTY SEAT.**

The County Seat advertises on tv for counties and their interests in the State of Utah. The program airs on Channel 4 at 8:00 a.m. on Sunday mornings. Commissioner Nelson made a motion to approve sponsorship in the amount of \$8,600 for 2012. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND FORESTRY, FIRE, AND STATE LANDS FOR FIRE WARDEN POSITION.**

This is a standard agreement that must be approved each year. Commissioner Nelson made a motion to approve the agreement between Emery County and Forestry, Fire and State Lands for fire warden position. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF APPLICATION FOR BLM RIGHT-OF-WAY ON FULLERS BOTTOM ROAD.**

Ray Petersen, Public Lands Director, stated that Fullers Bottom road is on the BLM road system. It attaches to the County by the Buckhorn Well. The County had done the maintenance for the road and would be easier if the Road Department could maintain the road on their schedule. If it was brought into the County road system we would make it a class b road and be able to collect some money for the maintenance. Commissioner Nelson made a motion to approve the application for BLM right-of-way. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(15)

**ROGER YOUNG, NCS PLUS, PRESENTATION AND DISCUSSION OF CONTRACTING WITH EMERY COUNTY FOR COLLECTION SERVICES.**

Roger Young representing National Credit Systems (NCS) presented the Commission with information concerning collections. NCS has a collections rate of 58%. The difference between them and other collection agencies is:

- ◆ you retain control of the account
- ◆ transparency - you can see when contact has been made with the debtor
- ◆ accountability
- ◆ guaranteed results

The cost of NCS charges is \$20.00 per account. It is required that you purchase 100 accounts but you are guaranteed a 400% rate of return.

Commissioner Horrocks thanked Mr. Young for the information and as this was a discussion item the Commission will study the matter and put an action item on the agenda for February 14, 2012.

(16)

**CONSIDERATION AND APPROVAL OF AMENDMENT TO EMERY COUNTY LOCAL CAPITAL IMPROVEMENT SHORT TERM LIST ADDING REPLACEMENT OF FERRON CANYON BRIDGE.**

Kent Petersen, SSD#1, spoke concerning the bridge replacement. The bridge needs to be replaced because it will not handle the flow of water. Federal highway funds are not available because the bridge is only deteriorated 85%. If there is another high water year the bridge would wash out. A request will be made to CIB for a 50/50 split. There is also \$75,000 available from FEMA. Commissioner Nelson made a motion to amend the capital improvement list to include

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replacement of Ferron Canyon bridge. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(17)

**CONSIDERATION AND APPROVAL OF LETTER OF ENGAGEMENT WITH GOVERNMENT MATTERS LLC FOR PUBLIC LANDS CONSULTATION.**

This agreement is with Randy Johnson who is our lobbyist/liaison in Washington DC and for State legislative issues. Commissioner Nelson made a motion to approve the letter of engagement with Government Matters LLC for \$15,000 for 2012. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(18)

**CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND EMERY COUNTY SPECIAL SERVICE DISTRICT #1 FOR STREET LIGHTING SERVICES.**

This agreement will enable Emery County Special Service District #1 to maintain and repair the street lights that Emery County is responsible for. Commissioner Nelson made a motion to approve the interlocal agreement. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(19)

**CONSIDERATION AND APPROVAL OF EQUITABLE SHARING AGREEMENT AND CERTIFICATION.**

Commissioner Pitchforth made a motion to approve the equitable sharing agreement for the sheriff's office. The motion was seconded by Commissioner Nelson and approved by all members present.

(20)

**DISCUSSION AND APPROVAL OF ADVERTISING IN 36<sup>TH</sup> ANNUAL CARBON/EMERY ENERGY EDITION OF THE EMERY COUNTY PROGRESS.**

Commissioner Nelson made a motion to approve a 1/4 page ad in the Emery County Progress. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(21)

**DISCUSSION OF EMERY TELCOM CHANNEL 10 REQUEST TO RECOVER EXPENSES FOR FILMING AND EDITING PUBLIC MEETINGS IN EMERY COUNTY.**

Commissioner Nelson made a motion to table this item. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(22)

**DISCUSSION OF EMERY TELCOM CHANNEL 6 REQUEST TO PROVIDE TV'S AND CABLE TO BROADCAST IN COURTHOUSE AND MUSEUM AT NO CHARGE.**

Commissioner Nelson made a motion to table this item. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(23)

**CITIZEN CONCERNS.**

Bill Dellos reported that there would be a caucus training on February 23, 2012 at 6:00 p.m.

Randall Stilson requested that the Commission look at the possibility of moving the dump station from the Recreation District responsibilities to another department.

(24)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*JR Nelson* - San Rafael Soil Conservation District is very involved in projects in Eastern and Western Emery County. Commissioner Nelson also reported that the library system in Emery County provides a great service to our communities.

*Laurie Pitchforth* - Council of Governments met the 17<sup>th</sup> of January. School district boundaries were discussed as well as the Community Impact Board list. Senior day at the legislature will be February 1, 2012. Everyone is hopeful that the senior programs will avoid legislative cuts. A day of service was held by the volunteer center and the money will be donated to the food bank.

*Jeff Horrocks* - The water diversion plan for the Green River nuclear power plant was signed by the State Engineer. Environmental groups will challenge. Blue Castle is continuing to work on permitting to move that project forward. Commissioner Horrocks was appointed the Chairman of the Association of Governments.

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(25)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

No executive session was needed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

February 14, 2012

Present at the meeting were Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle and other elected officials, and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List 217132 through and including 217359 were presented for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
10-12	600 Gallon Tank/Weed/Mosquito	\$ 700.00
11-12	(1) 25'x82" Trailer/Weed/Mosquito	\$ 4,340.00
	(1) 25'-82" Trailer/Weed/Mosquito	\$ 3,600.00
12-12	(1) Conveyor/Highway	\$10,000.00
13-12	(6) Tasers/Sheriff	\$ 4,889.70
14-12	(5) PBT/Sheriff	\$ 1,745.00
15-12	(4) Radars/Sheriff	\$ 8,308.25
16-12	(1) Forklift	\$12,000.00

(2)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR KYLE EKKER TO ATTEND 2012 NATIONAL RADIOLOGICAL EMERGENCY PREPAREDNESS CONFERENCE.**

(3)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR TINA CARTER TO ATTEND A TOURISM CONFERENCE.**

(4)

**APPROVAL OF PERSONNEL ISSUES.**

- A. Notification that Stacy Gordon has been hired as a 90 day temporary employee in the Recorder's Office.
- B. Notification that Diana Thompson has been hired as a 90 day temporary employee at the Museum of the San Rafael.
- C. Approval to hire Kay Jeffs as a part-time, with no benefits, Assistant Librarian at the Huntington Library.

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D. Approval of 3% pay increase for Wayne Nielsen after successful completion of his 6 month orientation period as Road Supervisor and 3% COLA increase other employees received in the first pay period in 2012.

(6)

**APPROVAL OF COMMISSION MEETING MINUTES DATED JANUARY 24, 2012.**

Commissioner Pitchforth made a motion to approve the consent agenda. The motion was seconded by Commissioner Nelson and approved by all members present.

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

**PUBLIC HEARING - TO RECEIVE PUBLIC COMMENT WITH RESPECT TO THE ISSUANCE OF TAXABLE GENERAL OBLIGATION BONDS AND THE ECONOMIC IMPACT THAT THE ISSUANCE OF THE BONDS WILL HAVE ON THE PRIVATE SECTOR. THE BONDS TO BE ISSUED IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,350,000 ISSUED FOR THE PURPOSE OF IMPROVING THROUGH PURCHASE OR CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND SUPPLY OF WATER FOR DOMESTIC, INDUSTRIAL, SECONDARY AND OTHER PURPOSES; DRAINAGE AND STORM SEWER FACILITIES, INCLUDING CURB AND GUTTERS; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS, AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LAND, RIGHTS-OF-WAY, EQUIPMENT AND FURNISHINGS THEREFORE, AND INCLUDING SUCH LEGAL, ENGINEERING, AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTION WITH THE ACQUISITIONS OF SUCH FACILITIES IN AND FOR THE DISTRICT, AND PAYING THE COSTS OF ISSUANCE OF THE BONDS.**

Jacob Sharp, Manager Castle Valley Special District, explained to the Commission that this is part of a \$12.5 million bond issue that was approved by voters in 2009. The District has issued just over \$2 million of that bond. Along with the \$2 million in bonds the District received \$1.5 million in grants from the Permanent Community Impact Board. Each year the District works with Mayors and City Councils to come up with a list of projects that each City needs done. The above bond issue is for \$1.27 million and the District will receive \$1.25 million in grants. Phil Fauver asked if the District covers all cities in Emery County. Mr. Sharp responded that the District does not cover Green River or Lawrence which is unincorporated.



Alex Buxton, Zions Bank Public Finance, reported that a notice will appear in the Emery County Progress as required by law and the bond closing has been scheduled for March 20, 2012. Mr. Buxton attends the PCIB meetings each month and the fact that Castle Valley Special Service District has been able to maintain the loan/grant mix that they have is pretty rare.

(3)

**CONSIDERATION AND ADOPTION OF A RESOLUTION OF THE EMERY COUNTY BOARD OF COMMISSIONERS ACTING AS THE GOVERNING AUTHORITY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH (THE "ISSUER") TO AUTHORIZE THE ISSUER'S TAXABLE GENERAL OBLIGATION BONDS, SERIES 2012 IN THE APPROXIMATE AMOUNT OF \$1,270,000 FOR THE PURPOSE OF IMPROVING, THROUGH PURCHASE OR CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND TREATMENT OF SEWAGE; FACILITIES USED IN CONNECTION WITH THE ACQUISITION, TREATMENT, STORAGE, TRANSPORTATION, AND SUPPLY OF WATER GUTTERS; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS, AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LANDS, RIGHTS-OF-WAY, EQUIPMENT AND FURNISHINGS THEREFORE, AND INCLUDING SUCH LEGAL, ENGINEERING, AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTION WITH THE ACQUISITION OF SUCH FACILITIES IN AND FOR THE DISTRICT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY FOR THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.**

Commissioner Nelson made a motion to approve Resolution 02-14-12 as stated above. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(4)

**MARK CRAM, SIEMENS INDUSTRY, CONSIDERATION AND APPROVAL OF LETTER OF UNDERSTANDING OF FEASIBILITY STUDY TO ESTIMATE THE IMPLEMENTATION COSTS AND THE ENERGY AND OPERATIONAL SAVINGS OF FACILITY IMPROVEMENT MEASURES AT COUNTY FACILITIES.**

Mark Cram was present to discuss feasibility studies and cost savings the County could receive. Legislation was passed in 2010 to allow performance contracting in the State of Utah. This could give the County the opportunity to upgrade facilities at no additional cost. A no cost feasibility study would be the first step where water metering, utilities and other areas that costs could be cut. The next phase would be the development cost for audit. There would be a charge for this phase that would be rolled into the cost of construction if the County decided to do the projects that were suggested. Siemens Industry is a general contractor so they would act as the general on any projects. The project would go out to bid and the Commission would select who the contractors

would be. The initial assessment would take six to eight weeks. Commissioner Nelson made a motion to table this item until further research is done. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(5)

**CONSIDERATION AND APPROVAL OF CONDITIONAL USE PERMIT FOR PITCHFORK MEATS.**

The Planning and Zoning Board has discussed the conditional use permit for Pitchfork Meats and have given their approval for the permit. Commissioner Nelson made a motion to approve a conditional use permit for Pitchfork Meats. The motion was seconded by Commissioner Nelson and approved by all members present.

(6)

**JUSTIN HART, DIVISION OF WILDLIFE RESOURCES, SEEKING COMMISSION SUPPORT FOR RESTORATION OF COLORADO RIVER CUTTHROAT IN THE FERRON CREEK DRAINAGE THROUGH A FORMAL PRESENTATION. CONSIDERATION AND APPROVAL OF SUPPORT FOR THIS PROPOSAL.**

Justin Hart was present requesting the Commission write a letter of support for restoring Colorado River cutthroat trout in the Ferron Creek drainage system. A small committee was formed and they developed a plan to restore the fish. Ferron Reservoir was treated last Fall and will be treated again this Spring. It will then be stocked with rainbow trout and should be open for fishing by July 4<sup>th</sup>. There is about 45 miles of streams that are connected so this is a great area to try and reintroduce a native fish. There has been a misconception that there would only be that kind of fish in the streams but other sterile fish will also be stocked so that really is not a concern. Commissioner Nelson stated that he was comfortable with the work that had been done on this project and made a motion to write a letter of support for the above proposal. The motion was seconded by Commissioner Pitchforth and approved by all members present.

Mr. Hart also reported that the PILT payment for 2012 was given to the County. It was for \$2,700 and comes from sportsman dollars.

(7)

**CONSIDERATION AND APPROVAL OF BOARD APPOINTMENTS TO EMERY COUNTY CARE AND REHABILITATION BOARD OF DIRECTORS.**

Commissioner Pitchforth made a motion to reappoint Connie Nelson and to appoint Ron Barney to the Emery Care & Rehabilitation Center Board. The motion was seconded by Commissioner Nelson and approved by all members present.

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(8)

**CONSIDERATION AND APPROVAL OF BOARD APPOINTMENTS TO EMERY COUNTY CAREER SERVICE BOARD.**

Commissioner Nelson made a motion to appoint Randy Jensen to the Career Service Board. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF APPOINTMENT TO THE DISTRICT COUNCIL ON AGING.**

Commissioner Pitchforth made a motion to appoint Norma Funk to the District Council on Aging. The motion was seconded by Commissioner Nelson and approved by all members present.

(10)

**APPROVAL OF ASSIGNMENT OF JAMES R. NELSON TO THE EMERY COUNTY TRAVEL BUREAU.**

Commissioner Pitchforth made a motion to appoint James R. Nelson to the Emery County Travel Bureau. The motion was seconded by Commissioner Nelson and approved by all members present.

(11)

**CONSIDERATION AND APPROVAL OF UPDATE TO THE BUILDING PERMIT FEE AND VALUATION SCHEDULE.**

A request has been made by the Planning & Zoning Board to set fees for plan reviews that are done. The fee would have to be paid in advance of plans being reviewed. The fee would be \$150.00 for residential plans and \$300.00 for commercial plans. Commissioner Pitchforth made a motion to approve the above fees schedule. The motion was seconded by Commissioner Nelson and approved by all members present.

(12)

**REQUEST FOR DONATION TO THE EMERY COUNTY COMMUNITY THEATER ANNUAL PERFORMANCE.**

Commissioner Pitchforth stated that the Community Theater has requested a donation to help with their annual production. Usually they are able to receive some grants to help with the cost of the play but they did not receive a grant this year. Commissioner Pitchforth made a motion to approve donated \$350.00 to the Community Theater. Clerk/Auditor Brenda Tuttle asked since the usual donation to groups is \$250 would this cause issues in the future by donating more than the usual donation. Tina Carter, Travel Bureau, asked if any of the costs were for advertising and if

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there were costs associated with that they could apply for money through the Travel Bureau. Commissioner Pitchforth amended her motion to donate \$250.00 to the Community Theater and look for other avenues for them to receive help. The motion was seconded by Commissioner Nelson and approved by all members present.

(13)

**CONSIDERATION AND APPROVAL OF SERVICE AGREEMENT FOR COLLECTION SERVICES WITH NCS PLUS.**

Commissioner Nelson made a motion to approve the service agreement with NCS Plus for ambulance collections. The agreement amount is \$2,000.00. Commissioner Pitchforth seconded the motion and it was approved by all members present.

(14)

**CONSIDERATION AND APPROVAL OF EMERY COUNTY WEED/MOSQUITO BOARD BYLAWS.**

Commissioner Nelson made a motion to approve the Weed/Mosquito Board bylaws. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(15)

**CITIZEN CONCERNS.**

Jared Ewell, Public Surplus Co, was present to discuss with the Commission their company's auction site. Instead of holding a public auction at your place of business you could sign up with their company and whenever you had a piece of equipment or item that needed to be sold place it on their site for bidding. They have a large listing of government agencies that are currently using their site and the site would be no cost to the County. At the end of each month the money earned from the auction would be deposited into the County's account. They buyer has to agree to a no liability to the County statement before they are allowed to bid on items. The Commission will do more research on the company and possibility of the County signing up and place the item on a future agenda.

(16)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*JR Nelson* - There is a bill in the legislature that will help Counties with lands bills get approval before they go to the State. The permit for the gun range has finally been approved. Commissioner Nelson has been working on a project for a watershed grant. The grant is for \$1.5 million and is being received by the NRCS. The money will go to build a diversion dam in Green River. The NRCS had wanted the County to run it through their books but all of the paperwork will be done by NRCS and won't run through the County.

**Laurie Pitchforth** - Commissioner Pitchforth attended Senior day at the legislature on January 27<sup>th</sup>. Commissioner Pitchforth thanked Representative Christine Watkins and Senator David Hinkins for the extra time and effort they put for to make it an informative day for the seniors who attended. Commissioner Pitchforth also attended the State Fair convention. The theme for the Emery County Fair will be “Celebrating the past, enjoying the future”.

**Jeff Horrocks** - Commissioner Horrocks attended a Rocky Mountain Power presentation on geothermal power. The Fire District held their meeting last night and are in need of new ladder trucks. Each ladder truck will cost between \$750,000 and \$1,000,000. They are trying to come up with a funding source and are working with the Sheriff’s office to see if there may be homeland security money available to help. The District is also purchasing new turn out gear this year which will cost about \$58,000. They are also looking to replace the blue quick response trucks which cost \$200,000 each. Commissioner Horrocks also attended a predisaster meeting with Captain Kyle Ekker. Emery County Special Service District #1 is looking for funding to replace the Ferron Canyon bridge.

(25)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

No executive session was needed.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

February 28, 2012

Present at the meeting were Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle and other elected officials, and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List #217414 through and including #217556 were presented for payment.

Requisitions were presented as follows:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
17-12	Dodge 4x4 1500/Weed/Mosquito	\$18,374.35
18-12	(1) 55 Ton Hyd Press/Highway	\$ 7,250.00
19-12	(1) DM 10 Bandsaw/Highway	\$ 6,300.00
20-12	(1)20" Floor Drill Press/Highway	\$ 3,295.00
21-12	(2)Tonneau Truck Covers/Sheriff	\$ 1,398.00

(2)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR BRENT LANGSTON TO ATTEND NATIONAL DISTRICT ATTORNEYS ASSOCIATION FORENSIC EVIDENCE COURSE IN SAN FRANCISCO, CALIFORNIA.**

(3)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR BRET MILLS TO ATTEND THE 2012 NATIONAL TRANSLATOR ASSOCIATION ANNUAL MEETING AND CONVENTION IN ALBUQUERQUE, NEW MEXICO.**

(4)

**APPROVAL OF PERSONNEL ISSUES.**

A. Approval of 3% pay increase for Cheryl Cox after successful completion of 6 month orientation period as a Court Clerk I and the 3% COLA increase other employees received the first pay period in 2012.

B. Approval to hire Dell Mead as a full time, with benefits, Corrections Cook.

C. Approval of appointment of Annette Allen as a full time, with benefits, DMV Branch Manager.

2

Commission Meeting  
February 14, 2012

D. Approval to recruit for a part time, no benefits, DMV Technician.

(5)

**APPROVAL OF COMMISSION MEETING MINUTES DATED FEBRUARY 28, 2012.**

Commissioner Pitchforth made a motion to approve the consent agenda. The motion was seconded by Commissioner Nelson and approved by all members present.

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

**CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND BUREAU OF LAND MANAGEMENT (BLM) FOR MAINTENANCE ON BACK COUNTRY AIRSTRIPS.**

Commissioner Nelson made a motion to table this item until liability questions can be answered. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(3)

**DISCUSSION AND APPROVAL TO TRANSFER FROM MED IMPACT TO CAREMARK PHARMACY NETWORK PRESCRIPTION PLAN EFFECTIVE JULY 1, 2012.**

Personnel Director Mary Huntington explained to the Commissioners that the opportunity to switch prescription plan subscribers has become available and could save the County and employees a lot of money on prescriptions. A benefit fair will be held on May 2, 2012 and the new program could be explained to the employees at that time. The insurance committee met in a conference call and was in favor of making the change. Commissioner Nelson made a motion to transfer to Caremark Pharmacy Network effective July 1, 2012. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(4)

**APPOINTMENT TO THE EMERY COUNTY COUNCIL ON AGING.**

Commissioner Pitchforth made a motion to appoint Al Shakespeare to the Emery County Council on Aging. The motion was seconded by Commissioner Nelson and approved by all members present.

(5)

**APPOINTMENT TO FILL VACANCY ON CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Nelson made a motion to appoint Jeff Tuttle to Castle Valley Special Service District as recommended by their Board. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(6)

**APPOINTMENT TO FILL VACANCY ON NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT.**

Commissioner Nelson made a motion to appoint Ted Curtis to North Emery Water Users Special Service District. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(7)

**DISCUSSION AND APPROVAL OF APPLICATION TO ECONOMIC DEVELOPMENT ADMINISTRATION TO CONSTRUCT A NEW ROAD AND UTILITIES FOR MANUFACTURING FACILITY NEAR CLEVELAND, UTAH.**

Commissioner Horrocks stated that this application is for a 50/50 grant match to build a road for Conductive Composites. Questions were asked about ownership of the road and who would be managing the project. Commissioner Horrocks responded that the road would be owned by Emery County and would be a County Road Department project. The only involvement of Economic Development is to apply for the grant. Commissioner Nelson made a motion to approve the application. Commissioner Horrocks stepped down and seconded the motion and it was approved by all members present although there are still questions remaining.

(8)

**CONSIDERATION AND APPROVAL OF PARTICIPATION IN PUBLIC SURPLUS FOR THE PURPOSE OF DISPOSING OF SURPLUS COUNTY PROPERTY AND ASSOCIATED PAPERWORK.**

This item was discussed in the last commission meeting but was not an action item. Commissioner Horrocks stated that the Clerk/Auditor's office will be the contact office for surplus property. The surplus items will still need to be have a disposition approved before the sale. It will be each departments responsibility to take pictures and submit all of the required information to the Clerk/Auditor's office before the item will be placed on the auction.



4

Commission Meeting Minutes  
February 28, 2012

(9)

**CITIZEN CONCERNS.**

Bill Dellos stated that the caucus meetings for the Democrats will be held on March 13, 2012 and the caucus meeting for the Republicans will be held on March 15, 2012.

(10)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

*JR Nelson* - A petition was received for aquatic center users. Every time there is a concern with the pool it is addressed. The part for the electronic door was received on Tuesday and a technician came Wednesday morning to fix it. There was also concern about dress of the lifeguards and uniforms had already been ordered. The Energy Fair and Elected Official Day at the Legislature were both very informative.

*Laurie Pitchforth* - Commissioner Pitchforth attended the Energy Summit at the Salt Palace. She and Public Lands Director Ray Petersen were able to have lunch with the members from Blue Castle. Commissioner Pitchforth thanked Senator Hinkins, Representative Christine Watkins and Representative Kay McIff for the effort they put into keeping the Elected Officials so well informed. The Business Chamber lunch and learn will be held on March 21, 2012 at 12:00 p.m. Tyler Wilkins will be the speaker and the topic is overcoming adversity in life as well as business.

*Jeff Horrocks* - Commissioner Horrocks is watching the public lands bills going through the Legislature this year. House Bill 176 will have influence on lands bills in the future. House Bill 139 could combine the Department of Housing with the Department of Workforce Services which could affect the Association of Governments. The preparedness fair will be held on April 28<sup>th</sup> in Carbon County. The Sheriff's Office and other Emergency Management Officials are holding regular meetings to plan for this event.

(11)

**CLOSED/EXECUTIVE SESSION TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED  
BY LAW.**

Commissioner Pitchforth made a motion to move into executive session. The motion was seconded by Commissioner Nelson.

5

Commission Meeting Minutes  
February 28, 2012

(12)

**CONSIDERATION AND APPROVAL OF SETTLEMENT PERTAINING TO DESERET  
GENERATION AND TRANSMISSION COOPERATIVE LITIGATION 2004-2011.**

Commissioner Nelson made a motion to approve a settlement with Deseret Generation and Transmission Cooperative for the years 2004-2011. The motion was seconded by Commissioner Pitchforth and approved by all members present.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

+

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

MARCH 13, 2012

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, other elected officials, Carol Cox from the Clerk/Auditor's office, and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.**

Warrant Check Edit List # 217704 through and including # 217854 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
22-12	Maintenance Fingerprint Machine - Sheriff	\$ 7,137.00
23-12	FLIR Recon Mono Scope Draeger PC Communication Set Sheriff	\$ 5,632.00
24-12	Scanners (2)- Sheriff	\$ 852.48
25-12	(6) HP SB6200 Computers IT Department	\$5,931.78

(2)

**APPROVAL OF PERSONNEL ITEMS**

Approval of hiring Carol Cox as a 90 day temporary in the Clerk/Auditor's Office.

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED FEBRUARY 28, 2012**

Motion to approve the Consent Agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson and approved by all members present.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM CONSENT AGENDA.**

No items were pulled from the consent agenda for discussion.

(2)

**OPEN BIDS FOR RENOVATIONS OF BATHROOMS AND INSTALLATION OF NEW FLOORING THROUGHOUT 24 APARTMENTS OWNED BY THE EMERY COUNTY HOUSING AUTHORITY LOCATED IN CASTLE DALE AND FERRON, UTAH. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.**

Bids for the renovations of bathrooms and installation of new flooring throughout 24 apartments owned by the Emery County Housing Authority located in Castle Dale and Ferron, Utah were opened and read as follow:

1.	Arrowhead Construction	\$133,358.00
2.	River Stone Contractors, Inc	\$160,500.00
3.	Construction Assistance & Solutions	\$156,756.00
4.	Metro Builders	\$155,426.00
5.	Stilson and Sons Construction	\$148,144.00

Commissioner Laurie Pitchforth made a motion to authorize Commissioner Horrocks to compare the bids, then award the bid and sign any documents pertaining to the project and then to proceed with the project. The motion was seconded by Commissioner JR Nelson. The motion passed.

(3)

**APPOINTMENT TO EMERY WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS (3 POSITIONS).**

There are three vacancies on the Emery water Conservancy District Board of Directors. The

three individuals who are currently serving with terms that will soon expire are Leon McElprang, Ross Hinkins and Tracy Behling. Those who have applied to serve are Diane Bott, Kent Petersen and Clyde Magnuson as well as the three individuals currently serving. Commissioner JR Nelson made a motion to reappoint Leon McElprang, Ross Hinkins and Tracy Behling to the Emery Water Conservancy District Board Of Directors. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

**DISCUSSION AND APPROVAL OF APPOINTING A CONTRACTOR TO PROVIDE TREE TRIMMING SERVICES FOR THE COUNTY ON AN AS NEEDED BASIS.**

Commissioner Laurie Pitchforth made a motion to table this item. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

**CONSIDERATION AND APPROVAL OF SERVICE AGREEMENT BETWEEN EMERY COUNTY AND HONEYWELL BUILDING SOLUTIONS FOR THE AQUATIC CENTER.**

Commissioner JR Nelson explained that Honeywell Building Solutions was contracted to service the Aquatic Center from the beginning. It is now time to renew the service agreement. Commissioner Nelson indicated that Honeywell has been a good value for the money and has worked out very well. He indicated that this expense is in the Aquatic Center's budget and recommended renewing the service agreement. Commissioner JR Nelson made a motion to approve the service agreement between Emery County and Honeywell Building Solutions for the Aquatic Center. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(6)

**APPOINTMENT OF ROD PLAYER TO THE TRAILS COMMITTEE REPRESENTING PUBLIC LANDS COUNCIL.**

Commissioner Laurie Pitchforth made a motion to appoint Rod Player to the Trails Committee representing the Public Lands Council. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

**DISCUSSION AND APPROVAL OF LETTER TO ROCKY MOUNTAIN POWER REQUESTING RELOCATION OF POWER POLES FOR A ROAD IMPROVEMENT PROJECT ON CR120 MILLER CREEK ROAD.**

Emery County is preparing to widen County Road 120 (Miller Creek Road) also known as 1200 East, Elmo, UT. This road improvement project will require the relocation of poles which are inside the road right-of-way. A letter needs to be sent to Rocky Mountain Power requesting relocation of these power poles. Commissioner Laurie Pitchforth made a motion to draft a letter to Rocky Mountain Power requesting the relocation of power poles for a road improvement project on CR120, Miller Creek Road. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

**CONSIDERATION AND APPROVAL OF PERMANENT COMMUNITY IMPACT FUND (CIB) LOCAL CAPITAL IMPROVEMENT LIST FOR FISCAL YEAR 2013 (SHORT TERM, MEDIUM TERM AND LONG TERM LISTS).**

Commissioner Horrocks reviewed the Permanent Community Impact Fund (CIB) Local Capital Improvement List for Fiscal Year 2013 (Short Term, Medium Term, and Long Term Lists). Upon review Commissioner Horrocks recommended correcting a typing error in the last entry changing the Emery County Municipal Building Authority project for airport shop and hangers from 14 hangers to just 4 hangers. Commissioner JR Nelson made a motion to approve the Permanent Community Impact Fund (CIB) Local Capital Improvement Lists for Fiscal Year 2013 as amended. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(9)

**CONSIDERATION AND APPROVAL OF LETTER OF UNDERSTANDING FOR FEASIBILITY STUDY WITH SIEMENS INDUSTRY TO ESTIMATE THE IMPLEMENTATION COSTS AND THE ENERGY AND OPERATIONAL SAVINGS OF FACILITY IMPROVEMENT MEASURES AT THE EMERY COUNTY LIBRARIES.**

Commissioner Nelson reviewed the Letter of Understanding for a feasibility study with Siemens Industry to estimate the implementation costs and the energy and operational savings of facility improvement measures at the Emery County Libraries. He indicated that there is no cost the county for this study at this time. Commissioner JR Nelson made a motion to proceed with the Letter of Understanding for a feasibility study with Siemens Industry as discussed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

**CONSIDERATION AND APPROVAL OF FY2012 CONTRACT AMENDMENT #1 BETWEEN EMERY COUNTY AND THE SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS, SOUTHEASTERN UTAH AREA AGENCY ON AGING.**

Commissioner Laurie Pitchforth made a motion to approve amendment #1 between Emery County and the Southeastern Utah Association of Local Governments, Southeastern Utah Area Agency on Aging. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

**EMERY COUNTY TRAVEL BUREAU ITEMS.**

**A. Discussion and request for approval to solicit requests for proposals for kiosks at Buckhorn Information center.**

Discussion and request for approval to solicit requests for proposals for kiosks at Buckhorn Information Center. Mike McCandless, the Department Head for Travel and Tourism address the Commissioner and informed the commission that the Travel Bureau has researched and identified 24 companies capable of producing the kiosks that will be needed for the facility. These companies were contacted in September of 2011 to solicit proposals to complete the work. Four companies responded. In October, the companies were contacted again to provide an additional opportunity to submit proposals because of some minor changes to the facility. Once again, the same four companies responded with interest. The Travel Bureau has discussed this issue and is recommending to the commission that they accept the low bidder from the process that the Travel Bureau undertook. After discussion with County Attorney David Blackwell, the Commission decided to put discussion of this item on the next agenda.

**B. Discussion and request for approval of expansion project a the Buckhorn Information Center.**

Discussion and approval of expansion of project at Buckhorn Information Center. As a result of a number of changes that the BLM insisted on, the overall project cost was able to be reduced. Jones and Demille has worked with Mike McCandless to develop a "Lecture Area" that would serve as an outdoor venue for events at the facility. It would include a concrete pad with a fire pit and a number of rows of benches for seating. The Travel Bureau is requesting that this be done as a change order since no new money is being requested, just a change of use of the funds. The commission discussed and agreed as long as the total budget is not exceeded, the expansion of the project can move forward. Commissioner JR Nelson made a motion to approve the change in the use of the funds budgeted for the Buckhorn Information Center for a Lecture Area as long as the total cost does not exceed the amount budgeted for the project.

**C. Request approval to advertise for restroom cleaning at the Buckhorn Information Center.**

Request and approval to advertise for restroom cleaning at the Buckhorn Information Center. Mr. McCandless discussed the need for a contracted service provider to clean and maintain the restrooms. Deputy Mike Jorgensen has been performing this service, however the Travel Bureau has a budget in place to take care of the facility. The BLM has recently contracted for cleaning services in their vault toilets, and that vendor has expressed an interest in the county facility. Commissioner JR Nelson made a motion that bids be advertised for two weeks and submissions due in the clerk/Auditor's Office by April 3, 2012 with the opening of the bids in Commission Meeting on April 10, 2012. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(12)

**PRESENTATION AND REPORT ON NEW WEBSITE FOR EMERY COUNTY LIBRARIES.**

Library Director, Carole Larsen and Assistant Library Director Roxanne Noyes made a presentation before the Commission on the new website for Emery County Libraries. Carole thanked Clinton Olsen, from the IT Department for all his work developing the website. She indicated that there are many services that the library offers that the citizens of Emery County are not aware of. Carole and Roxanne provided an overview of the website and resources available at the libraries.

(13)

**CONSIDERATION AND APPROVAL OF AMENDMENT TO AGREEMENT BETWEEN EMERY COUNTY AND JONES DEMILLE ENGINEERING FOR PROFESSIONAL SERVICES.**

Consideration and approval of amendment to agreement between Emery County and Jones and Demille Engineering for professional services. Mr. McCandless highlighted a number of the changes that the BLM has required since the project began. There has been a significant time delay and need for additional engineering as a result of the BLM decisions. In total, Jones and Demille was able to reduce the overall cost of the project by about \$18,000.00, but they have incurred substantial internal costs to do the necessary engineering. Collin Fausett then spoke in behalf of Jones and Demille. Mr. Fausett indicated that the contract amount of \$14,600.00 was paid to Jones and Demille, however the true cost of the project was \$21,400.00 leaving a deficit of \$6,800.00. This is due to the requirements and change orders from the BLM for the Information Center. There has been an additional \$12,000.00 in engineering costs over and above the \$14,600.00 already paid for engineering services on the project. This amount includes \$5,200.00 for closeout of the project and design of the lecture area. Commissioner Horrocks expressed concern that the engineer did not get with the county at the time of the changes so they could have requested the BLM pay for the changes (\$6,800.00).



Commissioner JR Nelson made a motion to approve the expansion cost contingent upon the fact that the project not exceed the overall budget (\$255,000.00) for the Information Center. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(14)

**DISCUSSION AND APPROVAL OF ENTERING INTO FINANCIAL AGREEMENTS WITH LARCAN USA INC. FOR COMMUNICATION EQUIPMENT TO BE REIMBURSED BY A GRANT UNDER THE LOW POWER TV AND TRANSLATOR UPGRADE PROGRAM.**

Communications Director, Bret Mills discussed a grant under the Low Power TV and Translator Upgrade Program. He explained that he has been working through LARCAN USA INC. for many years for communications equipment. The grant program with LARCAN calls for the county to pay the money up front for the equipment (\$440,624.00) and LARCAN will send the money back to the county creating a paper trail for the grant. LARCAN will then forward the request for grant money to the federal government. He indicated that this process could take up to eight months to complete. He recommended not using the equipment, just keep it on a palate until the process is complete. If the grant falls through then all the county will be out is the cost to ship the equipment back to Denver. This is no interest money, and the only cost to the county is to return the equipment. Emery County is the 7<sup>th</sup> county out of 13 counties who can qualify for this grant to actually try for the grant. Commissioner Laurie Pitchforth commended Bret for his efforts to go after these grants to help support the cost of replacing the translators and other communication needs in the county. Sheriff Funk commended him also stating that Bret goes over and above what is needed to get his job done. Commissioner Laurie Pitchforth made a motion to approve of a promissory note with LARCAN USA INC and participation in the NTIA program as outlined. The motion was seconded by Commissioner JR Nelson. The motion passed.

(15)

**CITIZEN CONCERNS**

Bill Dellos reminded everyone of the Republican Party Caucus meetings on Thursday, March 15, 2012 in all communities in the county. The Democratic Party caucus meeting will be March 13, 2012 in all communities in the county.

Randal Stilson thanked the Sheriff's Department and Search and Rescue for their assistance during a recent incident.

Patsy Stoddard reminded the Commissioners of the Business Chamber luncheon on Wednesday, March 21, 2012 at the Museum of the San Rafael. They will have an inspirational speaker, Tyler Wilkersen. Contact Patsy to make reservations for the luncheon.

(16)

**COMMISSION/ELECTED OFFICIAL REPORTS.**

**Commissioner JR Nelson:** Commissioner Nelson applauded the County Road Department for their efforts paving the parking lot at the new Buckhorn Information Center. The Fire Departments are receiving training to become certified volunteer firefighters. He applauded the volunteers in the communities for their dedication. They are working on getting a ladder truck to assist in service to the power plants. He reported on a cattleman's group from Sevier county's need for a cattle underpass on the proposed new Quitchupah Road Project. HB 176 has passed by the legislature. There seems to be mixed emotions regarding its passage. They are leaving Public Lands issues up to the counties but want them to meet the state and federal guidelines. There has to be a report to justify whatever we want to do.

**Commissioner Laurie Pitchforth:** Commissioner Pitchforth reported on the Community Theater production of "MAME" on March 15, 16 and 17. She reminded everyone of Festive Friday. Castle Dale City will be working on an expansion of the rodeo grounds. The Road Department will be working with the Trails Committee and BLM on a project at Swinging Bridge. She encouraged everyone to use the Library.

**Commissioner Jeff Horrocks:** Commissioner Horrocks on attending a Rural Utah Water Users meeting in St. George. He thanked the water districts in our area for all they do for the citizens of the county.

(17)

**CLOSED/ EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING PENDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive Session was not needed.

The meeting adjourned.

Clerk/Auditor: \_\_\_\_\_ Commissioner: \_\_\_\_\_

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

MARCH 27, 2012

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Sheriff Greg Funk, Carol Cox from the Clerk/Auditor's office, and citizens.

**Consent Agenda**

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

Warrant Check Edit List #217909 through #218061 was presented for payment.

The following Requisitions were presented for approval:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
26-12	Breach & Bang Pole/EMPG Grant	\$895.00
	Modular Camera System/DTF Grant	\$4,950.00
	Sheriff	
27-12	Fingerprint Machine Parts	
	Sheriff	\$4,215.00
28-12	26 Bulletproof Vests	\$16,354.00
	Sheriff	

(2)

APPROVAL OF PERSONNEL ITEMS:

A. Approval of promotion of Gayleen Cox form Deputy Clerk/Auditor I- Grade 13 Deputy Clerk/Auditor II- Grade 14.

B. Approval of 3% pay increase and 3% COLA for Merrill Duncan after successful completion of 6 month orientation as a District Grade Operator, Road Department.

C. Approval to change wage grade for lifeguards hired after April 1, 2012 to a grade 3 starting @\$7.68/hour. Existing employees would be grandfathered in at their current grade.

D. Approval to recruit, in house only, for 9 month temporary Head Lifeguard. Not eligible for benefits.

E. Notification of 90 day temporary Logan Tuttle to work in Attorney's office.

F. Notification of 90 day temporary Terrance Black to work in the Road Department.

G. Approval to hire Selina Hardman as a part-time "fill-in" DMV Technician, Grade 11, no benefits.

(3)

**APPROVAL OF COMMISSION WORK MEETING MINUTES DATED MARCH 13, 2012.**

Motion to approve the Consent Agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson and the motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM CONSENT AGENDA.**

No items were pulled for discussion.

(2)

**OPEN REQUEST FOR PROPOSALS FOR WORK NEEDED AT THE AQUATIC CENTER.. CONSIDERATION AND APPROVAL OF CONTRACTOR TO PROVIDE SERVICES, AS NEEDED, ASSOCIATED PAPERWORK.**

Proposals were opened for work needed at the Aquatic Center. Two proposals were received.

Arrowhead Construction	\$5,745.00
Stilson & Sons Construction	\$5,196.00

Commissioner JR Nelson made a motion to award the job to Stilson & Sons Construction for the proposed bid of \$5,196.00. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**RATIFY ACTION TAKEN BY EMERY COUNTY TRAVEL BUREAU TO ACCEPT PROPOSALS FOR KIOSKS AT THE BUCKHORN INFORMATION CENTER. DISCUSSION OF PROPOSALS AND CONSIDERATION OF AWARDING THE PROJECT TO ONE OF THEM. APPROVAL TO AUTHORIZE THE CHAIRMAN TO SIGN THE NECESSARY PAPERWORK.**

Commissioner JR Nelson reported that the Travel Bureau recommended Interpretive Graphics for the kiosks at the Buckhorn Information Center. Commissioner JR Nelson made a motion to award the bid for the kiosks project at the Buckhorn Information Center to Interpretive Graphics and to authorize the Commission Chairman to sign the necessary paperwork to move the project forward. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

**CONSIDERATION AND APPROVAL OF PARTICIPATING AGREEMENT FOR FUELS OR NOXIOUS WEED TREATMENT BETWEEN SKYLINE COOPERATIVE WEED MANAGEMENT AREA AND EMERY COUNTY.**

The Commissioners agreed that in the past this has been a beneficial project for the county and would like to see it renewed. Therefore, Commissioner Laurie Pitchforth made a motion to approve a participating agreement for fuels and noxious weed treatment between Skyline Cooperative Weed Management Area and Emery County along with other participating government agencies. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

**APPROVAL TO ADVERTISE TO FILL A VACANCY ON THE EMERY COUNTY HOUSING BOARD.**

The Emery County Housing Authority has received word that Carol Ann Stream needs to resign her position on their board. Therefore, the board needs to fill the vacancy. Commissioner JR Nelson made a motion to advertise for interested citizens to fill the vacancy on the Emery County Housing Authority Board. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(6)

**APPOINTMENT OF FLOOD PLAIN ADMINISTRATOR FOR EMERY COUNTY.**

Emery County Commission received word that they need to have a Flood Plain Administrator in place. It was recommended that Kyle Ekker in his capacity has the Emergency Plan Coordinator should hold this position and Jeff Guymon as the IT Director should be the Assistant Administrator. Therefore, Commissioner Laurie Pitchforth made a motion to appoint Kyle Ekker

as Flood Plain Administrator and Jeff Guymon as Assistant Flood Plain Administrator for Emery County. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

**CONSIDERATION AND APPROVAL OF SETTING TAX SALE FOR MAY 24, 2012 AT 10:00 AM.**

Commissioner JR Nelson made a motion to set the date for the May Tax Sale as May 24, 2012 at 10:00 am. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

**CONSIDERATION AND APPROVAL OF ALLOWING JCI BILLING TO NEGOTIATE A 25% DISCOUNT ON AMBULANCE ACCOUNTS THAT ARE DELINQUENT IF PAID IN FULL BEFORE BEING SENT TO COLLECTIONS.**

Commissioner JR Nelson made a motion to approve allowing JCI Billing to negotiate a 25% discount on ambulance accounts that are delinquent if paid in full at least two weeks before being sent to collections. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(9)

**CITIZEN CONCERNS**

Bill Dellos reminded the public of the Republican County Convention to be held on Friday, March 30, 2012 in Huntington beginning at 6:00 pm. The Democratic County Convention will be held the same night in Orangeville at 7:00 pm.

Roger Killpack, Ferron, expressed concern that the citizens of Emery County be more supportive of local businesses. He indicated that he felt that the county is not following their own advice to put Emery County as their first choice in shopping. He felt that many departments purchase goods from out of the county. He would like to see the county support local businesses even if it cost a little more money. He indicated that shopping local keeps the money in the county and helps businesses going. He expressed concern that the county opted to hire out building inspections from out of the county. He suggested looking at hiring someone local and training them so the job stays in the county. Commissioner Horrocks indicated county government is affected by the economics of the county and assured Mr. Killpack that they are doing everything they can to keep costs down as well as support local businesses.

(10)

**COMMISSION/ELECTED OFFICIALS REPORTS.**

***Commissioner Laurie Pitchforth:*** Commissioner Pitchforth reported on meeting attendance and updates of current projects that she oversees. She thanked Mr. Killpack for his comments and concerns. She encouraged everyone to do all they can to shop locally. She has been involved in looking at the county's purchasing policy and indicated that sometimes there are laws and regulations that the county has to follow that regrettably move us out of the county for certain purchases. She assured him that his concerns will not go unnoticed that the county works hard to try and give the county businesses an edge. She reported on attending a Council on Aging meeting. Last year the state took away \$200,000.00 and this year that money is back due to the efforts of the seniors who attended Senior day at the Legislature. She reported on attending a meeting with Green River City regarding a cooperative effort to build a new complex in Green River. She reported on attending a Miss Utah meeting in preparation for the Miss Emery Scholarship Pageant. She talked about the Emery County Rodeo and the option of purchasing tickets on line. She commended Joel Dorsch for his work on the fairgrounds. Emery County Business Chamber recently held their luncheon meeting aimed at encouraging businesses to come and get recharged. Several new businesses in the area were highlighted. A few big movies are slated to be filmed in Emery County. These film companies are looking for local extras for these films.

***Commissioner JR Nelson:*** Commissioner Nelson reported on meeting with BLM Recreation where they discussed the number of volunteers who contribute service to working on projects such as the San Rafael Bridge and OHV trails that were damaged by flood water. Public Lands Commission is in the process of working on report for House Bill 176.

***Commissioner Jeff Horrocks:*** Commissioner Horrocks reported on attending a meeting for Emery/Carbon Emergency Preparedness Fair on April 28<sup>th</sup>. The bid has been awarded for the renovations at the Emery County Housing Apartments. The work will begin as soon as the materials are available. Relay for Life will be July 13 & 14, 2012. Commissioner Horrocks encouraged everyone to participate.

***Sheriff Funk:*** Sheriff Funk reported that his department recently held a spot check on I-70 where they checked approximately 1500 vehicles between 9am and 5pm. They checked for insurance and registrations as well as issued about 76 citations and several misdemeanors and some drug arrests.

(11)

**CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**ADJOURNMENT**

CLERK/AUDITOR \_\_\_\_\_ COMMISSIONER \_\_\_\_\_



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

APRIL 10, 2012

Present at the meeting was Commission Chair Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Sheriff Greg Funk, Carol Cox from the Clerk/Auditor's office, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.**

Warrant Check Edit List #218201 through and including #218325 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
29-12	(4) 2012 Ford F150 Trucks (1) 2012 Ford Explorer Sheriff	\$138,936.30
30-12	(3) Apple IPAD 32GB Sheriff	\$ 16,651.51
31-12	Base Station Antenna Sheriff/Communications	\$ 4,486.16
32-12	Carpet/Aquatic Center	\$ 950.00
33-12	425 Gallon water tank Highway	\$ 375.00
34-12	Diesel Water Pump Highway	\$ 33,500.00
35-12	(2) Kayaks Weed/Mosquito	\$ 1,873.98

Dispositions were presented for the following:

#4807 1987 Caterpillar 140G  
#9283 2008 Dodge Charger  
#9077 2007 Dodge Durango  
#8277 2004 Dodge Durango  
#8644 1996 Ford Aerostar  
#6612 1996 Dodge Caravan  
#5830 1993 Dodge Ram  
#NA 1978 Dodge C30  
#3915 Orange tub chair  
#NA 5 drawer desk  
#8018 13hp 38" deck Lawnmower  
#9378 Ice Machine  
#6952 Calculator  
#6954 Calculator

(2)

**APPROVAL OF OUT OF STATE TRAVEL FOR JEFF HORROCKS, JR NELSON, LAURIE PITCHFORTH, MIKE MCCANDLESS, AND RAY PETERSEN TRAVELING TO WASHINGTON D.C.**

(3)

**APPROVAL OF PERSONNEL ITEMS:**

**a. Approval of 3% wage increase and 3% cost of living for Mike Nelson, Taylor Hardman, Morgan Curtis, Tyler Rowley, Jessica Guymon, Hailee Rogers, and Jolynn Jennings for successful completion of their 6 month orientation period.**

**b. Approval to hire Kaylee VanWagoner as a 9 month temporary Head Life Guard at the Aquatic Center.**

**c. Approval to promote Brent Ward to Corrections Officer I, Grade 14 to Grade 15, after successful completion of POST.**

**d. Notification of hiring Scottee Hunsaker as a 90 day temporary at the Aquatic Center.**

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Commission Meeting Minutes  
April 10, 2012

(4)

**APPROVAL OF COMMISSION WORK MEETING MINUTES DATED  
MARCH 27, 2012.**

Motion to approve items on the consent agenda was made by Commissioner Laurie Pitchforth, Seconded by Commissioner JR Nelson and the motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA**

No items were pulled for discussion.

(2)

**OPEN SEALED BIDS FOR RESTROOM CLEANING AT THE BUCKHORN  
INFORMATION CENTER. CONSIDERATION AND APPROVAL OF AWARDED  
CONTRACT AND OTHER NECESSARY PAPERWORK.**

Bids were opened as follow:

- |                    |                    |
|--------------------|--------------------|
| 1) Wayne Ludington | \$600.00 per month |
| 2) Peacock/Vocke   | \$580.00 per month |
| 3) Mike Jorgensen  | \$160.00 per month |
| 4) Gale Anderson   | \$210.00 per month |
| 5) Misty Stilson   | \$416.80 per month |

Commissioner JR Nelson made a motion to award the bid to the low bidder, Mike Jorgensen contingent upon Commission Chair Jeff Horrocks and Attorney David Blackwell's review of the bids, after which a contract will be drafted and signed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**OPEN EXPEDITED SEALED BID PROPOSALS FOR EMERGENCY REPAIRS OF  
THE JAIL CONTROL PANEL. CONSIDERATION AND APPROVAL OF AWARDED  
CONTRACT AND OTHER NECESSARY PAPERWORK.**

Sheriff Funk explained that the Sheriff's Department has budgeted to make repairs to the jail

control panel. He explained that they have exhausted all available parts to keep the control panel working until now and are at the point that they need the work expedited. His department has been working on getting the specks needed to replace the control panel. They have found that there are two companies in the state that are capable of doing what they need done. The sealed bids were opened and read as follow:

1) Superior Security Services, LLC	\$ 88,480.00
2) Sound Unlimited	\$153,870.27

Commissioner JR Nelson made a motion to give Commission Chairman Jeff Horrocks authority to review the bids with all the necessary people to make a determination of the best bid and then to award the contract and complete the necessary paperwork. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

**CONSIDERATION AND APPROVAL OF RENEWING CONTRACT WITH KEVIN GILBERT, STAR PROPERTY MANAGEMENT FOR LAWN CARE AT LIBRARIES AND ROAD SHOP AND OTHER NECESSARY PAPERWORK.**

Commissioner JR Nelson made a motion to renew a contract with Kevin Gilbert, Star Property Management for continued lawn care at the libraries and road shop. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner JR Nelson made a motion to proceed with the agenda and return to the Public Hearing at 10:00 am. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

At 10:00 am Commissioner JR Nelson made a motion to leave the regular meeting and move into a Public Hearing and at the end of the Public Hearing to return to the regular meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

**PUBLIC HEARING: 10:00 AM. TO RECEIVE PUBLIC INPUT REGARDING SUBSTANCE ABUSE AND MENTAL HEALTH NEEDS IN EMERY COUNTY.**

Jennifer Thomas, Four Corners Mental Health was present to address mental health and substance abuse services for Emery County. She introduced Janice Winn and Geraldine Wright

case managers. Jennifer talked about drug court and the changes that may take affect due to the fact that the program is not fully funded by the legislature this year. Four Corners is still expecting to provide quality service to Emery County.

Upon returning to the regular meeting the Commission commenced with the agenda as outlined.

(6)

**SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING REPEAL AND REPLACE OF THE EMERY COUNTY GENERAL PLAN.**

Mike McCandless requested setting a Public Hearing to receive public comment regarding repeal and replace of the Emery County General Plan. He explained that the Planning and Zoning Commission and Public Lands Commission began working two and a half years ago on updating the Emery County General Plan in preparation of Emery County's Land Use bill. Several committees have been working hard on amendments to the general plan. The plan now needs to be reviewed and a public hearing needs to be set to receive comment from the general public. Commissioner Jeff Horrocks commented that there have been many hours spent by many people to get these amendments to this point. He thanked the Public Lands Commission and the Planning and Zoning Commission for their dedication and hard work. Commissioner JR Nelson commented that the issues addressed in these amendments are important to Emery County and are required to meet state code. Commissioner JR Nelson made a motion to set May 8, 2012 at 10:00 am as the date for a Public Hearing to receive public comment on repeal and replace of the Emery County General Plan. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(7)

**CONSIDERATION AND APPROVAL OF DONATION TO 2012 RELAY FOR LIFE.**

Jessica Funk, Chairman of the 2012 Relay for Life came before the Commission to request sponsorship in the amount of \$250.00. Commissioner Laurie Pitchforth made a motion to donate \$250.00 to the 2012 Relay for Life. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

**TYLER JEFFS, ECBC, DISCUSSION OF COUNTY ORDINANCE NO. 5-5-93A AND SUGGESTIONS FOR POSSIBLE AMENDMENTS.**

Tyler Jeffs, President Emery County Business Chamber stated that the Chamber works hard to make Emery County a successful place. The Chamber has been discussing ways to make a better environment for businesses and to procure new businesses in Emery County. He added that in

Carbon County a dollar earned rotates 7.8 times before they see a return on that dollar. In Emery County that same dollar doesn't rotate around even one time. We need to keep those dollars local as much as possible. Mr. Jeffs reviewed the Utah Procurement Policy highlighting several points where the policy could be used to the county's advantage to use local businesses for bids and exclusive procurement. He asked that the Commissioners use some latitude when awarding bids for projects. Mr. Jeffs asked that the Commissioners be more involved in the Chamber. He asked that the Commissioner's consider making a presentation on bidding and procurement procedures at their next Chamber luncheon meeting. Commissioner Horrocks asked Attorney David Blackwell for clarification of the procurement policy. Mr. Blackwell cited a case in Arizona as well as a case in Utah that was challenged in the courts regarding procurement policy. When a bid is rejected it has to be justified and explained. In the purchasing policy the county has some latitude but not in the bid process for construction projects. Carbon County backed away from the practice of taking preference in their bidding process. Several cities have done the same. You can get into legal trouble using a local preference. Mr. Jeffs asked the Commissioners to consider challenging that practice adding that the worse that could happen is that the bids get thrown out and you start over on the bidding process. Mr. Jeffs stated, "If no one has ever challenged it then maybe that's where we start to push the possibilities." Commissioner Nelson suggested that maybe we look at the way we word bid advertising. He cited a case where Carbon County awarded a bid for a vehicle purchase to a Salt Lake vendor that was \$200.00 lower than the local bid. However, the wording of the bid did not include delivery to the county. It cost more than \$200.00 to send two people to Salt Lake to pick up the vehicle. In this case if the wording had included delivery the local would have been awarded the bid. Commissioner Horrocks indicated that the County has certain legalities that they have to consider when awarding bids. The Commission has to meet with the County Attorney to make sure that they stay legal in all aspects of procurement. Commissioner Pitchforth commended the Chamber adding that three years ago we didn't have a Chamber. We now have a actively functioning Chamber. Mr. Jeffs has worked hard to put together a group of individuals that strengthens Emery County Businesses. Emery County's Procurement Policy has not been updated since 1993. She stated that she has read policies from other entities. We need to take a serious look at the policy. She applauded the Chamber for their efforts.

Roger Killpack asked if a lot of the purchases that the County makes are in the county? Commissioner Horrocks indicated that there is an advantage to purchasing from Emery County businesses. Most business owners go out of their way to make your purchase a good one and they will back up what they sell. They want you to be a return buyer. We meet with legal council to do all we can to purchase locally.

Ken Stilson asked if it was possible for the County to pre-qualify a local contractor for a project in the county?

Attorney David Blackwell stated that it goes back to the United States Constitution. There needs an even advantage in all aspects.

Mr. Jeffs again asked that the Commissioners consider pressing the bid process and having a state resident preference. As a side note, he added, Emery County does have the highest tax rate in the state. Commissioner Horrocks stated that yes, we do have the highest tax rate in the state, but, the power plants, coal mines and other centrally assessed properties pay the lions share of those taxes. It comes back around to the citizens of Emery County through the benefits that we enjoy living in this rural community.

(9)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 ON PUBLIC HOUSING BATHROOM RENOVATIONS AND NEW FLOORING.**

Commissioner Horrocks explained that when the contract was bid for the public housing bathroom renovations the seal and waxing of the 24 units was left off the bid. Adding this change order will complete this project and make the new total of the project \$141,182.00 which is still below the next bid offered for the project. Commissioner JR Nelson made a motion to accept Change Order #1 on the Public Housing bathroom renovations. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

**CITIZEN CONCERNS**

Patsy Stoddard, Emery County Progress asked for explanation of the out of state travel request for the Commissioners, Mike McCandless and Ray Petersen and what they hope to accomplish in Washington D.C. Commissioner Horrocks explained that they will be meeting with the Washington delegates and the Under Secretary of the Interior to try and get the Public Land Use bill through. They want to make the government aware that Emery County is still working on the bill and are determined to see it through. It is considered a defensive move to keep Emery County from being made a national monument. Randal Stilson asked, "Isn't that what we pay Randy Johnson to do?" Commissioner Horrocks stated that it was Mr. Johnson's request that we personally meet with the delegates in Washington D.C.

Commissioner JR Nelson returned to the shop local issue by adding that Emery TelCom, a local business, regularly broadcasts a television series called the 'Heart of Utah' which is hosted by Randy Johnson. This broadcast recently highlighted the efforts of Emery County to meet the

requirements of the legislature in moving forward with confidence so that we do not end up with a Red Rock Monument in our back yard. He added that Emery County has to stay active.

Bill Dellos stated that he felt that this travel to Washington D.C. is a good use of tax dollars.

Roger Killpack asked how many days does an elected official have to be on the job? He said he heard that it was only one day a week. Attorney David Blackwell stated that he has yet to find where that is true. The state statute states that an elected official is responsible to the voters and must be on the job as many days as it takes to get the job done. The elected officials duties are set by state statute. Commissioner Nelson added that newly elected officials are expected to attend Utah Association of Counties newly elected official training for several days. He added it is extensive and their responsibilities are huge. Commissioner Pitchforth added that she felt that an elected official's job is a full time job.

Bill Dellos stated that the number of meetings that elected officials, especially Commissioners, attend is staggering. In his mind the Commissioners put in more than 40 hours a week. Mr. Dellos commended the commissioners, department heads, and employees of Emery County adding that they are among the most dedicated employees in the state.

(11)

**COMMISSION/ELECTED OFFICIAL REPORTS**

All three Commissioners postponed their reports for today.

(12)

**CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING PENDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**ADJOURNMENT**

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_



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

APRIL 24, 2012

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Carol Cox from the Clerk/Auditor's office, other elected officials and citizens.

**Consent Agenda**

(1)

**CONSIDERATION AND APPROVAL OF WARRANT CHECK EDIT LIST,  
REQUISITIONS AND DISPOSITIONS.**

The Warrant Check Edit List # 218383 through and including # 218554 were presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
36-12	Refrigeration assembly Labor/travel- Aquatic Center	\$2,224.99
37-12	Updating fingerprint machine Sheriff	\$2,114.00
38-12	Apple Computer Sheriff	\$2,284.01
39-12	Impact Wrench Highway	\$ 349.99
40-12	Monocular Scope Sheriff	\$7,250.00

Dispositions were presented for the following:

142-5411 typewriter, 141-9370 air cleaner,

2

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(2)

**APPROVAL OF PERSONNEL ITEMS:**

A. Approval of 3% wage increase and 3% COLA for Justin Truman who has successfully completed his 6 month orientation period.

(3)

**RATIFICATION OF GRANT APPLICATION FOR PARTICIPATION IN THE EMPG PROGRAM.**

(4)

**APPROVAL OF BUSINESS LICENSE FOR CR-REPAIRS.**

(5)

**APPROVAL OF COMMISSION WORK MEETING MINUTES DATED APRIL 10, 2012.**

Motion to approve the Consent Agenda as presented was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson and the motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

**APPOINTMENT TO EMERY COUNTY HOUSING AUTHORITY BOARD.**

Commissioner JR Nelson made a motion to recruit and appoint an individual to fill a vacancy on the Emery County Housing Authority Board. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

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**Commission Meeting Minutes  
April 24, 2012**

(3)

**APPOINTMENT OF VAL PAYNE TO THE WEED AND MOSQUITO BOARD.**

Commissioner JR Nelson made a motion to appoint Val Payne to serve vacated remaining term on the Weed and Mosquito Board. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

**NOTICE OF RESIGNATION ON EMERY WATER CONSERVANCY DISTRICT.  
CONSIDERATION AND APPROVAL TO BEGIN PROCESS TO FILL THE VACANCY.**

Commissioner JR Nelson made a motion to advertise to fill the vacancy left when Morris Sorensen resigned from the Emery Water Conservancy District. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

**CONSIDERATION AND APPROVAL OF THE MUSEUM OF THE SAN RAFAEL  
BOARD'S BYLAWS.**

Commissioner JR Nelson indicated that he has been working with the Museum Board for some time now to update their bylaws. The bylaws were reviewed by Attorney David Blackwell who suggested a few changes. After these changes were applied the Board approved the final document which is before the Commissioners today. Commissioner JR Nelson made a motion to approve the updated bylaws of the Museum of the San Rafael Board. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(6)

**CONSIDERATION AND APPROVAL OF LETTER OF AGREEMENT BETWEEN  
FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, INC. AND EMERY  
COUNTY (SHERIFF'S OFFICE) FOR DRUG COURT SERVICES.**

Sheriff Funk explained that this the standard letter of agreement between Four Corners Community Behavioral Health and Emery County for drug court services in the county. The only change is the date of service as indicated by Attorney David Blackwell. Commissioner JR Nelson made a motion to approve a letter of agreement between Four Corners Community Behavioral Health, Inc. and Emery County (Sheriff's Office) for drug court services in Emery County. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

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(7)

**CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY GRANT SERIAL NUMBER UTU-88954 (FULLER BOTTOM ROAD).**

Commissioner Nelson explained that Public Lands Director, Ray Petersen has been working on this Right-Of-Way grant for some time now. The grant with the BLM is ready to move forward. This Right-Of-Way gives the County the right to maintain the road and receive funds from the federal government to assist in that maintenance. The road is used as a access road for search and rescue efforts. Commissioner JR Nelson made a motion to approve a Right-Of-Way Grant serial number UTU-88954 (Fuller Bottom Road). The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

**CONSIDERATION AND APPROVAL OF ELECTION JUDGES FOR 2012.**

Commissioner Laurie Pitchforth made a motion to approve of Election Judges for 2012. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

**CONSIDERATION AND APPROVAL OF SOFTWARE MAINTENANCE AND SUPPORT AGREEMENT FOR CASELLE SOFTWARE.**

Clerk/Auditor Brenda Tuttle explained that this is the financial software for the County. The cost is \$825.00 per month for updates and support. Commissioner Laurie Pitchforth made a motion to approve of the Software Maintenance and support agreement for Caselle Software. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

**CITIZEN CONCERNS**

Bill Dellos made a request on behalf of the tourist who are frequenting Straight Canyon and Huntington Canyon as well as other rock climbing spots in the County. He indicated that they have made a request for more restrooms and maybe available showers they can use. Commissioner JR Nelson indicated that the visitors have been paying to use the Aquatic Center for showering. He has visited with a few of the visitors and was surprised to find out they spend their vacations here rock climbing in Emery County. They are coming from all over the world to rock climb here. They are frequenting businesses in Emery County. Mr. Dellos indicated he rode up Straight Canyon a few days ago and there were at least forty climbers including whole families with campsites that are well maintained.

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(11)

**COMMISSION/ELECTED OFFICIAL REPORTS**

The Commissioners indicated they would pass on their reports.

(12)

**CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

(13)

**ADJOURNMENT.**

**ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_**

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

MAY 8, 2012

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Carol Cox from the Clerk/auditor's office, other elected officials and citizens.

**CONSENT AGENDA**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.**

The Warrant Check Edit List #218704 through and including #218827 was presented for approval.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
41-12	Philips recording system Justice Court	\$998.00

Dispositions were presented for the following:

410-7514 Brother fax machine, 621-8985 HP Printer/fax, 138-6964 HP Printer, 141-7661 Calculator, 143-7620 Dell printer 1220 cxi, 580-8420 Dell Optiplex computer, 142-5411 Panasonic typewriter, 141-8480 Shredder.

(2)

**APPROVAL OF PERSONNEL ITEMS:**

A. APPROVAL OF JESSICA LABRUM, JANNETTA YOUNG, TYLER OLSEN, TANDI OLSEN, EDDIE OLSEN, KYLIE JENNINGS, LAICEE KENNER, CAROLYN ATWOOD, AND SHIRLEY VANWAGONER AS VOLUNTEERS FOR EMERY COUNTY LIBRARIES.

B. APPROVAL OF PROMOTION OF RANDON TIMOTHY TO CORRECTIONS OFFICER II, FROM GRADE 15 TO GRADE 16, FOR SUCCESSFUL COMPLETION OF POST.

2

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(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 24, 2012.

Motion to approve the Consent Agenda was made by Commissioner JR Nelson and seconded by Commissioner Laurie Pitchforth. The motion passed.

**DISCUSSION AGENDA**

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

RATIFY LETTER FROM COUNTY AGREEING TO PARTNERSHIP WITH UTAH STATE PARKS AND MANTI-LASAL FOREST SERVICE IN CONSTRUCTION OF TRAIL HEAD PARKING AT THE MOUTH OF ENGINEER AND HORSE CANYON ALONG WITH CONSTRUCTION OF A NEW NON-MOTORIZED TRAIL.

Mike McCandless explained that the trail location identified in the letter is one of several locations identified have inadequate parking. The letter was needed to assist in the permitting and planning process. Commissioner Pitchforth indicated that she drafted and signed a letter in the absence of the other two Commissioners agreeing to partnership with Utah State Parks and Manti-LaSal Forest Service in the construction of trail head parking at the mouth of Engineer and Horse Canyon along with construction of a new non-motorized trail. The signing of the letter needs to be ratified. Commissioner JR Nelson made a motion to ratify the signing of a letter agreeing to partnership with Utah State Parks and Manti LaSal Forest Service as indicated. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(3)

DISCUSSION OF LETTER FROM TRAIL COMMITTEE TO REQUEST RIGHT-OF-WAY FROM SITLA FOR A MULTI-USE TRAIL OFF SR-31 AT FISH CREEK. APPROVAL OF REQUEST TO SEEK ROW FROM SITLA.

The Commissioners discussed a letter from the Trails Committee to request ROW from SITLA for a multi-use trail off SR-31 at Fish Creek. Mark H. Williams, Trails Committee provided a map of the area they are requesting a ROW. Going through SITLA to acquire the ROW will not

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be an expense for the county. He explained that this will be a multi-use trail (bikes, ATV, equestrian, etc.). After they acquire the ROW they will apply for a grant from the state to assist in putting in a bridge over Huntington Creek. Mark explained that when they finish with this trail you will be able to travel from the pageant site to Helper on this trail. Commissioner Laurie Pitchforth made a motion to approve a letter to SITLA requesting a ROW for a multi-use trail off SR-31 at Fish Creek. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commissioner JR Nelson made a motion to leave the regular meeting and move into a scheduled Public Hearing to receive public comment regarding repeal and replacement of Emery County General Plan and at the end of the Public Hearing to return to the regular meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

PUBLIC HEARING: 10:00 A.M.- TO RECEIVE PUBLIC INPUT REGARDING REPEAL AND REPLACEMENT OF EMERY COUNTY GENERAL PLAN.

Commissioner Jeff Horrocks turned the time over to Planning Commission Chairman Mac Huntington. Mr. Huntington explained that the purpose of the Public Hearing was to receive public input regarding repeal and replacement of Emery County's General Plan. He explained that in 1992 the State made a requirement that counties have a general plan. The plan was to be adopted by the Board of Commissioners and be updated on a regular basis. In 1996 the first plan was adopted by the Commission. Between then and now it has been amended and updated as needed to keep current. Mike McCandless added that the General Plan is the first thing asked for by companies looking to locate here or pursue any project involving land issues. The Public Lands Council was asked to work as a sub committee to review that portion of the plan which deals with public lands. He added that the sub committee did an outstanding job drafting what went into the plan. Mr. Huntington added that the Planning Commission and others who helped work on the plan worked extensively to make it more readable. the Plan has gone through the Planning Commission's process and been approved. The Plan is now at a point where it must meet with the Commission's approval. There are three things that can happen at this point. You can accept the Plan, reject the Plan or modify the Plan.

Commissioner Nelson commented that the General Plan is incredibly comprehensive. It covers everything.

Mike McCandless commented that if done right the Plan should only have to be updated every decade. He commended Tammy Tucker who worked extensively to format the document. He thanked Judy Scott for exhaustive word smithing of the document.

Commissioner Pitchforth commended the Planning Commission for all their hard work on the



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General Plan.

Commissioner JR Nelson made a motion to return to the regular meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF THE REPEAL AND REPLACEMENT OF THE EMERY COUNTY GENERAL PLAN.

Commissioner JR Nelson made a motion to repeal the old General Plan and replace it with the new Plan as written. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(6)

DISCUSSION OF MAINTENANCE ITEMS NEEDED AT CRANDALL CANYON MEMORIAL.

Commissioner Horrocks discussed a request for items needed to maintain the memorial at Crandall Canyon Memorial. This is the 4 year anniversary of the disaster at Crandall Canyon. They have a volunteer group, the Christian Mens Fellowship, who will do the work at the memorial. After some discussion it was decided to donate \$250.00 towards the maintenance items needed. Commissioner Laurie Pitchforth made a motion to donate \$250.00 for maintenance items at the Crandall Canyon Memorial. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF CONTRACT FOR MEDICAL SERVICES WITH LOWELL MORRIS PA-C FOR EMERY COUNTY JAIL.

Commissioner Laurie Pitchforth made a motion to approve of a contract with Lowell Morris, PA-C for medical services at the Emery County Jail. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

MCCALL SPEARS, MISS EMERY COUNTY, PRESENTATION OF HER PLATFORM FOR MISS UTAH, TEXTING AND DRIVING.

McCall Spears, Miss Emery County, presented her platform for the Miss Utah Pageant June 11-16, 2012. Her platform is 'Buckle-Up & Stop Texting'. She provided an overview of activity

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since being crowned Miss Emery County. She handed out commitment cards to those in attendance. Commissioner Laurie Pitchforth commended McCall for her dedication and commitment and challenged everyone to sign the commitment cards. She added that distracted driving has become a huge issue in Utah as well the nation. She reported on the recent golf tournament fund raiser. McCall explained what the funds will be used for and how she is preparing for the Miss Utah Pageant.

(9)

CITIZEN CONCERNS.

No citizen concerns.

(10)

COMMISSION/ELECTED OFFICIAL REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported on a visit to Emery County by Senator Mike Lee. They took him on a ride from Castle Dale to Green River along the way showing him the areas involved in Emery County's proposed land use bill. Commissioner Nelson attended a meeting in Price where they discussed the closure of the Carbon Plant and how it will affect Carbon and Emery Counties. Attended a SITLA meeting in Price and UAC in Ogden. He commented on how important it is to attend these meetings. He talked about their trip to Washington, DC to promote Emery County's Land Use Bill. He commended Mary Huntington for the success of the recent Employee's Benefits Fair. He commended Tina Carter for her work on Scenic Byways and Tourism and efforts with kiosks promoting Emery County.

*Commissioner Pitchforth*

Commissioner Pitchforth reported that Governor Gary Herbert was in Emery County to attend a town assembly in Ferron on patriotism. He was taken to Millsite Golf Course to see the new holes at the golf course. 18 teams attended the Miss Emery County Golf Tournament Fundraiser. Meetings have been ongoing preparing for the Emery County Fair. They still have not been able to find someone to host the lamb fry. The Emery County Business Chamber will host their lunch and learn luncheon on Wednesday, May 9, 2012. She reported that they met with the delegates in Washington, DC regarding Emery County's efforts with the Emery County Land Use Bill. Responses were favorable. They encouraged us to keep up the fight.

6

COMMISSION MEETING MINUTES  
MAY 8, 2012

*Commissioner Horrocks*

Commissioner Horrocks reported that he felt the meetings in Washington, DC went well. Ray Petersen and Michael McCandless did stellar presentations to the delegates there. Commissioner Horrocks reported on attending RAC meeting where they discussed the number of permits being dropped in an effort to bring the doe numbers back up. He attended an Association of Government meeting where they discussed concerns for cuts in elderly programs and ways to continue to fund and keep the programs at current service levels. He reported that UAC conference was very informative and beneficial. Volunteer fire fighters in the county attended training and re-certification on May 4<sup>th</sup> and 5<sup>th</sup>. Because of our volunteer fire fighters in the county we are able to keep our home insurance rates down.

(11)

CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING PENDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.

An executive session was not needed.

(12)

ADJOURNMENT

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 22, 2012

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Carol Cox from the Clerk/Auditor's office, other elected officials and citizens.

**Consent Agenda**

(1)

APPROVAL OF CHECK EDIT LIST , REQUISITION S AND DISPOSITIONS.

The Warrant Check Edit List # through and including # was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
42-12	(2) Smart UPS for E911 Sheriff/E911	\$2,069.88
43-12	(2) Camera/software(wearable) Sheriff/DTF	\$1,700.00
44-12	Recon Monocular Scope Sheriff/DTF	\$7,250.00
45-12	Tactical Pole Camera Enclosure Assembly Sheriff/DTF	\$1,700.00
46-12	2012 Excavator Highway/Revised	\$210,800.00
47-12	HD-80 80' Tower IT	\$4,540.00

There were no dispositions.

2

COMMISSION MEETING MINUTES  
MAY 22, 2012

(2)

APPROVAL OF PERSONNEL ITEMS:

A. Notification of hiring Seth Baantjer, Kyle Hales, and Erick Nielsen as temporary employees for Weed/Mosquito Department.

B. Notification of hiring Hunter Huntington as 90 day temporary for the IT Department.

C. Notification of hiring Tanner Petersen, Melece Pulli, Tyler Pulli, and Clee Richards as 90 day employees for the Aquatic Center.

(3)

APPROVAL OF OUT-OF-STATE TRAVEL FOR RAY PETERSEN TO DENVER, CO.

(4)

APPROVAL OF BUSINESS LICENSE FOR THE HEALER'S ART.

(5)

APPROVAL OF COMMISSION MEETING MINUTES DATED MAY 8, 2012.

Motion to approve the Consent Agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson, and approved by all.

**Discussion Agenda**

(1)

ITEMS PULLED FROM CONSENT AGENDA.

None.

(2)

CONSIDERATION AND APPROVAL TO WAIVE THE AQUATIC CENTER FEES FOR EMERY HIGH GRAD NIGHT ON MAY 24, 2012.

The Emery County Commissioners received a request from the youth councils to waive the fees for the Emery County Aquatic Center on graduation night. Commissioner Horrocks indicated that approval has been given for this. Therefore, ratification of that action is needed.

Commissioner JR Nelson made a motion to ratify approval to waive the Aquatic Center fees for Emery High Graduation Night, May 24, 2012. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

COMMISSION MEETING MINUTES  
MAY 22, 2012

(3)

CONSIDERATION AND APPROVAL OF 2012 PROPERTY TAX EXEMPTION LIST.

Motion to approve the 2012 Property Tax Exemption List as follows was made by Commissioner Laurie Pitchforth , seconded by Commissioner JR Nelson, and the motion passed.

2012 PROPERTY TAX EXEMPTION

American Legion Post 42 #1-130-18	Ferron Cattleman's Association #5-87-27	Orangeville City/ Housekeepers #1-239-52	Utah Museum of Natural History/ University Of Utah #5-56-2
Castle Dale Independent Baptist Church #01-002C-0013	First Baptist Church of Emery County #1-126-45	Rural Utah Child Development #1-180-20	Friends of Green River-PACT #1-162-7
Daughters of Utah Pioneers-Hunt #1-196-22	Four Corners Mental Health #1-13-46	Roman Catholic Church #3-50-16 #1-151H-25 #1-151E-2	
Daughters of Utah Pioneers-Orange #1-253-18	Green River Bible Church #1-151G-36 #1-151F-18&19	Stuart B. Wilson Orient Lodge #1-151G-54	
Daughters of Utah Pioneers-Elmo #1-72-16	Habitat for Humanity #1-162-34	Rocky Mountain West Baptist Mission #5-94-6 #5-93-7 #5-94-3 #5-94-5	
Daughters of Utah Pioneers-CD #1-15-20	LDS Church various #'s		
Desert Edge Christian Chapel #01-179-1	Bread Of Life Baptist Church #1-177A-20	United Mine Workers Of America #4-16-14	

COMMISSION MEETING MINUTES  
MAY 22, 2012

(4)

SHELLY WRIGHT, CHILDREN'S JUSTICE CENTER, CONSIDERATION AND APPROVAL FOR THE EMERY CHILDREN'S JUSTICE CENTER TO BE INCLUDED IN EMERY COUNTY'S CONTRACT FOR LAWN CARE.

Shelly Wright, Children's Justice Center requested to be included in Emery County's contract for lawn care at the center in Castle Dale. She also requested snow removal on the driveway during the winter months. After some discussion, the Commissioners decided to discuss this matter further with Kimball Larsen, who has the contract for the Aquatic Center lawn maintenance. Commissioner Laurie Pitchforth made a motion to table this matter to allow time to discuss it further. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF REQUEST TO DISPOSE OF A PORTION OF COUNTY OWNED PARCEL 1-112C-9.

The Commissioners discussed a request from Gil Bowden. Mr. Bowden is the current owner of parcel #1-112c-17. The county is owner of parcel #1-112c-9. At one time this was one parcel. The previous owner desired to build a home on parcel #1-112c-9, he sold the front parcel #1-112c-17. When he went to build, he was denied a building permit because he had only 9 feet for access. As a result of his denial to build because of insufficient access, he sold the parcel to the county whose interest was for expansion of the nursing home. The 9 feet on the west side of parcel 1-112c-17 has always been used as part of the access and entry to the back yard of the parcel. Mr. Bowden asked for a realignment of fence line or a trade of equal square footage to correct this problem. Mr. Bowden stated that if they could trade the 9 feet along the west fence line for equal footage along the southern fence line of parcel #1-112c-17 he would be able to maintain the current access. The county would gain approximately 20 feet along their north property line. Mr Bowden asked that if this trade was not an option for the county, then would they consider selling him the 9ft x 24ft parcel in question? Attorney David Blackwell addressed the request stating that County policy requires that the county get equal value in these types of trades. Commissioner Laurie Pitchforth made a motion to approve a land trade with Gil Bowden for the portion of county owned parcel 1-112C-9 as discussed. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF CELL PHONE REIMBURSEMENT FOR TERESA MANZANARES.

Motion to approve \$45.00 a month cell phone reimbursement for Teresa Manzanares was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson, and approved by all.

5

COMMISSION MEETING MINUTES  
MAY 22, 2012

(7)

CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH FOR SECURITY AND BAILIFF SERVICES FOR DISTRICT COURT.

Commissioner JR Nelson made a motion to approve a contract with State of Utah for Security and Bailiff services for the Courts. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

APPROVAL OF APPOINTMENT OF BART COX TO THE EMERY COUNTY HOUSING AUTHORITY.

Motion to appoint Bart Cox to the Emery County Housing Authority Board to fulfill the existing term left vacant when a board member resigned was made by Commissioner JR Nelson, seconded by Commissioner Laurie Pitchforth, and approved by all. The term will expire January 2013.

(9)

CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY SERIAL NUMBER UTU-89068 FOR POWER TRANSMISSION LINE AND COMMUNICATION USE LEASE UTU-34614 FOR COMMUNICATION SITE FACILITY.

Commissioner JR Nelson made a motion to approve a ROW Grant with BLM for power transmission line and communication use #UTU-34614 for communication site facility. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND GALE ANDERSON FOR RESTROOM CLEANING AND MAINTENANCE AT THE BUCKHORN INFORMATION CENTER.

Commissioner Laurie Pitchforth made a motion to approve a contract between Emery County and Gale Anderson for restroom cleaning and maintenance at the Buckhorn information center. The motion was seconded by Commissioner JR Nelson. The motion passed.



6

COMMISSION MEETING MINUTES  
MAY 22, 2012

(11)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND SUPERIOR SECURITY SERVICES FOR JAIL SECURITY SYSTEM.

Motion to table was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson and the motion passed.

(12)

CONSIDERATION AND APPROVAL OF AMENDMENTS TO THE PCIFB CAPITAL IMPROVEMENT LIST.

Michael Bryant, Association of Local Governments and CIB contract planner addressed amendments to the PCIFB Capital Improvement List. He explained that, my mistake, Cleveland Town projects had be placed on the medium term list when they should have been placed on the short term list. Green River City has a project that needs to be placed on the short term list. Commissioner Laurie Pitchforth made a motion to approve the amendments to the PCIFB Capital Improvement List. The motion was seconded by Commissioner JR Nelson. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 FOR AQUATIC CENTER REPAIRS AND RENOVATION.

Change Order #1 for the Aquatic Center is for \$275.00 to re-grout family rooms, repair to office cage door, re-caulk indoor pool around steps and anchor handicap door. Commissioner Horrocks indicated that the amount of the change order will not put the total for the project over the projected cost of the project. Commissioner Laurie Pitchforth made a motion to approve change order # 1 for the Aquatic Center as discussed. The motion was seconded by Commissioner JR Nelson. The motion passed.

(14)

CITIZEN CONCERNS.

None

COMMISSION MEETING MINUTES  
MAY 22, 2012

(15)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported that the Emery County Community Foundation awarded scholarships this year to three graduating Emery County students. Emery Water Conservancy District has completed their audit process. He commended the District on how smoothly their financial system moves. He reported on attending a Travel Bureau meeting where they discussed missing out on funds for trail development.

*Commissioner Pitchforth*

Commissioner Pitchforth reported on receiving training through AOG for CIB grant application process. The remodel project for the Huntington Senior Citizen Center is moving along well. There is a new director at the Emery Care and Rehabilitation Center, Larry Friss. She reported on attending Council on Aging meeting in Green River. Norma Funk represents this area on that board. MECCA was in Green River for their annual bike ride. Steve Barton reported that 100 bike riders and their families attended. They will have another bike ride in the fall.

*Commissioner Horrocks*

The Weed & Mosquito Department along with Ray Petersen and Commissioner Horrocks are working on getting a grant for \$8,000.00 to remove Russian Olive trees along the river. The Fire Protection District volunteers received training recently on operating vehicles and new techniques for fighting fires. Jeff Guymon and the IT Department is working on getting a phone system for this building.

*Sheriff Funk*

Sheriff Funk reported that the National Guard will be in the county on June 8<sup>th</sup> through the 12<sup>th</sup>. They will be at Millsite for training exercises with the Emery County Sheriff and Emery County Rescue. There will be a community day on June 9<sup>th</sup>. They will have 4 to 5 choppers, 72 trucks and other equipment.

8

COMMISSION MEETING MINUTES  
MAY 22, 2012

(16)

CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY  
LAW.

An executive session was not needed.

(17)

ADJOURNMENT

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 12, 2012

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Attorney David Blackwell, Carol Cox from the Clerk/Auditor's office, other elected officials and citizens. Commissioner Laurie Pitchforth was absent. Commissioner Jeff Horrocks stepped down throughout the meeting to execute motions as needed.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List # 219167 through and including # 219363 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
48-12	4)Lightbars, 4)light siren controllers 5) ½ cages, Sheriff	\$11,240.72
49-12	Pinnacle Lightbar, Exterior red/blue bar Handheld remote light/siren Sheriff	\$1,402.80
50-12	Dell 3115 cn Printer IT Department	\$ 629.99
51-12	Water Heater Sheriff	\$ 4,489.00

There were no dispositions.

(2)

**RATIFY APPROVAL OF APPLICATION FOR A FEDERAL COMMUNICATIONS  
GRANT FOR LOW POWER TELEVISION AND TRANSLATOR UPGRADE  
PROGRAM.**

(3)

**APPROVAL OF PERSONNEL ITEMS**

**A. Notification of 90 day temporary as follows:**

1. Cardell Sackett working for Economic Development.
2. Sara Grindley working for the Library System
3. Shantel Sitterud and Kim Behling working for the Aquatic Center
4. Earl Nelson working for the Road Department

**B. Approval of the following volunteers for the Library System:**

Tod Huntington, Michelle Jeffries, Jenny Jackson, Mike Sprague, Corbin Barnett, Steve Furner, Clayton Laws, Haylee Rogers, Shelby Williams, Brandon Hoffman, Remi Hoffman, Tanner Hoffman, Malory Hoffman, Gordon Larsen, Mindi Larsen, Andee Harris, Nicky Nielson, Kate Nicholson, Lauren Clarke, Cole Clarke, Kathryn Allred, Kori Cook, Alexis Cook, Angelia Fox, and Larisa Guymon.

**C. Approval of 3% wage increase and 3% COLA for Meagan Wilberg who has successfully completed the 6 month orientation period.**

**D. Approval of 3% wage increase and 3% COLA for Seth Weber who has successfully completed the 6 month orientation period.**

**E. Approval to hire Clayton Fox as a part time, with no benefits, maintenance worker for the Library System.**

(4)

**APPROVAL OF BUSINESS LICENSE FOR MOMMA'S BOY LABOR AND HAULING.**

(5)

**APPROVAL OF COMMISSION WORK MEETING MINUTES DATED MAY 22, 2012.**

Commissioner JR Nelson made a correction and a comment. Sara Grindley was incorrectly printed as Frindley on the agenda. He also commented that the business owner of Momma's Boy Labor and Hauling be made aware of the tax obligation for personal property used in a business.

Motion to approve the consent agenda was made by Commissioner JR Nelson, seconded by

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Commission Meeting Minutes  
June 12, 2012

Commissioner Jeff Horrocks. The motion passed.

### **Discussion Agenda**

(1)

#### **ITEMS PULLED FROM THE CONSENT AGENDA**

None

(2)

#### **APPOINTMENT TO EMERY WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS.**

Commissioner JR Nelson explained that Morris Sorensen was the only applicant for this position on the Emery Water Conservancy District. This position was previously held by Morris Sorensen, whom after retiring from Emery County was told by the State that he needed to vacate the board for six months. Commissioner JR Nelson made a motion to appoint Morris Sorensen to the Emery Water Conservancy District Board of Directors to fulfill the term of the vacant position previously held by Morris Sorensen. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(3)

#### **APPROVAL TO ADVERTISE TO FILL A VACANCY FOR AN UNEXPIRED TERM ON THE EMERY COUNTY CARE AND REHABILITATION BOARD.**

Commissioner JR Nelson made a motion to advertise to fill a vacancy for an unexpired term on the Emery County Care and Rehabilitation Board preferring that the term be filled with an individual from the north end of Emery County. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(4)

**CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND BUREAU OF LAND MANAGEMENT FOR GREATER SAGE-GROUSE NATIONAL PLANNING STRATEGY, UTAH SUB-REGION PARTICIPATION.**

Commissioner JR Nelson made a motion to approve a Memorandum of Understanding between Emery County and Bureau of Land Management regarding development of the resource management plan amendments and environmental impact statement for the proposed greater Sage-Grouse National Planning Strategy, Utah Sub-Region and appoint Ray Petersen as the designated person to fill this role for Emery County. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(5)

**CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND UTAH STATE HISTORY FOR A GRANT TO BE UTILIZED FOR A HISTORICAL KIOSK AT THE LUCKY STRIKE MINING AREA.**

Commissioner JR Nelson explained that the contract is in the amount of \$4,250.00 to construct a kiosk at the Lucky Strike mine which the County will match with in-kind work on the project.

Commissioner JR Nelson made a motion to approve of Contract between Emery County and Utah State History for a grant to be utilized for a historical kiosk at the Lucky Strike mining area. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

**JEFF KELSEY, DISCUSSION AND APPROVAL OF EMERY COUNTY'S MEDICAL INSURANCE RENEWAL BEGINNING PLAN YEAR JULY 1, 2012.**

Jeff Kelsey, Kelsey Benefits Group made a presentation before the Board of Commissioners regarding the county's insurance program. He reviewed the past year and the medical insurance renewal numbers and cost for 2012. Commissioner JR Nelson made a motion to approve renewal of Emery County's medical insurance for the plan year beginning July 1, 2012. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(7)

**JESSICA FUNK, REQUEST FOR INSURANCE FOR RELAY FOR LIFE BASS FISHING TOURNAMENT. CONSIDERATION AND APPROVAL OF REQUEST.**

Jessica Funk, Relay for Life made a request before the Board of Commissioners for insurance coverage for their Bass Fishing Tournament. Commissioner Horrocks referred Jessica to the Emery County Recreation Special Service District.

(8)

**DISCUSSION AND APPROVAL OF LETTER OF SUPPORT FOR INCLUDING UNINCORPORATED AREAS IN EMERY COUNTY TO BE UNDER THE FIRE RESTRICTIONS NOW IMPOSED BY THE BLM AND FOREST SERVICE.**

Commissioner Nelson discussed a letter of support for including unincorporated areas in Emery County to be under the fire restrictions now imposed by the BLM and Forest Service. He talked about forwarding a copy of the letter to all the communities asking them to adopt the fire restrictions also. Commissioner JR Nelson made a motion to approve drafting a letter of support for including unincorporated areas in Emery County to be under the fire restrictions now imposed by the BLM and Forest Service. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(9)

**CONSIDERATION AND APPROVAL OF 2012 TAX RATES FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Clerk/Auditor Brenda Tuttle presented the 2012 tax rates for Emery County.

General Operations rate- 0.003525

Library - 0.000407

Recreation(Swim Pool)- 0.000063

Commissioner JR Nelson made a motion to approve the 2012 tax rates for Emery County. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

CVSSD Director Jacob Sharp presented the 2012 tax rates for CVSSD.

Operation/Maintenance- 0.001

Debt Service - 0.001408

Commissioner JR Nelson made a motion to approve the 2012 tax rates for CVSSD. The motion



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Commission Meeting Minutes  
June 12, 2012

was seconded by Commissioner Jeff Horrocks. The motion passed.

(10)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 ON VENDING MACHINES FOR AQUATIC CENTER.**

No action was needed.

(11)

**CITIZEN CONCERNS**

There were no concerns.

(12)

**COMMISSION/ELECTED OFFICIAL REPORTS**

*Commissioner Nelson*

Commissioner Nelson reported that on May 30, 2012 the County was visited by UAC where they discussed concerns raised over the proposed nuclear power plant in Green River.

The Museum of the San Rafael will host a Dining with the Dinosaurs on Saturday, June 23, 2012 from 11:30 am -2:00 pm. There will be a lunch, live band, raffles and pictures with the dinosaurs. He encouraged everyone to attend. The Utah National Guard has been stationed at Ferron Millsite Reservoir for a few days now conducting drills and training exercises with Emery County Sheriff's Department, Emery County EMT's and Rescue volunteers. Rocky Mountain Power will be doing an energy usage analysis for the County's buildings. Commissioner Nelson participated in a quest for a recovery specialist for Division of Natural Resources. The specialist would be responsible for keeping species off the endangered species list.

*Commissioner Horrocks*

Commissioner Horrocks reported on attending meeting in Park City regarding political involvement. Mary Huntington and Gaylee Jeffs were recently honored at an awards banquet for completing the 2 year course on Risk Management with Utah Local Governments Trust.

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Commission Meeting Minutes

June 12, 2012

(13)

**CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING PENDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive Session was not needed.

**ADJOURNMENT**

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

JUNE 26, 2012

Present at the meeting was Commissioner Jeff Horrocks, Commissioner JR Nelson, Attorney David Blackwell, Carol Cox from the Clerk/Auditor's office, other elected officials and citizens. Commissioner Laurie Pitchforth was absent from the meeting. Commissioner Jeff Horrocks stepped down throughout the meeting to execute motions as needed.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS**

The Warrant Check Edit List # 219421 through and including # 219639 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
52-12	A/C Unit for Ferron Library Library	\$2,100.00
53-12	Ipad3 4G Sheriff/Homeland Security	679.09
54-12	7512 Changers for Vending Machines Aquatic Center	775.00

One Disposition was presented for a Dell Printer #140-9039.

(2)

**APPROVAL OF PERSONNEL ITEMS:**

A. Approval to hire Denise Allen as a part time assistant librarian for the Emery Library, working 12 hrs/week with no benefits, Grade 7.

(3)

**APPROVAL OF COMMISSION WORK MEETING MINUTES DATED JUNE 12, 2012.**

Motion to approve the consent agenda was made by Commissioner JR Nelson, seconded by Commissioner Jeff Horrocks, and the motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE AGENDA**

None

(2)

**JAN BODILY, FOUR CORNER MENTAL HEALTH, PRESENTATION OF THE ANNUAL AREA PLAN.**

Jan Bodily, Four Corner Mental Health presented their Annual Area Plan for providing ten mandated services to the county. Those services are as follow: Inpatient Care, Resident Care, Out-Patient Care, 24 hr crisis care, Medication Management, Psychiatric Services, Case Management, Consulting/Education Services and Services for the mentally ill who are incarcerated. Ms. Bodily stated she did not anticipate much change from last year in spite of cuts from the state legislators. As the local authority for Emery County the Emery County Commission is responsible for approving the Four Corner Mental Health Annual Area Plan. Commissioner JR Nelson made a motion to approve the Four Corner Mental Health Annual Area Plan for 2012. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(3)

**CONSIDERATION AND APPROVAL OF THE INDEPENDENT AUDIT FOR 2011.**

Clerk/Auditor Brenda Tuttle reviewed the Independent Audit for 2011 recently conducted by Kimball and Roberts, Independent Auditors. The county's financial records received a clean audit. Copies of the audit report are available in the Clerk/Auditor's office. Commissioner Horrocks commended Brenda for her hard work and dedication to Emery County. Commissioner

JR Nelson made a motion to accept the Independent Audit for 2011. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(4)

**CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY GRANT (UTU-50148) FOR THE WILBERG MINE-DESERET MINE COAL HAUL ROAD.**

Public Lands Director Ray Petersen indicated that most of the road is on SITLA land with a small amount on BLM land. He stated that Emery County was granted a ROW in September of 1982 under the authority of Title V of the Federal Land Policy and Management Act, as amended. He reported that his office received a request from the BLM to renew the ROW authorization. The term of the ROW grant is thirty years. Commissioner JR Nelson made a motion to approve of Right-of-Way Grant (UTU-50148) for the Wilberg Mine-Deseret Mine Coal Haul Road. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(5)

**CONSIDERATION AND APPROVAL OF AMENDED TAX RATES 2012.**

Clerk/Auditor Brenda Tuttle explained the reason for amending the tax rates for 2012. After the Tax rates for 2012 were approved in the last Commission Meeting she received a call from the state indicating that they had changed the rate regarding Centrally Assessed Values. The actual rate will be at the level we will collect taxes this year. Commissioner JR Nelson made a motion to accept the State's Certified Tax Rate for 2012. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

**OPEN BIDS AND CONSIDERATION OF BID AWARD FOR SCRAP METAL AT THE EMERY COUNTY LANDFILL.**

Bids were opened for scrap metal at the Emery County Landfill.  
First bid was from Stephenson Metal Recycling for \$116.00 per ton.  
Second bid was from Sims Metal Management for \$151.23 per ton.

Commissioner JR Nelson made a motion to accept the high bid from Sims Metal Management at \$151.00 per ton. The motion was seconded by Commissioner Jeff Horrocks. The motion

passed.

(7)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER #2 FOR EMERY COUNTY LOW INCOME APARTMENT RENOVATION.**

Commissioner JR Nelson made a motion to table this matter. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(8)

**CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH AND EMERY COUNTY TO ESTABLISH A STANDARD COUNTY WIDE PROCESS TO CREATE AND MAINTAIN A MASTER ADDRESS LIST (MAL), ASSIGN A MANAGING AGENCY/OFFICE, CREATE A STANDARD DATA STRUCTURE AND PROVIDE A WEB ACCESSIBLE UPDATE ON A REGULAR CYCLE AS DEFINED AS COUNTY ADDRESSING PROJECT.**

IT Director, Jeff Guymon explained that this is a process that his department has been working for some time. He indicated that this process is crucial to the counties ability to provide services to the citizens of Emery County. Commissioner JR Nelson made a motion to approve of a contract with the State of Utah and Emery County to establish a standard county wide process to create and maintain a master address list (MAL). The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(9)

**CITIZEN CONCERNS**

Trenton Bennett expressed concern that the county has a contract with Sunrise Engineering to provide building permit services to Emery County citizens. He asked if this contract is permanent. He wanted the have the county bid the services out so that others with the credentials could bid on the service, thus having a full-time employee in the position of Building Inspector. Commissioner Jeff Horrocks indicated that in the past the county had a Building Inspector and have looked into the matter. The Commissioners determined that it was not cost effective to the

citizens of Emery County to have a full-time employee as a Building Inspector. The county is saving money by contracting this service out to Sunrise. Due to budget restraints the county must do the service using the most cost effective method. Mr. Bennett asked if the county would ever consider going back to an employee for the position? Ray Petersen asked what are the terms of the contract with Sunrise Engineering? Commissioner Jeff Horrocks asked Attorney David Blackwell to look at the contract with Sunrise Engineering and advise the Commissioners of the terms.

**(10)**  
**COMMISSION /ELECTED OFFICIALS REPORTS.**

*Commissioner Nelson*

Commissioner Nelson reported on an interesting experience he had to be on a committee that was responsible for hiring a specialist for Division of Natural Resources. This specialist would be responsible for keeping species of the endangered species list.

The National Guard recently held training sessions in Emery County involving Emery County's rescue and first responders. Coverage was well maintained and everybody learned a lot.

He stated he attended conservation district meetings recently in Green River. He stated he felt it was important that cities and towns in Emery County become involved with the effort of the Conservation District in fighting weeds .

The Museum of the San Rafael recently held a Dining with the Dinosaurs event inviting people to come visit the Museum, have a nice lunch and have your picture taken with the dinosaurs.

*Commissioner Horrocks*

Commissioner Horrocks talked about the States decision to ban firearms and fireworks in the unincorporated areas of the state. This is in an effort to reduce the threat of wild fires due to the very dry and windy conditions.

Patsy Stoddard reminded everyone of the Miss Emery County Pageant on July 7<sup>th</sup>. There are seven contestants. The Little Jr Miss pageant has thirty contestants this year.

**(11)**  
**CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An executive session was not needed.

**(12)**  
**ADJOURNMENT**

The meeting was adjourned.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_



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

JULY 10, 2012

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Sheriff Greg Funk, Carol Cox from the Clerk/Auditor's office, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

The Warrant Check Edit List #219674 through and including #219899 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
55-12	(3) Power distribution boxes Sheriff/Homeland Security	\$2,241.00

There were no dispositions.

(2)

**APPROVAL OF PERSONNEL ITEMS:**

A. Approval of 3% wage increase for Brent Ward who has successfully completed his 6 month orientation period.

B. Approval of KC Kofford as a volunteer for Emery County Fair.

(3)

**RATIFICATION OF REPAIR ORDER FOR ELEVATOR REPAIR.**

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(4)

**APPROVAL OF COMMISSION WORK MEETING MINUTES DATED JUNE 26, 2012**

Motion to approve the Consent Agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson and the motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM CONSENT AGENDA**

None

(2)

**APPOINTMENT TO EMERY COUNTY CARE AND REHABILITATION BOARD.**

Commissioner Laurie Pitchforth indicated that there has been no response to the advertising for an individual to serve on the Emery County Care and Rehabilitation Board. Therefore, Commissioner Pitchforth made a motion to table this matter. The motion was seconded by Commissioner JR Nelson. The motion passed.

(3)

**CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR LOW INCOME HOUSING RENOVATION PROJECT 2012.**

Commissioner Horrocks explained that the contractor for the Low Income Housing Project is requesting to be paid the contracted amount for the project. The work is complete except for one apartment where the tenant is not cooperating and letting the contractor in to finish the floor. The contractor was paid for labor for moving personal items and furniture, cleaning tenant floors and multiple tenant delays for unready units in lieu of laying the carpet in the apartment in question. Commissioner JR Nelson made a motion to approve Change order # 2 for Low Income Housing Renovation Project 2012. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

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July 10, 2012**

(4)

**CONSIDERATION AND APPROVAL OF RESOLUTION REGARDING SALE OF BURIAL PLOTS IN THE LAWRENCE CEMETERY.**

Commissioner Pitchforth indicated that there needs to be, in writing, procedures with regard to the sale of cemetery lots at the Lawrence Cemetery. Resolution 7-10-12 states that the county shall not sell or use any burial plots beyond the perimeter of the current fenced area within the Lawrence Cemetery until the plots shown on the plat map are either in use or sold.

Commissioner JR Nelson made a motion to approve Resolution 7-10-12A regarding the sale of burial plots in the Lawrence Cemetery. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

**JOSH MCKELL, UTAH LOCAL GOVERNMENTS TRUST INSURANCE, DISCUSSION AND REQUEST TO BID FOR PROPERTY AND CASUALTY INSURANCE AND RELATED SERVICES FOR EMERY COUNTY'S 2013 POLICY YEAR.**

Utah Local Governments Trust Area Representatives Josh McKell and Ryan Hatch came before the Board of Commissioners to request an opportunity to bid for Property and Casualty Insurance and related services for Emery County's 2013 policy year. They provided an overview of the Trust's program and services it can provide.

(6)

**JOHNNY MILLER, CEO UTAH COUNTIES INSURANCE POOL (UCIP), DISCUSSION AND PRESENTATION REGARDING EMERY COUNTY'S GENERAL LIABILITY INSURANCE COVERAGE.**

Utah Counties Insurance Pool (UCIP) CEO, Johnny Miller came before the Board of Commissioners to request an opportunity to bid for Emery County's General Liability Insurance coverage for the 2013 policy year. He explained that in 1991 the Utah Association of Counties saw a need to create an insurance pool, run by a commission through Utah Association of Counties. They approached the counties to become a part of the pool by investing funds to create the pool. Emery County participated in creating this pool. Clerk/Auditor Brenda Tuttle commented that Emery County is a partnership in this program. Why would we want to give this up to participate in another program? Commissioner Horrocks reported that he is on the board of the Utah Local Governments trust and as such would have a conflict of interest if this matter came to a vote. Mr. Miller concluded his presentation.

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(7)

**CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND CASTLE DALE CITY REGARDING LIABILITY FOR INFLATABLE BOUNCE HOUSES TO BE USED AT COUNTY FAIR.**

Commissioner Pitchforth explained that Castle Dale City owns two inflatable bounce houses. The Emery County Fair would like to use these bounce houses for the fair this year. Castle Dale City is willing to let the county use them but wants the county to assume the liability. An agreement has been drafted by Attorney David Blackwell for the Commissioners to consider that will transfer the responsibility, hold harmless and indemnify Castle Dale City and its officers, employees and agents against all claims for damages from the use of the bounce houses. Commissioner Laurie Pitchforth made a motion to approve an agreement with Castle Dale City regarding the use of two inflatable bounce houses for the Emery County Fair. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

**CONSIDERATION AND APPROVAL OF RESOLUTION REGARDING UTAH RETIREMENT SYSTEM POLICY FOR ELECTED OFFICIALS OF EMERY COUNTY.**

Personnel Director, Mary Huntington explained that Utah Retirement Systems (URS) requires participating entities to have a policy regarding elected officials who take office for the first time after June 30, 2011 are considered Tier II full-time eligible for benefits in the Utah Retirement Systems. This policy needs to be in writing, in the form of a resolution. Commissioner JR Nelson made a motion to adopt Resolution 7-10-12B a resolution regarding Utah Retirement System policy for elected officials of Emery County. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(9)

**CITIZEN CONCERNS**

Phil Fauver asked for an update on the wildland fires and water totals.

(10)

**COMMISSION/ELECTED OFFICIAL REPORTS**

*Commissioner Pitchforth*

Commissioner Pitchforth reported on visiting the fire command center at Canyon View Jr. High.

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She commended the first responders, firemen and sheriff's deputies for the amazing job they do. She reported on the recent Miss Emery and Little Miss Emery Pageants. Emery County has a new queen, Markette Tanner. McCall Spears, last years Miss Emery has done an excellent job representing the county. The Huntington Senior Center remodel is complete and they have received certificate of occupancy. The Emery County Care and Rehabilitation new director is doing a great job. Emery County Recreation SSD is gearing up for the fair and rodeo.

#### *Commissioner Nelson*

Commissioner Nelson reported on various land issues and the progress of Emery County's land bill. BLM is ready to award a land patent to Emery County for the gun range. He reported on the success of the Triathlon held last Saturday. He echoed the kudos to the many firefighters and first responders in the county.

#### *Commissioner Horrocks*

Commissioner Horrocks reported on the process to apply with CIB for a grant to construct a new Weed and Mosquito building. He also echoed kudos for the firefighters and first responders in Emery County and other agencies who have helped with the fire in Huntington Canyon. He reminded everyone of the fire restrictions for firearms and fireworks outside the incorporated areas in the County. There are no current totals for water but it is definitely not good. This is just the start of the fire season. We need to conserve as much as possible.

#### *Sheriff Funk*

Sheriff Funk reported that currently the fire is minimal. There is still a small stretch in Emery County to contain. There are hot shot crews along Seely Ridge and another on the short side of Electric Lake. Mudslides are the problem at this time. Huntington Canyon Road, Highway 31, will be open for travel tomorrow with restrictions. Travelers may not stop anywhere in the canyon from Crandall Canyon through Electric Lake area. Because of ash run-off most of the fish have been killed in the streams. They will be holding a meeting to discuss issues and find solutions to treat the waterways after the fact. As a result of the fire, wildlife has moved down into the canyon. His concern is for the safety of motorist traveling the canyon due to the risk for colliding with wildlife on the roadways. Be aware of UDOT crews in the canyon.

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**(11)**  
**CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT**  
**COMMUNICATIONS REGARDING PENDING LITIGATION OR OTHER MATTERS**  
**ALLOWED BY LAW.**

An executive session was not needed.

**(12)**  
**ADJOURNMENT**

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

AUGUST 14, 2012

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Carol Cox from the Clerk/Auditor's office, other elected officials and citizens.

**Consent Agenda**

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS

The Warrant Check Edit List # 220273 through and including # 220442 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
56-12	InFocus Portable Projector Sheriff/Drug Task Force	\$ 855.45
57-12	SVCI Modular IP-X Camera System Sheriff/Drug Task Force	\$6,500.00

One disposition, #122-1279, a calculator, was presented for approval.

(2)

RATIFY APPROVAL OF EMPG GRANT

(3)

APPROVAL OF BUSINESS LICENCE FOR SCOGGINS HUNTING AND BIG GAME HOUNDS AND J.O.E. LLC.

(4)

APPROVAL OF PERSONNEL ITEMS:

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a. Notification that Hunter Hatch and Mackenzie Curtis have been hired as 90 day temporary lifeguards.

b. Notification that Stephanie Peacock has been hired as a 90 day temporary head lifeguard.

c. Notification that Shirley Begay has been hired as a 90 day temporary in the Archives.

d. Approval of volunteers for Emery County Fair and PRCA Rodeo as follows: Annette Allen, Kris Bell, Shaun Bell, Shelly Gilpin, Lewis Gilpin, Clair Gilpin, Beverly Gilpin, Daniel Gilpin, Jessica Guymon, Shardon Augustus, Jamie Butterfield, Tara Payne, Heidi Guymon, Donn Jeffs, Kari Ewell, Carol Furner, Deana Jennings, Julie Winn, Gayla Luke, Cammie Curtis, Cody Taylor, Jackie Taylor, Gavin Anderson, Candace Anderson, Kassidee Oakeson, Kaileen Brower, Nikki Walls, Melissa Christensen, Jolly Jorgensen, Alissa Cox, Connie Jensen, Dal Guymon, Margo Guymon, Cindy Draper, Shelbie Laws, Trinidi Price, Jerry Price, Peggy Guymon, Julee Oakeson, Lethi Guymon, Nadine Thompson, Melissa Swasey, Samantha Johnson, Allen jensen, Maegan Butterfield, Camryn Cox, Makalie Morgan, Madison Winn, Alexis Hall, Reagan Harrison, Cassidy Luke, Cassidy Curtis, Jessi Jennings, Jordan Mann, Cheyenne Augusts, Ashlee Guymon, Jessica Furner, Brittany Payne, Brooklin Dee Ewell, Blayr, Jeffs, Haylie Cloward, and Britnee Murdock.

e. Ratify lifeguard certification class agreement with marilyn Collard. Class taught July 30-August 4, 2012.

f. Approval to hire Tim Lacock as a part-time maintenance worker, working up to 10 hours per week at a Grade 13.

g. Approval to hire Jerimiah Rich as a full time Corrections Officer, with benefits, at a Grade 14.

h. Approval to hire Michael Oviatt as a full time Corrections Officer, with benefits, at a Grade 14.

i. Approval to give employees who participate in the Wellness Clinic an additional 4 hours of paid vacation.

j. Approval of 3% merit increase for Bryson Hales and Savannah Hall, Aquatic Center, for successful completion of the 6 month orientation period.

k. Approval of 3% merit increase for Kay Jeffs, Library, for successful completion of the



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6 month orientation period.

(5)

APPROVAL OF COMMISSION MEETING MINUTES DATED JULY 10, 2012.

Motion to approve the Consent Agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson and the motion passed.

### **Discussion Agenda**

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing.

(2)

ACCEPTANCE OF THE LAND PATENT FROM THE UNITED STATES OF AMERICA FOR THE GUN RANGE PURSUANT TO THE RECREATION AND PUBLIC PURPOSES ACT OF JUNE 14, 1926.

Public Lands Director, Ray Petersen explained that Emery County has been working on this patent process for the gun range for several years. The BLM has been very good to work with on this process and are pleased to present Emery County with the patent for the land designated for the specific use as a gun range. Commissioner JR Nelson made a motion to accept a land patent from the United States of America for the gun range. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

ANDY URBANIK, REQUEST APPROVAL FROM THE COUNTY TO BROADCAST KRPX OVER ONE OF THE COUNTY TRANSLATORS.

Andy Urbanik and Paul Anderson, Castle Country Radio KOAL/KARB/KRPX came before the Commissioners to request approval to broadcast KRPX over one of the county translators. Paul gave a brief history of the station and added that the focus of Castle Country Radio is

community. Currently KRPX is used as an Emergency Announcement Station for Emery County. Usually the signal drops around the Huntington area.. KOAL is the station that transmits the games for Carbon High and Emery High. Andy talked about the benefit of receiving public safety announcements, promoting events in the county and advertising for businesses. He addressed the demographics of listeners and the affect it has on the economy regarding shopping habits. Bret Mills, Communications was asked to add to the conversation. Bret discussed the technical problems with adding another station. He explained that the county may have to drop a station to pick up KRPX. He explained that there are no new licenses available for FM transmission. He added that in the twenty-five years he has been there he has seen 1 license window available. Currently Emery County receives an oldie station CALL on 95.9, FM 100 on 96.7 and ROCK 103 on 97.5. It would be possible to drop the oldie station on 95.9 and pick up KRPX. Commissioner JR Nelson indicated that he felt that the Commissioners needed some time to study the proposal and asked Paul and Andy to provide a proposal in writing. Commissioner JR Nelson made a motion to take the information under advisement allowing two weeks to study the proposal and make a decision by next meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed. Sheriff Funk expressed his appreciation to the station for their help with public service announcements during the fire, mud slides and flood danger in Huntington Canyon and down stream onto the San Rafael.

(4)

APPROVAL OF LAMAR GUYMON TO THE EMERY COUNTY CARE AND REHABILITATION BOARD TO FILL AN UNEXPIRED TERM.

Commissioner Pitchforth indicated that they advertised for individuals to fill unexpired term on the Emery County Care and Rehabilitation Board. There were no applicants. The board discussed possible individuals to ask to be on the board. LaMar was acceptable to being appointed to on the board. Commissioner Laurie Pitchforth made a motion to approve LaMar Guymon to fill an unexpired term on the Emery County Care and Rehabilitation Board. The motion was seconded by Commissioner JR Nelson. The motion passed. The term will expire January 2013.

(5)

DISCUSSION AND APPROVAL OF WAIVER AND CONSENT TO ENTRY OF ORDER REGARDING EMERY COUNTY REAL PROPERTY.

Attorney David Blackwell explained that Emery County has been named in a Quit Title Action through 7<sup>th</sup> District Court regarding a narrow piece of land in Emery. Emery County acquired this land during a tax sale. The land borders several property owners, one of which is trying to

get a loan. The bank would like the title to be a clean title so they would like the matter cleaned up. Dixie Swasey, Emery County Recorder indicated that it would be wise to dispose of it as it is a 32 foot strip of land and the county has no use for this piece of land. Mr. Blackwell explained that this action suit cleans up only one portion of the strip of land. Commissioner JR Nelson made a motion to approve of waiver and consent to entry of order regarding Emery County real property as discussed. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(6)

RATIFICATION OF DECISION NOT TO CHANGE LIABILITY INSURANCE CARRIER FOR COUNTY.

Commissioner JR Nelson made a motion to ratify the decision to not change liability insurance carrier for the county. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT FOR BUCKHORN BRIDGE PAINTING PROJECT.

Wayde Nielsen, Road Department explained that each year the Road Department chooses one bridge in the county to clean-up and paint. Merrill Johansen, J&T Engineering indicated that this year the Road Department will be cleaning up the Buckhorn Bridge. J&T Engineering has scheduled a site showing for the painting and work to be done on the bridge for Monday, August 20<sup>th</sup>. Commissioner Laurie Pitchforth made a motion to approve of an engineering contract with J&T Engineering for professional services for the painting project. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

CONSIDERATION AND APPROVAL TO UTILIZE EMERY MEDICAL FOR THE ANNUAL WELLNESS CLINIC. APPROVAL TO PROVIDE FLU, PNEUMONIA, AND TETANUS VACCINES IN CONJUNCTION WITH THE COUNTY WELLNESS CLINIC. COUNTY WILL PAY A MAXIMUM AMOUNT OF \$200.00 PER EMPLOYEE WHO CHOOSES TO RECEIVE THE VACCINE. HOWEVER, SPOUSE/DEPENDENTS WILL HAVE A \$10.00 CO-PAY.

Personnel Director, Mary Huntington requested approval to use Emery Medical for the annual Wellness Clinic. She also requested approval to provide flu, pneumonia, and tetanus vaccines in

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conjunction with the county Wellness Clinic. She asked that the county pay a maximum amount of \$200.00 per employee who chooses to receive the vaccine. The spouse/dependents will have a \$10.00 co-pay. Commissioner JR Nelson made a motion to approve Mary Huntington's request for the Wellness Clinic. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(9)

DISCUSSION AND APPROVAL OF CHANGE ORDER #4 FOR EMERY COUNTY  
BUCKHORN INFORMATION CENTER.

Commissioner JR Nelson made a motion to pull this item from the agenda. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

CITIZEN CONCERNS

Phil Fauver asked if there were other pieces of property similar to the piece in Emery that was discussed today? If there is other pieces of property could they be put up for auction to the public? Dixie Swasey indicated that there are gaps in properties all over the county, but they usually fall to a specific property owner. The county has to own a particular piece of property before they can dispose of it. It is usually through a tax sale that the county acquires these small strips of land that have been overlooked. Straightening out the gaps in properties would be nearly impossible.

Bill Dellos reminded everyone of the Steak Fry coming up on September 22, 2012 at 6pm at the Museum of the San Rafael. \$25.00 a plate.

(11)

COMMISSION/ELECTED OFFICIAL REPORTS.

*Commissioner Pitchforth*

Commissioner Pitchforth receive an update of Special Service District #1 road projects during their monthly meeting on Monday. She thanked the many departments who stepped up and helped out with the Fair and Rodeo this year. Castle Dale City helped out quite a lot. The Castle Valley Pageant drew a big crowd this year. She reported that she attended the Carbon County fair recently and felt that the Emery County Fair was every bit as good. She also reported on attending a meeting with Kathleen Clark where she received information regarding the sage grouse and the efforts to keep the species off the endangered species list.

*Commissioner Nelson*

Commissioner JR Nelson reported on attending a recent Fire Protection District meeting. He indicated he was amazed at how much training the volunteer firefighters receive to keep our citizens safe. He reported on attending the stock show and the great turnout. He attended BLM RAC meetings in St. George where they discussed public land issues and the affects on the county should the sage grouse be listed on the endangered list. He attended the Rural Summit where he attended agriculture sessions and participated in discussions regarding public land issues.

*Commissioner Horrocks*

Commissioner Horrocks reported on attending a DOGM meeting where they discussed changing the criteria for how to run a meeting held in rural areas. He also attended Public Land meetings where they discuss the continuing work on the Public Land bill. He also attended the Rural Summit attending a meeting on stimulating the economy in rural areas and strategies to help rural communities thrive.

*Sheriff Funk*

Sheriff Funk had photos depicting the damage to the highway and other areas in Huntington Canyon due to the recent fire, flooding and mud slides. Currently the road is open. Trails are closed. Little Bear Campground is also closed for the safety of the public. The state did a great job of cleaning up the mess on the highway. They are currently working on a solution to the problems caused from the fire and the root system of the mountain side that was destroyed in the fire. Flash flooding is a great concern. The fish have been killed as far down as Green River. He indicated that the worse case scenario would be to have a heavy snowfall this winter. Even though we need the snow in the mountains it could be a problem as far as runoff causing flooding and mud slides. It could potentially shut the canyon down for the winter.

(12)

CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING PENDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.

Not needed.

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(13)  
ADJOURNMENT

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COMPLEX, GREEN RIVER, UT**

**AUGUST 28, 2012**

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

**Consent Agenda**

**(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

The Warrant Check Edit List # 220552 through and including # 220666 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
58-12	MTX-60 Rammer Highway	\$2,394.00
59-12	Zytron Level A Suits (7) Sheriff	\$4,360.00
60-12	(2) Remington 870 Shotgun Sheriff	\$3,330.00
61-12	Early Warning System for Huntington Crk Sheriff	\$4,713.00
62-12	2012 F-350 Wheeled Coach Ambulance Ambulance	\$131,430.00
63-12	24 port PoE switch, and netgear switch IT- New Phone System	\$ 4,625.02

Dispositions were presented for #415-4322 Wacker Compactor and 415-5376 Sign Post Driver.

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(2)

**APPROVAL OF PERSONNEL ITEMS:**

**A. Approval to promote Jonathon Minchey to a Patrol Deputy I (Grade 16) after successful completion of POST:**

**B. Notification of hiring Blaine Allen as a 90 day temporary for the Road Department.**

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED AUGUST 14, 2012.**

Motion to approve the Consent Agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson and the motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM THE AGENDA**

No items were pulled for discussion

(2)

**BID OPENING FOR BUCKHORN BRIDGE PAINTING PROJECT, 2012.  
CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED  
PAPERWORK.**

One bid was received for the Buckhorn Bridge Painting Project, 2012. The bid was from B & T Builders for \$32,260.00. A payment and performance bond requires an additional \$1,000,000.00 liability bond which costs an additional \$2,000.00 which could be saved if that was not required. Attorney David Blackwell will look into the bonding requirements. Commissioner Laurie Pitchforth made a motion to approve awarding the bid for the Buckhorn Bridge Painting Project to B & T Builders. The motion was seconded by Commissioner JR Nelson. The motion passed.



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(3)

**ANDY URBANIK, PRESENTATION REQUESTING EMERY COUNTY TO  
BROADCAST KRPX (CASTLE COUNTRY RADIO) OVER ONE OF THE COUNTY  
TRANSLATORS.**

Andy Urbanik and Alex Light, Castle Broadcasting made a presentation to the Board of Emery County Commissioners. A written proposal was requested at the last meeting. Mr. Urbanik stated that KRPX hits a different target group than any of the other local stations. Commissioner Pitchforth expressed appreciation to Castle Broadcasting for the public service announcements provided by KRPX. She also expressed concern that other stations would want to provide the same service which could become a problem. Bret Mills suggested that the county switch the station over and see if there are complaints. Commissioner Pitchforth stated that a lot of people listen to KODJ so she is concerned about taking it off the air. Commissioner Horrocks indicated that the matter will be moved to the next Commission Meeting as an action item.

(4)

**CONSIDERATION AND APPROVAL OF FINANCIAL ASSISTANCE AWARD  
NUMBER 49-09-U90516 LOW POWER TELEVISION AND TRANSLATOR UPGRADE  
PROGRAM.**

Bret Mills discussed a grant for \$440,624.00 from NTIA to replace old equipment on digital television. This is the last step of the grant process. The money will come to the county and the county will then pay Larcen for the equipment. Commissioner JR Nelson made a motion to sign the paperwork to receive the grant. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(5)

**CONSIDERATION OF APPOINTING A COMMITTEE TO REVIEW ORDINANCE NO.  
5-5-93A AND RECOMMEND CHANGES TO THE BOARD OF COMMISSIONERS.**

Commissioner Laurie Pitchforth asked to have this discussed in Commission Meeting. Commissioner Jeff Horrocks recommended Clerk/Auditor Brenda Tuttle, Sheriff Greg Funk, Commissioner Laurie Pitchforth, Attorney David Blackwell, and Road Supervisor Wayde Nielsen to serve on the committee. Commissioner JR Nelson made a motion to appoint a committee as recommended above to review ordinance #5-5-93A and recommend changes to the Board of Commissioners by the end of October. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

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**(6)**

**DISCUSSION AND APPROVAL OF UPDATING EMERY COUNTY JAIL POLICIES  
AND PROCEDURE MANUAL USING CAPITAL IMPROVEMENT FUNDS.**

The Board of Commissioners discussed funds that were initially allocated for jail equipment. They discussed the need to update and adopt Utah standards and policies for the jail. Commissioner JR Nelson made a motion to approve allocating capital funds to update the policies for the jail. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(7)**

**CONSIDERATION OF A LETTER OF SUPPORT FOR SOUTHEASTERN UTAH  
ASSOCIATION OF GOVERNMENTS RURAL DEVELOPMENT SELF HELP  
PROGRAM.**

The Southeastern Utah Association of Governments Rural Development Self Help Program provides two things. 1) New home construction. Three to four families get together and do a lot of sweat equity on the homes. 2) Rehab of existing homes. Purchasing homes that are known to need repairs. This helps people get into homes when they otherwise wouldn't be able to. People would apply with AOG. Commissioner JR Nelson made a motion to approve a letter of support for Southeastern Utah Association of Governments Rural Development Self Help Program. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**(8)**

**CITIZEN CONCERNS**

Chad Booth from "The County Seat" talked about the program which airs on Channel 4 and rebroadcast on KOAL free of charge. The program is carried throughout most of the state and covers a variety of topics. There are about 34,000 viewers per week. He indicated that he had 2 requests. 1) To start each program with the pledge of allegiance presented by school children throughout the state. The Commissioners indicated they felt that was a good idea. 2) Mr. Booth asked for ideas of topics that need to be covered. The Commissioners indicated that they could come up with a list of topics that they felt are important.

Gary Richens, Green River City Councilman and citizen indicated that he has heard it said that Green River EMT's are whiners. He wanted to know if that is how the County feels. Commissioner Horrocks stated, NO, that they are part of the Emery County EMT's and feels like

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August 28, 2012**

the issues have been resolved.

Commissioner JR Nelson stated that Green River EMT's have a huge responsibility and a very large area to cover. If there continues to be issues, please, contact Lieutenant Jensen and Jim Gordon to work through any issues that come up.

There was some discussion on what services are provided to Green River and how much money is spent in Green River.

Patsy Stoddard, Emery County Progress reported that the Emery County Business Luncheon will be held September 19<sup>th</sup> at 12:00 pm in Green River.

Amy Wilmarth stated that the EMT's fell apart when they took away the supervisor from Green River. Commissioner Horrocks indicated that he will take the matter under advisement.

**(9)**

**COMMISSION/ELECTED OFFICIAL REPORTS**

Commissioner Jr Nelson made a motion to move Commission Reports to next meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner JR Nelson made a motion to move into an executive session and upon completion of closed session to return to the regular meeting. The motion was seconded by Commissioner Laurie Pitchforth.

**(10)**

**CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING PENDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

Commissioner JR Nelson made a motion to direct Public Lands Director Ray Petersen to remove questioned roads from litigation. They will be pursued in other fashion. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**6**  
**Minutes of the Board of Emery County Commissioners**  
**August 28, 2012**

**(11)**  
**ADJOURNMENT**

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

**SEPTEMBER 17, 2012**

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

Commissioner Horrocks thanked everyone for attending the meeting. Captain Kyle Ekker gave a presentation on photographs taken from the flooded areas in Huntington Canyon. The photos show areas that will have problems for the next three to five years.

**(1)**

**DISCUSSION OF NRCS GRANT APPLICATION AND PROJECT DESCRIPTION.**

Commissioner Horrocks stated that a meeting was held last week. Pam Juliano, Representing Jim Matheson's Office, spearheaded that meeting. Representatives from the NCRS, State Emergency Coordinator, Emery County Emergency Management, and other agencies and county officials attended the meeting. Pam Juliano gave an update that a section of Forest Service road is ERFOR which means the expenses could be reimbursed at up to 100%. The paperwork process has begun. The NCRS offered a grant of \$150,000 specifically to clean debris out of the river. This meeting is a follow up with the County to put a project plan together. Ms. Juliano apologized to anyone that was left out of the first meeting. Emery County has signed the agreement with NCRS to be the host agency for the \$150,000. There is a required match of \$50,000 that can be in kind donations.

Huntington Mayor Hillary Gordon told the Commission that she feels all of the agencies need to be united on what is done. The first estimates to remove the log jam in the river are about \$700,000. Huntington City is willing to donate the required match for the grant.

The objectives from the last meeting were:

- 1) Secure culinary water to Huntington City.
- 2) Protect Bridges
- 3) Clean out debris

The objectives have changed to : 1) Removal of debris which will in turn protect bridges.

Wayne Urie, NCRS, stated that it is the County's responsibility to set the project scope.

2

Commission Meeting  
September 17, 2012

Discussion continued on what type of permit would be required from the Corps of Engineers in either rerouting the river or cleaning out the debris. A permit generally takes 60-120 days. A request could be submitted to expedite the request. Captain Ekker suggested that the County pick a project and get started while they continue to pursue other funding sources.

(2)

**APPOINTMENT OF LEAD AGENCY AND PROJECT MANAGER.**

Commissioner Nelson made a motion to have Emery County be the lead agency and Captain Kyle Ekker and Sheriff Greg Funk be the project managers. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(3)

**DISCUSSION AND DETERMINATION OF NON-FEDERAL FUNDS.**

Commissioner Nelson made a motion to accept Huntington City's offer of non-federal funds pending approval of Huntington City Council on Wednesday night. The project scope will be cleaning debris out of the channel and hauling it off. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(4)

**RATIFICATION OF APPROVAL OF NOTICE OF GRANT AND AGREEMENT AWARD (TA AND FA AGREEMENTS.)**

Commissioner Nelson made a motion to ratify the notification of grant and agreement award. The motion was seconded by Commissioner Pitchforth and approved by all members present.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

**SEPTEMBER 17, 2012**

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

Commissioner Horrocks thanked everyone for attending the meeting. Captain Kyle Ekker gave a presentation on photographs taken from the flooded areas in Huntington Canyon. The photos show areas that will have problems for the next three to five years.

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September 17, 2012

Discussion continued on what type of permit would be required from the Corps of Engineers in either rerouting the river or cleaning out the debris. A permit generally takes 60-120 days. A request could be submitted to expedite the request. Captain Ekker suggested that the County pick a project and get started while they continue to pursue other funding sources.

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Commissioner Nelson made a motion to ratify the notification of grant and agreement award. The motion was seconded by Commissioner Pitchforth and approved by all members present.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

**SEPTEMBER 25, 2012**

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Brenda Tuttle, Clerk/Auditor, other elected officials and citizens.

**Consent Agenda**

**(1)**

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

The Warrant Check Edit List #221020 through and including #221162 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
70-12	RC713 Backup System - IT	\$12,680.00
71-12	Laser Level - Highway	\$ 1,800.00

There were no dispositions.

**(2)**

**APPROVAL OF PERSONNEL ITEMS.**

A. Notification of hiring of 90 day temporaries as follows: Leanne Seely/Museum of the San Rafael, Sherrie Fausett/Clerk/Auditor, Cardell Sackett/Economic Development, Earl Nelson/Road Department.

B. Hiring of Laurie Larsen as part-time custodian, with no benefits, at a Grade 6

(3)

**APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 11, 2012**

Commissioner Pitchforth made a motion to approve the consent agenda with the exception of item 2(b). The motion was seconded by Commissioner Nelson. The motion passed.

**Discussion Agenda**

(1)

**ITEMS PULLED FROM CONSENT AGENDA.**

Item 2(b) hiring of Laurie Larsen as part-time custodian. Laurie decided not to take the position. In light of that the position has been offered to Allison Weaver. Commissioner Nelson made a motion to approve hiring Allison Weaver and ratifying it next commission meeting. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(2)

**DISCUSSION AND APPROVAL OF EMERY COUNTY'S ELECTION FORM FOR FY2012 SECURE RURAL SCHOOLS ALLOCATION.**

The Secure Rural Schools allocation is the Forest Service Payment for federal lands. The County will receive about \$350,000. The current distribution is: 85% schools and county roads, 8% Forest Service RAC and 7% to the county general fund. Ray Petersen is our representative on the Forest Service RAC along with Cody Allred, Jay Mark Humphrey and Gary Kofford. The RAC Board allocated \$80,000 to help with the Huntington Canyon problems.

Commissioner Nelson made a motion to approve Emery County's FY2012 Secure Rural Schools allocation. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(3)

**CONSIDERATION AND APPROVAL OF FY2012 PERSONAL PROPERTY EXEMPTIONS.**

Assessor Kris Bell informed the Commission that the personal property exemption is for small businesses with less than \$3,900 of personal property. Commissioner Nelson made a motion to approve the list of FY2012 personal property tax exemptions. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(4)

**SETTING OF BUDGET WORK MEETINGS.**

The Commission set the following dates for budget work meetings:

October 2, 2012 from 8:30 a.m. to 10:00 a.m.

October 3, 2012 from 9:00 a.m. to 12:00 p.m.

October 10, 2012 from 9:00 a.m. to 12:00 p.m.

October 15, 2012 from 9:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 5:00 p.m.

October 16, 2012 from 9:00 a.m. to 12:00 p.m.

(5)

**CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CLOSURE.**

Commissioner Nelson made a motion to close board of equalization. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(6)

**CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CHANGES.**

Kris Bell presented the Commission a list of board of equalization changes. The Assessor's office has done field visits and talked with property owners. Commissioner Pitchforth made a motion to approve the list of board of equalization changes. The motion was seconded by Commissioner Nelson and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF VETERAN, BLIND AND CIRCUIT BREAKER PROPERTY TAX ABATEMENTS.**

Commissioner Nelson made a motion to approve the list of veteran, blind and circuit breaker property tax abatements. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF LOW INCOME PROPERTY TAX ABATEMENT FOR RYAN COWLEY AND GREG HUNTINGTON.**

Commissioner Nelson made a motion to approve the low income property tax abatements for Ryan Cowley and Greg Huntington. The motion seconded by Commissioner Pitchforth and approved by all members present.

(9)

**CONSIDERATION AND APPROVAL OF REPORT ON THE EMERY COUNTY  
PUBLIC LANDS MANAGEMENT ACT OF 2012 AS REQUIRED BY HB176.**

Ray Petersen, Public Lands Director, presented a report that is required by the State Legislature. The County's public lands bill became subject to this law. The law requires a map to be submitted as well. The report will be submitted to the Public Lands Complying Office. The report is 32 pages long. The report was completed by Ray Petersen, Val Payne, Mike McCandless and Randy Johnson. Ray Petersen suggested that the Commission make the report available on their website. Mr. Petersen expects there will be discussions back and forth before the report is submitted to the Legislature.

The Commissioners thanks those involved for their hard work on this report. Commissioner Nelson made a motion to approve the report on the Emery County Public Lands Management Act as required by HB176. The motion was seconded by Commissioner Pitchforth and approved by all members present.

(10)

**CITIZEN CONCERNS**

There were no citizen concerns.

(11)

**COMMISSION/ELECTED OFFICIAL REPORTS**

***Commissioner Nelson***

Commissioner Nelson made the public aware of a FEMA report created by the Sheriff's Office. The report details the impact of the Seely fire and subsequent flooding. The report discusses the need for involvement of all agencies. Commissioner Nelson attended a meeting where the public lands bill was presented to San Pete County. UAC held a training in Midway. The Commission approved a grant from the NCRS that had to be in by September 17, 2012. Emery County will be involved with Huntington City to remove debris and clear the river channel. Four Corners Mental Health has a new director. They appointed Karen Dolan. Commissioner Nelson also attended meetings with the Board of Health. There was a lot of information and training. There are a lot of requirements coming to local governments from federal and state legislation.

***Commissioner Pitchforth***

Commissioner Pitchforth attended the UAC training in Midway. The training is a great opportunity to learn from other counties and commissioners. Commissioner Pitchforth toured Huntington Canyon to view the damage from the fire. A preconstruction meeting was held for the Buckhorn Bridge project. Commissioner Pitchforth thanked Kent & Julie Wilson for catering the lamb fry that was held recently. She also thanked Al Shakespeare for providing entertainment. Commissioner Pitchforth attended a Recreation District Meeting last night. Gaylee Jeffs resigned as the Director and Jake Atwood was selected as the new Director.

***Commissioner Horrocks***

Commissioner Horrocks attended a meeting at UAC on jails. The State of Utah is considering building a new prison. It was agreed that the Counties should put together a list of available beds that could house minimum security inmates. Then the State could build a smaller facility for high risk inmates. Discussions also took place on RS2477 roads and Title V applications. A lot of the road no longer have the evidence necessary to substantiate a claim. It needs to be decided which roads can still be defended. Commissioner Horrocks attended a Rocky Mountain Power meeting concerning the new power transmission lines. Mike McCandless as chair of North Emery Water Users Association gave Commissioner Horrocks a tour of the damage to their equipment and pump stations as a result of the Seely fire. The Commissioners attended Melon Days. It is always a well attended event.

(12)

**CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING PENDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive session was not necessary.

(13)

**ADJOURNMENT.**

Motion to adjourn was made by Commissioner JR Nelson, seconded by Commissioner Laurie Pitchforth and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

6  
Commission Meeting Minutes  
September 25, 2012

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

OCTOBER 23, 2012

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Attorney David Blackwell, Carol Cox from the Clerk/Auditor's Office, other elected officials and citizens.

**CONSENT AGENDA**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

Warrant Check Edit List # 221550 through and including # 221662 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
72-12	(4) Roll & Lock Truck Bed Covers (2) Car Video Systems Sheriff	\$ 14,000.00
73-12	Backup Generators (2) Communications/Television	\$ 9,323.00
74-12	Loveseat/(2) Chairs Courthouse	\$ 1,727.85
75-12	Ipad Sheriff	\$ 559.95
76-12	Painting in the Multi-purpose rm Museum of the San Rafael	\$ 1,750.00
77-12	Caterpillar electronic technician Highway	\$ 1,020.00

2

**Commission Meeting Minutes  
October 23, 2012**

78-12	(2) Sofas for the Courthouse Courthouse	\$	899.90
79-12	18 yards of cement Sheriff	\$	1,965.00
80-12	(2) Boat Building at GRSO & ECSO Sheriff	\$	15,860.00
81-12	(3) Stihl chain saws Weed/Mosquito	\$	2,039.95

Dispositions were presented for the following:

Tag # 9254 compact drill, 8678 1700 gallon cistern, 3497 chair, 3394 chair.

(2)

**CONSIDERATION AND APPROVAL OF OUT OF STATE TRAVEL FOR RAY PETERSEN TO ATTEND COLORADO RIVER WATER USERS ASSOCIATION MEETING IN LAS VEGAS, NV.**

(3)

**CONSIDERATION AND APPROVAL OF OUT OF STATE TRAVEL FOR KYLE EKKER, JEROD CURTIS, JOHN BARNETT, AND GARRETT CONOVER TO ATTEND CNOA IN ANAHEIM, CA.**

(4)

**CONSIDERATION AND APPROVAL OF OUT OF STATE TRAVEL FOR MICHAEL MCCANDLESS TO ATTEND A NATIONAL ECONOMIC DEVELOPMENT CONFERENCE IN DETROIT, MI.**

(5)

**RATIFICATION OF CONTRACT WITH TARGET PEST CONTROL FOR BAT REMOVAL.**



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Commission Meeting Minutes  
October 23, 2012

(6)  
**RATIFICATION OF CONTRACT WITH SERVICE MASTERS FOR COURTHOUSE CLEANING.**

(7)  
**APPROVAL OF PERSONNEL ITEMS:**

**a. Ratify hiring Allison Weaver as a part-time, with no benefits, custodian working 19-3/4 hrs. per week at a Grade 6.**

**b. Notification of Carol Cox as a 90 day temporary employee working in the Clerk/Auditor's office.**

**c. Approve of 3% wage increase for Selina Hardman after successful completion of 6 month orientation period.**

**d. Approval to hire Shirley Begay as a part-time, with no benefits, Archive Specialists at a Grade 11.**

**e. Approval of Staci Lyn Moss as an active re-entry volunteer driver.**

(8)  
**APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 17<sup>TH</sup> AND 25<sup>TH</sup>, 2012.**

Motion to approve the Consent Agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson and the motion passed.

**DISCUSSION AGENDA**

(1)  
**ITEMS PULLED FROM THE CONSENT AGENDA.**

None

(2)

**COMMUNITY COVENANT INTRODUCTION BY SRC RYAN PALMER, UTAH NATIONAL GUARD, CONSIDERATION AND APPROVAL OF EMERY COUNTY COVENANT SIGNING.**

SRC. Ryan Palmer, Utah National Guard came before the Board of Commissioners to present the Community Covenant Program. In 2008 the program was expanded to include all military service members who live in that community. The introduction of this program is actually an opportunity to showcase and put a name to the program. A liaison needs to be appointed to be the community resource for support of service members and their families. They have partnered with Utah State University to provide webinars to broadcast lectures and information to service members and families.

Commissioner JR Nelson stated that he was impressed with the program. He indicated that he recently attended the covenant signing ceremony in Ferron City. He stated he felt it was a very patriotic program and was impressed with the fact that they are soliciting support for veterans.

Commissioner Laurie Pitchforth stated that this program is very near and dear to her heart and hoped that, as a county we don't let the program fall between the cracks. She stated that she was impressed with what they are doing.

Commissioner Jeff Horrocks stated that as a veteran himself he understands the need for the program in the communities.

Commissioner JR Nelson made a motion to approve the Community Covenant Program for Emery County. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

**RATIFICATION OF SIGNING LOCAL "STATE OF EMERGENCY" DECLARATION EMERY COUNTY, STATE OF UTAH.**

Commissioner JR Nelson made a motion to ratify the signing of local "State of Emergency declaration Emery County, State of Utah. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

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(4)

**CONSIDERATION AND APPROVAL OF FY2013 TENTATIVE BUDGET FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT. SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON THE FY2013 TENTATIVE BUDGET.**

Clerk/Auditor Brenda Tuttle reviewed the 2013 tentative budget for Emery County. All three Commissioners commented on the budget process and thanked the departments for their efforts to provide a fair and workable budget for their respective departments.

Castle Valley Special Service District Director Jacob Sharp reviewed the three budgets for CVSSD. The budgets were approved in CVSSD's meeting held on October 18, 2012.

(5)

**SETTING OF BUDGET WORK MEETINGS.**

Final 2013 budget approval for Emery County and Castle Valley Special Service District was scheduled for December 18, 2012 at 6:00 pm.

(6)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND EMERY COUNTY SPECIAL SERVICE DISTRICT #1 FOR IMPROVEMENTS ON THE ACCESS ROAD TO MILLSITE STATE PARK.**

Commissioner Laurie Pitchforth made a motion to approve of Cooperative Agreement between Emery County and Emery County Special Service District #1 for improvements on the access road to Millsite State Park.

(7)

**CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT FOR DAVID AND RENE' CUNNINGHAM ON PARCEL NUMBER 02-0009-0006, 02-0004-0005, 02-0004-0004, 02-0003-0001, AND 02-0005-0008.**

Assessor Kris Bell address the Board of Commissioners to accept the recommendation of the Assessor's Office to keep the above mentioned parcels on Greenbelt. Special Tax Assessed for Greenbelt Rollback will be moved to 2013. They will evaluate monthly until they feel comfortable that all issues have been met or resolved by May 22, 2013. Total Tax Dollars due

6

**Commission Meeting Minutes  
October 23, 2012**

for 2012 if recommendation is accepted is \$212. 54. Greenbelt rollback moved to 2013 is \$39,665.67. Commissioner JR Nelson made a motion to accept the recommendation from the Assessor's Office regarding parcel's as noted. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

**DISCUSSION AND APPROVAL OF COUNTY GIFT FOR THE UAC CONVENTION.**

Commissioner Laurie Pitchforth made a motion to approve up to \$300.00 for a gift for UAC Convention. The motion was seconded by Commissioner JR Nelson. The motion passed. Kris Bell's office was assigned to procure a gift.

(9)

**CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR NOXIOUS WEED MANAGEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS AND EMERY COUNTY.**

Commissioner JR Nelson made a motion to approve of Cooperative Agreement for Noxious Weed Management between the Utah Division of Forestry, Fire and State lands and Emery County for removal of Russian Olive trees along the San Rafael River. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed. The amount provided in the agreement is \$7,500.00.

(10)

**CONSIDERATION AND APPROVAL TO ACCEPT THE HUNTINGTON AIRPORT INSURANCE RENEWAL PROPOSAL.**

Commissioner Laurie Pitchforth made a motion to accept the Huntington Airport Insurance Renewal proposal of \$2,250.00 for 2013 premium. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

**CITIZEN CONCERNS**

None

(12)

**COMMISSION/ELECTED OFFICIALS REPORTS.**

*Commissioner Nelson*

Commissioner Nelson reported on attended a town hall meeting where Senator Hatch spoke. Emery County Aquatic Center Director Shannon Hiatt has been attending training this past week where he received modern pool specifications training. Commissioner Nelson attended a Resource Development meeting in Green River where they discussed weed management in the four corners area. Regarding the budget process that the Commissioners just completed he commented that it was a traumatic and difficult process. He thanked all the departments for their efforts. Commissioner Nelson will be attending a Centrally Assessed meeting tomorrow at UAC headquarters. Kathleen Clark will be meeting tomorrow with those involved with the Emery County's Public Lands Bill and it's progress with legislators. He also reported on a recent emergency NRCS meeting where funds in the amount of \$150,000.00 was made available in the form of a grant to mitigate the recent damage to Huntington Canyon from the fire and eventual flooding in the canyon. The commissioners were being pressured to submit the application for the grant before mid September. Huntington City is also pursuing funds to help with the clean-up efforts. Many trails, campsites, proposed campsites were wiped out. Streams and creeks were altered and blocked by debris. Soil was wiped out down to bed rock. Heavy snow pack this winter could mean massive damage and devastation to not just Huntington Canyon but also Huntington City. The heavy hitters from NRCS were here to help do something immediately. This will be an ongoing effort for the next few years.

*Commissioner Pitchforth*

Commissioner Pitchforth expressed joy at being back up stairs after the recent infiltration of bats in the courthouse. She thanked the IT department for their help in moving everyone downstairs until the cleanup was complete and then moving everyone back to their offices upstairs. She thanked UDOT and Nielson Construction for the wonderful new road into Ferron. The Buckhorn Bridge painting project is complete. The fly in at Huntington Airport was a fun event. She is currently involved in work on the purchasing policy. October is Domestic Violence Awareness month. She recently attended CIB meeting with Commissioner Horrocks where Emery County Local Building Authority was successful in acquiring a grant to assist in construction of a new Weed & Mosquito Facility. USU Extension held Festive Friday last week. She encouraged everyone to attend. She talked about the efforts of the local Lions Club. They are in the process of combining the various town chambers into one. The club is in need of new members. Civic service clubs such as the Lions Club have been around for a very long time and are a very important part of community service by providing help to the blind in our communities and scholarships and other service projects. She encouraged everyone to help in the efforts to find

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October 23, 2012**

new members to serve.

*Commissioner Horrocks*

Commissioner Horrocks reported on the CIB funds the Local Building Authority was successful in acquiring for the new Weed/Mosquito Facility. The grant was for \$427,000.00. J&T will be the engineers on the project and notices on bid work will go out soon. The fly in at Huntington Airport was a fun event. There was 1 mishap however. A plane from the Young Eagles caught an updraft and spun out with two young girls on board. The pilot was very talented at controlling the aircraft and diverting danger. About 98 young people were given free flights that day. There were approximately 60 to 65 aircraft participating. These pilots fly into back country airstrips for these kind of events all over the country. There has been extensive work done at the Huntington Airport with more improvements to come next year. UAC Military task force has an ongoing effort similar to the National Guard Community Covenant Program but on a state wide basis. He stated that we will always be indebted to our veterans.

(13)

**CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.**

An Executive Session was not needed.

(14)

**ADJOURNMENT**

The meeting was adjourned.

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

NOVEMBER 13, 2012

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Carol Cox from the Clerk/Auditor's Office, other elected officials and citizens.

**Consent Agenda**

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit list # 221763 through and including # 221992 for payment. Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
82-12	Xerox/ColorQube 8570 DT Color Printer Sheriff	\$ 949.00
83-12	Titanium Split-Apart Rescue Litter Sheriff	\$ 2,044.95
84-12	Tempest 21' Variable Speed AC Blower Sheriff	\$ 1,998.00
85-12	HazMat Operations Equipment Sheriff	\$ 5,006.00
86-12	Hazardous Materials: Awareness and Operations DVD Series- Sheriff	\$ 999.00
87-12	Euramco RamFan Intrinsically Sheriff	\$15,860.00
88-12	Chairs for upstairs lobby-Courthouse Courthouse	\$ 827.89

COMMISSION MEETING MINUTES  
NOVEMBER 13, 2012

89-12	Bosch 11536VSR 36V Cordless Lithium-Ion 1-in SDS-plus Rotary Hammer Sheriff	\$ 679.99
90-12	Carpet for Multi-purpose room Museum of San Rafael	\$ 9,880.00
91-12	Paint Multi-purpose room Museum of the San Rafael	\$ 2,500.00

There were no dispositions.

(2)

CONSIDERATION AND APPROVAL OF OUT OF STATE TRAVEL FOR RAY PETERSEN  
AND JAMES R. NELSON TO GO TO WASHINGTON D.C. FOR PUBLIC LAND ISSUES.

(3)

APPROVAL OF PERSONNEL ITEMS:

A. Approval to promote Robby Riley from Patrol Deputy I to Patrol Deputy II- Move  
from Grade 16 to Grade 17.

(4)

APPROVAL OF COMMISSION MEETING MINUTES DATED OCTOBER 23, 2012.

Motion to approve the consent agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson. The motion passed.

**Discussion Agenda**

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing



COMMISSION MEETING MINUTES  
NOVEMBER 13, 2012

(2)

CONSIDERATION AND APPROVAL OF THE EMERY COUNT COMMUNITY COVENANT SIGNING.

SRC. Ryan Palmer, Utah National Guard invited the audience to participate in a ceremony of commitment and support for veterans and their families of the past and those currently serving in the armed forces. American Legion Post 73 from Huntington presented the colors and led the audience in the Pledge of Allegiance. Commissioner Pitchforth led participants in singing the National Anthem. Three Covenants were presented for signing by those who wished to dedicate support and honor to those who have served in the military in the past and whom are currently serving. The Commissioners signed the Covenant documents along with the Mayors of participating communities in Emery County and Emery County's elected officials. Then citizens were invited to participate in signing the documents. SRC. Palmer indicated that one document will remain in Emery County, one will hang in the Utah National Guard Armory in Price and one at the Draper Armory.

Commissioner Horrocks commented that he participated in the Veteran's Day program on Monday at the Veteran's Monument in Castle Dale. The program was presented by the American Legion Ferron and Huntington Posts as well as the Ladies Auxiliary. He expressed his gratitude for our veterans who have served us and whom are currently serving. He stated that it was an honor to be in their presence today.

Commissioner Pitchforth commented that the program presented today is an honorable program and thanked all the veterans. She pointed out that we need more Veterans be willing to participate in the American Legion pointing out that their numbers are dwindling. They provide a valuable service to our veterans past and present.

Commissioner Nelson commented that he held a deep respect for the military. As an educator he was visited by many young men and women who dropped by to visit with him before leaving to serve our nation in the military. Many were leaving for Afghanistan. He stated he was grateful that we had the opportunity to sign the National Anthem today.

(3)

DISCUSSION AND APPROVAL TO APPOINT A REPRESENTATIVE AND AN ALTERNATE TO ATTEND THE UCIP ANNUAL MEMBERSHIP MEETING

Commissioner JR Nelson made a motion to approve Resolution 11-13-12A appointing Mary Huntington as Emery County's representative and David Blackwell as alternate to attend the UCIP Annual Membership Meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

COMMISSION MEETING MINUTES  
NOVEMBER 13, 2012

(4)

CONSIDERATION AND APPROVAL OF ORDINANCE ESTABLISHING REGULATIONS FOR ACQUISITIONS, MANAGEMENT AND DISPOSAL OF COUNTY PROPERTY AND REPEALING ORDINANCE NO. 5-5-93A AND ALL AMENDMENTS THERETO.

Commissioner Pitchforth reviewed the changes on the Purchasing Policy. Attorney David Blackwell reviewed the code whereby the policy is established. Emery County opted to not adopt the State Code for purchasing and opted to use our own. The new policy has been revised and brought into line with doing business today. Commissioner Laurie Pitchforth made a motion to adopt Ordinance 11-13-12C establishing regulations for acquisitions, management and disposal of county property and repealing Ordinance 5-5-93A and all amendments thereto. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 FOR TARGET PEST CONTROL FOR BAT CONTROL, SANITIZATION AND CLEAN-UP IN COURTHOUSE.

Commissioner Horrocks addressed the change order request from Target Pest Control for additional funds for bat control at the courthouse. Commissioner JR Nelson made a motion to approve Change Order #1 from Target Pest Control with the stipulation that the check be held until all the problem has been resolved. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF RESOLUTION TO ANNEX PORTIONS OF FERRON, CASTLE DALE, CLAWSON, ELMO, AND HUNTINGTON INTO THE DISTRICT, AND PROVIDING NOTICE OF INTENT TO ANNEX AND INVITING PUBLIC COMMENT: AND RELATED MATTERS.

Jacob Sharp, Castle Valley Special Service District Manager reviewed the Resolution to annex portions of Ferron, Castle Dale, Clawson, Elmo and Huntington into the district. He explained that this is a five year process to annex those who have annexed into municipal boundaries into the district. This process includes a public hearing phase which the District is asking to hold on December 18, 2012 at 5:00 pm . Commissioner JR Nelson made a motion to approve Resolution 11-13-12B a resolution to annex portions of Ferron, Castle Dale, Clawson, Elmo and Huntington into the district and providing notice of intent to annex and inviting public comment on December 18, 2012 at 5:00pm. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

COMMISSION MEETING MINUTES  
NOVEMBER 13, 2012

(7)

CONSIDERATION AND APPROVAL OF MODIFICATION #4 FOR LAW ENFORCEMENT #11-LE-11041000-004 BETWEEN EMERY COUNTY AND MANTI-LA SAL NATIONAL FOREST.

Sheriff Greg Funk reviewed the agreement for law enforcement between Emery County and Manti-LaSal National Forest. County Attorney David Blackwell indicated that the agreement is the standard agreement from previous years. The only change is the dollar amount which is a little less than the previous year. Commissioner Laurie Pitchforth made a motion to approve Modification #4 for Law Enforcement, Agreement #11-LE-11041000-004 between Emery County and Manti-LaSal National Forest. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF REQUEST FROM GREEN RIVER CITY FOR TAX ABATEMENT ON PARCEL #1-151F-27 FOR THE MONTH FROM THE DATE OF THE SALE OF THAT PROPERTY.

Green River City Mayor, Pat Brady requested a tax abatement on Parcel #1-151F-27 for the month from the date of the sale of that property. This is property that Green River City proposes to use for their Public Safety Facility. Treasurer Steve Barton calculated the portion for Green River City to be \$366.81 with the remaining \$724.53 to be paid by the former owner. Mayor Brady asked that the portion that Green River City is responsible for be abated. Commissioner Laurie Pitchforth made a motion to approve a tax abatement on parcel #1-151F-27 in the amount of \$366.81 as requested. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF REPAIRS TO THE AQUATIC CENTER AS FOLLOWS:

- A. Fire Alarm System
- B. Handicap Door Controls
- C. Crash Gate Alarm

Commissioner Horrocks indicated that these are essential repairs that need to be made at the Aquatic Center. As per the new ordinance approved today these repairs need to be approved by the Commission. Commissioner JR Nelson made a motion to approve repairs at the Aquatic Center. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

COMMISSION MEETING MINUTES  
NOVEMBER 13, 2012

(10)

CONSIDERATION AND APPROVAL OF EMERY COUNTY TRAVEL BUREAU'S  
RECOMMENDATION TO ACCEPT BAR Z ADVENTURE AS DESIGN COMPANY FOR  
THE SAN RAFAEL COUNTRY APP AND ASSOCIATED PAPERWORK.

Travel Bureau Director, Tina Carter reviewed the Travel Bureau's recommendation to accept Bar Z Adventure as design company for the San Rafael Country App. She indicated that the Bureau sent out three request for proposals and received two back. They used scoring criteria to choose the company that best suited their need. The San Rafael County App will be a mobile application used to promote tourism in the San Rafael Country. Visitors will use the app to find maps, recreational activities, gas, restaurants, etc. Commissioner JR Nelson made a motion to approve the recommendation of the Emery County Travel Bureau to accept Bar Z Adventure as design company for the San Rafael Country App. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(11)

CITIZEN CONCERNS

Emery County Progress Editor Patsy Stoddard reminded the Commissioners of the Emery County Business Chamber's Lunch and Learn at noon in Ferron on November 14, 2012.

(12)

COMMISSION/ELECTED OFFICIALS REPORTS

*Commissioner Nelson*

Commissioner Nelson reported that Emery County has withdrawn HB 126 for now. They are working out some bumps.

*Commissioner Pitchforth*

Commissioner Pitchforth reported on attending Southeastern Utah Energy Producers meeting where they discussed fighting hard for coal production in Utah. USU's Festive Friday is this week with a focus on giving. She reported contacting Commissioner elect Ethan Migliori on his successful election.

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NOVEMBER 13, 2012

*Commissioner Horrocks*

Commissioner also attended the SEUPA meeting.

(13)

CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.

An Executive session was not needed.

(14)

ADJOURN

The meeting adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 19, 2012

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Laurie Pitchforth, Commissioner JR Nelson, Clerk/Auditor Brenda Tuttle, IT Director Jeff Guymon, IT Staff Clinton Olsen.

The purpose of the special meeting was to canvass the election results of November 6, 2012. The Board of Canvassers reviewed 37 provisional ballots that were deemed countable. Commissioner JR Nelson made a motion to accept the results of the 2012 General Election. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

The meeting adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 27, 2012

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Laurie Pitchforth, Attorney David Blackwell, Carol Cox from the Clerk/Auditor's office, other elected officials and citizens.

**Consent Agenda**

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The warrant Check Edit List #222085 through and including #222216 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
92-12	Grizzly OHV Smartflow GPS Fogger Weed/Mosquito	\$10,192.16
93-12	Collection Bottle Rotators Weed/Mosquito	3,705.00
94-12	Coordinated NIMS Incident Planner Field Command Ironkey USB- Sheriff	999.00
95-12	Chairs for Dispatch Sheriff	3,581.50
96-12	VHF repeater, Portable radio Communications	3,043.00
97-12	Data Recording System Weed/Mosquito	10,973.00

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One Disposition was presented for asset# 9690 a fridge from the Aquatic Center.

(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED NOVEMBER 13, 2012 AND  
MINUTES OF SPECIAL MEETING TO CANVAS THE ELECTION RESULTS ON  
NOVEMBER 19, 2012

Motion to approve the Consent Agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson and the motion passed.

### **Discussion Agenda**

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

None.

(2)

DISCUSSION AND CONSIDERATION OF MIKE AND CHERYL NELSON'S REQUEST TO  
RECLASSIFY THE COUNTY ROAD THEY LIVE ON FROM A D TO A B ROAD.

Road Supervisor Wayde Nielsen stated he received a letter from Mike and Cheryl Nelson requesting the road on Highway 29 that accesses their home be reclassified as a B Road. Wayde indicated that grading the road, as a D Road is at the discretion of his department. If the road is reclassified he would be required to grade it and be paid through Class B funds. Farmers use the road to access irrigation, XTO uses it to access their wells. Commissioner Laurie Pitchforth made a motion to keep the road classified as a D Road for now. The motion was seconded by Commissioner JR Nelson. The motion passed.



(3)

CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFFS FOR MARCY MIYASAKI, MIKE GREENAN, MARK LUCE AND JACOB T. OLSEN.

The Commissioners reviewed the request from each individual and determined that none of them had made an attempt to make any payments. Commissioner Laurie Pitchforth made a motion to deny the requests for write-offs for Marcy Miyasaki, Mike Greenan, Mark Luce and Jacob T. Olsen. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 TO SUPERIOR SECURITY SERVICES' CONTRACT FOR ADDITIONAL WORK ON THE EMERY COUNTY JAIL CONTROL UPGRADE FOR \$19,687.25.

Sheriff Funk indicated that additional work was needed on the County Jail Control Upgrade. They found several places that needed additional security. This is an additional \$19,687.25 to the contract for Superior Security Services. He indicated that this additional amount is still under the original budgeted amount for the project. Commissioner Laurie Pitchforth made a motion to approve Change Order #1 to Superior Security Services' contract for additional work on the Emery County Jail Control Upgrade. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF MASTER SOFTWARE SUBSCRIPTION AGREEMENT AND TERMS OF SERVICE WITH BARZ ADVENTURES, INC. FOR SAN RAFAEL COUNTRY APP.

Emery County Travel Bureau Director Tina Carter indicated that Attorney David Blackwell has reviewed the contract and suggested a few changes to the company. He indicated that the company welcomed the changes. The contract is now ready for final approval and signing. Commissioner JR Nelson made a motion to approve a 1 year contract with BarZ Adventures, Inc. for San Rafael County App. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(6)

DISCUSSION AND REVIEW OF NRCS AGREEMENT REQUIREMENTS AND DETERMINATION OF RESPONSIBILITY FOR SAID REQUIREMENTS. CONSIDERATION AND APPROVAL OF ACTION TAKEN.

The Commissioners reviewed and discussed the NRCS Agreement requirements for assistance with the flooding issues in Huntington Canyon due to the Seely Fire. Commissioner Horrocks indicated that the NRCS may have additional funding through grants. The county needs to decide if we are going to proceed with further grant application or turn it over to the Emery Water Conservancy District. Commissioner JR Nelson expressed concern that if the county applied for further funding the county's part would be over \$250,000.00. He suggested that this was a water users issue and they should be active in applying for further grants and running the projects. Commissioner Pitchforth indicated that she felt the County should stay with the existing agreement and did not feel comfortable committing the county to any additional funding amount. The county needs to consult with the Water Conservancy District and stay proactive in this issue to mitigate future problems. Commissioner Horrocks indicated that the county has been in discussions with Johansen & Tuttle Engineering regarding the administration of the work to be done in Huntington Canyon. The Commission office does not have the staff to administer the grant work as it is very extensive and time consuming. Brenda Tuttle indicated that during the discussions of this grant it was agreed to have Kyle Ekker and Jan Luke do the grant work as the Emergency Management Team. Commissioner Horrocks agreed that Kyle Ekker as the Program contact and Jan Luke as his assistant need to pick up the work on the grant and agreed that any additional work needs to be moved to the Water users group. Huntington City has applied to CIB for funding to mitigate issues in the city limits. Commissioner JR Nelson made a motion to complete the Emery County EWP FY2012 Seely Fire Project #5088 FA Grant Agreement in the amount of \$150,000.00 and the Emery County EWP FY 2012 Seely Fire Project #5088 TA Grant Agreement for administrative costs in the amount of \$15,000.00 with Kyle Ekker as project manager and Jan Luke assisting in the paperwork and to approach Emery Water Conservancy District or other water users group to be the recipient organization for any additional funding. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF RESOLUTION TO ANNEX PORTIONS OF CASTLE DALE CITY, CLAWSON TOWN, CLEVELAND TOWN, ELMO TOWN, EMERY TOWN, FERRON CITY, HUNTINGTON CITY AND ORANGEVILLE CITY INTO THE DISTRICT; PROVIDING NOTICE OF INTENT TO ANNEX AND INVITING PUBLIC COMMENT; AND RELATED MATTERS.

Jacob Sharp, Castle Valley Special Service District indicated that they started the process two weeks ago. He was brought to his attention that a few towns were left off the list. The maps

have now been updated from 2009 until now to add the properties that fell between the cracks. The public hearing that was scheduled for December 18<sup>th</sup> will need to be pushed forward to January. Commissioner JR Nelson made a motion to approve a proposal for a Resolution to annex portions of Castle Dale City, Clawson Town, Cleveland Town, Elmo Town, Emery Town, Ferron City, Huntington City and Orangeville City into the district and provide notice of intent to annex and invite public comment. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

CITIZEN CONCERNS

None.

(9)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner JR Nelson*

Commissioner Nelson reported that he along with Public Lands Director Ray Petersen traveled to Washington, D.C. last week to meet with the Utah delegation regarding Emery County's Land Bill. He indicated that he was pleased at how aware of the bill the delegation was as well as other groups supporting the bill. He reported that President Obama received a letter proposing 196,000 acres of Emery County land to a monument. Emery County supports a grassroots effort to a land bill and opposes designating land in Emery County to a monument. He indicated that Ray has vision and wisdom in regards to the land bill.

*Commissioner Laurie Pitchforth*

Commissioner Pitchforth asked if it would be a good idea for Emery County Public Lands Council send their own letter as stockholders of this land?  
She encouraged everyone to shop locally this holiday.

*Commissioner Jeff Horrocks*

Commissioner Horrocks reported on attending UAC Conference. He indicated that the breakout sessions were very informative and useful. He thanked Ray Petersen, Randy Johnson and Commissioner Nelson for their time spent in Washington, D.C. on behalf of Emery County's

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Land Bill. He thanked all the staff, department heads and elected officials of Emery County for dedication and hard work for the citizens of Emery County.

*Sheriff Funk*

Sheriff Funk expressed sorrow for the family of Jordan Hatch who lost his life this past week while traveling a mountain road. He expressed the importance of wearing seatbelts no matter where you are traveling.

(10)

CLOSED EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.

An executive session was not needed.

(11)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 18, 2012

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson and Commissioner Laurie Pitchforth, Attorney David Blackwell, Carol Cox from the Clerk/Auditor's office, other elected officials and citizens.

**Consent Agenda**

(1)

APPROVAL OF BUSINESS LICENSE FOR ANDERSON FAMILY FARMS.

(2)

APPROVAL OF OUT-OF-STATE TRAVEL FOR RAY PETERSEN TO ATTEND  
COLORADO RIVER WATER USER'S ASSOCIATION IN LAS VEGAS, NEVADA.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED NOVEMBER 27, 2012

Motion to approve the Consent Agenda was made by Commissioner Laurie Pitchforth, seconded by Commissioner JR Nelson and the motion passed.

**Discussion Agenda**

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing was pulled for discussion.

(2)

CONSIDERATION AND APPROVAL OF HOLIDAY AIR SPACE PERMIT FOR SANTA  
CLAUS.

Commissioner Horrocks read the Holiday Air-Space Permit issued to Santa Claus with the

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purpose of delivering toys and goodies to well behaved children in Emery County. Commissioner JR Nelson made a motion to approve the Holiday Air-Space Permit for Santa Claus. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #4 ON THE BUCKHORN INFORMATION CENTER.

Collin Fawcett, Engineer for Jones and DeMille Engineering reviewed change orders for the Buckhorn Information Center. He indicated that change order #4 was created to mitigate a cash flow issue regarding the purchase of the benches for the lecture area. Jones and DeMille Engineering decided that in order to expedite and keep the project moving along that they would purchase the benches to be installed. CO #5 finalizes the project and requests reimbursement for the purchase of the benches. Commissioner Horrocks asked if they had a receipt for the purchase of the benches. Mr. Fawcett indicated that they do have the receipt. The Commissioners requested a release of lien from Jones and DeMille Engineering releasing Emery County from any further liability on the Buckhorn Information Center. Commissioner JR Nelson made a motion to approve Change Order #4 and Change Order #5 upon receipt of a copy of the receipt proving purchase of the benches and a release of lien from Jones and DeMille Engineering. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF EMERY COUNTY BOARD OF COMMISSIONERS AND LOCAL BUILDING AUTHORITY MEETING SCHEDULES FOR 2013

The following dates and times were proposed for meetings of the Board of Emery County Commissioners.

January 8, 2013	9:00 a.m
January 22, 2013	9:00 a.m.
February 12, 2013	9:00 a.m.
February 26, 2013	9:00 a.m.
March 12, 2013	9:00 a.m.
March 26, 2013	9:00 a.m.
April 09, 2013	9:00 a.m.

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April 23, 2013	9:00 a.m.
May 14, 2013	9:00 a.m.
May 28, 2013	9:00 a.m.
June 11, 2013	9:00 a.m.
June 25, 2013	9:00 a.m.
July 9, 2013	9:00 a.m.
July 23, 2013	9:00 a.m.
August 13, 2013	9:00 a.m.
August 27, 2013	9:00 a.m. * Prior to Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.
September 10, 2013	9:00 a.m.
September 24, 2013	9:00 a.m.
October 08, 2013	9:00 a.m.
October 22, 2013	9:00 a.m.
November 12, 2013	9:00 a.m.
November 26, 2013	9:00 a.m.
December 17, 2013	5:00 p.m.

The following dates and times were proposed for meetings of the Board of the Local Building Authority of Emery County. These meetings will commence immediately following Commission meeting.

January 08, 2013  
February 12, 2013  
March 12, 2013  
April 09, 2013  
May 14, 2013  
June 11, 2013  
July 09, 2013  
August 13, 2013  
September 10, 2013  
October 08, 2013  
November 12, 2013

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(5)

CONSIDERATION AND APPROVAL OF HOLIDAY SCHEDULE FOR 2013

The following dates were proposed for the 2013 Holiday Schedule.

New Year's Day	Tuesday	01-01-13
Human Rights Day	Monday	01-21-13
President's Day	Monday	02-18-13
Memorial Day	Monday	05-27-13
Independence Day	Thursday	07-04-13
Pioneer Day	Wednesday	07-24-13
Labor Day	Monday	09-02-13
Columbus Day	Monday	10-14-13
Veterans Day	Monday	11-11-13
Thanksgiving Day	Thursday	11-28-13
Thanksgiving Day	Friday	11-29-13
Christmas Eve	Tuesday	12-24-13(½ day)
Christmas Day	Wednesday	12-25-13
New Year's Eve	Tuesday	12-31-13(½ day)

(6)

APPROVAL OF RE-APPOINTMENT OF JOYCE GUYMON TO EMERY COUNTY  
LIBRARY BOARD.

Commissioner JR Nelson made a motion to re-appoint Joyce Guymon to the Emery County Library Board for a four year term beginning January 2013. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.



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(7)

APPROVAL OF RE-APPOINTMENT OF BART COX TO THE EMERY COUNTY HOUSING BOARD.

Commissioner JR Nelson made a motion to re-appoint Bart Cox to the Emery County Housing Board for a four year term beginning January 2013. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(8)

APPROVAL OF RE-APPOINTMENT OF JUDY ANN SCOTT TO CAREER SERVICE COUNCIL.

Commissioner JR Nelson made a motion to re-appoint Judy Ann Scott to Career Service Council for a four year term beginning January 2013. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(9)

DISCUSSION AND APPROVAL TO ADVERTISE FOR VACANCIES ON SEVERAL COUNTY BOARDS.

Commissioner Horrocks indicated that there several board in the county with vacancies. We need to advertise for two weeks for people to fill these vacancies. Commissioner JR Nelson made a motion to advertise to fill vacancies on the Castle Valley Special Service District Board, Special Service District Board, Emery County Care and Rehabilitation Board, Fire Protection Special Service District Board, Public Lands Council, Emery County Trails Committee, Travel Bureau, Weed/Mosquito Board and Career Service Board with appointments in January 8<sup>th</sup>, 2013 Commission Meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF FISCAL ASSISTANCE AGREEMENT BETWEEN UTAH DIVISION OF STATE PARKS AND RECREATION AND EMERY COUNTY FOR HUNTINGTON STATE PARK TRAIL SYSTEM- PHASE II

Mike McCandless explained two years ago a trails committee was created as part of the Public Lands Council to look at the needs and organize projects regarding trails in Emery County. A project which has been in the works since organizing is a non-motorized trail from Huntington

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Lake to Huntington City. Several entities are involved in this project. At this time they are in the financial assistance phase of the project. The money has been placed in the budget. They are requesting to start step 1 of a multi-step process and go ahead with the funding process.

Commissioner Horrocks asked Mr. McCandless if he had a time frame for the project. Mike indicated that typically these type of projects take about two years to complete. Commissioner Nelson commented that he felt this was good for the county and for tourism. Commissioner Pitchforth also felt it was good for the county as well as Huntington City. Commissioner Laurie Pitchforth made a motion to approve of a Fiscal Assistance Agreement between Utah Division of State Parks and Recreation and Emery County for Huntington State Park Trail System- Phase II. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

DISCUSSION AND APPROVAL OF LETTER TO BE SENT TO PRESIDENT OBAMA AND THE DEPARTMENT OF THE INTERIOR IN REGARDS TO OPPOSITION OF A RECENT PROPOSAL FOR A 1.4 MILLION-ACRE NATIONAL MONUMENT IN SOUTHEASTERN UTAH.

Commissioner Nelson prepared a letter to be sent to President Obama and Secretary of the Interior Ken Salazar opposing the recent proposal for a 1.4 million-acre National Monument in Southeastern Utah. One hundred ninety-six thousand of those proposed acres would be in Emery County. This citizen-group proposal ignores the legislative process which includes input from local citizens, elected officials, and other stakeholders. In the past eight years, Emery County has developed a proposed Public Lands legislation that is the work of the resource users of public lands in the county. This has been a long, labor-intensive process involving a great number of stakeholders. There have been many field trips, meetings and discussions. It is a collaborative effort by many different parties and wide variety of opinions from the users of public lands. Emery County believes a grass-roots, county-by-county approach to special land designation is the correct way to establish public land policies and designations in a county that is 95% public lands. UAC also sent a similar letter that was signed by chairmans in all twenty-nine counties in Utah. Commissioner JR Nelson made a motion to approve sending a letter to President Obama and Secretary of the Interior Ken Salazar with regards to the opposition of a recent proposal for a 1.4 million-acre national monument in southeastern Utah. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

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COMMISSION MEETING MINUTES  
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(12)

CONSIDERATION AND APPROVAL OF WILDLAND FIRE BUDGET BETWEEN EMERY COUNTY AND UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS FY 2013.

Commissioner JR Nelson made a motion to approve the Wildland Fire Budget between Emery County and Utah Division of Forestry, Fire and State Lands FY 2013. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING THE PERSONNEL POLICY OF EMERY COUNTY, UTAH.

Personnel Director, Mary Huntington reviewed amendments to the Personnel Policy. The amendments were regarding regular part-time employees with regards to medical insurance benefits as well as addressing leave time for employees. Commissioner JR Nelson made a motion to approve resolution 12-18-12A amending the personnel policy of Emery County. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

(14)

EMERY COUNTY SWIM TEAM, DISCUSSION OF AQUATIC CENTER TEMPERATURE AND REQUIREMENTS FOR HIGH SCHOOL SWIMMING. CONSIDERATION AND DEVELOPMENT OF A PLAN TO MANAGE THE POOL TO COMPLY WITH REQUIREMENTS.

Commissioner JR Nelson made a motion to establish a committee to develop a plan to manage the pool to comply with requirements for a high school swim team. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

Commissioner JR Nelson made a motion to move into a public hearing to receive public comments regarding issues as advertised and upon completion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Laurie Pitchforth. The motion passed.

**PUBLIC HEARING TO RECEIVE PUBLIC COMMENT regarding the opening and amending the 2012 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds, Local Building Authority, and Castle Valley Special Service District.**

Clerk/Auditor Brenda Tuttle presented the 2012 amended budget for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds, and Local Building Authority. She explained that this is a result of the budget after the year is over due to the fact that mineral lease funding is never budgeted for until it actually comes in. There was added revenue from tax assessment. The Local Building Authority paid off a bond on the Sheriff's Building saving one million dollars over the life of the loan/bond.

Jacob Sharp, Castle Valley Special Service District reviewed their amended 2012 budget.

**PUBLIC HEARING TO RECEIVE PUBLIC COMMENT regarding the proposed 2013 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds, Local Building Authority, and Castle Valley Special Service District.**

Clerk/Auditor Brenda Tuttle presented the proposed 2013 budget for the Emery County General Fund, Special Revenue Fund, Special Projects Funds and the Local Building Authority. Commissioner Nelson commented that the budget process is a long, arduous process. Commissioner Horrocks commented that the budget process is an extensive process. We have to consider requests for funding from various entities and project requests from departments. We have to prioritize and cutback and not everyone gets what they want. Brenda works hard to keep the county balanced. He expressed his gratitude to Brenda for her expertise in this field. Brenda Tuttle commented that we do try very hard to keep the budget balanced that is why it is such a hard process.

Jacob Sharp, Castle Valley Special Service District presented their proposed budgets for 2013 for their General Fund, Debt Service Fund, Capital Projects Fund.

**PUBLIC HEARING TO RECEIVE PUBLIC COMMENT regarding proposed tax increase by imposing a judgement levy to pay back property taxes to Pacificorp for Emery County, Emery Water Conservancy District, and Castle Valley Special Service District.**

Clerk/Auditor Brenda Tuttle explained that the judgement levy increase is to pay back property

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taxes to Pacificorp in the amount of \$319,310.00 which is Emery County's portion of an order from the Utah State Tax Commission. Of this amount 84% will be paid back by centrally assessed properties. She explained that Emery County has been fighting this appeal for six years and we did not win. Pacificorp won a 1 million dollar tax appeal which is spread out to several taxing entities. Using a judgement levy to pay back the counties portion is a wise thing for the county to do compared to writing a check for the amount owed. Its twenty percent on the tax payer vs one hundred percent on the county. The tax impact on a \$110,000.00 residence will be \$10.16 per year and the impact on a business having the same value as the average residence in the taxing entity will be \$18.48 per year. We recoup 80% from the entity we lost the battle with doing it this way. The total refund amount for Emery Water Conservancy District is \$28,030.00 and for Castle Valley Special Service District it is \$131,442.00.

Commissioner Horrocks asked if there were any questions or comments from the public. There were no questions or comments.

(15)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING THE 2012 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Commissioner Laurie Pitchforth made a motion to approve Resolution 12-18-12B amending the budgets for Emery County General Fund, Special Revenue Funds, Capital Projects Funds, and Local Building Authority of Emery County and Resolution 12-18-12C amending the 2012 budget for Castle Valley Special Service District. The motion was seconded by Commissioner JR Nelson. The motion passed.

(16)

CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING THE 2013 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Commissioner Laurie Pitchforth made a motion to approve Resolution 12-18-12D approving the 2013 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds and Local Building Authority and Resolution 12-18-12E approving the 2013 budget for Castle Valley Special Service District. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(17)

CONSIDERATION AND APPROVAL OF IMPOSING A JUDGEMENT LEVY TO PAY  
BACK PROPERTY TAXES TO PACIFICORP.

Commissioner Laurie Pitchforth made a motion to approve imposing a judgement levy to pay back property taxes to Pacificorp. The motion was seconded by Commissioner JR Nelson. The motion passed.

(18)

CITIZEN CONCERNS

Wayde Nielsen, Highway Department, asked if anyone has talked about the maintenance of the proposed trail from Huntington Lake to Huntington City. Commissioner Horrocks indicated that the trail will be maintained by the trail user groups.

(19)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Pitchforth*

Commissioner Pitchforth reported on the Senior Citizen Christmas Party. She thanked Leslie Bolinder for organizing the volunteers and the Emery High School Drama Department for the entertainment. Food Ranch provided a dinner and elected officials helped serve. She expressed her gratitude to serve the citizens of Emery County. She also expressed her gratitude to the employees and staff for all their support over the years.

*Commissioner Nelson*

Commissioner Nelson reported that in spite of the holidays things are still taking place and boards are still meeting. He expressed his appreciation to the dedicated people who serve on the various boards who serve Emery County.

*Commissioner Horrocks*

Commissioner Horrocks reported on attending a Big Game RAC meeting in Blanding. He attended CIB Board meeting with Huntington City Mayor Hillary Gordon. They were hoping to be granted funds to correct problems from the flooding in Huntington Canyon. The CIB Board does not have any grant money available at this time but offered a 2.5 loan. Mayor Gordon will be checking with other city officials to see what direction they want go. The NRC granted Emery

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County a grant for \$150,000.00 to correct problems associated with the flooding in Huntington Canyon. The work will have to be contracted out and they we will begin that process soon.

Commissioner Horrocks and Commissioner Nelson presented Commissioner Pitchforth with a plaque and many thanks for the dedicated service provided to the citizens of Emery County.

(20)

CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY LAW.

An Executive Session was not needed.

(21)

ADJOURNMENT

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 8, 2013

Present at the meeting was Commissioner Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

**Consent Agenda**

(1)

**APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.**

The Warrant Check Edit List # 222739 through and including #222803 was presented for approval.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1-13	2013 Wrangler Sport 4x4	\$26,026.93

There were no dispositions.

(2)

**APPROVAL OF OUT-OF-STATE TRAVEL FOR THE FOLLOWING EMERY COUNTY TRAVEL BOARD MEMBERS AND VOLUNTEERS:**

**A. KEITH BRADY- SACRAMENTO, CA TO ATTEND INTERNATIONAL SPORTSMAN'S EXPO.**

**B. TINA CARTER AND TAINA BENSON- DENVER, CO TO ATTEND INTERNATIONAL SPORTSMAN'S EXPO.**

**C. MIKE MCCANDLESS, MARK H. WILLIAMS, LAMAR GUYMON, GARY KOFFORD, AND EUGENE SWALBERG- QUARTZSITE, AZ TO ATTEND RV SHOW JANUARY 19-27TH, 2013.**



2

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(3)

**APPROVAL OF PERSONNEL ITEMS AS FOLLOWS:**

**A. RECLASSIFICATION OF TINA CARTER FROM GRADE 11 TO A GRADE 13 EFFECTIVE 1/7/13.**

**B. 3% MERIT INCREASE FOR JEFF GUYMON EFFECTIVE 1/7/13.**

**C. PROMOTION OF JEREMIAH RICH AND MICHAEL OVIATT FROM GRADE 14 TO GRADE 15 CORRECTIONS OFFICER I FOR SUCCESSFUL COMPLETION OF POST.**

**D. 3% WAGE INCREASE FOR DENISE ALLEN FOR SUCCESSFUL COMPLETION OF 6 MONTH ORIENTATION PERIOD EFFECTIVE 1/20/13.**

**E. HIRE CAROL COX, SHERIE FAUSETT, AND CAROL FURNER AS PART-TIME DEPUTY/CLERK AUDITOR WORKING UP TO 19 3/4 HOURS PER WEEK, WITH NO BENEFITS, AT A GRADE 13, PREVIOUSLY A FULL TIME POSITION WITH BENEFITS.**

**F. TO BEGIN RECRUITMENT PROCESS FOR A PART-TIME ECONOMIC DEVELOPMENT SECRETARY WORKING UP TO 19 3/4 HOURS PER WEEK WITH NO BENEFITS AT GRADE 11.**

(4)

**APPROVAL OF COMMISSION MEETING MINUTES DATED DECEMBER 18, 2012**

Commissioner JR Nelson made a motion to approve the consent agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

**Discussion Agenda**

(1)

Nothing was pulled for discussion

3

COMMISSION MEETING MINUTES  
JANUARY 8, 2013

(2)

CONSIDERATION AND APPROVAL OF CHAIRMAN FOR 2013

Commissioner JR Nelson made a motion to re-appoint Jeff Horrocks as Chairman for 2013. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF COMMISSION RESPONSIBILITIES FOR 2013.

**2013**  
**COMMISSIONER RESPONSIBILITIES**  
(As approved in commission meeting 01/08/13)

Jeff Horrocks

Chairman  
Ambulance/EMTs  
Animal Control  
Airport  
AOG  
CCP  
Clerk/Auditor  
County Facilities  
DWR/RAC  
ECBC  
ECSSD#1  
Economic Development\*  
Fire District  
Housing Authority  
LBA  
NEWU District  
Planning/Zoning/Bldg.  
Personnel  
Public Lands  
Sheriff/Homeland Security  
Travel Bureau  
TV/Communications  
Weed/Mosquito  
\*contact commissioner

JR Nelson

Aquatic Center\*  
Attorney  
BLM/RAC  
Conservancy Districts  
CVSSD  
ECBC  
EMC Foundation  
Economic Development  
Fire District  
GR Medical Center  
Library  
LBA\*  
Public Lands\*  
Public/Mental Health  
Road Department/Landfill  
Senior Citizens  
SITLA  
Treasurer  
Water Conservancy  
Wildland Fire

Ethan Migliori

Assessor  
Aquatic Center  
COG  
Care Center  
ECBC\*  
Economic Development  
Extension/USU  
Historical Preservation  
Justice Court  
IT/GIS  
LBA  
Local Emergency Planning  
Lawrence Cemetery  
Museum  
Public Lands  
Recreation Dist./Fair  
Recorder/Archives  
State Parks  
Travel Bureau  
USFS

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Commissioner JR Nelson made a motion to approve Commission Responsibilities as assigned. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

PRESENTATION OF SERVICE AWARDS

The Board of Commissioners presented employees with service awards for various years of employment with Emery County. Those employees receiving awards were as follow:

5 years

Kristin Robertson  
Tina Carter  
Jeff Horrocks

Margaret Keller  
Russell Swasey

Cheri Packer  
Jared Robinson

10 years

William Jeff Newland

15 years

John P Barnett  
Travis Winn

Brenda L Tuttle  
Terry Seager

Sharon Boyle

20 years

David A Blackwell

25 years

Teresa Manzanares

Ray D Petersen

30 years

Dixie Swasey

Larry Newman

Joel Jensen

(5)

LEE MOSS, REPRESENTING SAN RAFAEL CONSERVATION DISTRICT. UPDATE OF ACTIVITIES AND PROJECTS.

Lee Moss, representing San Rafael Conservation District provided an update of activities and projects. The Department of Agriculture has asked that local districts visit county commission meetings so that you know what we are doing and offer any service we can to the community. Our goal is to preserve our natural resources. Our mission is to identify local resources and needs and

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to provide support to append resources to address those needs. He added that they work in partnership with state, federal management conservation agency to educate and offer the technical and financial resources and plan to complete conservation projects. The board sends their appreciation for cooperation they have had with the county. He reviewed a previous year's project in Lawrence. In order to collaborate our resources in the future they have compiled a document titled Emery County Resource Needs Assessment. This document has been put together by their district along with the Department of Agriculture and Food, and NRCS to identify needs and goals for public lands and our public resources. It identifies these priorities :

- Water, use of and water quality
- Soil, erosion and salinity
- Energy Development
- Range Land for public grazing and public permitting
- Fish and Wildlife management and predator control

As a board they asked that the Commissioners look over the document and in the future if you see an opportunity to work with the NRCS, the State Department of Agriculture and Fish and Wildlife, we would like to be an venue to help put together a plan for resources for our communities.

Commissioner Nelson commented that this group helps the farmers and provide a service to many people in the county.

Commissioner Horrocks thank their group for the great service they provide to communities in Emery County.

Commissioner Migliori asked about the wind zone. Mr. Moss addressed the wind zone in Spanish Fork and wind farms.

Phil Fauver asked how their organization addresses weed control in the county. Mr. Moss stated that they work together with other organizations to provide education to combat weeds.

(6)

CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT WITH JOHANSEN & TUTTLE ENGINEERING FOR TOPOG SURVEY INVESTIGATION FOR DEBRIS BASINS IN HUNTINGTON CREEK 2013.

Merrill Johansen, Johansen & Tuttle Engineering explained that this is an opportunity to do a TOPOG survey up Huntington Creek to assist with warding off debris as it comes down the creek. The cost for this \$4,000.00. They will be cooperating with all the water user groups up Huntington Canyon.

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Commissioner Ethan Migliori made a motion to approve the contract with Johansen and Tuttle Engineering for TOPOG survey investigation for debris basins in Huntington Creek. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF LETTER OF ENGAGEMENT WITH GOVERNMENT MATTERS LLC FOR GOVERNMENT AFFAIRS AND PUBLIC LANDS CONSULTATION.

The Board of Commissioners considered a Letter of Engagement with Government Matters LLC for government affairs and public lands consultation from Randy Johnson. Commissioner JR Nelson made a motion to approve of Letter of Engagement with Government Matters LLC as discussed with a travel limit of \$12,000.00. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF SPONSORSHIP AGREEMENT WITH COUNTY SEAT FOR SEASON 3.

The Board of Commissioners reviewed the sponsorship agreement with County Seat for season 3. County Seat will provide 8 thirty-second spots in their weekly tv series. The program is scheduled to broadcast Sundays at 8:00 AM on KTVX Channel 4. The cost for the 8 spots is \$825.00 per 30 second spot for a total of \$6,600.00 for the season. Commissioner JR Nelson made a motion to approve the sponsorship agreement with County Seat in the amount of \$6,600.00 for season 3. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF CREDIT CARD FOR COMMISSIONER ETHAN MIGLIORI.

Commissioner JR Nelson made a motion to approve issuance of a county credit card for Commissioner Ethan Migliori. Commissioner Jeff Horrocks stepped down to second the motion. The motion passed.

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(10)

CONSIDERATION OF REQUEST FOR AMBULANCE BILL WRITE-OFF FOR SANDRA J. WRIGHT AND LAURIE HUNDLEY.

The Board of Commissioners discussed the fact that there have been no attempts to make any payment by either one of the people making the requests. They discussed the need to have people make at least a small payment on their account. Commissioner Jeff Horrocks recommended that the requests be denied and request additional information. Commissioner Ethan Migliori made a motion to deny a request for ambulance write-off for Sandra J. Wright and Laurie Hundley. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

APPOINTMENT OF REPRESENTATIVE FOR GREEN RIVER CANAL COMPANY ANNUAL STOCKHOLDERS MEETING.

Commissioner Ethan Migliori made a motion to appoint JR Nelson as representative for Green River Canal Company to vote at their annual stockholders meeting. Commission Jeff Horrocks stepped down to second the motion. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF AMENDMENT #1, CONTRACT #12-0750 EMERY COUNTY LOW INCOME RENOVATION.

Due to complications with completing the renovations the Commission has requested an extension of the contract. The new date will be March 31, 2013. Commissioner JR Nelson made a motion to approve Amendment #1 to Contract #12-0750 Emery County Low Income Renovation. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

APPROVAL FOR SPRINT NEXTEL TO MAKE CERTAIN PHYSICAL MODIFICATIONS TO EQUIPMENT ON THE EAST RIM COMMUNICATIONS SITE.

Bret Mills, Communications discussed modifications to equipment on the East Rim Communications site. This will be an upgrade to their equipment. They have a twelve foot enclosure that they lease space from the county to house their equipment. Commissioner JR Nelson made a motion to approve with the stipulation that we determine whether its Sprint/Nextel or Quest that will be doing the work. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(14)

APPOINTMENT TO EMERY COUNTY CARE AND REHABILITATION BOARD.

Commissioner JR Nelson made a motion to re-appoint Richard Seely, LaMar Guymon and Laurie Ann Larsen to the Emery County Care and Rehabilitation Board for four year terms beginning January 2013. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

APPOINTMENT TO EMERY COUNTY SPECIAL SERVICE DISTRICT #1.

Commissioner Ethan Migliori made a motion to appoint Richard Jensen and Merrill Swasey to the Emery County Special Service District #1. The motion was seconded by Commissioner JR Nelson. The motion passed.

(16)

APPOINTMENT TO CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Commissioner Ethan Migliori made a motion to appoint Kent Wilson and JR Nelson to the Castle Valley Special Service District . The motion was seconded by Commissioner JR Nelson. The motion passed.

(17)

CONSIDERATION AND APPROVAL OF FY 2012 HOMELAND SECURITY ARTICLES OF AGREEMENT AND AWARD AMENDMENT.

This grant award is for Region VI, which is comprised fo Carbon County and Emery County. Although Emery County Emergency Management has prepared the actual grant application for the past several years, the State of Utah has listed Carbon County Emergency Management as the project manager for this grant program. Subsequently, the award and agreement documents have been given to Carbon County only for approval and signature.

Captain Kyle Ekker spoke with the State Project Coordinator, and has been given a second set of documents for Emery County Commission approval and signature. Carbon County Commission has already signed and submitted the original set of documents. Emery County Emergency Management will continue to manage our portion of this grant, and will meet all reimbursement and reporting requirements. The amount of the 2012 Homeland Security Grant is \$180,834.00.

Commissioner JR Nelson made a motion to approve FY2012 Homeland Security Articles of Agreement and Award Amendment. The motion was seconded by Commissioner Ethan Migliori.

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The motion passed.

(18)

CONSIDERATION AND APPROVAL OF STANDARD COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK FOR 2013.

Commissioner Ethan Migliori made a motion to approve of Standard Cooperative Agreement for 2013 for Utah State University Extension Educational Work. The motion was seconded by Commissioner JR Nelson. The motion passed.

(19)

CITIZEN CONCERNS

Patsy Stoddard informed the public of Emery County Business Chamber's Lunch and Learn on January 16<sup>th</sup>, noon, at the Museum of the San Rafael. June 29<sup>th</sup> will be the Miss Emery County Pageant.

(20)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner JR Nelson*

Commissioner Nelson reported there has been a pool committee formed to address swim team issues only. The Travel Bureau has a new smart phone app that goes live on Thursday.

*Commissioner Jeff Horrocks*

Commissioner Horrocks has been working with Huntington City Mayor Hilary Gordon on Huntington Canyon. He reported that they attended CIB meeting where they received word that there is no grant money available. However, they offered a 2.5% loan. CVSSD was offered a 2.5% loan also. He reported on attending a meeting at the Attorney General's Office regarding RS2477 Roads.



10  
COMMISSION MEETING MINUTES  
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(21)  
CLOSED/EXECUTIVE SESSION (AS NEEDED) TO DISCUSS ATTORNEY/CLIENT  
COMMUNICATIONS REGARDING LITIGATION OR OTHER MATTERS ALLOWED BY  
LAW.

An Executive Session was not needed.

(22)  
ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 22, 2013

Present at the meeting was Commission Chair Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy/Clerk Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #222935 through and including #223082 were presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
2-13	(3) Remington Shotguns Drug Task Force/Sheriff	\$ 2,020.62
3-13	1 set Belly Dump Trailers Highway	73,450.00
4-13	Shots fired on campus Student training DVD SERT Training/Sheriff	695.00
5-13	Spike System Sheriff	968.00
6-13	(3) Scansnap Scanners IT	1,376.52
7-13	(12) Dell Computers-Courthouse (5) Dell Computers-Sheriff (8) Dell Computers-Libraries	23,059.35

2  
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8-13	(2) 10,000 Gal Plastic Storage Tanks Highway	17,399.99
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There were no dispositions.

(2)  
RATIFICATION OF CELL PHONE STIPEND FOR ETHAN MIGLIORI

(3)  
APPROVAL OF OUT OF STATE TRAVEL FOR JOHN BARNETT

(4)  
APPROVAL OF PERSONNEL ITEMS AS FOLLOWS:

A. KAYLEE VAN WAGONER AS A 9 MONTH TEMPORARY EMPLOYEE AT THE  
AQUATIC CENTER AT \$9.43/HR.

B. HIRING OF LARYSSA GUYMON, COLTEN CLEMENT AND MELISSA  
ARRIEN  
ARRIEN AS A PART-TIME LIFEGUARD, WITH NO BENEFITS, AT A GRADE 3.

(5)  
APPROVAL OF COMMISSION MEETING MINUTES DATED JANUARY 8, 2013

Commissioner JR Nelson made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

**Discussion Agenda**

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

(2)  
CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND PAYNE RELIEF LLC AS AN INDEPENDENT PUBLIC LAND CONSULTANT.

Commissioner JR Nelson made a motion to approve an agreement between Emery County and Payne Relief, LLC as an independent Public Land Consultant. The motion was seconded by Commissioner Ethan Migliori. The motion passed. Commissioner Nelson commented that this is a valuable service to the County and Public Lands especially with the documents that are prepared for Public Lands.

(3)  
APPOINTMENT TO THE PUBLIC LANDS COUNCIL

Commissioner JR Nelson made a motion to table any appointment for now to allow time to recruit more applicants. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)  
APPOINTMENT OF ETHAN MIGLIORI TO THE EMERY COUNTY TRAVEL BUREAU, EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT, MUSEUM OF THE SAN RAFAEL BOARD OF DIRECTORS, EMERY COUNTY PRESERVATION COMMISSION AND EMERY COUNTY CARE AND REHABILITATION BOARD OF DIRECTORS.

Commissioner Jeff Horrocks stepped down to appoint Ethan Migliori to the Emery County Travel Bureau, Emery County Recreation Special Service District, Museum of the San Rafael Board of Directors, Emery County Preservation Commission and Emery County Care and Rehabilitation Board of Directors to fulfil his assignment as a Commissioner to these boards. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(5)

APPOINTMENT OF JR NELSON TO THE EMERY COUNTY COUNCIL ON AGING AND NUTRITION.

Commissioner Ethan Migliori made a motion to appoint JR Nelson as an active member to the Emery County Council on Aging and Nutrition. Commissioner Jeff Horrocks stepped down to second the motion. The motion passed.

(6)

APPOINTMENT OF JEFF HORROCKS TO THE TRAILS COMMITTEE

Commissioner JR Nelson made a motion to appoint Jeff Horrocks to the Trails Committee. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

APPOINTMENT TO THE EMERY COUNTY WEED AND MOSQUITO BOARD.

Commissioner JR Nelson indicated that there were not enough applicants and asked to table this item to allow time to recruit some applicants. Commissioner JR Nelson made a motion to table this matter for now. Commissioner Ethan Migliori seconded the motion. The motion passed.

(8)

EMERY COUNTY HISTORICAL SOCIETY-DISCUSSION AND APPROVAL OF WAIVER OF THE FEE FOR USE OF THE MUSEUM OF THE SAN RAFAEL FOR MEETINGS.

Evelyn Huntsman, President of the Historical Society and Suzanne Anderson, Vice President Elect, came before the Board of Commissioners to express concern for the future of fees that might be charged to hold their meetings at the Museum of the San Rafael. They are currently running on what they consider a verbal agreement that the MOSR will not charge them to use the museum. With the recent raise in fees being charged for use of the building they have heard that they may have to begin paying to use the building for their meetings. They are concerned because they are a non-profit organization with very little funds. She stated that they understand that Commissioners change, personnel changes, management changes, but they felt that this should be more than a verbal agreement. They felt that if they had something in writing, such as in the minutes, that we will not be charged to use the museum. Jan Petersen, a member of the board, stated that in their last board meeting they agreed that the Historical Society would not have to pay a fee to use the building. Commissioner JR Nelson indicated that they did discuss

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that and that he is also aware that they ( the Commission) are establishing a president, making it a public place to hunt up the information. But he is also aware that a Commission cannot encumber or speak for future Commissions. However, he is in favor of what they are doing. Commissioner Migliori suggested this could be an annual request to establish formality. It puts a burden on the Historical Society to come back each year to re-establish that relationship. Commissioner Ethan Migliori made a motion to approve an agreement between Emery County Commission and Historical Society on annual basis, that a representative of the Historical Society will attend the beginning meeting of each year to re-establish that agreement. The agreement will remain a verbal agreement that the Commission will waive the fees on the museum for the Historical Society, but ask that you( the Historical Society) abide by the regulations of the museum. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

TRENTON BENNETT, DISCUSSION OF CONTRACTING FOR BUILDING INSPECTOR SERVICES FOR EMERY COUNTY.

Trenton Bennett, TC Builders came before the Board of Commissioners to discuss consideration of contracting for building inspector services for Emery County. Currently Mr. Bennett is under contract to do building inspections with Castle Dale City, Huntington, Orangeville, Ferron, Green River City and is in negotiations with Cleveland City. He indicated that he has had several people ask him when he will be able to do inspections in the county. He indicated he is here to day to ask the Commission to consider hiring him to do the County building inspections. Mr. Bennett indicated that he has seven years experience building in the county and has recently ceased construction and concentrates his time on doing inspections. Commissioner Migliori asked Mr. Bennett to state his qualifications as a building inspector. He indicated that he has seven of the certifications and has employees that have the other certifications. He indicated that his intentions are to personally get all the certifications required for inspections. Commissioner Horrocks asked Mr. Bennett if he has the plan review license. Mr. Bennett indicated that the state does not require it, but if the county requires it he will get it. He has not checked but thinks he may have someone who is willing to work for him that does have that certification. The Commissioners asked Mr. Bennett for a resume indicating all of his licenses, certificates and those who hold those certificates along with his experiences in the field. Mr. Bennett agreed to provide a resume but preferred to not disclose who hold the certificates at this time. He indicated he can provide the holder of the one certification he lacks at this time.

(10)

CONSIDERATION AND APPROVAL OF REQUEST TO WRITE-OFF PERSONAL PROPERTY TAX FOR RONDA WEBB AND MANUEL GONZALES IN THE AMOUNT OF \$80.45.

Commissioner Nelson indicated that it would be in the best interest of the County to write-off the personnel property tax in the amount of \$80.45 rather than take responsibility or possession of the property and have to find it, move it or dispose of it. Commissioner JR Nelson made a motion to approve the request to write-off personal property tax for Ronda Webb and Manuel Gonzales in the amount of \$80.45. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF REQUEST TO WRITE-OFF PERSONAL PROPERTY TAX FOR KIM WARDLE IN THE AMOUNT OF \$127.36.

Commissioner JR Nelson made a motion to approve the request to write-off personal property tax for Kim Wardle in the amount of \$127.36. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Commissioner JR Nelson made a motion to move out of the regular meeting and move into a Public Hearing and at the conclusion of the Public Hearing to return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

**10:00 am- Public Hearing-** Public Hearing by the Emery County Board of Commission acting as the governing body of the Castle Valley Special Service District of a proposal to annex portions of Castle Dale City, Clawson Town, Cleveland Town, Elmo Town, Ferron City, Huntington City, and Orangeville City into the Castle Valley Special Service District.

Jacob Sharp, CVSSD addressed the public explaining the purpose of the Public Hearing. Jacob indicated that 2001 was the last time an annexation into the district was done. This annexation is supposed to be done every five years. However, with the retirement of Darrell Leamaster and the changing hands to a new director the annexation process was delayed. He indicated that he is here today to receive comment and questions regarding the annexation of properties that have already been annexed into the municipal boundaries of cities into the district to match up the boundaries. These annexed properties are already receiving services from the district. Those property owners will then begin paying the district tax. Attorney Eric Johnson added that after this Public Hearing there will be an additional fifteen day written comment period.

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Commissioner Horrocks asked for comments or question from the public.

Patsy Stoddard asked Jacob if a person who built their home outside municipal boundaries 10 years ago and has since been annexed into the city and has been receiving the services all this time will now begin paying CVSSD levied tax? Jacob indicated that they will now begin paying that tax.

Commissioner Nelson commented that people who receive water services outside of the service district actually pay a higher water fee to the city to compensate for not paying the District tax. A portion of that fee does go the district.

At the conclusion of comments and questions, the Commissioners returned to the regular meeting.

(13)

CONSIDERATION AND APPROVAL OF A RESOLUTION CALLING A PUBLIC HEARING AND GIVING NOTICE OF INTENT TO ISSUE GENERAL OBLIGATION BONDS IN THE MAXIMUM AMOUNT OF \$2,000,000 AND ESTABLISHING THE MAXIMUM INTEREST RATE, MATURITY AND DISCOUNT ON THE BONDS AND RELATED MATTERS.

Jacob Sharp, CVSSD and Eric Johnson, Bond Attorney for CVSSD reviewed a resolution calling for a public hearing on February 12, 2013 and giving notice of intent to issue general obligation bonds in the maximum amount of \$2,000,000.00 and establishing the maximum interest rate, maturity and discount on the bonds and other related matters. The District coordinates with mayors and councils of each of the towns in the county and they submit a list of projects to be done within the county. Jacob explained that CVSSD typically goes to CIB for funding of the projects. He indicated that they did not have much luck when they approached CIB for funding. CIB did offer CVSSD a loan at 2.5%. Jacob indicated that they have found a better interest rate of 1.93% through private funding. Mr. Johnson requested that the Public Hearing be called for February 12, 2013 at 9:00am or as it falls in the agenda. Commissioner JR Nelson made a motion to approve Resolution 1-22-13 calling for a public hearing on February 12, 2013 and giving notice of intent to issue general obligation bonds in the maximum amount of \$2,000,000.00 and establishing the maximum interest rate. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

CITIZEN CONCERNS



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Phil Fauver commented that he felt that the museum is losing customers due to the fee amount that is charged to use the museum. Many non-profit entities are moving the Orangeville Community Center building to hold meetings because they do not charge non-profit entities to use their building. He indicated that he felt the Commissioners should look into how much is charged to non-profit entities.

Phil Fauver indicated that he would like to apply for the Weed/Mosquito and Public lands Council. Commissioner Horrocks stated he should get the applications for these boards from Leslie at the Commission Office or the Clerk/Auditor's Office.

(15)

COMMISSION REPORTS

*Commissioner Migliori*

Commissioner Migliori reported he has been working with the Recreation Board regarding the Miss Emery Pageant and County Fair. They have appointed Julie Jones to be Fair Committee Chairman.

*Commissioner Nelson*

Commissioner Nelson reported on attending the recent Energy Summit where they made very good connections. He attended a meeting with CVSSD prior to being officially appointed to that committee. He talked about the Back Country Pilots and their annual back county fly in.

*Commissioner Horrocks*

Commissioner Horrocks reported that the Energy Summit they attended was very productive. He stated he felt that they have a good, positive working relationship with Congressman Chaffetz and other members of congress. He reported on Economic Development's efforts to get industries located in Emery County.

(16)

ADJOURNMENT

9  
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The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 12, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

**Consent Agenda**

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 223269 through and including # 223457 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
9-13	(8) Mobile Radios Posse/Sheriff	\$5,598.00
10-13	Carpet-Dispatch Sheriff	1,900.00
11-13	Nikon D800 Camera & lenses Sheriff	5,492.00
12-13	SKED Rescue System Sheriff	580.00
13-13	Hazardous Materials 8 dvd set Sheriff	1,595.00
14-13	(2) Semi-Tractors w/trade-ins Highway	80,195.00
15-13	Bobcat 250 Kolher Welder Highway	3,990.00

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16-13	Back-up Power Generator Communications/Television	9,323.00
17-13	(5) Computers IT	5,034.20
18-13	(3) Scansnap 1x500(scanners) Sheriff/Homeland Security	1,235.40

Dispositions were presented for the following:

#7663 -2009 Kenworth W900 (trade-in) #6258- 1991 Peterbilt 377 Tractor, #9370- Air Cleaner, #5718- Panasonic Television w/stand, #1303- Rollable file Cart,

(2)

RATIFICATION OF CITY'S APPOINTEES TO EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT AS FOLLOWS: ELMO TOWN- STONEY JENSEN, HUNTINGTON CITY- PETE ALGER, GREEN RIVER CITY- HOWARD BURNETT, AND EMERY TOWN- NASH ROBERTS AND CASTLE DALE CITY- IGNACIO ARRIEN.

(3)

APPROVAL OF BUSINESS LICENSE FOR CASTLE VALLEY COWBOY COMPANY, LLC.

(4)

APPROVAL OF BUSINESS LICENSE FOR LARAMIE'S FIREARM SERVICES LLC.

(5)

APPROVAL OF BUSINESS LICENSE FOR SQUEEGEE CLEAN ENTERPRISES.

(6)

APPROVAL OF OUT OF STATE TRAVEL FOR RANDALL STILSON TO ATTEND RV SHOW IN QUARTZITE, AZ.

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(7)

APPROVAL OF OUT OF STATE TRAVEL FOR DENNIS WORWOOD TO ATTEND THE GREAT BASIN CONSORTIUM CONFERENCE IN BOISE, ID.

(8)

APPROVAL OF OUT OF STATE TRAVEL FOR TINA CARTER TO ATTEND LA TIMES SHOW IN LOS ANGELES, CA.

(9)

APPROVAL OF PERSONNEL ACTION ITEMS

A. Notification of hiring Sterling Miller as a 90 day temporary working in the Road Department.

B. Notification of hiring of Leann Seeley as a 90 day temporary working at the Museum of the San Rafael.

C. Approval to hire Cardell Sackett, as Economic Development Secretary, Grade 11 working 19 3/4 hr/week with no benefits.

D. Approval of Castle Dale Search and Rescue Team for 2013 as follows: Brad Reed, Greg Jewkes, Chad Lake, Howard Tuttle, Ken Eley, Pete Alger, Rue Bell, Lowell Morris, Clay Oliverson, Leonard Norton, Jerry price, Courtney Cox, Shaun Jeffs, Kirk McQuivey, Randy Lake, Chuck Ebeling, James Byers, Ben Orgill, Lee Magnuson, Jason Jensen, Tyler Tuttle, Jeffrey Tuttle, Layne Potter, Russ Archibald, Casey Toomer, Greg Oliver, Hal Johnson, Andy Wall, Ross Christiansen, Kyle Savage, Jeremy Draper, Michael Taylor, Rod Magnuson, Jim Jennings, Brawny Killpack, Brett Guymon, Wade Allinson, and Jared Anderson.

E. Approval of volunteers for the Library 2013 as follows: Janetta Young, Julie Bell, Amanda O'Neil, Tammy Payne, Sara Draper, Cynthia Williams, Julie Woodhouse, Brayci Sitterud, Brydi Sharp, Anita Sitterud, Kim Rasmussen, Simone Burton, Cassie Thatcher, Barbara Jones, Jamie Jensen, Justin Bradley, Tom Holdaway, Chris Bolotas, Priscilla Burton, Bernice Payne, Eldon Holmes, Vicky Holmes, and Kaili Merrill.

(10)

APPROVAL OF COMMISSION MEETING MINUTES DATED JANUARY 22, 2013.

Motion to approve the Consent Agenda was made by Commissioner Ethan Migliori, seconded by Commissioner JR Nelson and the motion passed.

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**Discussion Agenda**

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

(2)

PRESENTATION OF EMERY COUNTY EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori stated that the Board of Commissioners had a desire to implement a program to recognize employees for the good things that they do for the county. The person they have chosen to be employee of the month for February is Dennis Fuller. Dennis started out as an independent contractor. He was hired full time by the county six years ago. Dennis works hard to keep the buildings functioning and safe. Dennis was presented with a plaque and \$20.00 business bucks to spend at a local business.

(3)

B. PAUL WEDDLE, DISCUSSION OF MILITARY TRAINING PROPOSALS INVOLVING EMERY COUNTY.

Colonel Robert Dunton of the Utah National Guard, Special Forces Command came before the Board of Commissioners to propose training operations in Emery County. He indicated that they are finding that their special operators are not getting the training that they need. They have developed a program to work with local authorities and public to provide the training they need. They have found Utah terrain favorable to providing the training they need to overcome hostile situations. General Burton assigned Colonel Dunton to come up with communities to work with. He indicated he started with Price City Mayor Piccolo and has moved out to the smaller communities. They will have four special force teams working from southern Emery County to northern Carbon County. These training missions will take place June 1<sup>st</sup> through the 18<sup>th</sup>. The tenth special forces group from Carbon County along with local volunteers and law enforcement will gain experience in irregular warfare. The HALO team will jump from 27,000 feet onto private land at the Castle Valley Ranch. They will build a guerilla base on DWR land and cross into Emery County. They will be utilizing the gun range in Carbon County for target practice. At no time during the training and operations in the county will the command be armed with live ammunition. He indicated that he has been working closely with Captain Ekker to coordinate areas in the county that would benefit their purposes. They will hold an open house on April 2, 2013 from 6pm until 8pm at the Price National Guard Armory to provide a broad spectrum

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overview of their mission and purpose. He indicated that their number one mission is public safety. The missions will mostly take place in the dark, so chances are the public will probably never see them. However, there will be community participation. They will not be going door to door, doing surveillance on personal property, or carrying armed weapons. They anticipate that the mission will bring into the county and communities as much as \$30,000.00 while here. Bill Dellos asked if anyone can be involved. Kernel Dunton answered that welcome any involvement from the public. Jerry Stotler offered the help of the county's volunteer group. Jay Mark Humphrey asked if they will be involving the water systems in their training. Colonel Dunton answered that they have not included the water system as one of their scripted targets.

(4)

KEN BROWN, WESTERN COUNTIES ALLIANCE, PRESENTATION OF SERVICES, MEMBERSHIP AND ISSUES IMPORTANT TO COUNTIES.

Ken Brown, Western Counties Alliance came before the Board of Commissioners to provide an overview of services provided by the alliance. He talked about PILT funds, Secure Rural Schools payments, Sage Grouse, Wild Horse Burros, Public Lands transfer and membership. He indicated that their membership is growing. He asked for the county's participation and indicated that membership dues are \$4,500.00. However, he indicated he will send an invoice to which the county can participate based upon what fits with the county's budget.

(5)

GERRY STOTTLER, REPRESENTING THE EMERY COUNTY VOLUNTEER CENTER, REQUEST FOR DONATION TO OFFSET COSTS OF PLANNED ACTIVITIES.

Gerry Stotler and Jerry Stotler, Emery County Volunteer Center came before the Board of Commissioners to request a donation to offset the costs of planned events for 2013. They talked about their new website to post events taking place in the county. They will hold their annual Festival of Services on April 19, 2013 from 5pm until 9pm at the Recreation Center. All non-profit organizations as well as government entities are invited to participate to get information regarding services available in the county to the public. The cost to host a booth is \$10.00. They function under the Emery County Community Foundation. Any funds they receive are dispersed through the Foundation. Commissioner Horrocks asked Attorney David Blackwell if this qualifies as a eligible donation. Mr. Blackwell indicated that donations must be for the benefit of the county. He indicated that this does qualify. Commissioner JR Nelson made a motion to approve a donation of \$250.00 to the Emery County Volunteer Center. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

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PRESENTATION OF EMERY COUNTY WEED/MOSQUITO BOARD REQUESTING  
DECLARATION OF RUSSIAN OLIVE AS AN EMERY COUNTY NOXIOUS WEED.  
CONSIDERATION AND APPROVAL OF RESOLUTION DECLARING RUSSIAN OLIVE  
AS AN EMERY COUNTY NOXIOUS WEED.

Dennis Worwood, Emery County Weed/Mosquito Board Member discussed a request to designate Russian Olive as an Emery County noxious weed. He explained that a noxious weed is defined as a species that has been introduced to the area, difficult to control, and the ability to spread and propagate. There are three classes of weeds. Class A is a weed not common to the area. Class B is more common. Class B is widespread, unlikely to control. He explained that designating Russian Olive as a noxious weed will open up possibilities for funding to mitigate the growth of the species. The County Commissioners have the authority to designate weeds as noxious within their jurisdiction. He explained that they have used beetles to control the Tamarisk along the streams with very good success. Now they are looking to eradicate the Russian Olive to keep it from taking the place of the Tamarisk instead of the trees and bushes native to the area. They have applied for funds from the Department of Agriculture but have been told they can receive as much as \$80,000.00 if the weed that they are looking to abate was declared a noxious weed by the county governing body. He indicated that Carbon County has already designated it as a noxious weed. The goal is to remove the Russian Olive from the waterways 100 feet boundary on each side of the stream. He emphasized that they will not be going on anyone's property to remove Russian Olive Trees without their permission.

Commissioner JR Nelson made a motion to adopt Resolution 2-12-13A declaring Russian Olive as an Emery County Noxious Weed as corrected. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Commissioner JR Nelson made a motion to move out of the regular meeting and into a Public Hearing to receive comment from the public regarding the issuance of general obligation bonds for the Castle Valley Special Service District and upon completion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

**PUBLIC HEARING- Acting as the governing body of the Castle Valley Special Service District, the Emery County Board of Commissioners calls this public hearing to receive input from the public with respect to the issuance of General Obligation Bonds (the Bonds) and the economic impact that the issuance of the Bonds will have on the private sector.**



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**The bonds to be issues in the aggregate principal amount of not to exceed \$2,000,000 issued for the purposes of (i) improving, through purchase or construction or both, facilities for the collection and treatment of sewage; facilities used in connection with the acquisition, treatment, storage, transportation, and supply of water for domestic, industrial, secondary and other purposes, drainage and storm sewer facilities, including curbs and gutters; and transportation facilities consisting of roads, sidewalks and related bridges and viaducts; together with all necessary land, right-of-way, equipment and furnishings therefore, and including such legal, engineering, and fiscal agent expenses reasonable incurred in connection with the acquisition of such facilities in and for the district, and (ii) paying the costs of issuance of the bonds.**

Jacob Sharp, CVSSD accompanied by Alex Buxton, Zions Public Finance were present to address the public regarding the issuance of General Obligation Bonds and the economic impact that the issuance of said bond will have on the private sector. Jacob explained that the district went to the cities and towns for requests for projects. They then went to CIB for the typical funding of these projects. At CIB they were told that there was no money available and they were offered a 2.5% interest loan. The district felt that they could get a better rate if they went out for bonding. They received an offer of 1.9% from Zions. So they scaled back the projects and began the process to bond for the \$1,735,000 needed for the projects. In the mean time, Bevan Wilson ruffled the feathers of CIB as well as a well written letter from Jacob Sharp declining CIB's offer for a 2.5% loan resulted in CIB offering a 1.5% loan. Now with the CIB back on board, the District Board would like to go with CIB and ask that the Commission authorize the District Control Board to go with CIB or follow through with the Bonding process. He apologized for the confusion. This all came to pass the previous day and there was no time to warn the Commission of what was transpiring. Attorney David Blackwell indicated that as long as the loan process stays within the parameters and the amount does not exceed \$2,000,000.00 and as long as the way the process is worded on posting then the District will not have to come back to redo the public hearing.

Alex Buxton, Zions Public Finance reported that it was Jacob's letter to the CIB that triggered the CIB to take a second look at all applicants that were approved in their January meeting.

Randal Stilson asked when will the taxing of the citizens end?

Jacob indicated that the District works hard to provide a good service to the communities by utilizing the funds that they receive to the best effort. In 2009 the voters authorized a 12 million dollar levy over the next ten years to which the District goes to CIB to augment the money needed for these projects.

Commissioner Migliori stated that he understands the way these bonds work and is comfortable with the way CVSSD uses the money they have to work with.

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The public hearing ended and the Commissioners returned to the regular meeting.

(8)

**CONSIDERATION AND ADOPTION OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING AUTHORITY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH (THE ISSUER) TO AUTHORIZE THE ISSUER'S GENERAL OBLIGATION BONDS, SERIES 2013 (THE SERIES 2013 BONDS) IN THE APPROXIMATE AMOUNT OF \$1,735,000 FOR THE PURPOSE OF IMPROVING, THROUGH PURCHASE OR CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND TREATMENT OF SEWAGE; FACILITIES USED IN CONNECTION WITH THE ACQUISITION, TREATMENT, STORAGE, TRANSPORTATION, AND SUPPLY OF WATER FOR DOMESTIC, INDUSTRIAL, SECONDARY AND OTHER PURPOSES; DRAINAGE AND STORM SEWER FACILITIES, INCLUDING CURBS AND GUTTERS; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS, AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LAND, RIGHT-OF-WAY, EQUIPMENT AND FURNISHINGS THEREFORE, AND INCLUDING SUCH LEGAL, ENGINEERING, AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTION WITH THE ACQUISITION OF SUCH FACILITIES IN AND FOR THE DISTRICT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY FOR THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MANNERS.**

Commissioner JR Nelson made a motion to approve Resolution 2-12-13B a resolution authorizing the governing Board of the Castle Valley Special Service to seek the lowest possible interest and money and to proceed with the transaction. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Commissioner JR Nelson made a motion to come out of the regular meeting and move into a public hearing to receive input regarding the mental health and substance abuse treatment needs in Emery County and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

**PUBLIC HEARING- Four Corners Community Behavioral Health, Inc. and the Emery County Board of Commissioners, as the local authority of substance abuse and mental health, calls this public hearing to receive community members input regarding the mental**

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**health and substance abuse treatment needs in Emery County.**

Karen Dollan, FCCBH addressed the public. She was accompanied by Jennifer Thomas and Rick Donavin. She stated that Emery County as the local authority for Four Corners is required to seek input from citizens to be used in the planning and development of mental health and substance abuse treatment. She stated that Four Corners was developed to provide safety net services and treatment services for the communities.

Bret Mills asked if there was some type of screening for bullying?

Mr. Donavin indicated that Lori Huntington is the prevention provider for Four Corners. She has several prevention programs going on in the schools.

Bill Dellos asked if they were working on gun control?

Mr. Donavin indicated that there is no reason to reduce rights. However, he indicated they do need to think about mental health and identify problems early and encourage people to bring an individual who may be at risk into treatment.

Commissioner JR Nelson commented that the board of directors is very active in supporting early intervention and prevention programs. They are very responsive to the citizens of all three counties.

The public hearing ended and they returned to the regular meeting.

(10)

**DISCUSSION/UPDATE OF SCOPE OF WORK IN HUNTINGTON CANYON DUE TO SEELY FIRE DAMAGE. APPROVAL OF CHANGE IN SCOPE OF WORK.**

Commissioner Horrocks indicated that after several meetings with all the entities involved that they would like to transfer the use of the \$150,000.00 funds from NRCS further up the canyon to just below the Forest Service boundary and try and build some diversions to stop sediment and large trees and debris from coming down the canyon. In doing this Emery Water Conservancy District has agreed to take on the log jam and work at the bottom half of the river. We are working with any entities that we can get involved that has anything to do with what happens on that waterway. NRCS is working on getting a grant which will depend on how much match money we can get from all the players. They had a meeting yesterday with all interested parties to try and mitigate problems before it gets to private land. Commissioner Nelson added that one of the proposals is to move it up stream creating debris basins that will collect debris and sediment. NRCS can use this as a restoration and restore the creek and will be more apt to provide additional funding. Commissioner Horrocks recommended authorizing the transfer of

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the grant money from NRCS to be moved up the canyon instead of the log jam and allow the Emery Water Conservancy District to do the project. Commissioner Ethan Migliori made a motion to authorize the transfer of the grant funds from NRCS to be moved up the canyon instead of on the log jam and allow Emery Water Conservancy District to do the work. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND EMERY COUNTY WATER CONSERVANCY DISTRICT FOR WORK ON THE LOGJAM IN HUNTINGTON CANYON.

The Emery Water Conservancy District and Emery County are interested in mitigating damage caused by the flooding in Huntington Canyon following the Seely Fire event. A mitigation project has been identified in the area known as the Richard Jensen lower farm where a log jam developed during several flood events. Emery County has the equipment and personnel to aid in the project and Emery Water Conservancy District has the funds available to hire an operator to help complete the project. A cooperative agreement between the two parties will authorize the district to use its funds as needed to hire an operator to place rip-rap material provided by the county to shore up and stabilize the Huntington Creek channel at the log jam site in accordance with the design provided by Johansen & Tuttle Engineering. Commissioner JR Nelson made a motion to approve of Cooperative Agreement between Emery County and Emery Water Conservancy District for work on the log jam in Huntington Canyon. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF AMENDMENT #1 FOR COOPERATIVE AGREEMENT 68-8D43-12-48 (TA) AND 68-8D43-12-49 (FA) FOR EMERY COUNTY EWP FY12 SEELY FIRE PROJECT (#5088).

Commissioner Horrocks explained that the amendment is for an extension of 60 days to move the project up the canyon.

Commissioner JR Nelson made a motion to approve amendment #1 for cooperative agreement 68-8D43-12-48 (TA) and 68-8D43-12-49 (FA) for Emery County EWP FY12 Seely Fire Project (#5088). The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

DISCUSSION AND CONSIDERATION AND APPROVAL OF AN ADDITIONAL CREDIT CARD FOR EMERY COUNTY TRAVEL BUREAU.

Commissioner Ethan Migliori explained that the Emery County Travel Bureau attends travel

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shows at the beginning of the year. The Emery County Travel Bureau has asked for an additional credit card designated for use by those volunteers who attend these travel shows. Commissioner JR Nelson made a motion to approve an additional credit card for the Emery County Travel Bureau as discussed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

DISCUSSION OF HORN MOUNTAIN LEASE PROPOSAL FROM AT&T AND APPROVAL OF COUNTER-PROPOSAL.

Communications Director, Bret Mills discussed a Horn Mountain lease proposal from AT&T. Attorney David Blackwell reviewed the proposal. He explained that AT&T proposed to lease space at Horn Mountain for \$1,000.00 lump sum signing renewal plus \$100.00 more per month extending the permitted use to allow us to let them sub-let. The concern is that they may sub-let to someone we don't want there or that they make money from the sub-let. Bret indicated that the original lease from 1991 allowed for sub-let upon approval of the County. David Blackwell suggested that Emery County offer a counter proposal stating that county approval is required for any sub-let and if they make money from the sub-let that they share a percentage of the profit with Emery County.

(15)

DISCUSSION AND APPROVAL OF NECESSARY REPAIRS TO CORRECT SEWER PROBLEM AT THE JUSTICE CENTER.

The Board of Commissioners discussed needed repairs at the Justice Center regarding the sewer system in the jail area. The needed repairs to the system will cost approximately \$1,280.00. There is money in the jail budget to cover the needed repairs. Commissioner JR Nelson made a motion to approve needed repairs to the sewer system at the Justice Center. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

DISCUSSION AND APPROVAL OF PERSONNEL CHANGES IN THE JUSTICE COURT.

Personnel Director, Mary Huntington discussed personnel changes in the Justice Court. Due to changes in the Green River Justice Court, workload will increase for the Castle Dale office. Calls will be transferred from Green River office during the hours of 12:00 through 5:00 each day. (Most of the Green River citations are handled by phone paying with credit card, etc.) Both of the clerks in the Green River office will need extensive, ongoing training which will require one of the clerks from the Castle Dale office working with the clerks in Green River. One of the

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clerks from the Castle Dale office will have to travel to Green River every other Thursday to handle court there until a clerk there is sufficiently trained. any overflow work that may occur from the Green River court going to a part time office open 3 hours a day will be handled by the Castle Dale office. The estimated budget savings on wages and benefits would be \$39,811.00. Commissioner Jr Nelson made a motion to approve of personnel changes in the Justice Court as recommended. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(17)

CONSIDERATION AND APPROVAL OF APPOINTMENT OF CHARLES SEMBORSKI, MISTIE CHRISTIANSEN, AND JON GILBERT TO EMERY COUNTY PUBLIC LANDS COUNCIL.

Commissioner Ethan Migliori made a motion to appoint Charles Semborski, Mistie Christiansen, and Jon Gilbert to the emery County Public Lands Council. The motion was seconded by Commissioner JR Nelson. The motion passed.

(18)

CONSIDERATION AND APPROVAL OF VAL PAYNE AND PHIL FAUVER TO THE EMERY COUNTY WEED/MOSQUITO BOARD.

Commissioner JR Nelson made a motion to appoint Val Payne and Phil Fauver to the Emery County Weed/Mosquito Board. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(19)

CONSIDERATION AND APPROVAL OF APPOINTMENT OF KELLY BAYLES TO THE EMERY COUNTY TRAVEL BUREAU.

Commissioner Ethan Migliori made a motion to appoint Kelly Bayles to the Emery County Travel Bureau. The motion was seconded by Commissioner JR Nelson. The motion passed.

(20)

CONSIDERATION AND APPROVAL OF APPOINTMENT OF JOYCE LAW TO THE EMERY COUNTY COUNCIL ON AGING AND NUTRITION.

Commissioner JR Nelson made a motion to appoint Joyce Law to the Emery County Council on Aging and Nutrition. The motion was seconded by Commissioner Ethan Migliori. The motion passed. This appointment is fulfilling a position previously filled by Marvin Gardner with one

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year left on the term.

(21)

CONSIDERATION AND APPROVAL OF APPOINTMENT OF SHARON EARL TO THE DISTRICT AGING COUNCIL WITH JR NELSON AS THE COUNTY'S ALTERNATE APPOINTMENT.

Commissioner Jeff Horrocks stepped down to appoint Sharon Earl to the District Aging Council with JR Nelson as the county's alternate appointment. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(22)

CONSIDERATION AND APPROVAL OF MERVIN MILES TO THE EMERY COUNTY HISTORIC PRESERVATION COMMISSION.

Commissioner Ethan Migliori made a motion to appoint Mervin Miles to the Emery County Historic Preservation Commission. The motion was seconded by Commissioner JR Nelson. The motion passed.

(23)

CONSIDERATION AND APPROVAL OF JON GILBERT TO THE EMERY COUNTY TRAILS COMMITTEE.

Commissioner JR Nelson made a motion to appoint Jon Gilbert to the Emery County Trails Committee. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(24)

CONSIDERATION AND APPROVAL OF BLM ROW GRANTS SERIAL NUMBER UTU-52411 (COUNTY ROAD 305) AND UTU-40600 (COUNTY ROAD 506 COTTONWOOD RANCH).

Commissioner JR Nelson made a motion to approve of BLM ROW Grants Serial Number UTU-52411 (County Road 305) and UTU-40600 (County Road 506 Cottonwood Ranch) striking the 30 year termination date and changing it to "be in perpetuity". The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(25)

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MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
FEBRUARY 12, 2013

CONSIDERATION AND APPROVAL OF FY2013 CONTRACT AMENDMENT #1  
BETWEEN EMERY COUNTY AND THE SOUTHEASTERN UTAH ASSOCIATION OF  
LOCAL GOVERNMENTS, SOUTHEASTERN UTAH AREA AGENCY ON AGING.

Commissioner JR Nelson made a motion to approve FY2013 Contract Amendment #1 between Emery County and the Southeastern Utah Association of Local Governments Southeastern Utah Area Agency on Aging. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(26)

DISCUSSION AND APPROVAL TO ADVERTISE IN THE 37<sup>TH</sup> ANNUAL  
CARBON/EMERY COUNTY ENERGY EDITION OF THE SUN ADVOCATE/EMERY  
COUNTY PROGRESS.

Commissioner Ethan Migliori made a motion to approve up to \$375.00 to advertise in the 37<sup>th</sup> Annual Carbon/Emery County Energy Edition of the Sun Advocate/Emery County Progress. The motion was seconded by Commissioner JR Nelson. The motion passed.

(27)

CITIZEN CONCERNS.

None

(28)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported on attending UAC where he spent a great deal of time with legislators where they discussed issues of importance to our county. He reported that the emergency location designated for school kids at Castle Dale Elementary is the County Courthouse. It was decided that was too far for the kids to walk and have changed that designation to the Aquatic Center. He thanked all the volunteers who are willing to serve on boards in the county.



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*Commissioner Migliori*

Commissioner Migliori reported that the Green River Golf Course has purchased clubs that will be available for rentals. The Fair Committee has started their planning process for the 2013 Emery County Fair. The Rodeo Committee is working to correct problems that they have experienced with the rodeo in the past. The Miss Emery Pageant has been delegated to the Recreation District under the direction of Patsy Stoddard and Julie Jones. They are working on mitigation efforts to correct recent flooding concerns at the Recreation District building. Historic Preservation Commission has funds to do one more sign. The Trails Committee has funds to complete a small segment of a trail by Huntington Lake.

(29)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 26, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Consent Agenda

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #223505 through and including #223620 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
19-13	ShoreTel Partner Support IT	\$15,572.80
20-13	ThinkCentre Computer Sheriff	1,103.54
21-13	Tetra Line Thrower 1500 Sheriff	1,420.00

There were no dispositions.

(2)

APPROVAL OF PERSONNEL ITEMS:

a. Approval of the following volunteers for the libraries 2013 as follows: Lexee Jewkes, Tammy LaCock, Tina LaCock, Tyler LaCock, Shawn Jewkes, Steve Murdock, Heather Blake, Christine Jensen, Nannette Harrison, Mercedes Yardley, Gerald Stotler, and Joe Collard.

b. Approval of Randal Stilson, LaMar Guymon, and Chyanne Carter as volunteers for the Emery County Travel Bureau.

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- c. Approval to hire Chyanne Carter as part time, with no benefits, lifeguard at Grade 3.
- d. Approval to hold an adult lifeguard certification class March 9-17, 2013.
  
- e. Approval to contact with Marilyn Collard to teach adult lifeguard certification class.
  
- f. Approval of 3% wage increase for Jerimiah Rich and Michael Oviatt for successful completion of 6 month orientation period.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED FEBRUARY 12, 2013

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Discussion Agenda

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing.

(2)

BILL BATES, DWR, PRESENTATION OF PILT PAYMENT AND DISCUSSION OF WILDLIFE ISSUES PERTINENT TO EMERY COUNTY.

Bill Bates, DWR, came before the Board of Commissioners to the Commissioners a check in the amount of \$2,751.30 for the year 2012 contractual in-lieu tax payment on land the Division of Wildlife Resources owns in Emery County. The money used to pay the in-lieu tax is provided by hunters and anglers in Emery County and across the state. Mr. Bates added that many Emery County residents participate in hunting and fishing, and most enjoy seeing wildlife in their communities. Landing a striped bass, tracking a world-class elk, or discovering hummingbirds in the backyard- these are just a few of the ways your constituents enjoy their time in the outdoors. At the Utah Division of Wildlife Resources (DWR), we are grateful to the state's hunters and anglers for their support and enthusiasm. With that in mind, we are committed to providing your county with even more wildlife opportunities in the years to come. He informed

3

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the Commissioners of the Division's plan to stock Electric Lake with Kokanee Salmon sometime this year.

(3)

PATRICIA CLABAUGH, BUREAU OF LAND MANAGEMENT , INFORMATIONAL DISCUSSION OF APPLICATION FROM UTAH AMERICAN ENERGY INC. REQUESTING TO RELINQUISH LEASE(S) AT NORTH CRANDALL MINE.

Patricia Clabaugh, Field Manager, Price Area BLM, and Steve Rigby Assistant over Coal Leases came before the Board of Commissioners to inform the Commissioners of Utah American Energy, Inc.'s request to relinquish leases at the North Crandall Mine. These are leases from 1942, 1944 and 1946.

Randal Stilson asked if they were relinquishing all their leases?

Mr. Rigby indicated that they are only relinquishing the ones on the north. UAE intends to continue to mine on the south.

Bill Dellos asked if the BLM was supportive of restrooms in Straight Canyon? Straight Canyon is heavily visited by rock climbers from around the nation. There have been many request for restroom facilities.

Ms. Clabaugh indicated that they have not seen any proposal for restrooms. She did not have a clear answer. Ray Petersen indicated that the Forest Service is looking at a possible restroom facility in Cottonwood Canyon.

(4)

CONSIDERATION AND APPROVAL OF LOW INCOME PERSONAL PROPERTY TAX ABATEMENT FOR GARTH/RUTH BURNETT.

A low income abatement request from Garth and Ruth Burnett was reviewed. Commissioner Ethan Migliori made a motion to abate 50% of the taxes for Garth and Ruth Burnett. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF MODIFICATION #5 FOR LAW ENFORCEMENT

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AGREEMENT #11-LE-11041000-004 BETWEEN EMERY COUNTY AND MANTI-LASAL NATIONAL FOREST.

Attorney David Blackwell indicated that the modification is to add fire management language to the agreement. Commissioner Ethan Migliori made a motion to approve modification #5 for Law Enforcement Agreement #11-LE-11041000-004 between Emery County and Manti-LaSal National Forest. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

DISCUSSION AND APPROVAL OF DONATION TO WESTERN COUNTIES ALLIANCE.

The Board of Commissioners discussed a donation to participate in Western Counties Alliance. Mr. Brown attended a past meeting requesting the County participate in the Alliance by way of a \$4,500.00 donation. However, he added that the County can determine the amount of participation based on what they can manage from the budget. Commissioner Migliori felt that the alliance does do a good thing. However, he stated he is not willing to participate at the level that the Alliance is requesting. He added that we have similar participation from other means. He felt it would not hurt to be involved at some level. He stated he has mixed feelings. Commissioner Nelson agreed with Commissioner Migliori. Emery County pays a subsidy to UAC for similar services. Commissioner Horrocks had some concerns and also felt it could not hurt to participate at some level. Commissioner Nelson stated he felt like \$500.00 is a good amount. Ray Petersen indicated that he looked on the internet for information on Western Counties Alliance and the newest information he could find was dated 2006. However, the Commissioners and Ray Petersen continue to receive email from WCA. Commissioner JR Nelson made a motion to contribute \$500.00 from dues & contributions to participate in Western Counties Alliance accompanied by a letter stating the Commissioners concerns. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF REQUEST FROM EMERY COUNTY HOUSING AUTHORITY TO ABATE PAYMENT IN LIEU OF TAXES.

John Sehestedt, Executive Director of Emery County Housing Authority requested the Board of Commissioners consider waiving the in lieu of taxes payment. He stated that resources are limited at this time. Recent legislation has cut back on annual subsidy eligibilities at lower than full percentages causing a strain on the agency finances and ability to serve the public. The PILT amount due is \$2,365.58 which is generated by rental income from low income housing complexes in Castle Dale and Ferron, less the calculated utilities and expense for the year. He added it is not uncommon practice for sponsoring entities such as county government to waive payments in lieu of taxes. Commissioner Migliori stated he was not inclined to put the county at

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risk by abating some taxes in light of the audit that will be discussed on the next agenda item. Commissioner Horrocks talked about discussions from the last board meeting where concerns were addressed regarding the \$150,000.00 still owed for the recent renovations. Emery County put money up front for the renovations and has yet to be reimbursed. We are still waiting for information from a labor dispute between CDBG and the Federal Labor Commission. It was suggested that this be tabled until we get an answer from CDBG. Commissioner JR Nelson made a motion to table any decision on this matter until we get an answer from CDBG regarding the \$150,000.00 or until the matter is resolved. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF RECOVERY AGREEMENT BETWEEN THE  
EMERY COUNTY HOUSING AUTHORITY AND THE UNITED STATES DEPARTMENT  
OF HOUSING AND URBAN DEVELOPMENT AND EMERY COUNTY COMMISSION.

Commissioner Horrocks reported that the Housing Board met recently with a HUD representative from Denver. The ECHA has been in financial and physical trouble for some time. They are currently working towards correcting problems plaguing the HA. Attorney David Blackwell reviewed the Recovery Agreement between the Emery County Housing Authority and the United States Department of Housing and Urban Development and the Emery County Commission. He pointed out his issues with the agreement. It is pretty straight forward, pointing out what they can and can not do. The HA has agreed to do what is asked and has been in the process since 2011. Mr. Blackwell stated that he did not see a problem with the agreement and that, frankly, we do not have a choice. Commissioner Horrocks, as chairman of the HA board indicted that the board had not been active for several years. Currently the board is very active and has stepped up to assume some responsibility. They are moving forward with things. Renovations are up to snuff and hope to get the HA up to a good standard. It is the hope of the board to have the units up to a good standard as soon as possible. He agreed that the agreement does need to be proofread. Commissioner JR Nelson made a motion to accept the contract with HUD and suggest that they proofread and revise the contract. Commissioner Migliori commented that after reading through all this, his concern is that if they are wanting to lock into a contract then it means they want something done. It means this is serious business. When we go into this contract, if obligations are not met, the HA board needs to understand the implications of that. Mr. Sehestedt needs to understand that this is not going to be taken lightly and that the burden will be placed on his shoulders. He needs to please, make sure that it is handled correctly so that the county does not assume any more obligation with this. He asked that Mr. Sehestedt please express his feelings to the board. With that said, Commissioner Migliori seconded Commissioner Nelson's motion. Commissioner Horrocks commented that the HA board is now an active board and is very interested in the financial status and physical condition of the rental units. The HA board has made some changes and made Mr. Sehestedt aware that if some major changes are not made, that he may not be here, the board may not be

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here. The HA board is now actively working very hard to make sure the housing units are properly maintained and operated and that the financial end of the business is properly run. The motion was read again. The motion was passed by all Commissioners.

(9)

CITIZEN CONCERNS

Randal Stilson expressed his desire to see the new Cottonwood Creek Irrigation pond in Orangeville be stocked with fish and allow access for handicap. He asked for the Commission support to consider this.

Commissioner Nelson expressed his opposition due to the fact that fish find their way into the pressure valves jamming the irrigation system.

Bill Dellos expressed concern for the fees that the Museum of the San Rafael charges to use the building for functions. He stated he felt the fees were too high. He added that the Republic Party just held their annual Lincoln Day Dinner at the Orangeville Old Firehouse because they were not charged a lot to use the building. He stated they would have liked to use the MOSR because it is bigger and more formal.

Commissioner Migliori stated he has the same concern and will be addressing this issue in the next Museum board meeting.

Commissioner Migliori informed the public of an upcoming Business & Technology Innovation Competition. It will be on Friday, April 12, 2013 at 2:00 p.m. at the USU Eastern Student Center in Price. The competition is open to Carbon, Emery Grand and San Juan businesses and residents. There will be prizes.

John Sehestedt expressed his concern for the negative image of him that has been portrayed in this meeting. He reviewed the recent renovations and upgrades at the rental units. He talked about the financial scoring system.

(10)

COMMISSION/ELECTED OFFICIALS REPORTS

*Commissioner Nelson*



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Commissioner Nelson reported on a recent meeting with Aging and Nutrition and the ramifications of President Obama's proposed raise in the minimum wage. It would cost the Aging & Nutrition program an additional \$20,000.00 a year. He talked about federal government and how much Emery County relies on pass through money.

Sheriff Funk talked about the efforts from the BLM Resource Committee regarding funding to mitigate the debris flow as a result of the fire and flooding issues in Huntington Canyon. They were helpful and easy to work with. He talked about the entities all working together for a good purpose. He stated it was a positive effort and they are hopeful they will get some funding.

*Commissioner Migliori*

Commissioner Migliori reported on the Recreation Special Service District and their efforts to upgrade the Huntington Ball Complex. They talked about what could be done with what they have should funding not come through from CIB. He reported that the Emery County Business Chamber is healthy and doing well. They will have a lunch and learn on March 21, 2013 in the evening. Lt. Governor Greg Bell will be the speaker. He talked about a recent meeting with GOED regarding their refinery project in Green River. This would be a huge boost for the citizens in Green River. He reported that all the funding has been acquired for the trail from Huntington Reservoir to Huntington City. This will help create more recreation opportunities for the citizens of Emery County. Commissioner Migliori also talked about efforts to get natural gas to the communities who currently do not have that service.

*Commissioner Horrocks*

Commissioner Horrocks reported that he has spent the majority of his time working with the HA board and the Recovery plan. The board is actively taking action to get things done. It is time consuming and sometimes irritating. However, when done Emery County can be proud of the housing status here. He reported on working with Veterans and the benefits of volunteering in Emery County.

(11)

ADJOURNMENT

The meeting was adjourned.

8

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
FEBRUARY 26, 2013

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 12, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant check Edit List #223758 through and including #223897 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
22-13	2103 Cat Grader (w/trade-in) Highway	\$197,057.00
23-13	2013 Cat Walk-N-Roll Highway	28,400.00
24-13	2012 Saki Asphalt Roller (w/trade-in) Highway	109,200.00
25-13	2012 Trail King Low Boy Highway	109,500.00
26-13	2013 Polaris Ranger 4x4 (UTV) Sheriff	14,989.39
27-13	2013 1500 Crew Pickup (Tradesman 4x4) Sheriff	32,149.11
28-13	(2) 2013 Ford Taurus, (1) 2013 Ford F-150 Sheriff	95,096.52

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29-13	IPAD 3 with keyboard, power adapter, case Travel Bureau	776.95
30-13	2103 GMC Terrain AWD 4 door Sr. Citizen	23,624.00
31-13	(6) VHF Mobile Radios Communications/Road Shop	3,570.00

Dispositions were presented for a 1995 Cat 140 G Grader #6246 traded in on Req#22-13 and a 1999 Cat Tired Compactor traded in on Req#24-13.

(2)

APPOINTMENT OF ETHAN MIGLIORI TO THE TRAILS COMMITTEE

(3)

APPROVAL OF PERSONNEL ACTION ITEMS:

A. Approval to hire Blaine Allen as a 9 month temporary employee working in the Road Department, not eligible for benefits.

B. Notification that Logan Tuttle has been hired as a 90 day temporary in the Attorney's Office effective 3/4/13.

C. Approval of volunteers for Library 2013 as follows: Joyce Guymon, Janet Geary, Susan Hess, Stephanie Oviatt, Richard Motte, Debbie Murray, Christine Jensen, Barbra Jones, Kori Cook, and Nannette Harrison.

(4)

APPROVAL OF COMMISSION MEETING MINUTES

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
MARCH 12, 2013

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

(2)

PRESENTATION OF EMERY COUNTY EMPLOYEE

Employee of the month was presented to Bret Mills. Bret is instrumental in making Emery County Communications one of the best and most up to date in the State of Utah. He also volunteers on Search and Rescue and spearheaded the ham radio club in Emery County. Bret was presented with a plaque, certificate and Emery County Bucks to use at any business in Emery County.

(3)

CONSIDERATION AND APPROVAL FOR THE TREASURER TO WORK WITH TAXPAYERS REQUESTING TO ENTER INTO A 2013 MAY TAX SALE DEFERRAL AGREEMENT.

Steve Barton, Emery County Treasurer reviewed the May Tax Sale Deferral Program. He explained that at the four year mark the property the delinquent property owner is sent notice that their property would be subject to a tax sale. Emery County wants to do all we can to help the taxpayer resolve the delinquency. The property owner is told about the deferral program which is a written agreement between the owner and Emery County that gives them until November 30, 2013 to pay the balance. If the balance is not paid by November 30<sup>th</sup> then the property is placed on sale. At this time Mr. Barton had one requested agreement from Green River KOA. Commissioner JR Nelson made a motion to allow the Emery County Treasurer to work with the taxpayers requesting to enter into a 2013 May Tax Sale Deferral Agreement. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF SETTLEMENT AGREEMENT BETWEEN

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EMERY COUNTY AND THE BANKRUPTCY TRUSTEE REGARDING C.W. MINING  
COMPANY CHAPTER 7 BANKRUPTCY PETITION.

Attorney David Blackwell discussed the settlement agreement between Emery County and the Bankruptcy Trustee regarding C.W. Mining Company. He explained that the tax assessment for 2008 had the company valued at 44 million dollars and 2009 43 million dollars. The company filed bankruptcy in 2010. The trustees filed a protest of the 2008 and 2009 taxes with the State Tax Commission. This issue has been in negotiations for two years now. It was agreed to keep the 2009 valuation at 44 million dollars and reduce 2009 to 21 million dollars. This will allow Emery County to do a tax levy on the 2009 valuation. The problem is this issue is in two different courts. It is in the State Tax Commission on one side and bankruptcy court on the other side. Timing is an issue to allow us to get the tax levy on this year. Commissioner JR Nelson indicated this would be similar to what was done with Pacificorp. This will have a great affect on the citizens of Emery County and the other taxing entities if we do not do a tax levy. Commissioner JR Nelson made a motion to accept the settlement agreement between Emery County and the bankruptcy trustee regarding C.W. Mining Company Chapter 7 Bankruptcy petition. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

APPROVAL OF LETTER OF SUPPORT FOR SB277 GREEN RIVER ENERGY ZONE 1<sup>ST</sup>  
SUB.

Commissioner JR Nelson reviewed Senate Bill 277 Green River Energy Zone 1<sup>st</sup> Sub. He stated that a letter was not necessary but just to be on record in support of energy development in Emery County. He stated that SB277 is a position bill and or a substitute bill. Since energy production is the basic source of mineral lease money as a county we support it. Many of the programs we operate in Emery County are managed with mineral lease money. So yes, we support it. There is no change in the way energy is developed in Emery County. There is no affect to grazing, recreation, water storage, wildlife habitat, archeological rights, etc. Commissioner JR Nelson made a motion for Emery County to support SB277 Green River Energy Zone 1<sup>st</sup> Sub. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF 2013 EEO REPORTING AND AFFIRMATION

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ACTION PLAN FOR EMERY COUNTY.

Personnel Director Mary Huntington reviewed the 2013 EEO Reporting and Affirmation Plan for Emery County. She explained that this is a U.S. Census and employee data base often used by the Sheriff's Office to apply for grants. Commissioner Ethan Migliori made a motion to approve of 2013 EEO Reporting and Affirmation Action Plan for Emery County. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

REQUEST FROM PLANNING COMMISSION TO SET A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A PROPOSAL LEVEL 3 CONDITIONAL USE PERMIT FOR EMERY REFINING, LLC TO OPERATE A MICRO-REFINERY AND ASSOCIATED RAIL SYSTEM IN THE INDUSTRIAL PARK IN GREEN RIVER, UTAH AND APPROVAL TO ADVERTISE.

Economic Development Director Michael McCandless explained that the application from Emery Refining, LLC is a large scale facility and as such is required to go through the normal process to qualify for a Level III permit. This process requires approval from the Planning Commission as well as a Public Hearing and final approval from the Emery County Commission.

Mr. McCandless requested the setting of a Public Hearing and possible final approval of a Level III permit for Emery Refining, LLC to operate a micro-refinery and associated rail system in the Industrial Park in Green River, Utah and approval to advertise. Commissioner JR Nelson made a motion to set a public hearing for April 9, 2013 at 10:00 am to hear comments from the public regarding a Level III conditional use permit for Emery Refining, LLC pending prior approval from the Planning Commission. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF LIZ NIELSON TO FILL AN EXPIRED TERM ON THE EMERY COUNTY HOUSING BOARD.

Commissioner Ethan Migliori made a motion to approve of Liz Nielson to fill an unexpired term on the Emery County Housing Board. The motion was seconded by Commissioner JR Nelson. The motion passed. The term will end January 2014.

(9)

CONSIDERATION AND APPROVAL OF JONATHAN HUNT TO THE EMERY COUNTY

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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TRAVEL BUREAU.

Commissioner Ethan Migliori indicated that James Fauver and Jonathan Hunt were the two applicants considered as possible board members for the Emery County Travel Bureau. It was determined that it would be advantageous to have Jonathan Hunt as the new Regional Director for State Parks on the Travel Bureau. Commissioner JR Nelson made a motion to appoint Jonathan Hunt to the Emery County Travel Bureau for a four year term ending January 2017. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

CITIZEN CONCERNS

None.

(11)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Migliori*

Commissioner Migliori reported on attendance at Board meeting for the Museum of the San Rafael. The Pioneer Museum will have an anniversary this year which the board plans to use to promote the Pioneer Museum. At some time the Pioneer Museum had been removed from in front of Castle Dale City Hall. Joel Dorsch will see that it gets put back up. He attended COG meeting where the mayors discussed discrepancies in the animal control ordinance and how animal control is handled in each municipality. The Emery County Fair Committee is moving along with fair plans. So far they are looking at a carnival and a ocean exhibit with sting rays. They are trying to step outside the box and find some cool things for the fair this year. He reported on attending the Trails Committee meeting where they discussed the trail system around Millsite. They are working with BLM and State Parks to combine some of the trails.

*Commissioner Nelson*

Commissioner Nelson reported that the Emery County Libraries are quite modern and up to date. The Board and Librarians are very concerned that the facilities are well maintained. There has been an issue at the Cleveland Library where there is minimal parking available. They are working on a plan to find funds to add parking there. Aging and Nutrition has expressed concern for what could happen to that program as a result of the recent federal government sequester. He talked about the \$150,000.00 for the work on the creek bottom. The requested money to mitigate



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flooding this spring was chopped in half. They are waiting to hear what will happen there. The Aquatic Center season pass numbers are up this year. Rural representation at the legislature is shrinking. Lt. Governor Greg Bell will be in the county to speak at the Emery County Chamber Banquet and Award Night at the Recreation Center. Commissioner Nelson is working on getting him here earlier in the day to take a tour of the San Rafael.

*Commissioner Horrocks*

Commissioner Horrocks reported that the Housing Board is working extensively on the units to bring them up to good standard. On March 8<sup>th</sup> he attended a meeting on the Seely Fire. US FS expressed concern that rumors are going around that they let the fire burn at Seely Creek. They want it known that they did not allow it to burn. They simply did not have all the necessary resources to contain the fire. High winds allowed mother nature to get the upper hand on the fire. He added that the Sheriff's Department was heavily involved in helping to get a handle on the fire. They talked about control burns and how in areas where they have had control burns , containing the fire was much easier and they do help with containment. They will be having another Seely Canyon mitigation meeting next week. Emery Water Conservancy District has completed the work on the log jam at the Richard Jensen property. Spring runoff will start soon. Time will tell if flooding will be an issue this spring. Warm days are coming this week.

(12)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 26, 2013

Present at the meeting was Commissioner Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Sheriff Greg Funk, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST , REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #223954 through and including #224104 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
32-13	2013 Polaris Ranger 6X6 Weed/Mosquito	\$10,550.00
33-13	2013 Honda TRX500 Weed/Mosquito	6,617.00
34-13	Microwave Licensing and Coordination Communications	1,725.00
35-13	K-9 Drug Dog Sheriff	7,500.00
36-13	App for Audio/Video Surveillance Cell Phone Drug Task Force/Sheriff	2,195.00
37-13	5,000 Gallon Water Tanker Highway	5,000.00

There were no dispositions.

2

COMMISSION MEETING MINUTES  
MARCH 26, 2013

(2)

APPROVAL OF PERSONNEL ITEMS:

a. Approval to hire Julie Spadafora as a part time Justice Court Clerk I in Green River working 19 3/4 hrs. per week with no benefits at a Grade 11.

b. Approval of 3% wage increase for successful completion of a six month orientation period for Cezley Collard, Hunter Hatch, Spencer Fauver, Melece Pulli, Cle Richards and Tyler Pulli who work at the Aquatic Center.

c. Approval of 3% wage increase for successful completion of a six month orientation period for Tim Lacock who works in the Libraries.

d. Notification of hiring Andrea Harris as a 90 day temporary employee for the Libraries.

e. Notification of hiring Devin Hales, Daniel Nielsen and Gary Price as 90 day temporary employees for Weed/Mosquito Department.

f. Approval of Whitney Murray and Shaydee Murray as volunteers for the Castle Dale and Huntington Libraries.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED MARCH 12, 2013.

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

(2)

COMMISSION MEETING MINUTES  
MARCH 26, 2013

CONSIDERATION AND APPROVAL OF BRAD GILES TO BE APPOINTED TO FILL AN UNEXPIRED TERM ON THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.

Commissioner Ethan Migliori indicated that Randal Stilson has asked to leave the Emery County Recreation Special Service District Board of Directors with nine months left on his term. Brad Giles has been recommended to fulfill the term vacated by Randal Stilson. Brad as chairman of the Castle Valley Pageant would be beneficial to the Recreation Board in coordinating activities. Commissioner JR Nelson made a motion to appoint Brad Giles to fill an unexpired term on the Emery County Recreation Special Service District Board of Directors. The motion was seconded by Commissioner Ethan Migliori. The motion passed. The term will expire January 20, 2014.

(3)

CONSIDERATION AND APPROVAL TO SET DATE FOR THE 2013 MAY TAX SALE.

Commissioner JR Nelson made a motion to set the date and time for the 2013 May Tax Sale for May 23, 2013 at 10:00 am. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF RESOLUTION TO DISSOLVE THE EMERY COUNTY AMBULANCE ADVISORY BOARD.

Commissioner Horrocks indicated that the Emery County Ambulance Advisory Board was created by Resolution on August 11, 2009 to assist the Sheriff's Department with coordinating the Emery County Ambulance. He indicated that the board has been inactive for a while. A request was made to dissolve the board. Sheriff Funk questioned who made the request to dissolve the board. No one seemed to know who made the request. The Commissioners asked Sheriff Funk what was in the best interest of the Sheriff's Department and the Ambulance Department with regards to the advisory board. Sheriff Funk indicated that he liked having citizens from the communities involved with the ambulance but he did not like that the board members were set up to be paid. Commissioner Migliori suggested bringing this matter to the Council of Governments which consists of the mayors from the cities and towns of Emery County. He stated he like the idea of having the mayors have some ownership or investment in the ambulance service of the county that serves the communities. Commissioner Horrocks recommended dissolving the existing board and at some future date re-establish an Ambulance Advisory Board that will be more proactive, potentially function with the COG. Commissioner JR Nelson made a motion to dissolve the existing Ambulance Advisory Board and at a future date re-establish an Ambulance Advisory Board that will be more proactive and function with

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the Council of Governments. The motion was seconded by Commissioner Ethan Migliori. The motion passed. Commissioner Migliori wanted the Commissioners to revisit this issue regularly so it is not forgotten.

(5)

CONSIDERATION AND APPROVAL OF 2013 MAY TAX SALE DEFERRAL AGREEMENT FOR TRAVIS R. ROBISON, DANIEL W. CAMPBELL, GREEN RIVER KAMPGROUND AND MICHAEL HURDSMAN.

In the last Commission Meeting Treasurer Steven Barton requested approval allow delinquent tax payers the option to apply for the May Tax Sale Deferral Agreement. This allows the tax payer an extended amount of time to pay the taxes to avoid having their property sold at the tax sale. Travis R. Robison, Daniel W. Campbell, Green River Kampground, LLC and Michael Hurdsman have requested the deferral. Commissioner Horrocks indicated that he is comfortable with the arrangement Mr. Barton has made with these taxpayers and recommends approval. Commissioner JR Nelson made a motion to approve 2013 May Tax Sale Deferral Agreements for Travis R. Robison, Daniel W. Campbell, Green River Kampground, LLC and Michael Hurdsman. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF REQUEST FROM EMERY COUNTY HOUSING AUTHORITY TO ABATE PAYMENT IN LIEU OF TAXES.

Commissioner Ethan Migliori indicated that this item was on the last Commission Meeting agenda and was tabled at that time. He indicated that he wanted an opportunity to look into what other counties may have done with this issue. After conferring with other county officials it was his recommendation to deny the request. Therefore, Commissioner Ethan Migliori made a motion to deny the request from Emery County Housing Authority to abate payment in lieu of taxes. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT WITH JOHANSEN

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AND TUTTLE ENGINEERING FOR SERVICES TO PERFORM DESIGN ENGINEERING, DESIGN SURVEYS, CONSTRUCTION ENGINEERING, MATERIALS TESTING AND INSPECTION IN HUNTINGTON CANYON FOR A PROJECT KNOWN AS THE HUNTINGTON CANYON DEBRIS BASIN PROJECT 2013.

Commissioner Horrocks indicated that the engineering contract with Johansen and Tuttle Engineering will allow them the ability to work all the participating entities to coordinate the project known as the Huntington Canyon Debris Basin Project 2013. Commissioner Ethan Migliori made a motion to approve of engineering contract with Johansen and Tuttle Engineering for services provided for the project known as the Huntington Canyon Basin Project 2013. The motion was seconded by Commissioner JR Nelson. The motion passed. Commissioner Nelson commented that it is critical that this project begin moving right away.

(8)  
CITIZEN CONCERNS .

There were no concerns.

(9)  
COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported meeting and listening to Lt. Governor Greg Bell as he attended the recent Emery County Business Chamber Dinner and Awards night on March 21<sup>st</sup>. Commissioner Nelson stated that he was impressed that Emery County had a nice airport in Huntington for Lt. Gov. Bell to land his plane. Castle Valley Special Service District has approved a plan to do a lot of work in the county this year. He mentioned one project was looking into the water in Ferron City. Normal water softeners won't soften Ferron City water. CVSSD will be looking into this issue. Emery Recycling is moving along with their project. Congressman Jason Chafetz is scheduled to be in the county soon. A tour of the County is being planned. Commissioner Nelson commented that he has encountered several visitors to the Joe's Valley area who are here for the boulder climbing in Straight Canyon. He has met people from Canada, Germany, Guatemala, Mexico City, and United Kingdom as well as many more places.

*Commissioner Migliori*

Commissioner Migliori reported on Economic Development's Retail Business Program. He indicated that there is already a system in place to help industrial businesses, but the retail business owner is struggling to grow in Emery County. This program will help new businesses

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with sign/advertising issues. They plan to work with the cities to help strengthen and develop businesses in their communities. He reported that Marc Stilson is working on a state and national level to enhance Desert Lake. The hope is to enhance Desert Lake's amenities and make it more attractive to visitors who may want to learn about the birds that inhabit the lake area.

The Recreation Board is moving along on the 2013 Fair.

*Commissioner Horrocks*

Commissioner Horrocks reported on attending Castle Country Partners meeting where they discussed tourism and how it affects local budgets. He encouraged every department to work diligently to keep their budgets in check. He reported on the progress of the new Weed/Mosquito building. When the new facility is completed, the old facility will be torn down and the area reclaimed for some future use. He reported that during the morning Department Head meeting Ray Petersen reported that DOGM was scheduled to be here on Thursday. However, out of respect for the family of Elam Jones who was recently killed in a collapse at the Rhino Mine they have rescheduled the meeting. He reported that his thoughts and prayers are with the family of Elam Jones.

(10)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

1  
COMMISSION MEETING MINUTES  
APRIL 9, 2013

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

APRIL 9, 2013

Present at the meeting was Commissioner Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Sheriff Greg Funk, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST , REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #224246 through and including #224375 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
38-13	Microwave Radio System Communications	\$32,508.80
39-13	Riding Lawn mower Museum of the San Rafael	4,219.00

There were no dispositions.

(2)  
APPROVAL OF OUT OF STATE TRAVEL FOR RAY PETERSEN AND JEFF HORROCKS  
TO GO TO WASHINGTON DC.

(2)  
APPROVAL OF PERSONNEL ITEMS:

a. Approval of 3% wage increase for Tanner Petersen and Allison Weaver for successful completion of their 6 month orientation period.



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b. Approval of the following library volunteers: Gordon Larsen, Andrea Harris, Mindi Larsen, Ricky Harris, Nicky Nielson, Brandon Hoffman, Remington Hoffman, Tanner Hoffman, Drake Hoffman, and Malory Hoffman.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED MARCH 26, 2013.

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

Commissioner JR Nelson made a motion to delay item number 4 and 5 until 10:00 am thus proceeding with the agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

(2)

PRESENTATION OF EMERY COUNTY EMPLOYEE OF THE MONTH.

Commissioner Ethan Migliori stated that the employee of the month for April goes to the entire Sheriff's Department. The Emery County Sheriff's Department was very involved and instrumental in catching the infamous Mountain Man. Sheriff Funk stated that the apprehension of the individual known as the "mountain man" was a collaborative effort by many agencies. He thanked Wayde Nielsen and the Road Department for their help to clear and open roads and to the U.S. Forest Service for opening gates.

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(3)

OPEN BIDS FOR LAWN CARE AT EMERY COUNTY LIBRARIES AND ROAD DEPARTMENT. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.

Commissioner Jeff Horrocks opened one bid for lawn care at the Emery County Libraries and the Road Department. The bid was from Kevin Gilbert dba: All-Star Property Management, Huntington, UT for the amounts that follow:

Castle Dale Library	\$24.50/wk
Orangeville Library	\$24.50/wk
Huntington Library	\$34.50/wk
Ferron Library	\$29.50/wk
Emery Library	\$29.50/wk
Cleveland Library	\$29.50/wk
Elmo Library	\$24.50/wk
Road Department	\$34.50/wk

Commissioner Ethan Migliori made a motion to accept the bid from All-Star Property Management for lawn care at the Emery County Libraries and the Road Department. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commissioner JR Nelson made a motion to suspend the meeting until 10:00 am and open the Local Building Authority Board meeting. At the conclusion of the LBA meeting to return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Upon returning to the regular meeting Commissioner JR Nelson made a motion to open a scheduled Public Hearing to receive public comment and input regarding a proposal from Emery Refining, LLC for a Level III Conditional Use Permit to operate a micro-refinery and associated rail system in the Industrial Park in Green River, UT and at the conclusion of the Public Hearing to return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(4)

10:00 A.M. - PUBLIC HEARING TO RECEIVE PUBLIC COMMENT AND INPUT ON A PROPOSAL FROM EMERY REFINING, LLC FOR A LEVEL III CONDITIONAL USE PERMIT TO OPERATE A MICRO-REFINERY AND ASSOCIATED RAIL SYSTEM IN THE INDUSTRIAL PARK IN GREEN RIVER, UTAH.

Hank Diesel, Emery Refining and Mike McCandless Emery County Economic Development were present to present a proposal for a Level III Conditional Use Permit to operate a micro-refinery and associated rail system in the Industrial Park in Green River, UT. Mike McCandless explained that this process began about 20 months ago. The Level III permit is required due to the associated rail system that is included with the proposal. The company had previously looked at other locations including other states. Several decisions lead them towards Green River, UT. They were looking at an alternative site but quickly became aware that there was not enough property to do the rail system. They were hooked-up with property owners who had enough property and began negotiations to acquire the land they needed to extend the rail system. The property is situated less than 200 yards from I-70 which provides them with some transportation options fairly unique for their project. A Level III Conditional Use Permit requires the approval authority of the County Commission. Prior to this time the application has already been through an initial review process. The Planning and Zoning Commission has recommended this application be approved. It is now ready for the Commission to accept, reject or modify the recommendations of the Planning and Zoning Commission.

Hank Diesel, Investment Banker from Houston, Texas representing Emery Refining, LLC explained the project. He first wanted to thank Mayor Brady of Green River City and Mike McCandless, Economic Development as well as the help they have received on a State level from many departments. Utah is a business friendly state. They have received many very helpful comments and suggestions that have improved the project. The determination of this hearing today will allow them to start turning some dirt which they look forward to doing this summer. They had looked at a lot of different places to put the refinery. However, Green River had the best location partly because of the availability to a rail system but also the crudes that are available in the region. Utah has a unique crude and will allow them to do some very interesting things from a processing stand point. Also, the refinery will be the biggest employer of the two facilities that will be there. Refining has been around for over a hundred years. This will be a new, state of the art facility. It will be dramatically different from a technology stand point. It will be a simple facility with a very small footprint. There are three phases to the project. First will be the rail spur to provide transportation to local producers. There will be a terminal and rail facility to get stranded crudes from out of the basin to markets. This allows them to get into business sooner hopefully in 12 to 14 months. While they are completing the construction of the first refinery which is 10,000 barrels per day crudes. The final project is 5,000 barrels per day of specialty refinery of the black and yellow wax crudes. 50% of the barrel will be paraffin wax and lube oil. The project is fully funded at \$250 million dollars. Condition upon approval of the permit they are ready to move forward. The first phase will bring significant employment during

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the extended construction phase well over 24 months. This project will provide a huge tax base. Their objective is have the majority of these employees from the state of Utah and locally. It is less expensive than shipping people in. Current estimates will have over 2/3 of the budget will be local content. Once up and running employment will increase in stages. By the time they have the rail facility on board they will have about thirty employees. Not all will be working at the terminal. There will be an extended training period until they have the first oil on the first refinery. The next point will get to about 75 people. Ultimately they expect to have 125 employees due to the fact that more hands will be required to prepare the wax and ship it out.

Commissioner Horrocks opened the floor to questions and comments from the public.

Mayor Brady commented that Green River City is for the project. They have been in constant contact with Mr. Diesel and Mr. McCandless for some time now. They city is excited for the aspects of the refinery and what it will bring to the city. He wanted to go on record as being in support of the project.

Tom Mullins, Manager of Capital Resource Development. Mr. Mullins asked where you will be getting the employees? He stated that his observance of the Green River City area is that there are not many local employees available. Will you be bringing people in from the region or all over the state?

Mr. McCandless indicated that his department has put them in contact with local firms and companies that already have a presence there. Emery Refining, LLC has a prime contractor who Emery County Economic Development will be linking with to put them in touch with local firms and companies during the construction phase of the project. His office will also be working closely with Work Force Services to help provide the training they will need.

Patsy Stoddard asked what kind of skills are they going to be looking for? Mike indicated that during phase I, construction phase they will need pipe fitters, crane operators, concrete workers, etc. Mr. Diesel indicated that during phase II they will be training people to be operators to maintain pumps. There will be fork lift operators and other task specific jobs. There are a handful of highly technical positions that will not be on site. Sales and marketing will be in Houston. Plant manager will be here.

Steve Barton asked what the wage will be? Mr. Diesel explained that the salaries are better than most. Benefits and bonuses are better than most. Mike explained that an incentive has been offered by the State to make this project happen. Wages have to be at the minimum 125% of the average county wage. These are post production incentives. They do not get a nickel until they actually build the facility, hire people and start producing. They will then they start getting money back from the state.

Steve Barton asked for a brief explanation of what they will actually be doing at the facility.

6

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Mr. Diesel explained that the rail will start out serving third party producers. This will save producers money in transportation of their product. In other words they will be a logistics company allowing people better access to markets. At the refinery they will be taking crude oil, extracting properties to make different products. It will be a big still.

Commissioner Horrocks asked if there were anymore questions or comments?

There were no more questions or comments. Therefore, the Public Hearing was closed and the Commissioners returned to the regular meeting.

(5)

CONSIDERATION AND APPROVAL OF LEVEL III CONDITIONAL USE PERMIT TO OPERATE A MICRO-REFINERY AND ASSOCIATED RAIL SYSTEM IN THE INDUSTRIAL PARK IN GREEN RIVER, UTAH.

Commissioner JR Nelson commented that one of the things we have to do is follow state statute very closely. It is a very structured process. This has been very well done. There have been hearings on air quality and other requirements and conditions met. Mike commented that they will have to keep all their state and other permits current and they will have to provide a copy of such permits to the county. They are required to inform the county when any condition changes. There is bonding provided for reclaiming should that need to take place.

Commissioner Ethan Migliori commented on the potential business opportunities that this will bring to the county.

Commissioner Jeff Horrocks commented that he is comfortable with the outcome of the Planning and Zoning Boards recommendation.

Commissioner Ethan Migliori made a motion to approve a Level III Conditional Use Permit to Emery Refining, LLC to operate a micro-refinery and associated rail system in the Industrial Park in Green River, Utah as recommended by the Emery County Planning and Zoning Commission. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF PCIFB PRIORITY LIST FOR EMERY COUNTY.

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Commissioner JR Nelson made a motion to approve the Permanent Community Impact Fund Board Local Capital Improvement Short Term List and Medium Term List for 2013. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF AMENDMENTS TO PUBLIC LANDS COUNCIL OPERATIONAL GUIDELINES. EXTEND THE BOARD MEMBER TERMS AS FOLLOWS: ED GEARY, ROD PLAYER, SHERREL WARD, MARK H. WILLIAMS AND BRUCE WILSON TO 01/2017 AND MISTIE CHRISTIANSEN, JON GILBERT, AND CHUCK SEMBORSKI TO 01/2015.

Ray Petersen, Director of Public Lands Council discussed proposed amendments to their operational guidelines. The term of a board member is proposed to change from two years to four years. This change will bring the Public Lands Council Board member's terms in line with other board member terms. Commissioner JR Nelson made a motion to approve amendments to the Public Lands Council Operational Guidelines extending board member terms for Ed Geary, Rod Player, Sherrel Ward, Mark H. Williams and Bruce Wilson to 1/2017 and Mistie Christiansen, Jon Gilbert, and Chuck Semborski to 1/2015. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF 2013 MAY TAX SALE DEFERRAL AGREEMENT FOR MARJORIE POTTER PROPERTIES.

Commissioner Ethan Migliori made a motion to approve of May Tax Sale Deferral Agreement for Marjorie Potter Properties. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND THE BLM PRICE FIELD OFFICE WHICH ESTABLISHES THE PROCEDURES AND CONDITIONS FOR NOXIOUS PLANT

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CONTROL WITHIN PORTIONS OF EMERY COUNTY LYING WITHIN THE PRICE  
FIELD OFFICE.

Commissioner Ethan Migliori made a motion to approve of a MOU between Emery County and the BLM Price Field Office which establishes the procedures and conditions for noxious plant control within portions of Emery County lying within the Price Field Office. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Migliori*

Commissioner Migliori reported on attending a meeting with Victor Iverson from Senator Lee's Office where they discussed Public Land and other county issues regarding Emery County's proposed Public Land Bill. Mr. Iverson will relay Emery County's feelings and concerns to Senator Lee. He reported on the Recreation Special Service District. He stated Jake Atwood is doing a fantastic job as the new director of the Recreation SS District. Jake is progressive in his ideas and use of funds effectively and efficiently.

*Commissioner Nelson*

Commissioner Nelson reported that he and Ray Petersen participated in a guided tour of the San Rafael for people from Representative Jason Chaffetz's office. There was also a person from Representative Rob Bishop's Office who attended the tour. He felt positive about the discussions and comments. He stated it was good to have them on the ground and actually see the places we as a county are so passionate about.

He reported that the seventh graders from San Rafael Jr. High recently visited the courthouse receiving an understanding of county government and functions of various offices in the county.

*Commissioner Horrocks*

Commissioner Horrocks reported working with Johansen & Tuttle Engineering on the project in Huntington Canyon to put in a catch basin to mitigate the potential flooding issues this spring. They developed a good partnership with the various entities working on the project. It is important that we have something in place before the runoff begins.

The Commissioners met with DOT where they discussed funding cuts. They discussed SR10 road improvements north of Ferron and SR 6 towards Green River as well as other anticipated projects. They also discussed the Moore Road Phase 10.

9

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Sheriff Funk thanked Wayde Nielsen and the Road Department for their help clearing snow drifts as they prepared to apprehend the 'mountain man'. The US Forest Service was very helpful in getting gates open. It was a cooperative effort.

(10)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

APRIL 23, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS

The Warrant check Edit List # 224430 through and including #224571 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
40-13	VHF NXR-710 Radio Sheriff/Communications	\$1,720.00
41-13	(2) Industrial vacuums Museum of San Rafael	999.00

There were no dispositions.

(2)

APPROVAL OF A BUSINESS LICENSE FOR ALLRED CONSTRUCTION

(3)

APPROVAL OF PERSONNEL ITEMS:

A. Approval to hire Camille Thomas at a Grade 7, as a part time, no benefits, Assistant Librarian for the Castle Dale Library.

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B. Notification to hire Colten Leavitt as a 90 day temporary head lifeguard effective 4/8/13 at \$9.00/hr.

C. Notification that Holly Damron has been hired as a 90 day temporary for Economic Development.

(4)

APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 9, 2013

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing was pulled.

(2)

CONSIDERATION AND APPROVAL OF REQUEST TO WAIVE/REDUCE AMBULANCE FEES FOR LOIS J. DORRELL.

Commissioner JR Nelson stated that he is of the opinion that the Commission should not automatically reduce or waive fees. Commissioner Ethan Migliori stated his concern with where the application originates from and how it is passed out. Leslie Bolinder informed the Commissioners that Emery County came up with the form. JCI Billing is the company that Emery County is contracted with to manage ambulance billings. She indicated that she was not sure how JCI Billing handles the application process. However, she felt that this application was incomplete. There has been no attempt to pay anything on the bill. Commissioner Jeff Horrocks indicated that the fact that there has been no attempt to pay anything causes him concern as well. He asked what options do we have? Leslie indicated that the Commissioners have several options to consider. Reducing the amount due, setting up a payment schedule for the balance is one option. Commissioner JR Nelson indicated that he does not have a problem with that option. Leslie pointed out that there seems to be no attempt to collect from an insurance of any kind. Why wasn't Medicaid or Medicare billed considering the age and disability of Ms. Dorrell. She

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
APRIL 23, 2013

suggested that the Commissioners may want to investigate and find out more about the situation. Commissioner Ethan Migliori made a motion to table this matter to allow time to investigate the situation. The motion was seconded by Commissioner JR Nelson. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT WITH JOHANSEN AND TUTTLE ENGINEERING FOR A PROJECT KNOWN AS HUNTINGTON CANYON LOG JAM PROJECT.

The work on the Huntington Canyon Log Jam Project has been done by Emery Water Conservancy District. The engineering for the project has been referred back to Emery County for payment. Commissioner JR Nelson indicated that the county got a good deal on this project and felt the payment of this by the County is justified. Therefore, Commissioner JR Nelson made a motion to approve of an engineering contract with Johansen & Tuttle Engineering for the project known as the Huntington Canyon Log Jam Project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF AMENDMENT TO SECTION 11-4-2 OF THE EMERY COUNTY ZONING ORDINANCE.

Attorney David Blackwell indicated that a Public Hearing is needed for an amendment to the Zoning Ordinance. Therefore, Commissioner JR Nelson made a motion to set a public hearing to receive public input on an amendment to Section 11-4-2 of the Emery County Zoning Ordinance for May 14, 2013 at 9:30 am. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF THE ADDITION OF THE SAN RAFAEL RIVER AND MUDDY CREEK WATERSHEDS STUDY AS AN ADDENDUM TO THE EMERY COUNTY GENERAL PLAN.

Attorney David Blackwell indicated that a Public Hearing is needed for the addition of the San Rafael and Muddy Creek Watersheds Study as an addendum to the Emery County General Plan. Therefore, Commissioner JR Nelson made a motion to set a Public Hearing for the addition of the San Rafael River and Muddy Creek Watersheds Study as an addendum to the Emery County General Plan for immediately following the public hearing for an amendment to the Emery County Zoning Ordinance previously set for May 14, 2013 at 9:30 am. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(6)

CONSIDERATION AND APPROVAL OF SPECIAL USE PERMIT FOR BOARDING  
HOUSE RIDGE COMMUNICATION SITE.

Pay Petersen, Public Lands indicated that this application is on behalf of the Communications Department. He stated that this site is on the boarder of Carbon and Emery Counties and was previously permitted by a private citizen who relinquished the permit. Emery County Communications Department (Bret Mills) was anxious to obtain this permit. Mr. Petersen advised the Commission to sign the permit with the USFS. He indicated that this has been a year and a half process. Attorney David Blackwell has reviewed the permit and recommended signing the permit agreement. Commissioner JR Nelson made a motion to approve of a Special Use Permit for Boarding House Ridge Communication Site. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

CITIZEN CONCERNS

Economic Development Director, Mike McCandless was asked to provide an update of two new prospective business projects in the county. Mr. McCandless reported on Emery Refining, LLC in Green River City. They are within days of having the air quality permit signed. This is the final stage to procurement of the property that they need. Huntington Tire Recycling is a business that shreds tires and turns it into a diesel fuel. They have been through the Huntington City Planning and Zoning process. They expect to be operating by late May early June.

Bill Dellos discussed a movement by a group to take away the caucus process for placing candidates on the election ballot. The group wants to allow any and all who file for office to be on the ballot. He indicated that this would be taking away some of our rights as well as the amount of money it would cost for additional campaigning and more primaries. He indicated that we need to get back to grass roots when it comes to elections.

(8)

COMMISSION/ELECTED OFFICIAL REPORTS.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
APRIL 23, 2013

*Commissioner Nelson*

Commissioner Nelson reported on attending a Volunteer Fundraiser at the Recreation Center. He stated he was impressed with all the volunteering services we have in the county.

He reported that he, along with the other two Commissioners, attended UAC Conference where they received very good information pertaining to county government.

He attended a Farm Bureau meeting where they discussed political organization regarding agricultural issues.

He also attended a meeting with Aging & Nutrition where they discussed funding woes due to the federal sequestering.

*Commissioner Migliori*

Commissioner Migliori reported on Business Chamber ribbon cutting for new businesses in the county. He talked about Emery County Economic Development retail incentives to assist small businesses with signage. They have set aside funds to help with that project and have asked the cities to participate with the project to build a better business environment in their city.

He reported on the 2013 Emery County Fair Committee's progress. They are finalizing details for the fair and are looking for local talent/entertainment. Contact Jake Atwood at the Recreation SSD for more details.

He reported that during UAC Conference they received information regarding a state level plan for Sage Grouse. They are using Emery County's Land Use Bill to assist in the planning.

*Commissioner Horrocks*

Commissioner Horrocks reported on his time spent in Washington, DC where he and Public Lands Director, Ray Petersen met with legislators regarding Emery County's proposed Land Use Bill. He talked about plans for a multi-county land use bill. He stated that he would not be opposed to a multi-county land use bill as long as it did not interfere with the progression of the County's bill. He talked about how important it is to go to Washington often to meet with legislators to keep the efforts going.

(9)

ADJOURNMENT

6

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
APRIL 23, 2013

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 14, 2013

Present at the meeting was Commission Chair Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #224708 through and including #224961 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
42-13	Buckhorn Information Kiosk Travel Bureau	\$16,264.00
43-13	Snow/Blade for Cat Grader Highway	13,554.00
44-13	Portable Trap Sheriff	2,200.00
45-13	(2) iPads, (3) HP Elitebook 8570 Capital Replacements/IT	3,771.96
46-13		

Dispositions were presented for 6 silk trees, #'s 160-4641. 4642, 4643, 4644, 4645, 4646

(2)

APPROVAL OF OUT STATE TRAVEL FOR MICHAEL MCCANDLESS AND ETHAN MIGLIORI TO WASHINGTON D.C. JUNE 18-21, 2013 FOR LANDS BILL LEGISLATION.

2

COMMISSION MEETING MINUTES  
MAY 14, 2013

(3)

CONSIDERATION AND APPROVAL OF PERSONNEL ITEMS AS FOLLOWS:

A. Approval of 3% increase for Shirley Begay for successful completion of 6 month orientation.

(4)

APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 23, 2013.

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing.

(2)

PRESENTATION OF EMERY COUNTY EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented the May 2013 Employee of the Month to Annette Allen. Annette has been with Emery County for 24 years as the DMV Supervisor. Annette was presented with a plaque and Emery County Chamber Bucks.

(3)

CONSIDERATION AND APPROVAL OF APPOINTMENT TO EMERY WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS.

Commissioner JR Nelson made a motion to appoint Morris Sorensen to the Emery Water Conservancy District Board of Directors. The motion was seconded by Commissioner Ethan Migliori. The motion passed. Commissioner Nelson stated that Morris goes above and beyond



and will be a great asset to the District.

Commissioner JR Nelson made a motion to leave the regular meeting and enter into a public hearing to receive public input regarding an addition to the Industrial Zone regulations in the Emery County Zoning and at the conclusion of said hearing to return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

9:30 AM - PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING AN ADDITION TO THE INDUSTRIAL ZONE REGULATIONS IN THE EMERY COUNTY ZONING ORDINANCE

Economic Development Director, Mike McCandless reviewed the addition to the Industrial Zone regulations of the Emery County Zoning Ordinance. This particular change is to address situations where we have a separate mineral rights holder underground than we have on the surface for any activity that affects the county. This ensures that there is a process in place so that there is not conflict between these two holders.

The change to Industrial Zone Regulations are proposed as follow:

11-4-2 Major Underground and Surface Mine Developments

(c)

- (iii) no mine, mine portal, open pit mine or any other mining operation may operate within 250 feet of approved or existing structures not owned by mineral estate holder. The owner of an approved or existing structure may choose to waive the 250 foot buffer; however, the operator of the mining operation will be required to operate within the requirements of the existing structure's conditional use permit and the associated limitations of that permit.
- (iv) no mine, mine portal, open pit mine or any other mining operation may operate inside the boundaries of an active Transportation Easement such as an RS2477 claimed road, a county road, a state highway or railroad. Valid and existing Utility Easements such as water lines, electrical transmission, sewer and telecommunications must be avoided when possible. The applicant for the mining operation shall bear the expense of relocation of these easements if necessary.

11-4-3 Industrial Projects

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(e) Restricted Uses

Once an area is approved for a Conditional Use Permit as an Industrial Project, all activities not directly related to the active Conditional Use Permit including mining, drilling, oil and gas exploration, sand and gravel or other conditional uses will become subject to the requirements of the exiting conditional use permit. The Commission may elect to deny other activities on the permitted area if it is determined the new activity will negatively impact the community or the economic sustain ability of the county.

Planning and Zoning Board Chairman, Mac Huntington commented that they do recognize that the drilling companies do have the right to extract the resource, although they may not have the surface right. The intent is to mitigate the problem before it comes up.

Mike commented that from an Economic Development side it can become problematic for a company as a surface right holder to obtain financing if there is not a process in place that gives the lender a feeling that the investment they make is not going to be disturbed in the future.

Commissioner Nelson commented that this will facilitate development in the area.

Mike added that the guidelines are workable for both parties. We don't want to ever have a negative impact on the drilling, coal exploration, gravel or sub surface rights. We do want to have a process in place that will protect them.

This ordinance only deals with the Industrial Zone. This specifically deals with large scale investments such as power plants, refineries, etc.

Commissioner Horrocks asked for any comments or questions.

Since there were no additional comments the Commission closed the public hearing and returned to the regular meeting.

Commissioner JR Nelson made a motion to leave the regular meeting and move into a public hearing to receive public input regarding the San Rafael River and Muddy Creek Water Study by an addendum to the Emery County General Plan. Upon ending the public hearing we will return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

9:45 AM- PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING THE SAN

RAFAEL RIVER AND MUDDY CREEK WATER STUDY BE AN ADDENDUM TO THE EMERY COUNTY GENERAL PLAN.

Mike McCandless commented on the study. Going back a few years the Public Lands Committee in the process of reviewing the public lands bill developed a number of sub committees. One of these sub committees was a water resources sub committee. During that process of reviewing the issues for the county it became clear that they needed to do an analysis of the current water situation to make a full report. A partnership was created between NRCS, Emery County Public Lands Council, Water Resources Sub Committee, Emery Water Conservancy District, Utah Division of Wildlife Resources and Utah Division of Water Resources to prepare watersheds study. Funding was retained to put together this very comprehensive process taking over a year. Once the report was completed it was presented to and approved by the Public Lands Committee and Emery Water Conservancy District . It was forwarded to the Planning and Zoning Commission as a potential item to be included in the Emery County General Plan. The purpose for including it in the General Plan is that would by the rules that the federal government follows under NEPA guidelines when they are doing NEPA documents they are required to consult with the County General Plan when they are considering activities that occur on public land. The Planning and Zoning Commission agreed that it made a lot of sense to this document in the County General Plan because it would then force the federal land managers to factor in these items when they are making decisions on NEPA actions. The areas addressed in the study are Water Budgets and Hydrologic Models, Current and Projected Water Demands, Innovative Water Management Strategies, Opportunities for Additional Surface Water Storage, Water Quality Assessment and Improvement Plan, Managing Aquatic Wildlife to Avoid Future Conflict. This has been reviewed by the Planning and Zoning Commission who voted to forward the document to the Commission for addition to the County General Plan. It does require a public hearing to add the document to the County General Plan.

Mac Huntington added that this is a necessary thing to have in the County General Plan. He applauded the efforts of the Lands Council and all those who helped with the development of this document.

Ray Petersen commended all the players in preparing this document. It is a valuable and useful tool to incorporate into the County General Plan.

Mike added that in their process with the Planning and Zoning Commission he wanted to report they did have a significant amount of discussion about the fact that this does not cover the Green River Water Shed. Judy Ann Scott who represents Green River on the Planning and Zoning Commission he committed to her that he would report that this plan does not cover the entire county with this particular plan. One of the challenges is that the Green River Water Shed really isn't in Emery County for the most part. It goes into Wyoming and Colorado. It is very challenging to do the same type of document. It will require a separate process.

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Jay Humphrey commented on the agriculture community's investment into the water projects in the last 15 years in Emery County. This plan is the first step to recognizing what we have, what can develop, if there is anything to develop. It gives us some guidelines. It is an important document.

Commissioner Horrocks commented that this is an important document to the citizens of Emery County.

Since there were no more comments the Commissioners closed the public hearing and returned to the regular meeting.

(6)

CONSIDERATION AND APPROVAL OF AMENDMENT TO SECTION 11-4-2 OF THE EMERY COUNTY ZONING ORDINANCE.

Commissioner Ethan Migliori made a motion to approve amendments to Section 11-4-2 of the Emery County Zoning Ordinance as presented . The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF THE ADDITION OF THE SAN RAFAEL RIVER AND MUDDY CREEK WATERSHEDS STUDY AS AN ADDENDUM TO THE EMERY COUNTY GENERAL PLAN.

Commissioner JR Nelson made a motion to approve the addition of the San Rafael River and Muddy Creek Watersheds Study as an addendum to the Emery County General Plan. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

RATIFICATION OF ROW SERIAL NUMBER UTU-89618 AUTHORIZING THE DIGGING OF TEST TRENCHES IN HUNTINGTON CANYON.

Commissioner JR Nelson made a motion to ratify approval of a ROW Serial Number UTU-89618 authorizing the digging of test trenches in Huntington Canyon. The motion was seconded by Commissioner Ethan Migliori. The motion passed. Commissioner Horrocks indicated that the ROW with BLM was an urgent issue that has been signed and forwarded to meet time constraints.

(9)

CONSIDERATION AND APPROVAL OF 2013 TAX EXEMPTION FOR RELIGIOUS AND CHARITABLE PROPERTIES.

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The following religious and charitable properties have filed an Annual Statement for Continued Property Tax Exemption with the Clerk/Auditor's office:

American Legion Post 42 #1-130-18	Emery County #1-126-45	Rocky Mountain West Baptist Mission #5-94-6
Castle Dale Independent Baptist Church #01-002C-0013	Four Corners Mental Health #1-13-46	#5-93-7 #5-94-3 #5-94-5
Daughters of Utah Pioneers-Hunt #1-196-22	Green River Bible Church #1-151G-36 #1-151F-18&19	United Mine Workers Of America #4-16-14
Daughters of Utah Pioneers-Orange #1-253-18	LDS Church various #'s	
Daughters of Utah Pioneers-Elmo #1-72-16	Bread Of Life Baptist Church #1-177A-20	Utah Museum of Natural History/ University Of Utah #5-56-2
Daughters of Utah Pioneers-CD #1-15-20	Orangeville City/ Housekeepers #1-239-52	Friends of Green River-PACT #1-162-7
Desert Edge Christian Chapel #01-179-1	Rural Utah Child Development #1-180-20	
Ferron Cattleman's Association #5-87-27	Roman Catholic Church #3-50-16 #1-151H-25 #1-151E-2	
First Baptist Church of	Stuart B. Wilson Orient Lodge #1-151G-54	

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The Commissioners had a question on Friends of Green River PACT. However, Commissioner Migliori indicated that the PACT has recently undergone some changes and he felt that they were in good standing. Clerk/Auditor Brenda Tuttle indicated that there had been concerns in the past regarding the apartments, but the parcels on the exempt list are not the parcels previously questioned and denied. Commissioner Ethan Migliori made a motion to approve the 2013 Property Tax Exemption List as presented. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

DISCUSSION AND POSSIBLE APPROVAL OF A SAGE GROUSE RESOLUTION FOR EMERY COUNTY.

Ray Petersen, Public Lands Director provided some background information regarding sage grouse in Emery County and the state of Utah. The Greater Sage Grouse are on the verge of being listed as a threatened and endangered species. US Fish and Wildlife has been commissioned to make that happen. The last decision that they came to was, (as paraphrased by Ray) ‘ Yes, we should list that, but we have too many irons in the fire. We can’t do that right now.’ ‘If the states that are involved can come up with some adequate planning to demonstrate the protection of these birds we will won’t list them, if they don’t we will list them.’ That started a five western state process to come up with a plan. Wyoming BLM is the lead agency in that process. The State of Utah BLM is participating in that process. The governor has recently unveiled a state agency plan which was recently in the news. Both the State BLM and the State of Utah has requested that the counties, in their involvement in this, adopt a resolution stating that, at the local level there will be some planning and will be implemented in their general plan to provide protection for these birds. So, this is place holder for that protection which basically says that Emery County will, when the BLM and the State are done with their processes, adopt those management guidelines needed to protect the greater Sage Grouse. This resolution will say that this is a good faith effort to say when those other planning documents are complete and available we will plug in the right numbers and management procedures to assure management of these birds and keep them from being listed. Commissioner Nelson asked if there was a certain date that we need to have this done? Ray stated that it is important that we don’t linger. He advised the Commissioners to be prompt in taking action. Commissioner Migliori asked if this is in conjunction with the UAC conversations? Ray indicated that this is not in conjunction with UAC, but it did prompt this action. UAC did make a recommendation to take such action. It was recommended that a resolution be drafted by experts on sage grouse rather by attorneys. Ray identified to populations of sage grouse in Emery County. One is Horn Mountain. Another is Parker Mountain which is actually in Wayne County up above SUFCO’s mining operation, but affects Emery County. He indicated that there is roughly sixty males of that species and undetermined amount of females. It is a relatively small number however, the management of that habitat can be very restrictive. Ray stated that typically the USFW draws a circle around that

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habitat and then nothing happens in that area until that species recovers. The State of Utah has been very proactive in managing the numbers. We want to continue what we are doing to manage them. Commissioner Jr Nelson stated that we, Emery County wants to be part of the group that is proactive in keeping the species from being listed as endangered. Attorney David Blackwell indicated that he has looked over the document and recommends approval. This document would then become part of the Emery County General Plan. Commissioner JR Nelson made a motion to adopt the Sage Grouse Resolution #5-14-13 adding it to the Emery County General Plan. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

DISCUSSION AND APPROVAL TO ADVERTISE REQUEST FOR PROPOSALS FOR CARPET CLEANING SERVICES.

Commissioner Horrocks indicated that there are several carpet cleaning businesses in the area. The Commissioners discussed requesting proposals for carpet cleaning services for a two year period. Commissioner Ethan Migliori made a motion to approve advertising for proposals for carpet cleaning services. The motion was seconded by Commissioner JR Nelson. The motion passed.

(12)

DISCUSSION AND APPROVAL TO AWARD EMERGENCY REPAIRS TO THE SPRINKLING SYSTEM AT THE AQUATIC PARK/SOCCER FIELD

Commissioner Horrocks discussed emergency sprinkler repairs that are needed at the Aquatic Park/Soccer Field. He suggested having the Road Department blowout the lines at the end of the season so that the lines don't freeze and break again. Wayde Nielsen Road Supervisor took exception with the suggestion and indicated that they may not have the time or resources to take on that project. Ray Petersen suggested that maintenance needs to be considered when the county does a project. He suggested that someone should have been responsible for the maintenance of the park lawn. Commissioner Horrocks indicated that the Road Department has the equipment to blowout the lines. He suggested that maybe they could train the Aquatic Center maintenance personnel to blowout the lines using the Road Department's equipment. One bid was submitted for the repairs to the sprinkling system at the Aquatic Park/Soccer Field. The bid was from Ward Landscapes, Inc. in the amount of \$5,160.90. Commissioner JR Nelson made a motion to accept the bid from Ward Landscapes, Inc. in the amount of \$5,160.90 for sprinkler repairs at the Aquatic Park/Soccer Field. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)  
CONSIDERATION AND APPROVAL OF AMENDMENT TO COOPERATIVE AGREEMENTS 68-8D43-12-48 (TA FUNDING) AND 68-8D43-12-49 (FA FUNDING) FOR EXTENSION OF TIME ON THE FY12 SEELY FIRE PROJECT.

Commissioner Horrocks explained that the log jam issue in Huntington Canyon has been mitigated thanks to Emery Water Conservancy District . The funds from NRCS that were to be used on that project were moved to a diversion basin project to mitigate flood damage in the fall. The time frame to get the project done needs to be expanded to allow time to do the work. Therefore, Commissioner JR Nelson made a motion to approve amendment to cooperative agreements 68-8D43-12-48 (TA Funding) and 68-8D43-12-49 (FA Funding) for extension of time on the FY 12 Seely Fire Project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)  
CONSIDERATION AND APPROVAL OF COOPERATIVE ROAD AGREEMENT #13-RO-1104100-018 AND SCHEDULE A, AND A PROJECT ROAD AGREEMENT #13-RO011041000-021 BETWEEN EMERY COUNTY AND MANTI LASAL NATIONAL FOREST.

Wayde Nielsen addressed a Cooperative Road Agreement #13-RO-1104100-018 and Schedule A and project road agreement #13-RO011041000-021 between Emery County and Manti-LaSal National Forest. He explained that the agreement determines who maintains what. Commissioner Ethan Migliori made a motion to approve the Cooperative Road Agreements between Emery County and Manti LaSal National Forest as discussed. The motion was seconded by Commissioner JR Nelson. The motion passed.

(15)  
DISCUSSION OF A COUNTY AUCTION

Commissioner Horrocks indicated that the last public auction the county had was with a professional on-line auctioneer. Things did not go as well as anticipated. He suggested having the department heads submit a list of items to be disposed and determine if a county auction would be necessary. The Commissioners discussed possibly having sealed bids for any large items such as vehicles if it is determined that there was not enough surplus property to hold a county auction.

(16)  
UPDATE AND RATIFICATION OF APPROVAL AND LETTER OF SUPPORT FOR UTAH



FEDERAL LANDS ACCESS PROGRAM APPLICATION.

There was time limit associated with this application with UDOT so the letter of support was forwarded and needs to be ratified. Jonathan Johansen from Johansen & Tuttle Engineering talked about the application and what it entails. Jonathon indicated that this a stretch of road on Highway 6 on the Green River Cut-off road # 401. That stretch is about 8 miles going in from the east. They are looking at putting in a whole new road and improving it to a 28 foot gravel road. The existing road can be impassable during storms and is very slow going. There is a private company looking to come in and drill. They may, depending on the timing, come in beforehand and do some improvements to the road. The county over the last thirty-four years has looked to do the improvements of this cut-off road from Highway 6 to Highway 10. It is their hope that this program can help get a jumpstart on that project. Commissioner Horrocks reported that if this application is approved by UDOT Emery County will have to pay \$10,000.00 up front. Mike McCandless commented that this area is anticipated to be the next exploration area for the drilling companies. Bill Dellos asked if there was a possibility that this road will be paved? Commissioner Horrocks answered not at this time. Eventually, if this road is upgraded it will improve access for all kinds of uses. We hope that this project is chosen. It will give us a jumpstart to this project. Commissioner JR Nelson made a motion to ratify the action taken to send a letter of support for Utah Federal Lands Access Program application. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(17)

DISCUSSION OF A LANDFILL TIPPAGE POLICY.

Commissioner JR Nelson discussed a proposed Landfill Tippage Policy. He stated that he felt that we need something in black and white as to what is charged and who is charged. Citizens of Emery County can use the landfill for free. He added that we need to look at the revenue that is generated at the landfill and strive to have it stay with the landfill. Contractors need to be charged to use the landfill. Commissioner Migliori cautioned that we don't make it too restrictive as to create a situation where people dump in other locations than the landfill. Attorney David Blackwell added that we looked at this issue a few years back and the concern then was finding an effective way to police the use of the landfill. Commissioner Migliori stated that it is important to include the mayors of the county in this discussion to add balance to any effective outcome. Ray Petersen commented that when the county licenced the landfill we were advised to charge for the service. People love free, but there are expenses. If you are providing a service you can charge for that service. Free is popular but not wise. We may have to bite the bullet and start charging for the service. Commissioner Horrocks commented that contractors charge the user and then get to dump it for free by claiming it is for a county citizen. Road Supervisor Wayne Nielsen commented that contractors complain that some contractors pay and some don't pay. Commissioner Nelson suggested meeting with Attorney David Blackwell and Wayne to come up with some wording and meeting with the mayors in COG meeting to come up

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with a written policy that we can start with.

(18)  
CITIZEN CONCERNS

Patsy Stoddard reminded the Commissioners of the Emery County Business Chamber's Lunch and Learn on Wednesday, May 15, 2013 at the Museum of the San Rafael. The topic will be Drug Abuse in the work place. She also reported that Saturday, May 18, 2013 will be the Miss Emery Golf Tourney.

(19)  
COMMISSION/ELECTION OFFICIALS REPORTS.

*Commissioner JR Nelson*

Commissioner Nelson reported on attending SITLA meeting in Vernal where they discussed Rob Bishop's proposed Public Lands Bill. He reported on attending board physical responsibility. In the Fire Protection Special Service District Board meeting Greg Oliver stepped down as fire chief. They elected Randy Nielsen as the new chief.

*Commissioner Migliori*

Commissioner Migliori reported on Travel and Tourism board has used up most of their funds set aside to help with signage of businesses in Emery County. On the trails side of tourism they have been working with National Park Service who provides funding for cities to help develop trails in communities. Museum of the San Rafael will hold their annual celebration in September. In COG meeting discussion were based around the landfill and how it affects cities and the animal ordinance and fees for citations. The Care Center is still moving forward to help mitigate some of their revenue flow.

*Commissioner Horrocks*

Commissioner Horrocks met with Fire Chief Rudy Sandoval and his boss and how the sequester will affect our local fire departments. Our local volunteer fire fighters are putting a lot of personal man hours into becoming red carded, category 1 firefighters. They are working to get our brush trucks red carded so they will be available to help with brush fires this season. Castle Country Partners discussed what the sequester will do to tourism and how it will affect local government. The Commission decided to reduce the number of members on the Public Lands

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Council. Now that the draft for the Public Lands Bill is done the large number of members is not needed. Met with big Game RAC where they discussed Big Horn Sheep on the San Rafael.

Attorney David Blackwell reported on Bear Canyon Mine and their bankruptcy settlement.

(20)  
ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 28, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner JR Nelson was excused from the meeting. Commissioner Horrocks stepped down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS

The Warrant Check Edit List # 224966 though and including # 225182 was presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
47-13	(6) Garmin Rino GPS Units Sheriff	\$3,090.00

Dispositions were presented for the following:

(3) outdoor deck plastic chairs from the Aquatic Center.

The following electronic equipment was disposed of from the Ambulance. It is outdated and is no longer compatible with current software:

Mobile Radios dated 1996, 1997, 1998, 1999, 2000, 2002, 2003, 2004,

#6410, 6441, 6484, 6485, 6486, 6487, 6488, 6489, 6816, 6817, 6879, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016, 7017, 7018, 7288, 7292, 7293, 7294, 7295, 7296, 7297, 7298, 7299, 7300, 7301, 7424, 7446, 7448, 7729, 7731, 7733, 7735, 7737, 7739, 7743, 7745, 7746, 7747, 7750, 7752, 7754, 7756, 7758, 7760, 7761, 7763, 7765, 7768, 7770, 7846, 7941, 7942, 7943, 7944, 7945, 7946, 7947, 7948, 7949, 7950, 7951, 7951, 7952, 7953, 7954, 7955, 7956, 7957, 7958, 7959, 7960, 8367, 8361, 8362, 8363, 8364,

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Pagers that are no longer compatible with software.

#8754, 8755, 8756, 8757, 8758, 8759, 8760, 8761, 8762, 8763, 8764, 8765, 8766, 8767, 8768, 8769, 8770, 8771, 7941, 7942, 7943, 7944, 7945, 7946, 7947, 7948, 7949, 7950, 7951, 7952, 7953, 7954, 7955, 7956, 7957, 7958, 7959, 7960, 8367, 8751, 8752, 8753,

Outdated and traded in defibrillators and life packs.

#6774, 6775, 6986, 7616, 7617, 7853, 7854, 7961, 7963, 7964, 7965

Blood Pressure Monitors that are outdated.

#7415, 7416, 7417,

Simulators and regulators that are outdated.

#6149, 61507356, 7637, 7856

Outdated Glucometers

#7648, 7649, 7650, 7651, 7652, 7653

Misc.

power adapter #8242, dvd player #8498

(2)

APPROVAL OF PERSONNEL ITEMS:

a. Notification of Museum of the San Rafael hiring Marilyn Behunin as a 90 day temporary employee.

b. Notification of Aquatic Center hiring Kykee Collard as a temporary head guard and Alex Stilson, Kevin Butler, Ryan Cox, Emily Olsen, and Kayden Parkins as 90 day temporary lifeguards.

c. Approval to appoint Captain Ekker as Emergency Manager for Emery County which will be an additional duty assigned to him as the Captain of the Sheriff's Office.

d. Approval of Tandi Olsen, Laicee Kenner, Jannetta Young, Lacie Jo Funk and Joci Funk as volunteers for the Library System this summer.

e. Approval of 3% wage increase for Shantel Sitterud for successful completion of her 6

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month orientation period.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED MAY 14, 2013

Motion to approve the Consent Agenda was made by Commissioner Ethan Migliori, seconded by Commissioner Jeff Horrocks and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

(2)

MISS EMERY COUNTY, MARKETTE TANNER, PRESENTATION OF HER PLATFORM FOR MISS UTAH.

Current Miss Emery County, MarKette Tanner presented the Commission a presentation of her platform for the Miss Utah Pageant on June 17<sup>th</sup>. MarKette has chosen "Operation Smile" as her platform. She has been on a campaign to raise money to provide surgery for children around the world afflicted with facial birth defects. It costs \$240.00 per child and she has thus far been successful in raising enough money for seven children to receive surgery. She has represented Emery County at the Emery County Fair as well as other functions this past year. She thanked the Commission for the opportunity to represent and serve Emery County.

(3)

JEFF KELSEY, DISCUSSION AND APPROVAL OF THE COUNTY'S MEDICAL INSURANCE RENEWAL BEGINNING PLAN YEAR JULY 1, 2013.

Jeff Kelsey, Kelsey Benefits Group reviewed Emery County's medical insurance plan performance from the past year. He presented a renewal proposal for the new year beginning July 1, 2013. He indicated that Emery County was able to keep the plan costs down by 9% due to the Wellness Programs implemented by the County. He indicated that there are changes as of this morning due to the constant affects of Obama care. Commissioner Ethan Migliori made a motion to accept the medical insurance renewal proposal pending the expected changes. The

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motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF EQUITABLE SHARING AGREEMENT AND CERTIFICATION.

Sheriff Guymon explained that the agreement is an agreement to share information with the Department of Justice and US Treasury. The Equitable Sharing Fund amount for Emery County Sheriff's Department is \$1,719.04. Commissioner Ethan Migliori made a motion to approve of an Equitable Sharing Agreement and Certification as presented. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(5)

DESIGNATION OF EMERGENCY INTERIM SUCCESSORS FOR EMERY COUNTY.

Commissioner Horrocks explained that the County needs to identify emergency interim successors to meet compliance with FEMA. It was suggested that the successors be:

1. Emergency Manager
2. Emery County Sheriff
3. Emery County Commission Chairman

Commissioner Ethan Migliori made a motion to designate emergency interim successors as first, Emergency Manager, second, Emery County Sheriff, and third Emery County Commission Chairman. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF RESOLUTION ESTABLISHING PROCEDURES GOVERNING ELECTRONIC MEETINGS.

Commissioner Horrocks discussed a Resolution establishing procedures governing electronic meetings. The Resolution defines the procedures and sets in writing such procedures. Commissioner Ethan Migliori made a motion to adopt Resolution 5-28-13 establishing procedures governing electronic meetings. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF CONTRACT WITH WARD LANDSCAPES, INC. FOR EMERGENCY SPRINKLER REPAIR AT AQUATIC PARK.

Commissioner Horrocks indicated that in the last Commission Meeting a sealed bid was opened for emergency repairs to the sprinklers at the Aquatic Park/Soccer Field. The Commission voted to accept the bid from Ward Landscapes, Inc. Because the bid was over \$5,000.00 there needs to be a contract to do the work. Commissioner Ethan Migliori made a motion to approve a contract with Ward Landscapes, Inc. for emergency sprinkler repair at the Aquatic Park/Soccer Field. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(8)

REQUEST FOR APPROVAL TO BID CLEANING SERVICES AT THE SHERIFF'S OFFICE AND AMBULANCE GARAGE IN GREEN RIVER.

Sheriff Funk requested approval to bid cleaning services at the Sheriff's Office and Ambulance Garage in Green River. Commissioner Horrocks suggested having David Blackwell and Mary Huntington work on a job description and then advertise for two weeks for bid proposals to do the work. Commissioner Ethan Migliori made a motion have David Blackwell and Mary Huntington create a job description to be advertised for two weeks and bring back to the next Commission Meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(9)

CITIZEN CONCERNS

None

(10)

COMMISSION/ELECTED OFFICIAL REPORTS

*Commissioner Migliori*

Commissioner Migliori reported on the several calls regarding SITLA and what lands to swap out to keep them from being put in wilderness area. Ray reported on conversations with Senator Rob Bishop and his desire to have legislation ready to submit as early as this fall. Commissioner Migliori reported that they are in the final planning phase for the 2013 Emery County Fair. The Museum of the San Rafael is working on getting the Bailey Basket back in the county for their 20<sup>th</sup> Anniversary celebration. The Care Center has been working on marketing strategies to get the Care Center closer to capacity again.

*Commissioner Horrocks*

Commissioner Horrocks reported that Emery County held its annual May Tax Sale on the 23<sup>rd</sup>



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where a parcel in Green River that has been on the books for several years was sold for \$40,000.00. He reported touring the refining facility at the Industrial Park in Green River. He reported on activity of the Local Building Authority of Emery County. They have been working on two projects. Huntington Airport Improvements are moving along. They are moving the fuel tanks and purchasing another tank. Also, they will be constructing a shower/restroom facility at the Airport. The Weed & Mosquito Building will soon be going out to bid. The old facility will be torn down and reclaimed to allow for future use.

Sheriff Funk reported on the work going on with the debris basin in Huntington Canyon. BLM is moving forward with permitting the project.

(11)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 11, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner JR Nelson was excused from the meeting. Therefore, Commission Chairman Jeff Horrocks stepped down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check/Edit List # through and including # was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
48-13	Bed Slide/Tonneau Cover for 2013 Ford Truck-Sheriff	\$3,125.00
49-13	Air Conditioner for Horn Mountain Sheriff/Television	\$4,595.00

Dispositions were presented for the following:

210-1547, 1557, 1567, 1517, 1527, 1537, 1607, 1617, 1627, 1577, 1587, 1597,  
210-9763, 9764, 9765, 8935, 8936  
255-9160, 9157, 9158, 9154, 9155, 9156, 9153, 9151, 9152  
181-9083

(2)

APPROVAL OF PERSONNEL ITEMS AS FOLLOWS:

a. Notification of hiring Bryson Hales, Savahna Hall, Colten Clement, Hailee Rogers, Tyler Pullie, Jessica Guymon, and Morgan Curtis as 90 day temporary lifeguards at the Aquatic

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MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
JUNE 11, 2013

Center at \$8.00/per hr.

b. Notification of hiring of Bailey Thomas as a 90 day temporary employee for the Library System at \$8.00 per/hr.

c. Notification of hiring Erik Nelson as a 90 day temporary employee for Weed/Mosquito Department at \$10.26 per/hr.

d. Notification of hiring Karen Jacobson as a 90 day temporary employee for the Clerk/Auditor's Office at \$10.00 per/hr.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED MAY 28, 2013

Commissioner Ethan Migliori made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing.

(2)

PRESENTATION OF EMERY COUNTY EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori made a motion to table this item until the next meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(3)

ASHLEY KORENBLAT AND JASON KEITH, PUBLIC LANDS SOLUTIONS,

DISCUSSION OF THE RECREATION ECONOMY AND CONGRESSMAN BISHOP'S  
PROPOSED PUBLIC LAND BILL FOR EASTERN UTAH WITH REGIONAL BUSINESSES.

Ashley Korenblat, bicycle outfitter and Jason Keith, climbing outfitter from Moab, UT came before the Board of Commissioners to make a presentation regarding recreation economy in Emery County and discuss Congressman Bishop's proposed public land bill for eastern Utah. They talked about the recreation economy and public land issues in Emery County and how much the county is ahead of the curve in this respect. Jason indicated that they formed a group called Public Lands Solutions as an advocacy group for Utah outdoor businesses. They are currently conducting an audit of recreational resources/assets and how they affect the business environment. They have formed a Utah Outdoor Business Network focusing in southeast Utah and those interested in public land. They discussed ways that Emery County can get more out of their recreational resources and public land use with respect to recreational use. Congressman Bishop suggested that they meet with the county commissions and just inform them of the work that they are doing with regards to public land and the recreational environment.

(4)

OPEN SEALED PROPOSALS FOR CONTRACT CARPET CLEANING. CONSIDERATION  
AND APPROVAL OF AWARDED THE CARPET CLEANING AT EMERY COUNTY  
FACILITIES FOR A TWO YEAR CONTRACT.

There were no proposals submitted.

(5)

DISCUSSION AND POSSIBLE APPROVAL OF REDUCTION/PAYMENT AGREEMENT  
FOR AMBULANCE BILLS FOR LOIS DORRELL.

This matter has been before the Commissioners in the past. At that time the Board of Commissioners denied a request for reduction of payment and asked that Ms. Dorrell explore possible funding through Medicaid or another source. She has not attempted to make any payment. Commissioner Migliori stated he was not inclined to reduce the bill until she has exhausted all possible funding resources. Commissioner Ethan Migliori made a motion to deny a request of reduction of an ambulance bill for Lois Dorrell until she can bring in proof that she has exhausted all possible funding resources. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

4

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
JUNE 11, 2013

CONSIDERATION AND APPROVAL OF STATE OF UTAH TASK FORCE GRANT (STFG)

Commissioner Ethan Migliori made a motion to approve of State of Utah Task Force Grant (STFG) for 2013. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF 2013 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)

Commissioner Ethan Migliori made a motion to approve of 2013 Emergency Management Performance Grant (EMPG). The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF BEER TAX FUNDS PLAN.

Sheriff Funk explained that this is the plan used to ensure that establishments are in compliance with alcohol sales. It helps pay for underage alcohol sale stings. Commissioner Ethan Migliori made a motion to approve of the Beer Tax Funds Plan. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF CONTRACT # 102488 BETWEEN STATE OF UTAH AND EMERY COUNTY FOR BAILIFF AND SECURITY SERVICES FOR DISTRICT COURT.

Commissioner Ethan Migliori made a motion to approve of contract #102488 between the State of Utah and Emery County in the amount of \$13,635 to provide bailiff and security services for the District Court. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(10)

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
JUNE 11, 2013

CONSIDERATION AND APPROVAL OF PURCHASING A FULL PAGE COLOR AD FOR  
THE EMERY COUNTY FAIR GUIDE AND DISCUSSION OF AD DESIGN AND LAYOUT.

The Commissioners discussed purchasing a full page color ad for the Emery County Fair Guide. They were quoted \$650 for the ad. Patsy Stoddard, Emery County Progress stated she felt that amount was way to high and was going to try to get it down to \$500.00. Commissioner Horrocks stated that he would like for all the elected officials to be in the photo to show full support from the county. He suggested having Leslie Bolinder, Ray Petersen and Mike McCandless put together the dialog for the ad directing people to the 2013 Emery County Fair. He suggested getting comments from Jake Atwood and the Recreation Board also. Patsy indicated that the deadline for the ad is June 28, 2013. Commissioner Horrocks suggested scheduling the photo shoot for June 25, 2013. Commissioner Ethan Migliori made a motion to table this matter until they have a firm amount for the ad. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(11)

CITIZEN CONCERNS

None

(12)

COMMISSION/ELECTED OFFICIALS REPORTS

*Commissioner Migliori*

Commissioner Migliori reported on a ribbon cutting ceremony for Early Bird Day Care at 2pm on Wednesday, June 12, 2013. He also reported on the Miss Emery send off event. Miss Emery County Markette Tanner will be going to State competition on June 29, 2013. The State Little Miss Pageant will be June 28, 2013.

He reported on Emery County Historic Preservation meeting where they discussed placing signs in historic sites in Emery County. He attended a meeting in Moab where they discussed a catastrophic fire plan for the region.

*Commissioner Horrocks*

Commissioner Horrocks reported on a regularly scheduled meeting with the Fire Protection

6

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
JUNE 11, 2013

Special Service District where they discussed purchasing 8 new brush fire units. Equipment is beginning to wear out on many of the older units. The purchase price for a new unit is approximately \$100,000.00 each.

He reminded everyone of Castle Dale City's city celebration on June 15, 2013.

(13)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 25, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 225415 through and including # 225545 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
50-13	Ipad 4 Commission	\$ 682.79
51-13	Power drivers, training kit, needles Ambulance	\$7,755.00

One disposition was presented from the EC Aquatic Center for a chaise lounge (broken).

(2)

APPROVAL OF PERSONNEL ITEMS:

a. Notification of hiring of Adam Brinkworth as a 90 day temporary employee in the IT Department.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 11, 2013.



MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
JUNE 25, 2013

Motion to approve the Consent Agenda was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

Commissioner Ethan Migliori made a motion to suspend the discussion agenda and move #14 Citizen Concerns to the first of the agenda. The motion was seconded by Commissioner JR Nelson. The motion passed.

(14)

CITIZEN CONCERNS

Dixie Thompson came to thank the Commissioners and the County Road Department for cleaning up the walking trail on Bott Lane. She stated it was nice to cross the bridge without having to dodge tree limbs.

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing.

(2)

PRESENTATION OF EMERY COUNTY EMPLOYEE OF THE MONTH.

Commissioner Ethan Migliori presented the Emery County Employee of the month to Kimball Larsen. Kimball has been employed by Emery County since 2006. He has three part time jobs- all for Emery County. He takes care of the lawns at the courthouse, museum and when the county planted the grass at the Aquatic Park he took over the care of that lawn too. He is the facility manager at the Museum of the San Rafael. He sets up tables and takes them down after each event with a smile on his face. He is the janitor, along with his wife, at the Public Safety Complex. At seventy plus years he says he is retired and still finds time to play golf. Kimball was presented with a certificate of appreciation and Emery County Business Chamber Bucks to spend at any business in Emery County.

(3)

NEAL PEACOCK, MAYOR OF CASTLE DALE CITY, DISCUSSION OF CASTLE DALE

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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CITY'S BUDGET.

Castle Dale City Mayor, Neal Peacock came before the Board of Commissioners to discuss budget constraints for 2014. He explained that sales tax revenue is down by \$60,000.00 as well as telecommunication tax is down by \$8,000.00. In spite of the revenue loss they were able to balance their budget for 2014. However, he continued, the yearly payment to the county for the swimming pool would be a strain on their 2014 budget, possibly leading to laying workers off. When the pool was built Castle Dale City committed to give the County \$10,000.00 each year to offset the cost of maintenance on the pool. He added that the city made the payment this year. Castle Dale City operates on a fiscal year from June 30, 2013 -June 30, 2014 which means they are now operating on the 2014 budget. He indicated that he felt that there were three factors leading to the decline of revenue for Castle Dale City. People have become used to paying high gas prices and now drive to Price and up north to make purchases. The opening of Costco in Spanish Fork has affected local merchants. Internet sales has cut into local sales as well. Mr. Peacock indicated that he doesn't see things improving for a while and can't commit future budgets to the continued \$10,000.00 donation to the County for the pool. Mr. Peacock apologized and stated that he is aware that this decision puts a burden of the County. Castle Dale City will continue to contribute to county through the use of city employees for functions and events held in Castle Dale City. Commissioner Migliori indicated that the Business Chamber has been tracking annual sales tax revenues for a while now and Price City has been experiencing a slow down in revenue also. Mr. Peacock thanked the Commissioners for their time.

(4)

KAREN DOLAN, EXECUTIVE DIRECTOR OF FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, INC. PRESENTATION OF THE ANNUAL AREA PLAN FOR FY2014. CONSIDERATION AND APPROVAL OF THE ANNUAL AREA PLAN FOR FY2014.

Karen Dolan, Executive Director of Four Corners Community Behavioral Health, Inc. came before the Board of Commissioners to present their Annual Area Plan for FY2014. Ms. Dolan explained that having this plan in place helps obtain block funding needed to operate programs. The plan is standard operating procedures. Commissioner Horrocks raised a question regarding the cost for drug testing and tracking and paying for supplies. Ms. Dolan indicated that there has not been a change in the amount paid for drug testing/tracking. Commissioner JR Nelson made a motion to approve of the Annual Area Plan for FY2014 as presented. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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KAREN ROYALL, DISCUSSION OF CONCERNS AT THE AQUATIC CENTER.

Karen Royall came before the Board of Commissioners to address some concerns she has regarding the Aquatic Center. She indicated that several mothers have complained to her about not being able to bring in their own bottled drinks. They have to purchase drinks at the pool which is costly. She was concerned that changes are made in swim times without advertising the changes. She expressed concern that the pool was over staffed with lifeguards. Commissioner Migliori indicated that the concerns would be addressed with the Aquatic Center's management and that when she has concerns that she should get support from the community in writing and the concerns will be addressed. The Commissioners will make an informed decision based on community involvement and concerns. Commissioner Nelson indicated that there has never been an issue regarding the pool that has not been taken to the pool administration.

(6)

OPEN SEALED BIDS FOR JANITORIAL AND YARD CARE SERVICE AT THE GREEN RIVER SHERIFF'S OFFICE AND AMBULANCE GARAGE. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.

There were no sealed bids submitted for janitorial and yard care services at the Green River Sheriff's Office and Ambulance Garage. The Commissioners expressed their desire to have this service remain a contracted service. This item will be moved to another meeting.

(7)

CONSIDERATION AND APPROVAL OF AMENDED BYLAWS OF THE EMERY COUNTY SPECIAL SERVICE DISTRICT #1.

Commissioner Ethan Migliori made a motion to approve the amended bylaws of the Emery County Special Service District #1. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF CERTIFIED TAX RATES FOR EMERY COUNTY

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Clerk/Auditor Brenda Tuttle presented the Certified Tax Rates for Emery County for approval.

<u>Purpose of Tax Rate</u>	<u>Proposed Tax Rate</u>	<u>Budgeted Revenue</u>
General Operations	0.003496	\$6,893,800.00
Interest/sinking fund/bond	0.000127	250,000.00
Library	0.000404	796,652.00
Recreation	0.000063	124,230.00
Judgement	0.000162	319,310.00
State Assessing/Collecting	0.000158	311,562.00
Local Assessing/Collecting	0.000300	591,573.00
Total Tax Rate	0.004710	\$9,287,127.00

Commissioner JR Nelson made a motion to approve the Certified Tax Rates for Emery County as presented. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Jacob Sharp, Castle Valley Special Service District presented the Certified Tax Rates for Castle Valley Special Service District for approval.

<u>Purpose of Tax Rate</u>	<u>Proposed Tax Rate</u>	<u>Budgeted Revenue</u>
General Operations	0.000998	\$1,509,162.00
Interest/sinking fund/bond	0.001186	1,793,375.00
Judgement	0.000087	131,442.00
Total Tax Rate	0.002271	\$3,433,979.00

Commissioner JR Nelson made a motion to approve the Certified Tax Rates for Castle Valley Special Service District as presented. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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(9)

CONSIDERATION AND APPROVAL OF RETIREMENT CONTRIBUTION RATES FOR JULY 2013-JUNE 2014.

Clerk/Auditor Brenda Tuttle presented the Retirement Contribution Rates for July 2013- June 2014 for approval.

	<u>Current Rate</u>	<u>New Rate</u>	<u>Increase/ (Decrease)</u>
Tier I Contributory	18.03%	19.28%	1.25%
Tier I Non Contributory	18.03%	19.28%	1.25%
Tier I Public Safety	30.45%	32.14%	1.69%
Tier 2 DB Hybrid Local	16.92%	15.58%	(1.34%)
Tier 2 DB Hybrid Public Saf	17.36%	21.94%	4.58%
Tier 2 DC Only Local	14.33%	15.58%	1.25%
Tier 2 DC Only Public Saf	17.36%	21.94%	4.58%

Commissioner Ethan Migliori made a motion to approve the Retirement Contribution Rates for July 2013- June 2014 as presented. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF CARPET CLEANING CONTRACT.

There were no bids received. However, the Commission received a proposal from a local carpet cleaner Kirk Perkins dba: Fresh n Clean. Mr. Perkins indicated that his commercial cleaning rate is 20 cents per square foot. Attorney David Blackwell indicated that he has a business license and his insurance checks out. Commissioner JR Nelson made a motion to contract with Fresh n Clean for a two year contract to clean the courthouse carpet as needed. The motion was seconded by Commissioner Ethan Migliori. The motion passed. Mr. Blackwell will prepare a letter of confirmation to sent to Mr. Perkins.

(11)

APPROVAL OF LETTER OF SUPPORT OF THE HUNTINGTON CREEK DEBRIS BASIN PROJECT.

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BLM has requested a letter of support for the Huntington Creek Debris Basin Project. Commissioner Horrocks indicated that Emery County is in full support of the project. Captain Ekker, Emergency Management supervisor for Emery County reviewed the project and indicated that they are continuing to work hard to procure additional funding for the project. Commissioner Horrocks asked that Captain Ekker keep Brenda Tuttle in the loop as much of the funding requires up front funding that is reimbursed to the county. Commissioner JR Nelson made a motion to approve a letter fo support for the Huntington Creek Debris Basin Project to be submitted to the BLM. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF GRANT AGREEMENT BETWEEN THE STATE OF UTAH, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE RESOURCES AND EMERY COUNTY FOR THE HUNTINGTON CREEK RECOVERY PROJECT (#2792)

Justin Hart, Aquatic Program Manager for Division of Natural Resources explained that the money that the state legislature gave to Emery County in response to the Seely Fire will be placed in the Watershed Restoration Initiative database and program. The WRI holds a lot of different funding sources. This is a way that the funds can be transferred from the legislature to Emery County. There is some simplified project components that need to be entered. As of this time this is just a shell document. There's still some information that DNR needs to complete this project proposal which is what is referenced to in the grant agreement. This money is going to be used for the construction of the debris basins. The grant agreement leaves some leeway that can be used for engineering and or on the ground construction. So this document is a simple legal document that will help facilitate the transfer of the funds. The dollar value on the grant is \$650,000.00. They have gone through the same process with Huntington City for \$150,000.00. Commissioner Ethan Migliori made a motion to approve the grant agreement between the State of Utah, Department of Natural Resources , Division of Wildlife Resources and Emery County for the Huntington Creek Recovery Project. (#2792). The motion was seconded by Commissioner JR Nelson. The motion passed.

(13)

SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON HUNTINGTON CREEK DEBRIS BASIN PROJECT.

Commissioner JR Nelson made a motion to set a public hearing to receive comments on the

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
JUNE 25, 2013

Huntington Creek Debris Basin Project for July 9, 2013 at 10:00 am. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

CITIZEN CONCERNS.

Moved to the beginning of the meeting.

(15)

COMMISSION/ELECTED OFFICIAL REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported on attending a meeting in Price with DOGM. They discussed Sage Grouse and mine closures on the San Rafael/BLM. He reported that unemployment in Emery County is at 7% and the county is down by 1,000 people. At UAC they discussed FCC changes and that the government supports with funds to help offset any changes that they require. They talked about Medicaid's expansion of services to include mental health issues. They also talked about vote by mail and how the current voting machines are outdated and the fact that no one is making new ones.

*Commissioner Migliori*

Commissioner Migliori reported that the Miss Emery Scholarship Pageant is 7 pm Saturday, June 29, 2013 at the high school. He asked everyone to support the young women who compete in this event. He reported on his recent trip to Washington, D.C. with Mike McCandless where they met with several legislators regarding the County's Land Bill and Congressman Rob Bishop's land bill. They also visited legislators regarding Federal Lease payments that affect the special service districts in Emery County. The Museum of the San Rafael will be celebrating its 20<sup>th</sup> year this year. They have been successful in finding the Bailey Basket and are working on the paperwork with the state to get that artifact on loan for the celebration.

*Commissioner Horrocks*

Commissioner Horrocks reported on a meeting with all the players on the Huntington Creek Debris Basin Project. They talked about upper basin work to mitigate any further damage to the creek. The Forest Service hopes to begin that work soon.

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MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
JUNE 25, 2013

(16)

ADJOURNMENT

The Meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

JULY 9, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

(2)

APPROVAL OF OUT-OF-STATE TRAVEL FOR CAROLE LARSEN TO ATTEND A NATIONAL ASSOCIATION OF RURAL AND SMALL LIBRARIES CONFERENCE IN OMAHA, NEBRASKA.

(3)

APPROVAL OF PERSONNEL ITEMS AS FOLLOW:

a. Notification of moving Savahna Hall to a head lifeguard position effective 7/22/13 at \$9.00 per/hr.

b. Notification of hiring Cory Cox as a 90 day temporary employee effective 7/8/13 at \$10.00 per/hr.

c. Addition of Meagan Ouzts to the Library Volunteer list.

(4)

APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 25, 2013

Motion to approve the Consent Agenda was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed.

2

COMMISSION MEETING MINUTES  
JULY 9, 2013

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PRESENTATION OF EMERY COUNTY EMPLOYEE OF THE MONTH.

(3)

AMANDA HOLLY, ETV 10 NEWS, DISCUSSION AND REQUEST SUPPORT FOR ETV 10 NEWS TELETHON FOR

(4)

ROY ADAMS, REPRESENTING US LOCAL 140, PRESENTATION INTRODUCING UA LOCAL 140 AND DISCUSSION OF THEIR SERVICES.

(5)

10:00 A.M. PUBLIC HEARING TO RECEIVE/ADDRESS PUBLIC COMMENTS REGARDING THE HUNTINGTON CREEK DEBRIS BASIN PROJECT AND ENVIRONMENTAL ASSESSMENT.

(6)

APPROVAL OF NEW CARPET, FURNITURE, AND SHED FOR FERRON SENIOR CENTER.

(7)

APPROVAL TO GO OUT TO BID FOR HUNTINGTON LIBRARY ROOFING PROJECT.

(8)

DISCUSSION AND APPROVAL OF SHIFTING SUPERVISION OF AMBULANCE/EMT'S FROM SHERIFF TO COMMISSION

3  
COMMISSION MEETING MINUTES  
JULY 9, 2013

(9)  
SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING  
JUDGEMENT LEVY 2013 FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL  
SERVICE DISTRICT.

(10)  
CONSIDERATION AND APPROVAL OF RENEWAL OF LEASE AGREEMENT  
NO-91-1770 BETWEEN EMERY COUNTY AND THE STATE OF UTAH, DFCM,  
FOR AND IN BEHALF OF THE DEPARTMENT OF CORRECTIONS, ADULT  
PROBATION AND PAROLE.

(11)  
CITIZEN CONCERNS

(12)  
COMMISSION/ELECTED OFFICIALS REPORTS

(13)  
ADJOURNMENT

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 9, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #225689 through and including #225824 was presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
52-13	Stalker Dual Radar(3) Sheriff	\$ 6,384.00
53-13	HD/DVR W/GPS Camera For patrol vehicles / Sheriff	\$17,985.00
54-13	Carpet for Ferron Sr. Center Sr. Citizen	\$ 4,644.17
55-13	Porta-a-Cool Unit Highway	\$ 2,475.00
56-13	2014 Chevrolet Tahoe Sheriff	\$35,417.80

There were no dispositions.

(2)

2

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APPROVAL OF OUT-OF-STATE TRAVEL FOR CAROLE LARSEN TO ATTEND A NATIONAL ASSOCIATION OF RURAL AND SMALL LIBRARIES CONFERENCE IN OMAHA, NEBRASKA.

(3)

APPROVAL OF PERSONNEL ITEMS AS FOLLOW:

- a. Notification of moving Savahna Hall to a head lifeguard position effective 7/22/13 at \$9.00 per/hr.
- b. Notification of hiring Cory Cox as a 90 day temporary employee effective 7/8/13 at \$10.00 per/hr.
- c. Addition of Meagan Ouzts to the Library Volunteer list.

(4)

APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 25, 2013

Motion to approve the Consent Agenda was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

PRESENTATION OF EMERY COUNTY EMPLOYEE OF THE MONTH.

Commissioner Ethan Migliori presented the employee of the month to Roxanne Jensen.

Roxanne is the Assistant Director of the Library System and Head Librarian of the Castle Dale Library. Her patrons love her and her cheerful personality. She goes the extra mile to get her patrons what they need. Recently, she put together a bunch of mobile device training sessions. Roxane is honest and always gives a days work for a days pay. She has endured personal

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hardship but has made the Library a top priority in her life. She has great ideas and is consistently recommending ways to make the Libraries work better. She is a willing listener, which is a great asset both personally and professionally. Roxane was presented with a certificate of appreciation and Emery County Business Bucks which are good at any business in Emery County.

(3)

AMANDA HOLLY, ETV 10 NEWS, DISCUSSION AND REQUEST SUPPORT FOR ETV 10 NEWS TELETHON FOR THE AMERICAN CANCER SOCIETY.

Amanda Holly, ETV 10 News asked the Board of Commissioners for help to spread the word about ETV's first telethon to benefit the American Cancer Society. The theme for the telethon is "What would you do to find a cure for cancer?" The public is asked to submit videos of their talent and or what you would do to find a cure for cancer. The video is to be no more than 3 minutes long and be sent via email to [ETV@emerytelcom.com](mailto:ETV@emerytelcom.com). They will broadcast the videos on ETV's Channel 6 and 10 as well as streaming on ETV.net on August 9, 2012. People will be asked to call in and pledge \$1.00 for each vote for the video they like the best. If you donate fifteen dollars for contestant number 10 you get fifteen votes, etc. The video which receives the most votes will win an all expense paid vacation for 4 to Disney Land thanks to Getawaytodayvacations. They are hoping a lot of people participate and help them raise money for the American Cancer Society. Videos need to be submitted by the end of July.

(4)

ROY ADAMS, REPRESENTING US LOCAL 140, PRESENTATION INTRODUCING UA LOCAL 140 AND DISCUSSION OF THEIR SERVICES.

Roy Adams, US Local Pipefitters #140 came before the Board of Commissioners along with several of his fellow pipefitters, ironworkers, laborers, plumbers, HVAC and building trade specialists. Mr. Adams wanted to introduce the local #140 and let the Commissioners know that they were available to help in any way with the boom that is expected in Green River with regards to the new refinery and possible nuclear power plant. It was their hope that the Local #140 could help assure that the employees are Utah employees and not pulled from other states. Mr. Adams indicated that he was here a few years ago to help with the trades training for the construction of Huntington Power Plant. They would like to help with training and education for the trades that may be needed.

Commissioner JR Nelson made a motion to leave the regular meeting and move into a public hearing to receive public comments regarding the Huntington Creek Debris Basin Project and

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Environment Assessment and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

10:00 A.M. PUBLIC HEARING TO RECEIVE/ADDRESS PUBLIC COMMENTS  
REGARDING THE HUNTINGTON CREEK DEBRIS BASIN PROJECT AND  
ENVIRONMENTAL ASSESSMENT.

Commission Chairman Jeff Horrocks stated the purpose for the Public Hearing. He then invited representatives from the NRCS to introduce themselves and review the project. Tony Beals, NRCS introduced his colleagues, Norm Evenstad, Derek Hamilton and Chris Christiansen. Trish Claybough, BLM, Price Field Office, introduced Ahmed Molisen, BLM, Price Field Office. Representatives from other entities and citizens were present.

Present at the public hearing were:

Leslie Bolinder, Greg Funk, Howard Tuttle, Jacob Sharp, Jon Johansen, Ahmed Molisen, Trish Claybaugh, Waco Randall, Patsy Stoddard, Hilary Gordon, Kyle Ekker, Amanda Holley, Kyle W. Carothers, Roy Adams, Danny Villa, Diane Lewis, Bob Patterson, Darrell Cunningham, Sherrel Ward, Cody Allred, Phil Fauver, Mary Winters, Brenda Tuttle, Mary Huntington, Jay Humphrey, Jim Grennan, Jesse Loose, Jeff Guymon, Michael Bean, Javier Montauo, Dan Walker, Mistie Christiansen, Ted Curtis, Lee McElprang, Tony Beals, Norm Evenstad, Janalee Luke, David Blackwell, Commissioner Migliori, W. Chris Christiansen, Derek Hamilton, Carol Cox, Commissioner JR Nelson, Commissioner Jeff Horrocks.

Tony Beals provided an overview/presentation of the Huntington Creek Debris Basin Project and Environmental Assessment. The work is being conducted under the authority of USDA-NRCS's Emergency Watershed Protection Program. The EWP Program was set-up by Congress to respond to emergencies created by natural disasters, such as floods and fires. The program is designed to protect life and property from any future event of a similar magnitude. EWP funding, made available through NRCS, bears up to 75 percent of the construction costs. The remaining 25 percent must be obtained by the local sponsor. In this case it is the Emery County Commission, who as local sponsor may use local sources in the form of cash or in-kind services.

The Emery County Commission is working with Johansen & Tuttle Engineering, NRCS and the BLM to develop a feasible design that will meet technical and environmental performance criteria.

Elements considered for the proposed project include:

Earthen Berm, Grouted Rock Spillway-On the Berm, Concrete Box Culvert, Settlement Basin, Access, Operation & Maintenance.

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Alternatives considered in the Draft Environmental Assessment include:

No action: No basin on Huntington Creek. Watershed conditions in the watershed would be allowed to naturally improve over time (5-7 years). USFS management and any emergency practices installed on USFS lands such as re-seeding, run-off control, etc., would help mitigate at least some erosion and sediment transport down-stream.

Remove accumulated sediment, ash, and woody debris along numerous sections of Huntington Creek: This alternative was considered but eliminated from further analysis since this action would not provide protection from future high flow events that are expected to carry new loads from the burned area.

The Environmental Assessment process for this project includes cooperation with the Bureau of Land Management, who manages the property, and the Emery County Commission, who is the sponsor for the proposed action.

The environmental watershed protection measures must adhere to all applicable Federal, State and Tribal and local laws and regulations.

Some important key elements of the proposed project are:

The basin would collect debris and sediment during storm events.

Natural storm base flow is allowed up to 700 cubic feet per second after which higher flows would be spilled into a small detention area.

The structure is proposed to stay in-place permanently and provide on-going protection for properties down-stream.

Trish and her team at the BLM Price Field Office have worked with the NRCS and Emery County to move the environmental assessment along as quickly as the process will allow.

Trish Claybough, BLM stated that the US Forest Service has already done a lot of mitigation projects up stream. Under the Emergency Stabilization Authority if you have these kind of projects they did not have to do a lengthy environmental analysis. BLM is required to do that and there will be an archeologists on site. The County is currently working on obtaining a 404 permit. There are a lot of pieces to this project. There will be a two week comment period which begins today. Comments are due by July 23 after which the BLM will analyze the comments and subsequently issue a right-of-way to Emery County.

Huntington Mayor, Hilary Gordon asked when they propose to begin the project?

Trish indicated that the BLM will receive all the comments by July 23 after which they will analyze the comments, within a week, and make a decision based on the comments. The County is working on getting a 404 permit that will have to be completed. The BLM has to receive a



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reclamation plan. The County has to advertise the contract for two weeks after they get the go ahead. All the pieces have to be in place. The hope is early September. That is with all the pieces put together. Hilary indicated that September is when all the problems from the monsoons began. Trish indicated that when the BLM started all this in January the project was much smaller and there wasn't enough funding. Now the project is larger and there are more requirements to follow. It is a complicated process and they are working as fast as they can. She indicated that she knows that the hope would have been to start construction by now but this is a complicated process that takes time. Mr. Beals indicated that normally BLM would require a thirty day comment period so we are moving as fast as we can. Trish indicated that she was comfortable with the comment process, especially with this open public comment process to get the information out to the public.

Commissioner Horrocks asked the BLM and NRCS representatives to stay after the public meeting to address any additional questions people may have. The meeting was opened to public comments and questions.

Lee McElprang's question was 'who is going to man the screen or grate'? Commissioner Horrocks indicated that the maintenance will fall on the County or a combination of County and Water District. It will be cleaned on a regular basis. Mr. McElprang was concerned that the grate will need to be maned 24 hours a day during high water which will be costly.

Cody Allred Water Resource Engineer for PacifiCorp (Huntington and Hunter Power Plants.) He indicated that they learned along with everyone else what the impact to the watershed was with the Seely Fire. Even with a small amount of rain the water quality gets to such a point that the plant can't take it in through its filtering process. It impacts the diversion and settling basins. If it gets bad enough it starts impacting the processed water which requires them to change or increase chemical usage. He indicated that the power plants are very big supporters of the project. Any material that they can keep from getting into their system is a benefit. They are working with Johansen & Tuttle on some agreements to take some of the sediment and debris on to the plant site to be used as reclamation for their ash pile down the road. Cody asked if there was any anticipated water delivery interruption that the construction project will have? Commissioner Horrocks indicated that they do not anticipate any water delivery interruption. Darrell Cunningham, Hunter Plant Manager asked if they received any structural damage? Cody indicated that they did have some damage which they will be working on next week.

Sherrel Ward, Emery Water Conservancy District Board member and also Public Lands Council member. His comment was regarding the timeline involved on this process. He stated he hoped this project would be expedited and constructed before September. The way it is going now its not going to be operational before the high waters of next spring. Commissioner Horrocks indicated that the county is moving forward with what they can do now. He stated that it was his understanding that the design was complete and ready to go. Jon Johansen indicated that the design is 90 percent complete. We are just waiting on all the pieces to be put in place. Sherrel

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added, you have a 64 million dollar irrigation project that can be completely shut down and put out of operation if the floods come down. It seems that this is an emergency! He stated that his concern is how long the process is taking. The sediment that came down had to be cleaned up which cost \$130,000.00 to remove in just the Huntington area. He was hoping that some common sense things could be done to move this project along.

Trish Claybough re-stated that they are trying. We can't move forward without the permits in place. The best we can do is overlap on the advertising which they are looking into. Best scenario is begin in August.

Ted Curtis Vice President of Huntington Cleveland Irrigation stated that it became apparent to him that there are a lot of people in this room who are not aware of what is their (HCI) stake in this. The system that is in place that services all the irrigators in the Huntington drainage area was not built to handle this type of sediment. This sediment would destroy some of the components in the system. They have already modified some components to help deal with the sediment. There is a huge stake in this for Huntington/Cleveland Irrigation.

Jeff Guymon resident of Huntington and irrigation user of the Huntington drainage. He directed his comment to the miles of canal that is full of sediment. You have to dig down below the chocolate water to get to the water to come down the pipe. Water assessments have nearly doubled which is an affect of the watershed damage. He stated 'if this was a private company and something like this would have happened then they would have been held accountable for what happened down stream'. He noticed that the Forest Service has equipment in Mill Canyon. Why is this process is taking so long when the Forest Service seemingly without having to go through the public comment period or permitting process? He stated that he is in favor of the project. He thinks that this a good project for the future because there is more timber to come down one way or another. He voiced his comment in favor of the project.

Trish stated that Forest Service Plan did a Seely Burned Area Emergency Response report July 2012 which gives them the authorization for up to one year to get work done. The Forest Service's report did not address affects on BLM land downstream.

Hilary Gordon, Mayor of Huntington City stated that Huntington City has done a lot of mitigation efforts in preparation of this project. They have cleared an enormous amount of Chinese Elms, Tamarisk and other brush in hopes that the two projects would coincide. She stated that they were in hopes that the project would have been started by now so that the efforts of Huntington City were not null and void. So far mother nature has been kind. Storms have come from a different direction. But last year the storms were in August and September. The Sheriffs Office, specifically Captain Kyle Ekker, has worked so hard to get the funding for this project. If there is one thing she has learned it is that you can not hurry government, especially when you've got so many entities needing to coordinate so many processes. She stated that it was her hope that this would have been done before now. If we get one of what she calls 'gully

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washers', it will wipe out any work that has already been done. She stated she can sense the frustration and it was her hopes that all the pieces will come together soon. We have seen years when we have not had the heavy rains, but we can't count on that. At this time this is only affecting Huntington City. But it could just as easy be Orangeville or Ferron. All it would take is one lightning strike and another area could be affected. It's a good thing that we can all work together to get something done.

Sherrel Ward commented that in his perspective the failure of the federal government is not addressing the downstream users as part of the devastation that took place. There needs to be a process where the downstream users, who have the greatest affect in this, are addressed right up front.

Jacob Sharp Castle Valley Special Service District stated that they have several aerial crossings over Huntington Creek. The pipeline comes up out of the ground and is suspended above the river. He stated he is confident in the design of the pipeline. The pipeline has been in place for thirty plus years. But as they went out and inspected the pipeline last year after this event it was scary how close the water level was to the pipeline. If a log had come down it would have wiped out the pipeline eliminating the supply of drinking water to Huntington, Cleveland and Elmo. They are in favor of the project and thanked everyone involved in the process. Jacob stated that the faster we can get the project done the better.

The comment/question period came to an end. The Commissioners thanked everyone for their input. They returned to the business of the regular meeting.

(6)

APPROVAL OF NEW CARPET, FURNITURE, AND SHED FOR FERRON SENIOR CENTER.

Commissioner Nelson discussed the Ferron Senior Center's need for new carpet, furniture and a shed. This was budgeted for this year and comes in fairly under that budgeted amount.

Commissioner JR Nelson made a motion to approve the purchase of new carpet, furniture and a shed for the Ferron Senior Center. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

APPROVAL TO GO OUT TO BID FOR HUNTINGTON LIBRARY ROOFING PROJECT.

Commissioner JR Nelson made a motion to approve the bid process for the Huntington Library Roofing Project. The motion was seconded by Commissioner Ethan Migliori. The motion

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passed.

(8)

DISCUSSION AND APPROVAL OF SHIFTING SUPERVISION OF AMBULANCE/EMT'S FROM SHERIFF TO COMMISSION

Commissioner Horrocks stated that there are some issues with the EMS Department that need to be handled. Commissioner Migliori is currently working with the Council of Governments to develop a advisory board to work with the Ambulance Service so it makes sense to put the responsibility of the Ambulance/EMT Department under the Commission and direction of Commissioner Migliori. The Ambulance/EMT Department is currently under the direction of the Sheriff's Department. This ties up one or more of the uniform officers to oversee the department. It makes more sense to work under one of the Commissioners. Commissioner JR Nelson made a motion that the EMS Department be placed under the Commission responsibilities under the direction of Commissioner Migliori. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING JUDGEMENT LEVY 2013 FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Brenda Tuttle explained that this was advertised back in December. According to the State Tax Commission we have to advertise this twice, December and August. We then have to have a public hearing. There are four entities who have to have to do the same judgement levy for the judgement owing back to PacifiCorp. The School District will hold a hearing, Emery Water Conservancy District will hold a hearing, Castle Valley will hold a hearing combined with Emery County. We have to publish a combined ad showing the total amount of all the entities and each of the other entities also have to publish an ad. When the ads come out in the paper in a few weeks, showing all the ads, it all covers the same judgement levy. This is a judgement levy that we owe back to Pacificorp because they won their case at the Tax Commission. This covers the years 2006 and 2007. That money has already been spent in our budget. Our portion was approximately \$300,000.00. The School district's amount was a bit more than that. If we did not do the judgement levy each entity would have to pull that money out of their current operating budget to pay that back to PacifiCorp. The judgement levy requires PacifiCorp to pay back part of their own judgement. The date requested for the public hearing is August 13, 2013 at 6:00 pm. Commissioner Ethan Migliori made a motion to set a public hearing for August 13, 2013 at 6:00 pm to receive public comment regarding judgement levy 2013 for Emery County and Castle Valley Special Service District. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(10)  
CONSIDERATION AND APPROVAL OF RENEWAL OF LEASE AGREEMENT  
NO-91-1770 BETWEEN EMERY COUNTY AND THE STATE OF UTAH, DFCM,  
FOR AND IN BEHALF OF THE DEPARTMENT OF CORRECTIONS, ADULT  
PROBATION AND PAROLE.

Cheryl Searle, Department of Corrections came before the Board of Commissioners to renew a lease agreement between Emery County and the State of Utah, DFCM for and in behalf of the Department of Corrections, Adult Probation and Parole. The lease agreement is under the same terms and conditions as previous years. The term of the Lease agreement is five years. Commissioner Ethan Migliori made a motion to approve Lease Agreement NO-91-1770 between Emery County and the State of Utah, DFCM for and in behalf of the Department of Corrections, Adult Probation and Parole. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)  
CITIZEN CONCERNS

None

(12)  
COMMISSION/ELECTED OFFICIALS REPORTS

*Commissioner Nelson*

Commissioner Nelson reported on attending a meeting in Moab regarding grazing improvement program. They wanted input and understanding on how the program will work with Emery County's proposed land bill. He attended a field trip to Green River to a road that is being questioned whether or not it is a county road. He attended Library Board meeting. He indicated that he was amazed at how up to date small libraries are in rural Utah. He attended Fire District meeting. Emery County has an all volunteer fire department. He talked about the recent house fire in Castle Dale and how dozens of firefighters were fighting this fire. They are constantly on the move. They are currently researching replacing much needed trucks. He attended an Emery Water Conservancy District meeting. He talked about how the water supply has reached a critical level in Emery County. The reservoirs may look full but most of the water there is owned or leased by UPL to generate electricity and may not be available for irrigation.

*Commissioner Migliori*

Commissioner Migliori talked about the Care Center and how the census numbers are coming back up. He had an opportunity to help with technology training sessions with the Libraries. He reported on the Miss Emery Pageant. The new Miss Emery is Jaicelyn Shakespaere, Little Miss

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Emery is Jay Lynn Lindley. The 2013 Fair is ready for July 31, August 1, 2 and 3. The guide will come out in the July 16, 2013 issue of the Emery County Progress. The Trails Committee met recently where they discussed repairing trails in the burned area of Huntington Canyon. They are hoping to have them open by the 24<sup>th</sup> July. Travel Bureau met in Green River. They have spent most of their budget for this year and making plans for next year. They are seeing a good return on advertising from this year. Commissioner Migliori reminded everyone of the Desert View Pro Rodeo coming up in a couple of weeks, July 25, 26 and 27. Commissioner Migliori also talked about the permits that were approved for the new refinery in Green River. It's a go. They have now purchased the land. The state has made public announcement. There will be a formal announcement sometime next week in Green River. The refinery in Huntington will be starting up soon also. Mike McCandless is to be commended for his hard work on getting these new businesses in the county.

*Commissioner Horrocks*

Commissioner Horrocks talked about Castle Country Partners, made up of representatives from Carbon, Emery, Grand and San Juan Counties meet quarterly. This year they met at the edge of the cedars in Monticello. They discussed the economic situation, growth, ways to help local businesses as well as recreation resources. They are a very productive group. North Emery Water Users Special Service District meets the first Thursday of every month. They are continually working on improving their water quality services to the north end of the county.

(13)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 23, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

Commissioner Ethan Migliori made a motion to amend the agenda to include opening of bids for the Huntington Library Roofing Project. The motion was seconded by Commissioner JR Nelson. The motion passed. This item will be placed at #13 and Citizen Concerns renumbered to #14.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 225878 through and including # 226023 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
57-13	(2) MPD (Pulley-Auxiliary-Descent Control for technical rope rescue- Sheriff	\$ 1,300.00

There were no dispositions.

(2)

APPROVAL OF PERSONNEL ITEMS AS FOLLOWS:

A. Approval of 3% wage increase for Carol Cox who has completed 6 month orientation period.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED JULY 9, 2013.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

None.

(2)

RATIFICATION OF APPROVAL OF ROAD PROJECT AGREEMENT BETWEEN EMERY COUNTY AND THE USDA, FOREST SERVICE, MANTI-LASAL NATIONAL FOREST FOR MAINTENANCE IMPROVEMENTS TO NFSR #50022 FERRON MAYFIELD ROAD.

Commissioner Horrocks explained that this contract was signed on July 17, 2013 do time constraints regarding available funding. The road department will do the work and the Forest Service will reimburse the county \$78,700.00. Commissioner Nelson commended the Road Department for their excellent upkeep of the road.

Commissioner Ethan Migliori made a motion to ratify approval and signing of Road Project Agreement between Emery County and the USDA, Forest Service, Manti-LaSal National Forest for maintenance improvements to NFSR #50022 Ferron Mayfield Road.

(3)

SHELLY WRIGHT, CHILDREN'S JUSTICE CENTER, DISCUSSION AND REQUEST FOR HELP WITH LAWN CARE AT EMERY COUNTY CHILDREN'S JUSTICE CENTER.

Shelly Wright, Children's Justice Center came before the Board of Commissioners to request assistance with the lawn care at the Castle Dale Children's Justice Center. She indicated that they have had several different groups helping with the lawn care but it has not been consistent. She indicated that they have a lawn mower at the facility but not a weed trimmer. Commissioner Horrocks suggested that the inmates could keep the lawn mowed. He indicated that the Justice Center would have to manage any sprinkler problems. Ms. Wright indicated that Carrie Alton and her husband have been dealing with any sprinkler problems. Ms. Wright has directed to coordinate with Sheriff Funk for help with the lawn through the jail inmates.

(4)



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CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN STATE OF UTAH,  
DEPARTMENT OF TECHNOLOGY SERVICES, AUTOMATED GEOGRAPHIC  
REFERENCE CENTER (AGRC) AND EMERY COUNTY FOR CADASTRAL MAPPING.

This is the usual cadastral mapping agreement. Dave Blackwell has reviewed the contract. Jeff Guymon and the IT Department will be doing the work. Commissioner JR Nelson made a motion to approve of Contract between State of Utah, Department of Technology Services, Automated Geographic Reference Center (AGRC) and Emery County for Cadastral Mapping. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF AMENDMENT #3 TO COOPERATIVE  
AGREEMENT 68-8D43-12-49 BETWEEN NRCS AND EMERY COUNTY FOR EMERY  
COUNTY EWP FY12 SEELY FIRE PROJECT (#5088) FINANCIAL ASSISTANCE (FA)

Amendment #3 to Cooperative Agreement 68-8D43-12-49 between NRCS and Emery County for Emery County EWP FY 12 Seely Fire Project (#5088) Financial Assistance (FA) increases the amount to \$2,100,000.00.

Commissioner JR Nelson made a motion to approve of Amendment #3 to Cooperative Agreement 68-8d43-12-49 between NRCS and Emery County for Emery County EWP 12 Seely Fire Project (#5088) Financial Assistance (FA). The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF AMENDMENT #3 TO COOPERATIVE  
AGREEMENT 68-8D43-12-48 BETWEEN NRCS AND EMERY COUNTY FOR EMERY  
COUNTY EWP FY12 SEELY FIRE PROJECT (#5088) TECHNICAL ASSISTANCE (TA).

Amendment #3 to Cooperative Agreement 68-8D43-12-49 between NRCS and Emery County for Emery County EWP FY 12 Seely Fire Project (#5088) Technical Assistance (TA) increases the agreement to 210,000.00.

Commissioner JR Nelson made a motion to approve Amendment #3 to Cooperative Agreement 68-8D43-12-48 between NRCS and Emery County for Emery County EWP FY 12 Seel Fire Project (#5088) Technical Assistance (TA). The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Commissioner Nelson stated that this is a much need project to help mitigate the problems

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related to the fire and flooding potential of Huntington Creek. The total cost of the project is \$3,000,000.00 and Emery County's match for the project is \$750,00.00.

(7)

CONSIDERATION AND APPROVAL OF AMENDMENT TO PERMANENT COMMUNITY IMPACT FUND BOARD CAPITAL IMPROVEMENT SHORT TERM LIST FY2013 TO INCLUDE EMERY TOWN TO CONDUCT A WATER RESOURCE STUDY FOR \$46,000.00

Emery Town would like to do a water resource study and will need help from CIB for possible funding. In order to receive assistance with funds from CIB the project needs to be on the PCIFB Capital Improvements Short Term List for 2013 . The project is not currently on this list. Emery Town is requesting that Emery County add it to the list so they can pursue funding for the project that they anticipate to cost \$46,000.00. Commissioner JR Nelson made a motion to approve adding Emery Town's water resource study to the PCIFB Capital Improvement Short Term List for 2013. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND BLM-UT PRICE FIELD OFFICE FOR WEED CONTROL SERVICES ON BLM LAND NOT TO EXCEED \$10,000.00.

The MOU for this service was approved on April 9, 2013. This is the contract for the funding of \$10,000.00 for a four year contract to continue seed control services on BLM land in Emery County. Commissioner Ethan Migliori made a motion to approve of a contract between Emery County and BLM-UT Price Field Office for weed control services on BLM land in Emery County. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF GRANT AGREEMENT BETWEEN EMERY COUNTY, MUSEUM OF THE SAN RAFAEL AND STATE OF UTAH, UTAH DEPARTMENT OF HERITAGE & ARTS FOR FUNDING TO CREATE A MURAL.

Commissioner Migliori explained that the grant agreement between Emery County, Museum of the San Rafael and State of Utah, Utah Department of Heritage & Arts is for funding to create a mural depicting how the area where the Huntington Mammoth was found may have looked in prehistoric times. The grant is in the amount of \$4,800.00. Commissioner JR Nelson made a motion to approve of Grant Agreement between Emery County, Museum of the San Rafael and State of Utah, Utah Department of Heritage & Arts for funding to create a mural. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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Mike McCandless informed the Commission that 6 or 7 years ago the Scenic Byway Committee commissioned a local artist for a painting of the Huntington Mammoth that is on a kiosk at the site in Huntington Canyon.

(10)

CONSIDERATION AND APPROVAL OF BLM ROW SERIAL NUMBER UTU-89663 FOR HUNTINGTON CANYON DEBRIS BASIN PROJECT.

Commissioner JR Nelson made a motion to approve of BLM ROW Serial Number UTU-89663 for Huntington Canyon Debris Basin Project. The motion was seconded by Commissioner Ethan Migliori. The motion passed. The ROW is for 30 years.

(11)

CONSIDERATION AND APPROVAL OF RESOLUTION ADOPTING THE UP-DATED NATURAL HAZARDS: PRE-DISASTER MITIGATION PLAN FOR THE SOUTHEASTERN REGION OF UTAH AS REQUIRED BY THE FEDERAL DISASTER MITIGATION AND COST REDUCTION ACT OF 2000.

Amy Peters, Southeastern Utah AOG along with Captain Kyle Ekker presented the up-dated Natural Hazards: Pre-Disaster Mitigation Plan for the Southeastern Region of Utah as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000. Amy indicated that this is a four county mitigation plan that is a good thing to have in place. Having this plan in place, should a disaster occur, will expedite the process with FEMA for funding the county may need to pursue. Captain Ekker indicated that they have received great input from mayors from Orangeville and Ferron on this project. This is a live document that can be amended as needed. Commissioner Horrocks thanked the staff and all who have put the time and effort in producing this plan. Commissioner Ethan Migliori made a motion to approve Resolution 7-23-13 adopting the up-dated Natural Hazards: Pre-Disaster Mitigation Plan for the Southeastern Region of Utah as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000. The motion was seconded by Commissioner JR Nelson. The motion passed.

(12)

DISCUSSION AND POSSIBLE APPROVAL OF EMERY COUNTY FACILITIES USE AND RENTAL POLICY.

Mary Huntington and David Blackwell have been working on the facilities use and rental policy. It is now ready for review and possible approval or hold to allow more time to review the policy. Phil Fauver asked if the policy addressed the hangers at the Huntington Airport? Commissioner Horrocks explained that it did not apply to the airport hangers. Commissioner Nelson indicated

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that he was comfortable with the policy. Commissioner Migliori indicated his approval also. The document is a live document and may be amended as needed. Commissioner JR Nelson made a motion to approve the Emery County Facilities Use and Rental Policy as presented. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

OPENING OF BIDS FOR THE HUNTINGTON LIBRARY ROOFING PROJECT 2013.

Commissioner Horrocks opened the two bids submitted for the library roofing project.

1. Arrowhead Construction, Huntington, UT \$15,100.00
2. North Face Roofing, Park City, UT \$19,600.00

Commissioner JR Nelson made a motion to authorize Commission Chairman Jeff Horrocks to review the bids and accept or reject the bids and award the bid in the August Commission Meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

CITIZEN CONCERNS.

Bill Dellos informed the Commissioners that Jason Chaffetz will be in the County for the Emery County Fair parade on August 3, 2013. He has t-shirts to give out to those who want to walk in the parade with him. He will be available to answer questions and listen to concerns. Phil Fauver voiced his concern for the amount of willow growing along Bott Lane and Industrial Electric Lane in Orangeville. He wondered if they will cause a problem in the winter when the snow piles up and cause snow drifts.

(15)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Migliori*

Commissioner Migliori talked about the upcoming Rodeo and Fair. He indicated that there has been good support from volunteers. There is still a need for volunteers if anyone is interested in helping. As his new assignment over the EMS Department he recently met with Dr. Engar who is the physician over the program. They had good discussions about was to improve the EMS program. He recently met with the Potluck Group from Green River City. This is a group of business owners who are working on strengthening business and tourism in Green River City. He and Mike McCandless recently met with Hank Diesel regarding the refinery and training possibilities for local people to retrain them in the fields that then will need. He talked about the

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recent Emery County Aquatic Center promotion that will air on ETV 10 news it is a short, 15 minute video of the advantages of the Aquatic Center and what has to offer citizens in Emery County and even Carbon County.

*Commissioner Nelson*

Commissioner Nelson talked about the power outage that they had in Price last week sending people who wanted to swim over to our Aquatic Center. The pool was at capacity. He talked about the important work being done in Huntington Creek. He talked about the recent Triathlon in Green River City and the efforts to raise money for Search and Rescue. He reported that the recent Stock Show went well. He attended a Southeastern Utah Grazing Assessment meeting. The Emery County Library system is up to date and exceeds the benchmark level for successful rural libraries.

*Commissioner Horrocks*

Commissioner Horrocks reported that on the 16<sup>th</sup> the Local Building Authority of Emery County held a special meeting to open bids for the construction the new Weed Mosquito Building. Nielson Construction was awarded the bid. He reported on attending a water meeting where the water districts from Emery County met to discuss importance of not relinquishing water rights. He is continuing to work on help improve the Emery County Housing Authority. He talked about an agreement with the power plants to take the log debris from Huntington Creek and in return the county can get help with need rip rap work. He talked about recent talks with residents from Lawrence and efforts to get natural gas to the Lawrence community and Emery as well. Those efforts are moving along well. Senator Rob Bishop will be in the county on August 8<sup>th</sup> to discuss land issues and his proposed house bill. He invited elected officials and department heads to help with the Sr. Citizen lunch during the fair.

(16)

ADJOURNMENT

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

AUGUST 13, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 229235 through and including #226418 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
58-13	(2) Razor HD Spotting Scopes Sheriff	\$ 2,719.98

There were no dispositions.

(2)

APPROVAL OF PERSONNEL ITEMS:

- A. Approval to hire Susan Hess as Assistant Librarian in the Huntington Library, Grade 7, not eligible for benefits.
- B. Approval of 3% increase for Carol Furner for successful completion of 6 month orientation period.
- C. Approval of promotion of Coby Hunt to Green River Crew Lead, Grade 21, and 1.5% longevity increase will follow him.

(3)

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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APPROVAL OF COMMISSION MEETING MINUTES DATED JULY 23, 2013.

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing.

(2)

PRESENTATION OF EMERY COUNTY EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented Employee of the month to the USU Extension office staff. Dennis Worwood and Christine Jensen are employees of Utah State University and Gaylene Warburton is employed by Emery County as support for this office. The Extension Office is the driving force behind the Southeastern Utah Junior Livestock Show which just held it's 75<sup>th</sup> successful show and also the exhibits at the County and State Fair. But these two events are only a small part of the things they do.

Christine runs summer 4H programs which hold weekly activities in Green River an western Emery County. This is where a lot of the exhibits for the fair come from. She also holds the ever popular "Festive Fridays" as well as teaches classes on money management, nutrition and skills to troubled youth.

Gaylene is the point contact for office patrons and either provides information for them or directs them to the appropriate person. She is also the Treasurer for the Southeastern Utah Jr. Livestock Show and helps with all aspects of the 4H programs.

Dennis serves on many county boards. No matter what the subject is- he can answer your question. In a commissioner training, it was one stated that "if you don't know anything about a subject-go to your extension agent for the answer".

Their job description is to provide research-base information to help Emery County citizens reach their goals and live better, more productive lives-of which they are doing a great job.

They were presented a plaque and goodies for their office.

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(3)

RICHARD BRASS, DISCUSSION OF NEED FOR TURN LANES AT THE EAST END OF THE GREEN RIVER CUTOFF ROAD. CONSIDERATION AND APPROVAL TO APPROACH UDOT WITH RECOMMENDATION.

Mr. Brass was not present at the meeting. Commissioner JR Nelson made a motion to move this item to the end of the agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

SITE ACCESS AGREEMENT BETWEEN EMERY COUNTY AND PACIFICORP FOR USE OF PROPERTY TO DISPOSE FILL GENERATED FROM THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE HUNTINGTON DEBRIS BASIN.

Commissioner Ethan Migliori made a motion to table this item and move it to the August 27<sup>th</sup> meeting as recommend by Attorney David Blackwell. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

APPROVAL OF BID AWARD/CONTRACT/ NOTICE TO PROCEED FOR HUNTINGTON LIBRARY ROOFING PROJECT.

Commissioner JR Nelson made a motion to award the bid for the Huntington Library Roofing Project to Arrowhead Construction and authorize the signing of the contract and provide notice to proceed with the project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

APPROVAL TO ADVERTISE TO FILL A BOARD VACANCY ON SOUTHEASTERN UTAH HEALTH BOARD OF DIRECTORS.

Commissioner Nelson indicated that there has been a resignation from the Southeastern Utah Health Board of Directors. The position on the board needs to be filled with someone who is not involved in the health industry. Commissioner Ethan Migliori made a motion to advertise to fill a board vacancy on the Southeastern Utah Health Board of Directors. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)



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APPROVAL TO APPOINT SHIRLEY BEGAY AS A MEMBER OF EMERY COUNTY  
HISTORIC PRESERVATION COMMISSION.

Commissioner JR Nelson made a motion to appoint Shirley Begay as a member of Emery County Historic Preservation Commission. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND  
STATE OF UTAH, DEPARTMENT OF AGRICULTURE, FOR FUNDING FOR INVASIVE  
SPECIES MITIGATION.

Commissioner Horrocks indicated that this is a continuation contract for \$70,000.00 to mitigate the Russian Olives previously identified as an invasive species by the Emery County Commission.

Commissioner JR Nelson made a motion to approve of a contract between Emery County and State of Utah, Department of Agriculture, for Funding for invasive species mitigation. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF SETTLEMENT AGREEMENT BETWEEN UTAH  
STATE TAX COMMISSION/EMERY COUNTY AND CHAPTER 7 TRUSTEE OF C.W  
MINING COMPANY BANKRUPTCY.

Attorney David Blackwell reviewed the settlement agreement between Utah State Tax Commission, Emery County and Chapter 7 Trustee of C.W. Mining Company bankruptcy. Mr. Blackwell indicated that this is a first step in seeing this issue resolved and recommended signing the settlement. Commissioner Ethan Migliori made a motion to approve of settlement agreement between Utah State Tax Commission, Emery County and Chapter 7 Trustee of C. W. Mining Company bankruptcy. The motion was seconded by Commissioner Jr Nelson. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF EMERGENCY MUTUAL AID INTERLOCAL  
COOPERATIVE AGREEMENT.

This is an interlocal agreement with Association of Governments for emergency mutual aid with Carbon County, Emery County, Grand County and San Juan County. The agreement identifies the level of assistance these counties will provide in the event emergency aid is provided by each

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of these counties. Attorney David Blackwell indicated that the document needed a date correction, otherwise he recommended signing the agreement. Commissioner Ethan Migliori made a motion to approve of Emergency Mutual Aid Interlocal Cooperative Agreement. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

COMMISSION/ELECTED OFFICIALS REPORTS

*Commissioner Nelson*

Commissioner Nelson asked Public Lands Director, Ray Petersen to report on a recent tour of Huntington Canyon and the proposed debris basins. Ray indicated that the tour is an annual event with the Forest Service. The site was chosen because of the recent flooding and damage to the area due to the Seely Fire of 2012. They visited the area where the debris basins will be constructed and damage to the creek beds repaired.

Commissioner Nelson reported that the fire restrictions have been lifted due to the recent rains.

*Commissioner Migliori*

Commissioner Migliori reported on Historic Preservation efforts to place signs in various areas near the Buckhorn.

The Emery County Rodeo and Fair was an apparent success. They have received favorable comments and stayed within budgets thanks to the hard work of Fair Director Julie Jones and the Recreation District Director Jake Atwood and his staff. Commissioner Migliori informed the public that Delynn Fielding has accepted a position with Regional Outreach Development. We are not sure how that is going to affect economic development in our sister county (Carbon County). The Museum of the San Rafael is still working on getting artifacts for the museum for their annual Festival at the end of August. He is still working on the Main Street Incentive Program designed to help small retail businesses strengthen and grow.

*Commissioner Horrocks*

Commissioner Horrocks reported on attending an open house with Congressman Bishop and Congressman Chaffetz. Discussions centered around a proposed land use bill being introduced by Congressman Bishop. Ray Petersen added that Emery County does not have a land use bill. Emery County supports the language being incorporated into a bill. Commissioner Horrocks attended a big game RAC meeting where they discussed fur bearing permits and hunts. They also discussed introducing goats to the Manti-LaSal Mtns. There were many against this proposal because goats are not native to the Manti-LaSal. He also discussed a lengthy conference call where they discussed the pertinent details regarding the construction of the

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debris basin in Huntington Canyon. He talked about the \$70,000.00 approved for the mitigation of Russian Olive brush and how the Weed/Mosquito Department is determining how to spend the funds. Mike McCandless has been working on a proposal to get natural gas to Green River and Emery. Lawrence would like to be included in that proposal.

RECESS MEETING UNTIL 6:00 PM

Commissioner JR Nelson made a motion to recess the meeting until 6:00 pm. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Commissioner JR Nelson made a motion to leave the regular meeting and move into a Public Hearing to receive public comment regarding proposed tax increase by imposing a judgement levy to pay back property taxes to PacifiCorp for Emery County and Castle Valley Special Service District and upon completion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

6:00 PM- PUBLIC HEARING- JUDGEMENT LEVY - To receive public comment regarding proposed tax increase by imposing a judgement levy to pay back property taxes to PacifiCorp for Emery County and Castle Valley Special Service District.

Commissioner Horrocks opened the Public Hearing and asked Clerk/Auditor Brenda Tuttle to provide a brief overview of the proposed tax levy.

Brenda explained that PacifiCorp appealed their property taxes from 2006 and 2007 with the Utah State Tax Commission. PacifiCorp won that appeal. Emery County was ordered to pay back taxes in the amount of \$319,310.30. Castle Valley Special Service District was ordered to pay back \$131,441.99. Emery County School District was ordered to pay back \$399,886.83, Emery Water Conservancy District \$28,314.70 plus other small amounts totaling \$624.54. The total amount due back in property taxes to PacifiCorp is \$879,578.39. By imposing a tax levy it shifts the burden of paying this money back to the taxing entity, in this case PacifiCorp, instead of the homeowner/property owner. PacifiCorp will pay 67% of the money owed back to themselves. This is a one year tax levy only. After this year it goes away, provided PacifiCorp doesn't win another appeal.

Commissioner Horrocks opened the meeting to comments from the public.

Richard Nielsen, Ferron asked that the county first look at tightening the budget before imposing another tax on the citizens. He suggested asking the departments to cut back on their expenses.

Blake Behling asked who does the assessment on these properties?

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It was explained that Centrally Assessed Properties are assessed by the State Tax Commission. The county receives a book with all the Centrally Assessed Properties and their associated tax rates. As a County we do not have a say in how they are assessed.

Commissioner Migliori reminded the public that this is a one time only tax. Taxes will go back down by the same amount next year.

Commissioner Horrocks added this is not new money going into the county coffers. This money just pays back taxes to PacifiCorp of which they will only get a portion because they are paying themselves back by 67% of what is due back to them.

This was the end of the comment period. Commissioner JR Nelson made a motion to return tot he regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF IMPOSING A JUDGEMENT LEVY TO PAY  
BACK PROPERTY TAXES TO PACIFICORP.

Commissioner JR Nelson made a motion to impose a judgement levy to pay back property taxes to PacifiCorp. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY/SHERIFF COMPLEX  
GREEN RIVER, UTAH

AUGUST 27, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Ethan Migliori, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

**CONSENT AGENDA**

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 226516 through and including # 226659 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
59-13	Bullet Proof Vest Sheriff	\$9,046.80
60-13	Computer/Economic Development Meterbase/Huntington Airport Plotter/Recorder's Office	2,399.11
61-13	Shed Senior Center/Ferron	4,750.00
62-13	Elliptical Dump Bed Highway	14,930.00

There were no dispositions.

(2)

APPROVAL OF OUT-OF-STATE TRAVEL FOR SHERIFF'S OFFICE EMPLOYEES  
ROBBY RILEY, TYSON, HUNTINGTON, JEFF THOMAS, GARRETT CONOVER, AND  
JEROD CURTIS TO ATTEND UNOA ANNUAL CONFERENCE IN MESQUITE, NEVADA.

2

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(3)

APPROVAL OF PERSONNEL ITEMS:

A. APPROVAL OF 3% WAGE INCREASE FOR MELISSA ARRIEN FOR SUCCESSFUL COMPLETION OF 6 MONTH ORIENTATION PERIOD.

B. APPROVAL OF 3% WAGE INCREASE FOR LARYSSA GUYMON FOR SUCCESSFUL COMPLETION OF 6 MONTH ORIENTATION PERIOD AND THEN ADVANCE HER TO HEAD LIFEGUARD AT A GRADE 5.

C. APPROVAL TO HIRE SAVAHNA HALL AS A PART TIME HEAD LIFEGUARD, WITH NO BENEFITS, AT A GRADE 5.

D. APPROVAL TO HIRE RYAN COX, EMILY OLSEN, KAYDEN PARKINS, KEVIN BUTLER AND ALEX STILSON AS PART TIME LIFEGUARDS, WITH NO BENEFITS, AT A GRADE 3.

(4)

APPROVAL OF OUT OF STATE TRAVEL FOR RAY PETERSEN AND ETHAN MIGLIORI TO LOBBY IN WASHINGTON DC ON LAND ISSUES.

(5)

APPROVAL OF BUSINESS LICENSE FOR MARCIE ANDERSON DAYCARE.

(6)

APPROVAL OF COMMISSION MEETING MINUTES DATED AUGUST 13, 2013.

Motion to approve the Consent Agenda was made by Commissioner Ethan Migliori, seconded by Commissioner JR Nelson and the motion passed.

**DISCUSSION AGENDA**

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing.

3

MINUTES OF EMERY COUNTY COMMISSION MEETING  
AUGUST 27, 2013

(2)

OPEN BIDS FOR HUNTINGTON CREEK DEBRIS BASIN PROJECT.  
CONSIDERATION AND APPROVAL OF BID AWARD AND AUTHORIZATION FOR  
CHAIRMAN TO SIGN THE NECESSARY PAPERWORK.

Bids for the Huntington Creek Debris Basin Project were opened and read as follow:

W. W. Clyde Construction	\$1,310,000.00
Nelco Construction	\$1,966,809.00
Nielson Construction	\$1,108,102.50
JCI Construction	\$1,458,946.20

The apparent low bid was from Nielson Construction at \$1,108,102.50.

Commissioner JR Nelson made a motion to award the bid for the Huntington Creek Debris Basin Project to the low bidder Nielson Construction and authorize Commission Chairman Jeff Horrocks to sign the necessary paperwork after a review of the bids by Johansen & Tuttle Engineering and Attorney David Blackwell. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF SITE ACCESS AGREEMENT BETWEEN  
EMERY COUNTY AND PACIFICORP FOR USE OF PROPERTY TO DISPOSE FILL  
GENERATED FROM THE CONSTRUCTION, OPERATION AND MAINTENANCE OF  
THE HUNTINGTON CREEK DEBRIS BASIN

Attorney David Blackwell indicated that he has been in contact with PacifiCorp and they have settled on language that addressed the insurance issues. With the change of language Mr. Blackwell would recommend signing the agreement. This agreement will allow the County to put construction material on their property. Commissioner Ethan Migliori made a motion to approve of a site access agreement between Emery County and PacifiCorp for use of property as discussed contingent upon change of language in the document as agreed. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

MINUTES OF EMERY COUNTY COMMISSION MEETING  
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CONSIDERATION AND APPROVAL OF NON-EXCLUSIVE SURFACE USE AND  
DAMAGE AGREEMENT BETWEEN EMERY COUNTY AND PACIFICORP.

Commissioner JR Nelson made a motion to approve of non-exclusive surface use and damage agreement between Emery County and PacifiCorp. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF BLM RIGHT-OF-WAY GRANT SERIAL  
NUMBER UTU-89663 FOR HUNTINGTON CREEK DEBRIS BASIN PROJECT.

Commissioner JR Nelson made a motion to approve of BLM Right-Of-Way Grant Serial #UTU-89663 for Huntington Creek Debris Basin Project. The motion was seconded by Commissioner Ethan Migliori. The motion passed. This ROW will allow the County access to the debris basin to build it and to lean it out as needed.

(6)

CONSIDERATION AND APPROVAL OF FISCAL YEAR 2013 EMERGENCY  
MANAGEMENT PERFORMANCE GRANT ARTICLES OF AGREEMENT.

This is a grant for \$30,000.00 provided by the Federal Government for the purpose of emergency planning. Commissioner Ethan Migliori made a motion to approve the FY 2013 Emergency Management Performance Grant Articles of Agreement. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL TO ADVERTISE FOR APPLICANTS TO FILL AN  
UNEXPIRED TERM ON THE EMERY COUNTY TRAVEL COUNCIL REPRESENTING  
EASTERN SIDE OF THE COUNTY.

Eugene Swalberg has resigned from the Travel Council. Approval was needed to advertise to fill a vacancy on the Travel Council representing the eastern side of Emery County. Commissioner JR Nelson made a motion to advertise to fill a vacancy on the Emery County Travel Council representing the eastern side of Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.



MINUTES OF EMERY COUNTY COMMISSION MEETING  
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(8)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 FOR HUNTINGTON LIBRARY RE-ROOF PROJECT.

Change Order # 1 for the Huntington Library Re-Roofing Project is an increase of \$1,400.00 to put on Felt Tex rather than 30lb Felt and install vents in the roof. Commissioner JR Nelson made a motion to approve Change Order #1 for the Huntington Library Re- Roofing Project as discussed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND EMERY COUNTY SPECIAL SERVICE DISTRICT #1 FOR PURCHASE OF RIGHT-OF-WAY EASEMENTS FOR COUNTY CLASS B ROADS THAT CROSS SITLA PROPERTY.

Emery County was contacted by SITLA requesting that the County work with them to purchase right-of-way easements in the county that cross SITLA property. These right-of-way easements would be permanent. Emery County Special Service District #1 would purchase the right-of-way easements and Emery County would maintain them. Therefore, a cooperative agreement between Emery County and SSD#1 is needed to purchase these right-of-way easements. Commissioner Ethan Migliori made a motion to approve of a Cooperative Agreement between Emery County and Emery County Special Service District #1 for purchase of Right-of-Way Easements for County Class B Roads that cross SITLA property. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported that NRCS has a potential grant for secondary and farmland canal water running through Green River City. The existing pipe is rusted throughout. NRCS says project is eligible. The city, county and canal company would have to write a letter of support for the project and come up with 25% match.

He reported on attending a national convention for local boards of health in Salt Lake City. He requested that a resident from the eastern side of the county apply to be a member of the health board.

He attended Emery Water Conservancy District's meeting where they discussed the water situation in the county. He stated that it is hard to believe that we are in a drought with as much

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AUGUST 27, 2013

rain as we have had. Joe’s Valley has never been so low.  
He attended Castle Country Partnership meeting.  
He talked about RS2477 and the fact that witnesses are passing away. He felt that maybe a way to tackle this issue is by applying for Title V right-of-way.

*Commissioner Migliori*

Commissioner Migliori reported on taking groups on a tour of the San Rafael to help understand the language that is being put in the Public Lands Bill. Many organizations attended the tour.

In a follow-up from the Emery County Fair, a pot luck dinner was held with very few complaints regarding the fair this year.

He attended a town hall meeting with Jason Chaffetz. Mr. Chaffetz reported on recent attacks on US Embassies which was very interesting. He also spoke about immigration issues. He reminded everyone of the upcoming Business Chamber luncheon at the Castle Café in Huntington on September 18<sup>th</sup>. They will be taking a tour of the new business Energy Recycling.

*Commissioner Horrocks*

Commissioner Horrocks reported that he has been working closely with the Fire District to come up with possible funding to purchase 8 new fire trucks. They need \$800,000.00 for the new trucks.

He reported that the AOG is looking into the sequestration cuts and how it will affect programs for Senior Citizens.

(11)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 10, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens. Commissioner Ethan Migliori was in Washington, D.C. Therefore, Commissioner Jeff Horrocks stepped down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST , REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 226750 through and including # 226875 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
64-13	Port controller Communications/Sheriff	\$ 1,495.00
65-13	Antenna Communications/Sheriff	720.47
66-13	GIGE card for Microwave at Horn Mtn Communications/Sheriff	1,053.00
67-13	Concrete Trash Rack for Huntington Creek Debris Basin. Homeland Security/NRCS Grant	211,575.07
68-13	Interpretive Panels Local historic preservation project	2,910.00
69-13	(2) Nikon Cameras (3) Nikon lenses Justice Assistance Grant/Sheriff	8,399.80

There were no dispositions.

(2)

APPROVAL OF PERSONNEL ITEMS AS FOLLOWS:

- A. Notification to hire Mindi Labrum as a 90 day temp employee in the Library System. Effective 8-29-13.
- B. Dennis Fuller is requesting approval to hire Nanette Harrison as a part time, with no Benefits, janitor for the Courthouse. Wage Grade 6.
- C. Brenda Tuttle is requesting approval to hire Karen Jacobsen as part time Deputy/Clerk Auditor I, wage grade 13.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED AUGUST 27, 2013.

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing.

(2)

PRESENTATION OF EMERY COUNTY EMPLOYEE OF THE MONTH

The Emery County employee of the month is Melany Weaver. Melany works for Emery County Justice Court. She has been the rock of the court, keeping day to day business running smoothly through a transition of judges and assistants. The BCI Field Service just completed the agency compliance audit and the Justice Court passed with flying colors due to Melany's efficiency and dedication to her job. The Criminal Compliance specialist said, "Melany, you are an excellent TAC, can we clone you?" She is so pleasant with the public that people paying fines and going to court thank her when they are done.

Melany was presented with a plaque and Emery County Business Chamber Bucks.

(3)

APPROVAL OF APPOINTMENT TO FILL AN UNEXPIRED TERM ON THE  
SOUTHEASTERN UTAH BOARD OF HEALTH REPRESENTING EMERY COUNTY.

Commissioner JR Nelson made a motion to appoint Roxanne Jensen to serve the unexpired term on the Southeastern Utah Board of Health representing Emery County. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF EASEMENT FROM SITLA FOR WILSON  
BROWN ROAD.

Attorney David Blackwell reviewed the easement from SITLA. He indicated that this is a perpetual easement and recommended approval. Commissioner JR Nelson made a motion to approve of easement from SITLA for Wilson Brown Road. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR WILLIAM S.  
ARONHALT.

After reviewing the request from William S. Aronhalt it was determined that payments could be made on the remaining balance. Therefore, Commissioner JR Nelson made a motion to deny the request for ambulance write-off for William S. Aronhalt. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF PERSONAL PROPERTY TAX EXEMPTIONS.

Assessor, Kris Bell presented the list of Personal Property Tax Exemptions for 2013. She indicated that these are the business owners with under \$4,000.00 personal property and qualify for exemption. Commissioner JR Nelson made a motion to approve of Personal Property Tax Exemptions for 2013. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(7)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported on attending Fires District meeting where they discussed possible funding for new mini pumpers. He talked about the dedication of Emery County's volunteer fire departments and the amount of hours (their own personal time) that they put into certifying. He talked about the burn window for the county and the possibility that the burn window will be shortened to two weeks next year. Commissioner Nelson complimented Ferron City and all involved in the success of Peach Days. He commented on how smoothly the Emery County Library system runs. The Senior Lamb Fry was well attended. DOGM will be meeting in this building on September 11, 2013 at 10am. A Utah State University group is coming to Emery County to do a study on the San Rafael Basin. He talked about the Emery County Landfill. The Landfill is currently running without collecting fees. However, they need to start collecting fees in order to stay a float. The compactor is small and having troubles. A new one will cost around \$600,000.00. Contractors pay \$15.00 a ton to dump and money is generated from the scrap metal but it is not enough to keep the landfill out of the red. The Commissioners are working with Road Supervisor, Wayde Nielsen to come up with a fee schedule that will make the landfill more self-sustaining.

*Commissioner Horrocks*

Commissioner Horrocks reported on the ongoing efforts of the Housing Authority in upgrading low income housing in Castle Dale and Ferron. They are working closely with the federal housing group to stay in compliance with federal regulations. He commented on the success of recent Peach Days festivities. He reported on the success of SSD#1 at CIB to get funding for ROW's from SITLA. The recently completed Quitcupah Road was dedicated on September 6<sup>th</sup>. This undoubtedly will increase the number of coal trucks on the highway. He, along with the other Commissioners will be attending USACC conference where they will discuss RS2477 ROW's as well as Public Land issues that directly impact Emery County. They will also be discussing the proposed Public Lands Use Bill. On September 27 and 28 the Back Country Flyers will be at the Huntington Airport. They anticipate upwards to 110 aircraft to be in attendance. The local car club will be there also from 1pm on Saturday. The Museum of the San Rafael will have extended hours to accommodate visitors to the area.

5  
Minutes of the Board of Emery County Commissioners  
September 10, 2013

(8)  
The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 24, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 226962 through and including # 227106 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITIONS</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
70-13	Compressor, leak test evacuate And start-up system- Courthouse	\$11,777.50
71-13	Hopper- self dumping Highway	2,434.48
72-13	(2) 10,000 gal plastic storage tanks Highway	18,547.00
73-13	Back-up appliance/30 w remote power IT/Capital	13,279.95
74-13	Mammoth Mural Clifford Oviatt	7,500.00

There were no dispositions.

(2)  
APPROVAL OF BUSINESS LICENSE FOR MUDDY LANE SHOOTERS, LLC.



2

COMMISSION MEETING MINUTES  
SEPTEMBER 24, 2013

(3)

APPROVAL OF OUT OF STATE TRAVEL TO WASHINGTON D.C. FOR CAPTAIN KYLE EKKER FOR MEETINGS ON HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

(4)

APPROVAL OF OUT OF STATE TRAVEL TO MINNEAPOLIS, MN FOR JIM GORDON TO ATTEND EMS LEADERSHIP ACADEMY.

(5)

APPROVAL OF PERSONNEL ITEMS AS FOLLOWS:

A. Approval to hire Bunny Shelton as a part time janitor for the Castel Dale Library, Grade 6, with no benefits.

B. Notification of hiring of Abby Jensen as a 90 day temporary working with Economic Development

C. Approval of 3% wage increase for Chyanne Carter for successful completion of 6 month orientation period.

D. Approval to give employees (with benefits) who participate in the Wellness Clinic an additional 4 hours of paid vacation.

(6)

APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 10, 2013.

Motion to approve the Consent Agenda was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing

COMMISSION MEETING MINUTES  
SEPTEMBER 24, 2013

(2)

MARK H. WILLIAMS, DISCUSSION OF FLOODING OF THE COTTONWOOD CREEK  
SOUTHEAST CASTLE DALE.

Mr. Williams indicated that he approached the Board of Commissioners in 2011 regarding flooding in the south east part of Castle Dale. At that time he indicated that the river bottom needed to be dredged due to silt build up in the channel of the Cottonwood Creek. He expressed concern then and now that the Flood Tax has been eliminated that would help defray the cost of clean-up due to flooding along the river bottom. Several homeowners have had flooding from this channel due to the recent heavy rain in the county. He suggested re-enacting the Flood Tax to provide funds for clean-up of the river bottom. The channel is not being used for irrigation, it is currently used as run-off for Cottonwood Creek.

The Board of Commissioners agreed that something should be done. When you are dealing with channels, river bottoms and creeks, you are dealing with Army Corp of Engineers. Commissioner Horrocks indicated that the county will look into what could be done to help.

(3)

DISCUSSION AND APPROVAL OF EMERY COUNTY COURTHOUSE EMERGENCY  
ACTION PROGRAM.

The Board of Commissioners discussed the Emery County Courthouse Emergency Action Program. The coordinator of the program is Jeff Guymon with Mick Robinson as alternate coordinator. Commissioner Horrocks commended Mary Huntington for her work on the plan. Commissioner Ethan Migliori made a motion to approve of Emery County Courthouse Emergency Action Program. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

DISCUSSION AND APPROVAL OF AMENDED PERSONNEL POLICY SECTION 16  
“EMPLOYEE STATUS”.

Due to Obama Care under the Affordable Care Act there needed to be changes made in the Personnel Policy to address the issue of “employee status” and the way they receive benefits. Personnel Director, Mary Huntington proposed an amendment to the Emery County Personnel Policy, Section 16 “Employee Status” identifying the status of full-time, part-time and seasonal employees. Commissioner Ethan Migliori made a motion to approve Resolution 9-24-13 amending the Personnel Policy of Emery County, Section 16 “Employee Status” as presented. The motion was seconded by Commissioner JR Nelson. The motion passed.

COMMISSION MEETING MINUTES  
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(5)

APPROVAL TO PROVIDE FLU, PNEUMONIA, AND TETANUS VACCINES IN CONJUNCTION WITH EMERY COUNTY WELLNESS CLINIC. APPROVAL TO UTILIZE EMERY MEDICAL CENTER AS THE PROVIDER AND AUTHORIZATION FOR THE COUNTY TO PAY FOR THE VACCINES.

Commissioner JR Nelson made a motion to approve utilizing Emery Medical Center as the provider and authorize the County to pay for the vaccines. The motion was seconded by Commissioner Ethan Migliori. The motion passed. The Wellness Clinic will be held on November 6 and 7.

(6)

CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CLOSURE.

Commissioner JR Nelson made a motion to close Board of Equalization for 2013. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CHANGES.

Assessor, Kris Bell reviewed the list of Board of Equalization changes with the Board of Commissioners. She indicated that two changes may have to be considered at a later date. Dennis Tuttle requested a field visit of his cabin in Joe's Valley. However, due to a family emergency they are still waiting to get with Mr. Tuttle. She indicated that she may be back for an adjustment later. Howard Van Wagoner, Elmo is waiting for a decision from the city regarding the building status, therefore she may be back for an adjustment later. Commissioner JR Nelson made a motion to approve the Board of Equalization changes as listed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF VETERAN, BLIND AND CIRCUIT BREAKER PROPERTY TAX ABATEMENTS.

Clerk/Auditor Brenda Tuttle explained that the applicants have requirements have to be met to qualify for an abatement. The first application made by a veteran who served in the military service of the United States of America or of this state or by the unremarried surviving spouse or minor orphan of that veteran shall be accompanied by a statement, issued by the military entity, showing at least a 10% disability incurred or aggravated in the line of duty during any war, international conflict, or military training in the military service of the United States of America

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or this state.

A Blind application must be accompanied by a statement signed by a license ophthalmologist verifying that the person has no more than 20/200 visual acuity in the better eye when corrected or has, in the case of the better than 20/200 central vision, a restriction of the field of vision in the better eye which subtends an angle of vision no greater than 20 degrees.

The homeowner's tax credit application,(also known as a circuit breaker), is for the homeowner who is 65 or older on or before December 31, 2013 , or under 65 and disabled, or under 65 and it would be an extreme hardship to pay the tax. The applicant must have owned the home on January 1, 2013 to qualify and lived in the home for ten months during 2013. The abatement is based on income received by all persons living in the home during 2012. The applicant must be listed as the property owner of record and must be their primary residence.

The applications are sent out to those applicants who have qualified in previous years or have requested an application, on or about April 1 and are due in the Clerk/Auditor's office by September 1. Great effort is taken to ensure that all those who qualify for these programs are contacted. The circuit breaker program is reimbursed to the county by the state. The veteran and blind abatements are Commission adjustments and are not reimbursed by the state.

Commissioner JR Nelson made a motion to approve the Veteran, Blind and Circuit Breaker property tax abatements for 2013. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF LOW INCOME PROPERTY TAX ABATEMENTS FOR MARY BENTLEY, RYAN COWLEY, VERNE HINTON AND ARLYNDA HUNT-ZAMORA.

Clerk/Auditor Brenda Tuttle explained that the low income property tax abatement is for homeowners under 65, disabled or under extreme hardship. Applications are considered by the Board of Commissioners on a case by case basis. The maximum that may be abated is 50% of the tax owing. The following applications were considered:

Mary Bentley, taxes owing: \$1,134.32. Mrs. Bentley's husband passed away in April significantly cutting down her monthly income. Based on the income she will currently have she will qualify next year under the circuit breaker program for the elderly with low income. Abatement would be \$567.16 approved. Commissioner Ethan Migliori made a motion to approve a 50% abatement for Mary Bentley. The motion was seconded by Commissioner JR Nelson. The motion passed.

Ryan Cowley, taxes owing: \$686.53. Mr. Cowley has been approved in years passed. Abatement would be \$343.27 if approved. Commissioner JR Nelson made a motion to approve

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a 50% abatement for Ryan Cowley. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Verne Hinton, taxes owing: \$505.94. There has been some concern in the past with the number of members in the household and the income provided. Mr. Hinton did not apply for the abatement last year but has in prior years. Abatement would be \$252.97 if approved. After some discussion, Commissioner Ethan Migliori made a motion to deny Mr. Hinton's request for abatement of taxes owing. The motion was seconded by Commissioner JR Nelson. The motion passed.

Arlynda Hunt-Duncan Zamora, taxes owing: \$523.43. This is the first year this applicant has applied. Abatement would be \$261.72 is approved. After review of her accompanying documents Commissioner JR Nelson made a motion to approve a 50% abatement for Arlynda Hunt-Duncan Zamora. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

SETTING OF BUDGET WORK MEETINGS.

Budget meetings were proposed as follow:

September 24, 2013 immediately following Commission Meeting.

September 30, 2013 9:00 am until 10:00 am.

October 3, 2013 10:30 am until 2:00 pm

October 8, 2013 10:30 am until 3:00 pm

October 9, 2013 9:00 am until 12 noon

October 15, 2013 9:00 am until 12 noon

October 17, 2013 2:00 pm until 3:30 pm

Commissioner JR Nelson made a motion to set budget hearing dates as scheduled. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING  
BETWEEN EMERY COUNTY AND UTAH DIVISION OF STATE HISTORY FOR LONG  
TERM LOAN OF THE BAILY BASKET.

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Commissioner Horrocks explained that the Bailey Basket was found in Emery County by John Bailey. Without a curator for the Museum the basket was sent to the Utah Division of State History. The Museum of the San Rafael has asked to have the basket on loan to Emery County for 1 year. Commissioner Ethan Migliori made a motion to approve of a Memorandum of Understanding between Emery County and Utah Division of State History for long term loan of the Baily Basket. The motion was seconded by Commissioner JR Nelson. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF OBLIGATING TITLE III SECURE RURAL SCHOOL FUNDS TO REIMBURSE EMERY COUNTY FOR SEARCH AND RESCUE AND OTHER EMERGENCY SERVICES PERFORMED ON NATIONAL FOREST.

Title III Secure Rural School Funds may be used to reimburse for search and rescue and other emergency services performed on national forest property. The Board of Commissioners recommend obligating that portion of Title III Secure Rural School Funds for reimbursement to Emery County for these purposes. Commissioner JR Nelson made a motion to approve the obligation of Title III Secure Rural School Funds to reimburse Emery County for Search and Rescue and other emergency services performed on national forest as discussed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF FY 2013 BEER TAX ANNUAL REPORT FOR EMERY COUNTY.

The FY 2013 Beer Tax Annual Report for Emery County is sent by the state what the county did with the money that was allocated for alcohol related training in the schools and communities. Commissioner JR Nelson made a motion to approve of FY 2013 Beer Tax Annual Report for Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

DISCUSSION AND CONSIDERATION OF APPROVAL OF AMBULANCE WRITE-OFF/REDUCTION REQUESTS FOR JOHN R. TURNER AND KENNETH W. TRAUM.

Requests for ambulance write-offs were considered as follow:

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John R. Turner: After some investigation into his situation and review of his application request, Commissioner JR Nelson made a motion to deny Mr. Turner's request and set him up with a payment plan. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Kenneth W. Traum: After review of the application request Commissioner JR Nelson made a motion to deny the request for ambulance write-off for Kenneth W. Traum and set his wife up with a payment plan. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

COMMISSION/ELECTED OFFICIALS REPORTS.

Commissioner Horrocks turned some time over to Chad Booth, from the broadcast program County Seat. Mr. Booth provided a review of the programs that have been aired and the benefit it is to rural government. He provided a second quarter summary of season 3. He asked the Commissioners for suggestions for subject matter for possible programs. He thanked the Commissioners for their continued support of the broadcast.

*Commissioner Migliori*

Commissioner Migliori reported on contacts during his recent trip to Washington, D.C. He reported that the figures are starting to come in on the 2013 Desertview Pro Rodeo. The figures show that they were \$1,500.00 over budget which the Recreation Board felt good about along with other good changes compared to previous years. The Emery County Business Chamber held a Lunch and Learn on the 18<sup>th</sup> where they met at Castle Café and heard from owner/operator of Energy Recycling in Huntington. They walked across the street for a tour of the facility which turns old used tires into usable fuel.

*Commissioner Nelson*

Commissioner Nelson commented that there are a lot of good people, both volunteers and working for and in Emery County who do very good things for our county. He reported on attending several meetings such as DOGM and Cooperative Weed Management. On September 12<sup>th</sup> two Utah State University professors along with several graduate students came to the County to study the San Rafael River Basin. They were interested in how the water is used and its importance to our area. The recent County Employee Luncheon was well attended. He recently met with the U.S. Forest Service and County Road Department to discuss an open gravel pit in Joe's Valley. They will be attending UAC Convention in Midway.

*Commissioner Horrocks*

Commissioner Horrocks reported on efforts of Big Game RAC board with regards to fishing

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regulations and lion hunting. He attended an Energy Summit in Uinta County. They had groups from Anadarko, Bill Barrett Corporation and the Governor's Office as well as representatives from Utah Senators and Congressmen. The big discussion centered around efficiency in improvements in the way minerals are extracted specifically oil and gas from the Uinta County area and the attempt to make sure the air quality is not damaged any further than it already is from the extraction process. There was a big conversation regarding oil shale and the process used in Astonia. The company from Astonia had a presentation. They are very interested in the oil shale available in that part of Utah, Wyoming and Colorado. They stated that the recoverable amount of oil shale in that area exceeds the amount of oil in Saudi Arabia. That is being heavily contested by environmental groups. He reported on Melon Days. The Back Country Fly-in will begin Friday afternoon. Leon Defriez has planned some activities for Saturday. There will be a antique car show there at 1:00pm. The Huntington Airport has undergone some improvements lately and is becoming a great recreational airport advantage to the area. Steve Barton reminded the public of the Bike Festival on the Wedge, Friday, September 27<sup>th</sup> beginning at 6:00 pm running through Saturday and ending on Sunday.

(16)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

OCTOBER 8, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #227197 through and including #227304 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
75-13	Battery Charger Highway-Green River	\$ 795.00
76-13	Combo Body for Sign Truck Highway	11,395.00
77-13	(2) Sofas, (2) Love Seats Senior Citizen-Ferron	2,087.00
78-13	New vehicle set-up-Tahoe Sheriff	2,578.90
79-13	(8) 7010 Computers (5) Fujitsu ScanSnap Scanners Library/Capital Replacement	10,962.88

There was 1 disposition from the Ambulance Department for 8 CO2 Monitors #'s 1310-1317.

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(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 24, 2013.

Commissioner JR Nelson made a motion to approve the Consent agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing.

(2)

PRESENTATION OF EMPLOYEE OF THE MONTH.

Commissioner Ethan Migliori presented the Employee of the Month for October to Val Anderson. Val has worked at the landfill since December 24, 2001 as Solid Waste Technician. He has seen a lot of trash! Val is an excellent employee. He is on time every day, dependable, and very conscientious of the rules. He is polite to the customers and is willing to help them anyway he can. He takes great pride in his work and is very grateful for his job. No matter what the task at hand is, Val can be seen smiling. He always gives 110% of his ability. Val was presented with Emery County Chamber Bucks to be used at any business in the county.

(3)

KOURTNEY HERRERA, SOUTHEASTERN UTAH DISTRICT HEALTH DEPARTMENT,  
DISCUSSION OF PROPOSAL TO MAKE THE EMERY COUNTY FAIR A TOBACCO  
FREE EVENT FOR THE COMMUNITY. CONSIDERATION AND APPROVAL OF THE  
PROPOSAL FROM THE HEALTH DEPARTMENT.

Debbie Marvadakis, SEUDHD came before the Commissioners to request the Commission consider making all outdoor venues in the County tobacco free. She addressed E-Cigarettes stating that under Utah law the same statues and limitations apply to E-cigarettes that apply to regular cigarettes. There is no safe level of second hand smoke. She indicated that Helper, Price City, Green River, and Moab are now all smoke free for outdoor venues. They have signs available to help educate the community as well as sample policies to avoid legal loopholes. Commissioner Migliori suggested that she meet with Jake Atwood, Emery County Recreation

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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Special Service District since all outdoor venues are coordinated through the Rec. District.

(4)

APPROVAL TO ADVERTISE CLEVELAND LIBRARY IMPROVEMENT PROJECT FOR BID.

Jeff Guymon discussed an issue with access of the Cleveland Library. He stated that there are two tracks of concrete that are extremely steep and create difficulty for handicap access to the building. He suggested advertising for bids to improve accessibility to Cleveland Library. Commissioner Ethan Migliori made a motion to advertise for bids for the Cleveland Library Improvement Project. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

OPEN/DISCUSS BIDS FOR PURCHASE OF SCRAP METAL AT THE EMERY COUNTY LANDFILL. CONSIDERATION AND APPROVAL OF AWARDED BID AND AUTHORIZING THE CHAIRMAN TO SIGN THE NECESSARY PAPERWORK TO EXPEDITE THE PROJECT.

Bids were opened for the purchase of scrap metal at the Emery County Landfill.

- |    |                              |                      |
|----|------------------------------|----------------------|
| 1) | Western Metals Recycling LLC | \$161.50 per NET ton |
| 2) | Sims Metal Management        | \$151.00 per NET ton |
| 3) | Metro Group Inc.             | \$131.51 per ton.    |

Commissioner JR Nelson made a motion to award the bid for scrap metal to the high bidder Western Metals Recycling, LLC and authorize the Chairman to sign the necessary paperwork to expedite the project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

OPEN/DISCUSS BIDS FOR CEMENT PROJECT AT THE COURTHOUSE. CONSIDERATION AND APPROVAL OF AWARDED BID AND AUTHORIZING THE CHAIRMAN TO SIGN THE NECESSARY PAPERWORK TO EXPEDITE THE PROJECT.

Merrill Johansen reported that he contacted several contractors in the county to get bids for the cement project at the courthouse. Only one contractor provided a bid for the project. Lane Larsen, Arrowhead Construction bid \$9.4 per square foot. The project currently is 620.58 square feet. That makes the total bid for the project \$5,828.00. Merrill indicated that the amount is slightly higher than the Commissioners had wanted, so he suggested looking at the project again to see where the footage can be lessened perhaps by leaving in some trees. Commissioner JR

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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Nelson made a motion to award the bid for the cement project at the courthouse to Arrowhead Construction and for Johansen & Tuttle Engineering to work out a solution that may make the project more economical and authorize the Chairman to sign the necessary paperwork to expedite the project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

APPROVE TRANSFER OF ONE(1) COTTONWOOD CREEK WATER SHARE TO CASTLE DALE CITY FOR WATER/SEWER HOOK-UP FOR MICK ROGERS AS PART OF LAND TRANSFER DEAL.

Commissioner Horrocks indicated that in negotiating a deal with Mick Rogers for a land transfer a water share is needed to acquire a water/sewer hook-up from Castle Dale City. Emery County has water shares, therefore one (1) Cottonwood Creek water share needs to be transferred to Castle Dale City to complete the land transfer deal. Commissioner JR Nelson made a motion to approve the transfer of one (1) Cottonwood Creek water share to Castle Dale City for a water/sewer hook-up for Mick Rogers as part of a land transfer deal. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

RATIFY AMENDMENTS TO THE SURFACE USE AGREEMENT BETWEEN EMERY COUNTY AND PACIFICORP.

The Surface Use Agreement between Emery County and PacifiCorp will allow the County to put materials from the Huntington Creek Debris Basin on PacifiCorp property. Commissioner Ethan Migliori made a motion to ratify amendments to the Surface Use Agreement between Emery County and PacifiCorp. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND JULIE SPADAFORA FOR BUILDING MAINTENANCE AT GREEN RIVER JUSTICE COURT/SHERIFF'S OFFICE.

Commissioner JR Nelson made a motion to approve of contract between Emery County and Julie Spadafora for building maintenance at Green River Justice Court/Sheriff's Office. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF AMENDMENT TO THE ENGINEERING

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CONTRACT WITH JOHANSEN AND TUTTLE ENGINEERING FOR THE HUNTINGTON  
DEBRIS BASIN PROJECT.

Commissioner Ethan Migliori made a motion to table item numbers 10, 11, and 12 on the agenda until the next meeting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT WITH JOHANSEN  
AND TUTTLE ENGINEERING FOR SOUTH DEBRIS BASINS.

(12)

CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT WITH JOHANSEN  
AND TUTTLE ENGINEERING FOR FLOOD DAMAGE SURVEY.

(13)

CONSIDERATION AND APPROVAL OF FY2013 STATE HOMELAND SECURITY  
PROGRAM GRANT.

Commissioner Ethan Migliori made a motion to approve FY 2013 State Homeland Security Program Grant. The motion was seconded by Commissioner JR Nelson. The motion passed.

(14)

DISCUSSION AND APPROVAL TO BEGIN RFP PROCESS FOR AN ENGINEERING FIRM  
TO WORK ON THE HUNTINGTON STATE PARK TRAIL SYSTEM.

Commissioner Migliori discussed the need for an engineering firm to work on the Huntington State Park Trail System. He indicated that this is a trail from Huntington State Park to Huntington City. They have received a \$100,000.00 grant and have funds from the Trails Committee. The project is ready to proceed. Commissioner Migliori recommended the Trails Committee continue to work on the project. Commissioner Ethan Migliori made a motion to move forward with the project by beginning the RFP process for an engineering firm to work on the Huntington State Park Trail System. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(15)

CONSIDERATION AND APPROVAL OF INTERAGENCY COORDINATION AND SUB-RECIPIENT CONTRACT AGREEMENT BETWEEN SOUTHEASTERN UTAH ASSOCIATION OF GOVERNMENTS AND EMERY COUNTY TO ADMINISTER OLDER AMERICANS ACT PROGRAMS IN EMERY COUNTY.

Commissioner Horrocks excused himself from any discussion or voting on this issue due to a conflict of interest. Commissioner JR Nelson made a motion to approve of Interagency Coordination and Sub-Recipient Contract Agreement between Southeastern Utah Association of Governments and Emery County to administer Older Americans Act Programs in Emery County. The motion was seconded by Commissioner Ethan Migliori. Commissioner Horrocks abstained from voting. The motion passed.

(16)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported on attending a field trip to Range Creek. He commented on the amazing resources for archeological studies Range Creek holds for Utah. He reported on attending UAC Convention in Midway and the good sessions he attended.

*Commissioner Migliori*

Commissioner Migliori reported on a recent meeting with the Emery County Care and Rehabilitation Center. They are finally stable and not losing money anymore. He reported on the Museum's 20 year anniversary celebration. He commended Megan and the Museum Board for a very successful celebration. He reported on a multi-county chamber meeting where representatives from several counties discussed ways to help understand the needs of the business industries. Their goal is to help rural Utah stay strong. He reported that the Historic Preservation Committee recently place several signs in the area to help promote these areas in the county. The closest one that you could probably go see easily is at the MK Tunnels. He thanked the Road Department for their help putting up the signs.

*Commissioner Horrocks*

Commissioner Horrocks reported on UAC Convention and discussions regarding RS2477 ROW and State Prisoners housed in rural facilities. Back Country Flyers held their annual fly-in at the Huntington Airport on the 27 and 28 of September. Many were kept away by the weather. There were about fifty planes over the two day event. There were many good comments regarding the improvements at the airport from the public that attended and from the pilots.

7

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
OCTOBER 8, 2013

He reported that the Commissioners are in the budget process at this time. Money is tight. He reported on meeting with Economic Development Directors from Uintah County, Carbon County, Duchesne County and Emery County to discuss economic stability.

(17)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
OCTOBER 22, 2013

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

OCTOBER 22, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 227389 through and including # 227539 were presented for payment.

There were no requisitions.

There were no dispositions.

(2)

APPROVAL OF PATRICIA MCKEE AS A PERKY DRIVER

(3)

APPROVAL OF 3% WAGE INCREASE FOR JULIE SPADAFORA FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD.

(4)

APPROVAL TO HIRE MICHAEL GRANGE AS A FULL TIME DISPATCHER, WITH BENEFITS, AT A GRADE 14.

(5)

APPROVAL OF COMMISSION MEETING MINUTES DATED OCTOBER 8, 2013.

Commissioner Ethan Migliori made a motion to approve the Consent Agenda. The motion was seconded by Commissioner JR Nelson. The motion passed.



MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
OCTOBER 22, 2013

DISCUSSION ITEMS

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing

(2)

CONSIDERATION AND APPROVAL OF FY2014 TENTATIVE BUDGET FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT. SETTING OF PUBLIC HEARING COMMENTS ON THE FY2014 TENTATIVE BUDGETS.

Clerk/Auditor Brenda Tuttle reviewed the FY 2014 tentative budget for Emery County. She stated that by law she is required to submit a tentative budget to the Commission by the end of October. She added that overall revenue is down from last year. Mineral lease funds continue to go down. A final budget must be adopted in December.

Commissioner JR Nelson made a motion to approve FY 2014 tentative budget for Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Castle Valley Special Service District Manager Jacob Sharp reviewed the District's FY 2014 tentative budgets. He indicated that the District has three budgets, General, Capital Projects and Debt Service. Because mineral lease funds are down, property tax is about the same and there is little new growth they anticipate funds to be tight. He indicated that CVSSD and Emery Water Conservancy District are considering joining forces to procure a new building for their combined offices.

Commissioner JR Nelson made a motion to approve FY 2014 tentative budget for Castle Valley Special Service District. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

A hearing is set for December 17, 2013 at 6:00 pm to review, receive comment on and adopt the final 2014 budget.

(3)

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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KEN BROWN, WESTERN COUNTIES ALLIANCE. DISCUSSION OF ISSUES BEING MONITORED BY WCA AND CONSIDERATION AND APPROVAL OF MEMBERSHIP FOR FY2104

Ken Brown, Western Counties Alliance discussed issues being monitored by WCA. He reviewed PILT money, Secure Rural Schools, Geothermal energy resources, Public Land transfers, Wild Horse Burro Program, old website issues and membership. He encouraged the Commission to participate in the Alliance through an annual membership fee of \$3,000.00. He indicated that as new counties come on board with the alliance the membership fee will continue to come down.

Commissioner Horrocks thanked Mr. Brown and the Alliance for the good issues that they address on the county's behalf. Emery County will continue to support the Alliance, however due to budget constraints will not be able to participate with \$3,000.00. The Commission agreed to participate at \$500.00. Commissioner JR Nelson made a motion to approve \$500.00 membership dues to Western Counties Alliance. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF CONTRACT WITH JOHANSEN AND TUTTLE ENGINEERING FOR EMERGENCY FLOOD DAMAGE ASSESSMENT 2013.

Merrill Johansen, Johansen and Tuttle Engineering discussed a contract for emergency flood damage assessment. Merrill and Captain Kyle Ekker attended site visits to determine costs to repair flood damages throughout Emery County. Red Seeps, Buckhorn Road, Dinosaur Quarry Culverts, and Cottonwood Canyon were determined to need repairs. The contract amount for the design work for the sites is \$1,400.00. Commissioner Ethan Migliori made a motion to approve a contract with Johansen and Tuttle Engineering for emergency flood damage assessment 2013 in the amount of \$1,400.00. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF CONTRACT WITH JOHANSEN AND TUTTLE ENGINEERING FOR THE HUNTINGTON DEBRIS BASIN PROJECT.

The contract amount with Johansen and Tuttle Engineering for the Huntington Debris Basin Project needs to be adjusted by \$50,000.00. The original contract amount is \$144,000.00 with the additional \$50,000.00 this brings the total project to \$194,000.00. Commissioner JR Nelson made a motion to approve amendment #1 to contract with Johansen and Tuttle Engineering for the Huntington Debris Basin Project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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(6)

CONSIDERATION AND APPROVAL OF CONTRACT WITH JOHANSEN AND TUTTLE ENGINEERING FOR THE HUNTINGTON CANYON SOUTH DEBRIS BASIN & EROSION CONTROL STRUCTURE PROJECTS 2013.

Merial Johansen discussed a contract with Johansen and Tuttle Engineering for Huntington Canyon South Debris Basin & Erosion Control Structure Projects 2013. The contract is for engineering services to perform Design Engineering, design surveys, construction engineering, materials testing and inspection in Huntington Canyon for a project known as the Huntington Canyon South Debris Basin & Erosion Control Structure Project. The contract amount of \$166,500.00 is based on \$1.85 million at 9%. The county has enough in-kind match set aside for the project. Commissioner Ethan Migliori made a motion to approve of Contract with Johansen and Tuttle Engineering for the Huntington Canyon South Debris Basin & Erosion Control Structure Projects 2013. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND EMERY COUNTY SPECIAL SERVICE DISTRICT #1 FOR COUNTY ROAD 803- SOUTH MOORE PHASE 10 PROJECT F-1612 (10) 0.

This agreement between Emery County and Emery County Special Service District #1 is for County Road 803-South Moore Phase 10 Project F-1612 (10) 0. This is the final phase of this project. UDOT asked that the county use the remaining funds to finish the project so they can close out the project. This phase of the project will provide for preliminary engineering for a passing lane and acceleration lane on Highway 10 as well as near the junction of I-70. This agreement will allow SSD #1 to oversee Phase 10 of the project. Commissioner JR Nelson made a motion to approve of Interlocal Agreement between Emery County and Emery County Special Service District #1 for County Road 803- South Moore Phase 10 Project F-1612 (10) 0. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

APPROVAL OF ACKNOWLEDGMENT OF PRELIMINARY ENGINEERING CONTRACT WITH JOHANSEN AND TUTTLE ENGINEERING AND UDOT FOR COUNTY ROAD 803- SOUTH MOORE PHASE 10 PROJECT F-1612 (10) 0

Commissioner Ethan Migliori made a motion to approve acknowledgment of preliminary engineering contract with Johansen and Tuttle Engineering and UDOT for County Road 803-South Moore Phase 10 Project 1612 (10) 0. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(9)

CONSIDERATION AND APPROVAL OF REQUEST FOR FEDERAL EXCESS PERSONAL PROPERTY (FEPP) - A LADDER TRUCK FOR CASTLE DALE FIRE DEPARTMENT.

Commissioner JR Nelson made a motion to approve a request for Federal Excess Personal Property (FEPP)- to obtain a ladder truck for Castle Dale City Fire Department. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Horrocks*

Commissioner Horrocks reported on the final general budget process. Money is tight this year and they have asked the department heads to minimize their expenditures as much as possible. They do not have the funds to approve all the Capital Projects requests this year. They have given each department the option to purchase necessary equipment up to a certain dollar amount. He reported that he along with Mike McCandless met with representatives from Uintah County, Duchesne County and Carbon County to discuss projects that will benefit all four counties, job wise and financial wise. They will have monthly meetings until they have the projects ready to announce to the public. He reported on meeting with NRCS regarding projects that they will and will not fund with regards to Huntington Canyon.

*Commissioner Nelson*

Commissioner Nelson reported on the recent Domestic Violence Conference. He reported on Emery Water Conservancy District and Castle Valley Special Service District and discussions to have a combined office building. There will be a Coal Symposium on Thursday in this building. They will be discussing ways to keep coal viable. Bureau of Reclamation is having a meeting with PacifiCorp and Emery Water Conservancy District on Monday, October 28, 2013 to discuss a new contract. Castle County Partnership will hold meeting in Green River on Thursday. The toppling of the hoodoo in Goblin Valley State Park will probably be discussed. On Wednesday the Library will hold a Hosting Seminar. It will be here in the courthouse on Wednesday from 9:00 until noon.

*Commissioner Migliori*

Commissioner Migliori reported that the Travel Bureau received three grants to help with advertising projects. The Recreation Board have received favorable reports from the Fair and Rodeo. This Friday the Museum of the San Rafael is holding a Day on the Desert on Friday.

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They will look at sites just south of Emery. Contact Megan at the MOS for more information.

Steve Barton informed the Commissioners that they have people from as far away as New York City here to ride bikes on the San Rafael.

(11)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 12, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Sheriff Greg Funk, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

**Consent Agenda**

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 226067 through and including #227184 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
80-13	Rim Clamp tire changer Highway	\$6,367.00
81-13	Tire wheel balancer Highway	3,735.00
82-13	(2) Tasers Sheriff	1,998.90
83-13	Refrigerator converts to freezer Senior Citizen Center/CD	1,299.90
84-13	Cellular blinds with installation Senior Citizen Center/GR	907.64
85-13	(2) Samsung 40" Television (1) Samsung Galaxy Tablet (1) I Pad 2 Tablet Travel Bureau/Advertising	2,334.74

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86-13	(4) Dell Computers	
	(1) Dell Server	
	(7) ScanSnap scanners	
	Archives/Donation funds	10,508.59

Dispositions were presented for the following:

580-4787 video player, 580-4788 TV cabinet, 580-4789 Receiver/monitor, 580-2290 desk chair, 580-5900 video player, 580-5901 television, 580-4770 video player, 580-8613 heavy duty vacuum, 580-3872 paperback rack, 580-3871 paperback rack

(2)

APPROVAL TO HIRE GARY PRICE ASA FULL TIME WEED & MOSQUITO OPERATOR WITH BENEFITS AT WAGE GRADE 14.

(3)

APPROVAL OF A 3% WAGE INCREASE FOR CAMILLE THOMAS FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD.

(4)

APPROVAL OF COMMISSION MEETING MINUTES DATED OCTOBER 22, 2013.

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

**Discussion Agenda**

(1)

ITEMS PULLED FROM CONSENT AGENDA

None

(2)

EMERY COUNTY EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori made a motion to table this item until the next meeting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(3)

DISCUSSION AND APPROVAL TO PROCEED WITH LANDFILL TIPPAGE FEE ORDINANCE

Road Supervisor, Wayde Nielsen discussed issues with regard to the Landfill Tippage Fee Resolution. He stated that Emery County has a tippage fee resolution in place, however it has become lax and has not been utilized for a few years. Contractors are supposed to pay a tippage fee while the citizens can dump for free. Wayde suggested some changes to the existing fee schedule that would more firmly identify the contractor vs the citizen making the resolution clearer to the users. He also suggested lowering the fee. Commissioner Migliori stated that the contractors need to be made aware of the new fees. Commissioner Migliori asked Wayde when he would like to see the new fee implemented? Wayde indicated that the first of the year would be a good time to implement new fees. Commissioner Horrocks stated that the Landfill needs to make some changes so as to make it more self-sustainable. Attorney David Blackwell indicated that he could have a rough draft prepared for the next Commission Meeting. He suggested setting a date for a Public Hearing in December giving the process time to allow for publication. Commissioner JR Nelson made a motion to approve proceeding with amending the Landfill Tippage Fee Resolution and set a Public Hearing for December 17, 2013 to allow for public comment. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF RESOLUTION APPOINTING EMERY COUNTY'S OFFICIAL REPRESENTATIVE AND ALTERNATE FOR THE UTAH COUNTIES INDEMNITY POOL MEMBERSHIP MEETING.

Commissioner Horrocks indicated that Mary Huntington as Personnel Director and point person for the county's insurance has been the representative for the several years. Attorney David Blackwell was the alternate. Mr. Blackwell will not be able to be the alternate this year as he is chairman of the Litigation Committee and is on the UCIP board. Leslie Bolinder as the Administrative Assistant to the Commissioners has been suggested as the alternate. Commissioner Ethan Migliori made a motion to approve Resolution 11-12-13 appointing Mary Huntington as the official Emery County representative for the Utah Counties Indemnity Pool Membership Meeting and Leslie Bolinder as an alternate. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF TAX ABATEMENT FOR CLEVELAND CITY,



PARCEL #01-050C-0005

Kris Bell, Assessor requested approval of tax abatement for Cleveland City. During the 2012 tax year this property was bought by Cleveland City. On January 1, 2013 it should have been classed as exempt property instead of active, but a Greenbelt rollback tax was owing from the previous owner. So it stayed an active account until the special tax was cleared from the record, which was paid in August of 2013. It is the recommendation that the taxes be abated for the property as it is by all technical purposes an exempted parcel. Tax dollars due before the adjustment for 2013 \$85.19. Tax dollars due after the adjustment for 2013 \$ 0.00.

Commissioner JR Nelson made a motion to approve of tax abatement for Cleveland City, Parcel #01-050C-0005 as recommended by the Assessor. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF TAX ABATEMENT FOR DEBBIE RICH,  
PARCEL #05-0077-0002

Kris Bell, Assessor requested approval of tax abatement for Debbie Rich. This would be a Commissioner's adjustment. Debbie's 14 acres are being State Assessed as a gravel pit. The total parcel's acreage is 64.16 acres. We need to remove the 14 acres from being locally assessed. Commissioner JR Nelson made a motion to approve of tax abatement for Debbie Rich, Parcel #05-0077-0002. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF LICENSE AGREEMENT BETWEEN EMERY  
COUNTY AND ANDALEX RESOURCES CORPORATION FOR SOUTH DEBRIS BASIN.

Jonathan Johansen, Johansen & Tuttle Engineering explained the license agreement between Emery County and Andalex Resources Corporation for South Debris Basin. This will allow J&T Engineering to do the surveys for the project. Commissioner JR Nelson made a motion to approve the license agreement between Emery County and Andalex Resources Corporation for South Debris Basin. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF REQUEST FOR  
MARIN CAMPBELL.

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The service was provided in 2009. No attempt has been made to pay the bill. Commissioner Ethan Migliori made a motion to deny an ambulance write-off request for Marin Campbell and send it to collections. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR MARVIN HANSEN.

Commissioner JR Nelson made a motion to deny an ambulance write-off request for Marvin Hansen and request that he make payments on the account. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF FEDERAL AID AGREEMENT FOR LOCAL AGENCY PROJECT BETWEEN UDOT AND EMERY COUNTY FOR SOUTH MOORE PHASE 10-F-1612(10)0

Merrill Johansen, Johansen & Tuttle Engineering reviewed a federal aid agreement for Local Agency Project between UDOT and Emery County for South Moore Phase 10-F-1612(10)0. Commissioner Ethan Migliori made a motion to approve a Federal Aid Agreement for Local Agency Project between UDOT and Emery County for South Moore Phase 10-F-1612(10)0. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF BLM ROW APPLICATION FOR PHASES II AND III OF THE HUNTINGTON CREEK RESTORATION PROJECT.

Jonathon Johansen, Johansen & Tuttle Engineering reviewed a BLM Right-Of-Way application for Phases II and III of the Huntington Creek Restoration Project. This ROW will allow access over BLM property. Commissioner JR Nelson made a motion to approve of BLM ROW application for Phases II and III of Huntington Creek Restoration Project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL TO ADVERTISE FOR SALE COUNTY OWNED PARCEL 04-0051-0001

A citizen in Lawrence has requested the county sell a section of county owned property. This section of property would square off his property to utilize his wheel line irrigation. Attorney David Blackwell reviewed the process for selling county owned property. Letters must be sent to the adjoining property owners. There must be advertising for sealed bids listing the minimum acceptable bid. Commissioner JR Nelson made a motion to advertise for sale county owned property parcel 04-0051-0001 with a minimum acceptable bid. Sealed bids are to be delivered to the Clerk/Auditor's office by 5:00 pm on December 13, 2013 to be opened in Commission Meeting on December 17, 2013. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

APPROVAL TO ADVERTISE FOR BOARD VACANCY ON EMERY COUNTY CARE AND REHABILITATION BOARD OF DIRECTORS.

Commissioner Horrocks indicated that Richard Seely has resigned from the Emery County Care and Rehabilitation Board of Directors. He asked approval to advertise to fill the vacancy, preferably from the Green River area, after that open it up to others who may be interested. Commissioner Ethan Migliori made a motion to advertise to fill a vacancy on the Emery County Care and Rehabilitation Board of Directors. The motion was seconded by Commissioner JR Nelson. The motion passed.

(14)

CONSIDERATION AND APPROVAL OF AIRPORT INSURANCE RENEWAL WITH A 3 YEAR BINDER AGREEMENT.

Personnel Director, Mary Huntington reviewed the options for insurance for the Huntington Airport. Mary recommended renewal with a 3 year binder. The Commission was asked to consider whether to purchase a 1 million dollar policy for \$2,250.00 or a 2 million dollar policy for \$2,600.00. Commissioner JR Nelson made a motion to purchase the 1 million dollar policy for \$2,250.00 with a 3 year binder. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

COMMISSION/ELECTED OFFICIALS REPORTS

*Commissioner Nelson*

Commissioner Nelson reported meeting with Four Corners Community Behavioral Health. the state is considering an expansion of Medicaid as a way to accommodate those who fall in the cracks between Medicaid and the Affordable Care Act. Four Corners could see a large increase in the patients that they will be able to treat. Commissioner Nelson reported on attending a BLM, PacifiCorp, Emery Water Users meeting where they discussed the importance of water management by Emery County people. He reported on Drug Court and the positive impact it is having on the communities. Local employees have had struggles to find employees who test clean. The employers are looking at Drug Court for employees who are tracked and tested regularly. He reported on the continuing efforts to lower natural gas hook-up fees on new construction in rural areas as compared to urban area fees. He expressed concern for the cost of renovations at Millsite Dam. Millsite is one of the few dams in the state that is not federally owned. The renovations are expected to raise the spillway by four feet, enlarge it and make it structurally sound. They will also dredge the lake for silt to restore the lake to its original storage capacity. He commended the Emery County Libraries for being ahead of the curve when it comes to electronic technology and availability. He stated he was pleased with the recent Wellness Clinic and the great benefit it is to county employees . The Senior Aging and Nutrition is in a bit of limbo at this time due to the retirement of the director. His work is being absorbed by three people at this time but moving along well.

#### *Commissioner Migliori*

Commissioner Migliori reported on the recent Coal Symposium where they addressed new technology being used in coal production making using coal more efficient. New developments allow coal to be used more efficiently and opens new possibilities that were previously unavailable. He expressed the importance of keeping the industry strong. Emery County Care and Rehabilitation Center is continuing to work through their concerns. The Trails Committee is currently working on a GPS project to map and document hiking and non-motorized trails. The Museum of the San Rafael has adjusted their hours for the holidays to accommodate the visitors in the county during the holiday season. They will place displays in the Museum to promote visiting the Pioneer Museum. He reported on the progress of meeting with Johansen and Tuttle Engineering regarding the Huntington Complex Improvement Project.

#### *Commissioner Horrocks*

Commissioner Horrocks reported on Association of Local Governments funding discussions due to the loss of federal funds. They will need to rearrange things in order to continue to fund senior programs. Conductive Composites, a company that specializes in metal fabrication is looking into the possibility of relocating in Cleveland. Emery County Archives received a

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donation of over \$10,000.00 from Mike Kelsey to purchase scanners and computers.

(16)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 26, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 227901 through and including #228032 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
87-13	Decontamination equipment Sheriff/HLS 11	\$4,479.00
88-13	Battery powered portable hailing system Sheriff/LETPA/SHSP	5,325.00
89-13	Day/Night furnace Sheriff/GRSO	2,049.00
90-13	Ipod metal showcase stands Travel show booths Travel Bureau	4,540.00
91-13	(5) Copiers (5) Ipad II Server for Taxroll upgrade Server for Attorney's Office Capital Replacement/IT	24,975.94

There was one disposition for #6542, hydraulic test unit

2

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(2)

APPROVAL OF SCOTTEE BROWER HIRED AT THE AQUATIC CENTER AS A 90 DAY TEMPORARY EMPLOYEE UNTIL THE END OF THE YEAR.

(3)

APPROVAL OF THE FOLLOWING VOLUNTEERS FOR THE SAN RAFAEL AND PIONEER MUSEUMS:

SHEILA SEBRING-PIONEER MUSEUM VOLUNTEER  
LISA JEWKES- BOTH MUSEUMS VOLUNTEER  
BARBARA LEMONS- BOTH MUSEUMS VOLUNTEER  
BETH BLACK- BOTH MUSEUMS VOLUNTEER

(4)

APPROVAL OF BUSINESS LICENSE FOR I DO WEDDINGS AND EVENTS- JEANNINE q. SEEGMILLER, OWNER.

(5)

APPROVAL OF COMMISSION MEETING MINUTES DATED NOVEMBER 12, 2013

Motion to approve the Consent Agenda was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Commissioner Ethan Migliori made a motion to move agenda item #8 to the end of the agenda and suspend agenda item #2 until a later time. The motion was seconded by Commissioner JR Nelson. The motion passed.

(2)

EMERY COUNTY EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented Emery County Employee of the Month to Nancy Orgill. Nancy is a Legal Secretary III and has been employed by Emery County since June 15, 1994. She is the first person to greet citizens seeking justice or needing prosecution. She is the historian of the county attorney's office and keeps detailed records of all major cases. She

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serves as the victim advocate for Emery County and is the Secretary for the Domestic Violence Coalition. She assists with the Justice Court cases and is very dependable. The County Attorney says “ She is the glue that holds our office together and the one that makes sure we are all on schedule and in court on time with the right files. We all rely on her.” Nancy was given a plaque and Emery County Business Chamber Bucks.

(3)

RESIDENTS OF CASTLE DALE, DISCUSSION OF COTTONWOOD CREEK FLOODING  
SOUTHEAST OF CASTLE DALE.

Castle Dale citizens, James Huggard, Dixie Thompson, Karen Huntsman, and Colleen Gilbert came before the Board of Commissioners to discuss an issue regarding Cottonwood Creek flooding southeast of Castle Dale. James Huggard reported that in June of 2011 flooding due to snow run-off endangered the homes of Mark H. Williams, Dwayne Gilbert and Jesse Allred as well as several fields, including his field. In September of this year the creek flooded again, this time flooding the crawl space of Mark H. William’s home and encroached on several other homes and fields. Mr. Huggard provided pictures of the creek at it’s fullest with the flooding potential. He indicated that the group of residents approached Castle Dale City for some assistance. Castle Dale City supported pursuing avenues to correct to situation. Mr. Huggard suggested addressing the situation before the flooding happens again next spring. He suggested cleaning up the creek and putting in a channel. He indicated that he knows that working with the Army Corp of Engineers will be a huge issue. They have been in contact with Captain Kyle Ekker who oversees Emergency Management for the county. Captain Ekker is still quite busy with the Huntington Creek Debris Basin. Sheriff Greg Funk reported that earlier this year Captain Ekker visited several potential flooding areas in the county with a FEMA representative. He is aware of this situation. He will get to this situation as soon as things let up a bit in Huntington. Commissioner Horrocks indicated that Mark H. Williams brought this situation to the Commissioner’s attention back in 2011. He indicated that there may be a way to get help through the state for an alteration permit. Commissioner Nelson suggested using a different term such as stream restoration when addressing this issue. This may help the Army Corp of Engineers be more open to discussions. Commissioner Nelson suggested meeting with Emery Water Conservancy District. They may be able to do some small things that will help lessen the damage. The Commissioners indicated that they are willing to help in any way they can.

(4)

DISCUSSION OF LANDFILL TIPPAGE FEE RESOLUTION AND PUBLIC HEARING SET  
FOR DECEMBER 17, 2013.



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County Attorney David Blackwell reviewed the current Resolution and new proposed fees. A public hearing is set for December 17, 2013 to take comments on the new proposed fees.

(5)

CLARIFICATION OF SALE OF COUNTY-OWNED PARCEL 04-0051-0001

In the November 12, 2013 a date was set to receive sealed bids to sell county owned parcel 04-0051-0001. However, the time limit for advertising will not meet the required amount of time for advertising. Commissioner Ethan Migliori made a motion to change the date for sealed bids to be accepted in the Clerk/Auditor's office to January 10, 2014 with the bids being opened January 14, 2014. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF REQUEST FOR YEON O. HWANG

Commissioner Horrocks indicated that this account lacks the proper paper work and that to date no payments have been made. Commissioner JR Nelson made a motion to deny the request for an ambulance write-off for Yeon O. Hwang and request Mr. Hwang make payments. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF REQUEST FOR JACQUELINE E. DAMRON.

Commissioner Horrocks indicated that this account has received all the insurance payments that it is going to receive. The balance owing is \$584.69. Ms. Damron lives in an assisted living facility and has a guardian assigned to her. After some discussion on this matter Commissioner Ethan Migliori made a motion to table any decision to allow him time to investigate the matter further. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF LEVEL 3 CONDITIONAL USE PERMIT FOR TRAIL MOUNTAIN RESORT FOR DEVELOPMENT OF TWO SUBDIVISIONS IN JOES VALLEY.

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Mike McCandless provided a brief history of this development. He stated that this is the development that exist on the east side of the lake. It is a 34 acre development that is on SITLA land that was established in 1963 as a 99 year lease. Prior to 1970 Emery County did not have a Zoning Ordinance. This lease has operated since the creation of that original development in the 60's. We have handled this development as non-conforming lot of record. That is a fancy way of saying that activities there were "grandfathered in" because it was created prior to the creation of the county ordinance. About three years ago SITLA began investigating whether this property would be potentially more profitable for them if they sold it or if they managed it differently. We met with them a number of times to help them understand that any changes to that piece of property in the way it was operated would require changing the way we enforce the zoning up there because the "grandfathering" would go away. They evaluated it, did make a determination that they wanted to sell it. They put it up for auction. It was purchased by Blaine and Maryann Luke about two years ago. About that same time amendments were made to section 11 of the Emery County Planning and Zoning Ordinance to enable a mountain subdivision lot to encourage development to occur in small cluster units rather than spreading cabins throughout the forest. The maximum size requirement for this 20 acre development with 1 acre lot sizes. The Lukes made a presentation and have been working on this process for two years. They submitted their proposal back in August. The Planning and Zoning Committee has met a couple of times on this topic. A staff review group forwarded the proposal to the Planning and Zoning Commission where it was approved and forwarded to the Board of Emery County Commissioners for approval. Joe's Valley Resort had approximately 31 structures up there. The concerns that we had was that many of the structures did not meet building codes. There was a lot of weekend building going on without building permits. Many of the septic systems were sub-standard to say the least. There were issues that we needed to have the Lukes address. In order for the Lukes to receive approval they were to decrease the density of the existing lots and go through a process with the Utah Department of Health to determine a way to handle the septic. The way they have proposed is to have it be a 16 lot development. 15 would belong to individuals with 1 as per ordinance would be open space to be used jointly as a recreation area. The second development is 8 acres would have 5 lots with open space and includes the CCC Trail. The other issue that they have to address is that they create a sub division plan with operate internal care and general upkeep of the facility. The other issue is the adoption of the wildlife urban interface plan. There are care plans for the lots regarding fire pits and other areas of safety. It was reviewed by the Planning/ Zoning Commission for two months and made a determination to forward to the Board of Commissioners for approval. It is a sub-division and does have an overall affect of the character of the county. You can accept, reject or modify the request that has been forwarded to you.

Commissioner Nelson asked who is responsible for care of the road? Mike indicated that the road is seasonal use. It will be maintained by the homeowners association created in the development group for the upkeep of the sub-division. In the past this all had one owner and the lots were leased. This plan will enable them to sell one acre lots. This will be a platted sub-division like in a city. Each lot will have a specific owner and specific tax revenue. In the past we had no tax revenue. These will now all be on the tax roll. Attorney David Blackwell asked if

6

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they will have a CCNR? Mike indicated that they will have a homeowners association with bylaws and articles of incorporation. This is created on current case law.

Commissioner Ethan Migliori made a motion to approve a Level III Conditional Permit for Trail Mountain Resort for development of two subdivisions in Joe's Valley. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

RATIFICATION OF BLM ROW APPLICATION FOR HUNTINGTON SOUTH DEBRIS BASIN TEST HOLES.

Merrill Johansen, Johansen & Tuttle Engineering reviewed the application for BLM ROW for Huntington South Debris Basin. The ROW is to access private land for soils investigation for the future debris basin and drop structure in Huntington Canyon on private land. The project will require a temporary easement to access the site to conduct 8 test holes to acquire the soil profile. The application needed to be signed and sent in before this meeting so the signing of the application needs to be ratified. Commissioner Ethan Migliori made a motion to ratify the signing of BLM ROW application for Huntington South Debris Basin Test Holes. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

APPOINTMENT OF WADE ALLINSON TO THE EMERY COUNTY HISTORIC PRESERVATION COMMISSION

Commissioner Ethan Migliori made a motion to appoint Wade Allinson to the Emery County Historic Preservation Commission. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ABATEMENT FOR DENNIS TUTTLE ON PARCEL 03-0006-0007.

Assessor, Kris Bell explained that Dennis Tuttle came in during Board of Equalization, but due to a family emergency, a review of his property was put on hold. The Assessor's Office has been to Mr. Tuttle's cabin and measured and as a result they have reduced the square footage.

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Previous tax due was \$506.33. The new tax due is \$472.57. This is a difference of -\$33.76. Commissioner JR Nelson made a motion to accept a Commission tax abatement for Dennis Tuttle as proposed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF LEASE BETWEEN EMERY COUNTY AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) FOR CONTINUED PLACEMENT OF THE WEATHER SERVICE EQUIPMENT AT HORN MOUNTAIN.

Bret Mill, Communications discussed this lease with the Commissioners. Bret recommended that the Commissioners not sign the lease with NOAA. Bret indicated that he found nine discrepancies with the lease. He stated it gives all rights to the federal government. He suggested drafting our own contract. NOAA is an important service for our communities. "However," he said, "I don't think we should give them our building." Commissioner Ethan Migliori made a motion to not approve the lease between Emery County and National Oceanic and Atmospheric Administration (NOAA) for continued placement of the weather service equipment at Horn Mountain and to direct Bret Mills and Attorney David Blackwell to draft a contract that will be equitable for both parties. The motion was seconded by Commissioner JR Nelson. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF JOINT PERMIT APPLICATION WITH THE U.S. ARMY CORPS OF ENGINEERS FOR HUNTINGTON SOUTH DEBRIS BASIN.

Merrill Johansen, Johansen & Tuttle Engineering reviewed a joint application with the U.S. Army Corps of Engineers for Huntington South Debris Basin. Merrill indicated this application is necessary any time you alter or move any thing around in the river or stream. This is required to begin the process for the project. There is a fee associated with the application. Commissioner JR Nelson made a motion to approve of Joint Application with the U.S. Army Corps of Engineers for Huntington South Debris Basin. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

APPROVAL OF APPLICATION WITH STATE OF UTAH FOR DAM NOT REQUIRING SUBMISSION OF FORMAL PLANS FOR HUNTINGTON SOUTH DEBRIS BASIN.

Merrill Johansen explained that since this is a sediment basin and not a large dam, we will not have submit formal plans to the state and have a review with them. This is just letting them know what we are doing. Commissioner JR Nelson made a motion to approve application with the State of Utah for dam not requiring submission of formal plans for Huntington South Debris

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Basin. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported on activities at UAC Convention in St. George. The Fire District meet a week ago. Commissioner Nelson commented that the average volunteer fireman puts in 180 hours of training per year, on their own dime and their on time. They are a valuable asset to our communities. The district is looking into replacing older pumper trucks. Commissioner Nelson asked Ray Petersen to report on greater sage grouse discussions in a meeting they recently attended. Ray reported that Emery County is not as impacted as some other counties. He stated that we do have a small population on Horn Mountain in the Pines area actually in Sevier County. They attended a meeting with BLM, Forest Service, Wayne County and Emery County. Wayne County has a large population of greater Sage Grouse. The management of the greater Sage Grouse there should be a foster child for Sage Grouse management. The population is 400% of what it was a few years ago. It is obvious that Utah has done a good job of managing these birds. It is the intent of the BLM State Management Plan to keep the birds from being listed. The Governor's Task Force on Sage Grouse is trying to make that happen by relaying to the Fish and Wildlife Service that the counties have been successful in managing the birds, let them continue. The comment period for the plan will run through end of January, 2014.

Ray also commented on BLM holding oil and gas leases sale. At the last minute the BLM made the decision to defer about 90,000 acres from being offered for sale. The way it was done caused Emery County some great concern. Emery County made some noise with our legislators to point out to the Department of the Interior and BLM that that is not good business. The sale that took place generated \$3.4 million dollars. We would like to have seen the rest of the parcels in that sale.

Commissioner Nelson thanked Castle Valley Special Service District for all they do. They did not get out of CIB what they wanted, but do the best with what they have.

He talked about Emery Water Conservancy District and an emergency meeting they recently held regarding changes with the government and potential take over of water management.

He reported on the Senior Citizen Christmas Party will be December 6, 2013 at 5:30 pm.

*Commissioner Migliori*

Commissioner Migliori reminded everyone that the Museums will be open during the Thanksgiving break to be available for visitors in the area.

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He reported on attending a meeting with Public Utilities where they discussed proposed legislation for transmission lines. There is a proposal for transmission lines to go through Emery County via Wyoming to California. They are looking at the advantages of this proposal. He reported on recent COG meeting with all the mayors. They will be changing out half the mayors by the next meeting. There is some interest by the cities to have a universal animal control ordinance. They are interested in looking at a domesticated animal ordinance that is universal to all cities. He encouraged the cities to get their capital improvement list put together that will go to CIB. Orangeville has a bridge that needs some restoration to maintain its structure.

Historic Preservation Committee took some signs to several historic sites in the County. They are currently working on a few other projects.

*Commissioner Horrocks*

Commissioner Horrocks attended a meeting in Richfield on the So. Moore Road Phase 10. He reported on attending a Housing Meeting where they discussed making things better for low income housing. He reported on attending Emery County Business Chamber Lunch and Learn. He talked about a meeting with the bouldering group that spend a lot of time in Joe's Valley. discussions were made on things like restrooms, parking and camping.

Commissioner Migliori reminded everyone that with the Christmas Holiday coming up that there are a number of shop local campaigns coming up. He encouraged everyone to shop local. Spending money locally helps cities generate revenues.

(16)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 17, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS

The Warrant Check Edit List # 228191 through and including #228389 was presented for payment.

One Requisition was presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
92-13	Snow plow blade Highway	\$3,200.00

Dispositions were presented for the following:

316-6831 1999 Ambulance  
580-4766 VCR  
580-4766 TV  
580-4767 TV  
580-4096 Children's Picnic Table  
150-9277 2003 Van (Sr. Cit)  
150-6401 Lamp  
150-4591 Love Seat  
150-4590 Rocker  
150-4589 Love seat  
150-4588 Love seat  
150-4532 Love seat  
150-4538 Metal shelf  
150-2549 Stove  
150-2548 Fridge

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(2)

APPROVAL TO PROMOTE JUSTIN TRUMAN AND SETH WEBER TO EQUIPMENT DRIVER/OP II. MOVE FROM GRADE 16 TO GRADE 17. EFFECTIVE 12-23-13.

(3)

APPROVAL TO PROMOTE TYSON HUNTINGTON TO PATROL DEPUTY II. MOVE FROM GRADE 16 TO GRADE 17. EFFECTIVE 12-23-13.

(4)

APPROVAL OF OUT OF STATE TRAVEL FOR TINA CARTER-SACRAMENTO, CA., DENVER, CO., TACOMA/SEATTLE, WA., AND QUARTZSITE, AZ. FOR TRAVEL SHOWS.

(5)

APPROVAL OF OUT OF STATE TRAVEL FOR MIKE MCCANDLESS TO QUARTZSITE, AZ. FOR TRAVEL SHOW.

(6)

APPROVAL OF COMMISSION MEETING MINUTES DATED NOVEMBER 26, 2013.

Motion to approve the Consent Agenda was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing

(2)

EMERY COUNTY EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented the Emery County Employee of the Month award to Tammy Tucker, Planning/Zoning Technician. She began her employment with Emery County on February 4, 2008. Tammy has mastered the art of coordinating and communicating with homeowners, contractors, business owners, and politicians in a level headed consistent and professional way. Tammy has a wide variety of responsibilities. She serves as office staff for the building department, which issues building permits in the county, reviews plans and deals



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with every type of complaint. She works with the Planning/Zoning Commission and meets the needs of the 9 member board. She keeps the Emery County Zoning Ordinance and General Plan updated. And finally, she serves as the secretary for the Public Lands office, where she keeps track of meetings, issues, and board members, ensuring the eat well when they meet each month. Tammy always steps up to the task and performs professionally and competently in every venue she is asked to participate. Tammy was presented a plaque expressing appreciation and Emery County Chamber bucks to spend at local businesses.

(3)

DISCUSSION AND APPROVAL TO GIVE ALL EMERY COUNTY EMPLOYEES A \$100.00 DISCOUNT TOWARDS THE PURCHASE OF AN AQUATIC CENTER ANNUAL PASS.

Commissioner JR Nelson made a motion to approve a \$100.00 discount towards the purchase of an Aquatic Center annual pass for all employees. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

CONSIDERATION AND APPROVAL TO RENEW WORKERS COMPENSATION POLICY WITH UTAH LOCAL GOVERNMENTS TRUST.

Personnel Director, Mary Huntington explained the renewal for Emery County's Workers Compensation Policy with Utah Local Governments Trust. Commissioner JR Nelson made a motion to approve renewal of Emery County's Workers Compensation Policy with Utah Local Governments Trust. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

RATIFICATION OF APPROVAL OF BLM ROW SERIAL NUMBER UTU-90179 FOR SOUTH HUNTINGTON DEBRIS BASIN TEST HOLES.

Commissioner Ethan Migliori made a motion to approve of BLM ROW Serial Number UTU-90179 for South Huntington Debris Basin Test Holes. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF SPONSORSHIP AGREEMENT BETWEEN CHADWICK BOOTH & CO. AND EMERY COUNTY FOR THE COUNTY SEAT.

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Commissioner Ethan Migliori made a motion to approve of sponsorship agreement between Chadwick Booth & Co. and Emery County for the County Seat. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF LETTER OF ENGAGEMENT BETWEEN EMERY COUNTY AND GOVERNMENT MATTERS LLC (RANDY JOHNSON) FOR LOBBY EFFORTS.

Commissioner Horrocks explained that in years past Mr. Johnson was reimbursed for travel expenses related to lobbying efforts in Washington, D.C. representing Emery County. The Commission recommended a flat amount of \$23,000.00 for Mr. Johnson to be all inclusive and do away with reimbursement for expenses. Commissioner Ethan Migliori made a motion to approve of a letter of engagement between Emery County and Government Matters, LLC (Randy Johnson) for lobby efforts for an all inclusive amount of \$23,000.00 without reimbursement. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

APPROVAL OF REAPPOINTMENT FOR MCKETTE ALLRED TO THE EMERY COUNTY CAREER SERVICE COUNCIL.

Commissioner Ethan Migliori made a motion to reappoint McKette Allred to the Emery County Career Service Council. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

APPROVAL OF REAPPOINTMENT OF LIZ NIELSEN TO THE EMERY COUNTY HOUSING AUTHORITY BOARD OF COMMISSIONERS.

Commissioner JR Nelson made a motion to reappoint Liz Nielsen to the Emery County Housing Authority Board of Commissioners. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

APPROVAL OF REAPPOINTMENT OF ROSS C. HUNTINGTON TO THE EMERY COUNTY CARE AND REHABILITATION BOARD.

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Commissioner Ethan Migliori made a motion to reappoint Ross C. Huntington to the Emery County Care and Rehabilitation Board. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

APPROVAL OF REAPPOINTMENT OF JUDY ANN SCOTT TO THE PLANNING COMMISSION AND EMERY COUNTY COUNCIL ON AGING AND NUTRITION.

Commissioner JR Nelson made a motion to reappoint Judy Ann Scott to the Planning Commission and Emery County Council on Aging and Nutrition. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

APPROVAL OF REAPPOINTMENT OF ROXANNE JENSEN TO THE SOUTHEASTERN UTAH BOARD OF HEALTH.

Commissioner JR Nelson made a motion to reappoint Roxanne Jensen to the Southeastern Utah Board of Health. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

APPROVAL OF REAPPOINTMENT OF SHIRLEY VANZYVERDEN TO THE EMERY COUNTY LIBRARY BOARD.

Commissioner Ethan Migliori made a motion to reappoint Shirley Van Zyverden to the Emery County Library Board. The motion was seconded by Commissioner JR Nelson. The motion passed.

(14)

APPROVAL OF APPOINTMENT OF SARA SIEFKEN TO FILL AN UNEXPIRED TERM AND REAPPOINTMENT OF KEITH BRADY TO THE EMERY COUNTY TRAVEL BUREAU.

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Commissioner Ethan Migliori made a motion to appoint Sara Stefken to the fill and unexpired term on the Emery County Travel Council and reappoint Keith Brady to the Emery County Travel Council. The motion was seconded by Commissioner JR Nelson. The motion passed.

(15)

APPROVAL OF APPOINTMENT OF RANDY JENSEN, TINA CARTER, AND NANCY ESPANET TO THE MUSEUM OF THE SAN RAFAEL BOARD OF DIRECTORS.

Commissioner JR Nelson made a motion to appoint Randy Jensen, Tina Carter and Nancy Espanet to the Museum of the San Rafael Board of Directors. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

DISCUSSION AND APPROVAL TO ADVERTISE FOR BOARD VACANCIES ON THE FOLLOWING BOARDS: EMERY COUNTY COUNCIL ON AGING AND NUTRITION (3) MUSEUM OF THE SAN RAFAEL BOARD OF DIRECTORS (1), NORTH EMERY WATER USER'S SPECIAL SERVICE DISTRICT (1), EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT (2), AND EMERY COUNTY TRAVEL BUREAU (1).

Commissioner JR Nelson made a motion to advertise for board vacancies on the Emery County Council on Aging and Nutrition, Museum of the San Rafael Board of Directors, North Emery Water User's Special Service District, Emery County Recreation Special Service District and Emery County Travel Bureau and for the applications to be turned in to the Clerk/Auditor's office by Friday, January 11, 2014 for appointment in Commission Meeting on January 14, 2014.

(17)

CONSIDERATION AND APPROVAL OF EMERY COUNTY BOARD OF COMMISSION AND LOCAL BUILDING AUTHORITY OF EMERY COUNTY MEETING SCHEDULE FOR FY 2014.

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Commissioner Horrocks explained that Local Building Authority of Emery County meetings are held immediately following Commission Meeting on the first meeting of the month.

January 14, 2014	9:00 a.m
January 28, 2014	9:00 a.m.
February 11, 2014	9:00 a.m.
February 25, 2014	9:00 a.m.
March 11, 2014	9:00 a.m.
March 25, 2014	9:00 a.m.
April 08, 2014	9:00 a.m.
April 22, 2014	9:00 a.m.
May 13, 2014	9:00 a.m.
May 27, 2014	9:00 a.m.
June 10, 2014	9:00 a.m.
June 24, 2014	9:00 a.m.
July 8, 2014	9:00 a.m.
July 22, 2014	9:00 a.m.
August 12, 2014	9:00 a.m.
August 26, 2014	9:00 a.m. * Prior to Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.
September 09, 2014	9:00 a.m.
September 23, 2014	9:00 a.m.
October 14, 2014	9:00 a.m.
October 28, 2014	9:00 a.m.
November 11, 2014	9:00 a.m.
November 25, 2014	9:00 a.m.
December 16, 2014	5:00 p.m.

Commissioner Ethan Migliori made a motion to approve the Emery County Commission and LBA of Emery County 2014 Meeting Schedule. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(18)

CONSIDERATION AND APPROVAL OF HOLIDAY SCHEDULE FOR FY2014.

New Year's Day	Wednesday	01-01-14
Human Rights Day	Monday	01-20-14
President's Day	Monday	02-17-14
Memorial Day	Monday	05-26-14
Independence Day	Friday	07-04-14
Pioneer Day	Thursday	07-24-14
Labor Day	Monday	09-01-14
Columbus Day	Monday	10-13-14
Veterans Day	Tuesday	11-11-14
Thanksgiving Day	Thursday	11-27-14
Thanksgiving Day	Friday	11-28-14
Christmas Eve	Wednesday	12-24-14(½ day)
Christmas Day	Thursday	12-25-14
New Year's Eve	Wednesday	12-31-14(½ day)

Commissioner JR Nelson made a motion to approve the 2014 Holiday Schedule. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Commissioner JR Nelson made a motion to leave the regular meeting and move into a public hearing to receive public comment concerning the proposed landfill tippage resolution and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(19)

5:30 P.M. PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT CONCERNING THE

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PROPOSED LANDFILL TIPPAGE RESOLUTION.

Commissioner Horrocks opened the public hearing by explaining that Emery County has an ordinance in place at this time. The set tippage fee is \$15.00 per ton for any materials brought to the Emery County Landfill by commercial contractors. Apparently no bills were being sent out. Commissioner Nelson indicated that in researching what neighboring landfills are charging he found that these other landfills are surprised that Emery County is not charging a fee. The proposal is for all contractor hauling loads to the landfill be charged \$10.00 per ton for loads over 1000 lbs. He indicated that it is very expensive to operate a landfill. The county has been absorbing the cost to operate the landfill. This proposal asks for a small user fee.

Commissioner Horrocks opened the floor for comments.  
The comments were as follow:

Green River Mayor Pat Brady:

He indicated that in Green River they have a transfer station in town for the citizens to use. Citizens can bring pick-up loads and dump them for free. They are opposed to Green River being charged for what trash they bring to the landfill from the transfer station. According to your proposed resolution anyone can bring a pick-up truck load to the landfill and dump it for free. People are not going to drive from Green River to the landfill to dump a pick-up load for free. It's just not economical for our citizens. We ask that you consider that at least what we bring over from the transfer station not be charged a tippage fee. It is the same thing as your residents here not being charged to take a load the landfill. The City considered charging to use the transfer station. But it is the same concern as other mayors have expressed, if you start charging people to dump they will find another place to dump instead of taking it to the transfer station. Please reconsider. They accept the \$10.00 tippage fee for the regular trash.

Commissioner Horrocks asked Mayor Brady if the transfer stations are roll-offs.

Mayor Brady indicated that they do use roll-offs for the transfer stations provided through their contracted service provider City Sanitation. Using the roll-offs for transfer stations is cost to the city but is a benefit to the city and its citizens. We are not going to charge our citizens to use them.

Castle Dale City Councilman Brad Giles:

Mr. Giles wanted to know if they had any trouble accepting the roll-offs at the landfill?

Mayor Brady indicated that as far as he knows there has not been any problems accepting the roll-offs at the landfill.

Wade Williams, City Sanitation:

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Mr. Williams indicated that most communities that they service have roll-offs and for the most part there is no problem with the roll-offs. The only time there is a problem is if there is a refrigerator in the roll-off because it is considered hazardous waste.

Commissioner Nelson:

Ferron has very good signage informing citizens of what roll-offs can accept. They have a metal depository so that the trash is separated. Metals, paints, batteries, tires these need to be separated.

Wade Williams:

Emery has a metal depository and so does Elmo.

Castle Dale Mayor Neal Peacock:

Castle Dale has been told flat out that unless they separate out the garbage, have the employees get in the bins and separate it out, they will not accept our roll-off. But they will from other towns. So when Mayor Brady talks about being equal he loves that idea. Castle Dale City has stopped using the roll-offs because the problems and we felt that we are close enough to the landfill that citizens can go there. It was not a popular decision. It wasn't our decision.

Ferron City Mayor JoAnn Behling:

Mayor Behling indicated that they have a concern with the cost associated with the per ton for having the roll-offs in town. It is a service that we would like to continue. If the cost goes up because of the cost associated we are not sure we can continue to provide them for the community. She requested that they reconsider the fee for the roll-offs.

Wade Willams City Sanitation:

Mr. Williams expressed his concerns, first, as he has been out talking to people in the communities, people want to make sure that revenue that is generated from this fee is used for maintenance at the landfill and doesn't go for something else. The second concern is the unfairness. People in Green River are not going to make a 200 mile round trip drive to the landfill. Roll-offs are more economical and fair for the citizens and in his opinion easier for the landfill to manage compared to 30 to 40 pick-up loads coming in to the landfill. The roll-offs are tarped as they travel to the landfill so you will not have the debris on the side of the road that you may have from pick-up truck loads. His third concern is timing. What ever decision is made tonight and it takes place January 1<sup>st</sup>, will not give him time to notify his customers. This will be a big increase that he will have to pass on to the customer. We will be looking at possibly a 10% to 20% increase. It is in the ballpark of \$1.00 per can, per home, per month. Commercial will be harder to estimate. We have three types of service, residential, commercial and industrial. Industrial is the roll-offs. For the past four years we have been paying on the industrial. Sometimes we were charged and sometimes we were not. There is some inconsistency with the fees. We will have to meet with each of the cities to discuss the cost changes.



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Commissioner Horrocks:

What time frame would accommodate you?

Wade Williams:

A month once I know which way it would go.

Commissioner Migliori:

Commissioner Migliori stated he appreciates the discussion, but it doesn't solve the problem of how to replace a \$600,000.00 piece of equipment at the Landfill. This is ultimately what prompted this conversation. The landfill is extremely expensive for us to learn to deal with but yet manage it to keep from finding garbage on the desert because that causes Public Land issues. So the Commission is just trying to find a balance to do this. Ironically, it is money that is the driver behind the issue. If anyone has appropriate solutions we would be grateful for you to share them. We need to find the right answer to solve both of these dilemmas

Wade Williams:

In Carbon County not everything goes through the transfer station. They have a class four landfill that can accept construction and demolition debris. MSW cannot be accepted there it has to go in the transfer station that goes to ECDC.

Doug Lowe:

Is there any limit to how much debris a citizen can put in a roll-off stationed in a community?

Commissioner Nelson:

Not that they know of.

Mayor Peacock:

Like Mayor Brady his concern is that little garbage dumps may spring up outside of town. His recommendation was to use Truth in Taxation to raise the money you need to maintain the landfill. If you raise the fee, the contractor will raise the fee to the city who in turn will raise the fee to the citizen. Ultimately the citizens of Emery County will be the ones who will take the brunt of this fee.

Dixie Thompson:

She was shocked that the Commission would pass a tax on to the cities to pass on to their citizens. We have an entity that can pay almost 70% of the tax. Why are you not looking at that? Why are you taking cities and making them the fall guy? She felt it should come county side and not city side. She would like the County Commission to man up and put a tax on garbage.

Ferron City Councilman Trent Jackson:

Has the county thought about what they are going to do when those mini landfills spring up

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along Dutch Flat and outside the city limits?

Mayor Brady:

You talked about a truck that may be brought in that is 1050 lbs. not billing for the 50lbs. Is the first 1000 lbs on every load free? Or once it is over 1000 lbs do you pay \$10.00 per ton on all of it?

Commissioner Nelson:

It is loads over 1000 lbs will be charged for the overage.

Wade Williams:

He asked that the Commission allow the roll-offs from the communities to be brought in for free.

Commissioner Migliori:

When we put out something out like this it is to have a discussion. This resolution is a draft to see how close we are to what we need. Then we get good discussion. We find out what pieces we may have missed. We find some potential solutions that are even better. As Commissioners we need to go back, re-look at some at this discussion and put it back out for discussion again. Then, see if we can find something that works for everybody. He believed that there is a way for everyone to win. We also want to plan for the longevity of the landfill. He was glad that we had this discussion. We need to go back to the drawing board and make provisions to the draft.

Castle Dale City Elect Danny VanWagoner:

He challenged the Commissioner to explore other avenues for funding such as taxation.

Taxation is the fairest point of view for the county.

Commissioner Migliori:

Taxation is not a perfect fix because of Centrally Assessed properties.

Clerk/Auditor Brenda Tuttle:

On the taxation issue, the county is already at the maximum tax rate we can charge. We cannot use Truth in Taxation. Unless there is a special fee or special tax specifically for landfills we cannot use taxation.

Commissioner Horrocks:

We are looking for solutions to a major problem of financing. We want to make sure that what we do as a Commission is fair to every citizen in the county. Commissioner Nelson has spent a lot of time researching what other landfills charge. We are looking for the right answer.

Mayor Peacock:

Huntington City has done a very good job of monitoring their roll-offs. They are going to pay a lot more money compared to Castle Dale who is closer to the landfill and can utilize the landfill

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more economically. Another thing that has to be mentioned is the fact that as the landfill had to be expanded the County Commission granted them a water connection which they didn't have to give. Castle Dale agreed to that after the fact. Castle Dale City has done some things to help the landfill grow and expand. what ever solutions you find out there, make sure that the citizens of this county know where this is coming from so that the cities are not taking the blame for your decisions.

Mayor Behling:

She wanted to thank the Commissioners and ask them to take into consideration that maybe there is another solution to the problem.

Commissioner Nelson:

He indicated that he has done a lot of research on this matter. He reviewed the current rates that the cities charge citizens. The cities need money to put out the billings. He indicated that he wouldn't be surprised if Mr. Williams went to the cities and asked for a rate increase. If we all join in we can keep the landfill from going broke.

Emery County Progress Editor Patsy Stoddard:

Patsy asked if the Landfill is going in the hole every year?

Commissioner Nelson:

It cost several thousand dollars a month to run the landfill. We have very competent people maintaining the landfill. We have very positive inspections. We are obeying the rules and that is very expensive.

Wade Williams:

Where do we go from here? Do you hold another public hearing in another month?

Commissioner Migliori:

We can't make any decisions in a public hearing so you will have to wait.

Commissioner Horrocks closed the meeting and returned to the regular meeting.

(20)

CONSIDERATION AND APPROVAL OF LANDFILL TIPPAGE RESOLUTION.

Commissioner Migliori stated that good points were brought to the table today. He encouraged the mayors to go back to their councils and talk some more. We have been talking about this since May so this is not a new issue. The issue is to the point where we have to do something. Commissioner Ethan Migliori made a motion to table this matter to allow time to do more homework on the points that were brought up today. The motion was seconded by

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Commissioner JR Nelson. The motion passed. He encouraged the Commissioners to go back to the Council of Governments to discuss possible solutions and a revised resolution. A letter will be sent to the Mayors in preparation for COG meeting at the end of January.

Commissioner Ethan Migliori made a motion to take a five minute break. The motion was seconded by Commissioner JR Nelson. The motion passed.

THE FOLLOWING PUBLIC HEARINGS WILL BE HELD AT 6:00 P.M.  
CONSECUTIVELY:

Upon returning to the regular meeting Commissioner JR Nelson made a motion to leave the regular meeting and move into a public hearing to receive public comment on opening and amending the FY 2013 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds, Local Building Authority and Castle Valley Special Service District. At the conclusion of the Public Hearing the Board of Commissioners will return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(21)

6:00 P.M. PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT CONCERNING  
OPENING AND AMENDING THE FY 2013 BUDGETS FOR THE EMERY COUNTY  
GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL  
BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Commissioner Horrocks opened the Public Hearing and turned the time over the Clerk/Auditor Brenda Tuttle. Mrs. Tuttle reviewed the budgets for 2013. She explained amendments for the Judgment levy and Huntington Debris Basin line items. She added that most departments have been good at keeping within their budgets.

Jacob Sharp, Castle Valley Special Service District reviewed amendments to the FY 2013 for CVSSD. He reviewed their 3 budgets, General Fund, Capital Projects and Debt Service.

(22)

PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT REGARDING THE PROPOSED  
FY 2014 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE  
FUNDS, CAPITAL PROJECTS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY  
SPECIAL SERVICE DISTRICT.

Brenda Tuttle reviewed the FY2014 Budgets for the Emery County General Funds, Special Revenue Funds, Capital Projects, and the Local Building Authority of Emery County. Commissioner Ethan Migliori requested a line item change in the amount of \$10,000.00 in the wages & benefits line item within the Travel Bureau budget. The allocation change is within

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the budget so it doesn't change the overall budget, just the allocation of the funds.

Jacob Sharp, CVSSD reviewed their FY 2014 budgets. He explained that there is a decrease of \$300,000.00 due to the unanticipated reduced amount that they received from CIB. They do not have a judgment levy this year, Chip seal was larger than normal in 2013, therefore that line item is less in 2014. Their goal is to keep the Debt Service payment at a flat payment, therefore there is no spike or increase in the debt service tax.

The Board of Commissioners left the public hearing and returned to the regular meeting.

(23)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING THE FY 2013 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Commissioner JR Nelson made a motion to approve Resolution 12-17-13A Amending the FY 2013 Budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds and Local Building Authority of Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Commissioner JR Nelson made a motion to approve Resolution 12-17-13B Amending the FY 2103 budgets of Castle Valley Special Service District. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(24)

CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING THE FY 2014 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Commissioner Ethan Migliori made a motion to approve Resolution 12-17-13C adopting the FY 2014 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds, and the Local building Authority of Emery County. The motion was seconded by Commissioner JR Nelson. The motion passed.

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Commissioner JR Nelson made a motion to approve Resolution 12-17-13D adopting the FY 2014 budgets of Castle Valley Special Service District. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(25)

CONSIDERATION AND APPROVAL OF WILDLAND FIRE BUDGET BETWEEN EMERY COUNTY AND UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS FOR FY 2014.

Commissioner JR Nelson made a motion to approve the Wildland Fire budget between Emery County and Utah Division of Forestry, Fire & State Lands for FY 2014. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(26)

CONSIDERATION AND APPROVAL OF AMENDMENT #4 FOR EWP FY 12 SEELY FIRE PROJECT (#5088) TA FUNDING.

Commissioner Horrocks indicated that the amendment extends the contract due to putting the project on hold. Commissioner JR Nelson made a motion to approve Amendment #4 for EWP FY12 Seely Fire Project (#5088) TA Funding. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(27)

CONSIDERATION AND APPROVAL OF AMENDMENT #4 FOR EWP FY12 SEELY FIRE PROJECT (#5088)- FA FUNDING.

Commissioner Horrocks indicated that the amendment extends the contract due to putting the project on hold. Commissioner Ethan Migliori made a motion to approve Amendment #4 for EWP FY12 Seely Fire Project (#5088) FA Funding. The motion was seconded by Commissioner JR Nelson . The motion passed.

(28)

CONSIDERATION AND APPROVAL OF MODIFICATION OF GRANT/AGREEMENT BETWEEN MANTI-LA-SAL NATIONAL FOREST AND EMERY COUNTY SHERIFF'S OFFICE FOR 2014 ANNUAL OPERATING AND FINANCIAL PLAN FOR LAW ENFORCEMENT.

Sheriff Greg Funk indicated that the Grant/Agreement is basically the same as in years past with the exception of the 10% cost cut in funding for law enforcement on the forest. Commissioner JR Nelson made a motion to approve of grant/agreement between Manti-LaSal National Forest

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and Emery County Sheriff's Office for 2014 annual operating and financial plan for law enforcement. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(29)

CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING SUBMISSION OF APPLICATION TO THE STATE OF UTAH DESIGNATING COMMERCIAL AND INDUSTRIAL ZONES AS ENTERPRISE ZONES.

Economic Development Director Mike McCandless explained a Resolution approving submission of application to the State of Utah designating Commercial and Industrial Zones as Enterprise Zones. He explained that this is a renewal. Designating Commercial and Industrial Zones as Enterprise Zones will allow tax incentives and varying benefits to qualifying businesses determined by the type of business. Commissioner Ethan Migliori made a motion to approve Resolution 12-17-13E approving submission of application to the State of Utah designating Commercial and Industrial Zones as Enterprise Zones. The motion was seconded by Commissioner JR Nelson. The motion passed.

(30)

COMMISSION/ELECTED OFFICIAL REPORTS.

The Commissioners decided to forgo any reports at this time.

(31)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 14, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant check Edit List # 228652 through and including #228775 was presented for payment.

Dispositions were presented for #5821, desk/table and #9689 microwave, #8414, computer, #7914,7918, 7912 computers.

(2)

APPROVAL OF BUSINESS LICENSE FOR LORA SWEETS, ROBERT GABBITAS OWNER.

(3)

PERSONNEL ITEMS:

A. Approval to increase Karen Jacobson's hours from 19 3/4 hours per week to 29 hours per week with pro-rated benefits, excluding medical.

B. Approval to increase Chris Hansen, Marian Mangum, Natalie Humphrey, and Janet Damron's hours from 32 hours per week to 40 hours per week with full benefits.

C. Approval of a 3% merit increase for Leslie Bolinder.

D. Approval to hire Sterling Miller as a full time Equipment Operator/Driver II with full benefits at a Grade 17.

E. Notification that Abby Jensen has been hired as a part time employee, with no benefits, working no more that 19 3/4 hours per week in Economic Development.



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F. Notification that Krista Wright, Levi Jensen, and Kelven Childs have been hired as part time lifeguards, with no benefits, working no more than 19 3/4 hours per week at the Aquatic Center, Effective 1-6-14.

G. Approval of Dawnette Tuttle as a volunteer at the Museum of the San Rafael.

(4)

APPROVAL OF COMMISSION MEETING MINUTES DATED DECEMBER 17, 2013.

Motion to approve the Consent Agenda was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

None.

(2)

APPOINTMENT OF CHAIRMAN FOR 2014.

Commissioner JR Nelson made a motion to retain Commissioner Jeff Horrocks as Commission Chairman for 2014. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(3)

PRESENTATION OF SERVICE AWARDS.

Commission Chairman Jeff Horrocks presented service awards as follow:

A 5 year award was presented to Tammy Tucker, Janet Damron, Merrill Duncan, Kathy Perkins, Tamera Lacock, James Gordon, C..Shannon Hiatt, Mari Peacock, Jay Fausett, Melodie Hoffman,

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Thad Morris, Kenneth Eley, Jr. and Shonna Peterson.

A ten year award was presented to Steven J. Barton, Chris L. Hansen, Nicole Deabenderfer, Becky Jewkes, and Janalee Luke.

A fifteen year award was presented to Shelly N. Gilpin.

A twenty year award was presented to Deborah Williams, Wayde S. Nielsen, and Gerry K. Hatch.

A twenty-five year award was presented to Gayle E. Jensen, Leslie D. Reece, and Robert E. Blackburn.

A thirty year award was presented to Mitch B. Vetere, and Steven Stream.

(4)

EVELYN HUNTSMAN, REQUEST OF FEE WAIVER TO USE THE MUSEUM OF THE SAN RAFAEL FOR EMERY COUNTY HISTORICAL SOCIETY MEETINGS. APPROVAL OF REQUEST.

Evelyn Huntsman and Susanne Anderson came before the Board of Commissioners to request a fee waiver to use the Museum of the San Rafael for Emery County Historical Society meetings. A fee waiver request was granted last year and at that time the Society was informed that they need to make the request again each year. Commissioner JR Nelson commented that the Historical Society covers a wide range of very interesting topics which are a tribute to the citizens of Emery County. Commissioner JR Nelson made a motion to approve the fee waiver request for the Emery County Historical Society to use the Museum of the San Rafael to hold their meetings. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

DISCUSSION AND APPROVAL OF COMMISSION RESPONSIBILITIES.

Commissioner JR Nelson indicated that he liked the idea of retaining the Commission Responsibilities for 2014. Commissioner Ethan Migliori indicated that he was content with retaining his responsibilities. Therefore, Commissioner JR Nelson made a motion to retain the Commission Responsibilities as they were in 2013. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

## 2014

### COMMISSIONER RESPONSIBILITIES

Jeff Horrocks

Chairman

Animal Control  
 Airport  
 AOG  
 CCP  
 Clerk/Auditor  
 County Facilities  
 DWR/RAC  
 ECBC  
 ECSSD#1  
 Economic Development\*  
 Fire District  
 Housing Authority  
 LBA  
 NEWU District  
 Planning/Zoning/Bldg.  
 Personnel  
 Public Lands  
 Sheriff/Homeland Security  
 Travel Bureau  
 TV/Communications  
 Weed/Mosquito

JR Nelson

Aquatic Center\*  
 Attorney  
 BLM/RAC  
 Conservancy Districts  
 CVSSD  
 ECBC  
 EMC Foundation  
 Economic Development  
 Fire District  
 GR Medical Center  
 Library  
 LBA\*  
 Public Lands\*  
 Public/Mental Health  
 Road Department/Landfill  
 Senior Citizens  
 SITLA  
 Treasurer  
 Water Conservancy  
 Wildland Fire

Ethan Migliori

Ambulance/EMT's  
 Assessor  
 Aquatic Center  
 COG  
 Care Center  
 ECBC\*  
 Economic Development  
 Extension/USU  
 Historical Preservation  
 Justice Court  
 IT/GIS  
 LBA  
 Local Emergency Planning  
 Lawrence Cemetery  
 Museum  
 Public Lands  
 Recreation Dist./Fair  
 Recorder/Archives  
 State Parks  
 Travel Bureau  
 USFS

\*contact commissioner

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(6)

CONSIDERATION AND APPROVAL OF BLM ROW APPLICATION FOR APPROXIMATELY .31 MILES OF ROAD BY MILLSITE RESTROOM TO BE INCLUDED IN THE COUNTY B ROAD SYSTEM.

Public Lands Manager Ray Petersen explained that the ROW application is for establishment of a "B" System Road in the vicinity of Millsite Reservoir. There has been access to a toilet/restroom frequented by visitors to the reservoir however, not a designated road. The road will be open to the public year round. The ROW and construction of the road are in conjunction with Price BLM Field Office mitigation plan for sensitive species at this site. By creating this county road, redundant, undesirable routes can be eliminated, minimizing disturbance in the area. There will be volunteers working along with the Road Department to enhance the resources in this area. Because of the endangered cactus in this area if we do not do some mitigation to avoid its disturbance the Division of Wildlife Resources could come in and shut this area down and eliminate all access there. This is a good decision. It can be easily maintained as a "B" Road System road and as a part of that system will receive "B" Road System funding to help maintain the road. As soon as the ground thaws Wayne Nielsen, Road Supervisor will have a grader out there to create a template for the road and eventually road base. Commissioner Ethan Migliori made a motion to approve of BLM ROW application for approximately .31 miles of road by Millsite Restroom to included in the county "B" Road System. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

DISCUSSION AND APPROVAL OF REQUEST FOR ELECTRICAL SERVICE AT 5427 W. STATE ROAD 31 IN CONJUNCTION WITH LOWER DEBRIS BASIN CONSTRUCTION.

Jonathon Johansen, J & T Project Manager indicated that they are moving forward with the design for the lower debris basin construction. They are working with the BLM to get the Geotech access for the report. They have been working with the power company to bring in power to a possible radio gate at the diversion of this lower structure. It is their hope to work out a solution for about 150 away to keep the cost low. We are working with them to keep the cost down because of the benefit to the power company. Commissioner JR Nelson made a motion to approve a request for electrical service at 5427 W. State Road 31 in conjunction with lower debris basin construction. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

COMMISSION MEETING MINUTES  
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(8)

DISCUSSION AND APPROVAL TO ADVERTISE FOR A MID-TERM VACANCY ON PLANNING COMMISSION.

Commissioner Horrocks explained that Laura Rasmussen has moved and therefore has vacated her position on the Emery County Planning & Zoning Commission Board. The by-laws of the Planning & Zoning Commission Board has 9 members and the ability to appoint two alternates on the board. Commissioner recommended appointing two alternates as well as filling the vacancy to the board due to the serious responsibilities needed for this board. Commissioner Ethan Migliori made a motion to advertise to fill a vacancy on the Planning Commission Board as well as two alternate positions. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A SIXTH AMENDED INTERLOCAL COOPERATION AGREEMENT WITH OTHER MEMBERS OF UTAH COUNTIES INDEMNITY POOL, RELATING TO THE ESTABLISHMENT, FUNDING, AND OPERATION OF UTAH COUNTIES INDEMNITY POOL.

Emery County Attorney, David Blackwell sits on the UCIP Board. Mr. Blackwell indicated that UCIP was created by 7 counties 21 years ago. UCIP is run by the counties and is for the counties. Anytime they have a change within the pool the Commission needs to approve by Resolution an amended interlocal cooperation agreement with other members of UCIP relating to the establishment, funding and operation of UCIP. Mr. Blackwell indicated that in this amendment they have extended the deadline to 180 days to opt out of the pool. With the exit of a couple of other counties they found that they had to re-adjust rates and budgets. Commissioner JR Nelson made a motion to approve Resolution 1-14-14 approving and authorizing the execution of a sixth amended interlocal cooperation agreement with other members of Utah Counties Indemnity Pool, relating to the establishment, funding and operation of Utah Counties Indemnity Pool. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LIBRARY EMERGENCY CLOSURE POLICY.

Commissioner Nelson indicated that this formalizes a policy identifying when a library can be closed. There have instances where furnaces went out in the middle of the winter, restrooms are out of service, power outages. This will establish a policy for emergency closure of Emery County Libraries. Commissioner JR Nelson made a motion to approve of Emery County Library Emergency Closure Policy. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(11)

CONSIDERATION AND APPROVAL OF EQUITABLE SHARING AGREEMENT AND CERTIFICATION BETWEEN ECSO AND DOJ.

Sheriff Funk indicated that this is the agreement to share any funds received from seized property. These funds have stipulations as far as they can only be used for specific purposes. Commissioner Ethan Migliori made a motion to approve of Equitable Sharing Agreement and Certification between ECSO and DOJ. The motion was seconded by Commissioner JR Nelson. The motion passed.

(12)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported on a concern for Zebra Mussels coming into our area. They can really be damaging to our water systems. They have had meetings with all water agencies in our area. There is study being conducted by USU on the San Rafael River Basin. They are doing a presentation today and invite people who are involved with water to see that. They will do a more formal presentation at a later date.

Emery Water Conservancy District has signed a one year contract extension with Bureau of Reclamation. The BOR has had some real heartburn over water ownership on Joe's Valley Dam

He reported on Fire District meeting. At the beginning of each new year the cities are to re-appoint a member to the Fire District Board.

Four Corners Behavior Health is moving forward with a resident program called Aspen Cove. This will give them an opportunity to house residents of Carbon, Emery and Grand Counties who need help and spend less money than in an institution.

*Commissioner Migliori*

Commissioner Migliori reported on Recreation Board. They have most of the youth sports groups in the county housed under the Rec Board and they are going very well. They learned a lot of things from last year that they will work to improve for this year. He expressed his appreciation for the Rec Board and all that they do. The complex is moving forward. They will break ground in a few months and hope to be done by October so as to not affect adult sports more than 1 year.

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He has spent a lot of time involved with creating legislation for transmission lines through the area. We have a small corridor for transmission lines or other public related utilities work bill, whether it be oil and gas , etc. to come through the Cedar Mountain corridor. We have concern that if a large power company wants to put in power lines through there all they have to do is meet conditional use permits. As a county we want to make sure that if they do that we get some benefit as a county because if they put it through all we get is Centrally Assessed Taxes off of it which is worth next to nothing for us. They appeal the taxes and usually win. We are trying to give the counties a little more teeth to say look if you are going to put something through here we want to have some economic impact from it. We also want to approach it from the state side so that we don't have power companies putting lines through Utah on the way to California without Utah being able to access some of that power for our own growth. We are still one of the fastest growing states in the nation. We will continue to work on that.

January 31, is Rural Day on the Hill. If anyone would like to go and support that it is our opportunity to meet with our legislators. It is our day to show our voice in rural Utah.

January 15 is Emery County Business Chamber Luncheon at noon at the Museum of the San Rafael. The chamber will provide an economic update and their goals for this year.

*Commissioner Horrocks*

Commissioner Horrocks talked about the recent audit of the county courts/jail system. They found a few things that need to be addressed to make the system safer for the judges and juries. He indicated that the Commission and the Sheriff's Department will be looking into the amount that the State gives to the county for perimeter security for the courts which is required by the state. Commissioner Horrocks talked about the ongoing meetings with seven counties regarding economic engines that drive the economy of the region.

He had a list of volunteers needed by the Emery County Travel Council to help attend the many travel shows throughout the next two weeks. He asked if they could be approved and ratified in the next meeting. Commissioner Ethan Migliori made a motion to approve the volunteers for the Emery County Travel Council for attending travel shows. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commissioner Horrocks asked Commissioner Migliori to comment on the roll that the College of Eastern Utah/Utah State University is taking for economic impact in Carbon and Emery County. Commissioner Migliori talked about the growth of the college and the business expansion and retention program for the traditional and non-traditional student. He indicated that the program will be a welcomed resource to the area.

Commissioner Horrocks reported that the Blue Castle Nuclear Power Plant decision from the state was in their favor. They are running through the appeal process. Conductive Composites is moving forward with the construction of a facility in the Cleveland area.

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Under concerned citizens, Ray Petersen expressed concern as a board member of Joe's Valley Culinary Water Association as the governing board of Reeder Subdivision. The board has had internal discussions with the Commission and Road Department to address the snow removal situation up there. Historically the county and the subdivision have partnered to keep the snow removed from the subdivision and along the county road. He urged the Commission to continue to pursue the situation. There is some urgency to the situation. There were several property owners from the subdivision in attendance in support of this matter. Commissioner Horrocks indicated that the Commission is working with the county attorney on this issue and thanked the citizens for their support and concern.

(13)

ADJOURNMENT

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

JANUARY 28, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 228813 through and including #228899 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1-14	Dispatch consol single power supply Dispatch consol dual power supply Communications	\$ 3,150.00
2-14	Water Shares Capital Projects/Commission	4,500.00

Dispositions were presented for the following:

#6035, copier

(2)

APPROVAL OF LARRY HEATON AS A PERKY VOLUNTEER DRIVER.

(3)

NOTIFICATION THAT SCOTTEE BROWER HAS BEEN HIRED AS A PART TIME LIFEGUARD AT THE AQUATIC CENTER WORKING 19 3/4 HOURS PER WEEK. NO BENEFITS. GRADE 5.

(4)

NOTIFICATION THAT MELISSA JENSEN HAS BEEN HIRED AS A PART TIME ASSISTANT LIBRARIAN IN CLEVELAND WORKING 19 3/4 HOURS PER WEEK. NO BENEFITS. GRADE 7.

(5)

APPROVAL TO HIRE MAEGAN WILBERG AS A PART TIME MUSEUM DIRECTOR WORKING UP TO 29 HOURS PER WEE, WITH PRO RATED BENEFITS, NO MEDICAL INSURANCE. GRADE 14.

(6)

APPROVAL TO START THE RECRUITMENT PROCESS FOR ROAD DEPARTMENT SEASONAL WORKERS WORKING NO MORE THAN 120 DAYS IN A 12 MONTH PERIOD.

(7)

APPROVAL TO HIRE KAYLEE VANWAGONER AS A CERTIFIED LIFEGUARD/INSTRUCTOR AT THE AQUATIC CENTER WORKING UP TO 29 HOURS PER WEEK WITH PRO RATED BENEFITS. NO MEDICAL. GRADE 8.

(8)

APPROVAL TO HIRE VELVET FARLEY AS A HEAD LIFEGUARD AT THE AQUATIC CENTER WORKING UP TO 29 HOURS PER WEEK WITH PRO RATED BENEFITS. NO MEDICAL. GRADE 7.

(9)

NOTIFICATION THE LIBRARY SYSTEM IS HIRING MINDI LABRUM AS A PART TIME FILL IN EMPLOYEE WORKING NO MORE THAN 10 HOURS PER WEEK. NO BENEFITS. GRADE 7.

(10)

APPROVAL OF PHILLIP ENGLEMAN'S APPOINTMENT TO EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT REPRESENTING GREEN RIVER CITY.

(11)

APPROVAL OF COMMISSION MEETING MINUTES DATED JANUARY 14, 2014.

Motion to approve the Consent agenda was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

(2)  
REPRESENTATIVES FROM PACIFICORP AND ENERGY WEST- UPDATE ON  
PLANNED ACTIVITIES.

(3)  
APPROVAL OF AGREEMENT BETWEEN REEDER SUBDIVISION ASSOCIATION AND  
EMERY COUNTY FOR SNOW REMOVAL OF COUNTY ROAD.

Commissioner JR Nelson made a motion to table this matter for further review. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)  
CONSIDERATION AND APPROVAL OF AMBULANCE BILL REDUCTION/WRITE-OFF  
REQUEST FOR MICHAEL A. MCCONNELI.

After discussion and review of an ambulance bill reduction/write-off request for Michael A. McConnell, Commissioner Ethan Migliori made a motion to deny Mr. McConnell's request due to no attempt to make any good faith effort payment. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)  
APPROVAL OF APPOINTMENT OF SAM BRAMMEL, ZORA PEACOCK AND KAREN  
HUNTSMAN TO THE EMERY COUNTY ADVISORY COUNCIL ON AGING AND  
NUTRITION.

Commissioner JR Nelson made a motion to appoint Sam Brammel, Zora Peacock, and Karen Huntsman to the Emery County Advisory Council on Aging and Nutrition. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

APPROVAL OF APPOINTMENT OF MARY KAVA TO THE MUSEUM OF THE SAN RAFAEL BOARD OF DIRECTORS.

Commissioner Ethan Migliori made a motion to appoint Mary Kava to the Museum of the San Rafael Board of Directors. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

APPROVAL OF APPOINTMENT OF WILLIAM COYNE, TED CURTIS, RAYMOND QUINN, AND KENNETH GUNTER TO NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT.

Commissioner JR Nelson made a motion to table this item. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

APPROVAL OF APPOINTMENT OF BRAD GILES AND TROY WINTER TO THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.

Commissioner Ethan Migliori made a motion to appoint Brad Giles and Troy Winter to the Emery County Recreation Special Service District. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF EASEMENT AGREEMENT BETWEEN ANDALEX RESOURCES CORPORATION AND EMERY COUNTY FOR CONSTRUCTION OF A DEBRIS BASIN.

Emery County Attorney David Blackwell reviewed with the Commissioners recommended changes to an easement agreement between Andalex Resources Corporation and Emery county for construction of a debris basin. Mr. Blackwell recommended that the Commissioners approve the easement agreement with his recommended changes. Commissioner Ethan Migliori made a motion to approve of an easement agreement between Andalex Resources Corporation and Emery County for construction of a debris basin. The motion was seconded by Commissioner JR Nelson. The motion passed.

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January 28, 2014

(10)

CONSIDERATION AND APPROVAL OF STANDARD COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK FOR 2014.

Commissioner Ethan Migliori made a motion to approve of standard cooperative agreement for Utah State University Extension Educational work for 2014. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR NOXIOUS WEED MANAGEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS AND EMERY COUNTY WEED AND MOSQUITO DEPARTMENT.

Commissioner JR Nelson made a motion to approve of Cooperative Agreement for Noxious Weed Management between the Utah Division of Forestry, Fire & State Lands and Emery County Weed and Mosquito Department in the amount of \$10,000.00 for the removal of Russian Olive Trees and Tamarisk in Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF EMERY COUNTY JOINING ON THE AMICUS BRIEF IN SUPPORT OF AMENDMENT 3 LITIGATION.

(13)

RATIFICATION OF AMBULANCE BILL REDUCTION FOR JORDAN GRANGE.

(14)

COMMISSION/ELECTED OFFICIALS REPORT.

(15)

CITIZEN CONCERNS

(16)

ADJOURNMENT

6

Emery County Board of Commissioners Meeting Minutes  
January 28, 2014

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 11, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 229021 through and including #229134 for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
3-14	(3) Chainsaws Weed/Mosquito	\$1,949.85
4-14	Ultrasonic Cleaning System Sheriff	651.27
5-14	Upgrade Stealth Sheriff	\$1,590.00
6-14	(3) 2014 Dodge 1500 SSV Crew Cab 4x4 Sheriff	\$96,605.82

Dispositions were presented for a large number of items. A list of these assets can be found as an attachment to these minutes.

(2)  
APPROVAL OF TRAVIS TUTTLE'S APPOINTMENT TO THE EMERY COUNTY  
RECREATION SPECIAL SERVICE DISTRICT REPRESENTING ORANGEVILLE CITY.

2

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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(3)

APPROVAL OF DANNY VANWAGONER'S APPOINTMENT TO THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT REPRESENTING CASTLE DALE CITY.

(4)

APPROVAL OF APPOINTMENTS TO CASTLE VALLEY SPECIAL SERVICE DISTRICT AS FOLLOWS: GARY PRICE REPRESENTING CLAWSON TOWN, TRENT JACKSON REPRESENTING FERRON CITY, MICHAEL TAYLOR REPRESENTING CLEVELAND TOWN, AND ROGER SWENSON REPRESENTING ORANGEVILLE CITY.

(5)

NOTIFICATION THAT TIFFANI BAKER HAS BEEN HIRED AS A PART TIME MUSEUM EMPLOYEE WORKING 17 HOURS PER WEEK. NO BENEFITS. WAGE GRADE 6.

(6)

APPROVAL OF VOLUNTEERS FOR THE LIBRARY 2014 AS FOLLOWS: MEAGAN OUZTS, KIRK JENSEN, DAVE THOMAS, ELEAH THOMAS, JENNIFER THOMAS, NOAH THOMAS, MADDISON THOMAS, AND GLEN VANDINHAZEL.

(7)

APPROVAL OF COMMISSION MEETING MINUTES DATED JANUARY 28, 2014

Commissioner JR Nelson made a motion to approve the Consent Agenda and to move Item #3 to the Discussion Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Commissioner Ethan Migliori indicated that there has been a change in the appointment to the Recreation Board and asked to table this for now. Therefore, Commissioner Migliori made a motion to table item #3. The motion was seconded by Commissioner JR Nelson. The motion passed.

(2)

EMPLOYEE OF THE MONTH.

Commissioner Ethan Migliori presented the Emery County Employee of the Month to Flora



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Motte. Flora has been working for Emery County for 39 years. Flora was hired on January 1 1975 as Assistant Librarian at the Cleveland Library where she worked for 29 years. When she was hired she worked 2 hours one day a week for \$1.25 per hour. During the winter, they were paid 50 cents to build a fire in the old library building. She was part of moving the library twice finally to the building Cleveland has today. In January 2004 she had the opportunity to become head librarian in Huntington where she has excelled making the Library a friendly and inviting place. Flora is very talented and always has exceptional bulletin boards and displays. She is very friendly and works well with the staff and the public. Flora was presented with a plaque and Emery County Bucks.

Commissioner Ethan Migliori made a motion to move from the regular meeting and into a public hearing for the purpose of receiving comment from the public regarding proposed issuance of General Obligation Bonds by Castle Valley Special Service District and to return to the regular meeting at the conclusion of the public hearing. The motion was seconded by Commissioner JR Nelson. The motion passed.

(3)

PUBLIC HEARING- TO RECEIVE PUBLIC COMMENTS ON THE PROPOSED ISSUANCE OF GENERAL OBLIGATION BONDS BY CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,348,000. THE BONDS TO BEAR INTEREST AT THE RATE OR RATES NOT TO EXCEED 1.5% PER ANNUM, TO MATURE IN NOT MORE THAN 7 YEARS FROM THEIR DATE OR DATES, AND TO BE SOLD AT A PRICE NOT LESS THAN 99% OF THE TOTAL PRINCIPAL AMOUNT THEREOF AND THE ECONOMIC IMPACT THAT THE IMPROVEMENTS PROPOSED TO BE FINANCED WITH THE BONDS WILL HAVE ON THE PRIVATE SECTOR.

Castle Valley Special Service District Manager, Jacob Sharp addressed the Commissioners and public in attendance. This public hearing is regarding general obligation bonds that they intend to issue this year. They are typical bonds for their consolidated projects to do things throughout the county. This process was started last year when they communicated with mayors and councils in the towns in the county to acquire list of improvements to be done in their towns. This list is submitted to CIB for funding approval. They were approved for 1.348 million dollar bond. In addition to that they were granted a \$700,000.00 grant at 1.5% interest. In the funding meeting they received the final approval for the funding. This public hearing is the final step to closing on the bond next month. They have several projects such as curb and gutter, drainage improvements as well as improving and upgrading culinary water and sewer lines in several cities. Commissioner Nelson indicated that he sits on the CVSSD and is amazed at how much work they do. The improvements are very noticeable.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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Phil Fauver asked what the bond will cost the tax payers?

Jacob indicated that each year they acquire a series of bonds. Through help of Zions Bank Public Finance and their bond attorney they are able to structure the bonds to keep their debt service payment level. As far as the tax that you will see from their level it remains the same through 2016. After that time it projects to drop off. It gives us room to add future projects. They have a stable budget that remains about the same from year to year. The goal is to keep it level. We know what the payment will be through 2016.

The public hearing came to an end. The Commissioners returned to the regular meeting

(4)

CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING CASTLE VALLEY SPECIAL SERVICE DISTRICT GENERAL OBLIGATION BONDS, SERIES 2014 AND OTHER NECESSARY PAPERWORK.

Commissioner Ethan Migliori made a motion to approve Resolution 2-11-14A authorizing Castle Valley Special Service District General Obligation Bonds, Series 2014 and authorize Commission Chairman Jeff Horrocks to sign the necessary paperwork associated with the issuance of said bonds. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commissioner JR Nelson made a motion to leave the regular Commission Meeting and move into a public hearing to receive public comment regarding the mental health and substance abuse treatment needs of Emery County and the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

PUBLIC HEARING- FOUR CORNER COMMUNITY BEHAVIORAL HEALTH, INC. WILL BE RECEIVING PUBLIC COMMENT FROM CITIZENS OF EMERY COUNTY REGARDING THE MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT NEEDS OF EMERY COUNTY. INPUT FROM CITIZENS, CLIENTS, AND FAMILIES WILL BE USED IN PLANNING SERVICES AND IN DECISION MAKING DURING THE NEXT FISCAL YEAR.

Karen Dollan and Jennifer Thomas addressed the Commissioners and public in attendance. Ms. Dollan indicated that state law and medicaid require that the Emery County Commission as the controlling government for the county hold a public hearing to receive public comment from citizens on Emery County regarding the mental health and substance abuse treatment needs of the county. The comments received will be used in planning services and in decision making during

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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the next fiscal year.

Steve Barton asked what services Four Corners provides to the citizens of Emery County?

Ms. Dollan provided a breakdown of services provided by Four Corners Behavioral Health. The services include, outpatient clinics with therapist, job placement, substance abuse treatment, medication management, a clubhouse for the mentally ill and Drug Court with random testing. Housing is provided in Carbon and Grand counties. They transport patients to and from Emery County to facilities in Carbon County that are not provided locally. They recently received funding to provide services in the schools to mitigate early treatment. Employers are provided random testing which helps employers feel good about hiring someone because they are monitored so closely. They employ about 88 people in the tri-county area. The funding that the county provides to Four Corners is used to leverage the additional needed funding from a state and federal level to provide these services. They provide a 24 hours a day crisis service and coordinate with the Sheriff's Department on a daily basis.

Upon the end of comments from the public the Commission returned to the regular meeting.

Commissioner JR Nelson made a motion to approve continuing services with Four Corner Behavioral Health. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

DISCUSSION REGARDING SPECIAL FUNDING/GRANT ISSUES INVOLVING MENTAL HEALTH AND POSSIBLE APPROVAL OF LETTER OF OPPOSITION.

Commissioner JR Nelson made a motion to table this matter for now. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

APPROVAL OF EMERY COUNTY SPECIAL SERVICE DISTRICT #1 BYLAWS.

Attorney David Blackwell indicated that there was no content change to the by-laws other than the dates reviewed and updated. Commissioner Ethan Migliori made a motion to approve of Emery County Special Service District #1 By-Laws. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(8)

CONSIDERATION AND APPROVAL OF PROJECT APPLICATION AND GRANT AGREEMENT BETWEEN UDOT AERONAUTICAL OPERATIONS DIVISION AND EMERY COUNTY FOR STATE AID FOR PAVEMENT PRESERVATION 2014 AT THE HUNTINGTON AIRPORT.

Commissioner Horrocks indicated that the project application and grant agreement between UDOT Aeronautical Operations Division and Emery County for state aid for pavement preservation at the Huntington Airport is for chip sealing and coating the tarmac. The cost of the project is \$80,000.00. The grant will provide \$72,000.00 and the county will come up with a match of \$8,000.00. Commissioner JR Nelson made a motion to approve of Project Application and Grant Agreement between UDOT Aeronautical Operations Division and Emery County for State Aid for Pavement Preservation 2014 at the Huntington Airport. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND ECSSD#1 FOR HUNTINGTON AIRPORT PAVEMENT PRESERVATION.

Commissioner JR Nelson made a motion to approve of an interlocal agreement between Emery County and ECSSD#1 for Huntington Airport Pavement Preservation. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

RATIFICATION OF AGREEMENT BETWEEN REEDER SUBDIVISION ASSOCIATION AND EMERY COUNTY FOR SNOW REMOVAL OF COUNTY ROAD 507.

Commissioner Horrocks explained that County Road 507 has been maintained by Reeder Subdivision Association for a few years. The Commission and the Association agreed that there needs to be a written agreement between them for the plowing of the road leading into Reeder Subdivision. Emery County has a surplus pickup truck with a mounted snowplow that title of will be transferred to the Reeder Subdivision Association. An agreement was written up and signed. Ratification is now needed for the signing of this agreement. Commissioner JR Nelson made a motion to ratify the signing of an Agreement between Reeder Subdivision Association and Emery County for snow removal of County Road 507. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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(11)

APPROVAL OF APPOINTMENT OF WILLIAM COYNE, TED CURTIS, RAYMOND QUINN, AND BRUCE WILSON TO NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT.

Commissioner Ethan Migliori made a motion to appoint William Coyne, Ted Curtis, Raymond Quinn, and Bruce Wilson to North Emery Water Users Special Service District. The motion was seconded by Commissioner JR Nelson. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 FOR HUNTINGTON CANYON NORTH DEBRIS BASIN PROJECT 2013.

Howard Tuttle, J&T Engineering explained change order #1 for Huntington Canyon North Debris Basin Project 2013. Emery County is in the process of placing two control structures in Huntington Creek. The north basin is nearly complete and is basically designed to catch all the trash, logs and debris that comes down stream and plugs up the infrastructure downstream. The south basin is still lacking the permitting from the Army Corp of Engineers. All the other permits are in hand, but they lack the ACOE permit. They are not sure when they will get it. To help speed things up, they proposed making a change order to the north basin, where they have a contractor in place, to acquire the rock rip-rap that is required for the south basin. They want to have that on hand so that when they get the permit they will have that behind them. When the south basin is contracted and put into motion then they will pull the funds from the south basin and put it back into the north basin. The change order is for \$672, 829.50 for the grouted rock rip-rap for the south basin. They are facing time constraints. They need to have this in place before the monsoons come in July, August, September. The change order will get us moving on the south basin and get it moving. Commissioner JR Nelson made a motion to approve change order #1 for Huntington Canyon North Debris Basin Project 2013. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF U.S. GOVERNMENT LEASE FOR REAL PROPERTY ON HORN MOUNTAIN FOR NOAA EQUIPMENT.

Bret Mills had some changes to the lease agreement with the U.S. Government for real property on Horn Mountain for NOAA Equipment. These changes were sent in and we have not heard back from the U.S. Government. Commissioner JR Nelson made a motion to approve the lease with the recommended changes upon County Attorney David Blackwell's satisfaction and authorize Commission Chairman Jeff Horrocks to sign the lease. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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(14)

CONSIDERATION AND APPROVAL OF A CELL PHONE STIPEND FOR GARY PRICE,  
WEED/MOSQUITO DEPARTMENT.

Commissioner Ethan Migliori made a motion to approve of a cell phone stipend for Gary Price, Weed/Mosquito Department. The motion was seconded by Commissioner JR Nelson. The motion passed.

(15)

APPROVAL OF APPOINTMENT OF CARL A. JACOBSON TO FILL AN UNEXPIRED  
TERM ON THE PLANNING COMMISSION.

Commissioner Horrocks indicated that they received one application to fill an unexpired term on the Planning Commission. They will need to recruit for alternates. Commissioner Ethan Migliori made a motion to appoint Carl A. Jacobsen to fill an unexpired term on the Planning Commission. The motion was seconded by Commissioner JR Nelson. The motion passed.

(16)

CONSIDERATION AND APPROVAL OF EEO PLAN UPDATE. SUBMITTED HERE IS  
THE ANNUAL UPDATE OF THE COUNTY'S EEO PLAN FOR COMMISSION REVIEW.

Personnel Director, Mary Huntington indicated that the Equal Employment Opportunity Plan (EEO Plan) has to be updated and approved annually. There were no changes to the plan. Commissioner JR Nelson made a motion to approve of EEO Plan update. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(17)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING SECTION 9.5.a.d. OF  
THE PERSONNEL POLICY OF EMERY COUNTY, UTAH.

Personnel Director, Mary Huntington explained that the resolution amends section 9.5 a.d., clarifying the accrual of annual leave for long-time employees. Commissioner JR Nelson made a motion to approve Resolution 2-11-14B amending the personnel policy as proposed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(18)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Migliori*

Commissioner Migliori reported on attending a BEAR meeting with Economic Development

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
FEBRUARY 11, 2014

Director Mike McCandless. The focus of the meeting was ways to help strengthen local business. They meet every week to discuss opportunities and matching resources to help with businesses. They have had some successes this year and are excited about some changes within the organization. Commissioner Migliori attended a Trails Committee Meeting where they discussed the final details for a hiking/horseback trail map. This has been a challenge in Huntington Canyon because of the floods. They have also been documenting trails on the desert. If you know of anyone who is an avid hiker have them get in touch with Mike McCandless, Ray Petersen, Tina Carter or Ethan Migliori. By documenting these trails we can keep these opportunities for citizens high and improve opportunities for local residents and businesses. The Travel Bureau has been traveling to travel shows to promote Emery County and bring outsiders into the communities. He talked about money in three different ways. We have money that circles inside of our community, which is good but does not grow the pot. We have money that is exported, such as when a person buys a car from outside of the community, that money goes somewhere else and never comes back to our community. Then we have money that comes in from outside the community that helps build our pot of money. We appreciate the Travel Bureau's efforts to build our pot of money for the county. Museum of the San Rafael is still working on a mammoth display. COG meeting with the mayors was a follow-up discussion for the landfill tipping fees. They received some good ideas. Recreation Board has had some changes in members from the cities. Hopefully we can get new perspectives from these new board members to enhance recreation opportunities in Emery County.

*Commissioner Nelson*

Commissioner Nelson reported on attending a grazers meeting with Western Range Land Conservation Group concerned with the numbers of wild horses and burros on our public lands. The meeting was in Beaver County where 7 of the thirty or so people in attendance were from Emery County. So it is a big issues with the grazers and a number of our citizens.

*Commissioner Horrocks*

Commissioner Horrocks reported on Public Lands Council meeting where they discussed the work going on with Congressman Ron Bishop and the Public Lands Bill. We hope to get something on the floor in Washington soon. Public Lands Director, Ray Petersen, Commissioner Nelson and Randy Johnson, Emery County's Lobbyist in Washington will be traveling to Washington, D.C. to make sure that the bill keeps moving. Commissioner Horrocks reported on continued efforts with the commissioners from seven eastern counties and their economic development directors to move forward towards an MOU that they can operate from. They are hoping for an economic development engine for all seven counties (Daggett, Uintah, Carbon, Duchesne, Grand, Emery, and San Juan, working together toward gaining a stronger voice for rural counties in the legislature and with regards to the economic future of our counties. He

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FEBRUARY 11, 2014

reported on a Fire District meeting where they discussed purchasing new brush trucks. They are looking for a loan or hopefully a grant to put with the \$300,000.00 match to purchase the trucks. The request is on the CIB short term list.

Commissioner JR Nelson made a motion to leave the regular meeting and move into a closed session and at the close of the session to return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(19)

CLOSED/EXECUTIVE SESSION TO DISCUSS STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY.

Present at the closed session was Commissioner Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, Ross Huntington, Emery County Care and Rehabilitation Board Member, Commission Executive Director Leslie Bolinder and Deputy Clerk/Auditor Carol Cox.

(20)

CONSIDERATION AND APPROVAL OF LETTER NOTIFYING TRADITIONS HEALTH CARE, INC. OF TERMINATION OF CONTRACT AND APPROVAL TO SOLICIT RFP'S FOR EMERY COUNTY CARE AND REHABILITATION CENTER.

Upon returning to the regular meeting Commissioner Ethan Migliori talked about discussions with the Emery County Care and Rehabilitation Center Board to make some changes to the Care Center to make it more profitable. To assist in this effort Commissioner Ethan Migliori made the following motions:

Commissioner Ethan Migliori made a motion to authorize the Clerk/Auditor's office to work with Ross Huntington, Chairman of the Emery County Care and Rehabilitation Center Board to address the issue of the payables and to assist in the paying of those payables. The motion was seconded by Commissioner JR Nelson and the motion passed.

Commissioner Ethan Migliori made a motion to support the wishes of the Emery County Care Center Board by issuing a letter of termination to Traditions Health Care giving them 60 day written notice. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commissioner Ethan Migliori made a motion to support the wishes of the Care Center Board by issuing a RFP out to entities currently in the industry to give proposals of offering that will allow a better financial opportunity for the Care Center to become what we would like it to be.



MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
FEBRUARY 11, 2014

The motion was seconded by Commissioner JR Nelson. The motion passed.

Phil Fauver asked what additional opportunities and services could be provided at the Care Center?

Commissioner Ethan Migliori indicated that the industry has changed and there are other opportunities such as assisted living that could be pursued.

Commissioner Nelson pointed that there is about an acre of property there that is not being utilized.

(21)

ADJOURNMENT.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 25, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 229176 through and including #229318 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
7-14	Lube Truck Unit Highway	\$231,200.00
8-14	Spare Parts kit for Microwave Radio Between Cedar Mt. and Boarding House Ridge	14,585.60
9-14	(18) replacement Digital Repeater Radios For SO and Rd. Dept.	52,272.40

Dispositions were approved for the list of assets found at the end of the minutes.

(2)

APPROVAL OF OUT OF STATE TRAVEL TO WASHINGTON DC FOR RAY PETERSEN AND JR NELSON FOR WORK ON PUBLIC LANDS BILL.

(3)

APPROVAL OF OUT OF STATE TRAVEL TO LAS VEGAS, NV FOR KYLE EKKER AND JEFF THOMAS TO ATTEND A PUBLIC AGENCY TRAINING COUNCIL SEMINAR.

(4)

APPROVAL OF A BUSINESS LICENSE FOR WHITNEY MARIE PHOTOGRAPHY.

2

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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(5)

APPROVAL OF BUSINESS LICENSE FOR SJOGREN AUTO.

(6)

RATIFICATION OF SCOTT LABRUM AS CASTLE DALE CITY'S APPOINTMENT TO THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.

(7)

APPROVAL OF 3% WAGE INCREASE FOR COBY HUNT FOR SUCCESSFUL COMPLETION OF HIS ORIENTATION PERIOD FROM BEING PROMOTED TO CREW LEAD IN GREEN RIVER, GRADE 21.

(8)

APPROVAL OF THE FOLLOWING VOLUNTEERS FOR THE MUSEUMS: SHEILA SEBRINGS, BARBARA LEMONS, LISA JEWKES, BETH BLACK, BARBARA PETERSEN, DIANE LANSFORD, RANDY JENSEN, NANCY ESPANET, JAN PETERSEN, AND MARY KAVA.

(9)

NOTIFICATION THAT KIP ALLRED HAS BEEN HIRED AS A PART TIME EQUIPMENT OPERATOR/DRIVER WORKING 19 3/4 HOURS PER WEEK FOR THE ROAD DEPARTMENT. NOT ELIGIBLE FOR BENEFITS. GRADE 16.

(10)

APPROVAL OF COMMISSION MEETING MINUTES DATED FEBRUARY 11, 2014.

Motion to approve the Consent Agenda was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Commissioner JR Nelson made a motion to move item #9 to #3 on the agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
FEBRUARY 25, 2014

(2)

DANNA GRAY, REQUEST APPROVAL OF FEE WAIVER AT THE MUSEUM OF THE SAN RAFAEL FOR THE BOY SCOUTS OF EMERY COUNTY.

Danna Gray came before the Board of Commissioners to request approval of fee waiver at the Museum of the San Rafael for the Boy Scouts of Emery County. Ms. Gray explained that the Eagle Scouts in Emery County have donated approximately 1100 hours to Emery County. These Eagle Scouts don't get much recognition within their own troops. Therefore, they would like to have a banquet to pay tribute to these Eagle Scouts. The stakes in the county have donated the funds to pay for food at the banquet but not for anything else. The Museum of the San Rafael is the best location to hold the banquet and she requested the fee to use the Museum be waived. Commissioner Ethan Migliori expressed appreciation to the Eagle Scouts of Emery County and agreed that they do a lot for the county. Agreeing to waive the fee for the use of the Museum will show the County's dedication to the Scout program. Therefore, Commissioner Ethan Migliori made a motion to approve a request of fee waiver at the Museum of the San Rafael for the Boy Scouts of Emery County. The motion was seconded by Commissioner Nelson. The motion passed.

(3)

UTAH DIVISION OF WILDLIFE RESOURCE PRESENTATION OF PILT PAYMENT.

Chris Wood, DNR introduced Calvin Black, Aquatics and Joe Christensen, Lands Management. Mr. Wood presented the Commissioners with a check in the amount of \$2,651.31 for the contractual in-lieu tax payment on land the Division of Wildlife Resources owns in Emery County. The money used to pay the in-lieu tax is provided by hunters and anglers in the county and across the state. He added, that these lands are important to wildlife and to the many hunters and anglers in Emery County. He expressed his appreciation to the Commission for their support as a partner in managing Utah's wildlife.

(4)

HILARY GORDON, MAYOR OF HUNTINGTON CITY, DISCUSSION OF ASSISTANCE WITH TRAFFIC CONTROL/CROSSING GUARD CONCERNS AROUND HUNTINGTON ELEMENTARY AND ON OTHER CITY STREETS.

Commissioner JR Nelson made a motion to table this matter. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(5)

REQUEST FOR DONATION TO THE VOLUNTEERS OF AMERICA.

Geri Stottler came before the Board of Emery County Commissioners to request a donation to the Volunteers of Emery County. She explained that they are under the direction of the Emery County Community Foundation and are no longer a part of the Volunteers of America program. She indicated that the Foster Grandparent program was picked up by another volunteer program and is being implemented in Emery County through their volunteers. She reported that the Angel Tree Program was successful in 2013. They used the city offices as drop off locations for donated items. She added that they function through a board that meets the second Monday each month at 9:00 am at the Main Street Grill. She asked that a donation be provided through the Community Foundation. Commissioner Ethan Migliori made a motion to approve a \$250.00 donation to the Emery County Volunteer Program. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

REQUEST FOR DONATION TO THE EMERY HIGH RODEO TEAM.

Nathan Urie came before the Board of Commissioners to request a donation through sponsorship to the Emery High Rodeo Team. Laurel Nielsen commented that she is a parent of a high school rodeo team member. They started out with 5 members and have now grown to 30 members just on this side of the county. Commissioner JR Nelson made a motion to approve sponsoring the Emery High Rodeo Team with a donation of \$250.00. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF EMERY COUNTY CLASS I SOLID WASTE LANDFILL ANNUAL SOLID WASTE REPORT FOR CALENDAR YEAR 2013.

Commissioner Nelson reported that there is a lot of work that goes into following all the rules and regulations governing a landfill. The recent annual report of the Landfill was very favorable. They did not receive any violations. He stated that the Emery County Landfill is a topnotch facility. Commissioner JR Nelson made a motion to approve the Emery County Class I Solid Waste Landfill Annual Solid Waste Report for Calendar year 2013. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(8)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING  
FORMING EASTERN UTAH ECONOMIC DEVELOPMENT COALITION.

Commissioner Horrocks explained that the Memorandum of Understanding entered into by and between Uintah, Duchesne, Carbon, Emery, Grand, San Juan, and Dagget Counties is for the purpose of forming the Eastern Utah Economic Development Coalition. The economic development, travel and tourism, transportation infrastructure, and the extractive industries drive the economies of the Eastern Utah counties. The seven counties have concluded that the integral nature of their geography requires close cooperation in planning for these economy driving elements. The seven counties propose to create an informal advisory organization to be known as the Eastern Utah Economic Development Coalition whose purpose is to create a multi-county coalition for planning, coordinating, and promoting the economic development, travel and tourism, transportation infrastructure, and extractive industries of the region. They hope that through this MOU the seven counties can bring a bigger voice to the legislature to assist in bringing economic growth to the seven rural counties. There will be no indenture on the part of any county included in the coalition. Attorney David Blackwell has reviewed the document and made his changes. Commissioner JR Nelson made a motion to approve of Memorandum of Understanding forming Eastern Utah Economic Development Coalition. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CRAIG JOHANSEN, DISCUSSION OF HB 49 WATER RIGHTS- CHANGE APPLICATION  
AMENDMENTS AND DETERMINATION OF POSSIBLE COUNTY POSITION.

Craig Johansen came before the Board of Commissioners to discuss HB 49 Water Rights-Change Application Amendments. He indicated that there has been a lot of discussion on this proposed legislation. This legislation is being proposed by Senator Kay McIff. This will put shareholders against irrigation companies. The change would allow a shareholder right to take shares out and apply them to another drainage system. This would be detrimental to our area. He stated that the economy of Emery County rests on its water. He indicated that he has met with Senator Hinkins regarding the issue who seems to be in opposition to the legislation as well. It is important the Emery County come out, in positive form, in opposition to this legislation. CVSSD has expressed its opposition to the legislation. Mr. Johansen expressed urgency in stating a clear message from Emery County Commission in opposition to this proposed legislation.

Patsy Stoddard asked Mr. Johansen where the bill is currently?

Mr. Johansen indicated that currently the bill has moved out of committee. It was suggested to

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have Commissioner JR Nelson draft a letter to those legislators who serve rural Utah and specifically Emery County stating Emery County's opposition to this proposed legislation. Commissioner JR Nelson made a motion to have Commissioner Nelson, with the aid of Attorney David Blackwell, draft a letter stating Emery County's opposition to HB49 and move forward from there. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Migliori*

Commissioner Migliori reported that Emery County Historic Preservation Committee is currently involved with placing silhouettes of the Spanish Trail in areas around the Buckhorn. They are coordinating with the BLM for placement of the markers that will help enhance tourism in the area. Last week he participated with the filming of ice climbing in Joe's Valley for a segment on "At Your Leisure". He reported on attending a meeting with Rocky Mountain Power where they discussed transmission lines and expansion opportunities. They have a fifteen year plan up for review. The comment meeting will be March 18<sup>th</sup> from 4pm until 7pm in Price at the Carbon Fairgrounds. He reported on a meeting with Tim Smith, State Parks regarding legislation to privatize state owned golf courses such as the one in Green River. He indicated that management of the course would be significantly more expensive to manage. He has been participating with tablet training at the libraries. Training on droid driven tablets was last week at the Huntington Library. This week will be Ipad and Apple devices.

*Commissioner Nelson*

Commissioner Nelson reported that there are several bills at the legislature that the Commissioners are keeping an eye at this time. They involve grazing issues, timberland, county road work, water, building permit and zoning issues. He reported that the Commissioners recently sent a letter of support for the boulder climbing club to be included in a study of boulder climbing in Joe's Valley. He reported on a private citizen business group interested in extending the boat ramp in Joe's Valley.

*Commissioner Horrocks*

Commissioner Horrocks reported on a recent meeting at Huntington Power Plant regarding the debris basin in Huntington Canyon. An MOU will be forthcoming. Commissioner Nelson, Ray Petersen and Randy Johnson will be traveling to Washington DC to keep the light burning on Emery County's Land Bill. He indicated that the Commissioners are looking at holding a public auction for surplus county property sometime in the spring. Departments are compiling a list of surplus property for the auction. HUD is continuing with improvements to the units in the

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county. James Nielsen recently received an award in a conference of Weed/Mosquito managers. The Road Department is currently applying Mag Chloride to the dirt roads in preparation for spring and Easter. It seals the gravel in place.

(11)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

MARCH 11, 2014

Present at the meeting is Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, and Deputy Clerk/Auditor Carol Cox.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #229485 through and including #229636 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
10-14	Replacement part Aquatic Center	\$3,583.33
11-14	Landfill Compactor Highway	\$564,200.00

Dispositions were presented for the following:

570-5514, 570-5510, 211-5151, 211-5152, 210-5436, 210-5449, 234-5253, 234-5736, 234-3645, 234-3646, 234-0102, 210-2166, 210-2179, 212-6062, and an office chair from the Travel Bureau and a chair from Planning/Zoning.

(2)

APPROVAL OF BUSINESS LICENSE FOR ANY AGE ANY STAGE FARRIER BUSINESS OWNED BY LESLIE MILLS.

(3)

APPROVAL OF 3% WAGE INCREASE FOR SUSAN HESS UPON COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. GRADE 7.

(4)

APPROVAL OF 3% WAGE INCREASE FOR ALEX STILSON FOR SUCCESSFUL

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COMPLETION OF HIS 6 MONTH ORIENTATION

(5)

APPROVAL OF 3% WAGE INCREASE FOR NANNETTE HARRISON FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. GRADE 6.

(6)

NOTIFICATION THAT BLAINE ALLEN HAS BEEN HIRED AS A SEASONAL EMPLOYEE WORKING 120 DAYS IN THE ROAD DEPARTMENT. WAGE \$16.39 PER HOUR. NOT ELIGIBLE FOR BENEFITS.

(7)

NOTIFICATION THAT KEVIN PIERCE HAS BEEN HIRED AS A PART TIME EQUIPMENT OPERATOR I WORKING UP TO 19 3/4 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. GRADE 16.

(8)

APPROVAL OF COMMISSION MEETING MINUTES DATED FEBRUARY 25, 2014.

Motion to approve the Consent Agenda was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing

(2)

EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented Employee of the Month for March to Kaylee Van Wagoner from the Emery County Aquatic Center. Kaylee has been an employee of the Emery County Aquatic Center since the pool opened in 2009. Beginning as a lifeguard, Kaylee was promoted to head lifeguard soon after employment and in 2014 became a certified lifeguard instructor and WSI instructor.

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During her time employed at ECAC, Kaylee became the recipient of a 2<sup>nd</sup> kidney transplant. Even on the days when she did not feel good, she was always pleasant to work with and kind to her patrons. She is a friend and surrogate mom to all the teenage lifeguards and loved by all.

Teaching swimming lessons is one of Kaylee's favorite joys of working at the pool. The kids she teaches just love her and excel under her instruction.

Kaylee has been assistant swim team coach for the Emery High School team for several years. This year her team completed an amazing season by finishing 2<sup>nd</sup> place at the state competition in both girls and boys team events.

Kaylee received a plaque of appreciation and Emery County Business Chamber bucks.

(3)

DEREK BEAGLEY, REQUEST FOR COMMISSION TAX ADJUSTMENT (FOR YEAR 2012) ON PARCEL 06-0107-0006.

Mr. Beagley did not attend the meeting. Therefore, there was no discussion on this matter.

(4)

CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR ARTURO MENDOZA.

Commissioner Horrocks indicated that Mr. Mendoza's original ambulance bill was \$4,248.00. His insurance paid \$3,333.00 leaving a balance of \$ 833.25 after insurance adjustment. Mr. Mendoza has made no attempt to make any payments on the balance owing. Commissioner Ethan Migliori indicated that he was not comfortable with writing off the balance when Mr. Mendoza has not made a good faith payment. Commissioner Ethan Migliori made a motion to deny the request and negotiate a contract with Mr. Mendoza to make payments on the amount owing. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

CONSIDERATION AND APPROVAL FOR EMERY COUNTY TREASURER TO ENTER INTO TAX DEFERRAL AGREEMENT FOR REQUESTS FROM CITIZENS TO AVOID HAVING THEIR PROPERTY SOLD IN THE MAY TAX SALE SUBJECT TO RATIFICATION BY THE BOARD OF COMMISSIONERS.

Emery County Treasurer Steven Barton explained that the Utah State Statute states that every county set aside a time for the sale of property with delinquent property taxes after five years. That time is in May, thus the sale is called the May Tax Sale. He indicated that this year they

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have 18 properties on the delinquent property tax list. Ten of those properties have residences. Emery County is a tax friendly county, so his office makes every attempt to alert the property owner to the urgency of paying the property tax before it reaches the five year mark. In an effort to be pro-active in assisting these property owners he requested entering into a tax deferral agreement with the property owner to avoid having their property sold in the May Tax Sale. At this time Mr. Barton asked for a tax deferral agreement with Gina Dyches. A deferral will extend the payment until November 30, 2014. Mr. Barton indicated that there may be more deferral requests as we approach the May Tax Sale. Commissioner Ethan Migliori made a motion to approve a tax deferral agreement with Gina Dyches. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF EMERY COUNTY SHORT AND MEDIUM TERM LIST TO THE BE SENT TO THE PERMANENT COMMUNITY IMPACT BOARD.

Commissioner Ethan Migliori made a motion to approve of Emery County short and medium term list as presented to be sent to the Permanent Community Impact Board. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY (ROW)- GRANT-SERIAL NUMBER UTU-90257 BETWEEN EMERY COUNTY AND THE BUREAU OF LAND MANAGEMENT FOR PROPOSED UPGRADE AND MAINTENANCE OF AN EXISTING ROAD AT MILLSITE RESERVOIR THAT ACCESSES A VAULT TOILET.

Commissioner Horrocks indicated that Ray Petersen and Wayde Nielsen have been working on this ROW for a couple of months. Ray indicated that there is a lot of off road activity around the reservoir. The BLM has been working on establishing a OHV trail around the reservoir. This small access road, which is approximately 1/3 mile long, will allow access to the restroom and continuing access to the trail around the reservoir. Commissioner JR Nelson made a motion to approve of Right-of-Way (ROW) Grant-Serial #UTU-90257 between Emery County and the BLM for proposed upgrade and maintenance of an existing road at Millsite Reservoir that accesses a vault toilet. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(8)

COMMISSION/ELECTED OFFICIAL REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported on his recent trip to Washington D.C. with Ray Petersen and Randy Johnson where they met with all but one Utah Congressional Representative. Senator Hatch arranged for them to meet with the Under Secretary for the Bureau of Land Management where they talked about Emery County's proposed land use bill. He indicated that they were received well and talks were very positive. He reported on attendance at recent Library Board meeting where they talked about changes to the Dewey Decimal System currently used to catalog books in the library. Books will now be grouped by subject matter. The Fire District Board meeting was held last evening. Commissioner Nelson commented on the time and effort that volunteers on the fire crews put into training and preparations on behalf of the citizens of Emery County. They are still looking for mini pumpers to replace older pumpers. The purchase of the pumpers is on the CIB list for funding.

*Commissioner Migliori*

Commissioner Migliori reported on Recreation Board meeting. Youth sports is beginning to take off. The Recreation Board recently gave the go ahead to put batting cages in the Rec Center to assist the baseball leagues in keeping tuned up for the season during the winter months. The Emery County Business Chamber will hold its annual Awards Banquet on March 19<sup>th</sup>. Speakers include DeLynn Fielding and Jeff Beicker from Rock River Resources. The Emery County Historic Preservation Committee recently received a small grant to assist in maintaining and restoring the San Rafael Swinging Bridge. The Museum of The San Rafael is doing well. The Trails Committee is currently working on a contract for trail access around Electric Lake. Emery County Public Lands has introduced a plan to expand Goblin Valley. They are working to make the park one of the premier state parks in the state.

*Commissioner Horrocks*

Commissioner Horrocks reported on communications with State Representative Kay McIff regarding the proposed water bill HB49. He reported on communications with State Representative David Hinkins regarding funding for the debris basin in Huntington Canyon. Talks are still ongoing with Questar Gas regarding service to Green River, Elmo and Emery. A film company is interested in filming in the San Rafael area.

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Ray Petersen asked the Commissioners what the County's position is on HB49.

Commissioner Nelson indicated that the County drafted and sent a letter to Representatives in the Legislature in opposition to the bill. They met with Kay McIff and there have since been many amendments to the bill. They have stopped lobbying for or against the bill. UAC is now supporting the bill as well as Farm Bureau. Commissioner Horrocks and Commissioner Migliori indicated that the Commissioners will do what the citizens of Emery County want with regards to this bill.

Commissioner JR Nelson made a motion to leave the regular meeting and move into a closed/executive session and at the conclusion of the closed session to return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CLOSED/EXECUTIVE SESSION TO DISCUSS STRATEGY TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, DISCUSSION OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL AND STRATEGY SESSION TO DISCUSS PENDING OR REASONABLE IMMINENT LITIGATION.

Those present at the closed/executive session was Commissioner Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Clerk/Auditor Brenda Tuttle, Administrative Assistant Leslie Bolinder and Deputy Clerk/Auditor Carol Cox.

(10)

CONSIDERATION AND APPROVAL FOR CLERK/AUDITOR TO BID ON WATER SHARE ASSESSMENTS IN THE COTTONWOOD CREEK CONSOLIDATED IRRIGATION CO. AS PER TERMS AGREED UPON.

Upon returning to the regular meeting, Commissioner JR Nelson made a motion to authorize Clerk/Auditor Brenda Tuttle to bid on water shares as agreed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

7

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(11)

CONSIDERATION AND APPROVAL OF DONATION TO THE EMERY COUNTY  
HOUSING AUTHORITY.

Commissioner Ethan Migliori made a motion to do nothing as a county at this time but to encourage the Housing Authority to negotiate on the matter at hand. The motion was seconded by Commissioner JR Nelson. The motion passed.

ADJOURNMENT

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 25, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST , REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 229679 through and including # 229783 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
12-14	A/C Recovery Unit Landfill	\$ 778.03

There were no dispositions.

(2)

APPROVAL OF 3% WAGE INCREASE FOR EMILY OLSEN FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. GRADE 3.

(3)

APPROVAL OF 3% WAGE INCREASE FOR BUNNY ALLRED FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. GRADE 6.

(4)

APPROVAL TO HIRE DEVIN SEELY AS A RESERVE DISPATCHER. WAGE \$14. PER HOUR. NOT ELIGIBLE FOR BENEFITS.

(5)

APPROVAL TO BEGIN THE RECRUITMENT PROCESS FOR SEASONAL LIFEGUARDS.



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(6)

APPROVAL OF ELAINE LARSEN AS A VOLUNTEER DRIVER FOR AGING AND NUTRITION.

(7)

APPROVAL OF COMMISSION MEETING MINUTES DATED MARCH 11, 2014.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing

(2)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #2 FOR THE HUNTINGTON CANYON NORTH DEBRIS BASIN PROJECT 2013.

Jonathon Johansen, Johansen & Tuttle Engineering reviewed Change Order #2 for the Huntington Canyon North Debris Basin Project 2013. Jonathon indicated that there were 6 items on the Change Order. 1) Delay time waiting for Old Castle to deliver pre-cast sections of Trash Rack Structure at a cost of \$1,500.00. 2) Placement of concrete cut off wall upstream of concrete Trash Rack Structure at a cost of \$4,300.00. 3) Grouted front face of rock riprap on structure entrance berm in creek upstream of Trash Structure at a cost of \$3,200.00. 4) Modify concrete approach slab upstream of structure to accept anchor bolts and construct 18" containment wall at outlet end of Trash Structure at a cost of \$2,612.50. 5) Unit price increased by \$.65 on bid item #3 excavation, \$.65 x 19,050 = \$12,382.50. 6) Adjusted unit price of bid item #6, silty sand by \$4.80 from \$16.50 to \$21.30 per C.Y. due to the reduction in quality/screen rental and stainless steel screens. \$4.80 x 1,310 = \$6,288.00. Change Order #2 total is \$30,283.00. Jonathon indicated that there is an anticipated adjustment in other areas of the contract that may result in approximately \$20,000.00 in reductions. Commissioner Migliori questioned #1 wanting to know what took Old Castle so long to deliver the pre-cast sections resulting in a cost to the project? Jonathon indicated that it was related to the delivery time resulting in Nielson Construction having loss time waiting around to begin work on that portion of the project. Commissioner JR Nelson made a motion to approve Change Order # 2 for the Huntington Canyon North Debris

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Basin Project 2013. The motion was seconded by Commissioner Migliori after expressing his disapproval of the additional cost caused by Old Castle's delay. The motion passed.

(3)

EMERY COUNTY BUSINESS CHAMBER REQUEST FOR DONATION.

Julie Jones, Emery County Business Chamber Chair person came before the Board of Emery County Commissioners to request Emery County participate in the Chamber through membership. Membership dues help with their Emery County Bonus Bucks program that promotes shopping local. She also asked to have the membership dues included in the 2015 budget process. Commissioner Ethan Migliori made a motion to participate in the Emery County Business Chamber through a membership fee of \$500.00. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

RATIFY APPROVAL OF BLM ROW SERIAL NUMBER UTU-90432 TO CONSTRUCT, OPERATE, MAINTAIN, AND TERMINATE AN ACCESS ROAD ON PUBLIC LANDS AND INUNDATION AREA FOR FLOOD WATERS AS DESCRIBED IN DOCUMENT.

Attorney David Blackwell looked over the document and gave his approval. Commission Chairman Jeff Horrocks signed the document to expedite the project with regards to the Army Corp of Engineers. The signing of the ROW needs to be ratified. Commissioner JR Nelson made a motion to ratify the signing of BLM ROW number UTU-90432 to construct, operate, maintain, and terminate an access road on public lands and inundation area for flood waters as described in the document. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

CONSIDERATION AND APPROVAL FOR AT&T TO UPGRADE EXISTING ANTENNAS AT HORN MOUNTAIN COMMUNICATION TOWER.

Commission Chairman Jeff Horrocks indicated that because Emery County owns the communication tower at Horn Mountain AT & T's request to upgrade their existing antennas has to be approved by the Commission. Commissioner JR Nelson questioned whether AT&T needs a building permit to do the upgrade. Commissioner Horrocks indicated that Bret Mills, as Communications Director is responsible for checking to make sure they comply with County zoning ordinance. Commissioner Ethan Migliori made a motion to approve AT&T's request to upgrade existing antennas at Horn Mountain Communication Tower. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(6)

CONSIDERATION AND APPROVAL OF WAIVER OF PILOT FOR YEARS 2011, 2013,  
AND 2014 FOR EMERY COUNTY HOUSING AUTHORITY.

Commissioner Horrocks indicated that with the recent changes in the Housing Authority it was found that the PILOT payments to Emery County for the years 2011, 2013 and 2014 have not been made. Commissioner Horrocks indicated that he sits as the chairman of the board for the Housing Authority and that the board has asked him to come to the Commission with a request to have the PILOT payments waived for these years. The PILOT payment for 2011 was \$1,563.97, 2013 was \$2,749.48 and thus far for 2014 is \$2,057.60. As the Housing Authority is in a financial bind, a request to waive these payments to Emery County was made by the Board of the Emery County Housing Authority. Commissioner JR Nelson made a motion to forgive PILOT payments due to Emery County by the Emery County Housing Authority for the years 2011, 2013 and all of 2014 as requested. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

COMMISSIONER/E/ELECTED OFFICIALS REPORT.

*Commissioner Nelson*

Commissioner Nelson reported on continuing efforts with the wild horse/burro issue on the San Rafael. The animals impact the grazers and other wildlife on the San Rafael Swell. He recently attended a meeting in Beaver regarding wild horse/burro issues. They are actively working to save their range. Grazers throughout the state will be commenting to the national wild horse/burro advisory board.

*Commissioner Migliori*

Commissioner Migliori reported on business outlook for Emery County. He recently attended a BEAR meeting in Price with Commissioner Nelson where they shared some things about Emery County. The Economic Development Committee recently added a few new members from the cities. They have a number of programs that will benefit potential businesses and current businesses wishing to expand. Emery County will be hosting an employee benefits conference tomorrow. There will be many beneficial break-out sessions.

*Commissioner Horrocks*

Commissioner Horrocks reported that he and Commissioner Nelson attended a Rocky Mountain

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Power Trans West Open House. He indicated that the proposed transmission line would go through the state through the energy corridor bypassing Emery County. Emery County is not in support of this. RMP has an alternative route that Emery County does support. We would benefit from the transmission line passing through Emery County due to the centrally assessed property tax revenue that the line would generate. Commissioner Horrocks reported that in the last day of the legislature, Senator David Hinkins and Senator Kay McIff were successful in recovering \$400,000.00 that was earmarked for the Huntington Canyon Debris Basin Project. The funds were pulled from the project. However, at the last minute Hinkins and McIff were able to get the funds reinstated. The funds will be available for the project July 1, 2014. The 7 rural county economic development group created to improve the economic base of rural counties is moving forward with several projects. He indicated that not every county will benefit financially but may benefit in other ways. He reported that Emery County Public Lands Director, Ray Petersen is working diligently to keep the county's land bill moving forward. The county is working with congressman Bishop to curtail environmental groups from land grabbing.

(8)

ADJOURNMENT

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 8, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #229908 through and including #230027 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
13-14	Microwave Radio Communications	\$15,862.20
14-14	Raptor Trailer Communications/Sheriff	\$30,283.00
15-14	(12) Replacement Batteries for Com. sites Communication/Sheriff	\$ 3,956.64
16-14	(80) Mobile Radios w/chargers,mounts,etc. Communications/Sheriff Replaces Req#16	\$53,886.32
17-14	2 Channel trunked 100w Repeater System Communications/Sheriff	\$146,926.60
18-14	1 Channel trunked 100w Repeater System Communications/Sheriff	\$ 36,058.80
19-14	1 Channel 25 W trunked Repeater System Communications/Sheriff	\$ 68,157.60

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20-14	NEST Rescue Litter Sheriff	\$ 3,021.00
21-14	Wheel Loader Highway	\$ 241,650.00
22-14	HP Designjet T120 Large Format Printer Sheriff-Homeland Security	\$ 900.75
23-14	(4) HP Elite Desk Computers Sheriff-Capital Replacements	\$ 5,765.08
24-14	(3) Watch Guard Camera System Sheriff	\$ 21,424.74
25-14	(3) Stalker Dual Radars Sheriff	\$ 6,570.00

Dispositions were presented for the following assets from the Weed/Mosquito Department:

6963,4159,4406,4339,2750,9366,3668,7792,7793.7794,8610,4561,3688,6731,6962,7530,5462,6731,4814,6726,4741,5454,5455,5203,5201,5202,8711.

(2)

APPROVAL OF BUSINESS LICENSE FOR CASTLE COUNTRY TRAP & FUR COMPANY.

(3)

APPROVAL OF OUT-OF-STATE TRAVEL FOR GARRETT CONOVER, JOHN BARNETT, JEFF THOMAS, KYLE EKKER AND JEROD CURTIS TO ATTEND NNOA ANNUAL CONFERENCE IN LAS VEGAS, NEVADA

(4)

APPROVAL OF EMERY CITY'S RECOMMENDED APPOINTMENT OF ALISHA ROBERTS TO REPRESENT THEM ON THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

3

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(5)

APPROVAL OF EMERY COUNTY TRAVEL BUREAU'S RECOMMENDED  
APPOINTMENT OF JONATHAN HUNT TO REPRESENT THEM ON THE TRAILS  
COMMITTEE.

(6)

APPROVAL OF COMMISSION MEETING MINUTES DATED MARCH 25, 2014.

Motion to approve the Consent Agenda was made by Commissioner Ethan Migliori, seconded by Commissioner JR Nelson and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

(2)

EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented April's Employee of the month to Sharon Boyle. Sharon has worked for Emery County for 16 ½ years in the Recorder's Office. During this time, she has shown such dedication to her job and pride in her work. She is keenly aware of how important accuracy is in the office. Her skills in handling the public are amazing. She goes out of her way to see that they are satisfied and have everything they need when they leave the office.

Sharon's job duties include creating and updating the ownership plats which is a very technical process. Emery County can be proud of the ownership plats as they are said to be one of the most complete and easily accessible in the state. Sharon has completed and successfully passed the Cadastral Mapping course. She is proficient in ArcView, our own unique platting program and Deed Plotter program. Sharon is a true example of what a supervisor would want in an excellent employee. Sharon was presented with a plaque of appreciation and Emery County Bucks.

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(3)

CONSIDERATION AND APPROVAL OF REQUEST TO WAIVE THE RENTAL FEE OF THE EMERY COUNTY AQUATIC CENTER FOR THE ANNUAL HIGH SCHOOL GRADUATION CELEBRATION.

Commissioner JR Nelson explained that Four Corners sponsors the annual high school graduation celebration. The celebration is carefully monitored from 8pm until 1am. Commissioner JR Nelson made a motion to approve a request to waive the rental fee of the Emery County Aquatic Center for the annual high school graduation celebration. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF JAMES FAUVER'S APPOINTMENT TO THE EMERY COUNTY TRAVEL BUREAU. REQUEST APPROVAL TO BEGIN ADVERTISEMENT TO FILL A MID-TERM VACANCY ON THE TRAVEL BUREAU.

Commissioner Ethan Migliori made a motion to approve of James Fauver's appointment to the Emery County Travel Bureau and to begin advertisement to fill a mid-term vacancy on the Travel Bureau. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF EASEMENT NO. 1570 BETWEEN EMERY COUNTY AND SITLA FOR CLASS B ROADS LOCATED ON SITLA OWNED LAND.

Attorney David Blackwell reviewed the easement indicating that they made a few changes to the document that were agreed upon by both parties. The funding of the easement is through a CIB grant that will be administered by the Special Service District #1. Commissioner JR Nelson made a motion to approve of Easement No.1570 between Emery County and SITLA for Class B Roads located on SITLA owned land. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

JOEL HATCH, DISCUSSION OF BUREAU OF LAND MANAGEMENT'S ACTION TO REMOVE AND SELL CATTLE FROM CLARK COUNTY, NEVADA. CONSIDERATION AND APPROVAL OF LETTER SUPPORTING IRON COUNTY'S OFFICIAL POSITION ON THIS MATTER AND IMPLEMENTING SAME ACTION IN EMERY COUNTY.

Joel Hatch, Emery County resident and land owner representing Western Rangelands Conservation Association, Inc. addressed the Commissioners. Mrs. Hatch indicated she was



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there on behalf of Emery County Farm Bureau and BLM permit holders in Emery County to address the problem with wild horses and burros. There were many BLM permit holders in attendance. She indicated that she runs her cows in Iron and Beaver County. The wild horse and burro problem there is bad. Iron and Beaver Counties have taken a strong position by passing new policy regarding wild horses and burros. There is a situation on the Arizona strip and in Nevada where they are gathering a bunch of cows that are supposedly trespassing and hauling them across two states into Utah to sell these cows. She expressed concern for the fact that the BLM has enough money to gather some ones cows and haul them across two state lines to auction them off, but they don't have enough money to get these wild horses and burros under control? She indicated that she was here to ask the Emery County Commissioners join with the Western Rangelands Conservation Association, Inc. which was recently organized to force the BLM to properly manage the numbers of wild horses and burros on public lands. These horse and burros are in direct competition with permitted cattle and sheep grazing on public lands. Currently, the number of horses and burros are over the target management numbers that are set by the BLM. Without proper management, wild horse and burro populations can double every three to four years. When Iron County asked the BLM to take action to bring the numbers of wild horses and burros into compliance with BLM's grazing management plan, the BLM responded with "We share your concern regarding sustainability, impacts, and potential conflicts with livestock grazing. In order to maintain healthy rangeland conditions, we are in a position in which we must consider adjustments to livestock use for this year's grazing season." "While wild horse management policies have not changed, we have no means to maintain numbers at appropriate levels (AML). We are hopeful that this changes very soon; however, in the short-term there may be declines in Rangeland Health if management remains status quo." Last year the BLM asked cattle and sheep permittees to voluntarily cut their numbers by 50% because of the overgrazing caused by the wild horses and burros. This year cuts will be mandatory. Because the BLM is pursuing a case in Nevada that will require gathering, transporting and selling cattle across two state lines at an estimated cost of \$3,000,000.00 we believe that if the BLM can spend money for controlling cattle on BLM lands, they should be able to spend money for the control of wild horses and burros grazing on BLM lands. Joel pleaded with the Commissioners to join the fight. She added that this is our livelihood! We feed Utah! The WRCA requested that Emery County join Beaver, Washington, Millard and Iron Counties in supporting the organization's efforts to control wild horses and burros grazing on our public lands by becoming a member. Membership dues for counties are \$1,000.00.

Commissioner Nelson indicated he recently attended a meeting of the WRCA in Beaver where out of the thirty some people in attendance, five or six were attorneys and seven were BLM permit holders from Emery County there to show their concern for the wild horse and burro overgrazing issue. Dustin Huntington, Castle Dale was also there because he serves on the board. Senator Hinkins is one of the most impacted on the San Rafael and had representatives there. It is a huge issue. Commissioner Nelson stated he received information that the horse and burro numbers are at 300% of the acceptable management levels (AML).

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Commissioner Horrocks asked if they have approached the state for assistance? Joel indicated that they have and that the Attorney General's office has been to one of their meetings.

Commissioner Nelson asked what commitments they have received? Joel indicated that they have received \$5,000.00 from the Farm Bureau, \$2,000.00 from SITLA and \$15,000.00 from the Public Lands Council in Washington, DC. She has seven individuals who have donated funds to this from Emery County with more pledged.

Commissioner Nelson reported that SITLA has joined in the lawsuit. There is a huge chunk of SITLA land right in the middle of this horse trampled range. She indicated that they are getting donations from local permittees

Ray Petersen asked what is the lawsuit? What are they litigating?

Joel indicated that they are litigating that the BLM abide by their own established rules. Ray indicated that it would be his suggestion that their litigation include BLM Price Field Office to manage to their AML and that each field office in the state do the same. The Emery County Commission's stand should be that the Emery County Commission supports the 2008 BLM Management Plan.

Comments were expressed by Dusty Huntington, Wade Jensen, Senate Representative David Hinkins, Mike Christiansen and Jeff Christiansen.

Sheriff Greg Funk commented that he is concerned with the fact that much of the land is SITLA land. If we lose SITLA land then they can continue to overrun the animals.

Senate Representative David Hinkins expressed the same concern. SITLA land is the key to this issue. He was concerned with the same issues that everyone else has expressed. He added that Lt. Governor Spencer Cox is aware of the issue.

Commissioner Nelson expressed concern that with the decline of the coal mines in Emery County, if we lose grazers and cattle it would be another huge hit to Emery County.

Jeff Christensen, permit holder indicated that he sat in a meeting the first of this year with Mike Twiddell, BLM Director at the Price Field Office where they were pressuring him to do some horse gathers, flat out told him that it would take a lawsuit for it to happen. He pleaded with the Commissioners that something has to be done.

Commissioner Ethan Migliori stated that this could have an impact on what the Emery County Public Lands Committee has been doing. We have a national monument hanging over our head.

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He indicated he wanted to be sure that we have them on board with this discussion. Have you had any conversation with the Emery County Public Lands Council regarding this issue? Joel indicated that they have not spoken with the Emery County Public Lands Council and admitted that they should have. Commissioner Migliori wanted to make sure that we do not circumvent their work.

Commissioner Horrocks asked that Ray bring this discussion before the Public Lands Committee and see what support they would like to generate. He indicated that he would put it on the next meeting agenda.

Commissioner Horrocks indicated that he felt it would be beneficial for the Public Lands Council to hear directly from Joel or one of the affected individuals.

Commissioner Migliori stated that he was not opposed to this he just wanted to make sure that the Public Lands Council understands where you are trying to go with this.

The Public Lands Council meets next on May 6.

Joel indicated that if we wait until May 6 to do something we will miss the boat.

Commissioner Horrocks assured her that they do not necessarily have to wait for a response from the Public Lands Council to write a letter of support. We just want the Public Lands Council to be aware of the issue and their level of support for this issue.

Commissioner JR Nelson made a motion to authorize Commissioner Nelson to write a letter to the BLM, contingent upon approval of the other two Commissioners, asking the BLM to abide by their own rules established in the BLM Management Plan adopted in 2008 and to involve the Public Lands Council of Emery County at their next meeting to receive additional support. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

REQUEST APPROVAL THAT EMERY COUNTY JOIN WESTERN RANGELANDS  
CONSERVATION ASSOCIATION, INC. AND PAY THE ANNUAL MEMBERSHIP OF  
\$1,000.00.

Commissioner JR Nelson made a motion to approve joining the Western Rangelands Conservation Association, Inc. by paying annual membership dues of \$1,000.00 and to have this annual membership become a line item on the budget for next year. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(8)

RATIFICATION OF TAX DEFERRAL AGREEMENT(S) FOR JOHN L. MILES.

Treasurer Steven Barton presented a tax deferral agreement for John L. Miles. Mr. Barton indicated that this is commercial property in Green River and he was contacted by an attorney on behalf of Mr. Miles. Commissioner Ethan Migliori made a motion to allow Steve Barton to enter into a tax deferral agreement for John L. Miles. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF COMMUNICATION SITE LEASE AGREEMENT AMENDMENT BETWEEN EMERY COUNTY AND RIVER CANYON WIRELESS.

Commissioner Jeff Horrocks indicated that he visited with Carbon County regarding their experience with River Canyon Wireless as tenants. Carbon County indicated that they were good tenants. Jeff Guymon indicated that River Canyon Wireless requested to add 1 new location to their agreement. He was in agreement with this request as the location will provide a link for the landfill. Jeff Guymon recommended approval of the agreement. Commissioner Ethan Migliori made a motion to approve of communication site lease agreement amendment between Emery County and River Canyon Wireless. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

APPROVAL OF RENEWAL OF LAWN CARE MAINTENANCE AGREEMENT FOR EMERY COUNTY LIBRARIES AND ROAD DEPARTMENT.

Commissioner Nelson explained that in 2013 Kevin Gilbert dba All-Star Property Management was awarded the lawn care maintenance for the Emery County Libraries and Road Department. The agreement was a two year contract renewable each year. This is the second year that needs to be renewed. Commissioner JR Nelson made a motion to renew the contract with Kevin Gilbert dba All-Star Property Management for lawn care for the Emery County Libraries and Road Department for the 2014 season. The motion was seconded by Commissioner Ethan Migliori . The motion passed.

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(11)

DISCUSSION AND APPROVAL OF PAYMENT TO DEPARTMENT OF HEALTH,  
HEALTH CARE FINANCING TO QUALIFY FOR UPL PAYMENTS.

Ross Huntington, Chairman of the Board of the Emery County Rehabilitation Center came before the Board of Commissioners to request Emery County's participation in a Medicare Subsidy program through the Utah State Department of Health called Upper Payment Limits. This is a new program that subsidizes non-state owned government skilled nursing facilities. The Emery County Care and Rehabilitation Center qualifies for this program because it is owned by the County. He asked the County to participate by supplying seed money in the amount of \$181,178.42 to the Care Center by April 15, 2014. If the County contributes the \$181,178.42 seed money to the Care Center they would then receive in return \$550,000.00 by June 1st. The Care Center would then be able to pay the County what they owe you, reduce their debt to the county by \$97,000.00 and get them back on their feet. They would be able to pay the Building Authority of Emery County what they owe them, all of the vendors that they owe and have some money left over. They would then structure a monthly lease payment to the county for the next 6 months to pay back the seed money used to participate in the program. This is an ongoing program that continues into the future. Ross indicated that Millard County is doing this same program and structuring a lease payment program to repay the county. This will help provide a template for structuring a similar lease program to make the county whole again.

Attorney David Blackwell asked if this money from the state is a grant or something that has to be paid back?

Ross indicated that this is not a grant program. It does not have to be paid back. It is a subsidy program that brings the level payment from the Medicare level up to the Medicaid level.

Commissioner Migliori explained that the county has currently terminated the contract with the private management company that was managing the Care Center. This gives the Care Center all the latitude needed to structure a deal to make lease payments to the county to be made whole again.

Commissioner Ethan Migliori made a motion to approve working with the Care Center for the Upper Payment Limits program by providing up to \$200,000.00 to participate in the program. The motion was seconded by Commissioner JR Nelson. The motion passed.

10

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(12)

DISCUSSION AND APPROVAL OF WRITTEN INSTRUMENT TO RECOUP THE EMERY COUNTY CARE AND REHABILITATION DEBT.

Commissioner Ethan Migliori made a motion to table this matter for 2 weeks to allow time to work with Ross Huntington, Attorney David Blackwell and Clerk/Auditor Brenda Tuttle to structure a repayment document that will work for both parties involved. The motion was seconded by Commissioner JR Nelson. The motion passed.

(13)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

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

APRIL 22, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 230068 through and including #230199 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
26-14	(5) Night vision scopes (5) Illuminator Aiming Lasers (5) Holographic Sights Sheriff	\$27,950.00
27-14	Phantom 2 Vision Quadcopter Sheriff	1,369.00
28-14	2014 Dodge 3500 Crew Tradesman Pickup 2014 Dodge 2500 Reg Tradesman 4x4 Highway	75,574.36

Dispositions were presented for the following assets from the Road Department and Weed/Mosquito Department:

622-1147, 415-5866, 410-4866, 431-9601, 431-7033, 410-4685, 410-1600, 410-4865, 410-6060, 410-1605, 410-5099, 415-6200, 415-6198, 415-6168, 415-6170, 415-5378, 415-5380, 410-1049

2

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(2)

NOTIFICATION HIRED HUGH GRANGE AS A PART TIME EQUIPMENT OPERATOR I WORKING 193/4 HOURS PER WEEK, WITH NO BENEFITS AT GRADE 16. EFFECTIVE 4-14-14.

(3)

APPROVAL OF MATT MECHAM, RYAN COX, MELECE PULLI, TAIGON PULLI, KAYDEN PARKINS, AND TINA LACOCK AS SEASONAL LIFEGUARDS AT THE AQUATIC CENTER WORKING 120 DAYS. WAGE \$8.00 PER HOUR WITH NO BENEFITS,.

(4)

BRETT MILLS IS REQUESTING TO START THE RECRUITMENT PROCESS FOR A SEASONAL COMMUNICATION TECHNICIAN.

(5)

JEFF GUYMON IS REQUESTING APPROVAL TO START THE RECRUITMENT PROCESS FOR A SEASONAL OFFICE SPECIALIST.

(6)

JAMES NELSON IS REQUESTING APPROVAL TO START THE RECRUITMENT PROCESS FOR SEASONAL WEED AND MOSQUITO TECHNICIANS.

(7)

APPROVAL OF STEVEN AND JENNIFER CROUSE, AND DUTCH UDINK SR. AS VOLUNTEERS AT BUCKHORN CAMPGROUND. THEY WILL CAMP THURSDAY-MONDAY ON HOLIDAY WEEKENDS DURING THE SUMMER OF 2014.

(8)

APPROVAL FOR JUDY BOYER TO BE A VOLUNTEER WITHIN THE LIBRARY SYSTEM.

(9)

APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 8, 2014.

Motion to approve the Consent Agenda was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed.



MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing.

(2)

RATIFICATION OF AMENDMENT NO.5 TO THE COOPERATIVE AGREEMENT 68-8D43-12-49 BETWEEN NRCS AND EMERY COUNTY FOR FA AND TA FUNDING.

Commissioner JR Nelson made a motion to ratify the signing of amendment #5 to the Cooperative Agreement 68-8D43-12-49 between NRCS and Emery County for FA and TA funding. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF REQUEST TO WAIVE/REDUCE AMBULANCE BILL FOR DALLIN BROWN.

Commissioner Ethan Migliori made a motion to deny a request to waive/reduce an ambulance bill for Dallin Brown pending further information of his current status. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF TAX DEFERRAL AGREEMENT(S) FOR TRAVIS ALLEN AND KELLY J. OSTLER.

Treasurer Steve Barton presented a request of Tax Deferral Agreement for property owners Travis Allen and Kelly J. Ostler. Both properties include residences and Mr. Barton indicated he would like to negotiate an agreement to extend the time to pay the taxes. Commissioner Ethan Migliori made a motion to allow Steve Barton to make deferral agreements with Travis Allen and Kelly J. Ostler. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(5)

CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH FOR BAILIFF AND PERIMETER SECURITY FOR 7<sup>TH</sup> JUDICIAL DISTRICT AT THE PUBLIC SAFETY COMPLEX.

Commissioner Ethan Migliori made a motion to approve of a contract with State of Utah for Bailiff and Perimeter Security for 7<sup>th</sup> Judicial District at the Public Safety Complex. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Migliori*

Commissioner Migliori reported that he continues to work with the Care Center to comprise a business model. He indicated that they may have some recommendations for the Board of Commissioners following the next Care Center board meeting.

The Museum of the San Rafael will be hosting Archeology Week in May. May 8<sup>th</sup> will be Museum at the Museum Day and May 10<sup>th</sup> will be Family Day the Museum.

The Emery County Travel Bureau reported revenue is up from last year. They continue to work diligently to promote Emery County Tourism.

The Recreation Special Service District has began Emery County Fair meetings in preparation for this years fair. Thus far they are planning a reptile exhibit.

Commissioner Migliori thanked Mary Huntington for a successful Employee Conference. He applauded her for her work in providing helpful learning sessions for the employees of Emery County.

In a Legislative session the efforts to get natural gas for Lawrence, Emery and Green River has gained traction and is moving forward. It looks like Lawrence may be the first to receive natural gas.

The Recreation Special Service District's Recreation Complex Renovation Project is out to bid. They hope to be opening bids at the May LBA meeting and beginning earth work by the end of May. This project will provide for a better use of the facility into the future.

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*Commissioner Nelson*

Commissioner Nelson reported that he and Commissioner Horrocks toured the Russian Olive Removal Project with the Weed/Mosquito Department. Because the Emery County Commissioners declared Russian Olive a noxious weed the Weed/Mosquito department was able to acquire a grant for \$70,000.00 from the Department of Agriculture to do the work. He added it was magical to see what the Weed/Mosquito Department has been able to do with the funds. The Agriculture Department who provided the grant will be coming to Emery County April 30<sup>th</sup> to film what has been done. The broadcast show "The County Seat" will be filming an episode about the Russian Olive Removal project and the cleanup efforts.

He reported on attending a Forest Service sponsored meeting with Merit Energy Company regarding a pipeline that is going to move natural gas from Cottonwood Canyon south to an XTO line. This company has a line going north to Questar, but Questar has bumped up the pressure of natural gas to such a high level to accommodate a natural gas electrical generating plant in Utah County that they can no longer put natural gas into that line. They are now trying to come south with the line. The Merit Energy people were surprised to come and get so many people assembled to accommodate them. Kyle Beagly from the Forest Service sponsored the meeting. There were several BLM representatives attending the meeting. Ray Petersen and Commissioner Nelson were there from Emery County. A representative from the LDS church was there because they have property that the pipeline would be crossing and a representative from Energy West who has a mine reclamation project in that area was also there. The Merit Energy people were impressed that they could have a meeting like that.

The Fire District began truck testing yesterday. The trucks get tested and certified as well as the volunteers on a regular basis. They are constantly having training.

He attended a UAC board meeting where they hired a new director, Adam Trupp.

He attended a productive meeting with Juan Palma, Director of Utah BLM. Commissioner Nelson indicated that it was interesting because Mr. Palma knew that they were in this meeting to express their distress over the large numbers of wild horses and burros all over Utah. Mr. Palma recognized the problem and gave them several remedies that they could do to help them obey BLM requirements. Emery County has a good working relationship with the BLM. We have cooperated with them on several issues. However, the issue of law enforcement on the BLM has become a recent issue.

Ribbon cutting for the Buckhorn Information Center is Thursday the 24<sup>th</sup> at 1:00 pm. The CCP will be here.

6

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Friday there will be a Senior Citizen Conference in Price at the Event Center beginning at 8:30am. It should be very informational.

*Commissioner Horrocks*

Commissioner Horrocks reported that the Road Department will begin road chipping Emery County roads in the Cleveland and Lawrence area around the first of June.

June 2<sup>nd</sup> there were be a Blood Drive. Contact Mary Huntington at 381-3578.

He indicated that he, Leslie Bolinder and the Housing board have been spending a lot of time preparing the low income housing units for inspection on July 2<sup>nd</sup>.

Key Bank in Green River will be closing in June. Mike McCandless has been working to get another bank or credit union to locate in Green River. It will be an extreme hardship for the citizens of Green River to be without some type of a banking facility.

(7)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 13, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 230368 through and including # 230547 was presented for payment.

There were no requisitions or dispositions.

(2)

APPROVAL OF MICHAEL TAYLOR TOT HE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT BOARD REPRESENTING CLEVELAND TOWN.

(3)

NOTIFICATION THAT THE FOLLOWING INDIVIDUALS HAVE BEEN HIRED TO WORK AT THE EMERY COUNTY AQUATIC CENTER, TJ LACOCK, MADI ALLINSON, VALERIE CHYNOWETH, TRAVIS FEHLBERG, DEVIN WILLSON, KAITLYN SALING, ZACHERY FAUVER, AND JAXON WINN AS PART TIME LIFEGUARDS WORKING UP TO 19.75 HOURS PER WEEK, WAGE GRADE 3.

(4)

APPROVAL OF JULIE COX TO BE A VOLUNTEER AT THE MUSEUM OF THE SAN RAFAEL.

(5)

APPROVAL OF SCOTT SITTERUD TO BE A VOLUNTEER WITH THE IT DEPARTMENT.

(6)

APPROVAL OF KORI COOK, ANGELA PULLI, LEE MOSS, JOSH HESS, MATT

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MECHAM AND JOYCE GUYMON AS VOLUNTEERS FOR THE HUNTINGTON LIBRARY.

(7)

APPROVAL OF 3% WAGE INCREASE FOR MICHAEL GRANGE WHO HAS COMPLETED HIS 6 MONTH ORIENTATION PERIOD. EFFECTIVE 5025-14.

(8)

APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 22, 2014.

Motion to approve the Consent Agenda was made by Commissioner Ethan Migliori, seconded by Commissioner JR Nelson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing.

(2)

EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented Employee of the Month to Tanner Petersen. Tanner Petersen is the 18 year old daughter of Todd and Brenda Petersen of Ferron. She is a Senior at Emery High School where she will be graduating with a 3.9 GPA. Tanner represented Emery High School this year as their Drama Sterling Scholar and placed 1<sup>st</sup> in the state 2A. She received a Sterling Scholar scholarship to any school in the State of Utah.

Tanner started work at the Emery County Aquatic Center in May of 2012. She quickly proved herself to be a great worker and a very mature young woman. Tanner has excelled in every aspect of her job. She is great with patrons and has a love for working with the public. Tanner has been opening the Aquatic Center at 5:30 a.m. for the last 4 months. Opening the Aquatic Center at 5:30 a.m. requires a great deal of maturity for a high school student. She always opens on time and greets her customers with a wonderful smile, even at 5:30 a.m. in the morning. On April 10<sup>th</sup> this year, due to unforeseen circumstances the pool was not able to open. Tanner looked up the telephone numbers of all 38 of her regular morning patrons that would be showing up for lap swimming and Aquasize in the morning and let them know that the pool could not open that day.

This is just one example of the great job Tanner does for our community. All of the Emery County Aquatic Center employees and customers wanted to thank Tanner for the outstanding job she has done. They want her to know that they will miss her and wish her the best of luck at

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
MAY 13, 2014

college and beyond.

Tanner was presented with a plaque and Emery County Business Chamber Bucks.

(3)

MICHAEL STIEWIG, BUREAU OF LAND MANAGEMENT, INTRODUCTION AND  
UPDATE ON RECENT ACTIVITIES.

Michael Stiewig, acting Manager from Vernal BLM Office and Ahmed Mohsen, acting manager in the BLM Price Field Office came before the Board of Commissioners to introduce themselves and offer any assistance that they can provide to the county. Commissioner Migliori asked for an update of the wild horse and burro issue. Mr. Stiewig reported that this is a national level issue. He indicated that they are at 100% on their AML especially on the Sinbad area. They are planning to do an inventory this summer. The big question is “what to do with the animals when we do go get them”? He indicated that 64% of their budget goes to caring for the animals they already have in holding. Commissioner Migliori thanked Mr. Stiewig and asked him to express the Emery County Commission’s appreciation for the good relationship that they share with the BLM.

(4)

IRA HATCH, DISCUSSION OF REQUEST TO ABANDON WEST AIRPORT LOOP ROAD  
AND DECISION TO BEGIN ABANDONMENT PROCEDURE.

Ira Hatch, Huntington discussed with the Commissioners a request to abandon West Airport Loop Road in Huntington. He provided a brief history of the road and it’s current use. He indicated that the road is currently a Class D Road which means no maintenance is provided. He described the access for adjacent land owners and how this would affect them. Mr. Hatch indicated that the process of abandoning this road has been looked at several times but nothing was ever followed through. He requested the Commissioners begin the process to abandon all of the road or a portion of the road. Commissioner Migliori indicated that the Commissioners needed to take a road trip out to the road in question and meet with the other land owners as well as meet with legal council before anything can be decided. Attorney David Blackwell reminded the Commissioners that the process of abandoning a road requires advertising and a public hearing. Commissioner JR Nelson made a motion to continue to study this matter with Ira Hatch, Attorney David Blackwell and the other land owners. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(5)

CONSIDERATION AND APPROVAL OF CELL PHONE STIPEND FOR THE FOLLOWING INDIVIDUALS WORKING IN THE ROAD DEPARTMENT, LARRY NEWMAN, TRAVIS WINN, COBY HUNT, MERRILL DUNCAN, JOEL JENSEN, TERRY SEAGER, THAD MORRIS, AND STEVEN KEMPLE.

Commissioner JR Nelson made a motion to approve cell stipends for the Road Department individuals as requested. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

RATIFICATION OF GRANT AGREEMENT MODIFICATION #1 FOR THE HUNTINGTON AIRPORT PAVEMENT PRESERVATION PROJECT 2014 (#149662)

Jonathon Johansen, J&T Engineering discussed a grant agreement modification for the Huntington Airport Pavement Preservation Project. The bids for the tarmac resurfacing came in a little higher than the \$72,000.00 grant funds that were provided for the project. The Commissioners approached the Utah Department of Transportation Aeronautical Operations Division and they agreed to modify the grant agreement to provide additional funds for the project. The grant agreement modification is now \$81,000.00 and the sponsor match was increased to \$9,000.00. Commissioner Ethan Migliori made a motion to ratify approval of grant agreement modification #1 for Huntington Pavement Preservation Project 2014 (#149662). Commissioner Jeff Horrocks stepped down to second the motion as Commissioner Nelson had to step out of the room. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF DECLARATION OF RESTRICTIVE COVENANTS FOR MANCOS HILLS INDUSTRIAL PARK BETWEEN EMERY COUNTY AND STATE OF UTAH ACTING THROUGH SITLA.

Economic Development Director, Mike McCandless explained that this has to do with the industrial park in Green River. The county established a process for establishing the industrial park which included a set of instructions for how to handle the closing prior to transition of property from SITLA over to the private sector. There is a set of restrictive covenants which are required that includes building restrictions and other restrictions as noted in the declaration. These restrictions give the city and county some oversight as to what is done at the site. This facilitates the first sale at the industrial park. The refinery has looked at the declaration and are ok with the restrictions as noted. Commissioner JR Nelson made a motion to approve of a Declaration of Restrictive Covenants for Mancos Hills Industrial Park between Emery County and State of Utah acting through SITLA. The motion was seconded by Commissioner Ethan Migliori. The motion passed.



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(8)

CONSIDERATION AND APPROVAL OF ESCROW INSTRUCTIONS FOR CLOSING ON EMERY REFINING PROPERTY.

The industrial park is broke out into five lots. This is the escrow instructions for the sale of an approximately 80-acre parcel of land in the industrial park from the State of Utah, through SITLA to Castleland Resource Conservation & Development, Inc. and subsequently from Castleland RC&D to Emery Refining, L.L.C. Castleland RC&D is the facilitator of the sale. Commissioner Ethan Migliori made a motion to approve of escrow instructions for closing on Emery Refining Property. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT WITH JOHANSEN AND TUTTLE ENGINEERING FOR PAINTING OF SEARSON BRIDGE.

Merrill Johansen, J&T explained that each year the Emery County Road Department performs extensive maintenance on a bridge in Emery County. This year they will be working on the Searson Bridge in Green River. There will be a site showing on Thursday, May 15<sup>th</sup> starting the process to sandblast and paint the bridge. Commissioner Ethan Migliori made a motion to approve of engineering contract with Johansen & Tuttle Engineering for painting of the Searson Bridge. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF GRANT AGREEMENT BETWEEN STATE OF UTAH, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WATER RESOURCES (UDWRe) AND EMERY COUNTY FOR COMPLETION OF THE HUNTINGTON CREEK RECOVERY PROJECT FUNDED THROUGH 2014 STATE OF UTAH SENATE BILL #3.

Commissioner Horrocks explained that the Grant Agreement between State of Utah, Department of Natural Resources, Division of Water Resources and Emery County is in the amount of \$400,000.00 toward the completion of the Huntington Creek Recovery Project. In a recent Emery Water Conservancy District meeting the board expressed their approval of the way the diversion basin is working. The grant requires that the county provide a summary description of the work completed and of the cost expenditures as requested. The State of Utah also reserved the right to audit the records that pertain to the grant. Commissioner JR Nelson made a motion to approve of a Grant Agreement between State of Utah, Department of Natural Resources, Division of Water Resources and Emery County for completion of the Huntington Creek Recovery Project funded through 2014 State of Utah Senate Bill #3. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(11)

CONSIDERATION AND APPROVAL OF 2014 PROPERTY TAX EXEMPTIONS.

The 2014 Property Tax Exemption List was presented for approval.

2014 PROPERTY TAX EXEMPTION

American Legion Post 42 #1-130-18	First Baptist Church of Emery County #1-126-45	Roman Catholic Church #3-50-16 #1-151H-25 #1-151E-2	Utah Housing Corporation #1-168-5 #1-168-6 #1-168-2
Castle Dale Independent Baptist Church #01-002C-0013	Four Corners Mental Health #1-13-46	Stuart B. Wilson Orient Lodge #1-151G-54	Friends of Green River-PACT #1-162-7
Daughters of Utah Pioneers-Hunt #1-196-22	Green River Bible Church #1-151G-36 #1-151F-18&19	Rocky Mountain West Baptist Mission #5-94-6 #5-93-7 #5-94-3 #5-94-5	
Daughters of Utah Pioneers-Orange #1-253-18	LDS Church various #'s		
Daughters of Utah Pioneers-Elmo #1-72-16	Bread Of Life Baptist Church #1-177A-20	United Mine Workers Of America #4-16-14	
Daughters of Utah Pioneers-CD #1-15-20	Orangeville City/ Housekeepers #1-239-52	Utah Museum of Natural History/ University Of Utah #5-56-2 #3-130-3 #3-130-1 #3-127-1	
Desert Edge Christian Chapel #01-179-1	Rural Utah Child Development #1-180-20		
Ferron Cattleman's Association #5-87-27			

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Commissioner JR Nelson made a motion to approve the 2014 Property Tax Exemption List. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF EMERGENCY MANAGEMENT  
PERFORMANCE GRANT APPLICATION FOR FY 2014.

An Emergency Management Performance Grant Application for FY 2014 was presented for approval. Attorney Dave Blackwell has reviewed the application and recommended approval. Commissioner JR Nelson made a motion to approve an Emergency Management Performance Grant Application for FY 2014 as presented. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN UTAH STATE  
HISTORY AND EMERY COUNTY FOR REHABILITATION WORK ON THE SAN  
RAFAEL BRIDGE. CONSIDERATION AND APPROVAL OF PRESERVATION  
AGREEMENT BETWEEN UTAH STATE HISTORIC PRESERVATION OFFICE AND  
EMERY COUNTY FOR SAN RAFAEL BRIDGE.

The County Historic Preservation Committee put in for a grant from the Utah State History, Department of Heritage and Arts to undertake local historic preservation projects under the Certified Local Government program. They received a grant for \$6,000.00 to help do improvements to the San Rafael Swinging Bridge. The total cost of the project is \$12,000.00 to which \$6,000.00 will be matched in volunteer labor to work on the bridge. They have someone in place to begin the repairs before it gets too hot. The San Rafael Swinging Bridge is the only suspension bridge left in the state of Utah. Commissioner Ethan Migliori made a motion to approve of Preservation Agreement between Utah State Historic Preservation Office and Emery County for San Rafael Bridge. The motion was seconded by Commissioner JR Nelson. The motion passed.

(14)

RATIFICATION OF CONTRACT BETWEEN UTAH STATE HISTORY AND EMERY  
COUNTY TO CREATE DIGITIZED CEMETERY BURIAL RECORDS.

Dottie Grimes and Bernice Payne working for the Emery County Historical Society previously received funds through the Utah State History to create digitized cemetery burial records in Emery County. They applied and received funds from the Utah State History, Department of Heritage and Arts in the amount of \$2,000.00 to accomplish the digitized cemetery records for Kane County. Because Emery County is the only county with a fully functioning Historical

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Society they can provide the people resources to accomplish this work, thus assisting the State with digitizing cemetery records in other areas of the state. The project amount is \$4,000.00 to which \$2,000.00 is in-kind work. Dottie and Bernice have received an award from the Utah State History, Department of Heritage and Arts for their work on this project. The grant contract was previously signed and is now presented for ratification of the signature. Commissioner JR Nelson made a motion to ratify the signature on the contract between Utah State History and Emery County to create digitized cemetery burial records. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

RATIFICATION OF CONTRACT BETWEEN UTAH STATE HISTORY AND EMERY COUNTY FOR EMERGENCY PREPAREDNESS OF THE EMERY COUNTY ARCHIVES.

Emery County Archives Director Shirley Begay received training on emergency preparedness for historical records protection. She applied with the state for funding to provide for this protection through emergency supplies to reduce the damage to the collections, thus minimizing the cost of cleanup should a disaster occur. The project cost is \$1,415.09 to which they received \$750.00 for the supplies and the rest will be in-kind match to do the work. Commissioner JR Nelson made a motion to ratify the signing of a contract between Utah State History and Emery County for Emergency Preparedness of the Emery County Archives. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

CONSIDERATION AND APPROVAL OF TAX DEFERRAL AGREEMENT FOR ALAN HARENBERG.

Treasurer Steve Barton requested approval of a tax deferral agreement for Alan Harenberg. Mr. Harenberg has requested an extension of payment for his cabin in Joe's Valley. If approved he will have until November 30<sup>th</sup> to pay the taxes. Commissioner Ethan Migliori made a motion to approve a tax deferral agreement for Alan Harenberg as requested. The motion was seconded by Commissioner JR Nelson. The motion passed.

(17)

CONSIDERATION AND APPROVAL OF GENERAL SERVICE CONTRACT BETWEEN ROCKY MOUNTAIN POWER AND EMERY COUNTY FOR ELECTRIC SERVICE TO DEBRIS (CATCH) BASIN. DISCUSSION OF RIGHT-OF-WAY EASEMENT BETWEEN ANDALEX AND ROCKY MOUNTAIN POWER FOR THE POWER LINE.

The diversion structure for the debris (catch) basin requires a radio gate that needs three phase power connection. The nearest three phase power is in a power house owned by Andalex. There needs to be a right-of-way easement between Andalex and RMP for the power line. The

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cost for the general service contract between RMP and Emery County for the electric service to the debris (catch) basin is \$20,696.00. Sheriff Greg Funk indicated that everything hinges on the approval of the Army Corp of Engineers 404 permit. They have submitted an updated mitigation plan to the Army Corp of Engineers and hope to have that approval soon. Commissioner JR Nelson made a motion to approve of General Service Contract between Rocky Mountain Power and Emery County for electrical service to Debris (Catch) Basin. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(18)

DISCUSSION OF REQUEST TO VACATE PARCEL 1 OF THE IVIE MINOR SUBDIVISION AND SETTING OF A PUBLIC HEARING.

The Emery County Planning and Zoning has received a request from a title company to vacate parcel 1 of the Ivie Manor Subdivision and leave it as farm land. Attorney David Blackwell indicated that a public hearing is needed to amend the description of the plot through creating an ordinance. A public hearing must be advertised for two weeks. Since this is a request from the title company the County needs assurance from the title company that they will absorb the cost of posting advertisement. Therefore, Commissioner Ethan Migliori made a motion to set a public hearing for June 10, 2014, pending approval from the title company that they will absorb the cost of posting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(19)

SETTING OF BOARD OF EQUALIZATION DATES AND TIMES FOR 2014.

Board of Equalization is set for Monday, August 25, 2014 from 9:00 a.m. until 1:00 p.m. in Castle Dale and Tuesday, August 26, 2014 from 10:00 a.m. until 12:30 p.m. in Green River.

(20)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported on attending a Emery Water Conservancy District meeting where they discussed the difficulty they are having with the Bureau of Reclamation and establishing a contract to deliver water notably to PacifiCorp that generates electricity. They have a put out an initial proposed contract. They discussed zebra and quagga mussel infestation. Commissioner Nelson will be attending a meeting in Provo at the Bureau of Reclamation office where they will be discussing the infestation issue. The Emery Water Conservancy District is in the process of planning a building across the street from this Courthouse that will house the offices of Emery Water Conservancy District, Castle Dale City offices and Castle Valley Special Service District offices. The Emery Water Conservancy District is seeking funding for Green River Diversion.

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At Fire District meeting they discussed a CIB application for help with brush trucks. Volunteer firefighters will be attending a training in Nevada regarding the brush trucks. The Weed/Mosquito Department was filmed by the Department of Agriculture because of their efforts with Russian Olive removal. Regarding the wild horse and burro issue, Commissioner Nelson has been asked to be point person for a National Public Radio broadcast discussing this issue.

*Commissioner Migliori*

Commissioner Migliori reported on attending a tour in Emery County with Jason Chaffetz and attended some interviews with Chad Booth, County Seat. He noted he was grateful for the opportunity to strengthen those relationships. The Emery County Care and Rehabilitation board expressed their appreciation to the Commissioners for their help to establish the Upper Limit payment. That money has been received and Emery County should be reimbursing the county for the cost soon. The BEAR program specialist will be in the area contacting businesses in the county to see if there are any specific needs. He thanked those who help with the Buckhorn Kiosk ribbon cutting. There was a great turnout. There is an Emery County Business Chamber Lunch and Learn on May 21<sup>st</sup> at the Museum of the San Rafael. The focus of the meeting will be on the importance of being on- line with your business. He attended an Invision Utah brainstorming session at the AOG with local leaders focusing on getting their perspectives of the area and where they want to be. There will be an EMT appreciation dinner on May 21st. He attended COG meeting with the mayors from the county communities where they discussed economic development and strengthening their communities. In conjunction with Archeology Week there were activities at the Museum of the San Rafael. There was a good turnout. He participated in interviews with Channels 4 & 5.

*Commissioner Horrocks*

On the 29<sup>th</sup> he and Commissioners and Mike McCandless met with Keith Heaton from the CIB where they discussed projects and the role of CIB. He attended a meeting with the 7 County Coalition where they discussed projects that will benefit the 7 counties in some form or another. He has spent a lot of time working with the Emery County Housing Authority helping to rehab the apartments and get them ready for inspections in July. The Weed/Mosquito Building is fully functioning now.

Steven Barton reminded the Commissioners of the MECCA Bike Festival this weekend on the San Rafael Swell.

Commissioner JR Nelson made a motion to leave the regular meeting and move into a closed session to discuss pending litigation and upon completion of the closed session to return to the

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regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(20)

CLOSED/EXECUTIVE SESSIONS TO DISCUSS STRATEGY SESSION TO DISCUSS  
PENDING OR REASONABLY IMMINENT LITIGATION.

Those in attendance at a closed session were: Commissioner Horrocks,  
Commissioner Nelson, Commissioner Migliori, Attorney David Blackwell, and Deputy  
Clerk/Auditor Carol Cox

Upon returning to the regular meeting Commissioner Ethan Migliori made a motion to authorize  
Attorney David Blackwell to move forward with negotiations as discussed and bring back to the  
Commission a formal contract for consideration. The motion was seconded by Commissioner JR  
Nelson. The motion passed.

(21)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 27, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Attorney David Blackwell, Sheriff Greg Funk, Deputy/Clerk Auditor Carol Cox elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #230604 through and including #230743 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
29-14	HazMat Kits Sheriff/HazMat Team	\$2,543.75
30-14	Equipment for Radio System installation Communications	5,948.82
31-14	FCC Frequency Coordination for 3 repeater sites/Communications	1,710.00
32-14	Out of Warranty repair of Microwave Radio ("RIU") card for Horn Mt. to Emery Link Communications	1,200.00

There were no Dispositions.

(2)

APPROVAL TO HIRE DEVIN HALES, ERIK NIELSEN AND JADEN OLSEN AS  
SEASONAL WEED & MOSQUITO TECHNICIANS. WAGE \$10.26 PER HOUR.



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(3)

APPROVAL OF 3% MERIT INCREASE TO GARY PRICE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD.

(4)

NOTIFICATION THAT JESSICA RASMUSSEN HAS BEEN HIRED AS A PART TIME OFFICE SPECIALIST WORKING 19 3/4 HOURS PER WEEK. WAGE \$7.25 PER HOUR. EFFECTIVE 5-7-14.

(5)

APPROVAL OF KAITLYN GILSON AS A VOLUNTEER FOR THE CASTLE DALE LIBRARY.

(6)

APPROVAL TO HIRE LANDON FEHLBERG AS A SEASONAL COMMUNICATION TECHNICIAN. WAGE \$10.00 PER HOUR.

(7)

APPROVAL TO HIRE CHRIS LARSON AS A SEASONAL FLAGGER. WAGE \$12.00 PER HOUR.

(8)

APPROVAL OF SHIRLEY VANWAGONER, JANNETTA YOUNG, AND TANDI OLSEN AS VOLUNTEERS FOR THE ELMO LIBRARY.

(9)

NOTIFICATION HUNTINGTON LIBRARY HIRED ALAINA OLSEN AS A PART TIME JANITOR WORKING 17 1/2 HOURS PER WEEK. GRADE 6.

(10)

APPROVAL OF COMMISSION MEETING MINUTES DATED MAY 13, 2014.

Commissioner Ethan Migliori made a motion to approve the consent agenda with the exception of item #9 that will be moved to item # 1 on the discussion agenda. The motion was seconded by Commissioner JR Nelson. The motion passed.

The Board of Emery County Commissioners extended heartfelt gratitude to James Nielsen, Emery County Weed/Mosquito Director. James has announced his retirement this year after 34 years working for Emery County as Weed/Mosquito Director. He has maintained the department with two full time employees and seasonal workers in the summer. He works a lot of hours covering a large county. He was presented with a plaque of appreciation and a gift of a Kindle Fire HD.

#### DISCUSSION AGENDA

(1)

##### ITEMS PULLED FROM CONSENT AGENDA.

Commissioner JR Nelson made a motion to approve the hire of Alaina Olsen as a part time janitor working 7 ½ hours (not 17 ½ hours) per week at Grade 6. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(2)

##### OPEN BIDS FOR PAINTING OF THE SEARSON BRIDGE. CONSIDERATION AND APPROVAL OF BID AWARD AND AUTHORIZATION FOR CHAIRMAN TO SIGN THE NECESSARY PAPERWORK.

The bids were opened for the painting of the Searson Bridge. The bids were as follow:

1) B&T Builders & Supply	\$44,640.00
2) Arrowhead Construction	\$29,900.00
3) VanComp Incorporated	\$74,200.00

Commission Chairman Jeff Horrocks recommended turning the bids over to the engineers on the project for comparison of the bids.

Commissioner Ethan Migliori made a motion to authorize Commission Chairman to award the bid to the determined bidder and sign the necessary paperwork. The motion was seconded by Commissioner JR Nelson. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF SETTLEMENT AGREEMENT WITH BRENT JOHNSON REGARDING CLAIMS AGAINST EMERY COUNTY AND EMERY COUNTY HOUSING AUTHORITY.

Attorney David Blackwell explained that he talked to Mr. Johnson regarding an agreeable settlement. Mr. Johnson indicated that he agreed with a \$1,000.00 settlement amount. This settlement will cover the litigation Mr. Johnson sought against Emery County and Emery County Housing Authority. Mr. Blackwell stated that the Commission need to decide where the funds will come from. Commissioner JR Nelson made a motion to authorize Attorney David Blackwell to settle with Mr. Johnson and determine where the funds will come from. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF CONTRACT WITH ALAN PENTICO TO SCRAPE AND CLEAN OLD PAINT FROM SWINGING BRIDGE.

Commissioner Ethan Migliori made a motion to table this item until a latter date. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF ELECTION JUDGES FOR 2014.

Clerk/Auditor Brenda Tuttle indicated that this is has been a tough year for getting people to agree to be election judges. The list is still missing a couple of judges, but Brenda was hopeful that the individuals she has contacted will follow through. Commissioner JR Nelson made a motion to approve the list of election judges for 2014 and any additional judges she may need to add to the list prior to the election. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

DISCUSSION OF AN ORDINANCE GOVERNING THE PERMITTING OF SPECIAL EVENTS. SETTING OF DATE FOR PUBLIC HEARING.

Sheriff Greg Funk indicated that he has requested an ordinance to mitigate the cost associated with special events held within the county. The county, in the past, has had to absorb the cost associated with large groups and the potential damage to the environment as well as the cost for EMT's, Search and Rescue, patrolling etc. An ordinance will forward the cost for these services

to the group and hopefully deter them from coming into the county. He indicated that his department has been made aware of a group called the Rainbow Group planning a special event in June in Emery County. He expressed concern because the same group was in a neighboring county and caused some costly problems for their Sheriff's Department. Attorney David Blackwell stated that an ordinance requires advertising for two weeks and holding a public hearing that must be posted in the newspaper for two weeks. Commissioner Ethan Migliori made a motion to set a public hearing for June 24, 2014 at 9:30 a.m. to receive public comment on adopting an ordinance governing the permitting of special events. The motion was seconded by Commissioner JR Nelson. The motion passed. Attorney David Blackwell was assigned to post the public hearing in the newspaper for two weeks. A draft of the proposed ordinance will be available in the Clerk/Auditor's office for the public to view.

(7)

DISCUSSION AND APPROVAL TO UTILIZE SOS STAFFING FOR SEASONAL FLAGGERS FOR THE ROAD DEPARTMENT. APPROVAL OF NECESSARY FORMS.

Wayde Nielsen indicated that his department needs two flaggers for the Road Department. SOS Staffing absorbs the cost for Worker's Comp, training and drug testing. The flaggers will be an employee of SOS Staffing and the county would just be renting them at a slightly higher wage. Commissioner JR Nelson made a motion to approve using SOS Staffing for seasonal flaggers for the Road Department. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Migliori*

Commissioner Migliori reported that the 2014 Fair Committee is in the planning phase. Repayment from the Emery County Care and Rehabilitation has come into the county as per the arrangement the Care Center Board had made with the county. He reported on attending a EMS dinner where several EMT's were recognized for their service to the communities. He expressed his gratitude to the many great EMT's we have in Emery County.

*Commissioner Nelson*

Commissioner Nelson reported on attending a Tribune sponsored debate regarding Public Lands. Emery Water Conservancy District and Castle Valley Special Service District recently completed their state audits and received a clean audit. He attended an open house for Caterpillar/Wheeler

in Huntington. They hope to hire many locals and infuse money into the economy. He attended a meeting with the Bureau of Reclamation regarding quagga and zebra mussels causing damage to waterways in Utah. He and Commissioner Horrocks attended a meeting with Utah State University Extension Service. USU Extension pledged continued support of the Extension Service program in Emery County. He reported on Channel 5 and the recent airing of a program on Search and Rescue and the training recently received from the National Guard in the San Rafael Swell area.

*Commissioner Horrocks*

Commissioner Horrocks added that the meeting with the USU Extension Service was very informative and beneficial. There will be a Car Show at the Museum of the San Rafael on May 29<sup>th</sup>. The show will showcase cars from local owners and others throughout the state and other states. He expressed his congratulations to the 2014 high school graduates from Emery High and Green River. The Russian Olive Removal Program is going very well. The Weed/Mosquito Department is currently spraying for mosquitos.

*Sheriff Funk*

Sheriff Funk expressed a need for trail maintenance on the desert. There was a fatal accident on a trail on the desert over the Memorial Day holiday. The Commissioners indicated that the BLM is in the process of trying to obtain a trail cat to provide some much needed maintenance on the trails. Sheriff Funk reported that the Forest Service has a Trail Cat and they have been very helpful in assisting with trail maintenance when called upon.

(9)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 24, 2014

Present at the meeting was Chairman Jeff Horrocks, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox elected officials and citizens. Commissioner JR Nelson was not able to attend the meeting. Therefore, Commission Chairman Jeff Horrocks stepped down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 231053 through and including #231179 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
33-14	Conversion Kit (to convert weapons) Sheriff	\$ 1,788.00
34-14	Capstan power hoist Sheriff	2,652.55
35-14	Vinyl flooring - bathroom Elmo Library	711.00
36-14	Mammoth mural for Paleontology Room Museum of the San Rafael	7,500.00

One disposition was presented for #5822, desk shelf.

(2)

APPROVAL TO HIRE CORY WORWOOD AS THE WEED & MOSQUITO SUPERVISOR  
AT WAGE 21, FLSA EXEMPT.

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(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 10, 2014

Motion to approve the consent agenda was made by Commissioner Ethan Migliori, seconded by Commissioner Jeff Horrocks and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing

(2)

ARIE VAN DE GRAAF, UAC, CENTRALLY ASSESSED PRESENTATION. DISCUSSION AND POSSIBLE ACTION.

Arie Van De Graaf, UAC discussed issues regarding possible legislation regulating the centrally assessed appeals process. Property that is taxed in Utah is assessed a value in one of two ways. Homes and most businesses are appraised by the county assessor within the county where they are located. Utilities, airlines, and telecommunications companies' property that often cross over county lines are assessed by the State Tax Commission. These two classifications are called locally assessed and centrally assessed properties.

Decades ago counties became concerned with the number of appeals the large, centrally assessed taxpayers were filing with the Tax Commission. Unchecked, the result of these appeals was a tax shift from centrally assessed taxpayers to locally assessed taxpayers. At that time, counties engaged in the appeal process for two primary reasons: 1) to defend the work of the property tax division of the tax commission and, more importantly, 2) to protect home and small business owners from bearing an undue burden of property taxes.

The counties' right to participate in the appeal process was sustained first by the Utah Supreme Court and later through code.

This year centrally assessed taxpayers are pushing legislation that would limit the counties' participation in the centrally assessed appeals process. Proponents for the legislation argue that counties' participation in the appeals process introduces uncertainty in taxation and has escalated over time.

Mr. DeGraaf stated that UAC argues that the counties play an important role as a balance in the process and that county appeals make up a small portion of the total. According to the Tax Commission, counties accounted for only 16 percent of recently resolved appeals. And of those appeals, over 60 percent were protective appeals where the taxpayer also appealed the valuation and the counties wanted to ensure they were on equal footing.

The Utah Association of Counties recognizes that there are problems with the current process, but rather than limit and important check to the system; they proposed supporting and amendment to current law allowing counties and taxpayers to cross-appeal and appeal. This would eliminate the cases of protective appeals- gently reducing the number of appeals both the counties and the taxpayers file. They proposed establishing statutory presumption of correctness of the original assessment, recognizing the professional work the tax commission does.

Mr DeGraaf asked for the support of the counties' 'right to act as the taxpayers' watchdog in preserving a fair property tax system.

Treasurer Steven Barton commented that he is not aware of a single appeal which Emery County has won. Theoretically, we need to be able to appeal, but realistically we lose appeals. It makes sense to constantly re-assess our options. We do not want to lose our options.

Jeff Guymon asked why the State Tax Commission doesn't publically define how they assess centrally assessed properties.

Emery County Attorney David Blackwell stated that the formulas used are so complicated. If we do not challenge back then we leave the counties outside of the process. He stated he like the idea of cross-appeals. We need to protect having a voice in what they are doing.

Mr. DeGraaf urged the Commissioners to reach out and let your legislators know what the counties' want.

Commissioner Jeff Horrocks indicated that the Commission will table any action until after UAC meeting and receive direction from them.

(3)

PROFESSIONAL TITLE COMPANY, CONSIDERATION AND APPROVAL OF QUIT CLAIM DEED TO CLEAR PROPERTY 1-162-3 OF TAXES OWED TO EMERY COUNTY ACCORDING TO MAY TAX SALE OF 1954.

Clay Holbrook, Professional Title Company came before the Board of Commissioners to clear up a title from Green River property sold at a May Tax Sale. There was an official conveyance of



property to Emery County in 1951. The property was still on tax roll in 1953 but there is no record of the property being put back on the tax roll. Somewhere along the way something slipped through the cracks. There is a lien on the property. The owners are now trying to sell the property. Mr. Holbrook asked to have a release of lien and presented a Quit Claim Deed to clear up the property. Commissioner Ethan Migliori made a motion to, pending review from the County Attorney, release the lien on property 1-162-3 by way of a Quit Claim Deed. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

Commissioner Ethan Migliori made a motion to leave the regular meeting and move into a public hearing to receive comment regarding a proposed ordinance to govern the permitting of special events and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(4)

9:30 A.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT REGARDING A PROPOSED ORDINANCE TO GOVERN THE PERMITTING OF SPECIAL EVENTS.

The purpose for the Public Hearing was to receive public comment regarding a proposed ordinance to govern the permitting of special events in the county. A draft of the proposed ordinance was available and reviewed. Attorney David Blackwell indicated that there are areas that are left blank to allow for things like county or city sponsored functions. Mike McCandless indicated that would be things like the Castle Valley Pageant, OHV Jamborees, triathlons, etc. where there may be gatherings of 50 people or more and fees may or may not be charged.

Ray Petersen asked what triggers the need for a permit?

Mike McCandless asked about film crews in the county?

Ray Petersen asked if it regulates public property or private property or both?

Mike McCandless asked the time frame for approval?

David Blackwell indicated that the ordinance allows for up to 45 days to process.

Commissioner Migliori indicated that timeliness is a legitimate concern.

Mark H. Williams asked if there is a fee involved with obtaining a permit?

Commissioner Migliori indicated that a fee has not been determined at this time. The county is just looking for compensation when damage occurs as a result of a large event. There is no desire to stop any events in the county.

Sheriff Funk indicated there needs to be a way to bill the organization to pay for clean-up. He indicated that clean-up will affect his budget and take resources from the county.

Bill Dellos asked if there is a fine for not obtaining a permit?

Commissioner Migliori indicated that non-compliance is addressed in the document.

Ray Petersen asked if the document is available for the public to view?

David Blackwell explained that a draft of the proposed ordinance can be viewed at the Clerk/Auditor's office.

Mike McCandless indicated that he is not opposed to the permitting process, his issue is with the timeliness of obtaining the permit. He suggested maybe some kind of tiered approach.

The comments came to a conclusion.

The Public Hearing ended and the Commission returned to the regular meeting agenda.

(5)

CONSIDERATION AND APPROVAL OF ORDINANCE TO GOVERN THE PERMITTING OF SPECIAL EVENTS.

In light of the comments received in the Public Hearing, Commissioner Ethan Migliori made a motion to table this issue to allow for time to review the comments/suggestions and present again at 9:30 am on July 8, 2014. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

KEVIN TUTTLE, REQUEST TO INSTALL MONUMENT AT THE MILL DAM SITE NEAR ORANGEVILLE, UTAH. CONSIDERATION AND APPROVAL OF REQUEST.

Commissioner Ethan Migliori indicated that the monument at the Mill Dam Site near Orangeville, Utah is in conjunction with Castle Dale Stake Youth Conference on June 28, 2014. He indicated that it is a 3x2 foot monument in concrete. However, the requested placement for the monument is located on a county road right-of-way. He indicated he is not opposed to the monument if they are willing to move placement about forty feet west out of the road right-of-way and onto county property. Commissioner Ethan Migliori made a motion to approve a request to install a monument at the Mill Dam Site near Orangeville, Utah contingent upon moving the location for the monument forty feet west out of the road right-of-way. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF GRANT AGREEMENT BETWEEN STATE OF UTAH AND EMERY COUNTY MUSEUM OF THE SAN RAFAEL FOR YOUTH EDUCATION AREA.

Maegan Wilberg, MOSR Director requested approval of a grant agreement between State of Utah and Emery County Museum of the San Rafael to provide a youth education area in the museum. There is no monetary liability for the county. It will be positioned in the NE corner of the exhibit

area and will consist of a dinosaur dig area and depictions of Native American life in a way that will be interesting and entertaining for children. Commissioner Ethan Migliori made a motion to approve of a grant agreement between State of Utah and Emery County Museum of the San Rafael for a youth educational area. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(8)

CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION AUTHORIZING THE CREATION OF THE SEVEN COUNTY INFRASTRUCTURE COALITION.

Mike McCandless explained that the seven county group was organized last year to facilitate some of the economic development efforts because we have lost so much political power in the legislature. Previously we entered into a memorandum of understanding between the seven counties to formally organize the group. There is no intention to change that existing MOU which is the Seven Eastern Utah Economic Development Coalition. This would be the creation of a new interlocal agreement between the seven counties. This would authorize the joint seven counties to go after and seek funding from CIB to do specific projects that have a specific goal such as do research on specific studies like railroad, roads, pipelines, etc. The intent is to enter into an interlocal agreement to authorize the seven county group to go to the next step. Attorney Eric Johnson has drafted the interlocal agreement on behalf of the group. The document has been sent to the all the county attorneys for the seven counties.

David Blackwell commented that this agreement actually creates a new legal entity. The group will have power that any corporation will have. They can seek funds from federal and state sources. He indicated that he had a question on compensation for service. They would have their services paid for as a governing board. As an elected official there is a restriction on what they can be compensated for. There is a question whether as elected officials they can be compensated for their expenses. Commissioners, especially, are not allowed to receive compensation for service. Mike indicated that Commissioners can appoint another elected official to represent them on that board. Mr. Blackwell indicated that the coalition can not incur debt for any individual county. Mike indicated that each of the seven counties share in revenues. If a project generates revenue in one of the counties the other counties share in that revenue. Commissioner Migliori commented that the group has been able to do some good things that could not have been done previously.

Leslie Bolinder explained that there is actually two different documents. One is the resolution to create the entity and the other is the interlocal agreement.

Commissioner Ethan Migliori made a motion to include both documents on the next Commission Agenda. The motion was seconded by Commissioner Jeff Horrocks. The motion

passed.

(9)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Migliori*

Commissioner Migliori reported that the Care Center RFP's that they did receive didn't quite address the problems that they wanted them to. Bids are coming back in now and they will be reviewing them. The Emery County Fair is ongoing now. They are looking for more carnival type events. He recently attended a meeting regarding mining and looking at the future of mining. UAC is doing a study of coal mining in the area. They want to address future opportunities and how to take advantage of them. He attended pot luck meetings in Green River (an informal business group that works in conjunction with the Business Chamber from this side). The purpose of their meetings is to promote events in Green River and how to create new events to lengthen out their tourist season.

BEAR project will be back in the area visiting with small businesses to assess their needs.

(10)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 10, 2014

Present at the meeting was Chairman Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 230882 through and including #231002 was presented for payment.

(2)  
APPROVAL OF THE FOLLOWING VOLUNTEERS FOR FERRON LIBRARY- TAMMY LACOCK, TJ LACOCK, TYLER LACOCK, TARA LACOCK, TINA LACOCK, MCKAY MECCARIELLO, BYAR MECCARIELLO, AUBURY BINGHAM, TYLER MORGAN, JESSE BRAUN, DALLIN BRAUN, WADE PASKETT, ANGELA PASKETT, AND CHRISTIE JENSEN

(3)  
APPROVAL OF THE FOLLOWING VOLUNTEERS FOR THE GREEN RIVER LIBRARY- NORMA JEAN HANSEN, MAXINE HALL, AND LARRY PACKER.

(4)  
APPROVAL OF THE FOLLOWING VOLUNTEERS FOR THE ORANGEVILLE LIBRARY- JOHN HUGHES, LEE MOSS, MIKE JORGENSEN, BRANDON HOFFMAN, AND GLEN JENSEN.

(5)  
APPROVAL TO HAVE CONNOR CRAMER AS A VOLUNTEER AT THE CASTLE DALE/ORANGEVILLE LIBRARY.

2

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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(6)

APPROVAL TO PROMOTE MELECE PULLI TO HEAD LIFEGUARD. GRADE 5.

(7)

APPROVAL TO HIRE MARIE GREENAN AS A PART TIME JANITOR AT HUNTINGTON LIBRARY WORKING 7 ½ HOURS PER WEEK. GRADE 6 @ \$9.15 PER HOUR.

(8)

APPROVAL TO HIRE MARIAH BEHLING AS A SEASONAL OFFICE SPECIALISTS IN THE IT DEPARTMENT. WAGE \$8.00 PER HOUR.

(9)

APPROVAL OF OUT-OF-STATE TRAVEL FOR KYLE EKKER TO ATTEND AN EXERCISE NORTH ANNA NUCLEAR GENERATING STATION IN VIRGINIA.

(10)

APPROVAL OF BUSINESS LICENSE FOR ALAN PENTICO.

(11)

APPROVAL OF COMMISSION MEETING MINUTES DATED MAY 27, 2014.

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori . The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
JUNE 10, 2014

(2)

EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented Employee of the Month to the Office Staff of the Emery County Assessor's Office. The Assessor's office is responsible for valuing property throughout the county. The office has to all of the county appraisals, (new homes, green belt, personal property and land values) finished by May 22<sup>th</sup> each year in order for taxes to be collected. the women in this office are very qualified. Carol Riddle has been working with the Assessor's office for 28 years and is responsible for home and land appraisals, helps with green belt and is very knowledgeable and has great memory. Nadine Thompson has been working for the Assessor's office for 19 years and is a certified residential appraiser and personal property auditor/appraiser and is responsible for home, land, business and personal property. Shelley Gilpin has been working for the Assessor's office for 16 years and is responsible for making sure personal property and mobile home values are done and that taxes are paid. She helps out at Motor Vehicle as needed. She is very helpful. These ladies have their own important duties that they do very well. Kris Bell is the elected Assessor and is very proud of her staff and pleased with all they do. Nadine was not able to attend today's meeting . These ladies were presented with certificates of appreciation and will receive a lunch.

(3)

JEFF KELSEY- CONSIDERATION AND APPROVAL OF EMERY COUNTY INSURANCE RENEWAL FOR PLAN YEAR JULY 1, 2014- JUNE 30, 2015.

Jeff Kelsey, Intermountain Insurance Services came before the Board of Commissioners to present an insurance renewal plan proposal for year July 1, 2014 through June 30, 2015. He explained that claims were up from prior years. Meritain Health is the carrier from last year and the successful bidder for the renewal plan. Emery County has benefitted from a Wellness Program that helps keep cost down considerably. Commissioner JR Nelson made a motion to approve the insurance renewal plan for 2015 and authorize Commission chairman Jeff Horrocks to sign the necessary documents. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

KAREN DOLAN, FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, INC. PRESENTATION OF AREA PLAN FOR 2015 FOR EMERY, CARBON, AND GRAND COUNTIES. CONSIDERATION AND APPROVAL OF AREA PLAN AND OTHER DOCUMENTS PRESENTED.

Karen Dolan, Four Corners Community Behavioral Health, Inc. and Jennifer Thomas, Clinic

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
JUNE 10, 2014

Director for Four Corners came before the Board of Commissioners to present their area Plan for 2015 for Emery, Carbon, and Grand Counties. Four Corners is administered by a board of trustees made up of a Commissioner from each county, City Council members from the communities that they serve and citizens. They are responsible for mental health and substance abuse services in the three counties. Ms. Dolan explained that the money that they receive from the three counties is used to leverage additional funds through the State Legislature. They currently have 88 employees, provide drug court, mental health therapy, housing for the mentally ill and many more services. Commissioner Ethan Migliori made a motion to approve Four Corners Community Behavioral Health, Inc. area plan for 2015. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commissioner Ethan Migliori made a motion to leave the regular meeting and move into a public hearing as posted and at the conclusion of the Public Hearing to return to the regular meeting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

9:30 A.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON ORDINANCE TO VACATE PARCEL 1 OF THE IVIE MINOR SUBDIVISION.

Commission Chairman Jeff Horrocks asked Mike McCandless as Planning & Zoning Director to review the ordinance. Mike McCandless explained that the purpose for the public hearing is to receive public comment on an ordinance to vacate parcel 1 of the Ivie Minor Subdivision. He explained that the Ivie Manor Subdivision is made up of 2 lots. A residence is on one lot. The other lot is not being used for the residence. The proposal is to return parcel 1 to agriculture land. He indicated that this action is consistent with minor subdivision management and recommended approval.

There were no other comments from the public.

The Commissioners returned to the regular meeting agenda.

(6)

CONSIDERATION AND APPROVAL OF ORDINANCE VACATING PARCEL 1 OF THE IVIE MINOR SUBDIVISION.

Commissioner JR Nelson made a motion to approve of Ordinance 6-10-14 Vacating Parcel 1 of the Ivie Minor Subdivision. The motion was seconded by Commissioner Ethan Migliori. The motion passed.



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JUNE 10, 2014

(7)

CONSIDERATION AND APPROVAL OF BEER TAX FUNDS-PLAN-STATE FISCAL YEAR 2015.

David Blackwell explained that the Beer Tax Funds are used by the Sheriff's Department for DUI detection. He stated that he as reviewed the document and indicated that is was the same as in years past. Commissioner Ethan Migliori made a motion to approve Beer Tax Funds-Plan-State Fiscal Year 2015. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN NATIONAL PARK SERVICE AND EMERY COUNTY, UTAH; GARFIELD COUNTY, UTAH; AND WAYNE COUNTY, UTAH FOR CAPITOL REEF NATIONAL PARK LIVESTOCK GRAZING AND TRAILING MANAGEMENT PLAN ENVIRONMENTAL IMPACT STATEMENT.

Ray Petersen, Public Lands Director addressed the Commissioners requesting that they consider tabling this item for now. He indicated that a couple of the other counties have some edits to the document. He suggested waiting until the edits to the document are completed before considering approval. Commissioner JR Nelson made a motion to table this item. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF ROAD PROJECT AGREEMENT BETWEEN EMERY COUNTY AND THE USDA, FOREST SERVICE, MANTI-LA SAL NATIONAL FOREST.

Commissioner JR Nelson made a motion to approve a road project agreement between Emery County and USDA, Forest Service, Manti-La-Sal National Forest, for the Ferron Mayfield Road Maintenance Project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
JUNE 10, 2014

(10)

CONSIDERATION OF PUBLIC LANDS COUNCIL'S RECOMMENDATION  
CONCERNING THE PURSUIT OF GOBLIN VALLEY STATE PARK EXPANSION AND  
POSSIBLE ACTION OF RECOMMENDATION.

Public Lands Council Chairman Ed Geary discussed the proposed expansion of Goblin Valley State Park. The state recommends expanding the park by 136,000 acres making Goblin Valley State Park the largest state park in Utah. Mr. Geary stated that there are clear advantages to the proposal. The Public Lands Council's goal is to protect existing land use. Since recreation use has dramatically increased and is expected to continue to rise there is concern for public safety. Impacts in the area from user-created roads and camping areas cause some environmental degradation as well as create concern for livestock grazing in the area. The state park proposal would convert the area in to a user fee area. This could be advantageous for Emery County as fees collected in the park are subject to transient room tax that comes to the Travel Council. The plan would put more employees on the ground to provide better services for sanitation and maintenance as well as trail maintenance. Eventually they expect that the park will be managed on-site rather than from the Price Field Office in Price. Mistie Christiansen explained that the Emery County livestock grazers have concerns that grazing permits be preserved and that the area is not damaged by development. Mr. Geary expressed the wishes of the Public Lands Council and recommended the Emery County Commissioners support the pursuit of Goblin Valley State Park Expansion. Commissioner JR Nelson made a motion to support further study concerning the pursuit of Goblin Valley State Park Expansion. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF LAND TRADE WITH GIL BOWDEN AND  
ASSOCIATED PAPERWORK.

Attorney David Blackwell explained that the piece of land proposed for trade is a 9 foot wide strip of land behind the nursing home. The trade would be an advantage to both property owners as it would square-off each property. Mr. Bowden agreed to pay the survey and record fees. Commissioner Ethan Migliori made a motion to approve a land trade with Gil Bowden as discussed. The motion was seconded by Commissioner JR Nelson. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF CERTIFIED TAX RATES FOR EMERY COUNTY  
AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Clerk/Auditor Brenda Tuttle presented the certified tax rates for Emery County for 2014. She

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
JUNE 10, 2014

added that the Assessor's Office sets the values. The State sets the Centrally Assessed values.

Certified Tax Rates for 2014 are as follow:

General Operations:	0.003509
Library:	0.000405
Recreation:	0.000063
Assessing & Collecting	0.000301
Total:	0.004278

Commissioner Ethan Migliori made a motion to approve the certified tax rates for Emery County as presented. The motion was seconded by Commissioner JR Nelson. The motion passed.

Jacob Sharp, Castle Valley Special Service District presented their Certified Tax Rates for 2014 as follow:

General Operations:	0.001000
Bond	0.000968
Total	0.001968

Commissioner Ethan Migliori made a motion to approve the certified tax rates for Castle Valley Special Service District as presented. The motion was seconded by Commissioner JR Nelson. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF STATE TASK FORCE GRANT (STFG) FOR  
JULY 1, 2014-JUNE 30, 2015

Sheriff Greg Funk presented the State Task Force Grant (STFG) for July 1, 2014 through June 30, 2015. Attorney David Blackwell reviewed the grant and recommended approval. Commissioner JR Nelson made a motion to approve the State Task Force Grant (STFG) as presented. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(14)

CONSIDERATION AND APPROVAL OF SUPPORT FOR LOCAL FIRST UTAH'S  
INDEPENDENT'S WEEK PER THE RECOMMENDATION OF THE EMERY COUNTY  
BUSINESS CHAMBER.

Commissioner Migliori explained that Local First Utah's Independent's Week is a movement endorsed by the Emery County Business Chamber to encourage people to shop local first. He explained that the cities of Emery County are experiencing decreased revenue budgets due to the loss of local business or people choosing to shop out of the area or on-line through the internet. The loss of a business such as Alco was devastating to the community of Castle Dale City as well as Emery County. The Emery County Business Chamber asked that the County Commissioners support Local First Utah's Independent Week in support of local shopping. Commissioner Ethan Migliori made a motion to support Emery County Business Chamber's recommendation for Local First Utah's Independent Week. The motion was seconded by Commissioner JR Nelson. The motion passed.

(15)

COMMISSION/ELECTED OFFICIALS REPORTS

*Commissioner Nelson*

Commissioner Nelson reported on attending UAC meeting where they discussed Centrally Assessed properties and the fact that the subject is such a political issue. He reported that the volunteer firemen in the county are receiving training. He recently attended a field trip on the San Rafael Swell with several legislators and key personnel where discussions emerged regarding Emery County's Land Use Bill and public lands legislation. He discussed a public notice of a meeting for excess phosphorus and nitrogen being released into water storage and water treatment plants.

*Commissioner Migliori*

Commissioner Migliori talked about the San Rafael Bridge Restoration Project. He reported attending a meeting in Green River regarding EMS issues and how to better provide resources in Green River. The Emery County Care Center is still working through some issues. They are working on ways to increase numbers of patients in the care facility and the financial challenge that comes with the decreased numbers. The mammoth mural at the Museum of the San Rafael is nearly complete. They will have a skull and tusk replica at the exhibit. Everything is coming together nicely. He reported on attending an energy summit where there were discussions regarding solar power and alternative energy sources vs coal.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
JUNE 10, 2014

*Commissioner Horrocks*

Commissioner Horrocks reported on attending a meeting in Summit County where they asked Mike McCandless to talk about the 7 County Economic Group that Emery County participates with. He talked about a second refining facility planned for Green River. Uintah Basin is still struggling to get product out to market. Housing and Urban Development is still working on getting a good inspection report.

(16)

ADJOURN

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 24, 2014

Present at the meeting was Chairman Jeff Horrocks, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox elected officials and citizens. Commissioner JR Nelson was not able to attend the meeting. Therefore, Commission Chairman Jeff Horrocks stepped down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 231053 through and including #231179 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
33-14	Conversion Kit (to convert weapons) Sheriff	\$ 1,788.00
34-14	Capstan power hoist Sheriff	2,652.55
35-14	Vinyl flooring - bathroom Elmo Library	711.00
36-14	Mammoth mural for Paleontology Room Museum of the San Rafael	7,500.00

One disposition was presented for #5822, desk shelf.

(2)

APPROVAL TO HIRE CORY WORWOOD AS THE WEED & MOSQUITO SUPERVISOR  
AT WAGE 21, FLSA EXEMPT.

2

Minutes of the Board of Emery County Commissioners  
June 24, 2014

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 10, 2014

Motion to approve the consent agenda was made by Commissioner Ethan Migliori, seconded by Commissioner Jeff Horrocks and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing

(2)

ARIE VAN DE GRAAF, UAC, CENTRALLY ASSESSED PRESENTATION. DISCUSSION AND POSSIBLE ACTION.

Arie Van De Graaf, UAC discussed issues regarding possible legislation regulating the centrally assessed appeals process. Property that is taxed in Utah is assessed a value in one of two ways. Homes and most businesses are appraised by the county assessor within the county where they are located. Utilities, airlines, and telecommunications companies' property that often cross over county lines are assessed by the State Tax Commission. These two classifications are called locally assessed and centrally assessed properties.

Decades ago counties became concerned with the number of appeals the large, centrally assessed taxpayers were filing with the Tax Commission. Unchecked, the result of these appeals was a tax shift from centrally assessed taxpayers to locally assessed taxpayers. At that time, counties engaged in the appeal process for two primary reasons: 1) to defend the work of the property tax division of the tax commission and, more importantly, 2) to protect home and small business owners from bearing an undue burden of property taxes.

The counties' right to participate in the appeal process was sustained first by the Utah Supreme Court and later through code.

This year centrally assessed taxpayers are pushing legislation that would limit the counties' participation in the centrally assessed appeals process. Proponents for the legislation argue that counties' participation in the appeals process introduces uncertainty in taxation and has escalated over time.

Mr. DeGraaf stated that UAC argues that the counties play an important role as a balance in the process and that county appeals make up a small portion of the total. According to the Tax Commission, counties accounted for only 16 percent of recently resolved appeals. And of those appeals, over 60 percent were protective appeals where the taxpayer also appealed the valuation and the counties wanted to ensure they were on equal footing.

The Utah Association of Counties recognizes that there are problems with the current process, but rather than limit and important check to the system; they proposed supporting and amendment to current law allowing counties and taxpayers to cross-appeal and appeal. This would eliminate the cases of protective appeals- gently reducing the number of appeals both the counties and the taxpayers file. They proposed establishing statutory presumption of correctness of the original assessment, recognizing the professional work the tax commission does.

Mr DeGraaf asked for the support of the counties' 'right to act as the taxpayers' watchdog in preserving a fair property tax system.

Treasurer Steven Barton commented that he is not aware of a single appeal which Emery County has won. Theoretically, we need to be able to appeal, but realistically we lose appeals. It makes sense to constantly re-assess our options. We do not want to lose our options.

Jeff Guymon asked why the State Tax Commission doesn't publically define how they assess centrally assessed properties.

Emery County Attorney David Blackwell stated that the formulas used are so complicated. If we do not challenge back then we leave the counties outside of the process. He stated he like the idea of cross-appeals. We need to protect having a voice in what they are doing.

Mr. DeGraaf urged the Commissioners to reach out and let your legislators know what the counties' want.

Commissioner Jeff Horrocks indicated that the Commission will table any action until after UAC meeting and receive direction from them.

(3)

PROFESSIONAL TITLE COMPANY, CONSIDERATION AND APPROVAL OF QUIT  
CLAIM DEED TO CLEAR PROPERTY 1-162-3 OF TAXES OWED TO EMERY COUNTY  
ACCORDING TO MAY TAX SALE OF 1954.

Clay Holbrook, Professional Title Company came before the Board of Commissioners to clear up a title from Green River property sold at a May Tax Sale. There was an official conveyance of



property to Emery County in 1951. The property was still on tax roll in 1953 but there is no record of the property being put back on the tax roll. Somewhere along the way something slipped through the cracks. There is a lien on the property. The owners are now trying to sell the property. Mr. Holbrook asked to have a release of lien and presented a Quit Claim Deed to clear up the property. Commissioner Ethan Migliori made a motion to, pending review from the County Attorney, release the lien on property 1-162-3 by way of a Quit Claim Deed. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

Commissioner Ethan Migliori made a motion to leave the regular meeting and move into a public hearing to receive comment regarding a proposed ordinance to govern the permitting of special events and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(4)

9:30 A.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT REGARDING A PROPOSED ORDINANCE TO GOVERN THE PERMITTING OF SPECIAL EVENTS.

The purpose for the Public Hearing was to receive public comment regarding a proposed ordinance to govern the permitting of special events in the county. A draft of the proposed ordinance was available and reviewed. Attorney David Blackwell indicated that there are areas that are left blank to allow for things like county or city sponsored functions. Mike McCandless indicated that would be things like the Castle Valley Pageant, OHV Jamborees, triathlons, etc. where there may be gatherings of 50 people or more and fees may or may not be charged.

Ray Petersen asked what triggers the need for a permit?

Mike McCandless asked about film crews in the county?

Ray Petersen asked if it regulates public property or private property or both?

Mike McCandless asked the time frame for approval?

David Blackwell indicated that the ordinance allows for up to 45 days to process.

Commissioner Migliori indicated that timeliness is a legitimate concern.

Mark H. Williams asked if there is a fee involved with obtaining a permit?

Commissioner Migliori indicated that a fee has not been determined at this time. The county is just looking for compensation when damage occurs as a result of a large event. There is no desire to stop any events in the county.

Sheriff Funk indicated there needs to be a way to bill the organization to pay for clean-up. He indicated that clean-up will affect his budget and take resources from the county.

Bill Dellos asked if there is a fine for not obtaining a permit?

Commissioner Migliori indicated that non-compliance is addressed in the document.

Ray Petersen asked if the document is available for the public to view?

David Blackwell explained that a draft of the proposed ordinance can be viewed at the Clerk/Auditor's office.

Mike McCandless indicated that he is not opposed to the permitting process, his issue is with the timeliness of obtaining the permit. He suggested maybe some kind of tiered approach.

The comments came to a conclusion.

The Public Hearing ended and the Commission returned to the regular meeting agenda.

(5)

CONSIDERATION AND APPROVAL OF ORDINANCE TO GOVERN THE PERMITTING OF SPECIAL EVENTS.

In light of the comments received in the Public Hearing, Commissioner Ethan Migliori made a motion to table this issue to allow for time to review the comments/suggestions and present again at 9:30 am on July 8, 2014. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

KEVIN TUTTLE, REQUEST TO INSTALL MONUMENT AT THE MILL DAM SITE NEAR ORANGEVILLE, UTAH. CONSIDERATION AND APPROVAL OF REQUEST.

Commissioner Ethan Migliori indicated that the monument at the Mill Dam Site near Orangeville, Utah is in conjunction with Castle Dale Stake Youth Conference on June 28, 2014. He indicated that it is a 3x2 foot monument in concrete. However, the requested placement for the monument is located on a county road right-of-way. He indicated he is not opposed to the monument if they are willing to move placement about forty feet west out of the road right-of-way and onto county property. Commissioner Ethan Migliori made a motion to approve a request to install a monument at the Mill Dam Site near Orangeville, Utah contingent upon moving the location for the monument forty feet west out of the road right-of-way. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF GRANT AGREEMENT BETWEEN STATE OF UTAH AND EMERY COUNTY MUSEUM OF THE SAN RAFAEL FOR YOUTH EDUCATION AREA.

Maegan Wilberg, MOSR Director requested approval of a grant agreement between State of Utah and Emery County Museum of the San Rafael to provide a youth education area in the museum. There is no monetary liability for the county. It will be positioned in the NE corner of the exhibit

area and will consist of a dinosaur dig area and depictions of Native American life in a way that will be interesting and entertaining for children. Commissioner Ethan Migliori made a motion to approve of a grant agreement between State of Utah and Emery County Museum of the San Rafael for a youth educational area. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(8)

CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION AUTHORIZING THE CREATION OF THE SEVEN COUNTY INFRASTRUCTURE COALITION.

Mike McCandless explained that the seven county group was organized last year to facilitate some of the economic development efforts because we have lost so much political power in the legislature. Previously we entered into a memorandum of understanding between the seven counties to formally organize the group. There is no intention to change that existing MOU which is the Seven Eastern Utah Economic Development Coalition. This would be the creation of a new interlocal agreement between the seven counties. This would authorize the joint seven counties to go after and seek funding from CIB to do specific projects that have a specific goal such as do research on specific studies like railroad, roads, pipelines, etc. The intent is to enter into an interlocal agreement to authorize the seven county group to go to the next step. Attorney Eric Johnson has drafted the interlocal agreement on behalf of the group. The document has been sent to the all the county attorneys for the seven counties.

David Blackwell commented that this agreement actually creates a new legal entity. The group will have power that any corporation will have. They can seek funds from federal and state sources. He indicated that he had a question on compensation for service. They would have their services paid for as a governing board. As an elected official there is a restriction on what they can be compensated for. There is a question whether as elected officials they can be compensated for their expenses. Commissioners, especially, are not allowed to receive compensation for service. Mike indicated that Commissioners can appoint another elected official to represent them on that board. Mr. Blackwell indicated that the coalition can not incur debt for any individual county. Mike indicated that each of the seven counties share in revenues. If a project generates revenue in one of the counties the other counties share in that revenue. Commissioner Migliori commented that the group has been able to do some good things that could not have been done previously.

Leslie Bolinder explained that there is actually two different documents. One is the resolution to create the entity and the other is the interlocal agreement.

Commissioner Ethan Migliori made a motion to include both documents on the next Commission Agenda. The motion was seconded by Commissioner Jeff Horrocks. The motion

passed.

(9)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Migliori*

Commissioner Migliori reported that the Care Center RFP's that they did receive didn't quite address the problems that they wanted them to. Bids are coming back in now and they will be reviewing them. The Emery County Fair is ongoing now. They are looking for more carnival type events. He recently attended a meeting regarding mining and looking at the future of mining. UAC is doing a study of coal mining in the area. They want to address future opportunities and how to take advantage of them. He attended pot luck meetings in Green River (an informal business group that works in conjunction with the Business Chamber from this side). The purpose of their meetings is to promote events in Green River and how to create new events to lengthen out their tourist season.

BEAR project will be back in the area visiting with small businesses to assess their needs.

(10)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 8, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

**CONSENT AGENDA**

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 231322 through and including # 231486 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
37-14	Repeater replacement for Horn, GR and Cedar Sheriff/Communications	\$9,930.00
38-14	Equipment for Communication Trailer Sheriff/Communications	\$1,227.50
39-14	Equipment for Communication Trailer Sheriff/Communications	\$4,044.65
40-14	Apple Ipad Air Sheriff/Emergency Management	\$ 729.99
41-14	HI-Q Piranha -5R Military Grade antenna Sheriff/Communications	\$ 795.00
42-14	Canon EF 16-35 mm Lens Sheriff	\$1,699.00

There were no dispositions.

2

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(2)

APPROVAL OF OUT-OF-STATE TRAVEL FOR RAY PETERSEN AND ETHAN MIGLIORI TO WASHINGTON D.C. FOR PUBLIC LAND ISSUES.

(3)

APPROVAL OF OUT-OF-STATE TRAVEL FOR CHRISTINE JENSEN TO LEXINGTON, KY FOR NEAFCS CONFERENCE.

(4)

APPROVAL OF BUSINESS LICENSE FOR MEADOWLARK HILL.

(5)

APPROVAL OF BUSINESS LICENSE FOR PAYNE'S COURIER SERVICE.

(6)

APPROVAL TO HIRE TRACY CLARK AS THE FULL TIME CORRECTION COOK WITH BENEFITS. GRADE 13.

(7)

APPROVAL TO PROMOTE BRENT WARD FROM A CORRECTION OFFICER I TO CORRECTION OFFICER II FOR COMPLETING TWO CONSECUTIVE YEARS ON THE JOB. EFFECTIVE 6-23-14. GRADE 16.

(8)

APPROVAL TO PROMOTE KENNETH ELEY, JR. FROM PATROL DEPUTY II FOR COMPLETING THREE CONSECUTIVE YEARS ON THE JOB. EFFECTIVE 6-23-14.

(9)

APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 24, 2014.

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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**DISCUSSION AGENDA**

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing

(2)

EMPLOYEE OF THE MONTH.

Commissioner Migliori indicated that the employee of the month was not able to attend the meeting today. Therefore, Commissioner Ethan Migliori made a motion to table this until the July 22nd meeting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(3)

CONSIDERATION AND POSSIBLE APPROVAL OF AMBULANCE BILL  
REDUCTION/WRITE-OFF REQUEST FOR BRANDI SEYLER.

Commissioner Nelson indicated that Ms. Seyler has been making small payments on her account since 2010. The interest accrued on the account is approximately \$18.00 a month. So the small payments of \$5.00 to \$10.00 are not covering the interest each month and or reducing the balance owed. Commissioner Migliori suggested contacting her and negotiate a larger monthly payment to reduce the balance. Commissioner Ethan Migliori made a motion to deny the request for an ambulance bill reduction/write-off from Brandi Seyler and to turn it over to collections. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF CONTRACT WITH JOHANSEN AND TUTTLE  
ENGINEERING FOR DESIGN OF THE HUNTINGTON STATE PARK TRAIL SYSTEM.

Mike McCandless explained that the contract with Johansen and Tuttle Engineering is for design of the Huntington State Park Trail System. The trail will go from Huntington City to Huntington Lake. He added that this is a 50/50 grant with Huntington City and the Emery County Travel Bureau. The Travel Bureau's portion for this project will be \$12,000.00. Commissioner Ethan Migliori made a motion to approve a contract with Johansen and Tuttle Engineering for design of the Huntington State Park Trail System. The motion was seconded by Commissioner JR Nelson. The motion passed.

4

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(5)

CONSIDERATION AND APPROVAL OF EMERGENCY MANAGEMENT  
PERFORMANCE GRANT ARTICLES OF AGREEMENT FOR FY 2014.

Commissioner Ethan Migliori made a motion to approve of Emergency Management Performance Grant Articles of Agreement for FY 2014. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

RATIFICATION OF COOPERATIVE AGREEMENT FOR NOXIOUS WEED  
MANAGEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE & STATE  
LANDS AND EMERY COUNTY WEED AND MOSQUITO DEPARTMENT

A Cooperative Agreement for Noxious Weed Management between Utah Division of Forestry, Fire & State Lands and Emery County Weed and Mosquito needed to be signed to meet time constraints. Therefore, Commissioner Ethan Migliori made a motion to ratify the signing of a Cooperative Agreement between UDF&SL and Emery County Weed/Mosquito Department. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF AMENDMENT 6 TO COOPERATIVE  
AGREEMENT 68-8D43-12-48 & 49 BETWEEN EMERY COUNTY AND UNITED STATES  
DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE  
(NRCS) FOR TA AND FA ON EWP FY12 SEELY FIRE PROJECT #5088.

The amendment to Cooperative Agreement is for an extension of time to complete the project. Commissioner Ethan Migliori made a motion to approve of Amendment 6 to Cooperative Agreement 68-8D43-12-48 & 49 between Emery County and US Department of Agriculture Natural Resources Conservation Service for TA and FA on EWP FY 12 Seely Fire Project #5088. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

APPROVAL OF RECIPROCAL GRANTS OF EASEMENT BETWEEN STATE OF UTAH  
AND EMERY REFINING, LLC.

Attorney David Blackwell indicated that the Reciprocal grant of Easement between State of Utah and Emery Refining, LLC. is part of the sale parcel and will benefit all parties. Commissioner Ethan Migliori made a motion to approve of Reciprocal Grants of Easement between State of Utah and Emery Refining, LLC. The motion was seconded by Commissioner JR Nelson. The motion passed.



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(9)

CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION AUTHORIZING THE  
CREATION OF THE SEVEN COUNTY INFRASTRUCTURE COALITION.

Mike McCandless continued discussed with the Board of Commissioners regarding a Resolution authorizing the creation of the seven county infrastructure coalition. He indicated that the purpose is to create an entity that could secure funding on behalf of the overall group to facilitate projects to be done as a group. As set out in the agreement, there would be representation from each of the seven counties by way of an elected official from each of the seven counties. This would be a new legal entity. Eric Johnson, Attorney for the group has drafted a resolution for consideration by all counties in the group. Commissioner Nelson indicated that this requires cooperation from all the seven counties involved. If not, then they will go back and draft the resolution for six counties. He indicated that Mike McCandless and Commissioner Horrocks have been involved in this process from the beginning and felt that it is positive for economic development in all the counties involved of which Emery County is one. Mike McCandless indicated that this would enable the group to apply for funding to do projects such as NEPA work, working with the BLM clearing the hurdles for projects that are four or five years down the road.

Jeff Guymon expressed concerns regarding the resolution. He indicated he has serious concerns over creating another government entity. He agreed with the MOU with the other counties to say we are on the same page, but stated he felt we already have the infrastructure in place that has the ability to do all these things. Mike with Economic Development and Ray with Public Lands and committees that work with them have the ability to do these things already. He stated he did not see the point of creating another entity that is able to own, acquire, construct, build, develop, operate things in all of these other counties or giving them the gift of imminent domain. He indicated at he did not see anything in the MOU or proposal that says who is going to appoint. Who makes up the group? This entity will have ability to employ or contract and also go into debt. He indicated he has heard it said that we would not incur that debt if it was defaulted on but yet if it defaults, if you are the one who created the debt, it has to go back to the one who created the debt. The construction company who builds the road or railroad will be left with not being paid. His final concern expressed was, at what point does government own so much of land or things that we do not have anything left to tax to pay for the necessities of the county?

Dave Blackwell addressed the provisions in the agreement regarding holding harmless the county or indemnifying the county from debt. Jeff raised a good point. If they do go defunct then who is going to hold us harmless? They only way that we would be held harmless is if they don't owe anybody any money. The other issue Jeff mentioned was the way that each county representative was appointed. Mr. Blackwell indicated that process was spelled out in the agreement that was looked at in the last Commission meeting, but it is not on the agenda for this meeting.

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Mike commented that what is contemplated, conceptually is to look at things that need to be done to make things happen. They are looking at things like the proposed railroad facility. They are hoping to help facilitate the process to make things happen and become a reality. Use things that have already been in place for years and enable it to become much larger in scope. The other component from this is the possible revenue that comes from this process is shared with the other counties in the group.

Commissioner Nelson commented that this entity would be eligible for CIB funding.

Jeff rebutted that we already have a SSD#1 board in place to make those types of things happen. He stated he believes in limited government. He felt that we have an infrastructure in place that can do all of these things. It is just going to take a little bit more work. That is what the Commission is here for. If you appoint someone that is on this board that means that this group becomes one more step removed from the public. He felt the public needs to have input on these things. He stated he doesn't believe in going out to find ways to generate revenue. Businesses need to own property so we can collect tax revenue. He stated he doesn't believe in creating a new way of collecting revenue. He stated he believes in simplified government.

Brenda Tuttle commented that she echoed what Jeff said. We operate on a limited budget here. Who has the ability to decide if that is debt we want to be a part of? We won't anymore. With the Service District we enter into agreements that we know what we are liable for. With this group she didn't see how that would work. The county would be out on a limb for what this group decides to do.

Commissioner Nelson expressed his concern for being left out. These other counties are anxious to improve economic development.

Mike added that if we don't have the protections in the agreement that protect the county financially he would not recommend approval either. The intent is have the ability to go out and do work, to knock down barriers. If we can do that by other means he is in support of that. As a group we want to be able to get ahead of the curve with these large projects.

Ray Petersen asked don't we have the ability to do that now?

Commissioner Horrocks commented that when you are trying to do a multi county project we don't have any leeway with some of these counties who don't's have Service Districts.

Mike added that every county has a separate process for doing projects.

Commissioner Horrocks added that what is on the agenda today is the resolution to create.

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The final document is a interlocal agreement that has been drafted but will need some editing for all the other counties to be included.

Mike commented that the concept is to create a universal process for the seven counties that will all operate by the same set of rules.

Legal counsel and the Commission has to be supportive of the concept that has been discussed today. Mike commented that if the Commissioners are not comfortable with the process then he recommended that they not move forward. Moving forward should be driven by the Commission's level of comfort.

Mr. Blackwell indicated that he had some questions that he directed to legal counsel for the seven county coalition, Mr. Johnson. Mr. Johnson did answer his questions.

Mr. Blackwell indicated that if they pass the resolution it sets in motion the process for the interlocal agreement.

Commissioner Horrocks indicated that the concept is good if they can get it to where it doesn't encumber the county in any way.

Commissioner Horrocks thanked those who made comments today.

Commissioner Ethan Migliori asked Mike if the Commissioners table this issue until the July 22 is this going to give us time to gain clarity to move on this matter? He indicated that he sees this as a tool get economic development. If we don't take a risk to put more money into economic development in Emery County we are going to continue to stay exactly where we are at.

Commissioner JR Nelson made a motion to table this item until the July 22<sup>nd</sup> meeting to allow time to address the questions brought up today. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Attorney David Blackwell suggested putting both the resolution and the interlocal agreement on the agenda for the next meeting.

(10)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Migliori*

Commissioner Migliori reported that the Emery County Business Chamber will hold their lunch

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and learn on July 16<sup>th</sup>. The Alex Boye Concert will be Monday, July 14<sup>th</sup> at the high school auditorium. The Historical Preservation Committee will be installing silhouettes this month. The Care Center is still working through the RFP process. He attended the annual Rocket Camp in Green River. He stated it was well attended by many from all over the country. Castle Dale Stake Center held their youth conference where their project included placing plaques of notable places in the area and a service project. The Recreation Special Service District is moving forward with their Huntington Ball Complex Renovation Project. They broke ground yesterday and are working to use salvage in other areas.

*Commissioner Nelson*

The libraries are going through a major renovation process while they do away with the dewey decimal system. He attended Emery Water Conservancy District meeting where they discussed storage water going into the supply. Joe’s Valley came close to spilling over and Millsite did spill over. They will begin dredging to clean out the sediment from the bottom to help increase storage. They are cleaning debris in Huntington Canyon in preparation for the rainy season.

*Commissioner Horrocks*

Commissioner Horrocks reported that he has spent an extreme amount of time on low income housing to bring the units into compliance. They have updated 13 apartments and 1 storage building. The units have improved over the last inspection. Leslie Bolinder has worked extremely hard getting the books ready for inspection. He thanked the other commissioners who took up the slack while he was busy on the housing project.

(11)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 22, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant check Edit List # 231538 through and including #231683 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
43-14	Suitmate/exchange Aquatic Center	\$ 725.00
44-14	Air conditioner/Castle Dale Library Library	1,695.00
45-14	Renewal Services Sheriff/DTF	1,200.00
46-14	Drum Management System Highway	1,009.47
47-14	Parts spray washer Highway	4,325.00
48-14	Trailblazer 325 EFI Welder Highway	5,300.00

There were no dispositions.

(2)

APPROVAL OF OUT OF STATE TRAVEL FOR DENNIS WORWOOD TO ATTEND PROFESSIONAL IMPROVEMENT CONFERENCE FOR THE NATIONAL ASSOCIATION OF COUNTY AGRICULTURAL AGENTS IN MOBILE, AL.

(3)

APPROVAL OF OUT OF STATE TRAVEL FOR KYLE EKKER, JEROD CURTIS, JOHN BARNETT, AND GARRETT CONOVER TO ATTEND CNOA ANNUAL CONFERENCE IN ANAHEIM, CA.

(4)

APPROVAL OF OUT OF STATE TRAVEL FOR GARRETT CONOVER, JEROD CURTIS, AND JEFF THOMAS AT ATTEND UNOA ANNUAL CONFERENCE IN MESQUITE, NV.

(5)

APPROVAL OF A 3% WAGE INCREASE FOR LEVI JENSEN, KELVIN CHILDS, KRISTA WRIGHT, AND SCOTTEE BOWER AFTER SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD. EFFECTIVE 8-4-14.

(6)

APPROVAL OF A 3% WAGE INCREASE FOR ABBY JENSEN AFTER SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 8-4-14.

(7)

APPROVAL OF 3% WAGE INCREASE FOR STERLING MILLER FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AND PROMOTE HIM TO AN EQUIPMENT OPERATOR/DRIVER II GRADE 17 FOR TWO PLUS YEARS OF EXPERIENCE AS AN OPERATOR. EFFECTIVE 8-4-14.

(8)

APPROVAL OF THE FOLLOWING VOLUNTEERS FOR THE DESERTVIEW PRO RODEO 2014: KLAYTON LAWS, DERRI JEWKES, JAMES HUGGARD, BRET JEFFS, GAYLE LAFRANTZ, LINDSEY OMAN, HEATHER ATWOOD, JACKIE ARRINGTON, SHELBY LAWS, GARY ARRINGTON, JULIE JONES, WILL PAYNE, MISTY CHRISTIANSEN, AND

KIRK CHRISTIANSEN.

(9)

APPROVAL OF THE FOLLOWING VOLUNTEERS FOR THE EMERY COUNTY FAIR 2014: JULIE JONES, PATSY STODDARD, CASSIE THATCHER, HEATHER ATWOOD, JACKIE ARRINGTON, GARY ARRINGTON, DEVIN LEROY, ANDREA LEROY, ROXANNE JENSEN, LAROLE LARSEN, AND SYDNI EKKER.

(10)

APPROVAL OF COMMISSION MEETING MINUTES DATED JULY 8, 2014.

Commissioner Ethan Migliori made a motion to approved the Consent Agenda. The motion was seconded by Commissioner JR Nelson. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing

(2)

ERIC JOHNSON, DISCUSSION AND CONSIDERATION OF APPROVAL TO RESOLUTION AND INTERLOCAL AGREEMENT CREATING THE SEVEN COUNTY INFRASTRUCTURE COALITION.

Eric Johnson, Attorney for the Seven County Infrastructure Coalition came before the Board of Commissioners to answer questions regarding the resolution and interlocal agreement to create the Seven County Infrastructure Coalition. He talked about the difference between an interlocal entity versus a special service district. Questions were as follow:

Commissioner Nelson: Commissioner Nelson asked what is the financial cost to the county?

Mr. Johnson: None. Projects have to be self sustaining. Only projects that will pay for themselves will be considered. There is no commitment from any county to provide any financial support for any project.

Commissioner Nelson: What is the liability to the county?

Mr. Johnson: The interlocal entity is a separate and independent public body. Emery County

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will not be liable for what this body does.

Commissioner Horrocks: Once a project is completed does it become taxable?

Mr. Johnson: I do not have enough details to give a definitive answer. The entity can own assets that may or may not be exempt from taxation.

Mike: A possible railroad project or pipeline project would have to have substantial funding to make it happen. If privately owned it would be taxable.

Mr. Blackwell: Does the 7 County Coalition have access to Right-Of-Ways?

Mike: They would use existing Right-Of-Ways. They would still have to go to the county to be granted any Right-Of-Way. There will be no shortcutting of any processes. Private entities would still have to grant Right-Of-Way.

Senator David Hinkins: This all started with Uintah, Carbon, Emery and Grand County looking for a way to improve economic development and assist in transporting and transmission lines.

Bill Dellos: Does this change emergency services from one county to another?

Mr. Johnson: He stated he was not aware of anything that would change.

Mayor Pat Brady: He indicated that he has attended a few of the meetings and felt this was a good thing to help projects get off and going.

Jeff Guymon: Who is the funding source? Where do the funds come from? Someone needs to provide collateral for bonding.

Mr. Johnson: On a project by project basis that will vary. There may be state funds, federal funds that they may qualify for with very favorable terms. There may be private involvement. The idea of acting as a 7 county group carries more clout.

Jeff Guymon: Why does government have to be involved? Why can't the oil companies combine support to get a project done?

Senator Hinkins: If we give support as a community and say that we want these jobs. It makes it more appealing to the private companies.

Jeff Guymon: I'm not against bringing in more jobs, just the method for getting the jobs here.

Mr. Johnson: An example of public/private involvement is in Carbon County when working on 9 Mile Canyon. Private oil companies matched money with the grants that the county acquired to do the project.

Jeff Guymon: Are these documents available for the public to view?

Jeff Guymon: Is there an example of another body that has done this?

Mr. Johnson: The Intermountain Power Project in Delta involved 26 communities and California communities.

Paul Cowley: What is the negative about this?

Mr. Johnson: There isn't any one particular project that has advanced far enough that we can speak to the details of that project will be structured. Studies will need to be done to make determinations as to what projects will be pursued. You have got to create the entity to attract the grant to do the study to flush out the project and then work out the details of the project.

Paul Cowley: When a project is proposed and completed does the county receive money back as a result of that project? If so how is that money split?

Mr. Johnson: That will depend on the project and how it impacts that county. The interlocal



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agreement indicates that 70% goes to the project, 20% for all 7 counties and 10% to the coalition for the next project.

Mike McCandless: One of the guiding reasons for all of this is oil and gas production and the cost of getting product to market. We are competing with the oil and gas producers investing in other states. We are trying to find ways to reduce the cost of developing infrastructure. We want them to invest in Utah and keep dollars in Utah vs doing business in other states.

Commissioner Migliori: That becomes compounded when we have a potential refinery in Green River. If oil companies pull out of the area that could be devastating to the refinery that could potentially bring in jobs and income for Emery County. It became critical to find ways to support them. We can't always do it monetarily, but we can do it politically.

Patsy Stoddard: How many of the 7 counties are on board?

Mr. Johnson: 5 of the 7 counties have signed off on the resolution and interlocal agreement. Grand and Emery are not in yet.

Wayde Nielsen: Does this bind all 7 counties to every project?

Mr. Johnson: There will be a subsequent document for each project. They are creating the entity to go out and do studies to advance projects and obtain funding to do the project.

Sheriff Funk: This means the 7 county group will be competing with other entities for CIB funds.

Mr. Johnson: 4 of the 7 counties have representatives on the CIB board.

Commissioner Nelson: Mineral lease funds that come into the county could be increased.

Paul Cowley: It is not that Emery County is dragging their feet it is just that Emery County has concerns and wants answers.

Mayor Brady: If it turns out to be a bad thing is there a termination clause so we can withdraw from the group?

Mr. Johnson: There is an exit clause.

Jeff Guymon: Who determines who wins and who loses? Who determines what part the private sector plays?

Mr. Johnson: The public/private situation has to be open to the public process. Those who back the project the best win. There has to be a contract when working with the public property.

Paul Cowley: Does the group have its own governing board?

Mr. Johnson: The governing board is made up of 1 elected official from each participating county.

Paul Cowley: Who goes to the state to pursue CIB funding?

Mr. Johnson: Staff members.

Commissioner Horrocks: This all started with Economic Directors saying what can we do to help each other.

Paul Cowley: Has this come to the attention of the powers that be at a state level?

Mike McCandless: Yes. We have met with several legislators as well as other counties who are looking at doing something similar to help their situation.

Jeff Guymon: He suggested putting the document on the County's website for the public to view.

Paul Cowley: What is the reason for the urgency in passing this resolution and interlocal agreement?

6

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Mike McCandless: Because we are reaching trimester funding period for CIB.

The questions and comments ended.

Commissioner Ethan Migliori made a motion to approve a Resolution and Interlocal Agreement creating the Seven County Infrastructure Coalition. The motion was seconded by Commissioner JR Nelson. The motion passed.

(3)

APPROVE APPOINTMENT OF JOSHUA ROWLEY AS A MEMBER OF THE EMERY COUNTY TRAVEL BUREAU.

Commissioner Ethan Migliori made a motion to approve appointment of Joshua Rowley as a member of the Emery county Travel Bureau. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

APPROVE APPOINTMENT OF JAMES NIELSEN AS A MEMBER OF THE WEED/MOSQUITO BOARD.

Commissioner JR Nelson made a motion to appoint James Nielsen as a member of the Weed/Mosquito Board. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND STATE OF UTAH FOR A \$100,000.00 GRANT TO CONTINUE THE RUSSIAN OLIVE ERADICATION PROJECT.

Commissioner JR Nelson made a motion to approve of a contract between Emery County and State of Utah for a \$100,000.00 grant to continue the Russian Olive Eradication Project. The motion was seconded by Commissioner Ethan Migliori. The motion passed. Commissioner Horrocks explained that the grant will be matched by NRCS. Emery County will match with in-kind work on the project.

(6)

FOLLOW-UP DISCUSSION OF FLOODING IN SOUTHEAST CASTLE

7

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DALE/COTTONWOOD CREEK REQUESTED BY CITIZENS LIVING IN THE AREA.

Commissioner Ethan Migliori made a motion to table this matter. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY EASEMENT FOR THE SOUTH HUNTINGTON CANYON DEBRIS BASIN BETWEEN ANDALEX RESOURCES, INC. AND PACIFICORP DBA ROCKY MOUNTAIN POWER.

Commissioner Ethan Migliori made a motion to approve of right-of-way easement for the south Huntington Canyon Debris Basin between Andalex Resources, Inc. and Pacificorp dba Rocky Mountain Power upon receipt of funding. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF CELL PHONE STIPEND FOR CORY WORWOOD.

Commissioner JR Nelson made a motion to approve of a cell phone stipend for Cory Worwood. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported that they have began dredging Millsite Reservoir. He reported receiving a letter from the Governor's office regarding show of support for the Public Lands Initiative. He applauded all the volunteers approved today for the rodeo and fair. He expressed a need to revisit the tippage fees at the Landfill and enforcing the ordinance that is in place. He talked about reinstating the flood tax to generate funds to help with flooding problems in Huntington Canyon and Castle Dale as well as other places in the county.

*Commissioner Migliori*

Commissioner Migliori reported on the recent stock show in Ferron. Again there was record

8

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participation. He complimented USU Extension Service and the stock show committee. The Desertview Rodeo begins this weekend and the Emery County Fair will begin next week. Watch for the Fair Guide to be in the Progress this week. He gave a report of activity during his recent trip to Washington, DC. He had good discussions with key legislators regarding Goblin Valley Expansion.

Commissioner Horrocks did not have a report at this time.

(10)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

AUGUST 12, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 231873 through and including # 232025 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
49-14	Repairs to microwave radio transceiver On Horn Mountain damaged by lightning Sheriff/Communications	\$2,941.42

There were no dispositions.

(2)  
APPROVAL TO HIRE JANELL BEAGLEY AS A SEASONAL RECEPTIONIST AT THE MUSEUM. WORKING 12-16 HOURS PER WEEK AT \$9.00 PER HOUR. NO BENEFITS.

(3)  
APPROVAL OF 3% WAGE INCREASE FOR VELVET FARLEY AND KAYLEE VANWAGONER AFTER SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD. EFFECTIVE 8-18-14.

(4)  
APPROVAL OF 3% WAGE INCREASE FOR MINDI LABRUM AND MELISSA JENSEN

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AFTER SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD.

(5)

APPROVAL OF COMMISSION MEETING MINUTES DATED JULY 22, 2014.

(6)

APPROVAL OF CANVASS OF ELECTION MEETING MINUTES DATED 24, 2014.

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

(2)

EMPLOYEE OF THE MONTH

Commissioner Migliori presented the Employee of the Month to Johnathon "Boe" Minchey. Boe was hired as a Correctional Officer in June 2011 and worked in the jail. He attended P.O.S.T. and graduated as a correctional officer in September 2011. Boe then attended P.O.S.T again in August 2012 where he graduated as a Law Enforcement officer and became a Patrol Deputy.

Boe became a Defensive Tactics Instructor in November 2012.

He is an exceptional officer for the Emery County Sheriff's Department.

Boe was presented with a certificate of appreciation and Emery County Business Chamber Bucks.

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(3)

CONSIDERATION AND APPROVAL OF PERSONAL PROPERTY TAX EXEMPTIONS FOR 2014.

Kris Bell, Emery County Assessor presented a list of businesses in Emery County that qualify under State Statute as having \$10,000.00 or less in personal property value. These businesses will be exempt from paying personal property on their businesses. Commissioner Ethan Migliori made a motion to approve the Personal Property Exemptions for 2014. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

RATIFICATION OF MOU BETWEEN US DEPARTMENT OF THE INTERIOR, BLM PRICE FIELD OFFICE AND EMERY COUNTY CONCERNING OLD SPANISH TRAIL HISTORIC SILHOUETTE AND INTERPRETIVE FEATURE INSTALLATION AND OPERATION.

Commissioner Migliori explained that the Historic Preservation Committee wanted to have the Old Spanish Trail Historic Silhouettes and Interpretive Feature installation and operating before the County Fair. They got approval from the BLM to do the installation and the MOU between Emery County and BLM will now need to be ratified. Commissioner Migliori thanked the Sheriff's Department for the use of the inmates from the jail to do the installation. Commissioner JR Nelson made a motion to ratify the signing of a MOU between US Department of the Interior, BLM Price Field Office and Emery County concerning Old Spanish Trail Historic Silhouette and Interpretive Feature Installation and Operation. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF DONATING UNCLAIMED BICYCLES TO GREEN RIVER COMMUNITY CENTER FOR REFURBISHING AND DISTRIBUTION.

Commissioner Ethan Migliori made a motion to donate the unclaimed bicycles from the Emery County Sheriff's Department to the Green River Community Center for refurbishing and distribution. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

APPROVAL TO PURCHASE EAGLE AIR MED LIFE FLIGHT INSURANCE FOR ALL FULL TIME COUNTY EMPLOYEES.

Human Resources Director, Mary Huntington requested approval to purchase Eagle Air Med Life Insurance for all full time county employees. She explained that the program was introduced to

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the employees and many have expressed interest in the program. Participation in the program would benefit the county's insurance plan as it would save the cost of transportation using Air Med Life Flight to a hospital. If the county pays the premium for employees the cost would be \$30.00 a year per employee. Part-time employees would have to pay the premium, but may be paid through payroll deduction. Commissioner JR Nelson made a motion to pay the yearly premium for Eagle Air Med Flight insurance for all full time county employees and offer pay roll deduction to part-time employees. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

APPROVAL TO UTILIZE EMERY MEDICAL CENTER FOR THE ANNUAL WELLNESS CLINIC.

Mary Huntington explained that this program provides the employee with valuable information regarding health issues. A comprehensive blood draw is provided for the employee. A diagnoses report is provided to the employee with a follow up at the clinic with Dr. Lowell Morris if the employee wishes to do so. She indicated that several health issues have been avoided as a result of this diagnosis and follow up with Dr. Morris. This saves the county money on premiums and claims. Commissioner JR Nelson made a motion to utilize Emery Medical Center for the annual Wellness Clinic. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

APPROVAL TO PROVIDE FLU VACCINES THIS YEAR IN CONJUNCTION WITH THE ANNUAL WELLNESS CLINIC FOR FULL OR PART-TIME EMPLOYEES, SPOUSES OR DEPENDENTS, AND EMT VOLUNTEERS. THE COUNTY WILL PAY \$28.00 FOR EMPLOYEES (FULL OR PART-TIME ALONG WITH EMT VOLUNTEERS) WHO CHOOSE TO RECEIVE THE VACCINE. SPOUSES AND DEPENDENTS WILL BE REQUIRED TO PAY A \$10.00 CO-PAY.

Mary Huntington requested approval to provide flu vaccines as part of the annual Wellness Clinic for full or part-time employees, spouses or dependents and EMT volunteers. The county will pay the \$28.00 fee for each who receive the vaccine. The spouses and dependents will be required to pay a \$10.00 co-pay. Mary commented that this program is a great benefit to the county as having the vaccine helps saves the county money in premiums and loss time for illnesses. Commissioner JR Nelson made a motion to approve providing flu vaccines to full time or part-time employees, spouses, dependents and EMT volunteers. The motion was seconded by Commissioner Ethan Migliori. The motion passed.



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(9)

APPROVAL TO GIVE EMPLOYEES (WITH BENEFITS) WHO PARTICIPATE IN THE WELLNESS CLINIC AN ADDITIONAL 4 HOURS OF PAID VACATION.

Commissioner JR Nelson made a motion to approve giving employees(with benefits) who participate in the Wellness Clinic and additional 4 hours of paid vacation. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF AMENDMENT TO ENGINEERING CONTRACT BETWEEN EMERY COUNTY AND JOHANSEN AND TUTTLE ENGINEERING FOR HUNTINGTON CANYON SOUTH DEBRIS BASIN PROJECT 2013

Commissioner Horrocks indicated that there were some questions regarding the engineering contract for the Huntington Canyon South Debris Basin. J & T wanted to do an amendment to the engineering contract for the South Debris Basin that included work on the North Debris Basin. Commissioner Horrocks indicated that the engineering contract for the South Debris Basin has been closed out. Therefore, Commissioner Horrocks asked that Johansen & Tuttle Engineering prepare another contract that covers only the North Debris Basin. There were things that came to light after the last storm. There will be additional cost associated with the new contract. The new contract is for \$60,000.00 which includes mitigation costs. He explained that the new contract can be approved today but will have to be ratified in the next meeting.

Commissioner Ethan Migliori made a motion to approve an engineering contract between Emery County and Johansen and Tuttle Engineering for Huntington Canyon North Debris Basin Project 2013. The motion was seconded by Commissioner JR Nelson. The motion passed.

Jonathon Johansen discussed a contract for change order #3 from Nielson Construction for the Huntington Canyon North Debris Basin. The item is not on the agenda, but needs to be addressed at this time. The construction contract for the North Debris Basin has been left open to allow for upgrades. The change order is for an upgrade to the berm allowing better access for maintenance. Change order #3 is in the amount of \$131,211.00 to do that work. The change order was given to the Commissioners the day before the meeting, to late to be added to the agenda for action. Commissioner Horrocks reminded Mr. Johansen that items for consideration by the Commission need to be turned in before the agenda is prepared to avoid ratification of approval. However, it was deemed necessary to begin the work so the change order was considered for approval today and that approval will be ratified in the next meeting. Commissioner JR Nelson made a motion to approve the signing of change#3 order for the Huntington North Debris Basin as presented by Johansen and Tuttle Engineering and to ratify the signing of the contract in the next meeting. The motion was seconded by Commissioner Ethan

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Migliori. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT BETWEEN EMERY COUNTY AND JOHANSEN AND TUTTLE ENGINEERING FOR EMERY COUNTY SAFETY COMPLEX (SHERIFF'S OFFICES) AIR CONDITIONING PROJECT- 2014.

Johnathon Johansen presented an engineering contract between Emery County and Johansen and Tuttle Engineering for Emery County Safety Complex (Sheriff's Offices) Air Conditioning Project -2014. The engineering contract is for \$7,500.00 . Commissioner JR Nelson made a motion to approve an engineering contract between Emery County and Johansen and Tuttle Engineering for Emery County Safety Complex Air Conditioning Project-2014. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

DISCUSSION AND APPROVAL TO PARTICIPATE IN AMICUS BRIEF IN SUPPORT OF STATE'S PETITION FOR CERTIORARI TO THE U.S. SUPREME COURT.

Attorney David Blackwell explained that Emery County has been asked to participate in an Amicus Brief in support of the State's petition for Certiorari to the U.S. Supreme Court. He explained that a few months ago Emery County agreed to join in an Amicus Brief on behalf of the same sex marriage issue. The state is making that request again. Thirteen to fourteen cases are heard each year and the state is hoping to be one of those cases that are heard. Commissioner JR Nelson made a motion to approve participating in an Amicus Brief in support of State's petition for Certiorari to the U.S. Supreme Court. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

DISCUSSION AND APPROVAL OF TRANSFERRING TITLE OF A VEHICLE TO EMERY COUNTY CARE AND REHABILITATION.

Commissioner Migliori explained that many years ago the Sheriff's Department transferred a vehicle to the Care Center. The car has since been damaged and will cost more to fix than it is worth. The Care Center has asked the Sheriff's Department if they have a vehicle that could be transferred to them. It was determined that the Aging and Nutrition Program was also in need of a back-up vehicle for deliveries. Sheriff Funk indicated that they did have a vehicle that could be transferred to the Care Center for use by the two entities. Commissioner Ethan Migliori made a motion to transfer title of a vehicle from the Sheriff's Department to the Emery County Care and Rehabilitation Center for use by the Care Center and the Aging and Nutrition Program. The

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vehicle is to be housed at the Care Center. The motion was seconded by Commissioner JR Nelson. The motion passed.

(14)

CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND  
EMERY COUNTY SCHOOL DISTRICT REGARDING CEDAR MOUNTAIN  
COMMUNICATION SITE.

Bret Mills, Communications discussed a pending situation regarding communication radio sites. The State of Utah has turned their communications operations over to a Utah Communications Agency. They (the State) has turned all of their communication radio and tower sites that they own to this agency. The agency takes the money from cell phone taxes that used to go to poison control and it now supplies money for this agency through the legislature. They are now going to start charging rent for their building which will be a substantial amount. They want everyone to go to 800 mh. This would be very costly for Emery County. There are at least 600 radios in Emery County. All agencies in Emery County use radios. To replace all the radios with 800 mh radios would cost the County \$1.5 million, with an additional \$15,000.00 per month or \$180,00.00 per year cost. 800 mh will not work in Emery County. We have too many valleys canyons and blanks spots. Right now our communications system is top notch. Emery County has always been independent. We have several other areas that want to follow suit with us. Emery County School District has a building next door to the state building. He has talked to the School District about the building. It has a small tower but the building is fairly large and would house Emery County and the School District easily. The tower would have to be replaced. The school district would have to get a BLM permit. An MOU was discussed with them. We felt like for what the state wants to charge us for a years worth of rent we can make the improvements to the building and a tower. The State has equipment in our building that we can charge them to house. The state is inventorying our equipment as theirs because it is in their building. The Cedar Mountain site is critical to our communications. We feed our microwave through there for Green River. We started that site with the State of Utah but back then everything was handled on a handshake. Bret recommended approval of the MOU to mitigate the situation with the State of Utah. Commissioner JR Nelson made a motion to approve an MOU between Emery County and Emery County School District regarding Cedar Mountain Communication Site. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(15)

CONSIDERATION AND APPROVAL OF GRANTING A CONSTRUCTION AND MAINTENANCE EASEMENT TO HUNTINGTON CITY FOR A TRAIL.

Commissioner Ethan Migliori reported that for some time now the Trails Committee has been working on a walking/bicycle/ATV trail that will allow access Huntington State Park to the Huntington Recreation Complex and Huntington Rodeo/Fairgrounds. The trail follows UDOT highway up to the north end of Nielson property and moves up to the Huntington Recreation Complex. The trail crosses Emery County property and thus the need for a construction and maintenance easement. An easement has already been procured from the Nielson family. Huntington City will maintain the trail. He indicated that the trail will be a good recreational/tourism resource for the County and Huntington City. Commissioner Ethan Migliori made a motion to approve a construction and maintenance easement to Huntington City for a trail. The motion was seconded by Commissioner JR Nelson. The motion passed.

(16)

COMMISSION/ELECTED OFFICIAL REPORTS.

*Commissioner Nelson*

Commissioner Nelson reported on meeting with Representatives Jason Chaffetz and Elijah Cummings where discussions centered around mineral royalties, natural gas, sage grouse, and the antiquities act.

*Commissioner Migliori*

Commissioner Migliori reported on an interview with FOX news. Topic of discussion was centered on western state issues. Museum of the San Rafael sponsored a successful Folk Art Festival. He reported on a conversation with Brad Giles, Castle Valley Pageant Director. He indicated that approximately 22,000 people attended the pageant this year.

*Commissioner Horrocks*

Commissioner Horrocks reported on attending CIB meeting where Emery County Fire Protection Special Service District was awarded a \$450,000.00 grant for 8 new fire trucks. The Fire District will match the grant with \$250,000.00 from their budget to purchase the trucks. The Seven County Coalition group submitted a request to the CIB for start up money, however, the group has not received approval from Grand County Commission. So the group has opted out of this

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trimester funding session for CIB funding. He thanked all the volunteers for the Emery County Fair and Castle Valley Pageant. He reported working with Leon DeFriez to coordinate a back county fly-in event at the Huntington Airport.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY/SHERIFF COMPLEX  
GREEN RIVER, UTAH

AUGUST 26, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Ethan Migliori, Attorney David Blackwell, Clerk/Auditor Brenda Tuttle, other elected officials and citizens.

**CONSENT AGENDA**

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 232116 through and including #232244 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
50-14	Nikon 18-200mm VR II Lens Sheriff	\$ 599.95
51-14	(2) Waterman Type T-1 Radial Gates Huntington Creek Recovery/Restoration Sheriff	\$132,428.76

There were no dispositions.

(2)

APPROVAL OF 3% WAGE INCREASE FOR MEAGAN WILBERG AFTER SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 09-01-14.

2

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(3)

APPROVAL OF 3% WAGE INCREASE FOR TIFFANY BAKER AFTER SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 09-01-14.

(4)

APPROVAL OF 3% WAGE INCREASE FOR KIP ALLRED FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD. EFFECTIVE 09-01-14.

(5)

NOTIFICATION. ARIAUNA DOWNARD WAS HIRED AS A PART TIME WATER SAFETY INSTRUCTOR I ON 09-19-14, WORKING UP TO 19 3/4 HOUR PER WEEK. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 7.

(6)

APPROVAL TO HIRE TODD HAMILTON, SAMUEL PITTMAN, AND JORGEN ALLRED AS SEASONAL WEED AND MOSQUITO TECHNICIANS TO WORK ON THE RUSSIAN OLIVE PROJECT OBTAINED THROUGH GRANT MONEY. WAGE \$10.26 PER HOUR. NOT ELIGIBLE FOR BENEFITS.

(7)

APPROVAL OF OUT OF STATE TRAVEL TO WASHINGTON DC FOR JR NELSON AND RAY PETERSEN FOR PUBLIC LAND ISSUES.

(8)

APPROVAL OF COMMISSION MEETING MINUTES DATED AUGUST 12, 2013.

Motion to approve the Consent Agenda with the exception of removing Samuel Pittman from being hired by Weed & Mosquito was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed.

## **DISCUSSION AGENDA**

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing.

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(2)

RATIFICATION OF ENGINEERING CONTRACT WITH JOHANSEN AND TUTTLE  
ENGINEERING FOR ADDITIONAL WORK ON HUNTINGTON NORTH DEBRIS BASIN  
AND MITIGATION ON BOTH NORTH AND SOUTH DEBRIS BASINS.

The contract is to create an access road to be able to clean out the debris basin. The additional work is an increase to the contract in the amount of \$60,000.00. The Army Corp of Engineers has finally granted a 404 Permit. Commissioner Ethan Migliori made a motion to ratify prior approval of an engineering contract with Johansen & Tuttle Engineering for additional work on the Huntington North Debris Basin and mitigation on both north and south debris basins. The motion was seconded by Commissioner JR Nelson. The motion passed.

(3)

RATIFICATION OF CHANGE ORDER #3 ON THE HUNTINGTON DEBRIS BASIN.

Change Order #3 on the Huntington Debris Basin in the amount of \$131,211.00 was approved on August 12, 2014. Ratification of that approval is needed at this time. Commissioner Ethan Migliori made a motion to ratify prior approval of Change Order #3 on the Huntington Debris Basin. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #4 FOR HUNTINGTON  
CANYON NORTH DEBRIS BASIN PROJECT 2013 TO ADD BID ITEMS AND  
QUANTITIES TO CONSTRUCT PHASES 2 & 3.

Change Order #4 is for the south debris basin. Items included are mobilization, excavation, rip rap, etc. The amount of the change order is \$1,596,089.55. Also in the change order is to increase the time to 77 days. Completion date is now December 15, 2014. Overall contract is now \$3,538,515.56. Additional funding is being supplied by NRCS. They have been waiting for the 404 Permit from Army Corp of Engineers which was finally granted. Commissioner Ethan Migliori made a motion to approve change order #4 for Huntington Canyon North Debris Basin Project 2013 and to add bid items and quantities to construction phases 2 & 3. The motion was seconded by Commissioner JR Nelson. The motion passed.



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(5)

CONSIDERATION AND APPROVAL OF STOCK WATER LINE CONNECTIONS FOR EMERY COUNTY ROAD DEPARTMENT WITH THE COTTONWOOD CREEK CONSOLIDATED IRRIGATION COMPANY.

Cottonwood Creek Water supply is going underground. In order to maintain roads access connections to the waterline are required. It will involve assigning water shares to Cottonwood Creek Consolidation Irrigation Company. Commissioner JR Nelson made a motion to allow Road Supervisor, Wayde Nielsen to study and negotiate the connections that need to be done. After the study it will be brought back to the Commission for approval. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH AND EMERY COUNTY ARCHIVES TO DIGITIZE CEMETERY RECORDS AND SUBMIT THOSE RECORDS TO THE UTAH STATE HISTORY BURIALS DATABASE.

The State History office contracts with individuals to digitize cemeteries in the state. Bernice Payne will be doing this work. Commissioner Migliori will oversee the project. Commissioner Ethan Migliori made a motion to approve a contract with State of Utah and Emery County Archives to digitize cemetery records and submit those records to the State History Burials Database. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF LETTER OF SUPPORT AND ENDORSEMENT OF TRAINING EXERCISE SCHEDULED FOR 4<sup>TH</sup> BATTALION, 10<sup>TH</sup> SPECIAL FORCES (AIRBORNE).

Captain Shawn Christensen is requesting support for a training exercise scheduled in Emery County for 4<sup>th</sup> Battalion, 10<sup>th</sup> Special Forces (Airborne). The event will be held on both public and private land. Commissioner JR Nelson made a motion to approve issuing a letter of support and endorsement of training exercises scheduled for 4<sup>th</sup> Battalion, 10<sup>th</sup> Special Forces (Airborne). The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(8)

COMMISSION/ELECTED OFFICIAL REPORTS.

*Commissioner Nelson*

Commissioner Nelson attended BLM RAC State Committee meeting. One of the things he did at this meeting was to put on the agenda for the next meeting to discuss Goblin Valley Park Expansion. He attended a Conservation District Meeting. One of the things discussed was that the Emery County Weed & Mosquito Department was granted \$100,000.00 to fight Russian Olive. NRCS has granted another \$100,000.00 to fight Russian Olives on drainages. Individual land owners may also apply for a grant from NRCS for up to \$450,000.00 to fight Russian Olive. He attended Emery Water Conservancy District meeting where they discussed a water contract between PacifiCorp, Bureau of Reclamation and Emery Water Conservancy District on how water will be managed and handled. This renewal contract was actually due in 2013. The contract was a 40 year contract that was amended a couple times during that time. The renewal will be a new 40 year contract. He sat in on a couple of meetings with Emery Water Conservancy District where they discussed an approved trail that connects Huntington City to Huntington State Park. The trail will go through Bureau of Reclamation land. The trail will accommodate people who are already hiking in this area. He met Dr. Ken Baldrige who is writing a book about Emery County Civil Conservation Camps.

*Commissioner Migliori*

Commissioner Migliori reported that on an organization called Wealth Works designed to create a strategic plan to help Green River City move into the future. He attended an open house with the National Parks to help stimulate and promote Green River City as being a tourist destination. He has been working with the Care Center in trying to change their motto. They are shifting from an institutional structure to more of a home living feel. They have some marketing efforts in place to help in moving forward with the future of the Care Center.

*Commissioner Horrocks*

Commissioner Horrocks reported that they continue to make changes to the low income housing. He is working with the Utah Housing Authority to improve the Crown Homes and apartments to make them more suitable for people to live in. An ad was placed in the Progress for information on the purchase of 5 fridges and 5 stoves and recruitment of a contract employee for maintenance. He received word from the state that recently passed HB 22 requires all items out for procurement and employment be placed on the Department of Workforce Services website. As a result he has received request for information from as far away as Tennessee. He indicated

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he can see the procurement part of this bill as being somewhat problematic for local vendors. He will be getting in touch with our local legislators to discuss this and work on an amendment to the bill to exclude procurement of any items so local vendors will be able to compete.

(11)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 9, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 232370 through and including #232472 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
52-14	Circle R Side Dump triple axle trailer Sheriff/Huntington Canyon Debris Basin	\$46,500.00
53-14	2006 Kobelco Hydraulic Excavator with buckets Sheriff/Huntington Canyon Debris Basin	\$91,000.00

There were no dispositions.

(2)

APPROVAL TO HIRE KASEY EDGEHOUSE AS A FULL TIME DISPATCHER WITH FULL BENEFITS AT A WAGE GRADE 14.

(3)

APPROVAL TO HIRE STEVE WHITFIELD AS A SEASONAL WEED & MOSQUITO TECHNICIAN. NOT ELIGIBLE FOR BENEFITS AT \$12.00/PER HR.

(4)

NOTIFICATION THAT CHELSEA GUYMON HAS BEEN SELECTED AS A PART TIME OFFICE SPECIALISTS WITH NO BENEFITS, WAGE GRADE 11.

2

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(5)

APPROVAL OF RON JONES, JULIE COX, LISA JEWKES, AND COLETON BAKER AS VOLUNTEERS AT THE PIONEER AND SAN RAFAEL MUSEUMS.

(6)

APPROVAL OF JEFF HORROCKS, MERVIN MILES, GLENDA HANSEN, SCOTT WILSON, AND LEON DEFRIEZ AS VOLUNTEERS TO DRIVE COUNTY VEHICLES AND ASSIST WITH THE EVENT AT THE HUNTINGTON AIRPORT ON SEPTEMBER 27-28, 2014.

(7)

APPROVAL OF COMMISSION MEETING MINUTES DATED AUGUST 26, 2014.

Commissioner JR Nelson made a motion to approve the Consent Agenda minus #2 which has been removed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

See motion from Consent Agenda.

(2)

PRESENTATION OF EMPLOYEE OF THE MONTH FOR SEPTEMBER

Commissioner Ethan Migliori presented Employee of the Month for September to Jeff Guymon. Jeff is the IT/GIS/Network Engineer for Emery County. Jeff has worked for Emery County for 14 years. He is the go-to person for everyone in the courthouse. On any given day someone may find him working on the network, unloading a delivery truck, assembling a desk, crawling under the courthouse,, crawling in the ceiling to run wires, and, on occasion , digging a grave in the cemetery. Jeff really cares about his job. Jeff goes out of his way to make sure all the county

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computers are functioning at full capacity and are virus free. He is honest and very prompt, conscientious and always looking for ways to save the taxpayers money. Emery County is proud of the work Jeff does as the IT/GIS Department Head. He is truly one of the best in the state and is an employee that will always go above and beyond the numerous requests from the departments in the county. Jeff was presented with a plaque and certificate and Business Chamber Bucks to spend in the county.

(3)

CONSIDERATION AND APPROVAL OF CORRECTED CONSTRUCTION AND MAINTENANCE EASEMENT FOR CONSTRUCTION OF THE HUNTINGTON CITY TRAIL.

Commissioner Migliori explained that when they originally did the easement there was some error on the actual route. This needs to be corrected. Therefore, Commissioner Ethan Migliori made a motion to approve of a corrected Construction and Maintenance Easement for Construction of the Huntington City Trail. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS FOR HUNTINGTON STATE PARK TRAIL SYSTEM PROJECT 2014.

Commissioner Migliori explained that this application is the 1<sup>st</sup> phase of the process. Commissioner Ethan Migliori made a motion to approve an application for Transportation and Utility Systems and Facilities on Federal Lands for the Huntington State Park Trail System Project 2014. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

OTHER BUSINESS

Commissioner Reports:

*Commissioner Nelson*

Commissioner Nelson reported that the Emery County Landfill has received a clean bill of health from the Environmental Protection Agency. He reported on attending a Meet & Greet with Four

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Corners Behavioral Health where they received a report on the progress and accomplishments of the twenty-five individuals from Emery County on Drug Court. He stated that employees like to hire these individuals because they know that they are being monitored regularly. He reported attending a seminar at Four Corners where he participated in an interesting presentation on financial responsibility. He reported on Dr. Kenneth Baldrige who is writing a book about the CCC Camps in Emery County and the things that they accomplished. He attended a BLM public meeting on Trails. Emery County is a consulting agency whose purpose is to discuss the appropriate process for making trail designation for the future.

*Commissioner Migliori*

Commissioner Migliori reported on receiving favorable comments regarding the recent Folk Art Festival at the Museum of the San Rafael. The Fair Committee is wrapping up final meetings and looking at suggested changes for next year's fair. He talked about the recent Arapahoe Jamboree where many riders from all over the state and out of state participated. The Emery County Center is in the process of implementing the proposals the board received that will be instrumental in turning the Care Center to a more desirable place to care for people who need the care. The Recreation Board is looking at expanding fall youth sports to include a soccer league. They are looking for suggestions for including those youth who don't play football and include girls in fall sports. Melon Days in Green River is coming up on September 20<sup>th</sup>. He encouraged everyone to support the event and enjoy fresh melon. September 24<sup>th</sup> will be the Emery County Business Chamber Lunch & Learn. They will have Ray Petersen, Randy Johnson and Commissioner Nelson speak on Public Lands issues. On September 20<sup>th</sup> the Emery County Historical Society will sponsor a tour of the Old Spanish Trail. They will meet at the Museum of the San Rafael at 10:00 am.

*Commissioner Horrocks*

Commissioner Horrocks reported on attending AOG meeting in Price where the focus of discussion was the meals-on-wheels program and funding restraints. He attended a meeting on the Huntington Canyon Debris Basin Project. They have finally received the much needed 404 permit from the Army Corp of Engineers. Everything is in place to get the work done. He encouraged people to attend Melon Days. On September 26-28<sup>th</sup> will be the Back County Fly-In at the Huntington Airport. Last year there were approximately 70 to 75 aircraft that flew in during the event. He encouraged those who are interested to attend.

Steven Barton reported that the MECCA Club will host a mountain bike ride at the Wedge. Saturday, September 6 there were about 250 runners from all over the state who participated in Little Grand Canyon Marathon, Half Marathon and 10K on the San Rafael Swell.

5

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(6)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

SEPTEMBER 23, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #232555 through and including #232729 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
54-14	Software update for after hours support ShoreTel- Sheriff	\$540.01
55-14	Maintenance Agreement-fingerprint machine Sheriff	\$6,042.00
56-14	Replacement camera for quadcopter Sheriff	\$679.00

Two dispositions were presented as follow:

210-9612 2009 Dodge Durango sent to EC Care Center and 580-2326 adding machine.

(2)

APPROVAL TO HIRE EGAN SMITH AS A FULL TIME DISPATCHER FOR THE  
SHERIFF'S OFFICE WITH FULL BENEFITS. GRADE 14.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 9, 2014.

Commissioner Ethan Migliori made a motion to approve the Consent Agenda. The motion was seconded by Commissioner JR Nelson. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

PRESENTATION FROM BER ADVISORS, MARVIN REYNOLDS, ON DIFFERENT INVESTMENT OPTIONS THE COMPANY HAS TO OFFER TO COUNTY EMPLOYEES.

Marvin Reynolds, Beacon Educational Research made a presentation before the Emery County Board of Commissioners to propose expanding investment options for Emery County employees. He explained the BER opportunities. The program would be available for employees who are interested in investing in a ROTH 457 plan. There is no cost to the County to administer the program. Commissioner Horrocks indicated that they can reserve a room in the courthouse to which they can advertise that they will be available to introduce the program to interested employees. Commissioner JR Nelson made a motion to approve the BER Company as an option for Emery County employees. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(3)

AHMED MOHSEN, NEW BLM PRICE FIELD MANAGER, INTRODUCTION AND UPDATE OF BLM ACTIVITIES.

Ahmed Mohsen, BLM Field Manager introduced himself explaining that he was the Assistant Field Manager for the last year and a half and has been in the area for two years. He has vast experience in various areas that he feels will benefit the citizens of Emery County. He looks forward to carrying over service in this area especially with his experience in mineral development. He indicated that his office is always open and available. He introduced Rebecca

Andrus the new BLM Law Enforcement Officer for this area.

(4)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN NATIONAL PARK SERVICE AND EMERY COUNTY, GARFIELD COUNTY, AND WAYNE COUNTY FOR CAPITAL REEF NATIONAL PARK LIVESTOCK GRAZING AND TRAILING MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT.

Ray Petersen reviewed a MOU between National Park Service and Emery County, Garfield County and Wayne County for Capital Reef National Park Livestock Grazing and Trailing Management Environmental Impact Statement. He indicated that the MOU has been reviewed by UAC and recommended for approval. Commissioner Ethan Migliori made a motion to approve of an MOU between National Park Service and Emery County, Garfield County, and Wayne County for Capital Reef National Park Livestock Grazing and Trailing management Environmental Statement. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CLOSURE.

Clerk/Auditor Brenda Tuttle explained that Disclosure Notices were sent out to the tax payers. The appeal process deadline was September 19, 2014. It is now time to close BOE. Commissioner JR Nelson made a motion to close BOE for 2014. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF EQUALIZATION CHANGES.

Kris Bell, Emery County Assessor presented a list of proposed Board of Equalization changes. She added Emery TelCom to the list as they had three parcels that were assessed incorrectly. Commissioner JR Nelson made a motion to approve BOE changes as proposed by Assessor, Kris Bell. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF VETERAN, BLIND AND HOMEOWNER'S TAX CREDIT ABATEMENTS.

Clerk/Auditor Brenda Tuttle presented a list of veteran, blind and homeowner's tax credit abatement applicants. She indicated that they have all met the requirements set out by the state.

Commissioner Ethan Migliori made a motion to approve the list of veteran, blind and homeowner's tax credit abatements. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF LOW INCOME ABATEMENTS FOR RYAN COWLEY AND BLAIR LARSEN.

Brenda Tuttle presented applications for a Low Income Tax Abatement from Ryan Cowley and Blair Larsen. She indicated that the requirements for these applicants are different. The applicant must be under age 65 and be disabled or under extreme hardship. The abatement allowed is up to 50% of the tax owed.

Ryan Cowley is disabled and has applied in the past. He has met the requirements. Commissioner JR Nelson made a motion to approve a low income abatement for Ryan Cowley. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Blair Larsen is unable to work due to an injury. This is his first year applying. He has met the requirements. Commissioner JR Nelson made a motion to approve a low income abatement for Blair Larsen. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

RATIFICATION OF US ARMY CORPS OF ENGINEERS APPLICATION FOR SECTIONS 404 AND 10 UTAH STATE ENGINEER'S OFFICE FOR NATURAL STREAM CHANNELS AS PART OF MITIGATION FOR HUNTINGTON DEBRIS BASIN PROJECT 2014.

Merrial Johansen from Johansen & Tuttle Engineering explained that the 404 permit is for a stream alteration at the Huntington Debris Basin. The project has been waiting for the permit to continue. Time constraints were an issue. The permit application was signed to move the project forward. The signing of the application needs to be ratified. Commissioner Ethan Migliori made a motion to approve the signing of a 404 US Army Corps of Engineers application for sections 404 and 10 Utah State Engineers's Office for Natural Stream Channels as part of the mitigation for Huntington Debris Basin Project 2014. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF SITE ACCESS AGREEMENT (HUNTINGTON CREEK WILDLIFE HABITAT SITE) BETWEEN EMERY COUNTY AND PACIFICORP.

Where the Huntington Debris Basin is located on Pacificorp property that is a wildlife habitat site and the maintenance of the basin will be accomplished by Emery County an access agreement is needed to commit the County to maintain the integrity of the site. Commissioner JR Nelson made a motion to approve of an access agreement (Huntington Creek Wildlife Habitat Site) between Emery County and Pacificorp. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

DISCUSSION AND APPROVAL OF CANCELLING OR RE-SCHEDULING COMMISSION MEETING/LBA MEETING SCHEDULED FOR NOVEMBER 11, 2014.

Commissioner Ethan Migliori made a motion to cancel the regularly scheduled meeting set for November 11, 2014 for the Board of Emery County Commissioners and Local Building Authority of Emery County advertising in the local paper the cancelling of said meetings. The motion was seconded by Commissioner JR Nelson. The motion passed.

(12)

COMMISSION/ELECTED OFFICIAL REPORTS.

Brenda Tuttle, Clerk/Auditor discussed possible budget hearings for October. October 2 from 9:00 am until noon, October 9, October 21 and October 24 were considered to be available.

*Commissioner Migliori*

Commissioner Migliori reported the Emery County Travel Bureau has reported tourism has been up this year in Emery County. Because of this they have experienced excess funds that will be used to sponsor additional events or projects. Economic Development's BEAR program is sponsoring an Exporting Conference on October 1<sup>st</sup> to assist business owners with increasing profit. He reported on attending DOGM meeting where they discussed the drilling and fracking process focusing on the differences in the process in the western states as compared to the eastern states. On October 23 there will be a Coal Rally at the Carbon County Events Center. There will be a number of speakers and sponsored events from coal related industries.

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*Commissioner Nelson*

Commissioner Nelson reported on a recent bus tour along I-70 with BLM officials where he and Ray Petersen had an opportunity to discuss Emery County's Public Land Initiative. Along off ramp #116 onto Moore Cut-Off Road they were able to see wild horses and burros. Millsite Reservoir is being dredged to remove sediment as part of the US Forest Service Management Plan. The Plan was written in 1986 and some feel it is time to address a new forest plan. They are currently surveying what needs to be in the plan. Goblin Valley Expansion Meeting will be at 7pm tonight where they will address concerns about trails. There will be a field trip on the expansion on October 25<sup>th</sup>. Emery County Business Chamber's Lunch and Learn will focus on Public Land issues. Huntington Airport will have a Back Country Fly-In on September 26<sup>th</sup> and 27<sup>th</sup> at the Huntington Airport. He reported on a trip to Washington, D.C. He felt that they had good conversations with key members of the environmental committee members. They met with Senator Hatch's office and Senator Lee and Jason Chafetz. With the election in November timing is critical and could have a huge bearing on the outcome.

*Commissioner Horrocks*

Commissioner Horrocks indicated that the weather could play into the Back Country Fly-In Event at the Huntington Airport.

Steve Barton reported on the MECCA San Rafael Swell Bike Festival at the Wedge this weekend.. They anticipate 60 people who have pre-registered.

(13)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 14, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

Commissioner Ethan Migliori was present at the meeting. Therefore, Commissioner Horrocks stepped down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #232818 through and including #232970 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
57-14	500 Gallon fuel trailer Sheriff	\$ 9,558.56
58-14	Security Cameras for 3 Communications Sites Sheriff/Communication CIB Grant	\$ 8,329.02
59-14	Replace-48 volt Rectifiers/Battery Charger Sheriff/ Communications-Bruin Peak Site	\$ 3,674.00
60-14	Replace- 49 volt to 120 volt inverter Sheriff/ Communications- Bruin Peak Site	\$ 2,279.00

One disposition was presented for approval from the Weed/Mosquito Department for tag #1251, a five drawer filing cabinet.

(2)

APPROVAL OF MICHELLE CHRISTENSEN AS A DRIVER FOR THE SENIOR CITIZEN PROGRAM..

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(3)

APPROVAL TO HIRE KACIE HEALY, RIKKO BOLOTAS, AND LES ANDERSON AS SEASONAL RUSSIAN OLIVE TECHNICIANS. NOT ELIGIBLE FOR BENEFITS. WAGE \$12.00 PER HOUR.

(4)

NOTIFICATION THAT PAM HOWARD WAS SELECTED TO BE A PART TIME EMPLOYEE WITHIN THE LIBRARY SYSTEM TO WORK ON BISAC. SHE WILL WORK 10 HOURS A WEEK AT \$8.00 PER HOUR UNTIL THE GRANT MONEY IS EXHAUSTED. NOT ELIGIBLE FOR BENEFITS.

(5)

APPROVAL OF 3% WAGE INCREASE FOR HUGH GRANGE AFTER SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD. EFFECTIVE 10-27-14.

(6)

APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 23, 2014.

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

#### DISCUSSION AGENDA

Nothing was pulled from the Consent Agenda for discussion.

Ken Brown was not present when the meeting began. Therefore, Commissioner JR Nelson made a motion to alter the agenda and move #1 to when Mr. Brown arrives. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(1)

KEN BROWN, WESTERN COUNTIES ALLIANCE, UPDATE ON ACTIVITIES.

Ken Brown, Western Counties Alliance provided an update of activities that is of particular interest to Emery County. His report included update information regarding PILT, SRS and SR2477 road designation, Public Land transfers, Sage Grouse, the Wild Horse/Burro program,



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disposal plants, the Public Lands initiative, and membership. Mr. Brown indicated that last year Emery County paid \$500.00 for membership. He suggested that while the Commissioners were in budget sessions for the 2015 year that they look into possibly increasing the membership amount to \$1,000.00. Ray Petersen expressed concern that the Western Counties Alliance website still needs to be updated. Mr. Brown indicated that the board has asked him to reinstate the website which he will be doing asap. The alliance recently added several counties in Arizona which will be an added revenue for the alliance and will help with the update and working on many of the issues he brought forth today. Commissioner Horrocks indicated that the Commissioners will take into consideration his request to increase the membership and Emery County will continue to be a member of the Western Counties Alliance. Mr. Brown reported that he has been asked to do a history of PILT for those new board members who are not familiar with the process. He indicated that the alliance will continue to work to resolve the issues he discussed.

(2)

CONSIDERATION AND APPROVAL OF DONATION TO SEUEPA COAL & FOSSIL FUEL RALLY.

Commissioner Horrocks asked County Attorney David Blackwell for his opinion on the normal donation amount of \$250.00. To which Mr. Blackwell indicated that unless they are joining something then the normal donation amount is \$250.00. Commissioner JR Nelson made a motion to donate \$250.00 to SEUPA Coal & Fossil Fuel Rally. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

Commissioner Horrocks indicated that this rally is extremely important for fossil fuels in Emery County. Everyone in this area will be affected by what happens with fossil fuel development.

(3)

DISCUSSION OF ADVERTISING FOR PUBLIC DEFENDER REQUEST FOR PROPOSALS.

Commissioner Horrocks indicated that it was important that all three commissioners be present to consider public defender proposals. Since there will be new Commissioners in January, Commissioner Horrocks felt that the new Commission should take this on. Commissioner JR Nelson made a motion to not advertise for Public Defender at this time but to work with the one that we have and table until we finished the budget process. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

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(4)

DISCUSSION OF ADVERTISING FOR BIDS FOR SERVICE CONTRACT OF FIRE EXTINGUISHERS.

Commissioner Horrocks indicated that Richard Herring previously had the service contract for fire extinguishers. With his recent passing it is imperative that we have a new service contract as many extinguishers are reaching expiration. Commissioner JR Nelson made a motion to advertise for a service contract of fire extinguishers for Emery County. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF RESOLUTION OF APPOINTMENT OF A EMERY COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING.

Commissioner Horrocks indicated that in the past Mary Huntington and Dave Blackwell have been the representative and alternate representative for Emery County. Recently Dave Blackwell was appointed the UCIP Board of Directors. Leslie Bolinder was then appointed as alternate representative. It was suggested that Mary Huntington and Leslie Bolinder remain as Emery County's representative and alternate representative. Commissioner Jeff Horrocks made a motion approve of Resolution 10-14-14A appointing Mary Huntington as representative and Leslie Bolinder as alternate representative. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF RESOLUTION APPOINTING EMERY COUNTY'S REPRESENTATIVE TO THE BOARD OF THE SIX COUNTY INFRASTRUCTURE COALITION.

Commissioner JR Nelson made a motion to approve Resolution 10-14-14B appointing Commissioner Jeff Horrocks as Emery County's representative to the Board of the Six County Infrastructure Coalition through the end of December 2014 and beginning January 2015 appoints Commissioner Ethan Migliori to represent Emery County on the Board of the Six County Infrastructure Coalition. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

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(7)

RATIFICATION OF AMENDMENT 7 TO COOPERATIVE AGREEMENT 68-8D43-12-49 BETWEEN UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) AND EMERY COUNTY FOR FA FUNDING INCREASE.

Sheriff Funk indicated that amendment #7 to the Cooperative Agreement 68-8D43-12-49 between United States Department of Agriculture Natural Resources Conservation Service (NRCS) and Emery County is for funding increase to complete the Huntington Canyon Debris Basin Project. Commissioner JR Nelson made a motion to approve Amendment #7 to Cooperative Agreement between NRCS and Emery County. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(8)

RATIFICATION OF AMENDMENT 7 TO COOPERATIVE AGREEMENT 68-8D43-12-48 BETWEEN UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) AND EMERY COUNTY FOR TA FUNDING INCREASE.

Commissioner JR Nelson made a motion to approve amendment #7 to Cooperative Agreement 68-8D43-12-48 between NRCS and Emery County for an increase in technical assistance funding for the Huntington Canyon Debris Basin. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(9)

RATIFICATION OF CHANGE ORDER #5 FOR HUNTINGTON CANYON NORTH DEBRIS BASIN PROJECT 2013.

Jonathon Johansen, J&T Engineering explained that Change Order #5 for the Huntington Canyon Debris Basin Project 2013 has been under the gun to get completed by the end of October due to the length of time it took to get the Army Corp of Engineers process completed. There was a time constraint to get the work completed so the change order was signed to hasten the work. Commissioner Horrocks indicated that the signing of the change order needs to be ratified. Commissioner JR Nelson made a motion to ratify the signing of Change Order #5 for the Huntington Canyon Debris Basin Project 2013. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

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(10)

CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE STATE OF UTAH DIVISION OF STATE PARKS AND RECREATION AND EMERY COUNTY FOR PURCHASE OF EQUIPMENT TO CONSTRUCT AND MAINTAIN TRAILS.

This request was generated by the Emery County Trails Committee. The State Parks awarded the Trails Committee an \$8,000.00 grant to purchase equipment that will assist in maintaining trails in Emery County. Emery County will own and maintain the equipment. There will be an agreement with Weed and Mosquito to store the equipment for the winter months.

Commissioner JR Nelson made a motion to work with the county Attorney to make a Cooperative Agreement with State Parks to purchase the equipment and the Clerk/Auditor's office to place bids to make the purchase. The motion was seconded by Commissioner Jeff Horrocks. The motion passed. It was indicated that the equipment will be Rokon Moto-Tractor.

(11)

CONSIDERATION AND POSSIBLE APPROVAL OF REQUEST TO REDUCE OR WAIVE AMBULANCE FEES FOR PAMELA BROWN.

After reviewing the information submitted by Pamela Brown it was determined that the form was not completed correctly. Commissioner JR Nelson made a motion to deny a request to reduce or waive ambulance fees for Pamela Brown and to request more information. If we do not hear back from her then the account will be sent to collections. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(12)

RATIFICATION OF BEER TAX FUNDS ANNUAL REPORT FOR EMERY COUNTY FY 2014.

Sheriff Funk indicated that beer tax funds are used to fund DUI programs and other programs such as Graduation Night. The report was previously signed to meet date requirements.

Therefore, Commissioner JR Nelson made a motion to ratify the Beer Tax Funds Annual Report for Emery County FY 2014. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
OCTOBER 14, 2014

(13)

CONSIDERATION AND APPROVAL OF THE APPOINTMENT OF TRAVIS BACON TO THE EMERY COUNTY TRAVEL BUREAU FILLING AN UNEXPIRED TERM ENDING 1/2015.

Commissioner JR Nelson made a motion to approve the appointment of Travis Bacon to the Emery County Travel Bureau filling the unexpired term of Sarah Siefken whose term will expire January 2015. The motion was seconded by Commissioner Jeff Horrocks. Mr. Bacon will need to re-apply in January 2015 if he desires to remain on the board.

(14)

CONSIDERATION AND APPROVAL OF RE-CERTIFICATION OF CERTIFIED LOCAL GOVERNMENT OF THE EMERY COUNTY HISTORICAL PRESERVATION COMMISSION.

Commissioner JR Nelson made a motion to approve of re-certification of Certified Local Government of the Emery County Historical Preservation Commission. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(15)

CONSIDERATION AND APPROVAL TO SET A SPECIAL COMMISSION MEETING FOR OCTOBER 20, 2014.

Commissioner JR Nelson made a motion to set a special Commission Meeting for October 20, 2014 at 9:00 am. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(16)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Nelson*

Commissioner Nelson reported on attending a meeting on Goblin Valley Expansion. He also attended a tour to Goblin Valley with Public Lands Director Ray Peterson and State Parks officials. He reported on attending a informative meeting in Price sponsored by Rocky Mountain Power. He reported on efforts to update the Forest Service Master Plan and the importance of having Emery County's voice heard in the planning process. Governor Herbert and former Emery High graduate Michael Mower recently visited Emery High School where the Governor

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responded to questions from Mr. Hansen's students.

Commissioner Nelson added that it is important to note that Emery County is not an energy producer. We have businesses in Emery County that are energy producers.

*Commissioner Horrocks*

Commissioner Horrocks requested that all citizens that can attend the Rally in Carbon County.

(17)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 20, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, and citizens.

(1)

BID OPENING-9:00 A.M.- CONSIDERATION AND APPROVAL OF BID AWARD FOR SHERIFF BUILDING HVAC UPGRADE PROJECT, 2014 AND AUTHORIZE THE CHAIRMAN TO SIGN ALL NECESSARY PAPERWORK.

Two bids were submitted for the Sheriff Building HVAC Upgrade Project.

- |    |   |                       |                        |
|----|---|-----------------------|------------------------|
| 1) | A. Johnson Heating, Inc                                       | base bid \$102,950.00 | total bid \$127,207.00 |
| 2) | Precise Plumbing/Heating<br>Air Conditioning and Construction | base bid \$136,590.00 | total bid \$167,237.97 |

Commissioner JR Nelson made a motion to give authority to Commission Chairman Jeff Horrocks to accept or reject bids and sign necessary paperwork after consideration by Clerk/Auditor Brenda Tuttle, Sheriff Greg Funk, County Attorney David Blackwell and Johansen & Tuttle Engineering. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(2)

CONSIDERATION AND APPROVAL OF LOCAL GOVERNMENT CONTRACT BETWEEN EMERY COUNTY AND THE STATE OF UTAH LOCAL GOVERNMENT ENGINEERING SERVICES FOR PROJECT NO. F-1612 (10) 0 SOUTH MOORE CUT-OFF ROAD PHASE 10.

Merrill Johansen, Johansen & Tuttle Engineering explained that the South Moore Cut-Off Road Project has been going on for at least 10 years. There was money left from the previous phases of the project (approximately \$1 million dollars) so it needs to be used for another project on this road or be returned to the Federal Government. UDOT suggested acceleration lanes near the exit to I-70 and another one at Highway 10. The work will be administered by Special Service District with an 80/20 match. A contract between Emery County and the State of Utah Local Government Engineering Services for Project No. F-1612 (10) 0 South Moore Cut-Off Road Phase 10 needs to be signed before advertising for the project construction. Commissioner Ethan Migliori made a motion to approve of Local Government Contract between Emery County and the State of Utah Local Government Engineering Services for Project No.-1612 (10) 0 South Moore Cut-Off Road Phase 10. The motion was seconded by Commissioner JR Nelson. The

motion passed.

(3)

CLARIFICATION OF ENGINEERING CONTRACT WITH JOHANSEN AND TUTTLE  
ENGINEERING FOR THE HUNTINGTON CANYON DEBRIS BASIN & EROSION  
CONTROL STRUCTURE PROJECTS 2013.

Merrill Johansen, J & T Engineering clarified that the engineering contract with Johansen & Tuttle Engineering for Huntington Canyon Debris Basin & Erosion Control Structure Projects 2013 is actually \$166,500.00 for the design and \$55,500.00 for the inspections. No mention was made of the inspection fee at the time the contract was approved on October 22, 2013. In discussions with J&T they have suggested that the inspection fee could be lowered if the inspections were billed on an hourly basis rather than a flat amount. J&T will provide actual hours worked on the project and bill accordingly saving money on the project. Therefore, the inspection part of the contract may come in under the amount originally contracted.

(4)

CONSIDERATION AND APPROVAL OF RESOLUTION REQUESTING THE RE-  
CERTIFICATION OF THE EMERY COUNTY JUSTICE COURT, FIRST PRECINCT  
(CASTLE DALE, UTAH) AND SECOND PRECINCT (GREEN RIVER, UTAH).

Commissioner Migliori indicated that he has visited with Judge Steve Stream regarding whether to keep the Green River Court open five days a week. Judge Stream indicated that until it becomes a budget crisis then he recommended keeping it open. The revenue compared to expense is under what they bring in for revenue. Commissioner Migliori felt like with the expanding of growth anticipated in Green River that it would be wise to keep it open rather than have to reopen it later. Commissioner Ethan Migliori made a motion to support Judge Stream's plea to keep Green River Court open for now and approve Resolution 10-20-14 requesting the re-certification of the Emery County Justice Court, First Precinct (Castle Dale, Utah) and Second Precinct (Green River, Utah). The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF APPLICATION FOR STREAM ALTERATION ON  
SHOEMAKER WASH.

Merrill Johansen indicated that this is a request from the Army Corp of Engineers as a part of the



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Huntington Canyon Debris Basin Project. The expected work will be to stabilize the dam at Shoemaker Wash. A plan review is not needed for this project but an application for stream alteration needs to be on file. Commissioner Ethan Migliori made a motion to approve of an application for stream alteration on Shoemaker Wash. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

COMMISSION/ELECTED OFFICIAL REPORTS

Commissioner JR Nelson made a motion to table reports until the next regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

ADJOURNMENT

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 28, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 233046 through and including # 233140 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
61-14	(3) Arlington benches for courthouse front Courthouse	\$4,755.21
62-14	7X16 Pace Cargo Sport enclosed trailer Sheriff- EMPG	\$5,400.00
63-14	2015 Polaris Ranger 900 Crew Sheriff-EMPG (With Trade-Ins)	\$1,779.59

Dispositions were presented for the following:

255-9399, 2008 Rokon	255-8690, 2006 Arctic Cat 650X
209-8432, 2005 Kawasaki	209-8431, 2005 Kawasaki
209-8433, 2005 Kawasaki	209-8430, 2004 Kawasaki
210-7087, 2000 Honda TRX	210-7088, 2000 Honda TRX
212-6708, 1998 Honda TRX	210-5762, 1988 Honda TRX
210-5763, 1988 Honda TRX	212-6709, 1998 Honda TRX
148-1397, Vornad heater	

(2)

APPROVAL OF OUT OF STATE TRAVEL FOR TWO SHERIFF DEPARTMENT  
EMPLOYEES TRAVELING TO PELLA, IOWA TO PICK UP EQUIPMENT.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED OCTOBER 14 & 20, 2014.

Commissioner JR Nelson made a motion to approve the Consent Agenda eliminating #2 on the Consent Agenda. The motion was seconded by Commissioner Jeff Horrocks. Commissioner Migliori abstained from voting as he was not present at the last meeting. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing was pulled for discussion.

(2)

PRESENTATION OF EMPLOYEE OF THE MONTH.

Commissioner Migliori presented Employee of the Month to Maegan Wilberg. Maegan began working for Emery County November 26, 2011. She was hired as a sales clerk at the Museum of the San Rafael and was promoted to Museum Director in 2014. She has changed the museum hours to make the museum more accessible to visitors and established internet presence for the museum posting displays and events on Facebook. The museum has hosted A Night at the Museum, Folk Art Festival, and Dinosaur Camp. Maegan has written and been successful in obtaining grants for a new Kid's Corner at the museum, the Mammoth exhibit, and one to develop brochures outlining day trips to area attractions. Maegan was presented with a plaque of appreciation and Emery County Business Chamber Bucks.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSION MEETING  
OCTOBER 28, 2014

(3)

JAMES HUGGARD, DISCUSSION OF FLOODING ISSUES OF THE COTTONWOOD CREEK AND POSSIBLE SOLUTIONS.

James Huggard and Mark H. Williams came before the Board of Commissioners to discuss flooding issues of the Cottonwood Creek. Mr. Williams provided a history of issues regarding the 24 acres of property he owns along the Cottonwood Creek. He indicated that over the years he has given the county easements for numerous functions. In 1986 there was a big flood that culverts could not hold so the county put in a dip to help with the flow of the creek. He indicated he has 24 acres with sewer lines and two drainage lines and other things on his property. This is the first year in 65 years that the flood has ever come out of the river and flooded this far out into his property. He indicated he has given and given to the county and feels that the county should help him out. Neighbors are getting tired of losing hay, corrals and fencing to flood water. The county did not come down and clean out the grate until the day of this last flooding incident, when the grate at the dip filled with debris. Everybody scrambled down to clean it out, moving the water down the creek. However, not before some damage was done. Mr. Huggard indicated that he bought the property from Mr. Williams about three years ago. Mr. Huggard stated that since he has owned the property he estimates he has lost approximately \$5,000.00 a year to flood damage from the Cottonwood Creek flooding onto his property. He asked that the County consider clearing out the dip in the creek that recently filled with logs and debris from the storms of August. He stated that if the dip was functioning correctly the flooding would not have occurred. Mr. Huggard asked if it was possible to request a 404 permit from the Army Corp of Engineers? Johansen & Tuttle Engineering suggested that they were willing to look at it and work through the process of application for approximately \$1,000.00. The question of funding was discussed as well as whether a 404 permit was necessary. Captain Ekker as Emergency Management Director agreed to look at mitigation options.

(4)

BID OPENING- OPEN AND READ ALOUD BIDS FOR SCRAP METAL PILE.  
CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED  
PAPERWORK.

Bids were opened and read aloud for scrap metal pile at the landfill.

- |    |                          |                  |
|----|--------------------------|------------------|
| 1) | Superior Metals          | \$ 85.00 per ton |
| 2) | Western Metals Recycling | \$131.50 per ton |

Commissioner JR Nelson made a motion to award the bid for scrap metal to the highest bidder, Western Metals Recycling. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

4

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSION MEETING  
OCTOBER 28, 2014

(5)

COMMISSION AND DIRECT CLERK/AUDITOR TO CONDUCT A PHYSICAL AUDIT OF ALL COUNTY FIXED ASSETS.

Clerk/Auditor Brenda Tuttle requested and received direction to conduct a physical audit of all county fixed assets.

(6)

CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT FOR THE CLEVELAND LIBRARY PARKING LOT PROJECT 2014.

Brandon Brady, Johansen & Tuttle Engineering presented a contract in the amount of \$5,000.00 for the Cleveland Library Parking Lot Project 2014. He explained that the contract is for the design and construction of ADA stalls in the parking lot to bring it up to ADA requirements. Library Director Carole Larsen indicated that the project is approved in the Library budget. Commissioner JR Nelson made a motion to approve an engineering contract with J&T Engineering for the Cleveland Library Parking Lot Project 2014 in the amount of \$5,000.00. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

DISCUSSION OF ADVERTISING FOR PUBLIC DEFENDER REQUEST FOR PROPOSALS.

Commissioner Horrocks indicated that the Emery County Commission has received a request from a legal firm asking Emery County to consider requests for proposals for public defender service. The Commissioners discussed whether there was a need to advertise for proposals. The consensus was that they were content with the service being provided at this time.

(8)

CONSIDERATION AND ADOPTION OF THE EMERY COUNTY EMERGENCY OPERATIONS PLAN.

Captain Kyle Ekker explained that the Emergency Operations Plan is a working document that is subject to change. It has been designed for the cities to adopt also. This plan has to be in place in the event of a disaster in order to receive assistance from FEMA. Commissioner Ethan Migliori made a motion to adopt the Emery County Emergency Operations Plan. The motion was seconded by Commissioner JR Nelson. The motion passed.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSION MEETING  
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(9)

CONSIDERATION AND APPROVAL OF FY2015 TENTATIVE BUDGET FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT. SETTING OF PUBLIC HEARING FOR COMMENTS ON THE FY2015 BUDGETS.

Clerk/Auditor Brenda Tuttle presented the Tentative Budget FY 2015 for Emery County. She explained that the budget is similar to last years. Commissioner Ethan Migliori made a motion to approve the Tentative Budget for FY2015 for Emery County. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commissioner Ethan Migliori made a motion to approve the Tentative Budget for FY2015 for Castle Valley Special Service District. The motion was seconded by Commissioner JR Nelson. The motion passed.

December 16, 2014 at 6:00 pm was the date and time set for a public hearing to receive comments on the 2015 budgets.

(10)

DISCUSSION OF PROCEDURE FOR AMENDING THE EMERY COUNTY ZONING ORDINANCE SECTIONS 6 AND 11. POSSIBLE SETTING OF A PUBLIC HEARING FOR COMMENTS ON THE PROPOSED AMENDMENTS.

Planning and Zoning Committee Chairman Mac Huntington came before the Board of Commissioners to request that a Public Hearing be set to receive comments on proposed amendments to Sections 6 and 11 of the Emery County Zoning Ordinance. He added that changes to land use activity in the Zoning Ordinance requires a public hearing. November 25, 2014 at 10:00 am was set for a public hearing to receive comments on amendments to the Emery County Zoning Ordinance.

(11)

LORI LARSEN, DISCUSSION OF MINER'S MEMORIAL IN EMERY COUNTY.

Dennis Ardohain and Lori Larsen discussed plans to construct a Miner's Memorial in Emery County. They are currently working on putting a Miner's Memorial in Carbon County. They are a 5013C for rural Utah. They have an account set up at UP&L Credit Union where they have had sponsors donate funds to construct the memorials in Carbon and Emery Counties. They are working on a grant to go to CIB for funding. They have so far collected 1370 names of miners who have perished in mining incidents in Carbon County. They invited Emery County to participated in discussions for a place to put a memorial and names of fallen miners in Emery

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSION MEETING  
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County. They are associated with Friends of Coal and gained support during the recent Coal Rally held in Carbon County. They will be sponsoring fund raisers throughout the coming year. They have planned a trip to the State Capital with Senator David Hinkins in February 2015. They are seeking sponsors to assist with financing the memorials.

(12)

CONSIDERATION AND APPROVAL OF STATEWIDE MEMORANDUM OF AGREEMENT FOR THE SPECIAL NEEDS REGISTRY.

The Special Needs registry falls under the direction of the Sheriff's Department. The Statewide Memorandum of Agreement was developed to assist local emergency managers in their efforts to plan for and respond to the needs of individuals and facilities requiring special assistance in the event of a disaster. Commissioner Ethan Migliori made a motion to approve of Statewide Memorandum of Agreement for the Special Needs Registry. The motion was seconded by Commissioner JR Nelson. The motion passed.

(13)

CONSIDERATION AND POSSIBLE APPROVAL OF COMMISSION TAX ADJUSTMENT FOR MARVIN/COLLEEN JENSEN.

The Board of Commissioners received a request for Commission Tax Adjustment from Marvin and Colleen Jensen. They missed the deadline for handing in the application. In their request they indicated that they have had several health issues. Commissioner Migliori expressed concern that if they approve this request they will be opening the door for others who come in with special circumstances. They have been given every opportunity to take advantage of the program. Commissioner Ethan Migliori made a motion to deny a request from Marvin and Colleen Jensen for a Commission Tax Adjustment. The motion was seconded by Commissioner JR Nelson. The motion passed.

(14)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Nelson*

Commissioner Nelson reported on the Forest Plan and efforts from the grazers in the county to keep the grazing on the forest from changing during the plan process. Division of Natural Resources conducted a bus tour and invited a few grazers to attend. Over 60 grazers from as far away as Fountain Green attended. Letters from Governor Herbert and UAC Attornies have been

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSION MEETING  
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added to the comments being received by the plan committee. Commissioner Nelson will be adding comments as a grazer and a citizen. The Salt Lake City Climbers Alliance is collecting scientific data

Emery Water Conservancy District and PacifiCorp and Bureau of Reclamation contract is on a one year extension.

*Commissioner Migliori*

Commissioner Migliori reported that Jake Atwood and the Rodeo Committee received a national award, “ Best Small Rodeo Award”. He reported on changes in the Emery County Care and Rehabilitation Center. They have been working on fine tuning their operations at the center and are in a much better position with better productivity.

He reported on attending an excellent Coal Symposium where the focus was on changes in coal and the new future for coal.

He reported on the Economic Development Committee and their efforts to assist small businesses in Emery County with loans to assist in local business development. He reported that Mike McCandless is no longer working for Emery County, he has new employment with Epic. He added that Mike has been a good asset for Emery County and he appreciated his service for the county. The Travel Bureau is making preparations for travel shows that begin the first of the year.

Janet Petersen, who has been a figure in the forefront of the Museum of the San Rafael for many years, is retiring. On November 4 there will be a luncheon to honor her service.

He reported on the progress of the Huntington State Park/Huntington City Trail under the direction of the Trails Committee.

*Commissioner Horrocks*

Commissioner Horrocks attended a bus tour of the Hunter Power Plant with several Washington delegation staff members, Senate Representatives Hinkins and VanTassel and others. The purpose was to educate the rest of the state as to the need for power plants and especially coal fired power plants.

He reported on the success of the recent Coal Rally held in Carbon County. There was a good response with approximately 5,000 people attending.

There was a fire at one of the housing units in Castle Dale. HUD is looking into how to rebuild the unit.



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MINUTES OF THE BOARD OF EMERY COUNTY COMMISSION MEETING  
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(15)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 25, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 233231 through and including #233637 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
64-14	Plat hanging file cabinet Recorder	\$ 677.01
65-14	Arcair Slice Utility Pack Highway	\$ 832.00
66-14	(2) 100 watt power amp. (2) 200 digital hand held radios (1) 700H digital mobile radio Communications/Sheriff	\$4,595.00
67-14	Rokon Trailbreaker Weed/Mosquito	\$7,950.00
68-14	Laerdal SimPad System Ambulance	\$3,288.84
69-14	End tidal CO2 monitoring modules Cannulas, batteries, chargers (trades)	\$26,673.75

70-14	Server 2012 License Client Access Licenses(30) Hp Elite 850 Laptop (2) IT/Library	\$3,693.58
71-14	Security System/Buckhorn Information Center Travel Council	\$6,000.00
72-14	Mammoth Skull & Tusks Museum of the San Rafael	\$1,700.00

Dispositions were presented for the following:

580-7235, copier, 210-7821, 210,7822, 210-7823, lightbars, 216-7659, 216-7660, 216-7779, 216-7780, 216-7789, 216-7790, hydra packs, 210-5048, reversible chalkboard, 210-0005, microsoft office 97, 255-8552, faxphone, 210-7221, clip-on organizer, 210-0035, video capture software, 210-0033, adobe premiere software, 210-7868, 210-7869, 210-7870, hands free sirens.215-0008, E-911 Y2K upgrade software.

(2)

NOTIFICATION. WAYDE NIELSEN SELECTED STEVE ALLRED AS A PART TIME EMPLOYEE WORKING 19 3/4 HOURS PER WEEK WITH NO BENEFITS. WAGE GRADE 16.

(3)

NOTIFICATION. CAROLE LARSEN SELECTED DANIELLE FARLEY AS A PART TIME EMPLOYEE WORKING 10 HOURS PER WEEK WITH NO BENEFITS. WAGE \$8.00 PER HOUR.

(4)

APPROVAL TO GIVE DEVIN WILLSON, MADISON ALLINSON, ZAC FAUVER, TJ LACOCK, TRAVIS FEHLBERG, KAITLYN SAILING, VALERIE CHYNOWETH, AND JAXON WINN A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD. EFFECTIVE 12-8-14.

(5)

APPROVAL OF BUSINESS LICENSE FOR CW CUSTOM ENGRAVING.

(6)

APPROVAL OF COMMISSION MEETING MINUTES DATED OCTOBER 28, 2014 AND  
MINUTES OF THE CANVASS OF ELECTION FOR THE NOVEMBER 4, 2014 GENERAL  
ELECTION..

Motion to approve the Consent Agenda was made by Commissioner Ethan Migliori, seconded by Commissioner JR Nelson and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

(2)

EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented Employee of the Month to Janet Damon. Janet is a great asset to the Emery County Recorder's office and the citizens of Emery County. She came to work for the office seven years ago and since day one has shown her dedication to doing a good job in all he duties assigned to her.

Her helpfulness to the public is appreciated by all those who come into the office. She goes above and beyond to make sure the public gets the information they need. Many compliments have been made about how accommodating she is with the public. One gentleman actually brought a pizza to the office because Janet was so helpful to him. It is this kind of attribute that is so important when working with the public. Janet appreciated her job and being able to help the public.

Janet's job duties also entail a variety of office duties dealing with the recording of the many different types of documents which pass through the Recorder's office each day. She is very conscientious of the importance of accuracy in dealing with the documents.

In the upcoming months Janet will be training the newly elected Recorder, Connie Jensen, and a new employee who will be replacing Sharon Boyle. This will be a challenge for one person to train two new employees at the same time but Janet will be up to the job ahead of her. The Recorder's office will be in good hands as these new changes take place.

Janet received a certificate of appreciation and Emery County Chamber Bucks.

Motion to leave the regular meeting and move into a Public Hearing was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed. At the conclusion of the public hearing the Commissioners will return to the regular meeting agenda.

(3)

10:00 A.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON PROPOSED CHANGES TO THE EMERY COUNTY ZONING ORDINANCE SECTIONS 6-17-10 ADVERTISING SIGNS AND BILLBOARDS, TABLE 9-11, 11-2-3 CELL TOWERS AND FACILITIES, AND 11-2-4 ALTERNATIVE ENERGY SOURCES- SOLAR SYSTEMS.

Commissioner Horrocks turned the meeting over to Mack Huntington, Chairman of the Emery County Planning Commission. Mack stated that the Emery County Commissioners are charged with the care of the Emery County General Plan. It is the duty of the Emery County Planning Commission to recommend amendments and changes to the document as needed. This past year the Planning Commission has been working on the Emery County Zoning Ordinance with the task of amending the document to address things that may be of importance in the future. The purpose of this public hearing is to receive public comment on proposed changes to the zoning ordinance with respect to advertising signs and billboards, cell phone towers and facilities and alternative energy sources-solar systems. This ordinance deals only with land use on the unincorporated portions of the county. It is not related to land use on state roads or municipalities. Amended portions of the Zoning Ordinance were indicated in red type within the document and have been available for the public to view at the Clerk/Auditor's office for thirty days prior to this public hearing.

There were no comments from the public.

Commissioner JR Nelson made a motion to return to the regular meeting agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF AMENDMENTS TO THE EMERY COUNTY ZONING ORDINANCE SECTIONS 6-17-10 ADVERTISING AND BILLBOARDS, TABLE 9-11, 11-2-3 CELL TOWERS AND FACILITIES, AND 11-2-4 ALTERNATIVE ENERGY SOURCES- SOLAR SYSTEMS.

Commissioner Ethan Migliori made a motion to adopt the amendments to the Emery County Zoning Ordinance Sections 6-17-10 Advertising and billboards, Table 9-11, 11-2-3 Cell Towers

and Facilities, and 11-2-4 Alternative Energy Sources- Solar Systems as recommended by the Emery County Planning Commission. The motion was seconded by JR Nelson. The motion passed.

(5)

TERRY LOFTHOUSE, PRESENTATION AND DISCUSSION ON WAYS TO ENHANCE TOURISM IN EMERY COUNTY.

Terry Lofthouse, Castle Dale citizen and business owner of Old Utah Trails Company came before the Board of Commissioners to make a presentation and discuss ways to enhance tourism in Emery County. Mr. Lofthouse has a business that offers tour packages to encourage people to come to Emery County and experience what this county has to offer. He offers tours of the area for a 1 day to a 9 day tour on the San Rafael. At this time the tours do not include National Parks in an effort to keep people in the county. He offers lodging, meals, guided tours, transportation fees to any park (such as golfing), pick-up from the airport and transport to Emery County and returned back to the airport. He commented that there are several other businesses in the area that offer tours on the San Rafael such as LaMar Guymon's bicycle tours on the Swell. There are businesses that rent ATV's, there are businesses that offer river rafting tours on the Green River just to mention a few. Mr. Lofthouse indicated that he applied with the BLM for a permit in February of 2013. It is coming up on two years now and he still does not have a permit to operate his business on BLM land. Dixie Thompson, Castle Dale told the Commissioners that getting a permit with the BLM is something that the Commissioners help with. These types of businesses in Emery County are good for tourism in the county. Mr. Lofthouse indicated that the reason he is here today is to petition the Commissioners to help with obtaining the necessary BLM permit to operate his business. Also, he asked that the Commissioners put together a council of key people from tourism to assist those who are seeking to offer tourism opportunities in the county.

(6)

DEB DULL, ROCKY MOUNTAIN POWER- CONSIDERATION AND APPROVAL OF RESOLUTION GRANTING AN ELECTRIC UTILITY FRANCHISE AND GENERAL UTILITY EASEMENT TO ROCKY MOUNTAIN POWER.

Deb Dull, Rocky Mountain Power came before the Board of Commissioners to request approval for a proposed resolution granting an electric utility franchise and general utility easement to Rocky Mountain Power. Attorney David Blackwell indicated that the term of the easement was changed to twenty-five years and was previously agreed upon by both parties. Commissioner JR Nelson made a motion to approve Resolution 11-15-14 granting an electric utility franchise and general utility easement to Rocky Mountain Power. The motion was seconded by Commissioner

6

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Ethan Migliori. The motion passed.

(7)

COAL STUDY PRESENTATION

Keith Heaton, Director of Rural Planning and Community Development along with Michael Hansen, Nick Baker and Shannon Elsworth came before the Board of Commissioners to make a presentation and report by the Rural Planning Group on the future of Coal in Utah. Michael Hansen presented an extensive report on the future of Coal in Utah.

(8)

RATIFY FY2014 HOMELAND SECURITY GRANT PROGRAM ARTICLES OF AGREEMENT AND GRANT AWARD.

Commissioner Horrocks indicated that the FY2014 Homeland Security Grant Program Articles of Agreement and Grant Award was previously signed due to time constraints and the length of time between Commission Meetings. Commissioner Ethan Migliori made a motion to ratify the signing of FY2014 Homeland Security Grant Program Articles of Agreement and Grant Award. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF LEASE BETWEEN EMERY COUNTY AND EC CARE AND REHABILITATION FOR OPERATION OF THE NURSING HOME.

Ross Huntington, Chairman of the Emery County Care and Rehabilitation Board came before the Board of Commissioners to request approval of a lease agreement between Emery County and ECCR for the operation of the nursing home. Mr. Huntington indicated that the Board has made a number of improvements to the nursing home. They have made efforts to be less institutionally structured like a hospital and moved to be a more individually based facility. There has been a change in attitude for the way they care for your loved ones. Commissioner Migliori stated that a year ago the facility had an audit in which they got hammered for a lack of attention to detail. This latest audit was much different. The nursing home received praises for their changes. Mr. Huntington indicated that this lease agreement is for the year 2014 and they will have to renew the lease agreement in 2015. Commissioner Ethan Migliori made a motion to approve of a Lease Agreement between Emery County and Emery County Care and Rehabilitation for operation of the nursing home. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF MODIFICATION NO.1 AND EXTENSION FOR HUNTINGTON STATE PARKS TRAIL SYSTEM- PHASE II (STATE CONTRACT #131770)

Commissioner Migliori explained that modification #1 and extension for Huntington State Parks Trail System- Phase II is to re-allocate funds that were allocated for paving the trail. The funds will now go towards creating a parking lot and providing a sixty foot trail extension. The contract has been extended to August 31, 2015. Commissioner Ethan Migliori made a motion to approve of Modification No. # 1 and Extension for Huntington State Parks Trail System- Phase II (contract #131770). The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND HUNTINGTON CITY FOR PAYMENT OF HUNTINGTON STATE PARK TRAIL SYSTEM PHASE II.

Commissioner Ethan Migliori made a motion to table this matter until the December 16<sup>th</sup> Commission Meeting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE STATE OF UTAH DIVISION OF STATE PARKS AND RECREATION AND EMERY COUNTY FOR THE CREATION OF A PROMOTIONAL VIDEO OF THE STATE PARKS LOCATED IN EMERY COUNTY.

Commissioner Migliori explained that the State of Utah Division of State Parks and Recreation is interested in boosting the number of visitors to state parks. The division has set aside a small amount of funding to do some promotional activities with local media, and would like to partner with the county in making this happen. They have had discussions with Chad Booth, producer of At Your Leisure (AYL)/The County Seat to create promotional videos for each of the state parks. They anticipate this costing \$1210.00 for each park. They are prepared to grant funding to the county for each state park in a 75/25 split (75% Division, 25% county). The division will pay \$900.00 per state park. AYL will in turn invoice the counties \$1210.00 per park. The county will pay \$310.00 per state park. The funds will come from the Travel Council. Commissioner Ethan Migliori made a motion to approve of Cooperative Agreement between the State of Utah Division of State parks and Recreation and Emery County for the creation of a promotional video of the state parks located in Emery County. The motion was seconded by Commissioner JR



Nelson. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF UTAH STATE PARKS PROMOTION  
AGREEMENT BETWEEN EMERY COUNTY AND CHADWICK BOOTH & CO. (AYL)

Commissioner Ethan Migliori made a motion to approve of Utah State Parks promotion agreement between Emery County and Chadwick Booth & Co. (AYL). The motion was seconded by Commissioner JR Nelson . The motion passed.

(14)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT  
CORRECTING MARKET VALUE ON PARCEL NUMBER 01-0112-0005/BILL Z. JONES.

Senior Deputy Assessor Carol Riddle presented a Commission Tax Adjustment request correcting market value on parcel #1-112-5/Bill Z. Jones. The home has the wrong market value (\$6,082,010) in the Singer program. Value needs to be changed to true market value (\$154,746). The Assessor's Office had no idea how the value was changed. Since BOE is closed they need to change the amount of tax dollars collected. Previous tax dollars was \$46,848.21. New tax dollars is \$1,191.96. Commissioner JR Nelson made a motion to approve the Emery County Assessor's request to change the amount of tax collected for parcel # 1-112-5/Bill Z. Jones. The motion was seconded by Commissioner Ethan Migliori. The motion passed. (Total tax dollars difference is -\$45,656.25)

(15)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT  
CORRECTING MARKET VALUE ON PARCEL NUMBER 01-070C-0019/TURNQUIST  
COTTAGES, BUTCH WILCOX.

Senior Deputy Assessor Carol Riddle presented a Commission Tax Adjustment request for parcel # 1-70C-19/Turnquist Cottages. Turnquist is close to a 50% vacancy rate. Previous tax dollars was \$5,025.91. New tax dollars is \$3,075.43. Commissioner Ethan Migliori made a motion to approve the Commission adjustment request for Turnquist Cottages as presented. The motion was seconded by Commissioner JR Nelson. The motion passed. (Total tax dollars difference is -\$1,950.48)

(16)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT PRO-RATING TAX ON PARCELS #01-0013-0028 AND 01-0013-0029/EMERY WATER CONSERVANCY DISTRICT.

Senior Deputy Assessor Carol Riddle presented a Commission Tax Adjust request for parcel #1-13-28 & #1-13-29/Emery Water Conservancy District. The buildings went from privately owned to and exempt government entity. The buildings were privately owned from January through May. In May the buildings were deeded over to EWCCD. Jay Mark Humphrey, EWCCD explained that eventually there will be a building in the vacant spot where the buildings have now been torn down and the land cleared off. He new building will house EWCCD, CVSSD and Castle Dale City Hall. Parcel #1-13-28 previous tax dollars was \$686.31, new tax dollars is \$285.95. Parcel #1-13-29 previous tax dollars was \$778.27, new tax dollars is \$324.25. After some discussion , Commissioner Ethan Migliori made a motion to abate the whole tax amount owing because it is a government entity. The motion was seconded by Commissioner JR Nelson. The motion passed. (Total tax dollars difference is -\$854.38)

(17)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT ROBERT KILLPACK.

Senior Deputy Assessor Carol Riddle presented a Commission Tax Adjustment request for parcel #1-13B-38/Robert Killpack. This parcel needs to be put on Greenbelt as it has been being farmed for at least the last 2 years. Previous tax dollars was \$158.07, new tax dollars is \$4.52. Commissioner Ethan Migliori made a motion to approve a Commission Tax Adjustment for parcel #1-13B-38/Robert Killpack as requested. The motion was seconded by Commissioner JR Nelson. The motion passed.

(18)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LEGAL DEFENDER AGREEMENT WITH DAVID ALLRED.

Commissioner Migliori indicated that in the past Emery County has contracted with David Allred who has done a great job for the county. The Public Defender contract is up for renewal. The new contract for public defender is \$4,700.00 with Mr. Allred. The Public Defender Contract covers Drug Court, Juvenile Defense and Public Defense for District Court and Justice Court and Parental & Family Court. The commissioners received a proposal from another law firm, Oliver & Sitterud in the amount of \$4,250.00. Thomas Sitterud from Oliver & Sitterud explained that his firm would have the time to devote to the needs of Emery Count citizens in all aspects of the law. Mr. Allred handles criminal cases in Carbon County as well as Public

Defender in Emery County. Time is the resource his firm has to offer. Commissioner Horrocks reminded the Commissioners that this issue needs to be dealt with before the first of the year. McKette suggested that Oliver & Sitterud could be used as 3<sup>rd</sup> conflict on a case by case basis. Mark Tanner commented that as the Commission ponders this decision one of the elements to consider is the loyalty that Mr. Allred has shown over the course of these many years. This is his practice. He has no private practice. Public Defense is his work. It is his job. It is his business. For the last twenty years that is all he has done. Mrs. Allred does have a business on the side. David Allred's work has always been Public Defense. He stated that he felt that he has always done a tremendous job for the county. He deals very well with the clientele that are involved in the Public Defense contract. He stated that he felt that to change that merely because there is another very competent firm for \$500.00 a month less cost would be very unjust for Mr. Allred and short minded for the county. He strongly encouraged the Commission to take action now, recognizing loyalty, recognizing service, recognizing competency. Thomas Sitterud commented that the important thing for the Commissioners to look at is time. He indicated that their firm has the resources and time to put into this type of contract.

Commissioner Ethan Migliori made a motion to renew the Public Defender Contract with David Allred including involving Oliver & Sitterud in 3<sup>rd</sup> conflict cases. The motion was seconded by Commissioner JR Nelson. The motion passed.

(19)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LEGAL DEFENDER AGREEMENT (CONFLICTS) WITH MARK H. TANNER, P.C.

Commissioner Horrocks indicated that Mark Tanner speaks Spanish and is a valuable asset as legal defender in conflict cases. Mr. Thomas reminded the Commissioners that the court does provide court interpreters. He felt that the resource of time is still an important factor to be considered. Commissioner JR Nelson made a motion to approve a Legal Defender Agreement (Conflicts) with Mark H. Tanner, P.C. and involve Oliver & Sitterud in 3<sup>rd</sup> conflict cases as needed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(20)

CONSIDERATION AND APPROVAL OF CONSULTING SERVICES CONTRACT BETWEEN AMERICAN PREPARATORY SCHOOLS, INC. AND EMERY COUNTY FOR SUPPORT TO COUNTY/PERSONNEL.

Commissioner Ethan Migliori made a motion to move this item to the December 16<sup>th</sup> Commission Meeting as requested by Attorney David Blackwell. The motion was seconded by Commissioner JR Nelson. The motion passed.

(21)

CONSIDERATION AND APPROVAL OF INTER-AGENCY COORDINATION AND SUB-RECIPIENT CONTRACT AGREEMENT BETWEEN EMERY COUNTY AND SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS.

Debbie Hatt, Executive Director of Southeastern Utah Association of Local Governments came before the Board of Commissioners to request approval of Inter-Agency Coordination and Sub-recipient Contract Agreement between Emery County and SEUALG FY 2014-2015. Commissioner Horrocks commented that the money the county provides to the SEUALG for the Area Agency on Aging program is used to leverage additional funds from the state to provide for the programs in Emery County. They provide a great service to the Senior Citizens of this county. Commissioner JR Nelson made a motion to approve of Inter-Agency Coordination and Su-Recipient Contract Agreement between Emery County and SEUALG FY 2014-2015. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(22)

DISCUSSION AND POSSIBLE APPROVAL OF CLAIMS SUBMITTED FOR PAYMENT WITHOUT REQUISITIONS.

Commissioner JR Nelson made a motion to remove this item from the agenda as the issue has been resolved. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(23)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Nelson*

Commissioner Nelson talked about efforts of Emery County citizens to provide input regarding the update the USDA Master Plan. He talked about disappointment at the recent CIB funding session where efforts to procure funds to build the EWCCD/CVSSD/CD City building were not met favorably. EC Fire Protection SSD did, however, receive the funds needed to procure new fire trucks.

*Commissioner Migliori*

Commissioner Migliori reported on attending Coal Symposiums where they discussed efforts to continue to diversify. They encouraged entities to work to approach things differently and not jump the gun. He reported on several projects in the county. During recent COG meetings the mayors have focused on economic development and working together to facilitate each others

resources.

*Commissioner Horrocks*

Commissioner Horrocks talked about low income housing issues. He reported on UAC conference. He reported that the 7 County Coalition is now complete with 7 counties signed on to participate. He asked Tina Carter to report on Travel Council activity. Tina reported on advertising promotions using the new videos for bouldering and mountain biking in Emery County. Emery County is one of 5 pilot counties in the state used to look at infrastructure and what we have to offer in our county.

(24)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 16, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Deputy Clerk/Auditor Carol Cox, elected officials and citizens. Attorney David Blackwell was not present.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #233809 through and including #233998 was presented for payment.

There were no requisitions.

Dispositions were presented for the following items from the Sheriff's Department and the Road Department:

The following are outdated radios and other equipment from the Highway Department:

415-7021,7022,7023,7024,7025,7026,7027,7028,7029,7030  
410-7394, 415-7438, 410-6852, 415-6591,6592,6593,6594  
410-6715,6716,6717  
410-6712,6713,6714  
415-6677 410-6509 410-0296 410-6129 410-9255 410-9850 410-9260 410-9539 410-9816  
410-8219 410-8842 410-8673 415-8241 410-8222  
415-7030 415-7027 415-0724 415-7025 415-7021 415-7023 415-1681  
410-8030 431-6097 431-6244 431-8182 431-9601 410-1600 415-1243 410-1609 410-1748

The following are outdated printers, radar guns and other equipment from the Sheriff Department

210-7708, 212-7312, 570-7069, 234-6988, 960-6687, 210-8665, 210-8159, 210-8151,  
8153,8155,8157, 210-8716, 255-1244, 255-4606, 4706,4806,4906,4406, 4506, 210-  
8909,8910,8911,8912,8913, 210-8893,8894,8895,8896,8897, 570-1883

2

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The following are vehicles from the Sheriff's Department going to next county auction:

210-9444

210-9446

210-9614

210-9047

210-9080

210-9078

210-9079

210-8879

210-8907

210-8533

210-8142

(2)

APPROVAL OF CASTLE DALE CITY'S APPOINTMENT OF IGNACIO ARRIEN TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

(3)

APPROVAL TO GIVE ALL EMPLOYEES A \$100.00 DISCOUNT TOWARDS THE PURCHASE OF AN AQUATIC CENTER ANNUAL PASS.

(4)

APPROVAL OF JACKIE NELSON AS A PART TIME JANITOR FOR THE GREEN RIVER LIBRARY WORKING UP TO 8 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 6.

(5)

APPROVAL TO GIVE LESLIE BOLINDER A \$1,000.00 BONUS FOR STEPPING UP AND TAKING EXTRA RESPONSIBILITIES WITH THE HOUSING AUTHORITY IN ADDITION TO HER NORMAL JOB RESPONSIBILITIES.

3

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(6)

APPROVAL OF THE FOLLOWING VOLUNTEERS FOR THE TRAVEL BOARD IN 2015-  
LAMAR GUYMON, GAYLA GUYMON, JONATHON HUNT, TRISHA HUNT, MARK H.  
WILLIAMS, TERRY WILLIAMS, AND JOSHUA ROWLEY.

(7)

APPROVAL OF OUT-OF-STATE TRAVEL TO SACRAMENTO, CALIFORNIA FOR  
JONATHAN AND TRISHA HUNT TO ATTEND A TRAVEL SHOW.

(8)

APPROVAL OF OUT-OF-STATE TRAVEL TO DENVER, COLORADO FOR TINA  
CARTER TO ATTEND A TRAVEL SHOW.

(9)

APPROVAL OF COMMISSION MEETING MINUTES DATED NOVEMBER 25, 2014.

Motion to approve the Consent Agenda was made by Commissioner JR Nelson, seconded by Commissioner Jeff Horrocks. The motion passed. Commissioner Migliori was not present to vote, therefore Commissioner Horrocks stepped down to second the motion as needed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing was pulled.

(2)

JOSH MCKELL, UTAH LOCAL GOVERNMENTS TRUST, OVERVIEW OF THE  
WORKER'S COMPENSATION COVERAGE FOR EMERY COUNTY.

Josh McKell, Utah Local Governments Trust, along with Steven Hansen and Ryan Hatch provided an overview of the Worker's Compensation coverage for Emery County. Mr. McKell commended the county on their heavy participation in provided training sessions that have served



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to improve the safety record of the county. Mr. Hansen expressed his appreciation for the county's participation in the Trust and hope to continue that partnership and provide service.

(3)

CONSIDERATION AND APPROVAL OF HOLIDAY SCHEDULE FOR FY 2015.

New Year's Day	Wednesday	01-01-15
Human Rights Day	Monday	01-19-15
President's Day	Monday	02-16-15
Memorial Day	Monday	05-25-15
Independence Day	Friday	07-03-15
Pioneer Day	Friday	07-24-15
Labor Day	Monday	09-07-15
Columbus Day	Monday	10-12-15
Veterans Day	Wednesday	11-11-15
Thanksgiving Day	Thursday	11-26-15
Thanksgiving Day	Friday	11-27-15
Christmas Eve	Thursday	12-24-15(½ day)
Christmas Day	Friday	12-25-15
New Year's Eve	Thursday	12-31-15(½ day)

Commissioner Ethan Migliori made a motion to approve the 2015 Holiday Schedule as proposed. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(4)

CONSIDERATION AND APPROVAL OF EMERY COUNTY BOARD OF COMMISSION  
AND LOCAL BUILDING AUTHORITY OF EMERY COUNTY MEETING SCHEDULED  
FOR FY2015.

Commissioner Migliori indicated that the time change from 9:00 am to 3:00 pm is to allow the Commissioners additional time to prepare for the meeting. The Commission Meeting times were originally set for the second and fourth Tuesdays of each month. However, there was a conflict with important meetings held by Four Corners and other Health Board meetings which a commission representative must attend. Commissioner Migliori stated that he felt it was important to stay consistent with meetings to assure citizen participation. Clerk/Auditor Brenda Tuttle suggested changing the meeting dates to the first and third Tuesdays and keep the time at 3:00 pm. The Commissioners agreed that would solve the problem. Therefore, Commissioner Ethan Migliori made a motion to set Commission Meeting for the first and third Tuesdays of each month with LBA meetings preceding Commission Meeting at 2:30 pm. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commission Meeting Schedule for 2015:

January 6, 2015	3:00 p.m.
January 20, 2015	3:00 p.m.
February 3, 2015	3:00 p.m.
February 17, 2015	3:00 p.m.
March 3, 2015	3:00 p.m.
March 17, 2015	3:00 p.m.
April 7, 2015	3:00 p.m.
April 21, 2015	3:00 p.m.
May 5, 2015	3:00 p.m.
May 19, 2015	3:00 p.m.
June 2, 2015	3:00 p.m.
June 16, 2015	3:00 p.m.
July 7, 2015	3:00 p.m.
July 21, 2015	3:00 p.m.

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August 4, 2015	3:00 p.m.
August 18, 2015	3:00 p.m.
September 1, 2015	3:00 p.m.
September 15, 2015	3:00 p.m.
October 6, 2015	3:00 p.m.
October 20, 2015	3:00 p.m.
November 3, 2015	3:00 p.m.
November 17, 2015	3:00 p.m.
December 15, 2015	5:00 p.m.

Local Building Authority will hold their meetings as follows:

January 6, 2015	2:30 p.m.
February 3, 2015	2:30 p.m.
March 3, 2015	2:30 p.m.
April 7, 2015	2:30 p.m.
May 5, 2015	2:30 p.m.
June 2, 2015	2:30 p.m.
July 7, 2015	2:30 p.m.
August 4, 2015	2:30 p.m.
September 1, 2015	2:30 p.m.
October 6, 2015	2:30 p.m.
November 3, 2015	2:30 p.m.

(5)

CONSIDERATION AND APPROVAL OF NRCS ASSURANCES RELATING TO REAL  
PROPERTY ACQUISITION FOR HUNTINGTON NORTH SEDIMENT BASIN PROJECT.

Captain Kyle Ekker explained that the NRCS Assurances relating to real property acquisition is necessary to continue on the match with the NRCS on the Huntington North Debris Basin Project. Commissioner JR Nelson made a motion to approve of NRCS Assurances relating to real property acquisition for Huntington North Sediment Basin Project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(6)

APPROVAL OF EMERY COUNTY'S WORKERS COMPENSATION POLICY WITH UTAH COUNTIES INDEMNITY POOL (UCIP).

Commissioner Jeff Horrocks declared that as a board member for LGT he would decline from commenting or voting on this issue. Prior to this meeting Mary Huntington provided information to the Commissioners along with her recommendation for Emery County's Workers Compensation Policy. Commissioner Migliori reviewed differences between UCIP and Local Government's Trust (LGT). Clerk/Auditor Brenda Tuttle suggested that the Commissioners have a recommendation from the person who deals with Worker's Comp. every day. Holly Stocks commented that Mary doesn't sit on either board but deals with Workers. Comp. and has recommended going with UCIP. Commissioner Migliori made a motion to not make a change at this time leaving Workers Compensation Policy with Local Government's Trust. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF BILLING SERVICE AGREEMENT BETWEEN JCI BILLING SERVICES AND EMERY COUNTY FOR PROCESSING ALL CLAIMS FOR EMERY COUNTY AMBULANCE.

Commissioner Ethan Migliori made a motion to approve of billing service agreement between JCI Billing Services and Emery County for processing all claims for Emery County Ambulance. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF ADVERTISING FOR VACANCIES ON SEVERAL COUNTY BOARDS.

Commissioner JR Nelson made a motion to approve advertising for vacancies of several county boards. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #6 FOR THE HUNTINGTON CANYON NORTH DEBRIS BASIN PROJECT, 2013.

Merrill Johansen, Johansen & Tuttle Engineering explained that Change Order #6 for the Huntington Canyon North Debris Basin Project 2013 is to zero out the project. There was an extension with NRCS for 120 days to finish up a punch list of small projects to complete. They

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have until April 15, 2015 to finish those projects up. \$27,000.00 was retained to cover those projects. The project was reduced by \$687,375.44. The total project was \$3, 015,334.12. Commissioner JR Nelson made a motion to approve CO#6 for Huntington Canyon North Debris Basin Project 2013. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Commissioner Ethan Migliori made a motion to leave the regular Commission Meeting and move into a Public Hearing to receive public comment concerning opening and amending the 2014 budgets for Emery County General Fund, Special Revenue Funds, Capital Projects Funds, Local Building Authority, and Castle Valley Special Service District. At the end of the Public Hearing the Board of Commissioners will return to the regular meeting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

6:00 P.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT CONCERNING  
OPENING AND AMENDING OF THE FY 2014 BUDGETS FOR THE EMERY COUNTY  
GENERAL FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL  
SERVICE DISTRICT.

Brenda Tuttle presented the proposed amended 2014 budgets for the Emery County General Funds, and Local Building Authority.

Jacob Sharp presented the proposed amended 2014 budgets for Castle Valley Special Service District.

(11)

6:00 P.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT REGARDING THE  
PROPOSED FY2015 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL  
REVENUE FUNDS, CAPITAL PROJECTS FUND, LOCAL BUILDING AUTHORITY, AND  
CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Brenda Tuttle presented the proposed 2015 budgets for the Emery County General Fund, Special Revenue funds, Capital Projects Fund and Local Building Authority. She indicated that the overall revenue is down. The proposed revenue figures were set. The Commissioners met with all the departments and made a decision as to how to allocate the revenue.

A few citizens had questions regarding funds added to the Commissioners line item.

Bruce Funk asked what the increase in the Commissioner budget is for? Commissioner Horrocks

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indicated that \$40,600.00 was allocated for legal council.

Ira Hatch asked what was included in the special council line item?

Commissioner Horrocks explained that special council is for the County Attorney to hire legal assistance with a murder trial or tax issues.

Mr. Hatch asked if the funds had anything to do with item #15 on the agenda?

Commissioner Horrocks answered "no".

Bill Dellos asked if item #15 is included in the budget?

Commissioner Horrocks answered "yes".

Jacob Sharp, CVSSD addressed the Castle Valley budgets.

He indicated that revenue is down by \$30,000.00 from last year. They have a balanced budget for 2015.

Commissioner JR Nelson made a motion to leave the public hearing and return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING THE FY 2014  
BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS,  
LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Commissioner JR Nelson made a motion to approve Resolution 12-16-14A amending the 2014 budgets for the Emery County General Fund, Special Revenue Funds, and Local Building Authority. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Commissioner Ethan Migliori made a motion to approve Resolution 12-16-14B amending the 2014 budgets for Castle Valley Special Service District. The motion was seconded by Commissioner JR Nelson. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING THE FY 2015  
BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS,  
CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY AND CASTLE VALLEY  
SPECIAL SERVICE DISTRICT.

Commissioner Ethan Migliori made a motion to approve Resolution 12-16-14C adopting the 2015 budgets for Emery County General Funds, Special Revenue Funds, Capital Projects Funds and

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Local Building Authority. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commissioner JR Nelson made a motion to approve Resolution 12-16-14D adopting the 2015 budgets for Castle Valley Special Service District. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

CONSIDERATION AND APPROVAL OF WILDLAND FIRE BUDGET BETWEEN EMERY COUNTY AND UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS FOR FY 2015.

Commissioner JR Nelson made a motion to approve the Wildland Fire Budget between Emery County and Utah Division of Forestry, Fire & State Lands for FY 2015. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

CONSIDERATION AND APPROVAL OF CONSULTING SERVICES CONTRACT BETWEEN SAMPINOS LEGAL, PLLC AND EMERY COUNTY AS A CONSULTANT TO THE EMERY COUNTY COMMISSION / PERSONNEL DEPARTMENT.

Commissioner JR Nelson stated that in view of the contention revolved around this agenda item he would make a motion to not talk about it at this time and move it to the next Commission Meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Migliori*

Commissioner Migliori reported that the Fair Committee has begun planning for the 2015 Emery County Fair. Things are going well with the Emery County Care Center. He thanked Ross Huntington, Board Chairman for the Care Center for all his dedication to bringing things around. He reported on the new Huntington State Park/Huntington City Trail. It was a good effort of cooperation from all involved to construct the trail. He reported on the unveiling of the new Mammoth exhibit at the Museum of the San Rafael. Unveiling will be January 16, 2015 at 6:30 pm. Phil Fauver asked if the Commission could look into the sound system at the Museum. He stated it sounded garbled and it was hard to hear and understand. Commissioner Migliori assigned Meagan Wilberg, Museum director to work with Mr. Fauver to see what needs to be

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done to improve the sound. Commissioner Migliori expressed disappointment with the decision to shut down Deer Creek Mine. He also offered encouragement for new businesses starting up in the county.

*Commissioner Nelson*

Commissioner Nelson reported an attending AOG meeting with Commissioner elect for 2015 Paul Cowley. He added that this body is responsible for involved cooperation with federal agencies. He reported on attending meetings with San Rafael Soil Conservation District, Green River Soil Conservation District, and US Army Corp of Engineers. Emery Water Conservancy District finally has a contract with PacifiCorp.

*Commissioner Horrocks*

Commissioner Horrocks stated that he has served for the last three years a chairman for the AOG and is grateful for the organization that multiplies the money that the county provides to them for Aging and Nutrition and Senior Citizen programs in Emery County. He reported on attending Castle Country Partners meeting in Moab. This info group passes along good information that benefits the county and its citizens. He talked about the continuing issues dealing with low income housing.

Commissioner Horrocks and Commissioner Nelson both expressed appreciation for the years of service and the dedication of the employees and staff who serve the citizens of Emery County.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

DECEMBER 22, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner Ethan Migliori, Commissioner JR Nelson, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

Discussion.

(1)

CONSIDERATION AND APPROVAL OF EMERY COUNTY'S WORKERS  
COMPENSATION POLICY WITH UTAH LOCAL GOVERNMENTS TRUST.

Commissioner Horrocks indicated that as a member of the Local Governments Trust he must excuse himself from discussion or voting on this issue.

Commissioner Ethan Migliori made a motion to continue with Local Governments Trust for Emery County's Workers Compensation Policy. The motion was seconded by Commissioner JR Nelson. The motion passed with one abstention.

The meeting ended.

ATTEST: \_\_\_\_\_ COMMISSIONER : \_\_\_\_\_

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

JANUARY 6, 2015

Present at the meeting was Commissioner Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 234146 through and including # 234165 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1-15	Repairs on indoor pump Aquatic Center	\$2,780.00

Dispositions were presented for the following from the Highway Department:

621-4864, 410-7481, 415-7518, 410-5106, 410-5362, 410-4157, 410-4232, 410-4255, 410-4699, 410-4318, 410-7622, 415-5095, 410-5408, 410-5435, 415-5928, 410-4571, 410-4870, 410-4572.

(2)

CAROLE LARSEN SELECTED AMY DEWITT AS A PART TIME JANITOR FOR THE ORANGEVILLE LIBRARY WORKING 7 ½ HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 6.

(3)

APPROVAL OF JR AND LYNDA NELSON AS VOLUNTEERS FOR THE TRAVEL BUREAU.

2

EMERY COUNTY COMMISSION MEETING MINUTES  
JANUARY 6, 2015

(4)

APPROVAL OF KAREN HUNTSMAN, KIM HUNTSMAN, DIXIE THOMPSON, AND JACOB BEGAY AS VOLUNTEERS IN ARCHIVES WORKING ON DIGITIZING AND SCANNING DOCUMENTS.

(5)

APPROVAL OF SHANNON HIATT TO RECEIVE A 3% WAGE INCREASE. EFFECTIVE 1-19-15.

(6)

APPROVAL OF GARY PRICE TO RECEIVE A 3% WAGE INCREASE. EFFECTIVE 1-19-15.

(7)

APPROVAL TO PROMOTE GAYLENE COX FROM DEPUTY CLERK/AUDITOR II TO SR. DEPUTY CLERK/AUDITOR. MOVE FROM GRADE 14 TO GRADE 17. EFFECTIVE 1-19-15.

(8)

APPROVAL TO PROMOTE JANET DAMRON FROM DEPUTY RECORDER I TO DEPUTY RECORDER II. MOVE FROM GRADE 13 TO GRADE 14. EFFECTIVE 1-19-15.

(9)

APPROVAL TO HIRE BRENDA LEMON AS A FULL TIME, WITH BENEFITS, DEPUTY RECORDER I. WAGE GRADE 13.

(10)

APPROVAL TO MOVE CAROL FURNER AS A DEPUTY CLERK/AUDITOR 1 FROM PART TIME TO FULL TIME WITH FULL BENEFITS.

(11)

APPROVAL OF OUT-OF STATE TRAVEL TO DENVER, COLORADO FOR JAMES R. NELSON AND LYNDA NELSON TO ATTEND A TRAVEL SHOW.

3

EMERY COUNTY COMMISSION MEETING MINUTES  
JANUARY 6, 2015

(12)

MAEGAN WILBERG HAS SELECTED JANELLE BAGLEY AS A PART TIME SALES CLERK WORKING 19 3/4 HOURS PER WEEK FOR THE MUSEUM..

(13)

APPROVAL OF BUSINESS LICENSE FOR CREATE LASTING IMPRESSIONS LLC.

(14)

APPROVAL OF COMMISSION MEETING MINUTES DATED DECEMBER 16 AND 22, 2014.

Motion to approve the Consent Agenda was made by Commissioner Keith Brady, seconded by Commissioner Paul Cowley and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

(2)

APPOINTMENT OF COMMISSION CHAIRMAN FOR 2015.

Commissioner Paul Cowley made a motion to appoint Commissioner Ethan Migliori as Commission Chairman for 2015. The motion was seconded by Commissioner Keith Brady. The motion passed.

4

EMERY COUNTY COMMISSION MEETING MINUTES  
JANUARY 6, 2015

(3)

PRESENTATION OF SERVICE AWARDS FOR 2014

Commissioner Ethan Migliori presented service awards for 2014 as follow:

25 years

Annette Allen  
Leslie Bolinder  
Lynda Smith  
Cheryl Keener

20 Years

Marian Mangum  
Nancy Orgil

15 Years

W. Brent Langston

10 Years

Michael VanWagoner  
Gaylene Conder  
Ron Manzanares

5 Years

Michael Olsen  
David Ames  
Janetta Young  
Tyson Huntington

EMERY COUNTY COMMISSION MEETING MINUTES  
JANUARY 6, 2015

(4)

CONSIDERATION AND APPROVAL OF COMMISSION ASSIGNMENTS FOR 2015.

Keith BradyPaul CowleyEthan Migliori  
Chairman

Animal Control	Airport	Ambulance/EMT's
Aquatic Center	BLM/RAC	AOG
CCP	Children's Justice Center	Attorney
Clerk/Auditor	ECBC	Assessor
Conservancy Districts	ECSSD#1	COG
DWR/RAC	Fire District	Care Center
Economic Development	Historic Preservation	Consultants
GR Medical Center	Housing Authority	County Facilities
Fire District	Lawrence Cemetery	CVSSD
ITS/GIS	Library	ECBC
Justice Court	LBA	Economic Development
LBA	Museum	Extension/USU
Local Emergency Planning	NEWU District	Insurance
Museum	Public Lands	LBA
Public/Mental Health	Road Department/Landfill	Museum
Public Lands	Senior Citizens	Personnel
Seven County Coalition	SITLA	Planning/Zoning/Bldg.
Sheriff/Homeland Security	Treasurer	Public Lands
State Parks	Water Conservancy	Recreation Dist./Fair
Trails	Weed/Mosquito	Recorder/Archives
Travel Bureau	USFS	Seven County Coalition
TV/Communications		State Parks
Wildland/State Fire		Trails

Commissioner Keith Brady made a motion to accept the Commissioner responsibilities as outlined. The motion was seconded by Commissioner Paul Cowley. The motion passed.

6

EMERY COUNTY COMMISSION MEETING MINUTES  
JANUARY 6, 2015

(5)

CONSIDERATION AND APPROVAL OF CELL PHONE STIPEND FOR KEITH BRADY AND PAUL COWLEY.

Commissioner Paul Cowley made a motion to approve of cell phone stipends in the amount of \$45.00 per month for Paul Cowley and Keith Brady. The motion was seconded by Commissioner Keith Brady. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF CREDIT CARD FOR KEITH BRADY AND PAUL COWLEY.

Commissioner Paul Cowley made a motion to approve the issuance of a county credit card for Keith Brady and Paul Cowley. The motion was seconded by Commissioner Keith Brady. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF SPONSORSHIP AGREEMENT BETWEEN EMERY COUNTY AND CHADWICK BOOTH & CO. FOR COMMERCIAL SPOTS.

Commissioner Keith Brady made a motion to approve of a sponsorship agreement between Emery County and Chadwick Booth & Co. for commercial spots on the County Seat and At Your Leisure. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF AMENDMENT NO. 9 TO THE EMERY COUNTY EWP FY 2012 SEELY FIRE PROJECT #5088 TA FUNDING TO INCORPORATE THE DAMAGE SURVEY REPORT INTO THE AGREEMENT AND INCLUDES NRCS-ADS-093 AND ATTACHMENT A.

Captain Kyle Ekker explained that Amendment No.9 to the Emery County EWP FY 2012 Seely Fire Project #5088 TA funding is to incorporate the Damage Survey Report into the agreement. Attorney Mike Olsen reviewed the document and approve incorporating it into the existing document. Commissioner Keith Brady made a motion to approve Amendment No.9 to the Emery County EWP FY 2012 Seely Fire Project #5088 TA Funding incorporating the Damage Survey Report into the agreement including NRCS-ADS-093 and attachment A. The motion was seconded by Commissioner Paul Cowley. The motion passed.

EMERY COUNTY COMMISSION MEETING MINUTES  
JANUARY 6, 2015

(9)

DISCUSSION AND APPROVAL TO ADVERTISE FOR REQUEST FOR PROPOSAL FOR ECONOMIC DEVELOPMENT SERVICES FOR EMERY COUNTY.

Commissioner Ethan Migliori explained that the Commission would like to advertise for a job opening and/or RFP for Economic Development services for Emery County and see what comes in to determine what is the best option for the county. Commissioner Keith Brady made a motion to approve advertising for a job opening and/or RFP for Economic Development services for Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

RATIFICATION OF GRANT AWARD FOR EMERY COUNTY ARCHIVES FROM MOUNTAIN WEST DIGITAL LIBRARY DIGITAL SERVICES MINI-CONTRACTS.

Commissioner Migliori explained that Shirley Begay, Archivist for Emery County applied for a grant in the amount of \$350.00 to digitize pictures and documents. The grant awarded was actually in the amount of \$750.00. Therefore, approval of the grant award needs to be ratified to reflect the \$750.00. Commissioner Keith Brady made a motion to ratify a grant award for Emery County Archives from Mountain West Digital Library Digital Services Mini-Contracts. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF GRANT APPLICATION TO UDOT LOCAL GOVERNMENT PROJECTS, JOINT HIGHWAY COMMITTEE, FOR MILLSITE STATE PARK ACCESS ROAD CHIP SEAL.

Howard Tuttle, Johansen & Tuttle Engineering explained that the grant application is for the chip seal of roads that access state parks. This application deals with Millsite State Park access road, preserving the pavement life for 10 years. It is a 50/50 match for the \$253,000.00 that it will cost to chip seal the road based on cost estimates for the future. Applications are 5 years in advance so funds will be available in 2020. The funds will be granted to Emery County. Emery County will enter into an interlocal agreement with Special Service District #1 (Road District) to administer the project using mineral lease funds as match money. Commissioner Paul Cowley made a motion to approve of a grant application to UDOT Local Government Projects, Joint Highway Committee for Millsite State Park Access Road Chip Seal. The motion was seconded by Commissioner Keith Brady. The motion passed.



EMERY COUNTY COMMISSION MEETING MINUTES  
JANUARY 6, 2015

(12)

CONSIDERATION AND APPROVAL OF GRANT APPLICATION TO UDOT LOCAL GOVERNMENT PROJECTS, JOINT HIGHWAY COMMITTEE, FOR GOBLIN VALLEY STATE PARK ACCESS ROAD CHIP SEAL.

This application is for Goblin Valley State Park access road to chip seal 11-12 miles from the park entrance to Highway 24 increasing the pavement life by 10 years. The cost of this project will be \$874,000.00 based on cost estimates for the future. If approved the grant will come to Emery County. Emery County will enter into an interlocal agreement with SSD#1 to administer the project using mineral lease funds in a 50/50 match. Funds will be available in 2020. Commissioner Keith Brady made a motion to approve of grant application to UDOT Local Government Projects, Joint Highway Committee, for Goblin Valley State Park Access Road Chip Seal. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Cowley

Commissioner Cowley reported on attending a recent Library Board meeting. He stated that he is grateful for the opportunity to serve and asked for patience while he learns how things work.

Commissioner Brady

Commissioner Brady reported on attending a recent fire planning meeting with DNR where the Seely Fire was discussed and prevention and mitigation issues from that fire were used in planning for future events. He reported on attending Conservancy District meetings. They discussed a tree planting program, a weed tour and the Russian Olive removal program.

Commissioner Migliori

Commissioner Migliori reported that the Commissioners are requesting that items for discussion and consideration of approval be handed in to the Commissioners a week in advance of Commission Meeting to allow time for the Commissioners to review them. The Mammoth Exhibit at the Museum of the San Rafael will be Friday, January 16, 2015 at 6:30pm and he encouraged everyone to attend. He reported on attending a DOGM presentation on coal and oil at the USU Eastern Campus in Price. They discussed fracking, directional drilling and other issues and how they will affect Carbon and Emery Counties.

9

EMERY COUNTY COMMISSION MEETING MINUTES  
JANUARY 6, 2015

(14)

ADJOURN.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 20, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS

The Warrant Check Edit List #234241 through and including #234416 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
2-15	2015 Dodge 3500 Crew Cab 4x4 Chassis Weed/Mosquito	\$39,658.00
3-15	Mower Highway	12,500.00
4-15	(2) Bottom Dump Trailers-w/Trade-ins Highway	\$155,796.00
5-15	Walk-n-Roll Packer Highway	26,509.00
6-15	(3) 6x6 Polaris Rangers Weed/Mosquito	34,497.00
7-15	Shredder/Courthouse Courthouse	1,960.00
8-15	Command Post Satellite Upgrade Sheriff	650.00

COMMISSION MEETING MINUTES  
JANUARY 20, 2015

There were no dispositions.

(2)

APPROVAL OF VERLA JENSEN'S APPOINTMENT TO THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT REPRESENTING CLEVELAND TOWN.

(3)

APPROVAL OF TRACY ADDLEY'S APPOINTMENT TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT REPRESENTING ORANGEVILLE CITY.

(4)

APPROVAL OF JEANNIE JENSEN, COLETON BAKER, LISA JEWKES AND VALERIE GOULD AS VOLUNTEERS FOR THE MUSEUM OF THE SAN RAFAEL AND PIONEER MUSEUM.

(5)

APPROVAL OF 3% WAGE INCREASE FOR TRACY CLARK WHO HAS SUCCESSFULLY COMPLETED HER 6 MONTH ORIENTATION PERIOD SUCCESSFULLY. EFFECTIVE 2-2-15.

(6)

APPROVAL OF 3% WAGE INCREASE FOR CORY WORWOOD WHO HAS COMPLETED HIS SIX MONTH ORIENTATION PERIOD SUCCESSFULLY. EFFECTIVE 2-2-15.

(7)

APPROVAL TO PROMOTE MELISSA ARRIEN TO HEAD LIFEGUARD. MOVE FROM GRADE 3 @ \$7.92 PER HOUR TO GRADE 5 @ \$8.63 PER HOUR. EFFECTIVE 2-2-15

(8)

APPROVAL TO HIRE ARIAUNA DOWNARD AS A 3/4 TIME WATER SAFETY INSTRUCTOR I WITH PRO RATED BENEFITS. GRADE 7.

3

COMMISSION MEETING MINUTES  
JANUARY 20, 2015

(9)

APPROVAL OF COMMISSION MEETING MINUTES DATED JANUARY 6, 2015.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Keith Brady and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

(2)

SUZANNE ANDERSON, EMERY COUNTY HISTORICAL SOCIETY, REQUEST WAIVER OF MUSEUM OF THE SAN RAFAEL FEES FOR USE OF THE MUSEUM FOR THEIR EVENTS DURING 2015.

Commissioner Migliori indicated that the Emery County Historical Society has requested a waiver of fees to use the Museum of the San Rafael for their events during 2015. He indicated that the events include informational speakers and presentations about the history of Emery County and the surrounding areas. Commissioner Keith Brady made a motion to approve the request from the Emery County Historical Society for waiver of fees for the Museum of the San Rafael. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

KAREN DOLAN, FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, INC. REVIEW EMERY COUNTY'S RESPONSIBILITIES FOR COMMUNITY HEALTH AND SUBSTANCE USE DISORDER NEEDS.

Karen Dolan, Four Corners Community Behavioral Health, Inc. provided a review of Emery County's responsibilities for Community Health and Substance Abuse Disorder needs. She introduced two of her directors, Jennifer Thomas and Jeannie Wilson. She indicated that they will be back in February for a Public Hearing to receive public input regarding the needs for these services in Emery County. She pointed out that they have 87 employees that supply the behavioral health and substance abuse needs in Carbon, Emery, and Grand Counties. Emery County supports these programs with funds that are used to leverage funds from the state which

COMMISSION MEETING MINUTES  
JANUARY 20, 2015

are used to leverage funds from the federal government. Jeannie Wilson added that they have recently added housing in Carbon and Grand County. Patsy Stoddard asked what prevention programs they have in place. Karen Dolan indicated that they have a prevention coordinator with services in the schools. They have a life skills program, urban intervention, and parents empowered programs in the schools.

(4)

CONSIDERATION AND APPROVAL OF CELL PHONE STIPEND FOR CONNIE JENSEN AND MICHAEL D. OLSEN.

Commissioner Keith Brady made a motion to approve of cell phone stipends for Connie Jensen and Michael D. Olsen. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF CREDIT CARD FOR CONNIE JENSEN AND MICHAEL D. OLSEN.

Commissioner Keith Brady made a motion to approve of credit card for Connie Jensen and Michael D. Olsen. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

RATIFY APPROVAL OF OUT OF STATE TRAVEL FOR KEITH BRADY TO ATTEND A TRAVEL SHOW IN QUARTZSITE, AZ.

Commissioner Paul Cowley made a motion to ratify approval of out-of-state travel for Keith Brady to attend a travel show in Quartzsite, AZ. The motion was seconded by Commissioner Keith Brady. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF LETTER OF ENGAGEMENT BETWEEN EMERY COUNTY AND GOVERNMENT MATTERS LLC FOR LOBBYING AND OTHER SERVICES, PER AGREEMENT, ON LAND ISSUES AND LEGISLATION.

Commissioner Paul Cowley made a motion to approve of Letter of Engagement between Emery County and Government Matters, LLC for lobbying and other services, per agreement, on land issues and legislation. The motion was seconded by Commissioner Keith Brady. The motion

COMMISSION MEETING MINUTES  
JANUARY 20, 2015

passed.

(8)

APPROVAL OF APPOINTMENT OF PAUL COWLEY TO EMERY COUNTY ADVISORY COUNCIL ON AGING AND NUTRITION AND TO DISTRICT VII-A ADVISORY COUNCIL ON AGING AND NUTRITION.

Commissioner Keith Brady made a motion to approve appointment of Paul Cowley to Emery County Advisory Council on Aging and Nutrition and to District VII-A Advisory Council on Aging and Nutrition. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

APPROVAL OF APPOINTMENT OF PAUL COWLEY AND JEFF HORROCKS TO THE EMERY COUNTY HOUSING AUTHORITY BOARD OF COMMISSIONERS.

Commissioner Keith Brady made a motion to approve appointment of Paul Cowley and Jeff Horrocks to the Emery County Housing Authority Board of Commissioners. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

APPROVAL OF APPOINTMENT OF KEITH BRADY AND KATHI KEARNEY REAVES TO THE SOUTHEASTERN UTAH DISTRICT HEALTH DEPARTMENT BOARD.

Commissioner Keith Brady made a motion to approve appointment of Keith Brady and Kathi Kearney Reaves to the Southeastern Utah District Health Department Board. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

APPROVAL OF APPOINTMENT OF KEITH BRADY, PAUL COWLEY, AND GAYLAND DUGMORE TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

Commissioner Paul Cowley made a motion to approve appointment of Keith Brady, Paul Cowley, and Gayland Dugmore to the Emery County Fire Protection Special Service District. The motion was seconded by Commissioner Keith Brady. The motion passed.

6

COMMISSION MEETING MINUTES  
JANUARY 20, 2015

(12)

APPROVAL OF APPOINTMENT OF PAUL COWLEY, MICHAEL RALPHS, AND JAMES NIELSEN TO THE EMERY COUNTY WEED/MOSQUITO BOARD.

Commissioner Paul Cowley made a motion to approve appointment of Paul Cowley, Michael Ralphs, and James Nielsen to the Emery County Weed/Mosquito Board. The motion was seconded by Commissioner Keith Brady. The motion passed.

(13)

APPROVAL OF APPOINTMENT OF ETHAN MIGLIORI TO CASTLE VALLEY SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD.

Commissioner Paul Cowley made a motion to approve appointment of Ethan Migliori to Castle Valley Special Service District Administrative Control Board. The motion was seconded by Commissioner Keith Brady. The motion passed.

(14)

APPROVAL OF APPOINTMENT OF JAMES R. NELSON, LAREN HUNTSMAN, AND MISTIE CHRISTIANSEN TO THE PUBLIC LANDS COUNCIL.

Commissioner Paul Cowley made a motion to approve appointment of James R. Nelson, Lauren Huntsman, and Mistie Christiansen to the Public Lands Council. The motion was seconded by Commissioner Keith Brady. The motion passed.

(15)

APPROVAL OF APPOINTMENT OF TINA CARTER AND ETHAN MIGLIORI TO SCENIC BYWAYS COMMITTEE.

Commissioner Keith Brady made a motion to approve appointment of Tina Carter and Ethan Migliori to the Scenic Byways Committee. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

APPROVAL OF APPOINTMENT OF DIXIE FISH TO THE EMERY COUNTY CARE AND REHABILITATION BOARD.

Commissioner Paul Cowley made a motion to approve appointment of Dixie Fish to the Emery County Care and Rehabilitation Board. The motion was seconded by Commissioner Keith



7

COMMISSION MEETING MINUTES  
JANUARY 20, 2015

Brady. The motion passed.

(17)

APPROVAL OF APPOINTMENT OF KEITH BRADY TO FOUR CORNERS MENTAL HEALTH BOARD.

Commissioner Paul Cowley made a motion to approve appointment of Keith Brady to Four Corners Mental Health Board. The motion was seconded by Commissioner Keith Brady. The motion passed.

(18)

APPROVAL OF APPOINTMENT OF KENT PETERSEN, BEVAN WILSON AND DEAN KING TO THE EMERY COUNTY SPECIAL SERVICE DISTRICT #1.

Commissioner Paul Cowley made a motion to approve appointment of Kent Petersen, Bevan Wilson and Dean King to the Emery County Special Service District #1. The motion was seconded by Commissioner Keith Brady. The motion passed.

(19)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Cowley*

Commissioner Cowley reported on attending a meeting with Commissioner Migliori regarding irrigation systems and finding help for those farmers who are still in need of this service. He reported on visiting project sites with Special Service District #1. He stated that the Museum of the San Rafael is a great facility and he encourages everyone to visit and see what they have to offer. He recently visited with Wayde Nielsen regarding landfill issues. He also reported that he and Ray Petersen had a phone conference with the bouldering group in Joe's Valley. They are anxious to work with the local government agencies to keep enjoying the bouldering opportunities this county has to offer.

*Commissioner Brady*

Commissioner Brady reported on attending a prison relocation meeting. He attended Green River Conservancy District meeting where they discussed the diversion dam and the needs there. They will look at it when the water is low and see what can be done. He reported on his trip to Quartzsite, AZ. He visited with the various departments that he is to oversee during this year.

COMMISSION MEETING MINUTES  
JANUARY 20, 2015

*Commissioner Migliori*

Commissioner Migliori reported that the Emery County Business Chamber Lunch & Learn will be tomorrow at noon at the Museum of the San Rafael. Lauren Huntsman, Supervisor from the Hunter Power Plant will be speaker. He reported on attending the prison relocation meeting where they are exploring the options to locate in rural communities. The hope is to have the prison housed in this area. He reported on Utah Pipeline Association meeting and reminded people to call 811 before you do any digging. He reported that the Museum of the San Rafael's Mammoth Exhibit grand opening.

Attorney Mike Olsen reported he is working on possible litigation and pending litigation matters.

(20)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 3, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS

The Warrant Check Edit List #234460 through and including #234594 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
9-15	3D Projector Sheriff	\$1,359.00

There were no dispositions

(2)

APPROVAL OF RANDY NIELSON'S APPOINTMENT TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT REPRESENTING FERRON CITY.

(3)

APPROVAL OF MICHAEL TAYLOR'S APPOINTMENT TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT REPRESENTING CLEVELAND TOWN.

2

COMMISSION MEETING MINUTES  
FEBRUARY 3, 2015

(4)

APPROVAL OF TRAVEL BUREAU'S APPOINTMENT OF LAMAR GUYMON TO REPRESENT THEM ON THE TRAILS COMMITTEE.

(5)

APPROVAL OF OUT-OF-STATE TRAVEL FOR TINA CARTER TO ATTEND A TRAVEL SHOW IN COLORADO SPRINGS, CO.

(6)

APPROVAL OF OUT-OF-STATE FOR KYLE EKKER AND JEDD THOMAS FOR TRAINING IN LAS VEGAS, NV.

(7)

APPROVAL TO PROMOTE JERIMIAH RICH FRO CORRECTION OFFICER I TO CORRECTION OFFICER II FOR 2 CONSECUTIVE YEARS IN THE JAIL. MOVE FROM GRADE 15 @ \$16.41 PER HOUR TO GRADE 16 @ \$17.40 PER HOUR.

(8)

APPROVAL OF DIXIE SWASEY TO BE A VOLUNTEER IN THE RECORDER'S OFFICE.

(9)

APPROVAL OF ALEX CURTIS AS A VOLUNTEER IN ARCHIVES.

(10)

APPROVAL FO THE FOLLOWING INDIVIDUALS AS VOLUNTEERS FOR THE CLEVELAND LIBRARY..BARBARA JONES, CASSIE THATCHER, AMANDA O'NEIL, JULIE BELL, TINA BRADLEY, JULIE WOODHOUSE, JANNETTA YOUNG, BROOKE GROSS, KATIE SITTERUD, JEREMIAH JENSEN, TOM HOLDAWAY, BREANNE COWLEY, AND KRISTY WARD.

(11)

APPROVAL OF THE FOLLOWING INDIVIDUALS AS VOLUNTEERS FOR THE ORANGEVILLE LIBRARY.. GORDON LARSEN, NICKY NIELSON, AND BRANDON HOFFMAN.

3

COMMISSION MEETING MINUTES  
FEBRUARY 3, 2015

(12)

WAYDE NIELSEN HAS SELECTED EARL NELSON AS A PART TIME EQUIPMENT OPERATOR WORKING 19 3/4 PER WEEK. NOT ELIGIBLE FOR BENEFITS. WAGE \$16.39.

(13)

APPROVAL TO START RECRUITMENT PROCESS FOR A CERTIFIED PATROL DEPUTY IN GREEN RIVER.

(14)

APPROVAL OF COMMISSION MEETING MINUTES DATED JANUARY 20, 2015.

Commissioner Keith Brady made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Paul Cowley. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled.

(2)

PRESENTATION OF EMPLOYEE OF THE MONTH

Commissioner Migliori presented Employee of the Month to Clinton Olsen. Clinton Olsen has worked for Emery County for 9 years as the IS/GIS Tech. During this time he has proven his worth, dedication, and commitment to Emery County. He is always willing to work hard on whatever project he is assigned to. He perseveres through many arduous tasks and follows them through to completion. His honesty and work ethic are impeccable.

Clinton's work on mapping applications with the Emery County website are saving the county a significant amount of money and provides easy access to data for consumption by the public. Other departments and businesses in the county have found value in these applications and use them on a daily basis.

COMMISSION MEETING MINUTES  
FEBRUARY 3, 2015

Clinton's work on the Emery County trails maps have been excellent. He has gathered data and collaborated with many organizations and groups interested in consolidating data into an organized map application. His ambitions to explore and enjoy what Emery County has to offer has made his insight on this project invaluable. The maps allow you to download them and use the GPS on your device to track your location. This will help residents and visitors explore the rugged San Rafael.

Clinton was presented with a plaque of appreciation and Emery County Business Chamber Bucks.

(3)

RATIFY LETTER OF SUPPORT TO THE PRISON RELOCATION COMMITTEE TO CONSIDER THE EMERY COUNTY REGION FOR RE-LOCATION OF A NEW STATE PRISON.

Commissioner Migliori explained that due to the controversy surrounding the location for a new prison facility along the Wasatch front they have opened it up to other areas of the state. Carbon and Emery County officials have met and decided to submit application to the Prison Relocation Commission as a joint application. A letter was drafted and signed by the Commissioners of both counties in support of the application. The letter is as follows:

Please accept this letter of support from the Carbon County Commission and the Emery County Commission, including our joint application to relocate the Utah State Prison to our counties.

This is a regional application as opposed to a single county application because it would be beneficial to both counties if the new prison were built in either Carbon or Emery County. Carbon and Emery Counties have a long history of working together as our local communities are tied to the coal and power industries.

Our communities are highly interested in the new correctional facility which would bring jobs to our areas and help diversify our economies. Our counties have ample land that will fulfill application requirements without fear of development encroachment or environmental constraints, as well as access to water, electricity, natural gas, telecommunications, airport service, etc. as outlined in the application.

Carbon and Emery Counties endorse this joint application and welcomes any questions or comments from the Prison Relocation Commission. We invite you to personally visit our sites at your earliest convenience and meet with our local leaders to address any questions or concerns that you may have.

COMMISSION MEETING MINUTES  
FEBRUARY 3, 2015

Commissioner Migliori indicated that he has met with many entities and citizens and has received favorable responses in support of the possibility of relocating the State Prison in this area. He stated that the application and letter of support was sent on January 29, 2015 and asked that the endorsing and sending of the letter to the Utah State Prison Relocation Commission be ratified by the Emery County Commissioners.

Steve Barton asked the Commissioners if the public will have an opportunity to comment on this issue?

Commissioner Migliori stated that this is just an application process and of course if we are considered, there will be some much needed education and public comment/input discussions.

Commissioner Keith Brady made a motion to ratify the signing of a letter of support to the State Prison Relocation Commission to consider the Emery County region for re-location of a new state prison. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

APPROVAL OF APPOINTMENT OF PAUL COWLEY TO THE MUSEUM OF THE SAN RAFAEL BOARD OF DIRECTORS.

Commissioner Paul Cowley made a motion to approve appointment of Paul Cowley to the Museum of the San Rafael Board of Directors. The motion was seconded by Commissioner Keith Brady. The motion passed.

(5)

APPROVAL OF APPOINTMENT OF CARL JACOBSON, ANN MARIE ANDERSON, BART COX, AND GARY ARRINGTON TO THE PLANNING COMMISSION.

Commissioner Paul Cowley made a motion to approve the appointment of Carl Jacobson, Ann Marie Anderson, Bart Cox, and Gary Arrington to the Planning Commission. The motion was seconded by Commissioner Keith Brady. The motion passed.

(6)

APPROVAL OF APPOINTMENT OF JEFFREY N. TUTTLE TO THE CASTLE VALLEY SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD.

Commissioner Keith Brady made a motion to approve appointment of Jeffrey N. Tuttle to the Castle Valley Special Service District Administrative Control Board. The motion was seconded

6

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by Commissioner Paul Cowley. The motion passed.

(7)

APPROVAL OF APPOINTMENT OF KEITH BRADY TO THE BOARD OF THE SIX COUNTY INFRASTRUCTURE COALITION.

Commissioner Paul Cowley made a motion to approve appointment of Keith Brady to the Board of the Six County Infrastructure Coalition. The motion was seconded by Commissioner Keith Brady. The motion passed.

(8)

APPROVAL OF APPOINTMENT OF MARIE GUYMON TO THE EMERY COUNTY COUNCIL ON AGING AND NUTRITION.

Commissioner Paul Cowley made a motion to approve appointment of Marie Guymon to the Emery County Council on Aging and Nutrition. The motion was seconded by Commissioner Keith Brady. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF STANDARD COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK FY 2015.

Commissioner Keith Brady made a motion to table this item for two weeks to allow Commissioner Migliori to receive some clarification. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF PROPOSAL FOR LEGAL SERVICES OF ARNOLD & CROOK LAW OFFICES FOR REVIEW OF EC PERSONNEL POLICY AND PROCEDURES MANUAL.

Attorney Michael Olsen indicated that he has reviewed this with Mary Huntington and found this to be a beneficial service for the County. He indicated that Arnold & Crook Law Offices is a specialty area of law and feels comfortable with the firm. Mary stated that the last time the personnel policy was reviewed was in 2009. Mr. Olsen indicated that the firm will have a written review of the personnel policy within 6 weeks. Mr. Olsen stated he was in support of the proposal and recommended approval. Commissioner Paul Cowley made a motion to approve of proposal for legal services of Arnold & Crook Law Offices for review of Emery County's



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Personnel Policy and Procedures Manual. The motion was seconded by Commissioner Keith Brady. The motion passed.

(11)

COOPERATIVE LAW ENFORCEMENT 2015 ANNUAL OPERATING & FINANCIAL PLAN BETWEEN EMERY COUNTY AND USDA FOREST SERVICE MANTI-LASAL NATIONAL FOREST.

Sheriff Funk indicated that he was able to negotiate the hourly wage from \$27.00 per hour to \$36.00 per hour and the mileage to .50 cents per mile. Commissioner Keith Brady made a motion to approve of Cooperative Law Enforcement 2015 Annual Operating & Financial Plan between Emery County and USDA Forest Service Manti-LaSal National Forest. The motion was seconded by Commission Paul Cowley. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF EQUITABLE SHARING AGREEMENT AND CERTIFICATION.

Sheriff Funk indicated that the Equitable Sharing Agreement and Certification is for sharing funds related to seizure on the Federal side. Commissioner Keith Brady made a motion to approve of Equitable Sharing Agreement and Certification. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING CERTAIN SECTIONS OF THE ZONING ORDINANCE OF EMERY COUNTY.

On November 25, 2014 a Public Hearing was held regarding certain sections of the Zoning Ordinance of Emery County. The sections considered dealt with signs, solar power and cell towers. At that time the changes were approved. A resolution is now needed amend and adopt the changes to the Zoning Ordinance. Commissioner Keith Brady made a motion to approve of Resolution 2-3-15 amending certain sections of the Zoning Ordinance of Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(14)

CONSIDERATION AND APPROVAL OF ANNUAL EEO REPORT.

Mary Huntington presented the Annual Equal Employment Opportunity report for approval. She indicated that the only thing that changes on the report he is employee base. Commissioner Paul Cowley made a motion to approve the Annual EEO Report. The motion was seconded by Commissioner Keith Brady. The motion passed.

(15)

CONSIDERATION AND APPROVAL OF UPPER PAYMENT LIMIT ASSISTANCE FOR EMERY COUNTY CARE AND REHABILITATION.

Ross Huntington, Chairman of the Emery County Care and Rehabilitation Board discussed Upper Payment Limit assistance. He explained that this a program provided through the State Department of Health to provide assistance to health facility such as ECCR that is not state owned. ECCR qualifies for this program. The program requires seed money and can be submitted by a sponsoring entity. Medicaid or Medicare money cannot be used as seed money for this program. The required payment is \$36,986.81. With that payment the ECCR will receive \$110,000.00. When the ECCR receives the money, they will return the \$36,986.81 to make the County whole again. The ECCR will have \$73,013.19 to assist them in their programs. This same financial assistance from the County was done in 2014 successfully. Mr. Huntington asked that the Emery County Commissioners consider sponsoring the Upper Payment Limit Assistance for Emery County Care and Rehabilitation again. Commissioner Paul Cowley made a motion to approve of Upper Payment Limit Assistance for Emery County Care and Rehabilitation. The motion was seconded by Commissioner Keith Brady. The motion passed.

(16)

DISCUSSION OF ELECTRICAL PROBLEM IN CLERK/AUDITOR'S OFFICE AND APPROVAL OF COURSE OF ACTION.

Commissioner Cowley explained an electrical problem in the Clerk/Auditor's office. An intense smell permeated the Clerk/Auditor's office for several days last week. It was determined that the smell was from a shorted out outlet. An electrician was called in and determined that there was a big draw on amps in that room. The wiring in the building was not designed for the additional draw of amps from the advanced technology we use today. Commissioner Cowley suggested putting out an RFP to get proposal for upgrading the electrical wiring in the Clerk/Auditor's room. Clerk/Auditor Brenda Tuttle suggested that if the electrical in our office does not meet the needs then the rest of the offices are in question also. Commissioner Paul Cowley made a motion to advertise for a RFP from electrical contractor to provide a solution to the electrical problems existing in the Clerk/Auditor's office as well as the rest of the courthouse and make

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recommendations to the Commission for solutions. The motion was seconded by Commissioner Keith Brady. The motion passed.

(17)

DISCUSSION AND POSSIBLE APPROVAL OF GRANT APPLICATION FROM ARCHIVES AND LIBRARIES FROM STORY CORPS TO OBTAIN PERSONAL HISTORIES OF VETERANS.

Bernice Payne explained that the Archives Department received an invitation from Story Corps that provides grants to libraries to obtain personal histories of veterans. She indicated that the grant provides \$2,500.00 stipend to be used for supplies and money to get to the person to be interviewed. They pick 10 applicants nationwide. They supply the equipment that will be left in the libraries. If we are chosen the work will be done in the Cleveland Library. Carole Larsen Library Director agreed with that as long as library staff is not used to do the work. Bernice indicated volunteers will be trained and is expense paid for training. This is just the application process. If they are chosen they will be back with the paperwork to be signed. The application is due on Friday, February 6, 2015. Commissioner Keith Brady made a motion to approve of a grant application from Archives and Libraries from Story Corps to obtain personal histories of veterans. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(18)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Cowley*

Commissioner Cowley talked about what Kent Powell did with his war veteran memorial and hopes that what Bernice is trying to do will be similar. Commissioner Cowley reported on attending Museum of the San Rafael Board meeting where they discussed a number of things to bring interest to the museum. They have several events planned to draw people into the museum.

*Commissioner Brady*

Commissioner Brady reported on attending a catastrophic fire meeting with the Forest Service. Forest Service personnel are asking for input on areas of concern and possible control burn areas in the county. He reported that Four Corners does assessments of under age sales by businesses in the county. They did 18 last year and Emery County is 100% in compliance with the law. Emery County can be proud of that. The Emery County Aquatic Center has a Facebook page now that will be used as a platform to send out information. There are six Russians from three

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different rural Russian organizations coming to Green River. The group is visiting rural communities who have met with economic and community growth and how they met the challenges that come with that growth. He provided an update of the activity with the new refinery in Green River. Rock River will be working in phases to complete the work which will begin in March. The first phase will be the rail spur. They plan to employ about 100 people. They anticipate that each phase will employ additional people. Green River City is on track to have all the annexation and taxing structures in place to assist in their development.

*Commissioner Migliori*

Commissioner Migliori recently attended a BLM scoping meeting where they discussed concerns for areas south of Green River specifically the San Rafael area. They talked about open/closed roads, improvements, signage, etc. He talked about attending COG meeting with the mayors of Emery County where the mayors were updated on the process with the relocation of the state prison. He encouraged the mayors to continue to be proactive with respect to economic development within their respective communities. He reported on a recent workplace safety seminar at the high school. There was a lot of participation by the students and people from the communities and around the state. The focus was on safety of kids in schools. Procurement and technical assistance is available for businesses that are interested in opportunities to export outside of the county.

(19)

ADJOURNMENT

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 17, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Attorney Michael Olsen, Deputy/Clerk Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST , REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #234709 through and including #234834 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
10-15	Caterpillar 140M3 Motor Grader W/trade-in- Highway	\$248,463.00
11-15	(2) 10,000 gallon tanks Highway	19,447.90
12-15	(2) XPS12 Laptop Computers (7) 7020 OptiPlex Computers Capital Replacements	8,491.00

Dispositions were presented for the following:

Kenwood Radios purchased 2004-2007 that are no longer narrowband compatible with software 255-9178,9179,9180,9181,9182,9183,9184,9185,9186,9187,9188,9189,9190,9191,9192,9193, 9194,9195,9196,9197,9198,9199,9200,9168,9169,5104,5204,5304,5404,5504,5604,5704,5804, 5904,6004,6104,6204,6304,6404,6504,6505,6604,7004,7104,7204,7304,7404,7504,7604,7704, 7804,7904,8004,8104,8204,8304,8404,8504,8604,8704,8804,8904,9004,9104,9204,9304,9404, 9504,9604,9704,9804,9904,8406,1277,9170,9171,1104,1204,1304,0044,0104,0204,0304,0404, 0504,0604,0704,0804,0904,1004,1104,1204,2304,2404,2504,2604,2704,2804,2904,3004,3104, 3204,3304,3504,3604,3704,3804,3904,4004,4104,4204,4304,4404,4504,4604,4704,4804,4904, 5004,1014,1024,1034,1044,1054,1064

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210-8126,8127,8128,8187,7619  
234-7624,7619

Highway Department: Broken grinders, 415-1821,1823  
Broken chair from courthouse:160-3139  
Transfer 2 filing cabinets from Extension to Weed/Mosquito

(2)

APPROVAL OF OUT OF STATE TRAVEL FOR GREG FUNK FOR TRAINING IN LAS VEGAS, NV.

(3)

APPROVAL OF EMERY TOWN'S APPOINTMENT OF MISTI CHRISTIANSEN TO THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.

(4)

APPROVAL OF ELMO TOWN'S APPOINTMENT OF SETH ALLRED TO THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.

(5)

APPROVAL TO PROMOTE KEATON COWLEY AND AJ O'NEIL FROM PATROL DEPUTY I TO PATROL DEPUTY II FOR 3 CONSECUTIVE YEARS ON THE ROAD. MOVE FROM GRADE 16 TO GRADE 17.

(6)

APPROVAL OF HUGH PETERSON AND VARIAN ALLEN AS VOLUNTEERS IN THE EMERY LIBRARY.

(7)

APPROVAL OF COMMISSION MEETING MINUTES DATED FEBRUARY 3, 2015

Commissioner Paul Cowley made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Keith Brady. The motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing was pulled for discussion.

Commissioner Paul Cowley made a motion to leave the regular meeting and move into a public hearing to receive public input regarding mental health and substance use disorder treatment needs in Emery County. The motion was seconded by Commissioner Keith Brady. The motion passed.

(2)

PUBLIC HEARING- TO RECEIVE PUBLIC INPUT REGARDING MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT NEEDS IN EMERY COUNTY.

Karen Dolan and Jennifer Thomas, Four Corners Behavioral Health addressed the Commissioners and public regarding mental health and substance use disorder treatment needs in Emery County. Ms. Dolan explained that state law and Medicaid statutes require that a public hearing be held to receive public input regarding these needs in the county. She indicated that Four Corners Community Behavioral Health serves Carbon, Emery, and Grand Counties. They have many programs available to the counties. They have early intervention programs in the schools, provide psychiatric hospitalization, manage state hospital beds allotted to them, and provide a prison diversion program, as well as many other programs. They are safety net providers so they receive funds through County, State, and Federal (Medicaid) Funds. Two of the executive team are residents of Emery County. Ms. Dolan asked the Commissioners and the public if they have any questions.

Attorney Michael Olsen reported that his office had received notice that the domestic violence treatment and anger management assistance programs will no longer be provided by the providing agency as of the end of February. Will Four Corners be picking up those programs for the counties?

Ms. Dolan was aware of the notice but was unsure of the time for that provider to discontinue the program. Four Corners does provide anger management but will not compete with the private sector while they were around. Now that they are leaving, she indicated that she was confident that Four Corners would be providing that service to the counties.

Commissioner Brady asked if there were any bills currently in legislation that are of particular concern to Four Corners?

Ms. Dolan reported on the few bills that affect mental health issues.

There were no additional questions.

Commissioner Keith Brady made a motion to leave the public hearing and return to the regular meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Commissioner Keith Brady made a motion to leave the regular meeting and move into a public hearing to receive public input regarding the issuance of Castle Valley Special Service District General Obligation Bonds. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

PUBLIC HEARING- TO RECEIVE PUBLIC INPUT REGARDING THE ISSUANCE OF CASTLE VALLEY SPECIAL SERVICE DISTRICT GENERAL OBLIGATION BONDS IN TWO SERIES IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,055,000.

Jacob Sharp, Castle Valley Special Service District Manager addressed the Commissioners and public. He introduced Alex Buxton, Zions Public Finance. Mr. Sharp explained that the bonds are in two series and are part of the 2009 voter approved, up to 12.5 million dollar, general obligation bond issuance. He explained the CVSSD has 10 years in which to utilize the approved bond after which they will have to again go to the voters for approval for bonding funds. Typically CVSSD will issue a portion of that bond each year to do capital project throughout the county. These projects could be street improvement, drainage improvements, curb and gutter, and lately have been focused on infrastructure replacement like sewer and culinary water line replacement. 2015A is a \$705,000.00 bond from CIB at 1.5% interest and along with that they will receive \$500,000.00 grant money for a total of \$1,250,000.00. As long as the mayors in the communities continue to have projects that need to be done CVSSD will continue to do projects this way. 2015B is for a new water treatment project. This more of a once every 30 years or more project. CVSSD owns four water treatment plants. They operate three of the plants with a stand-by plant in Huntington Canyon. Huntington, Cleveland and Elmo is operated off of springs. The Huntington Canyon plant is there should the springs be depleted. They have a plant up Straight Canyon that supplies water to Castle Dale and Orangeville. They have a plant in Emery that supplies water to the town of Emery. The plant in Ferron supplies water to Ferron and Clawson. Jacob indicated that the plant in Ferron is the plant that they are proposing to replace. The plant was originally built in the late 60's but a new plant was built onto the side of it in the 70's and came on line in the early 80's when the power plants came into the county. The filters are worn out and the in process to repair equipment they can't get replacement parts anymore. It still makes good water, however, they have been limping it along so it needs to be replaced. They have settled on certain technology and came up with a cost estimate for the project. They took the project to the CIB and were approved for \$1.35 million bond at 1.5% and a matching grant for \$1.35 million. This is a much needed and necessary project. The Capital Improvement bond 2015A is a six year repayment plan with the CIB. The 2015B is scheduled for a 15 year repayment plan but CVSSD is looking at possibly trim that down to 10 years. The resolution that is proposed today provides CVSSD with a little flexibility to take the repayment plan down if they can while still keeping their debt service tax level. Alex Buxton added some history of CIB and the funds that are supplied to counties for these types of



projects. He stated that Jacob does an excellent job of accessing these funds. Grants that don't have to be repaid are tricky to come by. Fortunately Jacob has a great track record with this board and has been successful in getting excellent interest rates below the market rate. The closing on the Capital Improvement project 2015A would be end of March for the \$750,000.00. The 2015 B water treatment project in the amount of \$1.35 million will be issued later this year when the project has been bid out. Jacob provided some details for the new Ferron water treatment plant.

Commissioner Keith Brady made a motion to leave the public hearing and return to the regular meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT AUTHORIZING THE MAXIMUM AMOUNT OF \$2,055,000 GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, PURSUANT TO A MASTER RESOLUTION FOR EACH SERIES TO BE APPROVED BY THE CHAIR OF ADMINISTRATIVE CONTROL BOARD AND THE DISTRICT MANAGER AS THE PRICING COMMITTEE, TO CONSTRUCT IMPROVEMENTS, INCLUDING NEW WATER TREATMENT FACILITIES; AND RELATED MATTER.

Commissioner Keith Brady made a motion to approve Resolution 2-17-15 authorizing the issuance of maximum amount of \$2,055,000.00 General Obligation Bonds, in one or more series to be approved by the chair of the administrative control board and the district manager as the pricing committee, to construct improvements, including new water treatment facilities. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

CHRIS WOOD, DWR, PRESENTATION OF PILT PAYMENT FOR LAND OWNED AND MANAGED BY UTAH DIVISION OF WILDLIFE RESOURCES

Chris Wood, DWR presented to the Commissioners, a check in the amount of \$2,610.71 representing PILT payment for land owned and managed by Utah Division of Wildlife Resources. He provided a brief update of activity of the Utah Division of Wildlife Resources on managed land in the Emery County area.

(6)

MAYOR PAT BRADY AND CITIZENS OF GREEN RIVER CITY, DISCUSSION OF DESIRE AND OPTIONS TO REOPEN DMV OFFICE IN GREEN RIVER.

Mayor Pat Brady along with a few citizens from Green River City. He presented a petition signed by citizens of Green River City urging the Emery County Commissioners to keep a County Assessor in their community, we are after all citizens of Emery County and you the County Commissioners have already taken away their justice of the peace, Green River City needs an Assessor. Without one our citizens will have to drive to Castle Dale to conduct their business which is a real hardship for our older people. Please replace Cheryl Keener and give us an Assessor. With that, he added, yes we have Castle Dale, Price, Moab, yes, we can go online but the older citizens don't know how to operate a computer or have access to a computer and it is hard for them to travel out of town. Construction owners with special equipment now have to go out of town to conduct that business. If this was a full time job up until Cheryl was not able to work anymore then why is this no longer a full time job? What has happened to prevent it from being full time? Sheriff Funk indicated that he can justify a full time deputy in Green River City. If something bad is going to happen in Emery County it is going to be in Green River. He indicated that he is going to make a push to have a full time deputy in Green River. Commissioner Migliori indicated that they looked at reducing the DMV staff in Green River a couple of years ago because on paper the work load just didn't justify a full time person. They made a decision to put it off until Cheryl retired and then make adjustments at that time. There are additional funds that come to the county through citations that offset the deputy position. In the long run it makes more sense to direct funds to a full time deputy. They have been looking at putting a part time person in DMV in Green River. In discussions with Kris Bell, Emery County Assessor they discussed sending a person from the Castle Dale office to Green River one day a week to provide that service. Commissioner Migliori indicated that the DMV office in Green River did 5 transactions a day. No matter how you look at it that doesn't justify a full time position. The State of Utah reimburses the County \$3,000.00 which doesn't even come close to covering the expenses associated that position. He indicated that we have options. We need time to work the pieces out and evaluate the needs. Putting a full time deputy in Green River City will fill a need in Green River and will begin the process of filling in those pieces.

Kathy Ryan Council person for Green River City and citizen. If crime is on the decline in Green River and UHP is present then why do we need to put another deputy there as opposed to putting an assessor there that can help our citizens? We are a town of elderly people. We are a growing town. Our citizens need the convenience of having an assessor.

Commissioner Migliori explained recounted some problems that the Justice Court has experienced with UHP and citations that were issued on the Emery County side vs the State thus eliminating the need for a Justice Court clerk.

Mike Keener, Green River indicated that there was much more of a service to the citizens of Green River that were supplied by Cheryl Keener while she occupied that position. The relationship she built with the citizens of Green River was second to none. People in Green

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River come up to him and ask him how do we get that position back? A part time person is not going to have the interest or enthusiasm for that job.

Commissioner Migliori indicated that we need time to work out the needs with the departments involved.

Commissioner Brady indicated that in his discussions with citizens of Green River they do not like the idea of someone from Castle Dale going to Green River to do a job that someone from Green River can do. He indicated that he was not in favor of a full time person that we may have to pull back to part time later.

Mayor Brady indicated he appreciated the security that a new deputy would bring but that does not fill that lost position.

(7)

BID OPENING- BID OPENING FOR EMERY COUNTY SHERIFF'S CASE NUMBER 2013-001691 FORFEITED NON-EXEMPT PROPERTY (1996 FORD F250 COF PICKUP TRUCK). CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.

One bid was received for Emery County Sheriff's Case #2013-001691 forfeited non-exempt property a 1996 Ford F250 COF pickup truck. The bid was from Randal Stilson in the amount of \$321.03. The bid was advertised to cover the tow bill of \$320.00. Commissioner Paul Cowley made a motion to accept the bid of \$321.03 from Randal Stilson for case#2013-001691. The motion was seconded by Commissioner Keith Brady. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF PAYING A PORTION OF LATE FEE ASSOCIATED WITH INDUSTRIAL PARK ON SITLA LAND NEAR GREEN RIVER.

Commissioner Migliori explained the issue associated with the Industrial Park on SITLA land near Green River. We have a number of parcels on the Industrial Park. Blue Castle Holdings is one of the larger holders in the park. They are leasing the property for \$10,000.00 a year for the proposed power plant. The plan is to purchase the property from SITLA sometime this year. In the transition from Mr. McCandless leaving Economic Development and the new Commissioners coming into office there was some confusion on the original paying of that lease. By the time the lease payment request reached Blue Castle there was a late fee associated with the lease payment. They asked the SITLA board to waive the \$600.00 late fee. That request was denied. In conversations with Blue Castle Holdings, they asked if the County would split the late fee with them. Commissioner Migliori indicated that there is funds available in Economic Development that could be used to pay the \$300.00 which would be our portion if approved. Commissioner Keith Brady made a motion to approve paying half of the late fee (\$300.00) associated with Blue Castle Holdings with the Industrial Park on SITLA land near Green River.

8

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The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSSION AND POSSIBLE APPROVAL OF REQUEST FOR AMBULANCE BILL  
WRITE-OFF FOR LOREN L. PIERCE.

Commissioner Migliori explained that these types of requests come to the Commissioner quite regularly. These ambulance payments are to pay back the county ambulance for the EMT time, supplies, use of the ambulance, etc. Patients have the responsibility to pay the balance after insurance has paid their portion. In this case Mr. Pierce lives out of the state. He has made payments in the amount of \$50.00 toward the \$ 1,379.00 balance after insurance. Commissioner Keith Brady made a motion to deny a write-off ambulance bill request from Loren L. Pierce and encourage them to continue to make payments on the account. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSSION AND POSSIBLE APPROVAL OF REQUEST FOR AMBULANCE BILL  
REDUCTION BY SABINA LOPEZ.

Commissioner Migliori reported that Ms. Lopez submitted the request for write-off form. She has not made any payments toward the \$7,518.13 balance. Commissioner Paul Cowley made a motion to deny a write-off request for Sabina Lopez and encourage her to make payments on the account. The motion was seconded by Commissioner Keith Brady. The motion passed.

(11)

DISCUSSION AND POSSIBLE OF APPROVAL FOR AMBULANCE WRITE-OFF BY  
MARVIN BOWDEN.

Commissioner Migliori reported that Mr. Bowden is from Ferron. This account was just recently sent to collections. They filled out the paperwork requesting a write-off. Apparently they had ambulance bills in both Carbon and Emery County and they filled out the Emery County paperwork that was submitted to Carbon County and never submitted to Emery County. Carbon County wrote off their bill. The remaining balance due to Emery County is \$149.00. Commissioner Keith Brady made a motion to pull the account from collections but not to write it off but encourage them to make payments on the balance. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSSION AND APPROVAL OF 2015 SEUEPA MEMBERSHIP DUES.

Commissioner Migliori explained that this is membership dues to Southeastern Utah Energy

Producers Association. The membership dues of \$500.00 was missed in the budgeting process. He felt it was important to the county to remain members of this association. Commissioner Keith Brady made a motion to approve a donation of \$500.00 to SEUPA for membership dues. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

APPROVAL OF APPOINTMENT OF LAURIE PITCHFORTH AND RE-APPOINTMENT OF ZORA PEACOCK TO THE EMERY COUNTY COUNCIL ON AGING AND NUTRITION.

Commissioner Paul Cowley made a motion to approve appointment of Laurie Pitchforth and Re-appointment of Zora Peacock to the Emery County Council on Aging and Nutrition. The motion was seconded by Commissioner Keith Brady. The motion passed.

(14)

APPROVAL OF APPOINTMENT OF KEITH BRADY, TRAVIS BACON, PENNY RICHES, AND LAMAR GUYMON TO THE EMERY COUNTY TRAVEL BUREAU.

Commissioner Keith Brady made a motion to approve of appointment of Keith Brady, Travis Bacon, Penny Riches, and LaMar Guymon to the Emery County Travel Bureau. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

APPROVAL TO ADVERTISE FOR BOARD VACANCY ON THE MUSEUM OF THE SAN RAFAEL BOARD OF DIRECTORS.

Commissioner Paul Cowley made a motion to advertise for board vacancy on the museum of the San Rafael Board of Directors. The motion was seconded by Commissioner Keith Brady. The motion passed. This is to fulfill the remaining term of the board position held by Jan Petersen.

(16)

APPROVAL TO ADVERTISE FOR BOARD VACANCIES ON EMERY WATER CONSERVANCY DISTRICT.

Commissioner Paul Cowley made a motion to advertise for board vacancies on Emery Water Conservancy District. The motion was seconded by Commissioner Keith Brady. The motion passed.

(17)

CONSIDERATION AND APPROVAL OF KUED GRANT APPLICATION FOR ORANGEVILLE LIBRARY.

Roxanne Jensen, Castle Dale Librarian explained that KUED offered a Reading Marathon Mini Grant. This grant is offered to libraries, schools and non-profit organizations located 100 miles or more from Salt Lake City to be used to host their own Super Reader Party. Librarian Director Carole Larsen applied and was granted \$300.00 to host a Dr. Seuss Battle of the Books at the Orangeville Library. The funds will be used for promotional advertising, decorations, awards/prizes, party participation incentives, and cake and ice cream. She asked for approval of the application process. Commissioner Keith Brady made a motion to approve of a KUED grant process for the Orangeville Library. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(18)

DISCUSSION AND APPROVAL OF OUT-OF-STATE TRAVEL FOR PAUL COWLEY AND RAY PETERSEN TO WASHINGTON, DC FOR PUBLIC LAND ISSUES. CLARIFICATION ON TRAVEL RESERVATIONS AND RENTAL CAR POLICY.

Commissioner Keith Brady made a motion to approve out-of-state travel for Paul Cowley and Ray Petersen to Washington, DC for Public Lands issues. The motion was seconded by Commissioner Paul Cowley. The motion passed. Commissioner asked to table the discussion on clarification on travel reservations and rental car policy to allow time to visit with Michael Olsen on this issue.

(19)

CONSIDERATION AND APPROVAL TO ADVERTISE FOR LAWN CARE AT THE LIBRARIES AND ROAD DEPARTMENT.

Commissioner Paul Cowley made a motion to grant approval to advertise for lawn care at the Libraries and Road Department. The motion was seconded by Commissioner Keith Brady. The motion passed.

(20)

CONSIDERATION AND APPROVAL TO ADVERTISE FOR WATER HEATER REPLACEMENT IN GREEN RIVER COUNTY OWNED BUILDING.

Commissioner Migliori indicated that because of liability issues it was decided that a contractor is needed to install a water heater in the county owned building in Green River. Commissioner Keith Brady made a motion to advertise for water heater replacement in Green River county owned building. The motion was seconded by Commissioner Keith Brady. The motion passed.

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February 17, 2015

Commissioner Keith Brady made a motion to leave the regular meeting and enter into a closed meeting and at the conclusion of that meeting to return to the regular meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(21)

CLOSED MEETING TO DISCUSS THE SALE OF REAL PROPERTY.

Those present at a closed meeting was Commissioner Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Attorney Michael Olsen, Clerk/Auditor Brenda Tuttle.

(22)

CONSIDERATION AND APPROVAL OF CONTRACT WITH MARCUS & MILLICHAP FOR REAL ESTATE INVESTMENT AND ADVISORY SERVICES.

Commissioner Keith Brady made a motion to table this item. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(23)

COMMISSION/ELECTED OFFICIALS REPORTS

No reports

(24)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 3, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 234876 through and including # 234992 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
13-15	Dell Laptop Sheriff	\$2,345.14
14-15	Auto wireless/video inspection unit Highway	725.00
15-15	24' Trailer Highway	\$8,558.00

One disposition was presented for approval:  
6949, a welder from the Weed/Mosquito Department.

(2)

APPROVAL TO GIVE ARIAUNA DOWNARD A 3% WAGE INCREASE FOR  
SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD.

(3)

APPROVAL OF PUBLIC LAND COUNCIL'S APPOINTMENT OF ROD PLAYER TO THE  
EMERY COUNTY TRAILS COMMITTEE.



2

Commission Meeting Minutes  
March 3, 2015

(4)

APPROVAL OF COMMISSION MEETING MINUTES DATED FEBRUARY 17, 2015.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley and seconded by Commissioner Keith Brady. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing was pulled.

(2)

PRESENTATION OF EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented Employee of the Month to Mick Robinson. Mick is a great asset to Emery County. He has worked as a GIS Specialist and IS/GIS Technician for 14 years. His attention to both presentation and function have enhanced projects produced in the IT office. He takes pride in his work and has a knack for the aesthetics of the projects he is assigned.

Mick's specialized knowledge on data conversion, Quickbooks, and Excel has been crucial in extenuating circumstances of the Emery County Housing Authority operation. His expertise has allowed his office to function during a difficult transition period.

Mick is an EMT-A working out of the Castle Dale/Orangeville ambulance garage. He is a tremendous asset with scheduling and making sure that supplies are stocked and ready to respond to any emergency situation.

Mick was presented with an a plaque of appreciation and Business Chamber Bucks.

(3)

CONSIDERATION AND APPROVAL OF STANDARD COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK- 2015.

Commissioner Keith Brady made a motion to approve of Standard Cooperative Agreement for Utah State University Extension Educational Work- 2015. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

DANNA GRAY, REQUEST APPROVAL OF FEE WAIVER FOR USE OF THE MUSEUM OF THE SAN RAFAEL FOR ANNUAL EAGLE SCOUT BANQUET IN APRIL 2015.

Danna Gray came before the Board of Commissioners to request a fee waiver for the use of the Museum of the San Rafael to hold their annual Eagle Scout Banquet in April 2015. She explained that they prefer to use the Museum as it is a non-denominational location and not all the Eagle Scouts are LDS. An Eagle Project has to be at least 100 hours of service devoted to the project. This year they have 17 young men who will receive their Eagle Award. Commissioner Migliori indicated that the waiver has been granted in years past. Commissioner Cowley expressed gratitude to the program stating that it develops good character for these young men and their leaders as well and is a tremendous service to the communities. Commissioner Keith Brady made a motion to approve waiver of fee for the use of the Museum of the San Rafael for the annual Eagle Scout Banquet. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF DONATION TO EMERY RODEO TEAM.

Hadley Cloward and Lacey McElprang, Emery High Rodeo Team came before the Board of Commissioners to request a donation to the Rodeo Team to help with their rodeo event to be held the second weekend in April. They anticipate 100 contestants. Emery High Rodeo Team has 30 members this year. Commissioner Paul Cowley made a motion to approve a \$250.00 donation to the Emery High Rodeo Team. The motion was seconded by Commissioner Keith Brady. The motion passed.

(6)

CONSIDERATION AND APPROVAL TO ADVERTISE RFP FOR JANITORIAL SERVICES AT ORANGEVILLE LIBRARY.

This will be a short term contract for janitorial services while the current janitor is off on medical leave. Commissioner Keith Brady made a motion to approve advertising for RFP for janitorial services at the Orangeville Library. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL TO REQUEST ROCKY MOUNTAIN POWER  
RELOCATED POWER POLES ON CLEVELAND SO. LOOP ROAD #201 FOR ECSSD#1  
ROAD PROJECT.

Howard Tuttle, Johansen & Tuttle Engineering explained that Emery County is under franchise with Rocky Mountain Power. The Special Service District #1 proposes to rebuild the South Loop Road #201. The power poles along the stretch of road need to be relocated to allow for the work to be done. Rocky Mountain Power requires a minute entry formally making the request to relocated the poles. Commissioner Paul Cowley made a motion to request Rocky Mountain Power to relocate the power poles on So. Loop Road #210. The motion was seconded by Commissioner Keith Brady. The motion passed.

(8)

DISCUSSION AND APPROVAL OF UTAH HOUSING CORPORATION'S REQUEST FOR  
TAX EXEMPTION ON THREE PROPERTIES IN GREEN RIVER FOR 2014.

Brenda Tuttle, Clerk/Auditor explained that Utah Housing Corporation was granted tax exemption in 2014, however, a step was missed and the three parcels were not tagged as exempt. Utah Housing received a delinquent tax notice for 2014. The request is to have the 2014 taxes reversed for the three properties of Utah Housing Corporation located in Green River. Commissioner Keith Brady made a motion to approve the request to reverse property taxes for the three properties of Utah Housing Corporation. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

OPEN BIDS FOR PURCHASE/INSTALLATION OF WATER HEATER FOR GREEN RIVER  
COUNTY BUILDING. CONSIDERATION AND APPROVAL OF BID AWARD AND  
ASSOCIATED PAPERWORK.

One bid was received for purchase/installation of water heater for Green River County Building from Anderson Plumbing. The bid included the cost for a residential water heater at \$1,045.00 and a commercial propane water heater at \$2,745.00 including installation. Commissioner Keith Brady made a motion to authorize Commission Chairman to determine which is the best purchase option and have the County Attorney determine if a contract is needed. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

TED BLACK, UTAH STATE FIRE MARSHAL, PRESENTATION AND DISCUSSION OF PROPOSED CHANGES TO WILDLAND-URBAN INTERFACE ORDINANCE.

Ted Black, Utah State Fire Marshall discussed proposed changes to the Wildland-Urban Interface Ordinance. Mr. Black explained that two years ago legislation introduced changes relative to codes in small counties, not so much building codes and fire codes but with Wildland Fire-Urban Interface Codes. These are changes that can be made locally. This ordinance can be made by the county without any action from the state. These changes have been approved by the State Forester. Counties have the authority to adopt all of these changes, some of them or none of them. He indicated it is their recommendation to adopt it as it is written. He reviewed the three sections that are proposed for changes. Section 4-5-1: Adoption of Minimum Standards, 4-5-2: Areas Designated, and 4-5-3: Administration and Enforcement.

(11)

COMMISSION/ELECTED OFFICIAL REPORTS.*Commissioner Keith Brady*

Commissioner Brady reported on the Tourism Board's efforts to push tourism in Emery County. The board has hired Roger Brooks from Salt Lake City, considered to be a tourism destination guru, to help the county develop a tourism plan. The board is trying to get the communities in the county to develop their own tourism plan. Emery County Business Chamber will hold their monthly meeting this month on March 18<sup>th</sup> at 6:30 pm at Miller's Landing. He encouraged business owners to attend. The cost is \$20.00 per plate.

*Commissioner Paul Cowley*

Commissioner Cowley reported receiving a visit by a concerned business owner regarding the designation of 'day use only' on Cottonwood Creek. He indicated that there has been a misconception by the bouldering group that frequent that area. The pull off areas are not being closed. Overnight camping along the Cottonwood Creek is prohibited. Campsites in Cottonwood Canyon are being developed to encourage the group to move away from camping along the creek. He has received word from a few concerned citizens regarding gate closings on the forest. He indicated that this is a delicate issue. The Forest Service is concerned about travel on wet roads causing ruts. The Sheriff is working through this issue with the Forest Service. They hope to make the situation equitable for both sides of the issue. Commissioner Cowley met with key people involved with the Huntington Creek Debris Basin. They tested the system for issues prior to the spring run-off season. Commissioner Cowley asked Jan Luke for a total cost

of the project. He indicated that he hoped to use the information to counteract the Forest Service's 'let it burn' policy. He indicated that he felt that we are not out of the woods yet. Not sure how the run-off will affect irrigation systems.

He talked about going to the legislature with Attorney Michael Olsen. The visited with legislators regarding the proposed bill to expand Goblin Valley and the fact that the bill is premature and will under mind what Emery County has been working on for years now. He stated he felt it was disheartening that we have people with this kind of mind set.

*Commissioner Ethan Migliori*

Commissioner Migliori reported on legislation from Congressman Eliason's proposed expansion of Goblin Valley. The proposed bill goes before the Resource Committee on Wednesday. He asked everyone to go onto the state website and oppose the legislation. The bill is premature. It needs to come after the county's bill. The water users group is working on definition of Public Water Systems. The Care Center continues their work to improve the center. They thanked the county for the Upper Limit payment that aided them in obtaining the funds they need. He talked about Deer Creek closing. He also talked about other businesses that are expanding or relocating to Emery County. We have a new refinery in Green River. He indicated that good things are happening in Emery County and asked that people not get frustrated. The cities are working to develop an economic plan to encourage businesses to locate in their communities. He talked about Emery High's Basketball Tournament and the last minute frustration loss. The girls did well in their tournament. Emery High had the most students receive all-state academic /athletic awards. Emery's Swim Team took state competition.

*Sheriff Greg Funk*

Sheriff Funk talked about House Bill 348 which will switch felony drug possession to misdemeanors. It will shift the burden from the state to the county and the community. They are enforcing this without an actual solution. He stated that the County will lose COP money. He explained that when we arrest someone for a felony drug possession we can bill the state for their stay in our jail. This will shift this cost back to us.

Attorney Michael Olsen indicated the Association of County Attorneys has spoke out in opposition of the bill. He reported that the AOCA has been doing due diligence in trying to prevent the bill from moving forward. They are trying to get the legislators to soften their legislation changes that they have made. This bill will shift the burden from the state to the counties. This will have a big impact on public safety and treatment. The tax payers will have to foot the bill for things for which the state currently reimburses the county. They claim that there is more to come.

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Phil Fauver asked the Commissioners if the County would be interested in helping Castle Dale and Orangeville build a walking trail along the river between the two cities?

Commissioner Migliori indicated that he has had conversations with individuals that showed interest in this matter. He suggested creating a series of routes and prioritize them a-z and work through the list.

Phil asked if there were any changes at the Huntington Airport? Commissioner Cowley indicated that Mr. DeFriez is the manager at the airport. He has renovated the home there and has a renter in the home who is like a curator for the airport. The renter will provide security and cleaning the airport grounds and maintaining the house and the yard.

Mr. Fauver asked for an update on the Russian Olive removal process. The Commissioners indicated that they don't have any updated information. They will ask Weed/Mosquito Director, Cory Worwood to provide an update of that project in a future commission meeting.

(12)

ADJOURN

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 17, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Keith Brady, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens. Commissioner Paul Cowley was absent as he was in Washington D.C. meeting with legislators regarding Emery County's Land Use Bill. Therefore, Commissioner Ethan Migliori stepped down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 235109 through and including # 235241 were presented for payment. Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
16-15	Kenco Barrier Lift Sheriff/Huntington Debris Basin	\$3,680.00
17-15	AED's for patrol vehicles Sheriff	\$25,095.00

One disposition was presented for a calculator from the Commission Office.

(2)

APPROVAL OF 3% INCREASE FOR CHELSEA GUYMON WHO HAS SUCCESSFULLY COMPLETED HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 3/30/15

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED MARCH 3, 2015.

Motion to approve the Consent Agenda was made by Commissioner Keith Brady, seconded by Commissioner Ethan Migliori. The motion passed.

COMMISSION MEETING MINUTES  
MARCH 17, 2015

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

(2)

JULIE JONES, EMERY COUNTY RECREATION SSD- UPDATE ON THE 2015 EMERY COUNTY FAIR. REQUEST AND APPROVAL FOR BUDGET INCREASE TO BRING IN VENDORS AND ENTERTAINMENT.

Julie Jones, Emery County Recreation Special Service District Board Member and Chairman of the Emery County Fair Committee came before the Board of Commissioners to request additional funding for the 2015 fair. She indicated that this is her third year overseeing the fair. She stated she understands that the budget has already been set and she should have addressed the need for additional funds back in October. She addressed the costs associated with the fair. She expressed concern that many of the entertainment and venues that they are interested in getting have to be booked two years in advance. The county budgets \$55,000.00 for the fair. The Recreation District puts in \$10,000.00. This gives the Fair Committee \$65,000.00 to work with. The biggest expense is generally the concert. She indicated that the committee generally chooses a country entertainer for the concert simply because they are less expensive. She indicated the committee would like to offer some diversity with the entertainment but the cost are more than the budget allows. Ms. Jones commented that her reason for being here today was to beg for help to make the fair better every year. Commissioner Brady asked for the date of the next Fair Committee meeting.

(3)

JUSTIN HART, UTAH DIVISION OF WILDLIFE RESOURCES, DISCUSSION AND POSSIBLE APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE UTAH DIVISION OF WILDLIFE RESOURCES AND THE UTAH DIVISION OF STATE PARKS AND RECREATION AND EMERY COUNTY FOR BOAT RAMP EXTENSION AND PARKING EXPANSION DESIGN AT JOE'S VALLEY RESERVOIR.

Justin Hart, Utah Division of Wildlife Resources came before the Board of Commissioners to discuss the possible approval of a cooperative agreement between the Utah Division of Wildlife Resources and the Utah Division of State Parks and Recreation and Emery County for a boat ramp extension and parking expansion design at Joe's Valley Reservoir. Mr. Hart explained that in 2004 the Utah Division of Wildlife Resources and Utah Division of State Parks and Recreation and Emery County entered into a cooperative agreement to build a new boat ramp at Joe's Valley Reservoir. The project ran through the county. Two years ago the ramp ran out



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150 feet due to low water levels. At that time Emery Water Conservancy District came in and provided a temporary extension to the boat ramp. Due to increased use of the ramp to access Joe's Valley Reservoir the Division would like to permanently extend the ramp, expand parking and provide a washing station for quagga mussels. Currently the area is not set up to mitigate the mussel issue. Mr. Hart indicated that the Division has set aside up to \$45,000.00 for Phase 1 of the project which is the engineering and design work on extending the boat ramp. He asked that the county handle the bidding process for the project. Mr. Hart indicated that the project has to be done in the year that the money has been set aside for the project. The Division has a contingency plan if the project goes over budget and has to apply for additional funds. Mike Olsen asked what happens if Phase 2 is not funded? Mr. Hart indicated that Phase 2 is unofficially on the books, although nothing is absolutely certain. He added that temporary measures have been taken, if the water remains low, to ensure that people will still be able to access the boat ramp for this coming season. Commissioner Keith Brady made a motion to authorize Attorney Michael Olsen to work with Mr. Hart to make any necessary changes to the Cooperative Agreement between the Utah Division of Wildlife Resources and the Utah Division of State Parks and Recreation and Emery County and then subsequent approval of said agreement. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

TODD THORNE, CDBG AND RLF, PRESENTATION EXPLAINING THESE PROGRAMS.

Todd Thorne, South Eastern Utah Association of Local Governments Program Manager came before the Board of Commissioners to explain and introduce the Community Development Block Grant Program and Revolving Loan Fund to the commissioners and remind them of these available resources. The CDBG Program is offered to the county, cities, water/sewer, and other agencies. These entities/agencies may apply for grants through this program to assist in their programs. This money if not used gets sent back up to Salt Lake to be used there. They work closely with these agencies to inform them on how the program works and rating and ranking projects for possible funding. The RLF is a gap financing program for businesses to help with expansion. Phil Fauver asked Mr. Thorne how they handle ones who default on their loans. Mr. Thorne indicated at they have a loan review committee that reviews all the loans on a regular basis and make every attempt to recover the funds.

(5)

OPEN AND READ ALOUD REQUEST FOR PROPOSALS FOR ORANGEVILLE LIBRARY JANITORIAL SERVICES APPROVAL OF RFP AWARD AND ASSOCIATED PAPERWORK.

Two bids were received for the Orangeville Library Janitorial Services. The bids were opened and read aloud. 1). Randal and Pauline Stilson- \$24.00 a day for 5 days a week for a total of

COMMISSION MEETING MINUTES  
MARCH 17, 2015

\$120.00 per week. 2). Melody Hoffman- \$270.00 per month. Commissioner Ethan Migliori made a motion to compare the bids with Library Director, Carole Larsen and if are comparable then award the bid to the low bidder Melody Hoffman for \$270.00 per month. The motion was seconded by Commissioner Keith Brady. The motion passed.

(6)

RATIFY APPROVAL AND POSSIBLE AMENDMENTS TO THE EMERY COUNTY LIBRARY CARD POLICY.

County Attorney Michael Olsen had some recommendations for the Library Board to consider and asked that the Commissioners table this matter and the other Library policy issues on the agenda to allow time to review his recommendations with the board. If the board agrees with his recommendations the policy could be brought back to Commission Meeting for approval in the next meeting. Commissioner Ethan Migliori made a motion to table item number 6 until the April 7, 2015 Commission Meeting. The motion was seconded by Commissioner Keith Brady. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LIBRARY COMPUTER USE POLICY.

Commissioner Ethan Migliori made a motion to table item number 7 until the April 7, 2015 Commission Meeting. The motion was seconded by Commissioner Keith Brady. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LIBRARY RESOLUTION 2015 1 AMENDING THE COLLECTION MANAGEMENT/DEVELOPMENT POLICY FOR GIFT AND DONATED MATERIALS.

Commissioner Keith Brady made a motion to table item 8 until the April 7, 2015 Commission Meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF APPOINTMENT OF STACEY CONOVER TO THE EMERY COUNTY TRAVEL BUREAU.

Commissioner Ethan Migliori made a motion to appoint Stacey Conover to the Emery County Travel Bureau. The motion was seconded by Commissioner Keith Brady. The motion passed. Stacey will take the place of Mark H. Williams.

COMMISSION MEETING MINUTES  
MARCH 17, 2015

(10)

CONSIDERATION AND APPROVAL FOR EMERY COUNTY TREASURER TO ENTER INTO TAX DEFERRAL AGREEMENTS FOR REQUESTS FOR CITIZENS TO AVOID HAVING THEIR PROPERTY SOLD IN THE MAY TAX SALE SUBJECT TO RATIFICATION BY THE BOARD OF COMMISSIONERS.

Treasurer Steven Barton explained the Tax Deferral Agreements. He explained that his office does everything possible to avoid placing property on the May Tax Sale. The Tax Deferral Agreement allows the property owner until November 30<sup>th</sup> when the 2015 taxes will become due to pay the back taxes. If not taken care of at that time it will be placed on the May Tax Sale list for the next year. Mr. Barton indicated that there were 22 parcels that have been delinquent for 5 years. His office sends notice each year and reminds them to bring the taxes current. The property owner has until May 1<sup>st</sup> of the fifth year to bring the taxes current. Mr. Barton asked for authority to tell the owner Tax Deferral Agreement is an option. He will bring each individual agreement before the board of Commissioners to be ratified. He stated that Emery County does not want to sell property from anyone. However, at some point we have to correct the issue. Commissioner Keith Brady made a motion to authorize Treasurer Steven Barton to offer the Tax Deferral Agreement to citizens to avoid the May Tax Sale. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

DISCUSSION AND APPROVAL OF AGREEMENT WITH ZIONS WEALTH ADVISORS DBA CANTANGO CAPITAL ADVISORS, INC. FOR THE PROVISION OF INVESTMENT ADVISORY SERVICES.

Treasurer Steven Barton discussed investment services. Emery County has excess funds invested in a PTIF account at .15 percent interest rate. He stated he looked at alternatives to try and get a better return on the investment. He has talked with other treasurers in the state. He found that three other counties, as well as some school districts and special service districts are invested with Zions Wealth Advisors DBA Cantango Capital Advisors, Inc. He stated he feels comfortable with the company. He proposed pursuing further discussions with Zions Wealth Advisors the possibility of transferring funds from PTIF to them and let them do the investing. He stated as with any investment the return is not guaranteed. He discussed briefly the terms of investment with the company. Commissioner Ethan Migliori made a motion to authorize Steven Barton to pursue investment possibilities with Zions Wealth Advisors DBA Cantango Capital Advisors, LLC. The motion was seconded by Commissioner Keith Brady. The motion passed.

6

COMMISSION MEETING MINUTES  
MARCH 17, 2015

(12)

REVIEW BIDS FOR SOUTH MOORE PHASE 10 PROJECT AND APPROVE BID AWARD PER AGREEMENT WITH UDOT.

There were two bids for the South Moore Phase 10 Project.

- |                                |              |
|--------------------------------|--------------|
| 1) Nielson Construction        | \$737,174.70 |
| 2) Brown Brothers Construction | \$826,909.00 |

Commissioner Ethan Migliori made a motion to award the bid for the South Moore Phase 10 Project to the low bidder Nielson Construction and proceed with the proper documents to UDOT to proceed with that project. The motion was seconded by Commissioner Keith Brady. The motion passed.

(13)

COMMISSION AND ELECTED OFFICIALS REPORTS.

*Commissioner Brady*

Commissioner Brady reported that the Emery County Business Chamber will host a banquet on March 18, 2015 at Miller's Landing beginning at 6:30. The Aquatic Center now has a facebook page where you can sign up for swimming lesson and receive pool information. He continues his work with the cities to focus on a tourism marketing plan.

*Commissioner Migliori*

Commissioner Migliori reported on a geo cache event with five Utah State Parks, three of which are in Emery County. The library system will have Ipad training sessions. Details will be announced soon. County employees are participating in defensive driving and sexual harassment training. He discussed the shortage of EMT's in the Castle Dale, Orangeville and Green River areas. If interested contact Jim Gordon or the Commission Office. Rocky Mountain Power has two solar power projects in the works.

(14)

ADJOURNMENT

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

# **Meeting Minutes 04/07/15**

## **Discussion regarding Justice Court Clerk/DMV Clerk Position**

Present at the meeting were: Ethan Migliori, Keith Brady, Paul Cowley, Steve Stream, Brenda Tuttle, Kris Bell, Mike Olsen

One of the biggest issues with this position is how long it will take to train a new person. Steve Stream felt that the new person would be trained on the basics which would require them to come to Castle Dale two days a week. Training time would be split between the justice court and motor vehicle. It was discussed that the county would leave a vehicle in Green River during the training time to avoid having large mileage reimbursement costs. It was then discussed that the first few weeks the new employee might work 40 hours to enable more training time and then adjust hours later in the year to avoid going over the required hours.

Steve Stream has discussed with the State Court officials combining our two court precincts into one. That would eliminate the need to hold court in Green River twice a month. We could only hold court once a month which would save costs in having to send people to Green River. One of the issues we are having now is that all Green River mail is being forwarded to Castle Dale. Sometimes it takes up to three weeks for it to get to Castle Dale. Eliminating the two precincts would allow the permanent address to be Castle Dale eliminating the need to forward the mail. The down side to eliminating the other precinct would be it is very difficult to divide back into two precincts if the need arose.

It was the consensus of the group to put out the job application announcement for a 29 hr pro-rated benefit justice court/motor vehicle clerk as soon as it was ready.

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

APRIL 21, 2015

Present at the meeting was Board Chairman Ethan Migliori, Commissioner Keith Brady, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

Commissioner Paul Cowley was absent from the meeting. Commissioner Ethan Migliori stepped down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 235608 through and including # 235745 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
22-15	Asus Tablet Sheriff/Communications	\$ 682.88

The following dispositions were presented for approval:

144-7332 copier, 136-6113 plotter, 143-7117 battery back-up, 143-7116 battery back-up, 413-7118 battery back-up, 143-5133 copier, 143-9046 copier, 580-8524 vacuum.

(2)

NOTIFICATION THAT TWO OF THE FOUR WEED & MOSQUITO SEASONAL EMPLOYEES SELECTED FOR THIS SEASON ARE ERIK NIELSEN BEGINNING MAY 26<sup>TH</sup> AND JADEN OLSEN BEGINNING MAY 11<sup>TH</sup>.

(3)

APPROVE KYLEE JONES TO BE VOLUNTEER AT THE MUSEUM OF THE SAN RAFAEL.

2

COMMISSION MEETING MINUTES  
APRIL 21, 2015

(4)

APPROVAL TO START THE RECRUITMENT PROCESS FOR A SEASONAL MUSEUM CLERK.

(5)

APPROVAL TO START THE RECRUITMENT PROCESS FOR TWO (2) SEASONAL OFFICE SPECIALISTS FOR IT/RECORDER'S OFFICE.

(6)

APPROVAL TO START THE RECRUITMENT PROCESS FOR A JUSTICE COURT CLERK/DMV TECHNICIAN IN GREEN RIVER. THIS WILL BE A REGULAR PART TIME POSITION WORKING 29 HOURS PER WEEK WITH PRORATED BENEFITS.

(7)

APPROVAL TO START THE RECRUITMENT PROCESS FOR TWO (2) SEASONAL LIFEGUARDS.

(8)

APPROVAL OF 3% WAGE INCREASE FOR EGAN SMITH AFTER SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD.

(9)

APPROVAL TO INCREASE TIM LACOCK'S HOURS, LIBRARY MAINTENANCE WORKER, TO 19 3/4 HOURS PER WEEK TO INCLUDE EXTRA DUTIES AT THE MUSEUM OF THE SAN RAFAEL AND PIONEER MUSEUM.

(10)

APPROVAL TO ADVERTISE , TEST, AND CREATE A ROSTER FOR A CIVILIAN DISPATCHER AND JAILER AT THE SHERIFF'S OFFICE THAT WOULD BE GOOD FOR ONE YEAR.

(11)

APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 7, 2015.

Commissioner Keith Brady made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

COMMISSION MEETING MINUTES  
APRIL 21, 2015

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA

Nothing was pulled for discussion.

(2)  
PRESENTATION OF EMPLOYEE OF THE MONTH.

Commissioner Ethan Migliori presented Employee of the Month to Janalee Luke. Janalee was hired September 19, 2003, a part time Deputy Clerk/Auditor. Janalee applied for the position as a Correction Secretary and was awarded this full time position June 6, 2007. In the past 8 years as a Correction Secretary Jan has willingly taken on whatever tasks and/or duties have been assigned to her. She goes above and beyond in all requests that are given her. In addition to her Correction Secretary duties she maintains the sex offender registry. With the recent Seely Fire and subsequent flooding Jan assumed the big role as Assistant Emergency Manager. During the Seely Fire she assisted the Type II Management Team for Emery County as a Public Information Officer (PIO). She excelled in this capacity. Her reports as always very thorough and accurate. Her grant writing skills are incredible and she has been able to secure hundreds of thousands of dollars for the county. Even those who are teaching the Grant Writing class have commented on her impeccable ability. Jan is a very good employee and can work with anyone. Jan enjoys running and competing in half marathons in her spare time.

Janalee was presented with a plaque and Emery County Business Chamber Bucks.

(3)  
OPEN REQUESTS (RFP) ON AQUATIC CENTER PARKING LOT PROJECT.  
CONSIDERATION AND APPROVAL TO AUTHORIZE THE CHAIRMAN TO SIGN THE  
REQUIRED PAPERWORK AND ENTER INTO A CONTRACT AFTER  
COMPARISON/SCORING OF RFP'S.

Proposals were opened from three companies providing an RFP on the Aquatic Center Parking Lot Project.

- 1) Top Job Asphalt           \$12,297.00
- 2) Bonneville Asphalt & Repair LLC   \$12,686.80
- 3) Superior Striping Inc.   \$19,486.77



COMMISSION MEETING MINUTES  
APRIL 21, 2015

Commissioner Keith Brady made a motion to authorize the Chairman to work with the County Attorney to determine the qualified lowest proposal and prepare a contract for signature. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

JARED ANDERSON, EMERY COUNTY BUSINESS CHAMBER, REQUEST FOR DONATION.

Jared Anderson, President of the Emery County Business Chamber came before the Board of Commissioners to request a donation to the Chamber and be considered in the budgeting process for 2016. He requested a \$500.00 donation that will assist the chamber in their ongoing operations and efforts to promote business and economic growth in Emery County. He added that the Chamber provides Lunch & Learn seminars on a regular basis that encourages and fosters businesses in the county. Commissioner Migliori praised the Business Chamber for their efforts to increase business and economic growth in Emery County. He indicated that he agreed that the Chamber's request needs to be included in the budgeting process. He added that the Commission's normal donation is \$250.00. Commissioner Ethan Migliori made a motion to donate \$250.00 to the Emery County Business Chamber and invite them to participate in the budget process for 2016. The motion was seconded by Commissioner Keith Brady. The motion passed.

(5)

APPROVAL TO ADVERTISE FOR REQUEST FOR PROPOSALS (RFP) FOR LAWN CARE SERVICES FOR THE MUSEUM OF THE SAN RAFAEL, COURTHOUSE, CASTLE DALE SENIOR CITIZEN CENTER AND AQUATIC CENTER.

Commissioner Ethan Migliori made a motion to approve advertising for proposals (RFP) for lawn care services for the Museum of the San Rafael Courthouse, Castle Dale Sr. Citizen Center and Aquatic Center. The motion was seconded by Commissioner Keith Brady. The motion passed.

(6)

REQUEST APPROVAL TO ADVERTISE FOR A MID-TERM VACANCY ON THE BOARD OF DIRECTORS FOR THE MUSEUM OF THE SAN RAFAEL.

Nancy Espanet has stepped down from the Board of Directors for the Museum of the San Rafael so advertising for a replacement was requested by the Museum Board.

Commissioner Keith Brady made a motion to advertise for a mid term vacancy on the Board of Directors for the Museum of the San Rafael. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

COMMISSION MEETING MINUTES  
APRIL 21, 2015

(7)

CONSIDERATION AND APPROVAL OF 2015 BROADCASTING AGREEMENT WITH AT YOUR LEISURE.

Chad Booth, At Your Leisure came before the Board of Commissioners request approval of 2015 Broadcasting Agreement with At Your Leisure. AYL is a 30 minute feature segment that airs on ABC 4 on Saturday at 10:30 pm plus other channels throughout the broadcasting system. The broadcast is destination oriented stories. The destinations are chosen by the Travel Bureau. The agreement has been reviewed and is recommended by the Travel Bureau. Attorney Michael Olsen asked a few questions regarding the agreement and just what is provided. The agreement provides for 5 feature stories at a cost of \$12,000.00 for a total of 25 minutes air time. Mr. Booth suggested considering 30 second spot advertisements sponsored by local businesses that are associated with the destinations being broadcast. The spot advertisements would be paid by the sponsoring business. Commissioner Keith Brady made a motion to accept a Broadcasting Agreement with AYL. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

RATIFY APPROVAL AND POSSIBLE AMENDMENTS TO THE EMERY COUNTY LIBRARY CARD POLICY.

Commissioner Ethan Migliori made a motion to ratify approval of the Emery County Library Card Policy. The motion was seconded by Commissioner Keith Brady. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LIBRARY COMPUTER USE POLICY.

Commissioner Keith Brady made a motion to approve of Emery County Library Computer Use Policy. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LIBRARY RESOLUTION 2015-1 AMENDING THE COLLECTION MANAGEMENT/DEVELOPMENT POLICY FOR GIFT AND DONATED MATERIALS.

Commissioner Ethan Migliori made a motion to approve of Resolution 2015-1 amending the Collection Management/Development Policy for Gift and Donated Materials. The motion was seconded by Commissioner Keith Brady. The motion passed.

COMMISSION MEETING MINUTES  
APRIL 21, 2015

(11)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Brady*

Commissioner Brady reported on the various ribbon cutting events in the county in the last two weeks. There have been five new businesses venture out and open up for business. There will be another on Friday in Green River. Grand County Credit Union will have their official ribbon cutting. He reported on attending a diversion dam meeting in Green River.

*Commissioner Migliori*

Commissioner Migliori reported on Emery County Fair activity. The next fair meeting will be 28<sup>th</sup> of April. The Museum of the San Rafael will host tours on the Buckhorn on May 2<sup>nd</sup>. May 9<sup>th</sup> is Family Day at the Museum of the San Rafael. The Emery County Library is hosting a computer literacy class at the Castle Dale Library. Contact Roxanne Jensen at the Castle Dale Library. The outdoor pool will officially open to the public on Memorial Weekend.

Wayde Nielsen, Road Supervisor discussed a situation with a damaged bridge in Huntington. He is seeking approval to move the project quickly to get the repairs done on the bridge. The Road Department has funds allocated to make those repairs. The road where the bridge is located is closed at this time. He asked for permission to bypass the advertising phase of the project which is two weeks and call the contractors that they normally work with and get proposals quickly so they can move forward and take preventative action to correct the damage to the bridge. The Commissioners gave permission to proceed with the project and ratify the decision to approve the emergency procurement in the next Commission Meeting.

(12)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 5, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Keith Brady, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

Commissioner Paul Cowley will be arriving to the meeting late. Therefore, Commissioner Ethan Migliori will step down when necessary to execute motions as needed.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS

The Warrant Check Edit List # 235830 through and including #235932 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
23-15	Truck bed for 2015 Dodge Truck Weed/Mosquito	\$2,350.00
24-15	Panasonic Toughbook 54 Lite Sheriff	\$1,579.15
25-15	Apple Ipad Air 2 64GB Sheriff	629.99

Dispositions were presented for a microwave from the Aquatic Center #2111, a water heater from the Library.

(2)

APPROVAL TO HIRE JORDAN LEONARD AS A FULL TIME ECONOMIC  
DEVELOPMENT DIRECTOR, FLSA EXEMPT WITH FULL BENEFITS. WAGE GRADE 22  
@ \$23.97 PER HOUR.

2

COMMISSION MEETING MINUTES  
MAY 5, 2015

(3)

APPROVAL OF THE FOLLOWING VOLUNTEERS WITH THE HUNTINGTON LIBRARY:  
BRANDY WAGNER, JOYCE GUYMON, STEPHANIE OVIATT, ALYSSA HESS, ALEVA  
COOK, KORI COOK, AIDAN MORTENSEN, MEGAN HESS, AND CRISSANNE  
DURRANT.

(4)

APPROVAL TO REHIRE LANDON FEHLBERG AS A SEASONAL COMMUNICATION  
TECHNICIAN EFFECTIVE 5-11-15. WAGE \$13.00 PER HOUR.

(5)

APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 21, 2015.

Commissioner Keith Brady made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

There was nothing pulled for discussion.

(2)

EMPLOYEE OF THE MONTH

Commissioner Migliori presented Employee of the Month to Loyette Holdaway. Loyette started working for the library system in 1985 as the assistant librarian in Huntington. In 1994 she became the head librarian in Elmo when the Elmo library was built. In 2004 she moved again to the Cleveland library to take over the head librarian job there after the retirement of Mickey Carter. She has worked in the library system for 29 years. Loyette is an asset to the system. She is a very hard worker. She is creative and makes the library an inviting place to be. She is very personable and works well with the patrons. She has many school classes come from Cleveland Elementary and the kids love her. Even though it isn't her job to read to them, she continues to do that because she loves the kids and likes to get them excited about reading. She is involved in other aspects in the community, like community theater. She can act and has an incredible singing voice, which helps her do fun story times. Commissioner Migliori presented Loyette with a certificate of appreciation and Emery County Business Chamber Bucks.

3

COMMISSION MEETING MINUTES  
MAY 5, 2015

(3)

OPEN BIDS FOR LAWN/FERTILIZER/AERATION AT COURTHOUSE, ROAD DEPARTMENT AND MUSEUM. CONSIDERATION AND APPROVAL TO AUTHORIZE CHAIRMAN TO ENTER INTO CONTRACT WITH VENDOR AFTER REVIEW OF BIDS.

Bids were opened for lawn/fertilizer/aeration at the Courthouse, Road Department and Museum of the San Rafael. One bid was received from Spade Pest Control in the amount of \$395.00. Commissioner Keith Brady made a motion to authorize Commission Chairman to enter into contract with Spade Pest Control after review of the bid. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

OPEN COMPETITIVE PROPOSALS FOR ELECTRICAL EVALUATION OF THE COURTHOUSE. CONSIDERATION AND APPROVAL TO AUTHORIZE CHAIRMAN TO ENTER INTO CONTRACT WITH VENDOR AFTER REVIEW OF PROPOSALS.

Proposals were opened for electrical evaluation of the courthouse. One proposal was received from Christensen Electrical Contractors. Commissioner Keith Brady made a motion to evaluate the proposal and upon satisfaction authorize Commission Chairman to enter into contract with Christensen Electrical Contractors for an electrical evaluation of the courthouse. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

RATIFY DECISION TO APPROVE EMERGENCY PROCUREMENT FOR REPAIRS TO THE MARSHALL BRIDGE.

Commissioner Keith Brady made a motion to ratify the decision to approve emergency procurement for repairs to the Marshall Bridge. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT WITH JOHANSEN AND TUTTLE ENGINEERING FOR REPAIRS TO THE MARSHALL BRIDGE IMPROVEMENT PROJECT.

Commissioner Keith Brady made a motion to approve of an Engineering Contract with Johansen & Tuttle Engineering for repairs to the Marshall Bridge Improvement Project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

COMMISSION MEETING MINUTES  
MAY 5, 2015

(7)

OPEN BIDS AND AUTHORIZE THE CHAIRMAN TO SIGN THE NOTICE OF AWARD AND OTHER PAPERWORK TO EXPEDITE THE MARSHALL BRIDGE IMPROVEMENT PROJECT AFTER RECOMMENDATION OF THE ENGINEER.

Bids were opened for Marshall Bridge Improvement Project. Bids were as follow:

- |                          |             |
|--------------------------|-------------|
| 1) Double E Construction | \$52,686.50 |
| 2) Nielson Construction  | \$40,115.00 |
| 3) Nelco Contractors     | \$35,174.40 |

Commissioner Keith Brady made a motion to authorize Commission Chairman Ethan Migliori and Johansen & Tuttle to compare the bids and upon satisfaction award the bid to the apparent low bidder, Nelco Contractors and sign the notice of award and subsequent paperwork. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

EMERY HIGH SCHOOL STUDENT COUNCIL, REQUEST APPROVAL TO WAIVE RENTAL FEE FOR USE OF AQUATIC CENTER FOR GRADUATION SMASH-A NATION PARTY.

Emery High School Student Council President, Kayden Parkins came before the Board of Commissioners to request approval to waive the rental fee for the use of the Aquatic Center for 2015 Graduation Smash-A-Nation Party. He explained that the Government Youth Council (GYC) has been disbanded so responsibility for the graduation party has passed to the student council. He stated it was their understanding that Emery High School gets 2 free swim days. They have already used one day and would like to use the other free day for a graduation party. Commissioner Brady stated it was his understanding that the elementary schools have paid \$40.00 per hour for a lifeguard on duty. Commissioner Migliori indicated that he would like to look at the agreement that the county has with the school district to review the language regarding free swim days. He stated he is aware that the school district owned the land and paid for the parking lot at the swimming pool and that in exchange the schools get swimming privileges during school days as part of their incentive program. Commissioner Keith Brady made a motion to review the contract/agreement with the Emery County School District and to follow what the contract/agreement states regarding free swim days and if not addressed in the agreement then the charge could be as much as \$120.00 to \$160.00 for use of the lifeguards. The motion was seconded by Commissioner Paul Cowley. The motion passed.

COMMISSION MEETING MINUTES  
MAY 5, 2015

(9)

JESSICA LINDLEY, REPRESENTING MISS EMERY PAGEANT, REQUEST APPROVAL TO WAIVE RENTAL FEE FOR USE OF THE AQUATIC CENTER FOR CONTESTANTS OF THIS YEAR'S MISS EMERY PAGEANTS FOR A POOL DAY.

Jessica Lindley, representing Miss Emery Pageant came before the Board of Commissioner to request approval to waive the rental for use of the Aquatic Center for a pool party for contestants of this year's Miss Emery Pageant. She indicated that last year they had 47 contestants overall participating in the pageant. Girls pay to enter the pageant but the fees go toward the costs involved in sending Miss Emery to state competition. BK's has donated the pizzas for the party. She requested approval to close the pool from 6-8 on June 4, 2015 and waive the rental fee for the contestants. The Commissioners discussed charging the \$40.00 per hour for a lifeguard on duty. Brenda Tuttle reminded the Commissioners that Emery County pays the bills for the Emery County Fair/Miss Emery Pageant so the county would be charging themselves to get paid for the use of lifeguards. Therefore, Commissioner Keith Brady made a motion to approve the request to waive the rental fee for use of the Aquatic Center for contestants of this year's Miss Emery Pageant for a pool day. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF ROW GRANT SERIAL NUMBER UTU-89586 WITH THE BUREAU OF LAND MANAGEMENT FOR EXISTING ROAD KNOWN AS GILLIES RANCH TO HORSE BENCH AND GILLIES RANCH (FRENCHMAN'S)

Commissioner Keith Brady made a motion to approve of a ROW Grant for the maintenance of existing roads known as Gillies Ranch to Horse Bench and Gillies Ranch (Frenchman), serial number UTU-89586. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

REVIEW AND APPROVAL OF ASSURANCES RELATING TO REAL PROPERTY ACQUISITION- NRCS ADS-78.

The Assurances Relating to Real Property Acquisition certifies that work was properly performed on the Huntington City Creek to remedy and repair flood damage caused by the Seely Fire in the Huntington Canyon drainage and construction easements were granted by each property owner. Attorney Michael Olsen has reviewed the document and recommends signing said document. Commissioner Paul Cowley made a motion to approve of Assurances Relating to Real Property Acquisition- NRCS ADS -78. The motion was seconded by Commissioner Keith Brady. The motion passed.



COMMISSION MEETING MINUTES  
MAY 5, 2015

(12)

CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH FOR PROVIDING BAILIFF AND SECURITY SERVICES FOR DISTRICT AND JUVENILE COURTS.

Sheriff Funk indicated that he as able to negotiate a higher rate for bailiff and security services. This new contract reflects the new rate at\$16,458.00. The contract has been reviewed by County Attorney Michael Olsen and Sheriff Funk. Commissioner Keith Brady made a motion to approve of a contract with the State of Utah for providing bailiff and security services for District and Juvenile Courts. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

APPROVAL TO ADOPT HEALTHCARE BLUE BOOK AS AN ADDITIONAL BENEFIT FOR FULL TIME EMPLOYEES. EFFECTIVE 7-1-15 (60 DAY NOTICE). COST PER EMPLOYEE PER MONTH WILL BE \$1.90 X 119 EMPLOYEES = \$2,713.20 ANNUALLY. PLUS PARTICIPANTS WHO UTILIZE "GREEN" SERVICES FOR PRE DETERMINED PROCEDURES WOULD RECEIVE A CASH CARD BASED UPON THE PROCEDURE PERFORMED.

Personnel Director, Mary Huntington explained that this program was introduced by Jeff Kelsey, Emery County's Insurance representative. This program is a link on the Meritain web page. It is an incentive program for participants to shop around for the best deal for services and pre-determined procedures. Individuals who utilize this program will receive a cash card based upon the procedure. The cost for the county to provide this program as an additional benefit for full time employees would be \$2,713.20 annually. Employees participation in this program will save the county money. Commissioner Keith Brady made a motion to adopt Healthcare Blue Book as an additional benefit for full time employees. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 FOR EMERY COUNTY JAIL MECHANICAL UPGRADE PROJECT 2014.

Change Order #1 for the Emery County Jail Mechanical Upgrade Project 2014 is for Trane to come down for 2 days to evaluate the controls for the air units and other equipment at the Jail in the amount of \$2,245.00. Retainage was held from the project in the amount of \$12,950.00. The project will be closed out with the final payment of \$15,195.00 to A. Johnson Heating. Commissioner Paul Cowley made a motion to approve of Change Order #1 for Emery County Jail Mechanical Upgrade Project 2014. The motion was seconded by Commissioner Keith

COMMISSION MEETING MINUTES  
MAY 5, 2015

Brady. The motion passed.

(15)

CONSIDERATION AND APPROVAL OF RESOLUTION COVENANTING TO NOT IMPAIR THE MINERAL LEASE REVENUES OF THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT SO AS TO NEGATIVELY IMPACT SAID DISTRICT'S ABILITY TO REPAY ITS \$200,000 MINERAL LEASE REVENUE BOND, SERIES 2015; AND RELATED MATTERS.

Clerk/Auditor Brenda Tuttle explained that the Fire District received a \$200,000.00 mineral lease bond from the CIB. The funds will be used to purchase 8 new fire trucks. The trucks have already been ordered. The Fire District has spent \$556,000.00 on these trucks already. The \$200,000.00 bond will be repaid at \$40,000.00 per year for five years. The Fire District has done this same thing in the past with no problems repaying the bond. Prior to the bond closing the CIB requires a resolution from the County covenanting to not impair the mineral lease revenues of the Fire District so as to negatively impact the repayment of the bond. She recommended the Commissioners approve Resolution 5-5-15. Commissioner Keith Brady made a motion to approve Resolution 5-5-15. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

CONSIDERATION AND APPROVAL OF PROCEDURE OF MAINTENANCE AND USAGE OF ROKON TRAIL MACHINE.

Commissioner Keith Brady made a motion to table this matter for further clarification. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

CONSIDERATION AND APPROVAL TO APPLY TO RECEIVE OHV FUNDS TO PAY FOR SITLA ADMINISTRATIVE FEES ON ROW EASEMENTS.

ECSSD#1 received a grant from CIB to purchase road easements from SITLA. They were informed that CIB will not reimburse EDSSD#1 for administrative cost by SITLA totaling \$1,750.00. SITLA personnel have informed ECSSD#1 that the County can apply and receive funds from the OHV fund to pay for these administrative costs. ECSSD #1 requested that the county pursue applying for these funds. Commissioner Paul Cowley made a motion to approve the process of applying to receive OHV funds to pay SITLA administrative fees on ROW easements. The motion was seconded by Commissioner Keith Brady. The motion passed.

COMMISSION MEETING MINUTES  
MAY 5, 2015

(18)

CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND HUNTINGTON CITY TO CONSTRUCT A COUNTY TRAIL TO BE CONNECTED TO THE HUNTINGTON CITY TRAIL.

The County has determined to construct a County trail to be connected to the Huntington City Trail. Huntington City contracted with Nielson Construction Company and has nearly completed their portion of the trail. Nielson has agreed to complete the County portion of the trail under a change order through the city. The project deadline is August 31, 2015. The price points of Huntington City's contract with Nielson are favorable and it is in the best interest of the County to take advantage of the prices of Huntington City and Nielson's contract. The Commission believes it would be in the best interest of both parties to cooperate in the construction of the trail. After looking over the contract with State Parks it was determined that the cost figures don't match up. Attorney Michael Olsen recommended approval pending corrections to the fiscal assistance agreement with Utah State Parks. Commissioner Paul Cowley made a motion to approve of an interlocal agreement between Emery County and Huntington City to construct a county trail to be connected to the Huntington City Trail pending changes to the State Parks agreement to clarify the cost of the project. The motion was seconded by Commissioner Ketih Brady. The motion passed.

(19)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Cowley*

Commissioner Cowley reported on the status of the Recreation District's Recreation Complex Improvement Project. He stated he was grateful for the BLM/County ROW Grant to maintain the Frenchman's Road. That is a bad spot that needs to be cleaned up so permittees can get their cattle out of the area.

*Commissioner Brady*

Commissioner Brady discussed UAC Conference and bills that were discussed in that conference that he is watching closely. Emery County Business Chamber will hold its Lunch & Learn on May 20, 2015.

COMMISSION MEETING MINUTES  
MAY 5, 2015

*Commissioner Migliori*

Commissioner Migliori reported that May 9<sup>th</sup> is Family Day at the Museum of the San Rafael. There is a groundbreaking in Carbon County for the Miner's Memorial. He recently met with Congressman Chaffetz staff concerning Public Lands issues as they related to the County's proposed land bill. The Emery County Fair Committee is in need of volunteers for this years fair. If interested contact Jake at the Recreation District. He reported on attending AOG Resource Management Meeting where they discussed the \$50,000.00 allocated for . They are going to CIB with that \$50,000.00 to try and get it doubled.

(20)

ADJOURNMENT.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 19, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Keith Brady, Commissioner Paul Cowley, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 236006 through and including # 236153 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
26-15	Aimpoint Micro T-2 Red Dot Sight Sheriff	\$ 690.00
27-15	Xerox Copy Machine Sheriff	\$ 9,918.00
28-15	210 MP Multi-Process Welder Highway	\$ 966.30

Dispositions were presented for GPS units #255-9557,9580,phone system #310-9454,9455,9451,9456,9458,9459,9460, printer #663-9104,wireless access point #580-9056, 9059, scanner #580-8782, sweeper vacuum #580-9067

(2)

APPROVAL TO HIRE MCKOY ALLRED, JAX GARDNER, AND TYLER COX AS SEASONAL WEED & MOSQUITO LABORERS. WAGE 11.50 PER HOUR.

2

COMMISSION MEETING MINUTES  
MAY 19, 2015

(3)

NOTIFICATION. SELECTED MORGAN CURTIS AS PART TIME HEAD LIFEGUARD WITH NO BENEFITS. WORKING UP TO 19 3/4 HOURS PER WEEK. WAGE GRADE 5.

(4)

NOTIFICATION. SELECTED PAYTN JEFFS, JESSICA OLSEN, LACI HALLS, KARRYN PARKINS, JADREE JUNTINGTON, NATE GILBERT, DARYL GUYMON, GARRETT STILSON AND ERIN OLIVERSON AS PART TIME LIFEGUARDS WORKING UP TO 19 3/4 HOURS PER WEEK. WAGE GRADE 3.

(5)

NOTIFICATION. SELECTED LYNETTE COX AS A PART TIME CUSTODIAN FOR COURT COMPLEX. WORKING 19 3/4 HOURS PER WEEK. GRADE 6.

(6)

APPROVAL OF TRACIE URIE, PEARL MORGAN, BRIN URIE, VERNA HIGBEE, LEXEE JEWKES, STEVE MURDOCK, BARBARA JONES, AND CHRISTINE JENSEN AS VOLUNTEERS FOR THE FERRON LIBRARY.

(7)

APPROVAL TO HIRE MICHAEL NELSON AS A SEASONAL HEAD LIFEGUARD. WAGE \$8.63 PER HOUR.

(8)

APPROVAL TO HIRE LEXIE HUNTINGTON AND ASHTON BELL AS SEASONAL PART TIME OFFICE SPECIALISTS WORKING 19 3/4 HOURS PER WEEK IN THE IT AND RECORDER'S OFFICE. WAGE \$8.00 PER HOUR.

(9)

APPROVAL OF TANDI OLSEN AND JANNETTA YOUNG AS VOLUNTEERS FOR THE ELMO LIBRARY.

(10)

RATIFY/APPROVAL OF OUT-OF-STATE TRAVEL TO COLORADO FOR JOHN BARNETT AND JEROD CURTIS.

(11)

RATIFY/APPROVAL OF LETTER OF ENGAGEMENT WITH KIMBALL AND ROBERTS FOR FY2014 INDEPENDENT AUDIT.

3

COMMISSION MEETING MINUTES  
MAY 19, 2015

(12)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Paul Cowley made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Keith Brady. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing was pulled.

(2)

OPEN BIDS FOR YARD CARE FOR MUSEUM OF THE SAN RAFAEL, CASTLE DALE SENIOR CENTER, AQUATIC CENTER, AND COURTHOUSE BUILDING.  
CONSIDERATION AND APPROVAL OF BID AWARD AND ENTERING INTO CONTRACT WITH APPARENT LOW BIDDER.

Bids were opened and read aloud as follow:

- 1) Gayleen Conder
- 2) Tennant Lawn Care
- 3) Allstar Property Management
- 4) Ivy Gardens

Commissioner Keith Brady made a motion to authorize the Commission Chair to review the bids to determine the lowest bid and enter into a contract with the apparent low bidder. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

DISCUSSION AND CONSIDERATION OF APPROVAL OF A TAX DEFERRAL AGREEMENT FOR KELLY J. OSTLER..

No action was taken on this item.

(4)

DISCUSSION AND CONSIDERATION OF APPROVAL OF A TAX DEFERRAL AGREEMENT FOR SOUTHWEST STONE.

Commissioner Keith Brady made a motion to authorize Treasurer Steve Barton to enter into a Tax Deferral Agreement with Southwest Stone. The motion was seconded by Commissioner

COMMISSION MEETING MINUTES  
MAY 19, 2015

Paul Cowley. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF 2015 PROPERTY TAX EXEMPTIONS FOR  
RELIGIOUS, CHARITABLE OR EDUCATIONAL PROPERTIES.

American Legion Post 42 #1-130-18	First Baptist Church of Emery County #1-126-45	Stuart B. Wilson Orient Lodge #1-151G-54
Castle Dale Independent Baptist Church #01-002C-0013	Four Corners Mental Health #1-13-46	Rocky Mountain West Baptist Mission #5-94-6 #5-93-7 #5-94-3 #5-94-5
Daughters of Utah Pioneers-Hunt #1-196-22	Green River Bible Church #1-151G-36 #1-151F-18&19	United Mine Workers Of America #4-16-14
Daughters of Utah Pioneers-Orange #1-253-18	LDS Church various #'s	
Daughters of Utah Pioneers-Elmo #1-72-16	Bread Of Life Baptist Church #1-177A-20	Utah Museum of Natural History/ University Of Utah #5-56-2 #3-130-3 #3-130-1 #3-127-1
Daughters of Utah Pioneers-CD #1-15-20	Orangeville City/ Housekeepers #1-239-52	
Desert Edge Christian Chapel #01-179-1	Rural Utah Child Development #1-180-20	Utah Housing Corporation #1-168-6
Ferron Cattleman's Association #5-87-27	Roman Catholic Church #3-50-16 #1-151H-25	Friends of Green River-PACT #1-162-7 #1-154A-22



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The Commissioners discussed applications from PACT for three additional parcels. Two parcels were for their rental units and one was for their epicenter where they conduct their business. It was discussed that they are a charitable corporation that receives donations. The rental units have the ability to create funds to pay the taxes. Commissioner Keith Brady made a motion to approve the 2015 Property Tax Exemptions for religious, charitable or educational properties and to accept parcel #1-154A-22 (the Epicenter) as tax exempt and deny parcels #1-0162-36 and #1-151f-17 as tax exempt. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

CONSIDERATION AND APPROVAL TO APPOINT DON CHILDS TO THE EMERY COUNTY CARE AND REHABILITATION BOARD OF DIRECTORS.

Commissioner Keith Brady made a motion to appoint Don Childs to the Emery County Care and Rehabilitation Board of Directors. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND BLM, PRICE FIELD OFFICE INVITING EMERY COUNTY TO BE A COOPERATING AGENCY IN PREPARATION OF THEIR TRAVEL AND TRANSPORTATION MANAGEMENT PLAN (TMP).

Public Lands Director Ray Petersen explained that the BLM Price Field Office has invited Emery County to participate as a cooperative agent in preparation of Travel and Transportation Management Plan (TMP). By law they ask agencies to participate in the process. The MOU is a standard MOU and he recommends accepting the invitation to participate in this planning process. Commissioner Paul Cowley made a motion to approve of an MOU between Emery County and BLM Price Field Office inviting Emery County to be a cooperating agency in preparation of their Travel and Transportation Management Plan (TMP) and appoint Ray Petersen as the designee from Emery County. The motion was seconded by Commissioner Keith Brady. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF RESOLUTION ON SCIENTIFIC INTEGRITY AND GREATER SAGE-GROUSE MANAGEMENT.

Public Lands Director Ray Petersen discussed a resolution in support of management of greater sage-grouse through state, local and private conservation efforts rather than federal land-use restrictions or a federal listing under the endangered species act ("ESA"). A coalition of counties, agricultural, mining and energy interests has challenged BLM's NTT Report, the U.S.

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fish and Wildlife Services's COT Report and the USGS sage grouse Monograph under the federal Data Quality Act. These challenges detail at great length serious questions of scientific integrity and transparency with the reports. Federal agencies are relying upon the reports to amend some 98 land use plans across approximately 50 million acres of BLM managed land and nine million acres of National Forests in eleven western states. The DQA requires federal agencies to ensure and maximize the quality, objectivity, utility, and integrity of information disseminated. The report fails to meet basic standards of science, resulting in misinformed policies and restrictions. Reliance on this biased and faulty information has and will continue to harm the public, greater sage-grouse and western economies. The resolution states that Emery County believes state management of wildlife is better suited to balance economic activities with robust protections for sage grouse as they developed using a bottom-up process with input from diverse stakeholders, rather than the top-down approach taken by the federal agencies, and urges the BLM, U.S. Fish and Wildlife Service and USGS to retract the reports and withdraw them from consideration in land use plan amendments and upcoming ESA listing decision for sage grouse, urges the state legislature to adopt a similar resolution, and urges Congress to delay listing sage grouse under the ESA for a period of no less than ten years to support continued local, state and private conservation efforts for sage grouse without serious and adverse effects to private property rights, economic development and western communities. Mr. Petersen indicated that 6 other counties have already adopted a resolution with this same language in support of this effort. Commissioner Paul Cowley made a motion to adopt Resolution 5-19-15 a resolution on scientific integrity and greater sage grouse. The motion was seconded by Commissioner Keith Brady. The motion passed.

(9)

SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON AMENDMENTS TO EMERY COUNTY ORDINANCE 8-7-85A REGULATING COUNTY ROADS AND RIGHTS-OF-WAY ENCROACHMENTS.

This item was tabled.

(10)

CONSIDERATION AND APPROVAL OF PLAN FOR EMERY COUNTY BEER TAX FUNDS FY2016.

Commissioner Keith Brady made a motion to approve of the plan for Emery County Beer Tax Funds FY2016 as recommended by the Sheriff's Department. The motion was seconded by Commissioner Paul Cowley. The motion passed.

7

COMMISSION MEETING MINUTES  
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(11)

APPROVAL OF ASSURANCES RELATING TO REAL PROPERTY ACQUISITION-  
SOUTH LAWRENCE SEDIMENT POND CLEANOUT.

Commissioner Paul Cowley made a motion to approve of Assurances relating to Real Property Acquisition- South Lawrence Sediment Pond Cleanout from post Seely Fire sediment. The motion was seconded by Commissioner Keith Brady. The motion passed.

(12)

APPROVAL OF ASSURANCES RELATING TO REAL PROPERTY ACQUISITION-  
HUNTINGTON/CLEVELAND IRRIGATION COMPANY SEDIMENT POND CLEANOUT.

Commissioner Paul Cowley made a motion to approve of Assurances relating to Real Property Acquisition- Huntington/Cleveland Irrigation Company Sediment Pond Cleanout post Seely Fire sediment. The motion was seconded by Commissioner Keith Brady. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF PROCEDURE OF MAINTENANCE AND USAGE  
OF ROKON TRAIL MACHINE.

This item was tabled.

(14)

COMMISSION/ELECTED OFFICIAL REPORTS.

*Commissioner Cowley*

Commissioner Cowley reported on attending the Miners Memorial dinner in Carbon County last Thursday. There were several dignitaries in attendance. There will be a farewell for Kimball Larsen and Nancy Espanet at the Museum of the San Rafael. Ray Petersen was asked to report on the efforts to accommodate the bouldering group who frequent Straight Canyon and Joe's Valley. They held a field trip up Cottonwood Canyon to visit potential campsites and along Straight Canyon for possible parking locations as part of the bouldering planning process. There will be a fly in at the Huntington Airport by the Back Country Pilots in June.

*Commissioner Brady*

Commissioner Brady reported that Department of Wildlife Resources reported that waterfowl permits have gone down resulting in the number of birds going up. It's a good time to take up bird hunting. Jordan Leonard has officially been hired as Economic Development Director for

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Emery County. He will begin working on May 26, 2015. There will be a Lunch and Learn tomorrow with Tina Carter reporting on tourism in Emery County. He congratulated the Emery High and Green River High Seniors graduating this week.

*Commissioner Migliori*

Commissioner Migliori reported that the Family Day at the Museum of the San Rafael was a success. There was a large attendance at the event. The Emery County Fair Board is very involved in preparing for the 2015 Emery County Fair. They can still use volunteers and suggestions. Contact Jake Atwood the Recreation Center if you are interested in helping. He attended a IEDC seminar recently regarding economic development for counties. He received some helpful information.

James Nielsen will be volunteering with the Weed & Mosquito this summer.

(15)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 2, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #236250 through and including #236350 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
29-15	(2) 4RE In-Car Camera Systems Sheriff	\$9,646.00

There were no Dispositions.

(2)  
RATIFY JAMES NIELSEN AS A VOLUNTEER FOR WEED AND MOSQUITO  
DEPARTMENT.

(3)  
APPROVAL OF THE FOLLOWING VOLUNTEERS FOR THE 2015 RODEO. KLAYTON  
LAWS, SHELBY LAWS, JAMES HUGGARD, MERRILL DUNCAN, BRETT JEFFS,  
GAYLE FAFRENTZ, WILL PAYNE, MISTIE CHRISTIANSEN, GARY ARRINGTON,  
JACKIE ARRINGTON, ZEKE ATWOOD, BEN LINDLEY, JESSICA LINDLEY, LORI  
DENNISON, BOB DENNISON, LOR MCARTHUR, ARTHUR MCARTHUR, KENZIE  
GUYMON, JOEL HATCH, JULIE JONES, DERK JONES, TROY WINTER, CRESTA  
WINTER, JORDAN LEONARD, AMANDA LEONARD, JERRY PRICE, TRINITY PRICE,  
SCOTT LABRUM, MINDY LABRUM, AND GLENN JENSEN.

2

MINUTES OF EMERY COUNTY COMMISSION MEETING  
JUNE 2, 2015

(4)

APPROVAL TO HIRE LISE JEWKES AS A SEASONAL PART TIME MUSEUM CLERK WORKING UP TO 19 3/4 HOURS PER WEEK AT \$8.00 PER HOUR WITH NO BENEFITS.

(5)

APPROVAL OF THE FOLLOWING VOLUNTEERS FOR THE EMERY LIBRARY: JARED WITHERS, CASSIDY LARSEN, RANDY LAKE, AND GLEN VANTUSSENBROOK.

(6)

APPROVAL TO HIRE CLAIRE MALDONADO AS THE JUSTICE COURT CLERK/DMV TECH IN GREEN RIVER WORKING 29 HOURS PER WEEK WITH PRORATED BENEFITS. WAGE GRADE 11.

(7)

APPROVAL OF MINUTES OF THE MAY TAX SALE DATED MAY 28, 2015

(8)

APPROVAL OF COMMISSION MEETING MINUTES DATED MAY 19, 2015

Commissioner Paul Cowley made a motion to remove item # 3 from the Consent Agenda and approve the remainder of the Consent Agenda. The motion was seconded by Commissioner Keith Brady. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Item #3 from the Consent agenda was pulled after determining that the Rodeo volunteers needed to be approved through the Recreation SSD Board.

(2)

BID OPENING- OPEN BIDS FOR CONSTRUCTION OF CLEVELAND LIBRARY PARKING LOT PROJECT 2015. CONSIDERATION AND APPROVAL OF BID AWARD AND AUTHORIZATION FOR CHAIRMAN TO SIGN CONTRACT AGREEMENTS AND OTHER NECESSARY PAPERWORK TO EXPEDITE THE PROJECT.

Two bids were received for the construction of the Cleveland Library Parking Lot Project 2015. 1 bid was received after the deadline of 12:00 pm on Tuesday, June 2, 2015 so therefore it was not opened. The one bid received on time from Nielson Construction was opened and read

MINUTES OF EMERY COUNTY COMMISSION MEETING  
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aloud. Nielson Construction's bid was in the amount of \$44,155.35. Commissioner Keith Brady made a motion to accept the bid from Nielson Construction upon approval from Johansen & Tuttle, project engineers and authorize Commission Chairman Ethan Migliori to sign agreements and other necessary paperwork to expedite the project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR SANDRA BEHLING.

The Board of Commissioners discussed an ambulance write-off application/request from Sandra Behling. Mrs. Behling has requested to have the bill written-off. She has made a few payments on the account. There is nothing on the application that indicates that she can not make payments. Commissioner Paul Cowley made a motion to deny Sandra Behling's ambulance bill write-off request and have her continue with the JCI Billing process. The motion was seconded by Commissioner Keith Brady. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF FOR LORENA MAGEE.

The Board of Commissioners discussed an ambulance write-off application/request from Lorena Magee. Ms. Magee has not made any payments and the application was not complete. Commissioner Paul Cowley made a motion to deny Lorena Magee's ambulance bill write-off request and have her continue with the JCI Billing process. The motion was seconded by Commissioner Keith Brady. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF AMENDMENT #1 TO AGREEMENT BETWEEN EMERY COUNTY AND JOHANSEN 7 TUTTLE ENGINEERING ON THE HUNTINGTON STATE PARK TRAIL SYSTEM PHASE 1-2014 FOR DESIGN AND CONSTRUCTION ENGINEERING.

Commissioner Keith Brady made a motion to table this item to allow time to review the document with Tina Carter, Ray Petersen and Johansen & Tuttle Engineering. The motion was seconded by Commissioner Paul Cowley. The motion passed.

MINUTES OF EMERY COUNTY COMMISSION MEETING  
JUNE 2, 2015

(6)

CONSIDERATION AND APPROVAL OF AMENDMENT #1 TO AGREEMENT BETWEEN EMERY COUNTY AND JOHANSEN & TUTTLE ENGINEERING OF THE HUNTINGTON CREEK SOUTH DEBRIS BASIN PROJECT FOR ADDITIONAL WORK.

Jonathon Johansen, Johansen & Tuttle Engineering explained Amendment #1 to agreement between Emery County and Johansen & Tuttle Engineering. Additional work was added to the project. Lights, hand rails & gate structure, ramps, stairways, activators, and final 'as-built' project drawings were added to the project at an additional cost of \$6,067.44. The final project cost is \$228,067.44. Commissioner Keith Brady made a motion to approve Amendment #1 to agreement between Emery County and Johansen & Tuttle Engineering for the Huntington Creek South Debris Basin Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF RESOLUTION THAT EMERY COUNTY IS NOT SEEKING TO IMPOSE A TAX UNDER SECTION 59-12-701, ET. SEQ. U.C.A ENTITLED COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL, RECREATIONAL AND ZOOLOGICAL ORGANIZATIONS OF FACILITIES.

Commissioner Keith Brady explained that the RAP/ZAP tax is a .1% local sales and use tax that could be imposed by cities or counties to fund cultural, recreational, and zoological facilities and botanical, cultural and zoological organizations in the city/county. In order for cities to be able to submit an opinion question to its residents regarding the tax, the Emery County Commission must provide a written resolution authorizing a city to proceed with the opinion question. Green River City is seeking to submit the opinion question to the City's residents in accordance with Section 59-12-1402, U.C.A. Therefore, A written resolution passed by the Commission stating that Emery County is not seeking to impose a tax under Section 59-12-701, et seq.,U.C.A., entitled County Option Funding for Botanical, Cultural, Recreational and Zoological Organizations or Facilities is needed for Green River City to proceed. Commissioner Migliori recommended authorizing him to work with Attorney Michael Olsen to draft a resolution. Commissioner Keith Brady made a motion to approve Resolution 6-2-15 stating that Emery County is not seeking to impose a tux under Section 59-12-701 et. Seq. U.C.A. entitled county option funding for Botanical, Cultural, Recreational and Zoological Organizations of facilities and authorize Attorney Michael Olsen and Commissioner Migliori to draft said Resolution, after which Commission chairman Ethan Migliori may sign the Resolution. The motion was seconded by Commissioner Paul Cowley. The motion passed.



MINUTES OF EMERY COUNTY COMMISSION MEETING  
JUNE 2, 2015

(8)

CONSIDERATION AND APPROVAL OF PROCEDURE OF MAINTENANCE AND USAGE OF THE ROKON TRAIL MACHINE.

Commissioner Keith Brady explained that he has recently received information from the county's liability insurance that will be helpful in protecting the county. He asked to table this item to allow time to review the information and put on the next agenda. Commissioner Keith Brady made a motion to table approval of procedure of maintenance and usage of the Rokon Trail Machine. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF MODIFICATION #2 BETWEEN STATE OF UTAH AND EMERY COUNTY FOR HUNTINGTON STATE PARK TRAIL SYSTEM PHASE 11.

Commissioner Migliori asked to table approval of Modification #2 between State of Utah and Emery County for Huntington State Park Trail System to allow time for clarity on language in the document. Commissioner Keith Brady made a motion to table approval of Modification #2 between State of Utah and Emery County for Huntington State Park Trail system. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF STATE TASK FORCE GRANT (STFG)

Sheriff Greg Funk explained that the State Task Force Grant(STFG) is in the amount of \$51,009.40 and will be used for training, equipment and drug buys. Commissioner Paul Cowley made a motion to approve of State Task Force Grant (STFG). The motion was seconded by Commissioner Keith Brady. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF 2015 MAY TAX SALE PROCEEDINGS.

Clerk/Auditor Brenda Tuttle reviewed the proceedings of the May Tax Sale held on May 28, 2015. We started with 22 properties. All but one parcel was either redeemed prior to the sale or are under contract with the county to pay before November 2015. She reported that Parcel #01-0151G-0047 was sold to Carl A. Jacobson for \$5,000.00. The back taxes and fees paid to the county was \$2,759.82. The excess will be sent to the State Treasurer's Office as unclaimed property. She indicated that it was determined that the fees that are charged are not enough to cover the cost of title searches, mailings and advertising. May Tax Sale procedures need to

MINUTES OF EMERY COUNTY COMMISSION MEETING  
JUNE 2, 2015

addressed before next year. Commissioner Keith Brady made a motion to approve of the 2015 May Tale Sale Proceedings. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Brady*

Commissioner Brady reported on meeting with the contractor on the Aquatic Center Parking Lot Project. A punch list was given to the contractor to complete before payment is advanced on the project. He reported on a SITLA tour and board meeting that he and Commissioner Cowley attended last week. He felt it went very well. It was good for them to see the parcels of land that they control. The grazers and their allotments was a topic of concern in the board meeting.

*Commissioner Cowley*

Commissioner Cowley reported on attending the SITLA board member tour. They were impressed with the area that they toured including the point of Cedar Mountain, the Wedge the Draw and then on to Green River. Commissioner Brady gave a informational presentation of Blue Castle Holdings. The group was very impressed with the scenery and it was interesting to hear the comments. Next week there will be a site viewing on the fencing project along the north side of the road to Goblin Valley. Some grazers have had cattle killed along this route and will be relieved when the fence is done.

*Commissioner Migliori*

Commissioner Migliori reported that next week will be opening of the Goblin Valley Trail Bike System. Steven Barton added that he has been on the trail and the MECCA group helped work on the system. The Emery County Care and Rehabilitation Center asked Commissioner Migliori to convey the boards many thanks for the county's aide with the Upper Limit Payments. The census is up at the facility and the board is pleased with how things are improving. The State of Utah Resource Committee recently provided counties with \$50,000.00 for Resource Management Plans. The AOG proposed to leverage those funds through the CIB to procure additional funds. That application has been put on hold due to a question as to whether the CIB can use these funds for that type of project because of the source of the funds. There is a new app on the county website that will assist with GPS on trails. It is a PDF overlay of the county that helps you know your location.

7

MINUTES OF EMERY COUNTY COMMISSION MEETING  
JUNE 2, 2015

(13)

ADJOURNMENT

The meeting was adjourned.

ATTEST \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 16, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Keith Brady, Commissioner Paul Cowley, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 236439 through and including # 236567 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
30-15	Truck Shell for 2014 Dodge Sheriff	\$1,473.00
31-15	Refrigerator, 18 cf upright w/ice maker Courthouse	\$ 599.00
32-15	280 DX Miller Welder Class B Roads/Highway	\$6,140.60

One disposition was presented for #210-9367 fax machine.

(2)  
APPROVAL OF EMERY TOWN'S APPOINTMENT OF NEWT VAN TUSSENBROOK TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

(3)  
APPROVAL TO PROMOTE MICHAEL GRANGE TO A CORRECTION OFFICER I FOR SUCCESSFUL COMPLETION OF THE POST CERTIFICATION. EFFECTIVE 6-21-15

2

COMMISSION MEETING MINUTES  
JUNE 16, 2015

MOVE FROM GRADE 14 @ \$15.49 PER HOUR TO GRADE 15 @ \$16.41 PER HOUR.

(4)

APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 2, 2015.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Keith Brady and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing was pulled for discussion.

(2)

PRESENTATION OF EMPLOYEE OF THE MONTH.

Commissioner Migliori presented employee of the month to Chyanne Carter. Chyanne is the 18 year old daughter of Chris and Tina Carter of Huntington. She has worked at Emery County Aquatic Center for three years where she has been not only a great lifeguard but excelled in everything she does. CC (as they call her at the Aquatic Center) graduated from Emery High School with honors this May. During her high school career she was a 4 year member and captain of the 2A State Champion Swim Team. Chyanne is a hard worker and has an excellent attitude. She is loved by coworkers and pool patrons. Chyanne was presented with a plaque and Emery County Business Chamber Bucks.

(3)

KAREN DOLEN, FCCBH, CONSIDERATION AND APPROVAL OF FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, INC. FY 2016 AREA PLAN.

Karen Dolen, Director of Four Corners Community Behavioral Health, Inc. and Jennifer Thomas local Director of FCCBH came before the Board of Commissioners to present the FY 2016 Area Plan. The plan has been reviewed and approved through their board of directors. Commissioner Brady is a member of that board. The area plan is required to be presented to and approved by the local Board of Commissioners by state statute. Commissioner Paul Cowley made a motion to approve of Four Corners Community Behavioral Health FY 2016 Area Plan. The motion was seconded by Commissioner Keith Brady. The motion passed.

3

COMMISSION METING MINUTES  
JUNE 16, 2015

(4)

RALPH OKERLUND, SIX COUNTY COALITION, UPDATE ON COALITION ACTIVITIES AND INPUT FROM EMERY COUNTY.

Table until July 7, 2015 meeting.

(5)

JEFF KELSEY, CONSIDERATION AND APPROVAL OF HEALTH INSURANCE RENEWAL FOR PLAN YEAR JULY 1, 2015-JUNE 30, 2016.

Jeff Kelsey, Intermountain Insurance Services presented a summary of expenses and a cost analysis of claims that were processed during the July 2014- June 2015 period. He presented proposals from insurance carriers to provide insurance for Emery County employees. Mr. Kelsey recommended staying with the current carrier Meritain Health. He added that the current carrier Meritain Health meets all the compliance requirements for Affordable Health Care Plan. Commissioner Keith Brady made a motion to approve of health insurance renewal with Meritain Health for the term of July 1, 2015-June 30, 2016. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

CORY WORWOOD, W&M SUPERVISOR, PRESENTATION OF WEED BOARD OF THE YEAR AWARD TO EMERY COUNTY WEED/MOSQUITO BOARD.

Cory Worwood, W&M Supervisor presented the Board of Commissioners with a trophy the department received for Weed Board of the Year. The Board was acknowledged for their project to eradicate Tamarisk, Russian Olive other intrusive weeds. The Commissioners acknowledged the trophy and praised the board for their efforts.

(7)

CONSIDERATION AND APPROVAL OF SPONSORING AN ACTIVITY AT 5<sup>TH</sup> ANNUAL ENERGY DAYS SPONSORED BY SOUTHEASTERN UTAH ENERGY PRODUCERS ASSOCIATION.

Commissioner Paul Cowley made a motion to sponsor an activity with \$250.00 for the 5<sup>th</sup> Annual Energy Days sponsored by Southeastern Utah Energy Producers Association. The motion was seconded by Commissioner Keith Brady. The motion passed. The event is held in Carbon County and is becoming quite popular. Many businesses are engaged with SEUEPA. Commissioner Brady was curious how many Emery County people attend the event. Commissioner Migliori indicated he has attended the event and has seen Emery County people attending the event.

COMMISSION MEETING MINUTES  
JUNE 16, 2015

(8)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND JOHANSEN AND TUTTLE ENGINEERING ON THE HUNTINGTON STATE PARK TRAILS SYSTEM PHASE II DESIGN AND CONSTRUCTION ENGINEERING.

This contract is for Phase II of the Huntington State Park Trails System, design and construction engineering. The project had to be moved into two phases for tracking purposes. Commissioner Keith Brady made a motion to approve of a contract between Emery County and Johansen & Tuttle Engineering on the Huntington State Park Trails System Phase II design and construction engineering. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF MODIFICATION #2 BETWEEN STATE OF UTAH AND EMERY COUNTY FOR HUNTINGTON STATE PARK TRAILS SYSTEM PHASE II.

Commissioner Keith Brady made a motion to approve Modification #2 between State of Utah and Emery County for Huntington State Park Trails System Phase II pending the correction of wording in the document as it returns from the state. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF PROCEDURE OF MAINTENANCE AND USAGE OF THE ROKON TRAIL MACHINE.

Tabled to allow time to meet with BLM and USFS to come up with a plan for trails to be worked on and build a structured program. There is more work to be done.

(11)

CONSIDERATION AND APPROVAL OF A CREDIT CARD FOR JORDAN LEONARD, ECONOMIC DEVELOPMENT DIRECTOR.

Commissioner Keith Brady made a motion to approve a credit card for Jordan Leonard, Economic Development Director. The motion was seconded by Commissioner Paul Cowley. The motion passed.

COMMISSION MEETING MINUTES  
JUNE 16, 2015

(12)

CONSIDERATION AND APPROVAL OF A CELL PHONE STIPEND FOR JORDAN LEONARD, ECONOMIC DEVELOPMENT DIRECTOR.

Commissioner Paul Cowley made a motion to approve of a cell phone stipend for Jordan Leonard, Economic Development Director. The motion was seconded by Commissioner Keith Brady. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF APPLICATIONS FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS (RIGHT-OF-WAY RENEWALS) FOR HADDEN WASH UTU-54690 CR 401, BUCKHORN BRIDGE UTU-54731 CR 332, AND LAST CHANCE UTU-54689 CR 920.

Commissioner Keith Brady made a motion to approve of applications for transportation and utility systems and facilities on federal lands (ROW renewals) for Hadden Wash UTU-54690 CR 401, Buckhorn Bridge UTU-54731 CR 332, and Last chance UTU-54689 CR 920. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

CONSIDERATION AND APPROVAL OF 2015 CERTIFIED TAX RATES FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Clerk/Auditor Brenda Tuttle presented the 2015 Certified Tax Rates for Emery County. She explained that Emery County is highly dependent on centrally assessed values. There have been several appeals filed already. Emery County is above the maximum limit for taxing so we cannot raise taxes.

General Operations rate is 0.003529 generating a budgeted revenue of \$7,184,576.00.

Library rate is 0.000407 generating a budgeted revenue of \$828,598.00.

Recreation rate is 0.000063 generating a budgeted revenue of \$128,260.00.

Assessing and Collecting rate is 0.000455 generating a budgeted revenue of \$926,320.00.

Total Budgeted Revenue is \$9,067,753.00

Commissioner Keith Brady made a motion to approve the Certified Tax Rates for Emery County as presented. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Castle Valley Special Service District Director Jacob Sharp presented the 2015 Certified Tax Rates for CVSSD. He explained that CVSSD is also highly dependent upon Centrally Assessed values.



COMMISSION METING MINUTES  
JUNE 16, 2015

General Operations rate is 0.000987 generating a budgeted revenue of \$1,560,502.00.  
Interest and sinking fund/bond rate is 0.000919 generating a budgeted revenue of \$1,452,575.00.  
Total Budgeted Revenue is \$3,013,077.00

Commissioner Paul Cowley made a motion to approve the Certified Tax Rates for Castle Valley Special Service District as presented. The motion was seconded by Commissioner Keith Brady. The motion passed.

(15)

CONSIDERATION AND APPROVAL OF LETTER OF SUPPORT FOR BEAR PROGRAM.

Commissioner Migliori discussed the BEAR program (Business Expansion and Retention Program). Carbon County is thinking of submitting their own application to apply for BEAR funds. The program reaches out to businesses to see what they need to help them succeed. They help businesses find available grants to help their businesses expand and be more efficient. The amount of funds available to an area is based on population. Currently the Carbon/Emery area takes a regional approach with the BEAR program. Emery County has representation of the executive board.. Commissioner Migliori indicated that he is on the board and the new Economic Director Jordan Leonard will join the board. They host monthly meetings with different topics that around thirty to fifty people attend. Commissioner Migliori indicated that this letter of support will be for the program as it exists now. Commissioner Keith Brady made a motion to approve a letter of support for the BEAR Program. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

CONSIDERATION AND APPROVAL OF UTAH STATE BEAR GRANT APPLICATION.

The Board of Commissioners recommended making application to the BEAR Grant Program just in case applying regionally falls through. Commissioner Keith Brady made a motion to approve a Utah State BEAR Grant Application if needed. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

CONSIDERATION AND APPROVAL OF A RESOLUTION AMENDING THE EMERY COUNTY LIBRARY COLLECTION MANAGEMENT/DEVELOPMENT POLICY.

Library Director, Carole Larsen explained that the library system has used the Dewey Decimal System for more than a hundred years. They will now be using a category system to catalog books and media in the libraries. Language in the library policy states using the Dewey Decimal System so the policy needs to be amended. The new system called BISAC has been approved by the State Library. Attorney Mike Olsen has reviewed the amendment and recommended

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approval. Commissioner Paul Cowley made a motion to approve a resolution to amend the Library Collection Management/Development Policy. The motion was seconded by Commissioner Keith Brady. The motion passed.

(18)

DISCUSSION AND APPROVAL OF A RESOLUTION AUTHORIZING EMERY COUNTY TO MAKE AN IRREVOCABLE ELECTION WITH UTAH RETIREMENT SYSTEMS TO ALLOW DISPATCH POSITIONS AT THE SHERIFF'S OFFICE TO BE PLACED IN PUBLIC SAFETY RETIREMENT.

Personnel Director Mary Huntington discussed a resolution authorizing Emery County to make an irrevocable election with Utah Retirement Systems to allow dispatch positions at the Sheriff's Office to be placed in Public Safety. The dispatchers will have to become certified and will have 12 months to complete the certification and pass a test. If the current dispatcher fails to complete the course and pass the test they will no longer have a job as a dispatcher. The course is a week long course. The Sheriff's Department will pay for the course and testing. The effective date will be July 1, 2015 and the effective rate will be the next pay period. Commissioner Keith Brady made a motion to approve of Resolution 6-16-15 authorizing Emery County to make and irrevocable election with Utah Retirement Systems to allow dispatch positions at the Sheriff's Office to be place in Public Safety. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

CONSIDERATION AND APPROVAL OF HUNTINGTON AIRPORT MANAGEMENT CONTRACT.

Commissioner Cowley talked about the Huntington Airport Management Contract. Attorney Mike Olsen has reviewed the contract and has no concerns. Commissioner Cowley indicated that Mr. DeFriez is managing the airport very well. Commissioner Paul Cowley made a motion to approve a four year contract with Mr. DeFriez for the Huntington Airport Management. The motion was seconded by Commissioner Keith Brady. The motion passed.

(20)

CONSIDERATION AND APPROVAL OF OPERATIONS AND MAINTENANCE PLANS FOR HUNTINGTON CREEK DEBRIS BASINS AND MITIGATION PROJECT SITE.

Commissioner Migliori explained that the County is required by the NRCS and Army Corp of Engineers to have plans in place for the operations and maintenance of the Huntington Creek Debris Basins and Mitigation Project Site. The Road Department keep the basin clean of debris. The county has funds set aside for the maintenance and operation. Commissioner Keith Brady

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made a motion to approve of Operations and Maintenance Plans for Huntington Creek Debris Basins and Mitigation Project site. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(21)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Sheriff Funk*

Sheriff Funk indicated that he has met with BLM staff regarding contracting with them to cover drownings in the county.

*Commissioner Brady*

Commissioner Brady reported on discussions with the Travel Board to get ideas on how to get visitors to spend money in Emery County. He said, encouraging people to shop local is good, but we need to bring money into the county from outside of the county also. There was a ribbon cutting at the new Conductive Composites building in Cleveland. Lt. Governor Cox attended. Goblin Valley Trail had its ribbon cutting also. He informed everyone of the upcoming Rocket Launching Contest in Green River. The event is growing bigger every year. They anticipate over 400 people attending. It is held at the White Sands Missile Base.

*Commissioner Cowley*

There was a Back County Flyers fly-in at the Huntington Airport last week. The weather wasn't great but they still seemed to enjoy the parachute gliders. Commissioner Cowley toured the Green River area with Colby Hunt. Colby talked with Commissioner Cowley about the challenges the area faces with wet conditions. Commissioner Cowley talked about the damage the Pioneer Museum sustained during the recent rains. They will probably be relocating those items. He reported on attending a meeting in Goblin Valley regarding the fencing project for the grazers in the area. There will be a group of geologists from Wisconsin working at the Cleveland/Lloyd Dinosaur Quarry.

*Commissioner Migliori*

Commissioner Migliori asked if anyone knows anyone who has beehives to contact the Weed/Mosquito Department. They have begun spraying for mosquitoes and the spray will kill the bees so they want to know where they are located to avoid that possibility. July 13-14 will be the USU Extension Archeology Camp. Libraries in the county are engaged in story hour to encourage the kids to read this summer. The GOED site visit went well. Local businesses were

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visited by state people.

Commissioner Paul Cowley made a motion to leave the regular meeting and move into a closed/ executive session to discuss pending or reasonably imminent litigation and at the conclusion of the closed session to return to the regular meeting. The motion was seconded by Commissioner Keith Brady. The motion passed.

(22)

EXECUTIVE SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION.

Present at the closed/executive session was Commissioner Ethan Migliori, Commissioner Keith Brady, Commissioner Paul Cowley, Attorney Mike Olsen, Sheriff Greg Funk, Personnel Director Mary Huntington, and Deputy Clerk/Auditor Carol Cox.

Upon returning to the regular Commission Meeting Commissioner Keith Brady made a motion to accept a drafted MOU that follows the personnel policy and historical practices of Emery County regarding family leave and sick/vacation time between Emery County and Dusty Butler and make the same offer to Mitch Vetere. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(23)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 7, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #236718 through and including #236861 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
33-15	Callyo Bug System Sheriff/Drug Task Force	\$1,279.40
34-15	AC Inverter Communications/Insurance Repair	\$2,279.00

Dispositions were presented for #4739, Calculator, 6967, Refrigerator, 6924, letter folder, 0412 1989 Ford Truck, 8907, 2006 Dodge Durango, 5097, 1992 Cat 140GL Grader.

(2)

APPROVAL OF OUT-OF-STATE TRAVEL TO DENVER, CO FOR JORDAN LEONARD TO ATTEND BEAR TRAINING.

(3)

APPROVAL OF BUSINESS LICENSE FOR JAMIE MURDOCK d.b.a. LAKEVIEW DINER.

(4)

APPROVAL OF 3% WAGE INCREASE FOR JACLYNN NELSON AFTER SUCCESSFUL COMPLETION OF 6 MONTH ORIENTATION PERIOD.

(5)

APPROVAL TO PROMOTE ROBERT RILEY AS THE DISPATCH/CORRECTIONS SERGEANT. MOVE FROM GRADE 17 TO GRADE 21.

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(6)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Paul Cowley made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Keith Brady . The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing was pulled.

(2)

PRESENTATION OF EMPLOYEE OF THE MONTH.

Commissioner Ethan Migliori presented the Employee Of The Month Award to Teresa Manzanares. Teresa is an import from Washington State. She had been working for attorneys in Price when Scott Johansen lured her to come work at the Emery County Attorney's Office. That was in May 1987. She has since come a long way from typewriters and carbon paper to computers and internet programs. As Paralegal/Office Manager, Teresa is a huge asset to the County. She is a certified Utah Prosecutorial Assistant, has served on the UPAA board, serves on the Risk Management Committee for the County, is a TAC for the Bureau of Criminal Identification to look up criminal histories. She accesses many programs to manage all sorts of information including the state case management system (PIMS) to produce documents for criminal prosecution. Teresa has always attended and taken notes in district court criminal law and motion sessions so she can do judgements and orders and other legal documents. She does legal research online for criminal and civil case law and helps the County Attorney with civil matters. In Emery County, Teresa has worked under attorneys: Scott Johansen, Patricia Geary, Gene Strate, Mark Tanner, Allen Thorpe, David Blackwell, Mary Manley, Brent Langston, and Mike Olsen. Teresa has been a great help to them as well as the Emery County Commission, Personnel Department, Road Department, Sheriff's Office and more. Teresa was presented with a plaque and Emery County Business Chamber Bucks.

(3)

MARK H. WILLIAMS AND NEIGHBORS, DISCUSSION OF PAST TWO (2) YEARS FLOODING SOUTH OF CASTLE DALE.

Mark H. Williams, Charles Bardsley, and Devin LeRoy came before the Board of

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Commissioners to address a flooding situation on the south side of Castle Dale. Mr. Williams explained that the floods began 2 years ago. He stated that a month ago the flood got them good. He requested the county provide assistance by way of a dike or levy to alleviate the problem. Mr. Bardsley indicated that this is actually the third year of flooding. It has flooded twice this year so far. It starts at the bridge and runs down to his property. The velocity of the flooding has increased since the Tamarisk and Russian Olives have been cleared along the creek. He requested assistance with the situation. Mr. LeRoy explained that he was in the process of building his home. He had an additional building expense of \$3,000.00 to change the footings and add fill to raise the elevation.

Larry Lafrentz from Orangeville reported that the problem culminates farther upstream in Orangeville. He stated that he has lived in his current location along the Cottonwood Creek since 1987 and has done all that he can do to keep the water out of his yard. He indicated that the floods are coming from Cottonwood Creek. He asked that the County keep the creek within its boundaries and off peoples property.

The Board of Commissioners asked Merrill Johansen and Howard Tuttle from Johansen & Tuttle Engineering to provide a few thoughts on alternatives to correct the problem. Howard and Merrill detailed the problem areas on a map. Alternatives included realigning the river or cleaning it out which would require a permit from Army Corp of Engineers. Possibly constructing a dike or levy. Wayne Nielsen from the Road Department commented that if the County builds something and the water still floods over the County would be responsible.

Howard stated in his opinion the only alternative is to build a dike and slowly, over time, rip-rap the bank. This could cost an estimated \$100,000.00 for material and construction. There are several agencies that you could help with the funding such as, State, CIB, NRCS.

Mike Olsen asked Howard, with respect to the county road where the dip is located, is the dip, the way that it is constructed now, is it functioning correctly? Howard indicated that it is functioning properly. The flooding starts way before it gets to the dip. The flooding starts from the mill ditch where it comes in above highway 10. Nothing needs to be done to alter the road or the dip to correct this problem.

Mr. Bardsley commented that the county does not maintain the spillway. It builds a dam and backs up. All the debris collects at the spillway.

Mike Olsen asked Mr. Bardsley where the water backs up? Mr. Bardsley indicated that in his opinion it backs up at the spillway. It is not only structures that get damaged. He indicated he loses thousands of dollars in fencing and crops. Property is property. Why does it always have to be structure damage? He stated that most of the flooding occurs on his place. If you need permission from land owners to do something you will probably have to get permission from me.

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Phil Fauver asked if the County Planning and Zoning was involved in permitting these people to build structures and do things in this flood plain? Commissioner Migliori stated that most of these are in City limits and permitted by Castle Dale City Planning and Zoning. Mr. Bardsley indicated that his property was not in the flood zone when he built his home.

Commissioner Migliori asked what would you have to do to the river in order to contain it inside the river? Howard stated you would have to widen the channel and dig it out. Commissioner Brady asked if there is a way to keep the channel the same so it doesn't meander and create the oxbows? Howard indicated you would realign some of the channel but you would never be able to fully control the river. Commissioner Cowley stated that once you get into the river channel the Army Corp of Engineers will have to be involved and take charge of the project. Merrill indicated that is doable. We've permitted to clean out rivers and protect banks before. Commissioner Cowley asked J&T if they think that the river has built up a lot of silt causing the problem? Howard indicated that when Joe's Valley wasn't there the high waters came down and kept the channel gutted out. Mike Olsen asked if they had an estimated cost to dig out the river? Howard indicated it would be the same or exceed the cost to build a dike. Mike asked if it was possible to alter the route of the river? Merrill indicated that there are a couple of places you could straighten it out but that would take a permit from the Army Corp of Engineers. Commissioner Brady indicated that in larger rivers such as up the Green River near Flaming Gorge they releases so much water once a year or so to help clean out the channel. Is that something that Joe's Valley Reservoir could do to keep the sediment washed out? Merrill indicated that he didn't think Cottonwood Irrigation Company would agree to releasing that quantity of water. Mr. Lafentz stated that in a regular snow year the run-off would do the job, but rain on top of that run-off pushes the river out of its banks.

Commissioner Migliori stated that we need to have more discussion on this issue. There have been some good ideas presented. There is logic in having a small committee explore this further. The committee should maybe include one of the Commissioners, a representative from J&T, a couple of impacted land owners, Captain Ekker because of his expertise from the Huntington Creek issue, Wayne Nielsen from the Road Department, and Brenda Tuttle because there will probably be money involved. The committee could pinpoint some areas that we want to tackle and make a priority list. This is going to require more resources than what we have. We will need to identify some of those resources, whether it be money and/or equipment. Then we can start working through the priority list. The Commissioners will get something together in the next couple of weeks. Land owners need to appoint a couple of representatives and get back with the Commission Office. We will start punching through the list as quick as the committee is formed and see what we can get done. Commissioner Migliori thanked those who came today and provided their perspective on this matter.



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(4)

RALPH OKERLUND, SIX COUNTY COALITION, UPDATE ON COALITION ACTIVITIES AND DISCUSSION OF EMERY COUNTY PRIORITIES.

Senator Ralph Okerlund, Executive Director of Six County Coalition provided an update of activities. The group was formed six months ago to look for economic and development opportunities that will benefit one or more of the six counties ( Carbon, Emery, Duchesne, Daggett, San Juan, and Uintah) involved. They are looking at opportunities such as a corridor for transmission of gas/oil from Uintah County. Each of these counties has gathered projects that could benefit their county. The group felt it would be more beneficial to plan and fund the projects if they took a regional approach. He indicated that they are close to ready (possibly the next two years) to make application with CIB on a project. Commissioner Migliori stated that he visited with Senator Okerlund and Senator Hinkins regarding obtaining access to natural gas for Lawrence and other areas in Emery County that still have to rely on propane.

(5)

APPOINTMENT OF KRISTI MAXWELL TO THE MUSEUM OF THE SAN RAFAEL BOARD OF DIRECTORS.

Commissioner Paul Cowley made a motion to appoint Kristi Maxwell to the Museum of the San Rafael Board of Directors. The motion was seconded by Commissioner Keith Brady. The motion passed.

(6)

RATIFY EMERY COUNTY LIBRARY APPLICATION FOR 2015 REGULAR LSTA SUB-GRANT FOR NEW COPY MACHINES.

Commissioner Paul Cowley made a motion to ratify approval of Emery County Library's application for 2015 LSTA Sub-Grant for new copy machines for the libraries. The motion was seconded by Commissioner Keith Brady. The motion passed.

(7)

APPROVAL/RATIFICATION OF PEST CONTROL SERVICE AGREEMENT WITH TARGET PEST CONTROL FOR CONTROLLING BATS ON THE EXTERIOR OF THE EMERY COUNTY COURTHOUSE.

Commissioner Keith Brady made a motion to approve of a Pest Control Service Agreement with Target Pest Control for controlling bats on the exterior of the Emery County Courthouse pending review of a contract from the Attorney's Office. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(8)

CONSIDERATION AND APPROVAL OF ANNUAL DUES TO EASTERN UTAH  
TELEVISION ASSOCIATION.

Bret Mills, Communications Supervisor discussed annual dues to Eastern Utah Television Association. Carbon, Emery, Duchesne, San Juan and Uintah are the counties that make up the Eastern Utah Television Association. With the equipment going on 10 years old the committee wanted to start adding more funds so they can start to replace one transmitter or receiver per year at a cost of \$25,000.00 for either one and still have a small amount left over for repairs of additional equipment that may fail. The committee has 54 of these units across eastern Utah and runs as a system in a daisy chain and they all rely on the microwaves upstream. Equipment will be reused to keep the rest of the system going for as long as they have good working parts to keep the television system going and dependable. When Commissioner Horrocks was the Emery County representative on the committee, he voted to increase the amount mainly because the equipment is getting older and the committee decided to increase the amount. Bret indicated that he is on the technical advisory part of the committee and does attend the meetings. The television system was installed in 2005 when the digital television was forced upon us by the federal government. The television committee received a grant for 5 million dollars to build the television system throughout all 6 counties. Grand County did not want to participate until later after they had already built the television microwave and the money was spent. The board decided not to let them join with no financial participation. The committee takes care of the microwave and head end equipment and the counties pay the cost of the tv translators. Bret indicated that he has not been a part of the budgeting for this committee's dues so he was unaware that the additional amount had not been added to the budget for the dues. With the update they will be able to add some new channels to the 27 free tv channels. They plan to update a microwave each year. The \$2,000.00 is already in the budget and Bret indicated that he may have additional funds in the television line item of his budget. Bret asked for approval to spend \$5,000.00 for the annual dues to Eastern Utah Television Association. Commissioner Keith Brady made a motion to approve \$5,000.00 for annual dues to the Eastern Utah Television Association pending review of the television budget and if the additional funds are not there then to find the difference somewhere in the county budget. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF CONTRACT WITH ROYCE ELECTRONICS,  
INC. FOR TOWER SPACE RENTAL IN FERRON.

This is a Communication Site Lease amendment between Emery County and River Canyon Wireless. They propose to add Ferron site to the agreement with compensation terms for Emery County. The County would agree to add one location with the same terms as previously agreed at the 749 W. Mill Rd. tower in Ferron and allow River Canyon Wireless space for microwave

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radio and WIFI antennas on the tower. River Canyon Wireless will pay an additional \$100.00 per month for a total of \$425.00 per month. RCW provides internet service for Emery County at the Castle Dale site for a back up internet patch as well as a link to the internet from the Emery County Landfill. Commissioner Keith Brady made a motion to approve the contract with Royce Electronics Inc. for tower space rental in Ferron. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN  
EMERY COUNTY AND NATURAL RESOURCES CONSERVATION SERVICE  
NO. 68-8D43-15-13 FOR REHABILITATION OF MILLSITE DAM.

Bronson Smart, NRCS explained that in 1960's NRCS worked with the Ferron Canal Company to build the Millsite Dam. The dam is in need of an upgrades to meet State and Federal codes and requirements. They have come to the county to request help to administer the project along with the Ferron Canal Company. The plan is to rehabilitate the dam and keep it in service to provide another 70 years of sediment storage. At the end of 70 years they will have the original storage that was designed for the dam. This will benefit the irrigators, power plant, the community of Ferron and those who receive water from the dam as well as the flood control benefits that come with the dam will be intact for decades to come. They propose to raise the dam, improve the spillway, provide some stability during an earthquake, and take care of some foundation issues. The Dam has functioned very well over the years and the Ferron Canal Company has done an excellent job of maintaining it. This project will bring it up to current State and Federal codes and criteria.

Commissioner Brady asked what is the County's responsibility in this agreement?

Mr. Smart answered that because the Ferron Canal Company doesn't deal with millions of dollars in a year they asked that the County serve as the fiscal agent for the project. The Canal Company is securing a grant from the State for 3.5% of the project. Division of Water Resources will provide 31.5% of the project, NRCS will provide 65% of project cost. The grant is for \$18.3 million dollars in construction cost from NRCS. The Canal Company through the State will provide the remainder through a grant and in-kind. We ask that the county advertise for and award a construction contractor. Commissioner Cowley asked what is the County's financial responsibility in this project? Commissioner Migliori answered that the County will oversee the project using the resources that we have available. Commissioner Cowley thank for the clarification. He expressed concern that the county would get involved in this type of a project. Mr. Smart added that the State is designing the project along with the Canal Company and Ferron City. The federal government can not write an agreement with an organization that doesn't have HR policies so they usually ask for a local sponsor to help them out. This is similar to the project that the NRCS just finished in Huntington Canyon. The difference is all the match is covered by the NRCS, the State of Utah and the Ferron Canal Company. Traci Behling stated that they are

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just asking the county to receive and disperse funds. Mr. Smart indicated that they are in a time crunch. Part of the language in the agreement is that you can back out of the project at any time. Construction will not begin until next July, so we have time to work the project out and amend the agreements. The NRCS needs a signature quickly to obligate these funds to the project before the end of their fiscal year which is July 31<sup>st</sup>. Is their a clear process to make amendments to the agreement? We need to make some amendments in order to keep the other departments inside the county comfortable in moving forward. We are taking on a lot of risk and we want to mitigate that risk. There are a few things that need some clarification. Traci Behling explained that the NRCS received notification of appropriation of funds from the legislature just recently so they have had to move very quickly to get this project moving forward. Commissioner Migliori expressed concern that all parties involved be aware and conscious of what is being done. If the 28 million dollars goes south we couldn't even come close to covering that. Commissioner Migliori talked about the administration fee included in the contact agreement. He felt that the \$100,000.00 will probably need to be adjusted. Attorney Mike Olsen asked Mr. Smart where in the contract he can find the paragraph that the county can back out at any time. Mr. Smart indicated that it refers to a statute which he will email the reference to him. Mike asked what is the drop dead date that we have to sign this? Mr. Smart indicated that they need it by the 15<sup>th</sup>. Patsy Stoddard asked if there will be any impacts to the golf course? Is there a plan to mitigate that? Mr. Smart indicated that they have discussed this extensively. The golf course will be a 12 hole course for a year and a half. Mike Olsen indicated that he has been working with other attorneys to get some perspective. He has visited with attorneys who have dealt with issue and they have been advising with him. He will continue to keep looking into it. By the 15<sup>th</sup> he hopes to have a better perspective on this. His concern is how to indemnify the county. Commissioner Migliori expressed his feelings that this is a big project. Some of the decisions will need to be made moving forward. Amendments and MOU's will be coming. He wanted the county attorney to review the paragraph and be comfortable with it. Then we can move forward in good faith. Commissioner Keith Brady made a motion to move forward pending the approval of Attorney Mike Olsen's validation of CRF200 on behalf of NRCS and Canal Company so they do not lose the federal funding. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN NATURAL RESOURCES CONSERVATION SERVICE (NRCS), UNITED STATES DEPARTMENT OF AGRICULTURE (USDA), AND EMERY COUNTY, UTAH FOR FERRON WATERSHED- MILLSITE DAM (DAM NO UT00212).

Commissioner Keith Brady made a motion to approve of an MOU between NRCS, USDA, and Emery County for Ferron Watershed-Millsite Dam (Dam No. UT00212) pending conformation that Attorney Mike Olsen is comfortable with the document. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(12)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING  
BETWEEN EMERY COUNTY AND FERRON CANAL AND RESERVOIR COMPANY FOR  
CASH AND IN-KIND CONTRIBUTION TO REHABILITATION OF MILLSITE DAM  
PROJECT.

Commissioner Keith Brady made a motion to table this item for now. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF DONATION TO PUBLIC LAND RALLY IN  
SEVIER COUNTY.

In an effort to inform the eastern delegation to western public land issues a rally will be held in Sevier County. The rally will be August 11<sup>th</sup>.

Commissioner Keith Brady made a motion to approve a donation of \$250.00 to participate in the Public Land Rally in Sevier County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Brady*

Commissioner Brady reported on the recent Rocket Competitions in Green River. They had 41 rockets from 36 colleges with approximately 500 students attend the competition from as far away as Brazil, Egypt and Turkey. Emery County Business Chamber held their Lunch & Learn on July 15<sup>th</sup>. Allen Christensen was the guest speaker.

*Commissioner Migliori*

Commissioner Migliori reported that the Emery County Historic Preservation Committee is working on restoration of the San Rafael Swinging Bridge. BEAR Outreach Specialists will be out visiting businesses in the county to obtain input on resources that local businesses need to stay viable and possible expansion opportunities.

10  
COMMISSION MEETING MINUTES  
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(15)  
ADJOURNMENT.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 21, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Keith Brady, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials, and citizens.

Christine Jensen, Extension/4H introduced 4H youth who were in the courthouse this day for Cookie Camp. The youth presented the officials on the stand with the cookies they had made. Mrs. Jensen thanked the Commissioners for the county's continued support of 4H programs and the Extension program.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 236913 through and including #237070 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
35-15	(2) Tahoe Set-ups Sheriff	\$23,292.00
36-15	(1) Apple iPad Air Sheriff	629.99
37-15	(10) Panasonic Toughbook 54 Lite Laptops Sheriff	15,791.50

Dispositions were presented for 146-3465 end table, 146-6323 white board, 146-4994 desk, 146-7720 time clock.

2

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(2)

APPROVAL OF OUT-OF-STATE TRAVEL TO ANCHORAGE, ALASKA FOR TINA CARTER TO ATTEND A GO WEST SUMMIT.

(3)

RATIFY APPROVAL OF OUT-OF-STATE TRAVEL TO WYOMING FOR DUSTY BUTLER AND JEROD CURTIS FOR EXTRADITION AND APPROVAL OF SUBSEQUENT TRIPS.

(4)

APPROVAL OF OUT-OF-STATE TRAVEL FOR JOHN BARNETT, GARRETT CONOVER, AND JEROD CURTIS ATTEND UNOA ANNUAL CONFERENCE IN MESQUITE, NV.

(5)

APPROVAL OF OUT-OF-STATE TRAVEL FOR KEITH BRADY TO ATTEND BEAR TRAINING IN DENVER, CO.

(6)

APPROVAL OF OUT-OF-STATE TRAVEL FOR KEITH BRADY TO ATTEND NACO COAL RELIANT COMMUNITIES INNOVATION CHALLENGE CONFERENCE IN GRAND JUNCTION, CO.

(7)

APPROVAL OF 3% WAGE INCREASE FOR BRENDA LEMON FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD.

(8)

APPROVAL OF 3% WAGE INCREASE FOR JANELL BEAGLEY FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD.

(9)

NOTIFICATION. HUNTINGTON LIBRARY HIRE BRANDON HESS AS A PART TIME JANITOR WORKING 7.5 HOURS PER WEEK. GRADE 6.

(10)

APPROVAL OF COMMISSION MEETING MINUTES DATED JULY 7, 2015.

Motion to approve the consent agenda was made by Commissioner Keith Brady, seconded by Commissioner Paul Cowley and the motion passed.



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DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

(2)  
TRACI BARKER, DISCUSSION OF FLOODING ABOVE ORANGEVILLE ON PRIVATE PROPERTY.

Traci Barker provided a slide presentation of flooding of Cottonwood Creek along her property located outside city limits of Orangeville. She reviewed damage of fences and alfalfa fields. She indicated that her and her husband have to rebuild fences after each flood. She estimated that they have lost approximately 40 feet of property. She stated that they have applied with NRCS and the Army corp of Engineers for assistance to mitigate the flooding problem. She pointed out that the road has sustained some damage along the side of the road. She indicated that she was not asking for any help from the county. She just wanted to make the county aware of the problem with the road and didn't want to see it get any worse.

(3)  
CONSIDERATION AND APPROVAL OF MODIFICATION OF AGREEMENT WITH MANTI-LaSAL NATIONAL FOREST AND EMERY COUNTY FOR MAINTENANCE OF FDR50014 MILLERS FLAT ROAD TO EXTEND PERFORMANCE PERIOD AND INCREASE FUNDING FOR MAINTENANCE.

Commissioner Keith Brady made a motion to approve of modification of agreement with Manti-LaSal National Forest and Emery County for maintenance of FDR50014 Millers Flat Road to extend performance period and increase funding for maintenance. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)  
CONSIDERATION AND APPROVAL OF 2015 SCHEDULE A BETWEEN FOREST SERVICE AND EMERY COUNTY FOR MAINTENANCE ON FOREST SERVICE ROADS.

Commissioner Keith Brady made a motion to approve of 2015 Schedule A between Forest Service and Emery County for maintenance on Forest Service Roads. The motion was seconded by Commissioner Paul Cowley. The motion passed.

4

COMMISSION MEETING MINUTES  
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(5)

CONSIDERATION AND APPROVAL OF MASTER LEASE AGREEMENT BETWEEN EMERY COUNTY AND JOHN DEERE FINANCIAL FOR LOADER BACKHOE FOR ROAD DEPARTMENT USE.

Road Department Supervisor Wayde Nielsen explained that it is more cost effective to lease a loader backhoe than purchase one. John Deere provides the maintenance. It is a yearly/ 300 hours a year lease. Commissioner Keith Brady made a motion to approve of Master Lease Agreement between Emery County and John Deere Financial for loader backhoe for Road Department use. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 FOR THE MARSHALL BRIDGE IMPROVEMENT PROJECT, 2015.

Merrill Johansen, J&T Engineering explained that Nelco Contractors is ready to sign a release of claims for the Marshall Bridge Improvement Project, 2015 pending approval of this change order. The change order is in the amount of \$6,909.50 for asphalt and extra paint. The new contract cost including this change order is \$42,083.90. Commissioner Paul Cowley made a motion to approve change order #1 for the Marshall Bridge Improvement Project, 2015. The motion was seconded by Commissioner Keith Brady. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF STATE OF UTAH CONTRACT AMENDMENT BETWEEN DEPARTMENT OF AGRICULTURE AND EMERY COUNTY FOR RUSSIAN OLIVE PROJECT.

This is a continuation of grant for the removal of noxious weeds provided by The Department of Agriculture in the amount of \$70,000.00. The grant is for the removal of Russian Olives. No match is required by the County/ Weed & Mosquito Department. It is a full grant. Commissioner Paul Cowley made a motion to approve of State of Utah contract amendment between Department of Agriculture and Emery County for Russian Olive Project. The motion was seconded by Commissioner Keith Brady. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 FOR SOUTH MOORE PHASE 10.

Nielson Construction has the contract for the South Moore Phase 10 project. The have requested

COMMISSION MEETING MINUTES  
JULY 21, 2015

an extension of completion date for the project to October 15, 2015 due to weather delays in other projects. There is no other changes to the contract. Commissioner Keith Brady made a motion to approve change order #1 for South Moore Phase 10. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

APPROVAL TO RE-SCHEDULE COMMISSION MEETING SET FOR AUGUST 18, 2015 TO AUGUST 25, 2015 IN GREEN RIVER.

Commissioner Keith Brady made a motion to re-schedule Commission Meeting (originally scheduled for August 18, 2015) to August 25, 2015 in Green River at 9:00 am. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

APPROVAL TO SET BOARD OF EQUALIZATION ON AUGUST 25, 2015 IN GREEN RIVER AND AUGUST 26, 2015 IN CASTLE DALE.

Commissioner Keith Brady made a motion to set BOE for August 25, 2015 from 10:00 am until 12:30 pm in Green River and August 26, 2015 at 9:00 am until 12:00 pm in Castle Dale. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

APPROVAL TO ADVERTISE RFP FOR INDEPENDENT AUDIT SERVICES FOR FY2015 AND SUBSEQUENT YEARS.

Brenda Tuttle, Clerk/Auditor requested to advertise for RFP's for the county's auditing services. Commissioner Paul Cowley made a motion to advertise for RFP's for auditing services for Emery County. The motion was seconded by Commissioner Keith Brady. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF APPOINTMENT OF JOHN T. EDEN TO EMERY COUNTY COUNCIL ON AGING AND NUTRITION.

Commissioner Paul Cowley made a motion to appoint John T. Eden to Emery County Council on Aging and Nutrition. The motion was seconded by Commissioner Keith Brady. The motion passed.

6

COMMISSION MEETING MINUTES  
JULY 21, 2015

(13)

CONSIDERATION AND APPROVAL OF APPOINTING AN INTERIM ZONING ADMINISTRATOR.

Commissioner Keith Brady made a motion to appoint Jeff Guymon as interim Zoning Administrator for Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

APPROVAL TO GO OUT TO BID FOR JANITORIAL SERVICES OF THE JUSTICE COURT AND SHERIFF'S OFFICE BUILDING IN GREEN RIVER.

Julie Spadafora was providing janitorial services for Justice Court and the Sheriff's Office Building in Green River. She now works for Green River City. Commissioner Keith Brady made a motion to advertise for bids to provide janitorial services for the Justice Court/Sheriff's Office in Green River. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

RATIFY APPLICATION FOR FEDERAL ASSISTANCE, ASSURANCES RELATING TO REAL PROPERTY ACQUISITION, BUDGET INFORMATION, AND OTHER ASSURANCES RELATING TO THE MILLSITE DAM AGREEMENT BETWEEN NRCS AND EMERY COUNTY.

Commissioner Keith Brady made a motion to ratify application for federal assistance, assurances relating to real property acquisition, budget information, and other assurances relating to the Millsite Dam Agreement between NRCS and Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

COMMISSION/ELECTED OFFICIALS REPORTS.

*Commissioner Cowley*

Commissioner Cowley reported that there will be a ribbon cutting for the Museum of the San Rafael Children's Corner on Wednesday, July 8th. He encouraged everyone to attend the County Fair next week. Cory Worwood and his staff at the Weed/Mosquito Department are working through concerns with mosquitos in the county. With the recent rains the mosquitos are out in full force. Mr. Worwood asked that everyone be patient. They will eventually get to your neighborhood. If you have a particular area you are concerned about call the Weed/Mosquito

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office. They will get there as soon as possible.

*Commissioner Brady*

Commissioner Brady reported on the San Rafael Classic Triathlon at Huntington Reservoir. It was a good event for raising money for Search and Rescue.

*Commissioner Migliori*

Commissioner Migliori provided a follow up on the proposed gas tax. The Commissioners are trying to understand what the funds can be used for. They will continue to get more information out on this issue. The county may not pursue this tax this year as it will have go through the truth in taxation process. Commissioner Migliori had an opportunity to sit in on a radio interview regarding the public lands initiative. Be aware that CVSSD is starting chip seal projects on the roads . The County has applied for a NACO grant that provides a training workshop for communities affected by coal mine closures or other correlated industry closures. If that works out then Commissioner Brady and possibly Commissioner Migliori will attend that training. The focus of the training will be collaboration with other areas that have the same issue to see what we can do to help curb the affects of closures on the communities/county and diversify from the affects of the closures.

(17)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

AUGUST 4, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Keith Brady, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #237176 through and including #237273 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
38-15	(2) Tahoe Set-ups Sheriff (this replaces #35)	\$23,697.38

There were no dispositions.

(2)  
APPROVAL OF OUT-OF-STATE TRAVEL TO MESQUITE, NV FOR KYLE EKKER TO ATTEND DRUG TASK FORCE COMMANDERS MEETING DURING UNOA ANNUAL CONFERENCE.

(3)  
APPROVAL OF 3% WAGE INCREASE FOR MELISSA ARRIEN AFTER SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD.

COMMISSION MEETING MINUTES  
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(4)

APPROVAL OF 3% WAGE INCREASE FOR EARL NELSON AFTER SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD.

(5)

APPROVAL OF COMMISSION MEETING MINUTES DATES JULY 21, 2015

Commissioner Paul Cowley made a motion to approve the consent agenda. The motion was seconded by Commissioner Keith Brady. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing was pulled for discussion.

Dennis Arдохain, Miner's Memorial asked to speak with the Emery County Commissioners regarding Emery County Miner's Memorial. The idea of a memorial began with two men who, together, had spent more than eighty years in the Eastern Utah coal mines. Over their lives, they saw numerous disasters that brought extreme grief to local families and communities. A committee of past and present miners, miners' families and community leaders was formed to raise funds, design a monument, and see the project through to completion. Research, which is still ongoing, has resulted in a list of almost 1,500 miners who died in Carbon County and Emery County mines between 1870 and the present. He stated that they have received unbelievable support for this cause. Last Labor Day, September 7, 2014 they dedicated the Carbon County Miner's Memorial Monument site. They have received \$25,000.00 from Carbon County as well as others. They have already received donations for Emery County's monument. A delegation went before Brad King at the Utah State Legislature and received an appropriation of \$100,000.00 for the project. They are in need of additional funds for the Emery County Monument. They asked that Emery County consider donating the same as Carbon County, \$25,000.00 for the project. They would like to have the project completed by fair/pageant time in 2016. Commissioner Migliori stated that the Emery County Commission is excited that they have taken on this project. He stated that the Commission will look at the budget and see what they can contribute in funds and in-kind service to this project. He will get with Lori Anne Larsen.

COMMISSION MEETING MINUTES  
AUGUST 4, 2015

(2)

CONSIDERATION AND APPROVAL OF ADDITIONS/CHANGES TO THE FEE SCHEDULE AT THE EMERY COUNTY AQUATICS CENTER.

Shannon Hiatt explained additions or changes to the fee schedule at the Emery County Aquatic Center. Commissioner Brady oversees the Aquatic Center and suggested a six month punch pass for \$25.00 for Aquasize and laps as well as showers. The Emery High Swim Team has the pool from 3 to 5 and public swimming is from 5 to 7:30. He suggest a Family Night on Monday from 5 to 7:30 and change the fee schedule for that night to \$2.00 per person. Commissioner Migliori added that the thinking behind this change is to maximize the use of the pool by minimizing the cost to the public. This change would begin mid September. The IT Department is working with Shannon to figure out the punch pass. Commissioner Migliori asked recommended approval for this addition and change to the fee schedule at the Aquatic Center. Commissioner Keith Brady made a motion to approve of additions/changes to the fee schedule at the Emery County Aquatics Center. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF EMERY COUNTY FAIR VENDOR APPLICATION/AGREEMENT TO BE USED IN 2016.

Commissioner Migliori explained the Emery County Fair Vendor Application/Agreement to be used in 2016. He explained that the agreement minimizes the risk to the county and identifies the dates and fees for booth rental moving forward into 2016. The fees and dates are subject to change on annual basis as reviewed by the Emery County Fair Board. Commissioner Keith Brady made a motion to approve of Emery County Fair Vendor Application/Agreement to be used in 2016. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF AMENDMENT #1 ON CONTRACT 14-2382 BETWEEN DIVISION OF WATER RESOURCES AND EMERY COUNTY TO PROVIDE ADDITIONAL TIME TO COMPLETE THE HUNTINGTON CREEK RECOVERY PROJECT.

Amendment #1 on contract between Division of Water Resources and Emery County will provide additional two years to the Huntington Creek Recovery Project. Commissioner Keith Brady made a motion to approve of Amendment #1 on contract 14-2382 between Division of Water Resources and Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.



COMMISSION MEETING MINUTES  
AUGUST 4, 2015

(5)

CONSIDERATION AND APPROVAL OF INTER-AGENCY COORDINATION AND SUB  
RECIPIENT CONTRACT AGREEMENT BETWEEN SOUTHEASTERN UTAH  
ASSOCIATION OF LOCAL GOVERNMENTS (SEUALG AND EMERY COUNTY) TO  
ADMINISTER THE EMERY COUNTY AGING AND NUTRITION PROGRAMS FROM  
JULY 1, 2015-JUNE 30, 2016.

Commissioner Keith Brady made a motion to table is item to get more information from SEUALG on what the funds are used for. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF UTAH DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF EMERGENCY MANAGEMENT, FY 2015 EMERGENCY MANAGEMENT  
PERFORMANCE GRANT AND AGREEMENT ARTICLES.

Captain Ekker explained that the Emergency Management Performance Grant experienced a 10% increase. The funds are used for training and preparation. Wages are factored into the grant. Commissioner Paul Cowley made a motion to approve of Utah Department of Public Safety Division of Emergency Management, FY2015 Emergency Management Performance Grant and Agreement Articles. The motion was seconded by Commissioner Keith Brady. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF NEW PERSONNEL POLICIES AND  
PROCEDURE MANUAL FOR EMERY COUNTY.

Mary Huntington introduced Scott Crook from the law firm of Arnold & Crook. Mr. Crook was hired to review and make recommendations on the county's personnel policy and procedures manual. He stated that he has worked to protect employers for over 20 years especially working with local government entities and private employers. He stated that he is very familiar with the personnel policy and procedures manual. There has been a lot of development since this policy was created. Over the years the policy has collected a lot of baggage. The policy/procedures manual has been reorganized so it is understandable in principle and policy. Benefits were not changed just organized and understandable. The manual has been modeled after other manuals that have worked very well. Commissioner Brady indicated that he has not been able to read the entire manual but he did have some questions. He reviewed the questions he had and Attorney Mike Olsen also asked some questions. It was determined that the manual needed to be adopted

COMMISSION MEETING MINUTES  
AUGUST 4, 2015

by resolution. Therefore, Commissioner Keith Brady made a motion to table approval of the personnel policies and procedure manual for Emery County to allow time for a resolution to be prepared. The motion was seconded by Commissioner Paul Cowley. The motion passed. Mr. Crook will attend Commission Meeting on September 1, 2015 .

(8)

CONSIDERATION AND APPROVAL OF PRE-DISASTER MITIGATION GRANT APPLICATION.

Captain Ekker explained that the Pre-disaster Mitigation Grant program was started 3 years ago on a multi-county level with the AOG.. Emery County would like to do their own thing now and apply to create their own plan. If they apply now they will have two years to prepare the new plan. If they are successful in getting the grant the amount would be \$3,750.00 with a 25% match. The funds will go to pay the contractor awarded to write the plan. This would be separate from the AOG plan. They plan to involve the cities in the county plan. The document needs to be signed today to meet the deadline with FEMA. Commissioner Keith Brady made a motion to approve of Pre-Disaster Mitigation Grant application. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Brady*

Commissioner Brady has been working closely with the Aquatic Center to formulate the family night from 5pm to 7:30pm at \$2.00 per person and the punch pass for Aquasize and showers. He reported on the Beehive Drive Contest sponsored by the Utah Highway Patrol. Participants get to sit in cool cars and get their pictures taken. They offer a \$8,500.00 scholarship and money to city. \$10,500.00 for the license plate contest.

*Commissioner Cowley*

Commissioner Cowley reported on the challenges with the work being done on the San Rafael Swinging Bridge. The project has few days left to be completed.

6

COMMISSION MEETING MINUTES  
AUGUST 4, 2015

*Commissioner Migliori*

Commissioner Migliori expressed the County's appreciation to all those who helped to make this year's Emery County Fair a success.

(10)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

## **Board of Equalization Minutes August 25 & 26, 2015**

Present were : Ethan Miliori, Brenda Tuttle, Kris Bell

There were no Board of Equalization hearings in Green River, Utah on August 25, 2015.

**Pat Jones** - Came in concerned about the value of commercial property. His storage sheds went from \$178,201 last year to \$303,318 this year. No additional buildings or changes have been made.

Kris Bell, Emery County Assessor explained that she had previously valued storage sheds as one large building and this year that was changed to value each building separately and that is why the value had changed. The other option than value is to charge taxes by the income but in order to do that she would have to have income information.

Ethan Migliori, Hearing Officer, - Kris will look at the different options and do a site visit on the commercial building to see if the valuations are correct. After looking at the options the Commissioners will make a decision and Pat will be notified.

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COMPLEX  
GREEN RIVER, UTAH

AUGUST 25, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Keith Brady, Commissioner Paul Cowley, County Attorney Mike Olsen, Clerk/Auditor Brenda Tuttle, other elected officials, and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS .

The Warrant Check Edit List #237646 through and including #277700 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
39-15	(4) Stalker Dual Radar Sheriff	\$8,512.00
40-15	Truck Shell Sheriff	\$1,473.00
41-15	Vehicle Set-Up ( 2015 Ford Explorer) Sheriff	\$10,454.65
42-15	Vehicle Set-Up ( 2015 Ford F-150) Sheriff	\$12,517.01
43-15	Dump Bed Highway	\$18,378.00
44-15	2016 Dodge Durango Ambulance	\$33,975.00

Commission Meeting  
August 25, 2015

Dispositions were presented for the following:

410-5380, 1992 Ranco Belly Dump, 410-5381, 1992 Ranco Belly Dump, 410-6168, 1994 Clements Pup Belly Dump, 410-6169, 1994 Clements Pup Belly Dump, 410-6201, 1994 Dolly.

(2)

NOTIFICATION : ABBY JENSEN AS A PART TIME OFFICE SPECIALIST IN THE RECORDER'S OFFICE, WORKING 19 3/4 HOURS PER WEEK, GRADE 7.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED AUGUST 4, 2015.

Motion to approve the Consent Agenda was made by Commissioner Keith Brady and seconded by Commissioner Paul Cowley.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing was pulled for discussion.

(2)

EMPLOYEE OF THE MONTH.

This item was tabled .

(3)

CONSIDERATION AND APPROVAL OF TITLE RIGHT-OF-WAY GRANTS ON BLM ROADS AS FOLLOWS: UTU-54689 LAST CHANCE, ROAD #920. UTU-54731 BUCKHORN WASH REALIGNMENT, ROAD #332, AND UTU-54690 HADDEN WASH, ROAD #401.

Ray Petersen, Public Lands Director, has reviewed the right-of-ways and recommends that the Commission approve them. Commissioner Keith Brady made a motion to approve the above right-of-ways as listed. Commissioner Paul Cowley seconded the motion.

Commission Meeting  
August 25, 2015

(4)

RATIFY LICENSE AGREEMENT BETWEEN EMERY COUNTY AND UNITED STATES OF AMERICA UTILIZE LANDS ACQUIRED FOR THE HUNTINGTON NORTH RESERVOIR FOR A PUBLIC RECREATION TRAIL.

The final documents for the license agreement arrived shortly after the last commission meeting. In order to meet the deadline of the end of August the Commission agreed to sign and ratify the agreement. Commissioner Keith Brady made a motion to ratify the license agreement between Emery County and United States of America Utilize lands acquired for the Huntington North Reservoir for a public recreation trail. Commissioner Paul Cowley seconded the motion and it was approved by all.

(5)

OPEN BIDS FOR JANITORIAL AND YARD CARE SERVICES FOR THE GREEN RIVER JUSTICE COURT AND SHERIFF'S OFFICE BUILDING. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.

One bid was submitted from Claire Maldonado in the amount of \$200.00 per month. Commissioner Keith Brady made a motion to clarify with the advertisement before awarding the bid to ensure that all of the conditions were met and if so award the bid. Commissioner Paul Cowley seconded the motion and it was approved by all.

(6)

FURTHER DISCUSSION AND RE-CONSIDERATION OF APPROVAL OF EMERY COUNTY FAIR VENDOR APPLICATION/AGREEMENT TO BE USED IN 2016.

Our insurance carrier Utah Counties Insurance Pool and the County are trying to come up with ways to limit the County's liability during the fair. The fair vendor application/agreement was approved during the last meeting. Commissioner Ethan Migliori is requesting that the agreement be put on hold until we work with the Recreation District to see what the ramifications of the agreement might be. There is a possibility that the Recreation District might be able to purchase a separate insurance policy to cover the fair. The details of this possibility were still being gathered. Commissioner Migliori will continue to work with the Recreation District to find a solution before next years fair.

Commission Meeting  
August 25, 2015

(7)

APPROVAL TO RENEW EAGLE AIR MED, NOW KNOWN AS GUARDIAN FLIGHT, INSURANCE FOR ALL FULL TIME COUNTY EMPLOYEES AT \$30.00 PER YEAR. ALL PART TIME EMPLOYEES CAN PURCHASE THIS THROUGH PAYROLL DEDUCTION FOR THE SAME PRICE.

Personnel Director Mary Huntington explained that this company was formerly called Eagle Air Med. The County covered the cost of this insurance last year. The insurance covers a full time employee or their family in the event that they were in a situation to use a Guardian Flight helicopter. It would cover any flight owed by Guardian Flight. Part-time employees would also be able to purchase the insurance for \$30.00. Commissioner Keith Brady made a motion to approve purchasing Guardian Flight insurance. Commissioner Paul Cowley seconded the motion and it was approved by all.

(8)

CONSIDERATION AND APPROVAL TO USE EMERY MEDICAL CENTER FOR THE WELLNESS CLINIC FOR EMERY COUNTY EMPLOYEES AND THEIR FAMILIES.

Personnel Director Mary Huntington presented this item. About eight years ago the County implemented a wellness program in conjunction with the health insurance plan. Employees that participate get a comprehensive lab report back and if there is something out of sync then they can schedule a follow up with Lowell Morris at Emery Medical Center. This program has caught serious health issues in the early stages which helps decrease insurance costs. If an employee has already had a comprehensive blood draw then they can bring in a note from their physician and they will be counted as having participated. The program also includes a flu shot.

Commissioner Paul Cowley made a motion to approve the use of Emery Medical Center for the wellness clinic. Commissioner Keith Brady seconded the motion and it was approved by all.

(9)

CONSIDERATION AND APPROVAL TO AWARD EACH FULL TIME EMPLOYEE WHO PARTICIPATES IN THE WHOLE WELLNESS CLINIC 4 HRS. VACATION TIME.

Commissioner Paul Cowley made a motion to award each full time employee who participates in the whole wellness clinic 4 hours of vacation time. The motion was seconded by Commissioner Keith Brady and approved by all members.



Commission Meeting  
August 25, 2015

(10)

CONSIDERATION AND APPROVAL OF RESOLUTION RESCINDING DELINEATION OF EMERY COUNTY JUSTICE COURT, FIRST PRECINCT ( CASTLE DALE, UTAH) ANS SECOND PRECINCT (GREEN RIVER, UTAH) WHEREBY COMBINING INTO ONE PRECINCT.

Commissioner Keith Brady stated that the justice court precincts were split in 1992. Judge Stream is now requesting that the precincts be combined back into one precinct with two locations. The State Courts have said that nothing would change other than the Judge would only be required to hold court in Green River once a month instead of twice a month. The resolution would take effect as soon as the State approved it. Commissioner Keith Brady made a motion to approve Resolution #08-25-15 rescinding delineation of Emery County Justice Court First Precinct and Second Precinct and combining them into one precinct. The motion was seconded by Commissioner Paul Cowley and approved by all.

(11)

APPROVAL TO ADVERTISE FOR MID-TERM VACANCY ON NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT'S BOARD.

Board member Bruce Wilson has resigned from the Board. The vacant position would be for a three year term. Commissioner Paul Cowley made a motion to advertise for a vacancy on the North Emery Water Users Special Service District Board. The motion was seconded by Commissioner Keith Brady.

(12)

CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR NOXIOUS WEED MANAGEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS AND EMERY COUNTY WEED AND MOSQUITO DEPARTMENT.

Commissioner Keith Brady made a motion to approve the cooperative agreement with the Utah Division of Forestry, Fire & State lands for noxious weeds. The motion was seconded by Commissioner Paul Cowley and approved by all.

(13)

COMMISSION/ELECTED OFFICIALS REPORT.

**Paul Cowley** - Commissioner Cowley had the opportunity to visit with four individuals from California who were in the County riding the trails. They were supposed to end their visit in Green River. The summer senior luncheon is set for September 11, 2015 in Huntington.

Commission Meeting  
August 25, 2015

**Keith Brady** - Commissioner Brady has been working on a new agreement with the Emery County School District to clarify the prior agreement from 2007 on how much time the schools are allotted and what will be provided during their time of use. There will be a NACO conference in September that will be discussing coal. Sheriff Funk suggested talking with Loran Huntsman from Pacifcorp prior to the conference.

**Ethan Migliori** - Commissioner Migliori has been involved in talks with John Bramall concerning the Care Center. They are looking at possible home health options. Commissioner Migliori also had an opportunity to present at a conference with Mistie Christiansen on rural land issues. Having a public lands council in place has put us ahead of other counties on land issues. Commissioner Migliori also attended an economic development conference in Denver, Colorado. There were good ideas to try and help businesses grow.

(14)

ADJOURN

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS

September 1, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Keith Brady, Commissioner Paul Cowley, County Attorney Mike Olsen, Clerk/Auditor Brenda Tuttle, other elected officials, and citizens.

CONSENT AGENDA

1. APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS .
2. APPROVAL OF COMMISSION MEETING MINUTE DATED AUGUST 25, 2015.

Commissioner Paul Cowley made a motion to approve the consent agenda. The motion was seconded by Commissioner Keith Brady and approved by all members.

DISCUSSION ITEMS:

1. ITEMS PULLED FROM CONSENT AGENDA.

No items were pulled from the consent agenda.

2. EMPLOYEE OF THE MONTH.

The Emery County Road department was selected for employees of the month. They do anything they can to help. They were some of the first people on the scene at an accident on the San Rafael Swell. Commissioner Migliori thanked the Department for all they do to keep the roads so nice. Something will be done for the whole department to show the County's appreciation.

3. DEBBIE HATT, SEUAOG, DISCUSSION AND APPROVAL OF INTER-AGENCY COORDINATION AND SUB RECIPIENT CONTRACT AGREEMENT BETWEEN SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS (SEUALG AND EMERY COUNTY ) TO ADMINISTER THE EMERY COUNTY AGING AND NUTRITION PROGRAMS FROM JULY 1, 2015 - JUNE 30, 2016.

There were some questions concerning the AOG contracts so Debbie Hatt was invited to come and discuss the contracts. One question concerning contributions was Emery County contributes \$19,086 while Carbon and Grand Counties contribute only \$500.00. Debbie explained that the difference in contributions comes back in SSBG dollars. Of that money Emery County gets

\$24,003, Carbon County \$6,700 and Grand County \$4,097. Some money from Emery County goes to match other federal funds. Commissioner Paul Cowley mentioned that the program is in need of a new meals on wheels vehicle next year. Funds for that vehicle would have to be allocated from the County. It costs about \$490,000 to run the senior programs. Cash in lieu has to be used for meals. Social Services Block Grant augments all programs that are based on low income. Shawna Horrocks, Aging Director presented information for meals on wheels services.

Commissioner Keith Brady made a motion to approve the contract between Southeastern Utah Association of Local Governments and Emery County. The motion was seconded by Commissioner Paul Cowley and approved by all.

4. KIMBALL AND ROBERTS, PRESENTATION OF FY2014 INDEPENDENT AUDIT.

Rick Roberts from Kimball and Roberts was present to discuss the County's FY2014 audit. A clean opinion was issued. There were no errors or irregularities found. Total assets of the County were \$64,640,811. There was one compliance deficiency noted in the Revolving Loan Fund.

5. CONSIDERATION AND APPROVAL OF RESOLUTION IN SUPPORT OF DESIGNATING CLEVELAND/LLOYD DINOSAUR QUARRY AS A NATIONAL MONUMENT, AS PART OF PLI, AS RECOMMENDED BY THE PUBLIC LANDS COUNCIL.

This item was tabled. The County Attorney will draft a resolution and the commissioners will review it before the September 15, 2015, meeting.

Motion was made by Commissioner Paul Cowley to table. Motion was seconded by Commissioner Keith Brady and approved by all.

6. DISCUSSION OF HOLDING A COUNTY AUCTION VS. ADVERTISING FOR A SEALED BID OF EXCESS COUNTY EQUIPMENT/FURNITURE. APPROVAL OF ACTION TAKEN.

The County has enough excess equipment/vehicles to hold an auction. The downfall of doing sealed bids would be the amount of time opening and awarding the bids. A date for the auction was tentatively set for October 24, 2015. The County will look into available auctioneers.

7. CONSIDERATION AND APPROVAL TO BEGIN PROCESS TO SALE COUNTY OWNED PROPERTY PARCEL NO. 03-0081-0014.

The County has been approached to sell parcel #03-0081-0014. The previous owner was using the property and had a corral on it. A new individual has acquired the property and through title searches discovered that the property that was being used was not included in their property description. There is a process to follow if it is determined that it is the best interest of the County to sell the property. The assessor has determined the taxable value to be \$121.00. It is .58 acres.

Commissioner Keith Brady made a motion to begin the process to sell parcel #03-0081-0014. The motion was seconded by Commissioner Paul Cowley and approved by all members.

8. CONSIDERATION AND APPROVAL OF COUNTY PERFORMANCE INCENTIVE PROGRAM (CPIP) GRANT AS PART OF THE JUSTICE REINVESTMENT INITIATIVE.

This is for a non-matching grant of \$2,100.00 for training software. The grant is for non-sworn officers to do assessments. Commissioner Keith Brady made a motion to approve County performance program grant. The motion was seconded by Commissioner Paul Cowley and approved by all members.

9. CONSIDERATION AND APPROVAL OF AGREEMENT AUTHORIZING EMERY COUNTY SPECIAL SERVICE DISTRICT #1 TO TAKE THE LEAD AND COORDINATE WITH ENERGY WEST/PACIFICORP ON REPAIRS TO CR221.

Howard Tuttle, Johansen & Tuttle Engineering, was present to discuss this item. This project is to fix County Road 221, Blue Hills Road by the Huntington Airport. When Pacificorp closed Deer Creek Mine they shuttled their heavy equipment over CR221. This resulted in two section of the road being severely damaged. Pacificorp has agreed to pay for the repair of the road. An encroachment permit would be given to Emery County Special Service District #1. The District will get an agreement to the County authorizing them to take over the road during this project.

Commissioner Paul Cowley made a motion to authorize Emery County Special District #1 to take the lead on repairs to CR221. The motion was seconded by Commissioner Keith Brady and approved by all members.

10. COMMISSION/ELECTED OFFICIAL REPORT.

Keith Brady - Congressman Chaffez' Washington staff was in the County and toured the

4

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September 1, 2015

Cleveland Lloyd Dinosaur Quarry.

Paul Cowley - Commissioner Cowley toured the Green River road shop building site that is being constructed. The contractor was pouring the floor at the time.

(11)

ADJOURN

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

SEPTEMBER 15, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Deputy Attorney Brent Langston, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #237780 through and including #237894 was presented for payment.

There were no requisitions.

Dispositions were presented for the following:

410-5378, 1992 Ranco Belly Dump (trade-in) 410-5379, 1992 Ranco Belly Dump (trade-in) 410-6167 1994 Clements Pup Belly Dump (trade-in) 410-6170 1994 Clements Pup Belly Dump (trade-in) 410-6200 1994 Dolly (trade-in) 410-6199 1994 Dolly (trade-in)

(2)

APPROVAL OF BUSINESS LICENSE FOR DOUBLE DIAMOND LLC.

(3)

APPROVAL TO REHIRE STEVE WHITFIELD, KACIE HEALY, RIKKO BOLOTAS , AND LES ANDERSON AS SEASONAL RUSSIAN OLIVE LABORERS. WAGE \$12.00 PER HOUR.

(4)

APPROVAL TO PROMOTE JONATHON MINCHEY TO PATROL DEPUTY II FOR 3 CONSECUTIVE YEARS ON THE ROAD. MOVE FROM GRADE 16 TO GRADE 17. EFFECTIVE 9-27-15.

2

COMMISSION MEETING MINUTES  
SEPTEMBER 15, 2015

(5)

APPROVAL OF OUT-OF STATE TRAVEL FOR RAY PETERSEN AND ETHAN MIGLIORI TO WASHINGTON DC FOR PUBLIC LANDS ISSUES.

(6)

APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 1, 2015.

Commissioner Paul Cowley made a motion to approve the Consent Agenda with a post note to #5 . The motion was seconded by Commissioner Keith Brady. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Commissioner Migliori asked to change #5 on the Consent Agenda. The Commissioner traveling to Washington D.C. may change as they near the date of travel.

(2)

DISCUSSION AND APPROVAL OF RESOLUTION ADOPTING THE AMENDMENTS TO THE EMERY COUNTY PERSONNEL POLICIES AND PROCEDURE MANUAL.

Commissioner Migliori explained that the Commissioners and County Attorney have determined that combining item # 2 and #3 would be sufficient to move forward with adopting amendments to the Emery County Personnel Policies and Procedure Manual. Commissioner Migliori asked if anyone had any questions or if any further discussion was necessary before moving forward? There was no additional questions of discussion. Therefore, Commissioner Keith Brady made a motion to approve Resolution 9-15-15A rescinding the old resolution and adopting a new Emery County Personnel Policies and Procedures Manual. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF RESCINDING RESOLUTION AMENDING THE EMERY COUNTY PERSONNEL POLICY.



COMMISSION MEETING MINUTES  
SEPTEMBER 15, 2015

(4)

TERRY ARCHIBALD, DISCUSSION OF EAGLE SCOUT PROJECT AT CASTLE DALE SENIOR CENTER TO ADD A NEW SIDEWALK. CONSIDERATION AND APPROVAL OF PROJECT AND DONATION TOWARDS IT.

Terry Archibald and his father Russ Archibald came before the Board of Commissioners to discuss an Eagle Scout Project at Castle Dale Senior Center to add a new sidewalk/ramp. Commissioner Cowley has reviewed the project along with the Planning & Zoning Director and engineer. Nielson Construction has donated 2 yards of cement towards the project. Other materials needed for the project are estimated to be \$515.00. Terry estimated the project will take 20 to 30 hours to complete. Commissioner Cowley expressed approval for the project adding that the Sr. Citizens and county will benefit from this project. Commissioner Paul Cowley made a motion to approve an Eagle Scout Project at the Castle Dale Senior Center and to approve up to \$515.00 for the project. The motion was seconded by Commissioner Keith Brady. The motion passed. Commissioner Cowley asked that Terry keep track of his time and take photos of the project so he can report back to the Commissioners after the project's completion.

(5)

CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION (BOE) CLOSURE.

Commissioner Keith Brady made a motion to close Board of Equalization for 2015. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF BOE CHANGES FOR FY 2015.

Commissioner Keith Brady made a motion to approve of BOE changes for 2015 as presented. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF VETERAN, BLIND AND HOMEOWNER'S TAX CREDIT ABATEMENTS.

Clerk/Auditor Brenda Tuttle presented a list of applicants for the veteran, blind and homeowner's tax credit abatements. She explained that all the applicants have met each program's specific requirements. Commissioner Keith Brady made a motion to approve of veteran, blind and homeowner's tax credit abatements for 2015. The motion was seconded by Commissioner Paul

COMMISSION MEETING MINUTES  
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Cowley. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF LOW INCOME TAX ABATEMENTS FOR RYAN COWLEY AND BLAIR LARSEN.

Clerk/Auditor Brenda Tuttle presented applications for low income abatements for Ryan Cowley and Blair Larsen. The low income abatement is for citizens with disability who are under 65 and would have a hardship paying the property tax. The abatement is a Commissioner adjustment and can be up to 50% off the tax owing. Commissioner Keith Brady expressed a desire to have more information regarding the applicants's situation. Commissioner Paul Cowley informed the Commissioner that he would have exempt himself from this matter because Ryan Cowley is his brother. Commissioner Keith Brady made a motion to table this matter pending additional information from the applicants. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF RESOLUTION IN SUPPORT OF DESIGNATING CLEVELAND LLOYD DINOSAUR QUARRY AS A NATIONAL MONUMENT AS PART OF THE PUBLIC LANDS INITIATIVE (PLI)

The Board of Commissioners discussed a resolution in support of designating Cleveland-Lloyd Dinosaur Quarry as a national monument as part Public Lands Initiative. Commissioner Brady expressed approval and support for the designation. Commissioner Cowley stated he was in favor of the designation saying it was a plus to the county. The Emery County Public Lands Council wants the designation included as part of the Public Lands Initiative (PLI) . Commissioner Paul Cowley made a motion to approve Resolution 9-15-15B in support of designating Cleveland-Lloyd Dinosaur Quarry as a national monument as part of the Public Lands Initiative. The motion was seconded by Commissioner Keith Brady. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF CONTRACT WITH RANDY ANDERSON FOR SERVICES TO ADVERTISE AND HOLD A COUNTY AUCTION.

The Commissioners have set a tentative date of October 24<sup>th</sup> to hold a county auction to sell county owned property such as computers, desks, file cabinets, autos and other equipment to the public. Randy Anderson advertises and conducts these type of auctions. Commissioner Paul Cowley made a motion to contract with Randy Anderson for services to advertise and hold a

COMMISSION MEETING MINUTES  
SEPTEMBER 15, 2015

county auction. The motion was seconded by Commissioner Keith Brady. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF AMENDMENT TO EXHIBIT A OF  
COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN AND FINANCIAL  
PLAN BETWEEN EMERY COUNTY AND MANTI-LA SAL NATIONAL FOREST.

Commissioner Keith Brady made a motion to approve Amendment to Exhibit A of the Cooperative Law Enforcement Annual Operating Plan and Financial Plan between Emery County and Manti-LaSal National Forest. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LIBRARY KINDLE  
CIRCULATION POLICY AND BORROWING AGREEMENT.

The County Attorney and Emery County Library Board have reviewed the Kindle Circulation Policy and Borrowing Agreement and recommend approval. Commissioner Keith Brady made a motion to approve the Agreement. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF AN RFP TO HIRE/CONTRACT WITH A DESIGN  
FIRM FOR MARKETING STRATEGY FOR THE EMERY COUNTY TRAVEL BUREAU.

Commissioner Paul Cowley made a motion to approve of an RFP to hire/contract with a design firm for marketing strategy for Emery County Travel Bureau. The motion was seconded by Commissioner Keith Brady. The motion passed.

(14)

CONSIDERATION AND APPROVAL OF CONSTRUCTION EASEMENT APPLICATION  
FROM BUREAU OF RECLAMATION TO ASPHALT THE REMAINDER OF THE  
HUNTINGTON STATE PARK TRAIL SYSTEM.

Commissioner Migliori explained that the construction easement from Bureau of Reclamation will allow the remainder of the Huntington State Park Trail System to be paved. Commissioner

6

COMMISSION MEETING MINUTES  
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Paul Cowley made a motion to approve of Construction Easement application from Bureau of Reclamation to asphalt the remainder of the Huntington State Park Trail System. The motion was seconded by Commissioner Keith Brady. The motion passed.

(15)

CONSIDERATION AND APPROVAL OF EMERY COUNTY BEER TAX FUND ANNUAL REPORT FOR FY2015.

Commissioner Keith Brady made a motion to approve of Emery County Beer Tax Fund Annual Report for FY2015. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

APPOINTMENT OF KENNETH GUNTER TO FILL AN UNEXPIRED TERM ON NORTH EMERY WATER USER'S SPECIAL SERVICE DISTRICT BOARD.

Bruce Wilson has resigned from the North Emery Water User's Special Service District. Commissioner Paul Cowley made a motion to appoint Kenneth Gunter to fulfill the unexpired term on the NEWUSSD Board. The motion was seconded by Commissioner Keith Brady. The motion passed.

(17)

COMMISSION/ELECTED OFFICIAL REPORTS.

*Commissioner Brady*

Commissioner Brady reported on the annual weed tour held in Green River. This is for those individuals who handle pesticides. They receive credits for attending the tour. Melon Days will be this weekend in Green River.

*Commissioner Cowley*

Commissioner Cowley reminded everyone of the fall burn window. Exact dates were not clear at this time.

*Commissioner Migliori*

Commissioner Migliori reported that the Resource Management Plan is nearly complete. There are about 5 areas that they still need to work on. They hope to have it complete in under a year.

7

COMMISSION MEETING MINUTES  
SEPTEMBER 15, 2015

(18)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 6, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 238014 through and including # 238177 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
45-15	Jail Computer w/3 year support Sheriff	\$1,531.27
46-15	Air Conditioner/Green River Comm. Site Sheriff/Communications	\$3,395.00
47-15	10 Radios for new vehicles Sheriff	\$9,378.00
48-15	24" Trailer/Green River Highway	\$9,399.00
49-15	20 Patrol Computers (Toughbooks) Sheriff	\$35,480.40
50-15	11 Kenwood Radios Ambulance	\$7,396.20
51-15	Meter and Regulator for new fuel system Huntington Airport	\$5,334.00

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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Dispositions were presented for the following:

621-8137, 1986 Ford F-150, 621-5393 Polaris Big Boss 4X6, 621-6613,6614, 1995 JD Gator 4x6, 621-4563, Herbicide sprayer, 621-4562, Herbicide Sprayer, 621-6725, Poulan chain saw 15", 621-8610, 18" chain saw/gas, 621-6726, chain saw 18", 621-2750, Stihl power saw, 18" Poulan chain saw.

(2)

RATIFICATION OF ROY PFANDER'S APPOINTMENT AS GREEN RIVER CITY'S REPRESENTATIVE ON THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 15, 2015.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Keith Brady, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

(2)

EMPLOYEE OF THE MONTH

Postponed

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(3)

SKIP MCDONNELL, ELECTRICAL CONSULTANTS, INC. INTRODUCTION TO WHAT ECI DOES AND HOW ECI COULD BENEFIT EMERY COUNTY.

Skip McDonnell, Project Development for Electrical Consultants, Inc., a leading electrical engineering consulting firm headquartered in Billings, Montana with over 25 years experience in a wide range of utility/industrial power system design from 600 volt through 500 kV, as well as communication system designs. ECI employs nearly 400 experienced engineers, designers, project managers, technicians, field personnel and support staff with offices located from coast to coast. ECI ranks among the largest of U.S. firms specializing in transmission and distribution engineering services other than power generation. They are currently working in the Uintah Basin on the U.S. Oil Sands Facility process. Mr. McDonnell indicated that he was here today to introduce the firm's professional services and make the Commissioners aware of the services that his firm can provide.

(4)

OPENING AND REVIEW REQUESTS FOR PROPOSALS FOR LICENSED CONTRACTOR TO SECURE EXTERIOR OF THE EMERY COUNTY COURTHOUSE TO PREVENT BAT ROOSTING . CONSIDERATION AND APPROVAL TO ENTER INTO A CONTRACT FOR SERVICES.

Commissioner Migliori stated that there were no bids turned in for this project. The Commissioners will reach out to local contractors to see what they can do to help secure the exterior of the building to prevent bats roosting in the building.

(5)

OPEN AND REVIEW REQUEST FOR PROPOSALS FROM QUALIFIED ACCOUNTING FIRMS TO PERFORM THE EMERY COUNTY ANNUAL INDEPENDENT AUDIT AS WELL AS THE SPECIAL SERVICE DISTRICTS. DISCUSSION AND POSSIBLE APPROVAL OF ENTERING INTO A CONTRACT FOR SERVICES.

Bids were opened and read aloud. The bids were from the following accounting firms qualified to perform the Emery County annual independent audit as well as the Special Service District's audits.

- 1) Larsen, CPA
- 2) Carver, Florek, and James, CPA
- 3) Smuin, Rich and Marsing, CPA
- 4) Hawkins, Cloward, and Simister, CPA, LC
- 5) Kimball and Roberts, CPA



MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
OCTOBER 6, 2015

Commissioner Keith Brady made a motion to have the Commissioners review the bids with Brenda Tuttle, Clerk/Auditor, and Steve Barton, Treasurer to determine the lowest bid. The motion was seconded by Commissioner Paul Cowley. The motion passed. The term of the contract will be for 5 years.

(6)

DISCUSSION OF CLEVELAND LIBRARY PARKING LOT PROJECT AND APPROVAL OF LIQUIDATED DAMAGE ASSESSMENT.

Commissioner Migliori explained that the bid for the Cleveland Library Parking Lot Project was awarded to Nielson Construction. The contractual completion date for the project was August 24, 2015. Substantial completion on the project was issued 26 days after the contractually obligated completion date. This triggered the liquidated damage clause in the contract assessing \$1,000.00 per day for a total of \$26,000.00. The Commissioners met with Nielson's Project Manager, Steve Ogden to discuss some options. Steve addressed the Commissioners to discuss a solution to the situation. Mr. Ogden proposed adding a sprinkling system and sod to the back yard of the Cleveland Library to help show good faith for both parties involved. Nielson's felt that something should be given back to the county for their oversight. Carole Larsen, Library Director stated that she had no problem with having Nielson's Construction complete the back yard work in-lieu of paying damages. They discussed when would be the best time to do the sodding due to the fact that the water will soon be turned off and the sod may get winter kill if done now. Mr. Ogden indicated that they will probably contract the work out to Ward's Landscaping so he will ask them their advise on the sod. Commissioner Paul Cowley made a motion to accept Nielson Construction's proposal to complete the work to be done on the back yard of the Cleveland Library in accordance with J&T's specifications. The motion was seconded by Commissioner Keith Brady. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF CONTRACT WITH BLM UT-STATE OFFICE AND EMERY COUNTY FOR LAW ENFORCEMENT SERVICES 09/15/2015- 09/14/2016 AS OUTLINED AND ASSOCIATED PAPERWORK.

Sheriff Greg Funk stated he was pleased with the contract because the terms of the contract will reimburse the county \$36.00 per hour for a deputy to cover the specific dates and areas as listed in the contract. This amount is higher than in years past and will actually cover the cost to provide the service. Commissioner Keith Brady made a motion to approve of a contract with BLM UT-State Office and Emery County for law enforcement services 09/15/2015 - 09/14/2016 as outlined and associated paperwork. The motion was seconded by Commissioner Paul Cowley. The motion passed.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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(8)

CONSIDERATION AND APPROVAL OF PERSONAL PROPERTY BUSINESS  
EXEMPTIONS.

Nadine Thompson, Emery County Assessor's Office presented the 2015 Personal Property Business Exemptions for approval. Businesses with less than \$10,200.00 in taxable value are eligible for the exemption. She explained that the businesses listed all meet the criteria for exemption. Commissioner Paul Cowley made a motion to approve the Personal Property Business Exemptions for 2015 as presented. The motion was seconded by Commissioner Keith Brady. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF GRANT APPLICATION TO UTAH DIVISION OF  
STATE HISTORY FOR UTAH CEMETERY INVENTORY PROJECT FOR ANTIMONY,  
HIAWATHA, AURORA, AXTELL, AND HOWES BY EMERY COUNTY ARCHIVES.

In the past Bernice Payne has done a Utah Cemetery Inventory Project funded through the Utah Division of State History by way of the Emery County Archives Department. State History has now asked Ms. Payne to inventory cemeteries in Antimony, Hiawatha, Aurora, Axtell and Howes. The Commission was hesitant to approve this project due to the fact that none of these cemeteries are in Emery County. However, there is no monetary obligation by Emery County. The grant from Utah Division of State History is for \$5,400.00 with a 50% match which Bernice Payne will be matching with her time. The requested amount from the grant is \$2,700.00. Commissioner Paul Cowley made a motion to approve of a grant application to Utah Division of State History for Utah Cemetery Inventory Project for Antimony, Hiawatha, Aurora, Axtell and Howes by Emery County Archives. The motion was seconded by Commissioner Keith Brady. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF PRESERVATION AGREEMENT BETWEEN  
UTAH DIVISION OF STATE HISTORY AND EMERY COUNTY FOR THE SWINGING  
BRIDGE PROJECT.

In order for the county to get paid for this project the paperwork needed to be signed and sent in before this meeting. Therefore, Commissioner Keith Brady made a motion to ratify the signing of a Preservation Agreement between Utah Division of State History and Emery County for the Swinging Bridge Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
OCTOBER 6, 2015

(11)

CONSIDERATION AND APPROVAL OF COMMUNICATIONS USE SITE INVENTORY FOR FOREST SERVICE AND BLM.

All lease/grant holders of authorizations for communications use facilities located on public lands, are required to submit a certified statement to the BLM each year listing the holder's communication uses, any occupants in the holder's facility and the type of communications use for each occupant as of September 30 of each year. Bret Mills, Communications had this information readily available. The certification form is ready to be signed. Commissioner Keith Brady made a motion to approve of Communications Use Site Inventory for Forest Service and BLM. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF RESOLUTION OF APPOINTMENT OF A EMERY COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING.

Commissioner Keith Brady made a motion to approve Resolution 10-6-15A appointing Mary Huntington as Emery County Representative and Mike Olsen as Alternate Representative for the Utah Counties Indemnity Pool Annual Membership Meeting and appoint Leslie Bolinder as a backup representative. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

CONSIDERATION AND APPROVAL FOR FY2016 BUDGET WORK SESSIONS.

Commissioner Paul Cowley made a motion to set October 13<sup>th</sup> from 9am until 12pm, October 20<sup>th</sup> from 9am until 11 am, and October 21<sup>st</sup> from 9am until 12pm for FY2016 Budget Work Sessions. The motion was seconded by Commissioner Keith Brady. The motion passed.

(14)

CONSIDERATION AND APPROVAL OF APPLICATION FOR RIGHT-OF-WAY FOR THE PURPOSE OF CONSTRUCTING A FENCE LINE PARALLEL TO CR#212.

Emery County wishes to acquire a right-of-way for the purpose of constructing a fence line parallel to the Emery County Road #212. The ROW will be within an existing ROW the county has for the roadway. The fence will be located near the edge of the ROW, will go from SR-24 to the intersection of CR-2012 and 2014, and is 53,460 feet/10.13 miles in length. Emery County

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
OCTOBER 6, 2015

requested the ROW be granted in perpetuity. The fence project is funded through the State of Utah, Division of Facilities, Construction and Maintenance; and Utah Grazing Improvement Project, the fence will be installed under contract and maintained by the grazing permittee. Cattle guards will be installed and maintained by the Emery County Road Department. Commissioner Keith Brady made a motion to approve application for ROW for the purpose of constructing a fence line parallel to CR#212 also known as the Goblin Valley Fence Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LIBRARY BREAK AND LUNCH POLICY.

Commissioner Paul Cowley made a motion to approve of Emery County Library Break and Lunch Policy. The motion was seconded by Commissioner Keith Brady. The motion passed.

(16)

CONSIDERATION AND APPROVAL OF RESOLUTION ESTABLISHING A PROCEDURE TO MANDATE EMERY COUNTY EMPLOYEES TO USE DIRECT DEPOSIT FOR PAYROLL PURPOSES.

Emery County has more than 100 employees on the Emery County payroll. Nearly all employees have their payroll checks electronically deposited. Payroll checks, electronically deposited, are being deposited on time, correctly, and confidentially. It is confidential and secure. It will save the county time and money by reducing the paper costs and reducing costs associated with re-issuing lost or stolen checks. Emery County has a few employees currently not taking advantage of direct deposit. These are mostly EMT's. If approved, this mandate will allow those employees who do not currently have their payroll checks deposited electronically until October 30, 2015 to set up an account with their financial institution to receive such deposits. Employees will not be able to acquire their paychecks by any other method. Commissioner Keith Brady made a motion to approve Resolution 10-6-15B establishing a procedure to mandate Emery County employees to use direct deposit for payroll purposes. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Migliori*

Commissioner Migliori reported on a recent tour with State Legislators to Emery County. He

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
OCTOBER 6, 2015

has since had many follow-up calls from representatives regarding centrally assessed taxes. They also asked for suggestions on additional places to visit in Emery County. He reported on conversations regarding Emery County’s Public Lands Initiative. He attended a Millsite Dam Reconstruction public hearing meeting. This is a 28 million dollar project that is still moving forward. There will be several more public hearings coming up. Melon Days and Peach Days were good events for the county. Economic Development has a few projects they are moving forward with.

*Commissioner Brady*

Commissioner Brady reported on attending NACO meetings/workshops in West Jordan. He reported on meeting with other coal relying counties regarding goals and keeping the goals moving forward. At the recent BEAR meeting in Price, Tina Carter and Jordan Leonard made excellent presentations.

*Commissioner Cowley*

Commissioner Cowley reported on his experience on the State Legislative tour in Emery County. He talked about how many were impressed with the area and clean air. He indicated that he hoped good things would come from this visit.

(18)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 20, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 238287 through and including # 238415 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
52-15	Chainlink Fencing Weed/Mosquito	\$1,837.50

Dispositions were presented for the following:

Highway Department:

tractor/mower, 410-4868  
trash pump  
parts washer  
electric welder  
plate compactor  
bandsaw  
metal cutting bandsaw  
welder  
Williamsen bed 410-5866  
Williamsen bed  
Williamsen bed  
Williamsen bed 410-6567

2

COMMISSION MEETING MINUTES  
OCTOBER 20, 2015

aluminum signs (damaged)  
load tarps  
2 end dump cylinders  
steam cleaner 410-4684  
shop compressor 410-1604  
dually truck bed (from 04 Dodge)  
salt spreader box  
pipe rack  
military truck bed  
utility bed (from 08 truck)  
tire changer 410-4157  
shop built cherry picker

Weed/Mosquito Department:

John Deere utility AMT 600 621-5163  
homemade air compressor trailer (1983) 621-4342

Sheriff's Department:

several gages, lightbars and sirens #'d: 210  
8185,1437,1179,1447,1169,1159,1129,1019,9510,9440,9509,9400,1699,1689,1427,9439,7568,  
7610,8130,1294,1304,8660,8661,8662,8663,8896,8895,8897,8895,8896,8894,8893,7126,7095,  
7000,6959,7127,7185,7561,7821,7823,7822

Vehicles: 2007 Dodge Durango,210-9076, 2011 Dodge Charger, 210-1308, 2009 Dodge  
Durango, 210-9613, 2004 Dodge Durango, 210-8276, 2009 Dodge Durango, 210-9611, 2005  
Dodge Durango, 210-8531, 2009 Dodge Durango, 210-9445. 1980 Arctic Cat snowmobile  
210-1943

Walker lawn mower from Aquatic Center #9826

(2)

RATIFY TRENT JACKSON AS FERRON CITY REPRESENTATIVE ON THE EMERY  
COUNTY RECREATIONS SPECIAL SERVICE DISTRICT.

(3)

RATIFY JACLYNNE NELSON AS GREEN RIVER CITY REPRESENTATIVE ON THE  
EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.

3

COMMISSION MEETING MINUTES  
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(4)

APPROVAL OF QUANNA COOK AS A VOLUNTEER FOR THE LIBRARIES.

(5)

APPROVAL OF 3% WAGE INCREASE FOR RYAN JENSEN FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD.

(6)

APPROVAL OF COMMISSION MEETING MINUTES DATED OCTOBER 6, 2015.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Keith Brady, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

(2)

OPEN RFP'S (BIDS) FOR CASTLE DALE SENIOR CENTER FURNACE REMOVAL AND RELOCATION PROJECT. CONSIDERATION AND APPROVAL OF BID AWARD AND ENTERING INTO A CONTRACT.

There was one bid for the Castle Dale Senior Center Furnace Removal and Relocation Project. The bid was from Dugmore Heating and Appliance in the amount of \$17,000.00. Commissioner Cowley indicated that Mr. Dugmore was the only vendor who attended the site showing. Commissioner Keith Brady made a motion to review the bid with Jeff Guymon to make sure the bid meets the criteria and then award the bid to Dugmore Heating and Appliance. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

APPROVAL TO ADVERTISE SCRAP METAL PILE AT THE LANDFILL FOR BID.

Commissioner Migliori indicated that the price of scrap metal is down at this time. He suggested holding on to it for a while to see if the cost will come back up. Commissioner Paul Cowley made a motion to table this matter and revisit it at a later time when the cost of scrap metal comes back up. The motion was seconded by Commissioner Keith Brady. The motion



COMMISSION MEETING MINUTES  
OCTOBER 20, 2015

passed.

(4)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT ON TWO (2) PARCELS SERIAL NUMBER 05-0036-001 AND 05-0033-0001 OWNED BY ROSS HUNTINGTON.

The Assessor's office conducted field visits for two parcels owned by Ross Huntington. As a result of the field visits Assessor Kris Bell recommended adjustment to :

Serial # 05-0033-0001            Previous tax \$ 98.46, New tax \$ 88.84, Tax \$ difference -\$9.62

Serial # 05-0036-0001            Previous tax \$ 80.91, New tax \$ 70.21, Tax \$ difference -\$10.70

Commissioner Keith Brady made a motion to approve of Commission Tax Adjustment on two (2) parcels 05-0033-001 and 05-0036-0001 owned by Ross Huntington. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND KIMBALL AND ROBERTS FOR INDEPENDENT AUDITING SERVICES FOR EMERY COUNTY AND SPECIAL SERVICE DISTRICTS.

Commissioner Paul Cowley made a motion to approve of a contract between Emery County and Kimball and Roberts for Independent Auditing Services for Emery County and Special Service Districts. The motion was seconded by Commissioner Keith Brady. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF MINI GRANT APPLICATION THROUGH KUED FOR ORANGEVILLE LIBRARY TO HOLD A SUPER READER PARTY.

Library Director Carole Larsen reported that the Orangeville Library has held a Super Reader Party for several years in the past. This mini grant from KUED is for \$400.00 to help pay for the supplies and advertising. Commissioner Keith Brady made a motion to approve a mini grant application through KUED for Orangeville Library to hold a Super Reader Party. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL TO ADVERTISE RFP FOR EMERY COUNTY JAIL INMATE MEDICAL SERVICES.

Commissioner Paul Cowley made a motion to approve advertising for RFP for Emery County Jail Inmate Medical Services. The motion was seconded by Commissioner Keith Brady. The motion passed.

COMMISSION MEETING MINUTES  
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(8)

CONSIDERATION AND APPROVAL OF FY2016 TENTATIVE BUDGET FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT. SETTING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON FY2016 TENTATIVE BUDGETS.

Clerk/Auditor Brenda Tuttle presented the FY2016 tentative budget for Emery County. She stated that by law the County Commission has to approve a tentative budget for the next year by November 1<sup>st</sup>. This budget has to match expenses to revenue. It is the County Commission's responsibility to set a public hearing date and time to present and approve a final budget for the next year.

Commissioner Keith Brady made a motion to approve the FY2016 Tentative Budget. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Commissioner Keith Brady made a motion to set the date of December 15, 2015 at 6:00pm to present and approve the final 2016 budget for Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

CVSSD Director, Jacob Sharp presented the FY2106 Tentative Budget for CVSSD. He indicated that they have adjusted their budget to accommodate the decrease in mineral lease (PILT) funds currently coming to the district. Commissioner Keith Brady made a motion to approve the FY2016 Tentative Budget for Castle Valley Special Service District (CVSSD). The motion was seconded by Commissioner Paul Cowley. The motion passed.

Commissioner Keith Brady made a motion to set the date and time of December 15, 2015 at 6:00 pm to present the final 2016 budget for Castle Valley Special Service District. The motion was seconded by Commissioner Paul Cowley. The motion passed. Commission Meeting will begin at 5:00 pm with CVSSD holding it's public hearing in conjunction with Emery County.

(9)

CONSIDERATION AND APPROVAL OF APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS TO RENEW AN EXISTING ROW GRANT UTU-72956 A COMMUNICATION SITE KNOWN AS THE MT. ELLEN/SOUTH SUMMIT RIDGE ON BLM PUBLIC LANDS IN GARFIELD COUNTY, UT.

Public Lands Director, Ray Petersen discussed an application for Transportation and Utility Systems and Facilities on Federal Lands to renew an existing ROW Grant UTU-72956 a communication site known as the Mt. Ellen/South Summit Ridge on BLM public lands in Garfield County, UT. This is a radio communication site that services the south end of the county that is not within Emery County. He indicated that he has asked that the ROW be granted in perpetuity to eliminate making application each year. Commissioner Paul Cowley made a motion to approve an application for Transportation and Utility Systems and Facilities on federal lands to renew an existing ROW Grant for a communication site known as Mt. Ellen/So. Summit

6

COMMISSION MEETING MINUTES  
OCTOBER 20, 2015

Ridge on BLM public lands in Garfield County, UT. The motion was seconded by Commissioner Keith Brady. The motion passed.

(10)

DISCUSSION AND APPROVAL OF STANDARD AGREEMENT WHERE EMERY COUNTY WOULD PAY PORTION OF EMT TRAINING FEES AND PROVIDE A METHOD OF REIMBURSEMENT.

Commissioner Keith Brady indicated that Green River has 7 individuals set up to receive EMT Training in January. The training cost is \$700.00 per person. \$350.00 per person would be paid by the state and Green River City has offered to pay \$175.00 per person. There was discussion on how the balance should be reimbursed to the county. Commissioner Ethan Migliori suggested that they table this to allow more time to fine tune the details. Tabled.

(11)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN STATE OF UTAH (DEPARTMENT OF HERITAGE AND ARTS) AND EMERY COUNTY TO DIGITIZE CEMETERY RECORDS.

Commissioner Paul Cowley made a motion to approve of contract between State of Utah (Department of Heritage and Arts) and Emery County to digitize Cemetery Records. The motion was seconded by Commissioner Keith Brady. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF EXTENDING THE JANITOR CONTRACT FOR THE ORANGEVILLE LIBRARY.

Library Director Carole Larsen indicated that the contract that Melody Hoffman was under has expired. The janitor that Melody was taking the place of has decided that she doesn't want to come back to work. Carole Larsen asked to have Melody Hoffman's contract extended indefinitely. Commissioner Keith Brady made a motion to approve extending the janitor contract for the Orangeville Library pending Attorney Mike Olsen's review of the contract. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING MINERAL LEASE REVENUE (MMS) AND STATE MINERAL DEVELOPMENT REVENUES (SITLA)

COMMISSION MEETING MINUTES  
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RESOLUTIONS 4-6-99A AND 4-1-08B RESPECTFULLY.

Commissioner Migliori discussed mineral lease revenue and state mineral development revenues. He indicated that due to the reduction in mineral lease revenue to Emery County he would like to look at reallocating these funds. This is done by amending the Resolution which allocated the funds in the beginning. Currently the allocation is as follows:

ECSSD#1	40%
LBA	29%
CVSSD	13%
Recreation	8%
Fire	8%
NEWUsers	2%

Commissioner Migliori discussed the fact that the closure of Deer Creek Mine has played significantly in the decrease in mineral lease revenues that come to Emery County. They have looked at options to help the districts. They have decided that LBA can operate a year without the funds that would be allocated to them. The Commissioners recommended reallocating these funds as follow:

ECSSD#1	55%
LBA	0
CVSSD	18%
Recreation	12%
Fire	12%
NEWUsers	3%

The Commissioners discussed whether they need a new resolution or to amend the present resolution. Attorney Mike Olsen was assigned to either amend the current resolution or draft a new resolution to present for consideration in the next Commission Meeting reflecting the new allocation of funds.

COMMISSION MEETING MINUTES  
OCTOBER 20, 2015

*Sheriff Funk*

Sheriff Funk reminded everyone of the retirement party for Detective Bob Blackburn on October 27<sup>th</sup> from 11:00 am until 1:00pm .

*Commissioner Migliori*

Commissioner Migliori talked about budget meetings. He also talked about some economic prospects to offset the loses that the county has experienced.

*Commissioner Brady*

Commissioner Brady talked about the upcoming county auction scheduled for Saturday, October 24<sup>th</sup> at the Road Department yard. You can access the website to see a list of the vehicles and equipment for sale. He talked about a sales leakage report. This report shows how much money is being leaked out of the county and what we are capturing. He will get the report to Jeff Guymon to put on the county website. There is a lot of data, but beneficial to potential businesses and existing businesses. There was a water issue in Green River. Apparently there was a leak in the water storage. The water was in jeopardy of draining out. They found the leak and it was contained. This was a good lesson on having emergency water for your personal use.

*Commissioner Cowley*

Commissioner Cowley reported on the Senior Center Sidewalk project. It is underway and they should have the handrail up this week.. This will be a great benefit to the Senior Center.

(15)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 3, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Keith Brady, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST , REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #238449 through and including #238540 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
53-15	Fencing at Huntington TV/Communication site Communications/Sheriff	\$2,686.72
54-15	18" Asphalt Cutter Highway	\$2,950.00
55-15	Plat Hanging File Cabinet Recorder	\$ 658.46

Dispositions were presented for the following:

210-5046, Stair Stepper, 211-1407, HP Printer, 316-9105, 2007 Dodge Durango.

(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED OCTOBER 20, 2015.

Commissioner Keith Brady made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Paul Cowley. The motion passed.

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
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DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing was pulled for discussion.

(2)

KENT WILSON AND WADE WILLIAMS, DISCUSSION OF CURRENT LANDFILL  
TIPPAGE FEE IMPLEMENTATION AND DRAFT AMENDED TIPPAGE FEE  
RESOLUTION. APPROVAL OF ANY ACTION TAKEN REGARDING THESE ISSUES.

Several concerned citizens and contractors were present to express concerns regarding the current landfill tippage fee implementation. Commissioner Cowley started by commenting that the cost to keep the Landfill going is approximately \$260,000.00 per year. The landfill has been looking at replacing some costly equipment. He indicated that in looking at past discussions he has found that the agreed upon tippage fee of \$15.00 per ton had not been implemented. Commissioner Migliori indicated that in 2009 a resolution was agreed upon wherein; a tippage fee of \$15.00 per ton was set for the landfill. We want to move forward with implementing the tippage fee and wanted to get some suggestions from those who are affected by the fee.

Wade Williams, City Sanitation indicated that since the 2009 tippage fee was set his company has been paying the fee. At that time the tippage fee was set up for construction demolition big bins. Discussion was, with the former Commissioners, that the cities would be exempted from paying for the roll-offs since that cost would be passed on to the residents. He expressed his concern with the fact that there was no notification that there was going to be this huge increase. This is going to be a 20% to 30% price increase for everyone involved. The first notification he had was last Tuesday morning when his truck arrived at the landfill to dump and was told as of now they are charging a \$15.00 per ton fee to dump at the landfill. He indicated he has not had time to notify the cities of a rate increase. His contract with Green River City states he has to give the city 60 days written notice before a rate increase and the city has 60 days to reply. He stated he felt that it was not fair that the commercial haulers will be charged and the individual or smaller generators will not. The citizens who live the farthest from the landfill will be impacted the greatest. Green River, Elmo, Cleveland, Ferron, and Emery have roll-offs in their cities for residents to use and we contract with the cities to haul off the roll-offs. His other issue is that the tickets are hand written tickets. There is no invoice number or way to track the ticket for accounting purposes. The main point is that this will be a huge increase to everybody in the county.

Commissioner Brady asked Mr. Williams the cost for a roll-off to be hauled to the landfill in

MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
NOVEMBER 3, 2015

Green River City. Mr. Williams indicated that there are different rates set up with each municipality.

Hilary Gordon, Mayor of Huntington City stated she understands the need for the money. She stated she did not care for the way it was done saying that to her, it was very unprofessional. The rate was set back in February of 2009 and now we are at the end of 2015. Some kind of a written notice to the cities and certainly to the garbage collectors would have been professional. She felt that they should not be held accountable for the fees that you have already put on them when they were not expecting it and have not had the opportunity to pass that cost on to the cities. Obviously the cost will be passed on to the citizens. She felt we have the most reasonable rates in the state of Utah. She stated she is not complaining about the fees she felt she understands the need for it but it needs to be done professionally. The cities need time to take the issue before their councils and citizens. She stated she felt the charges that have already been passed on need to be done away with until this can be done in the correct manner.

Trent Jackson, Mayor of Ferron City stated he understands the cost of operation and funds are decreasing everywhere. Based on preliminary figures that were passed on to them from City Sanitation just in September it would have cost the city an extra \$1,400.00 for that month. That is money that is not currently budgeted. Ferron City would have to raise the cost per can to try and recover that. It would have been better to give them some kind of notification. He is concerned for what is going to be done about the garbage that is going to be dumped in the outlying areas, out side of town, when the roll-offs are pulled out of the city because they can not pay for them. He asked if the county has a plan for dealing with that issue?

Commissioner Migliori commented that so far the county has been able to finance the cost of keeping the landfill going without passing along that cost to the citizens. So far we have been able to fund the cost of keeping equipment maintained at the landfill. Last year we needed a \$600,000.00 piece of equipment at the landfill that we were eventually able to find the funds to purchase. There may come a day when the county will not be able to continue to fund the needs of the Landfill. He indicated he would rather see the county implement the fee now while the county is still healthy. Proposition 1 will increase the road tax and will generate approximately \$244,000.00 additional dollars from the state into the county to help it grow. Some of those funds may be moved around to increase the budget of the landfill.

Kent Wilson, Emery Sanitation stated that he thought this was a done deal and we were going to talk about implementation of the fee. If you implemented this last week it would cost me \$6,000.00 to \$7,000.00 before he can redo contracts and pass that cost along to the cities. He stated he would like to see them wait until January or February to implement the fee to allow time to work with the cities that he is contracted with. He stated he would like to see a separate fee for the roll-offs that each city has. He stated that the roll-offs are a wonderful tool for keeping the cities beautiful. A discounted fee for the cities to provide the roll-off would be great.



MINUTES OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
NOVEMBER 3, 2015

The reality is that citizens can haul debris to the landfill for nothing. The roll-offs are a convenience for the cities and the citizens.

Wayde Nielsen, Road Supervisor stated that the tippage fee is not the big issue here it is determining who is a contractor and who is not a contractor. Right now the contractors are not being charged because they are having the resident order the roll-off (who doesn't have to pay) to avoid being charged. Roll-offs are positioned in transfer stations in the county where people can unload a truck load of debris. He indicated that the roll-offs are not sorted which leads to another problem.

We have one person at the Landfill to sort all of the debris that gets dumped into the roll-offs.

Commissioner Migliori indicated that is an internal issue.

Wayde concluded by saying that last time we tried to implement the fee everyone was given a warning it all blew up and nothing was done. Something has to happen now.

Commissioner Migliori discussed the current Resolution and the fees associated with the document. He wondered if they needed to enforce the current resolution or adjust the fees with a new resolution?

Commissioner Cowley suggested going with the fees as they are set now at \$15.00 per ton and waving the start time for the fees to be implemented to the first of the year 2016.

Commissioner Brady indicated he would like to explore enterprise zone designation to see if the landfill could be self sustaining.

Commissioner Migliori commented that we have to make sure the policy is done right to avoid dumping on public land.

Commissioner Migliori suggested having a new drafted resolution ready to consider in the December 15<sup>th</sup> Commission Meeting.

Commissioner Keith Brady made a motion to conduct business as usual until December 15<sup>th</sup> when the Commission will have a draft ready to consider after working through some issues. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

RATIFY APPROVAL TO ADVERTISE FOR SCRAP METAL BIDS.

In the last Commission Meeting the Commissioners decided to wait and see if the price of scrap metal will come back up. The matter was tabled. There was a mis-communication and the

COMMISSION MEETING MINUTES  
NOVEMBER 3, 2015

advertising went out for scrap metal bids. This action now needs to be ratified. Commissioner Keith Brady made a motion to ratify the advertising for bids for scrap metal at the Landfill. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

OPEN BIDS FOR SCRAP METAL PILE AT LANDFILL. CONSIDERATION AND APPROVAL OF AWARING BID/CONTRACT AND ASSOCIATED PAPERWORK.

One bid came in for the scrap metal pile at the Landfill. The bid was from Western Metals Recycling L.L.C. in the amount of \$16.00 NT. Commissioner Migliori stated that is a very low bid. He asked Wayne Nielson, Road Supervisor if they could leave the metal pile alone for a while to wait and see if the cost will come back up? Wayne indicated that the pile is getting big and if the inspector comes around they may get fined. The Commissioners decided to move forward with the bid. Commissioner Keith Brady made a motion to accept the bid from Western Metals in the amount of \$16.00 NT. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING MINERAL LEASE REVENUE (MMS) AND STATE MINERAL DEVELOPMENT REVENUES (SITLA) RESOLUTIONS 4-6-99A AND 4-01-08B

Tabled

(6)

CONSIDERATION AND APPROVAL OF STANDARD AGREEMENT/CONTRACT WHERE EMERY COUNTY WOULD PAY A PORTION OF EMT TRAINING FEES AND PROVIDE A METHOD OF REIMBURSEMENT.

Tabled

(7)

DISCUSSION AND POSSIBLE APPROVAL FOR MEAGAN WILBERG TO ACCEPT AN INVITATION TO BECOME A MEMBER ON THE UTAH STATE MUSEUM ASSOCIATION BOARD.

Museum of the San Rafael Director Meagan Wilberg discussed an opportunity to become a member on the Utah State Museum Association Board. She indicated that it would involve 37 hours a year and cost \$2,000.00 per year which includes her pay, and travel to the meetings. There are 5 board meetings a year mostly in the Salt Lake area. The duration of the appointment

COMMISSION MEETING MINUTES  
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would be 2 to 4 years. She believed that the benefit to being a member of the association would be to better help her understand the museum, find out about funding opportunities and promotion tools. Commissioner Migliori stated he felt it could be a connection to get unique exhibits to the MOSR as well as artifacts/history back to Emery County. Commissioner Keith Brady made a motion to approve for Meagan Wilberg to accept an invitation to become a member on the Utah State Museum Association Board. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

CONSIDERATION AND POSSIBLE APPROVAL OF A LOW INCOME PROPERTY ABATEMENT FOR RYAN COWLEY, PARCEL NUMBER 01-0194-0016, AND BLAIR LARSEN, PARCEL NUMBER 03-9956-0006. DISCUSSION OF AMENDING FORM REQUIRING MORE INFORMATION FOR 2016.

Commissioner Brady indicated that he has done some homework on this matter. He has spoken with both individuals. Commissioner Brady suggested a 25% reduction on their property taxes for 2015 and work with Clerk/Auditor Brenda Tuttle to revise the form for 2016. Commissioner Keith Brady made a motion to approve of a low income abatement of 25% of the total tax owed for Ryan Cowley and Blair Larsen. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF VETERAN PROPERTY TAX EXEMPTION FOR THOMAS AND SHLISA HUGHES PARCEL NUMBER 01-151H-0032.

Commissioner Keith Brady made a motion to approve of Veteran Property Tax Exemption for Thomas and Shlisa Hughes. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT FOR RUSSELL K. EARDLEY PARCEL NUMBER 01-0244-0016.

Kris Bell, Assessor requested a Commission Tax Adjustment for Russell K. Eardley. She explained that there was a name change in error through a divorce. Mr. Eardley owns the land and farms it. Due to the error there was a rollback in the amount of \$6,678.82. She requested the rollback be removed and the property returned to Green Belt. Previous tax dollars were \$1,467.39, new tax dollars, if approved would be \$103.68. Commissioner Keith Brady made a motion to approve of Commission Tax Adjustment for Russell K. Eardley parcel #01-0244-0016 as requested by Assessor Kris Bell. The motion was seconded by Commissioner Paul Cowley. The motion passed.

COMMISSION MEETING MINUTES  
NOVEMBER 3, 2015

(11)

CONSIDERATION AND APPROVAL OF ARTICLES OF AGREEMENT FOR FY2015  
HOMELAND SECURITY GRANT PROGRAM AND UTAH DIVISION OF EMERGENCY  
MANAGEMENT OBLIGATING DOCUMENT FOR AWARD.

Sheriff Greg Funk explained that this is a standard agreement in combination with Carbon County. Commissioner Keith Brady made a motion to approve Articles of Agreement for FY2015 Homeland Security Grant Program and Utah Division of Emergency Management and approved signing the obligating document for award. The motion was seconded by Commissioner Paul Cowley. The motion passed. The funds that come in are split between Carbon and Emery Counties according to the programs that they have planned for that year.

(12)

CONSIDERATION AND APPROVAL OF CONTRACT WITH JOHANSEN AND TUTTLE  
ENGINEERING FOR ENGINEERING SERVICES FOR PERFECTING EASEMENTS TO  
BENEFIT SITLA LAND AT THE GREEN RIVER CITY INDUSTRIAL PARK, 2015.

Jordan Leonard explained that this is an agreement that the county has with SITLA for perfecting easements that benefit SITLA land at the Green River City Industrial Park. The contract is in the amount of \$14,000.00 for Johansen & Tuttle Engineering for engineering services on this project. We have to use the funds this year or lose them. Commissioner Paul Cowley made a motion to approve of contract with Johansen & Tuttle Engineering for engineering services for perfecting easements to benefit SITLA land at the Green River City Industrial Park. The motion was seconded by Commissioner Keith Brady. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF CONTRACT WITH PAYNE RELIEF, LLC FOR  
WORK ON THE EMERY COUNTY RESOURCE MANAGEMENT PLAN.

Ray Petersen, Public Lands Director explained that Mr. Payne has been working on the development of the county's resource management plan. There are 28 issues that need to be addressed and included in the county's general plan. This is a considerable effort and he feels comfortable with the work Mr. Payne is doing. This contract will allow Mr. Payne to continue with his work on the plan. Commissioner Paul Cowley made a motion to approve of contract with Payne Relief, LLC for work on the Emery county Resource Management Plan. The motion was seconded by Commissioner Keith Brady. The motion passed.

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(14)

RATIFY LETTER AUTHORIZING EMERY COUNTY SHERIFF'S OFFICE TO APPLY FOR A GRANT FROM WAL-MART FOUNDATION FOR SHOP WITH A COP PROGRAM.

Sheriff Funk explained that the Shop With A Cop Program involves 7 elementary schools in Emery county with 2 students chosen from each school. The Sheriff's Department will be hosting a fun run called "Miles for Smiles" to raise money for the program. Commissioner Keith Brady made a motion to ratify the authorization for the Emery County Sheriff's Office to apply for a grant from Wal-Mart Foundation for Shop with a Cop Program. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

CONSIDERATION AND APPROVAL OF AMENDED AGREEMENT BETWEEN EMERY COUNTY SCHOOL DISTRICT AND EMERY COUNTY FOR USE OF THE AQUATIC CENTER.

Tabled

(16)

CONSIDERATION AND APPROVAL OF AMENDING RESOLUTION NO. 7/1/92B DESIGNATING AND APPOINTING MEMBERSHIP OF THE ADMINISTRATIVE CONTROL BOARD OF THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

Tabled

(17)

COMMISSION/ELECTED OFFICIAL REPORT.

*Commissioner Cowley*

Commissioner Cowley reported that he and Brenda Tuttle met with the Senior Citizens Director regarding how the program is running.

*Commissioner Brady*

Commissioner Brady reported that the Green River Golf Course is hosting a disc tournament this week. If it is successful they will host another one in the spring. Punch Passes are available for purchase at the Aquatic Center. The passes will be good for lap swimming, aquasize and showers.

COMMISSION MEETING MINUTES  
NOVEMBER 3, 2015

*Commissioner Migliori*

Commissioner Migliori read a letter from KUED regarding digital channels. There is a possibility the translators that service rural Utah areas will be shut down eliminating free TV for rural Utah.

Treasurer Steve Barton was asked to report on the county's investments. He indicated that we are experiencing double what PTIF was doing.

(18)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 17, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 238583 through and including # 238709 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
56-15	Micro T-2 Red Dot Sight Sheriff	\$ 4,725.00
57-15	Computer/Server Sheriff	\$ 8,410.46
58-15	Vehicle Set-up, (4) Radars Sheriff	\$22,552.73

Dispositions were presented for the following:

136-8980, GPS Unit, 136-8979, GPS Unit, 143-9292, Laptop Computer

2

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November 17, 2015

(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED NOVEMBER 3, 2015.

Motion to approve the Consent Agenda was made by Commissioner Keith Brady, Seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing.

(2)

KENNETH R. BROWN, WESTERN COUNTY ALLIANCE, REPORT OF ACTIVITIES OF THE WESTERN COUNTY ALLIANCE.

Kenneth R. Brown, Western County Alliance reported on activities of the Alliance. Mr. Brown reported on PILT funds, Senate and House Bills that are being watched, Secure Rural Schools Program, Sage Grouse Designation, Public Land transfers, Wild Horse/Burrow Program, Disposal Plants, and efforts with the RS2477 designation in other states. Mr. Brown suggested Emery County consider appropriate \$1,000.00 for membership dues for 2016.

(3)

CONSIDERATION AND APPROVAL OF COMMUNICATION USE LEASE BETWEEN EMERY COUNTY AND BUREAU OF LAND MANAGEMENT FOR MT. ELLEN/SOUTH SUMMIT RIDGE COMMUNICATION SITE.

Ray Petersen indicated that the county requested the lease be in perpetuity to which the BLM declined. The BLM did agree to a 30 year lease. Commissioner Paul Cowley made a motion to approve a Communication Lease between Emery county and BLM for Mt. Ellen/South Summit Ridge Communication Site. The motion was seconded by Commissioner Keith Brady. The motion passed.



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(4)

CONSIDERATION AND APPROVAL OF COMMISSION PROPERTY TAX ADJUSTMENT FOR KIP IVIE, PARCEL NUMBER 03-0036-0009.

Kris Bell, Assessor requested a Commission Property Tax Adjustment for Kip Ivie. When Mr. Ivie purchased the land he assumed that the property was Greenbelt. This parcel is being farmed. The previous owner never signed a Greenbelt Application. The new owner now has a rollback to pay. The Ivie's are asking that the Commissioners remove the rollback and let them pay the Greenbelt amount because their intent is to farm and they thought the land was on Greenbelt. If approved the previous tax dollars are \$94.59, new tax dollars are \$33.67. The tax dollars difference is -\$60.92. The new tax dollars -\$201.92. Commissioner Keith Brady made a motion to approve a Commission Tax Adjustment for Kip Ivie, parcel #03-0036-0009. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF COMMISSION PROPERTY TAX ADJUSTMENT FOR BLAKE/JACIE RASMUSSEN, PARCEL NUMBER 03-0066-0009.

Kris Bell, Assessor requested a Commission Property Tax Adjustment for Blake/Jacie Rasmussen. Sheds were assessed on parcel #03-0066-0009 owned by Blake/Jacie Rasmussen. However, the sheds are actually on parcel #03-066A-0002 owned by Steven Johansen and are not included on his tax notice. The request from the Assessor's office was to remove the value and taxes on this parcel and move them to the correct parcel. Commissioner Migliori asked that Ms. Bell contact Mr. Johansen and make him aware of the situation and bring that tax adjustment back to Commission Meeting for consideration. If approved the previous tax dollars were \$74.76, new tax dollars are \$3.00. Tax dollar difference is -\$71.46. Commissioner Keith Brady made a motion to approve of Commission Property Tax Adjustment for Blake/Jacie Rasmussen, parcel #03-0066-0009. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSSION OF WEED/MOSQUITO DEPARTMENT LEASING A PIECE OF HEAVY EQUIPMENT. CONSIDERATION AND APPROVAL OF CONTRACT AND OTHER REQUIREMENTS.

Cory Worwood, Weed/Mosquito Department requested approval for a Lease Contract with Wheeler to lease 2 track loaders for their Russian Olive Program. After 3 years they will have the purchase option for the equipment. One loader will have a mounted saw and one will have a mounted grapple. He indicated that this way they will be able to cut and spray at the same time.

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The lease will be funded with the funds the W/M Department receives from a Russian Olive Removal Grant from State Forest and Fire. The intent is to lease for one year or as long as the funds are available with the grant. Commissioner Migliori recommended having Attorney Mike Olsen review the document to validate the options of liability for the County. Commissioner Keith Brady made a motion to approve of contract with Wheeler Machinery to lease a piece of heavy equipment pending verification from the County Attorney. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF A LETTER IN SUPPORT OF GREEN RIVER CITY'S WAYPOINT GRANT APPLICATION FOR THE DEVELOPMENT OF RECREATIONAL INFRASTRUCTURE IN AND AROUND GREEN RIVER.

Green River City is requesting a letter of support for a grant application for the development of recreational infrastructure in and around Green River. This is a Trails Committee project. The trail will be located mostly in Grand County but maintained by Green River City. Tina Carter, Travel Council indicated that the Travel Board approved donating \$5,000.00 toward this project for this year. Commissioner Keith Brady made a motion to draft a letter of support for Green River City's Waypoint Grant Application for the development of recreational infrastructure in and around Green River. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF AN AGREEMENT BETWEEN GREEN RIVER CITY AND EMERY COUNTY NAMING RESPONSIBLE PARTY AND ASSIGNING MAINTENANCE OF TRAIL TO BE KNOWN AS THE TUSHER WASH TRAIL.

The language of the document needed some adjusting. Therefore, Attorney Mike Olsen asked to have this matter tabled until the December 15<sup>th</sup> meeting.

Tabled

(9)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND WASHINGTON COUNTY FOR THE PURPOSE OF FACILITATING THE ESTABLISHMENT OF THE COUNTY JAIL SCREENING PROCESS.

Sheriff Greg Funk reviewed an MOU between Emery County and Washington County for the purpose of facilitating the establishment of the county jail screening process. He indicated that the state mandated program requires that everyone who is booked into jail has to be assessed by someone other than a Deputy. This person has to be available 24/7. Emery County would be a

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satellite jail. There would be no cost to the county for this state mandated program at this time. Commissioner Keith Brady made a motion to approve of an MOU between Emery County and Washington County for the purpose of facilitating the establishment of the county jail screening process. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING MINERAL LEASE REVENUE (MMS) AND STATE MINERAL DEVELOPMENT REVENUES (SITLA) RESOLUTION 4-6-99A AND 4-01-08B.

Tabled

(11)

CONSIDERATION AND APPROVAL OF STANDARD AGREEMENT/CONTRACT WHERE EMERY COUNTY WOULD PAY PORTION OF EMT TRAINING FEES AND PROVIDE A METHOD OF REIMBURSEMENT.

Tabled

(12)

CONSIDERATION AND APPROVAL OF AMENDED AGREEMENT BETWEEN EMERY COUNTY SCHOOL DISTRICT AND EMERY COUNTY FOR USE OF THE AQUATIC CENTER.

Tabled

(13)

CONSIDERATION AND APPROVAL OF AMENDING RESOLUTION NO.7-1-92B DESIGNATING AND APPOINTING MEMBERSHIP OF THE ADMINISTRATIVE CONTROL BOARD OF THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

Tabled

6

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(14)

COMMISSION/ELECTED OFFICIALS REPORT.

*Sheriff Funk*

Sheriff Funk reminded everyone of the “Miles 4 Smiles” fun run, “Shop with a Cop” fund-raiser on Saturday am.

*Commissioner Cowley*

Commissioner Cowley reported on the fencing project at Goblin Valley. The Senior Citizen’s Christmas Dinner has changed venues. It will now be at the Museum of the San Rafael on December 3<sup>rd</sup> at 5:30 pm.

*Commissioner Brady*

Commissioner Brady reminded everyone of the Emery County Business Chamber Lunch and Learn at Ray’s Tavern in Green River City. The Bouldering Festival is still in the works. They anticipate about 100 participants. The Disc Golf event recently held in Green River City went well. They had approximately 90 participants. They are planning to hold 3 more events next year.

*Commissioner Migliori*

Commissioner Migliori stated he hopes that the citizens of Emery County will reference the community websites to stay informed on events going on in the county.

(15)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 15, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST AND DISPOSITIONS.

The Warrant Check Edit List #238773 through and including #238998 was presented for payment.

(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED NOVEMBER 17, 2015.

(3)

APPROVAL OF 3% WAGE INCREASE FOR TARRYN PARKINS, NATE GILBERT, DARYL GUYMON, PAYTN JEFFS, LACI HULSE, JADREE HUNTINGTON, ERIN OLIVERSON, AND MORGAN NICHOLSON (WHO ALL WORK AT THE AQUATIC CENTER) FOR SUCCESSFUL COMPLETION OF THE 6 MONTH ORIENTATION PERIOD.

(4)

APPROVAL OF 3% WAGE INCREASE FOR JORDAN LEONARD FOR SUCCESSFUL COMPLETION OF THE 6 MONTH ORIENTATION PERIOD.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Keith Brady. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing

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The Discussion Agenda order was suspended to move #25 after #2.

(2)

MINER'S MEMORIAL COMMITTEE, DISCUSSION OF THE MINER'S MEMORIAL IN CASTLE DALE.

Dennis Ardohain and Lori Ann Larsen came before the Board of Commissioners to provide an update on progress of Miner's Memorial planned for Castle Dale. Mr. Ardohain asked the Commissioners to decide on a stone color and lighting preference. Benches are planned and are available for donation for \$1,500.00 a bench. The funds are being run through the Community Development Corporation, a non-profit organization. There will be plaques reflecting the names of coal miners and coal mines in Emery County. Emery County will be doing the ground work and has set aside funds for donation to the project. Citizens, businesses and or corporations who donate to the project will receive a tax advantage. He asked for a decision on the stone color and lighting within the next two weeks as the stone comes from China and will take a while to get here. Much of the time dedicated to this project is donated. Kelly and Tennile Larsen have donated time and work on the plaques and monument. Gary Prazen and Danny donate their services.

(3)

CONSIDERATION AND APPROVAL TO ADOPT WORKERS COMPENSATION PREMIUM FOR 2016 WITH UTAH LOCAL GOVERNMENTS TRUST.

Mary Huntington that the Workers Compensation Premium for 2016 is down by \$8,000.00. The total premium is \$66, 744 for 2016. Commissioner Paul Cowley made a motion to adopt Workers Compensation Premium for 2016 with Utah Local Governments Trust. The motion was seconded by Commissioner Keith Brady. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT FOR PJ JONES STORAGE LLC PARCEL NUMBER 01-0236A-0022.

Assessor Kris Bell recommended approval for a Commission Tax Adjustment for PJ Jones Storage LLC, Parcel #01-0236A-0022. She explained that a BOE adjustment was done on this parcel, however the land change was missed. The previous tax amount was \$563.86. The new tax amount is \$310.95. This is a tax dollar difference of -\$252.91. Commissioner Keith Brady made a motion to approve of a Commission adjustment for PJ Jones Storage, LLC, parcel #01-0236A-0022. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(5)

CONSIDERATION AND APPROVAL OF HOLIDAY SCHEDULE FOR FY 2016.

Commissioner Keith Brady asked that the Commissioners consider scratching Columbus Day as an employee holiday and have a full day on Christmas Eve and New Year's Eve rather than the 2 half days.

Commissioner Keith Brady made a motion to scratch Columbus Day as a holiday day for county employees and make Christmas Eve and New Year's Eve full day holidays rather than two half days. The motion was seconded by Commissioner Paul Cowley. The motion passed. This schedule reflects that change.

New Year's Day	Friday	01-01-16
Human Rights Day	Monday	01-18-16
President's Day	Monday	02-15-16
Memorial Day	Monday	05-30-16
Independence Day	Monday	07-04-16
Pioneer Day	Monday	07-25-16
Labor Day	Monday	09-05-16
Veterans Day	Friday	11-11-16
Thanksgiving Day	Thursday	11-24-16
Thanksgiving Day	Friday	11-25-16
Christmas Eve	Friday	12-23-16
Christmas Day	Monday	12-26-16
New Year's Eve	Friday	12-30-16

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(6)

CONSIDERATION AND APPROVAL OF EMERY COUNTY BOARD OF COMMISSION  
AND LOCAL BUILDING AUTHORITY OF EMERY COUNTY OFFICIAL MEETING  
SCHEDULE FOR FY 2016.

2016 Commission Meeting Schedule

January 5, 2016	3:00 p.m.
January 19, 2016	3:00 p.m.
February 2, 2016	3:00 p.m.
February 16, 2016	3:00 p.m.
March 1, 2016	3:00 p.m.
March 15, 2016	3:00 p.m.
April 5, 2016	3:00 p.m.
April 19, 2016	3:00 p.m.
May 3, 2016	3:00 p.m.
May 17, 2016	3:00 p.m.
June 7, 2016	3:00 p.m.
June 21, 2016	3:00 p.m.
July 5, 2016	3:00 p.m.
July 19, 2016	3:00 p.m.
August 2, 2016	3:00 p.m.
August 23, 2016	3:00 p.m.
* held at the County Sheriff/County Complex at 45 East Farrer St., Green River, UT	
September 6, 2016	3:00 p.m.
September 20, 2016	3:00 p.m.
October 4, 2016	3:00 p.m.
October 18, 2016	3:00 p.m.
November 1, 2016	3:00 p.m.
November 15, 2016	3:00 p.m.
December 20, 2016	5:00 p.m.



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2016 MBA Schedule

January 5, 2016	2:30 p.m.
February 2, 2016	2:30 p.m.
March 1, 2016	2:30 p.m.
April 5, 2016	2:30 p.m.
May 3, 2016	2:30 p.m.
June 7, 2016	2:30 p.m.
July 5, 2016	2:30 p.m.
August 2, 2016	2:30 p.m.
September 6, 2016	2:30 p.m.
October 4, 2016	2:30 p.m.
November 1, 2016	2:30 p.m.

Commissioner Keith Brady made a motion to approve the Commission Meeting Schedule and LBA Meeting Schedule for 2016. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL TO ADVERTISE FOR VACANT/EXPIRED  
POSITIONS ON VARIOUS COUNTY BOARDS.

Commissioner Migliori indicated that there are several boards with vacant or expired positions that need to be filled. He asked for approval to advertise to fill these positions. Commissioner Paul Cowley made a motion to approve to advertise for vacant/expired positions on various county boards. The motion was seconded by Commissioner Keith Brady. The motion passed.

The following are the opportunities available to serve on county boards:

Planning Commission: 4 vacancies, 4 year term limits. Meetings held monthly.

Board of Adjustments for Planning/Zoning: 8 vacancies, 4 year term limits.

Emery County care and Rehabilitation Board: 3 vacancies (1) by a Green River appointee.  
council on Aging/Nutrition: 1 vacancy, 3 year term limit.

North Emery Water Users Special Service District: 3 positions, 4 year term limit.

Emery County Library Board of Trustees: 2 positions, 4 year term limit for 2 consecutive yrs.

Public Lands Council: 1 position by a Green River representative, 4 year term limit.

6

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(8)

CONSIDERATION AND APPROVAL OF MINI-GRANT APPLICATION FROM UTAH STATE LIBRARY FOR A TEEN READING PROGRAM.

Emery County Library asked for approval of a 2016 Teen Literature Mini-Grant Application from Utah State Library. The grant is in the amount of \$500.00. The program's anticipated date is from March 1 to April 30, 2016. Commissioner Keith Brady made a motion to approve of the mini-grant application with Utah State Library for a teen reading program. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF LAWN CARE CONTRACT AGREEMENT AMENDMENT FY 2016.

Commissioner Migliori discussed the lawn care contract agreement amendment FY 2016. The Commission felt that they were satisfied with the service that Mr. Tennant provided this year and recommended a contract amendment FY 2016 for \$430.00 per week for the period of March 27<sup>th</sup> through October 16, 2016. Commissioner Keith Brady made a motion to approve of Lawn Care Contract Agreement Amendment 2016. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF LETTER OF ENGAGEMENT WITH GOVERNMENT MATTERS LLC FOR FY 2016.

Commissioner Paul Cowley made a motion to approve of Letter of Engagement with Government Matters, LLC FY 2016. The motion was seconded by Commissioner Keith Brady. The motion passed. The Commissioners asked Mr. Johnson if he would come to Commission Meeting from time to time to report on activity at the legislature regarding issues of interest to Emery County. Mr. Johnson indicated he would.

(11)

CONSIDERATION AND APPROVAL OF AMENDMENT NO. 2 TO SPECIAL USE LEASE AGREEMENT 1622 BETWEEN EMERY COUNTY AND SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION FOR INDUSTRIAL PARK NEAR GREEN RIVER.

Commissioner Migliori explained that the lease is for the land east of Green River known as the Industrial Park. Blue Castle Refinery is located on this property. The lease expires any day now. They have been working with them to renew the lease and pass the fee along to Blue Castle as an incentive to keep them moving along in their permitting process. Commissioner Keith Brady made a motion to approve Amendment #2 to Special use Lease Agreement 1622 between Emery

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County and School and Institutional Trust Lands Administration for Industrial Park near Green River. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSSION AND APPROVAL OF HUNTINGTON AIRPORT MANAGEMENT CONTRACT.

Commissioner Cowley asked to table this matter to allow time to get with Attorney Mike Olsen and Leon Defriez, current Huntington Airport Manager to review the contract.

(13)

CONSIDERATION AND APPROVAL OF AMENDMENT NO. 1 TO CONTRACT NO.141916 FOR HUNTINGTON AIRPORT HANGER LEASE TO STATE OF UTAH, DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT.

Commissioner Cowley explained that this is a lease from the USDA for a hanger for a helicopter at Huntington Airport. The Commissioners discussed how the hanger rental fee will be managed. Commissioner Cowley indicated that he will discuss how to handle the adjustment with Leon Defriez. Commissioner Paul Cowley made a motion to approve of Amendment #1 to Contract No. 141916 for Huntington Airport Hanger Lease to State of Utah, Division of Facilities Construction and Management. The motion was seconded by Commissioner Keith Brady. The motion passed.

(14)

CONSIDERATION AND APPROVAL AUTHORIZING SIX COUNTY INFRASTRUCTURE COALITION TO OBTAIN A COPY OF THE HUNTINGTON AIRPORT LAYOUT PLAN FROM UTAH DIVISION OF AERONAUTICS.

Table

(15)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING MINERAL LEASE REVENUE (MMS) AND STATE MINERAL DEVELOPMENT REVENUES (SITLA) RESOLUTION 4-6-99A AND 4-01-08B

Resolution 12-15-15A establishes a liability account within Emery County Special Service District #1 for the purpose of receiving and disbursing mineral lease funds to various service districts in Emery County. The Emery County Commission has deemed it appropriate to adjust

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the disbursements from the liability account to accommodate the needs of the various special service districts now existing in Emery County. Emery County Resolution # 4-01-08B allows Emery County Commission to disburse a portion of State mineral development revenues to the Special Service District in Emery County pursuant to HB 134; and Section 4 of Emery County Resolution 07-17-07 authorizes the Emery County Commission to amend the funding percentage as needed. Emery County Commission recommended paragraph 2 of Resolution # 4-6-99A is amended to the following:

Funds from the liability account shall be disbursed as follows upon receipt:

Emery County Special Service District #1	55%
Castle Valley Special Service District	18%
Emery County Recreation Special Service District	12%
Emery County Fire Protection Special Service District	12%
North Emery Water Users' Special Service District	3%
Local Building Authority of Emery County	0%

Commissioner Keith Brady made a motion to approve Resolution 12-15-15A Amending Mineral Lease Revenue (MMS) and State Mineral Development revenues (SITLA) Resolutions 4-6-99A and 4-01-08B. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

DISCUSSION AND APPROVAL OF RIGHT-OF-WAY FOR MOTORIZED TRAIL AT END OF DES BEE DOVE ROAD.

Attorney Mike Olsen and Commissioner Ethan Migliori discussed a ROW for motorized trail at end of Des Bee Dove Road. Mr. Olsen indicated that this was initiated by the OHV Club. The cattlemen are in support of it. He indicated that there are some liability issues. Jule Johansen commented that this is a horrible trail and liability should be a concern. Mr. Olsen requested to table this matter to allow time to fill in some blanks and address the liability issue.

Tabled

Commissioner Keith Brady made a motion to leave the regular meeting and enter into a public hearing to receive public comment concerning opening and amending the 2015 budgets for Emery County General Fund, Special Revenue Funds, Capital Projects Funds, Local Building Authority and Castle Valley Special Service District. Also, to receive public comment concerning the proposed FY 2016 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds, Local Building Authority and Castle Valley Special Service District. At the conclusion of the public hearing the Commissioners will return to the regular meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(17)

**6:00 PM.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT CONCERNING OPENING AND AMENDING OF THE FY 2015 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Clerk/Auditor Brenda Tuttle reviewed the amended 2015 budget for Emery County General Fund, Special Revenue Funds, Capital Projects, and Local Building Authority. The amended budget reflects actual revenues and expenditures for 2015.

Castle Valley Special Service District Manager, Jacob Sharp reviewed the amended 2015 budget for their General Fund, Capital Project Fund, and Debt Service Fund.

(18)

**6:00 PM - PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT REGARDING THE PROPOSED FY 2016 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUND, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Clerk/Auditor Brenda Tuttle reviewed the FY 2016 budget for Emery County General Fund, Special Revenue Funds, Capital Projects Fund, and Local Building Authority. The Commissioners have met with each department to review their budget requests for 2016 and have now set the budgets for 2016.

Castle Valley Special Service District Manager, Jacob Sharp reviewed the FY 2016 budget for the General Fund, Capital Project Fund, and Debt Service Fund. The budgets have been set and recommended by the Castle Valley Special Service District Board of Directors.

The Public Hearing came to an end and the Commissioners returned to the regular meeting schedule.

(19)

**CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING THE FY 2015 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.**

Commissioner Keith Brady made a motion to approve Resolution 12-15-15B amending the FY2015 Budget for Emery County General Fund, Special Revenue Funds, Capital Projects

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Funds, and Local Building Authority. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Commissioner Keith Brady made a motion to approve Resolution 12-15-15C amending FY 2015 budget of the Castle Valley Special Service District General Fund, Capital Project Fund, and Debt Service Fund. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(20)

CONSIDERATION AND APPROVAL OF RESOLUTION APPROVING THE FY 2016 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Commissioner Paul Cowley made a motion to approve Resolution 12-15-15D approving the FY2016 budgets for Emery County General Fund, Special Revenue Funds, Capital Projects Funds and Local Building Authority. The motion was seconded by Commissioner Keith Brady. The motion passed.

Commissioner Paul Cowley made a motion to approve Resolution 12-15-15E approving the FY2016 budget of the Castle Valley Special Service District General Fund, Capital Project Fund, and Debt Service Fund. The motion was seconded by Commissioner Keith Brady. The motion passed.

(21)

CONSIDERATION AND APPROVAL OF LANDFILL TIPPAGE RESOLUTION.

The Commissioners entered into continuing discussions regarding a Landfill Tippage Resolution. It was recommended to be begin March 2, 2016 to allow time for the contractors to implement the fee change with the cities. Commissioner Brady questioned why are we doing this now? The county has been able to fund the Landfill in the past. He was concerned that this will cost homeowners and extra \$12.00 per year per can. Attorney Mike Olsen recommended revoking the current resolution due to language in the document and the fact that it is not being enforced anyway. Julie Johansen from Castle Dale City Council commented that Castle Dale has been waiting to comment on this issue until they hear from the contractor who services their city. And the contractors have been waiting to do anything until there was a resolution to work from. Mr. Williams, City Sanitation expressed concern for the hand written tickets. Commissioner Keith Brady made a motion to table this issue for further review. The motion died for lack of a second. Commissioner Paul Cowley made a motion to approve of Resolution 12-15-15F a Landfill Tippage Resolution and revoking Resolution 02-24-09 in its entirety upon the signing of this

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resolution. Commissioner Ethan Migliori stepped down to second the motion. The motion passed with two in favor. Commissioner Keith Brady did not vote.

The new tippage fees are as follow:

All loads crossing the scale 1,000 lbs. and under	No charge
All loads crossing scale 1,001 lbs. and over	\$10.00/ton
Contaminated soil	\$15,00/ton
City/Town roll-offs	No charge

Effective Date: March 1, 2016

(22)

CONSIDERATION AND APPROVAL OF STANDARD AGREEMENT/CONTRACT WHERE EMERY COUNTY WOULD PAY A PORTION OF EMT TRAINING FEES AND PROVIDE A METHOD OF REIMBURSEMENT.

Tabled

(23)

CONSIDERATION AND APPROVAL OF AMENDING RESOLUTION NO. 7/1/92B DESIGNATING AND APPOINTING MEMBERSHIP OF THE ADMINISTRATIVE CONTROL BOARD OF THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

Tabled.

(24)

CONSIDERATION AND APPROVAL OF LETTER OF SUPPORT FOR GOBLIN VALLEY STATE PARK'S APPLICATION FOR INTERNATIONAL DARK SKY DESIGNATION GOLD TIER NOMINATION PACKAGE.

Commissioner Paul Cowley has discussed this matter with Public Lands Director, Ray Petersen. Ray is in favor of this designation citing that it could be a plus for the county. Commissioner Cowley expressed concern that the information could be used by the environmental groups to their favor. There are only 5 to 7 areas in the world with this particular designation. Goblin Valley has special circumstances with the park being so far from a city. The Commission felt that the application will be made with or without the County's letter of support. Commissioner

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Keith Brady made a motion to approve a letter of support for Goblin Valley State Park's application for International Dark Sky Designation Gold Tier Nomination Package. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(25)

DISCUSSION AND POSSIBLE APPROVAL OF SPILLMAN TECHNOLOGIES, INC.  
QUOTE AND PURCHASE ADDENDUM FOR SOFTWARE FOR SHERIFF'S  
DEPARTMENT.

Sheriff Greg Funk discussed the need to switch from Fatpot to Spillman Technologies, Inc. He explained that Fatpot got bought out and is moving in a different direction. So the department is back to Spillman for their data base. The cost for the software is \$125,620.00. He is still in negotiations with them for the yearly maintenance fee. He plans on using Emergency Management funds paying \$40,000 per year for four years. They will be merging the three data bases currently used by the Sheriff's Department. There are options available for retrieving data. Fatpot will continue until their contract is up and installation would be in August of 2016 for Spillman. Attorney Mike Olsen has reviewed the addendum and Jeff Guymon has reviewed it also. Commissioner Keith Brady made a motion to approve of Spillman technologies, Inc. and purchase addendum for software for Sheriff's Department. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(26)

DISCUSSION AND POSSIBLE APPROVAL FOR TINA CARTER TO ACCEPT AN  
INVITATION TO BECOME A MEMBER ON THE UTAH OFFICE OF TOURISM TRAVEL  
TRADE/INTERNATIONAL MEDIA ADVISORY COMMITTEE.

Tina Carter explained that this is an open invitation from Utah Office of Tourism Travel Trade/International Media Advisory Committee. The group meets every other month in SLC. It should not interrupt her duties for the county. There is no per diem because she can go up and back in a day. She estimated it will cost her budget approximately \$600.00 for the year in gas and wages. Tina and the Commissioners felt that there could be benefits to the county to having exposure to the information she would receive while serving on this committee. Commissioner Keith Brady made a motion to approve for Tina Carter to accept an invitation to become a member on the Utah Office of Tourism Travel trade/international Media Advisory Committee. The motion was seconded by Commissioner Paul Cowley. The motion passed.



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DECEMBER 15, 2015

(27)  
COMMISSION/ELECTED OFFICIALS REPORT.

There were no reports.

(28)  
ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 5, 2016

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Keith Brady, Commissioner Keith Brady, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED DECEMBER 15, 2015.

(3)

APPROVAL OF BUSINESS LICENSE FOR BERWICK ELECTRIC COMPANY.

(4)

NOTIFICATION. WAYNE SENN HAS BEEN SELECTED AS A PART TIME JANITOR FOR THE GREEN RIVER LIBRARY.

(5)

APPROVAL OF JAMIE PEACOCK TO BE A VOLUNTEER AT THE CASTLE DALE LIBRARY.

(6)

APPROVAL AUTHORIZING JEFF GUYMON A 3% MERIT INCREASE FOR ACCEPTING THE PLANNING AND ZONING ADMINISTRATOR RESPONSIBILITIES BACK IN JULY

2015. EFFECTIVE FIRST PAY PERIOD IN 2016.

(7)

APPROVAL AUTHORIZING NADINE THOMPSON A 6% MERIT INCREASE FOR INCREASED RESPONSIBILITIES WHEN THE SR. APPRAISER RETIRED AND THE POSITION WAS NOT BACKFILLED. EFFECTIVE FIRST PAY PERIOD IN 2016.

(8)

APPROVAL AUTHORIZING GARRETT STILSON AND JESSICA OLSEN (LIFEGUARDS) A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THE 6 MONTH ORIENTATION PERIOD.

(9)

APPROVAL AUTHORIZING CLAIR MALDONADO A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THE 6 MONTH ORIENTATION PERIOD.

(10)

RATIFICATION OF EMERY TOWN APPOINTMENT OF JUSTIN CHILD TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

(11)

RATIFY OUT OF STATE TRAVEL TO LAS VEGAS, NEVADA FOR RAY PETERSEN TO ATTEND COLORADO RIVER WATER USER ASSOCIATION CONFERENCE DECEMBER 16-18, 2015.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

APPROVAL OF CHAIRMAN FOR 2016

(3)  
CONSIDERATION AND APPROVAL OF COMMISSION RESPONSIBILITIES FOR 2016.

(4)  
PRESENTATION OF EMERY COUNTY EMPLOYEES SERVICE AWARDS.

(5)  
CONSIDERATION AND APPROVAL OF SPONSORSHIP AGREEMENT WITH CHADWICK BOOTH & CO. FOR THE COUNTY SEAT.

(6)  
DISCUSSION AND CONSIDERATION OF APPROVAL OF EASEMENT FOR THE PURPOSE OF THE CONSTRUCTION, OPERATION, REPAIR AND MAINTENANCE OF A ROADWAY AND UTILITIES IN THE GREEN RIVER INDUSTRIAL PARK LOCATED ON SITLA LAND.

(7)  
DISCUSSION AND APPROVAL OF HUNTINGTON AIRPORT MANAGEMENT CONTRACT.

(8)  
CONSIDERATION AND APPROVAL AUTHORIZING SIX COUNTY INFRASTRUCTURE COALITION TO OBTAIN A COPY OF THE HUNTINGTON AIRPORT LAYOUT PLAN FROM UTAH DIVISION OF AERONAUTICS.

(9)  
DISCUSSION AND APPROVAL OF RIGHT-OF-WAY FROM PACIFICORP FOR MOTORIZED TRAIL AT END OF DES BEE DOVE ROAD AND DISCUSSION OF LIABILITY ISSUES.

(10)  
KYLE EKKER, DISCUSSION OF FY2014 CITIZEN CORPS SUPPLEMENTAL GRANT

EXPENDITURES AND APPROVAL OF STATE HOMELAND SECURITY PROGRAM AWARD.

(11)  
APPROVAL OF EMERY COUNTY SHERIFF OFFICE PROCEDURE/PROTOCOL FOR INVESTIGATION OF PEACE OFFICER USE OF FORCE.

(12)  
CONSIDERATION AND APPROVAL OF CONSULTANT SERVICES CONTRACT DATE EXTENSION FOR SOUTH MOORE CUT-OFF ROAD PHASE 10.

(13)  
CONSIDERATION AND APPROVAL OF CHANGE ORDER #2 ON SOUTH MOORE CUT-OFF ROAD PHASE.

(14)  
EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT BOARD, DISCUSSION OF COUNTY FINANCIAL SUPPORT FOR OPERATING EXPENSES IN 2016.

(15)  
CONSIDERATION AND APPROVAL OF STANDARD AGREEMENT/CONTRACT WHERE EMERY COUNTY WOULD PAY A PORTION OF EMT TRAINING FEES AND PROVIDE A METHOD OF REIMBURSEMENT.

(16)  
ADJOURNMENT

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 19, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #239155 through and including #239275 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1-16	Boiler repairs Aquatic Center	\$7,726.00
2-16	Quantum DAT160 Internal DAT back up drive kit Communications/Sheriff	\$ 618.11

One disposition was presented for two conference tables from Justice Court.

(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED JANUARY 5, 2016.

(3)

APPROVAL OF 3% WAGE INCREASE FOR ROBERT RILEY AFTER SUCCESSFUL COMPLETION OF THE 6 MONTH ORIENTATION PERIOD WHEN BEING PROMOTED TO SERGEANT. EFFECTIVE 1-31-16.

(4)

APPROVAL OF 3% WAGE INCREASE FOR BRANDON HESS AND DANIELLE FARLEY AFTER SUCCESSFUL COMPLETION OF THE 6 MONTH ORIENTATION

COMMISSION MEETING MINUTES  
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PERIOD. EFFECTIVE 1-31-16.

(5)

APPROVAL OF 3% WAGE INCREASE FOR LYNETTE JOHNSON AFTER SUCCESSFUL COMPLETION OF THE 6 MONTH ORIENTATION PERIOD. EFFECTIVE 1-31-16.

(6)

NOTIFICATION THAT BROOKLYN OLSEN AND KAITLYN CARTER HAVE BEEN HIRED AS PART-TIME LIFEGUARDS WORKING 19 3/4 HOURS PER WEEK AT WAGE GRADE 3.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Ethan Migliori, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

(2)

CHAD BOOTH, DISCUSSION OF SPONSORSHIP AGREEMENT WITH CHAD BOOTH & CO. FOR THE COUNTY SEAT. APPROVAL OF SPONSORSHIP AGREEMENT.

Chad Booth, *The County Seat*, came before the Board of Commissioners to discuss a sponsorship agreement for *The County Seat*. He addressed questions from the Commissioners and Attorney Mike Olsen regarding liquidated damages, air time, and issues of value and benefit to Emery County citizens. Mr. Booth explained that the program runs 52 one half hour programs a year. The company relies on the counties for content to put into development. For example, Coal is of importance to Carbon, Emery Counties as well as other counties in the state. Coal is an important content to develop a program around. This issue affects the state and issues need to be presented to the people of the rest of the state. He added that 75% of what they talk about are issues that affect rural Utah. However, counties like Utah County and Salt Lake County need issues that are of value to their citizens as well. Public Lands is a main issue of discussion and is of concern to the citizens of the entire state. Commissioner Cowley commented that he gets the impression from watching news programs that the people of the Wasatch Front think that power plants cause pollution. Mr. Booth added that his program gives people a perspective on these issues that they would otherwise get. The program *At Your Leisure* began from the issue of road closures. There was no one to speak to responsible ATV use. The show has generated a new

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JANUARY 19, 2016

image for ATV use in the state. In the process they have become more involved in road closures and other issues from rural Utah that provide perspective to the people of Wasatch Front especially those individuals who like to recreate in rural Utah. Legislators follow his show and use it as a tool for lobbying, developing legislation and platforms. He added that the show includes participation for all 29 counties in Utah and some in Idaho, Arizona and Nevada.. But it takes participation from all 29 counties to keep the program going. They exist on a very tight budget. Most of the budget goes to pay for air time. If we become an affiliate of a channel they will have editing rights to our content and we want to put the issues out there, unedited. If even three counties drop out of participation the show could not keep functioning. That's how tight their budget is. Commissioner Migliori commented that this show is a hidden advantage to Emery County. It is the best lobbyist the county has going. It is a voice that has access. Mr. Booth continued by adding that he is at the legislature on a regular basis to stay abreast of the current issues affecting the state. He regularly does appearances on Channel 4 to broadcast on behalf of rural Utah issues. Mr. Booth brought Piute County Commissioner Darin Bushman to the meeting with him to discuss the program. Mr. Bushman stated that *The County Seat* is a gem that he hoped we can keep going. What you get out of your participation in the company depends on how much you ask for. It is advantageous to go to the legislature with the issues that are presented on the show. Ask yourself how to utilize the program to move your issues to the forefront of discussion with your legislators. Commissioner Migliori added that previous broadcasts are available on line. He encouraged everyone to check them out. Commissioner Migliori made a motion to approve a sponsorship agreement with Chad Booth & Company for *The County Seat*. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

CHRIS WOOD, DWR, PRESENTATION OF PILT CHECK FOR PROPERTY OWNED BY UDWR. UPDATE OF DIVISION ACTIVITIES.

Chris Wood, DWR came before the Board of Commissioners to present a check in the amount of \$2,610.71 representing the property owned by Utah Division of Wildlife Resources. He indicated that the division owns 5,302 acres of land in Emery County mostly along the San Rafael River. They manage Desert Lake with a full time biologist manager. As an agency, last year, they redid the mule deer herd unit plan. They held an open house in several locations in the area to get input from the public for creation of the plan. The doe to buck ratio is 15/17. They received suggestions from the public to split the herd units. However, after several considerations from those opposed to the split, decided to keep it as one unit. The south end of the Manti is not doing as well as the north end. They will be transplanting deer from the Bountiful area to the Joe's Valley area over the next few weeks in a effort to increase the herd on the south of the Manti. Mule Deer herds statewide are seeing an increase. The pheasant release program in Emery County was successful. They will be treating Ferron Drainage and restock in the next few weeks. The water quality issues from Seely Fire is no longer much of an issue. Huntington Creek seems to healing itself. They will continue to restock Huntington Creek.



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Commissioner Cowley asked if the opposition to splitting the herd came from locals or hunters from out of the area that come to the Manti to hunt? Wade Paskett, DWR indicated that the public was not in favor of splitting the herds. He stated he felt the opposition came from a mixture of local and hunters who frequent the Manti. They got the word from the hunters not to do it. The Commissioners thanked Mr. Wood and Mr. Paskett for their update of division activity and PILT check.

(4)

CONSIDERATION AND APPROVAL FOR CASTLE DALE LIBRARY TO APPLY FOR A RURAL GATEWAYS GRANT.

Commissioner Brady indicated that the Castle Dale Library requested approval to apply for a Rural Gateways Grant in the amount of \$3,500.00 to train workers as science facilitators. Commissioner Paul Cowley made a motion to approve Castle Dale Library to apply for a Rural Gateways Grant. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

RATIFICATION OF LOCAL GOVERNMENT PROJECT APPLICATION FOR LONE TREE BRIDGE REPLACEMENT.

Merrill Johansen, J & T Engineering explained a Local Government Project Application for Lone Tree Bridge Replacement. He indicated that UDOT evaluates bridges in the state and give them an efficiency rating. This bridge is south of I-70 that accesses the Muddy Creek for tourist and cattlemen. UDOT has given the bridge a low efficiency rating. Merrill stated he has been working with the Road District and the Road Department on this application. With inflation the project is expected to be \$1,260,000.00 with a 93% grant and a 7% match of \$85,302.00. The project would be scheduled for 2019. He will be meeting with the Highway Committee the first of February to see if we qualify for this project. Commissioner Ethan Migliori made a motion to ratify approval of a Local Government Project application for Lone Tree Bridge Replacement. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF RESOLUTION ADOPTING THE HUNTINGTON AIRPORT FIVE (5) YEAR PLAN.

Commissioner Ethan Migliori made a motion to approve Resolution 1-19-16A adopting the Huntington Airport Five (5) Year Plan. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(7)

DISCUSSION AND APPROVAL OF HUNTINGTON AIRPORT MANAGEMENT CONTRACT.

Attorney Mike Olsen explained that the contract has gone through the review process. They have added three additional items to the existing contract. The contract is now ready for approval. Commissioner Paul Cowley made a motion to approve of Huntington Airport Management Contract. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

DISCUSSION AND DECISION OF LOCATION AND STONE COLOR FOR THE MINER'S MEMORIAL.

The Commissioners discussed placement options for the Miner's Memorial. Kelly Larsen from Worley-Jensen Monument indicated that the stone needs to be ordered now especially if they choose black stone. Commissioner Migliori indicated that he liked the look of the monument in Price and wanted to go with the black stone. He stated that the dedication of the memorial is planned for June to coincide with the Emery County Fair. Mr. Larsen indicated that the location for the monument can be decided at a later date but the color of the stone needs to be determined now. The Commissioners were in agreement that the black stone was their preference. Commissioner Paul Cowley made a motion to choose black stone for the Miner's Memorial. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF \$100.00 DISCOUNT TOWARDS A FAMILY PASS AT THE EMERY COUNTY AQUATIC CENTER FOR ALL EMERY COUNTY EMPLOYEES.

Tabled

(10)

CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY/BLM AND JARED JOHNSON FOR MAINTENANCE OF GOBLIN VALLEY ROAD FENCING PROJECT 2016.

Attorney Mike Olsen explained that the Interlocal Agreement between Emery County/BLM and Jared Johnson for maintenance of Goblin Valley Road Fencing Project 2016 has been reviewed and he has dealt with some issues. The agreement is now ready for approval. Commissioner Paul Cowley made a motion to approve of Interlocal Agreement between Emery County/BLM and Jared Johnson for maintenance of Goblin Valley Road Fencing Project 2016. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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JANUARY 19, 2016

(11)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING THE PERSONNEL POLICY OF EMERY COUNTY, UTAH TO CLARIFY THE HOLIDAY SCHEDULE FOR 2016.

Commissioner Ethan Migliori made a motion to approve Resolution 1-19-16B amending the Personnel Policy of Emery County, Utah to clarify the holiday schedule for 2016. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

APPROVE REAPPOINTMENT OF JOY BARTON, KEVIN JENSEN, AND MICHAEL MCCANDLESS TO NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT.

Commissioner Paul Cowley made a motion to approve reappointment of Joy Barton, Kevin Jensen, and Michael McCandless to North Emery Water Users Special Service District. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

APPROVE REAPPOINTMENT OF MACK HUNTINGTON, MARY KAVA, JULIE JOHANSEN, AND BILL DELLOS TO THE EMERY COUNTY PLANNING COMMISSION.

Commissioner Ethan Migliori made a motion to approve appointment of Mack Huntington, Mary Kava, Julie Johansen, and Bill Dellos to the Emery County Planning Commission. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

APPROVE APPOINTMENT OF KIM MCFARLANE TO THE PUBLIC LANDS COUNCIL.

Commissioner Paul Cowley made a motion to approve the appointment of Kim McFarlane to the Public Lands Council. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

APPROVE APPOINTMENT OF ADELE JUSTICE TO THE EMERY COUNTY CARE AND REHABILITATION BOARD.

Commissioner Ethan Migliori made a motion to approve appointment of Adele Justice to the

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JANUARY 19, 2016

Emery County Care and Rehabilitation Board. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

APPROVE APPOINTMENT OF ETHAN MIGLIORI AND RE-APPOINTMENT OF DAWNETTE TUTTLE, CHRISTINE JENSEN, CLIFFORD OVIATT, AND TALMA PEACOCK TO THE MUSEUM OF THE SAN RAFAEL BOARD OF DIRECTORS.

Commissioner Ethan Migliori made a motion to approve appointment of Ethan Migliori and Re-appointment of Dawnette Tuttle, Christine Jensen, Clifford Oviatt, and Talma Peacock to the Museum of the San Rafael Board of Directors. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

APPROVAL OF ETHAN MIGLIORI TO THE EMERY COUNTY HOUSING AUTHORITY BOARD OF DIRECTORS.

Commissioner Paul Cowley made a motion to approve appointment of Ethan Migliori to the Emery County Housing Authority Board of Directors. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(18)

CONSIDERATION AND APPROVAL OF EQUITABLE SHARING AGREEMENT AND CERTIFICATION.

Commissioner Ethan Migliori made a motion to approve of Equitable Sharing Agreement and Certification. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Brady*

Commissioner Brady reminded everyone of the Emery County Business Chambers Lunch and Learn on Wednesday at noon. The speaker will be Emery County Economic Development Director Jordan Leonard. He will speak on state and local incentives for businesses looking to expand.

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*Commissioner Migliori*

Commissioner Migliori reported on working with several counties and UAC to look at Centrally Assessed Taxes finding ways to shorten the process and mitigate losses.

(20)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 2, 2016

Present at the meeting was Commissioner Keith Brady, Commissioner Ethan Migliori, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #239292 through and including #239387 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
3-16	4RE In-Car Camera system Sheriff	\$9,990.00
4-16	TWECO Fabricator 211i Highway	\$1,050.00
5-16	Washer for Jail Sheriff/Jail	\$9,830.00

(2)  
APPROVAL OF COMMISSION MEETING MINUTES DATED JANUARY 19, 2016.

(3)  
APPROVAL OF BUSINESS LICENSE FOR KRIS'S PRO-SHOP.

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(4)

APPROVAL OF LAMAR GUYMON AS HUNTINGTON CITY REPRESENTATIVE ON THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.

(5)

APPROVAL OF PROMOTION OF JUSTIN TRUMAN TO ROAD FOREMAN GRADE 22

Motion to approve the Consent agenda was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley, and the motion passed.

## DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

There were no items pulled from the agenda for discussion.

Commissioner Keith Brady made a presentation to Blake Gardner for 35 years of accumulated service to Emery County.

Deputy Blake Gardner began his career with the Emery County Sheriff's office on December 1, 1979. He started working in dispatch and then attended POST. After graduation he worked as a patrol deputy and on the scuba dive team. He was part of the I-70 Interdiction program. Blake is the only K-9 unit for the Sheriff's Department. He has had four dogs Enzo, Oscar, Nikko and currently Murphy. When Blake was sent to K-9 training he thought he didn't pass, but he did pass. Wendall Knop (the dog guru) said Blake was gifted with handling dogs. Blake married Becky Huntington on February 23, 1980. They have made their home in Cleveland and have four children. Becky said at first being a deputy's wife was hard because he was gone on holidays and sleeping alone at night, but now it is just a part of life. Becky said, "she is extremely proud of Blake for being a deputy and is proud of the job he has done. The Emery County Sheriff's Office is very proud of Blake for his 35 years of accumulated, devoted service. His years of experience and service have helped to keep our community safe and he is a good example for younger deputies.

(2)

DANA GRAY, REQUEST WAIVER OF RENTAL FEE AT THE MUSEUM OF THE SAN RAFAEL FOR THE ANNUAL EAGLE SCOUT RECOGNITION BANQUET.

Dana Gray explained that they have 20 young men who will receive their Eagle Award for

worthwhile projects. She requested approval to waive the fee to use the Museum of the San Rafael for their Eagle Scout Recognition Banquet in April 2016. Commissioner Ethan Migliori made a motion to approve waiving the fee for use of the Museum of the San Rafael for their Eagle Scout Recognition Banquet. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF SOUTHEASTERN UTAH ENERGY PRODUCERS ASSOCIATION MEMBERSHIP DUES.

Commissioner Ethan Migliori made a motion to approve payment of \$500.00 for Southeastern Utah Energy Producers Association Membership dues. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

DISCUSSION AND APPROVAL TO BEGIN THE ADVERTISING PROCESS FOR EXPIRED TERMS OF OFFICE ON THE EMERY WATER CONSERVANCY DISTRICT.

Commissioner Keith Brady explained that Emery Water Conservancy District has 3 vacancies on their board due to expired terms. Commissioner Ethan Migliori made a motion to advertise for candidates to fill 3 expired terms on Emery Water Conservancy District. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF APPOINTMENT OF MARLENE MIYASAKI AND CAROL ANN EKKER TO THE EMERY COUNTY LIBRARY BOARD.

Commissioner Paul Cowley made a motion to approve appointment of Marlene Miyasaki and Carol Ann Ekker to the Emery County Library Board. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF APPOINTMENT OF DEWAYNE FOWLER AND MARY KAVA ON THE COUNCIL OF AGING AND NUTRITION.

Commissioner Ethan Migliori made a motion to approve appointment of Dewayne Fowler and Mary Ann Kava on the Council of Aging and Nutrition. The motion was seconded by Commissioner Paul Cowley. The motion passed.



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(7)

CONSIDERATION AND APPROVAL OF PURCHASE ORDER THROUGH JOHN DEERE TO BEGIN THE PROCESS TO LEASE BACKHOE FOR GREEN RIVER ROAD SHOP.

Commissioner Keith Brady explained that this is the same process that the Road Department went through to lease a backhoe for the Castle Dale Road Shop. The cost is \$891.00 for the year. Commissioner Ethan Migliori made a motion to approve beginning the process to lease a backhoe for Green River Road Shop. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF AMENDMENT #1 TO INTER-AGENCY COORDINATION AND SUB-RECIPIENT CONTRACT AGREEMENT BETWEEN EMERY COUNTY AND SEUAOG.

Commissioner Ethan Migliori made a motion to approve of Amendment #1 to Inter-Agency Coordination and Sub-Recipient Contract Agreement between Emery County and SEUAOG for the Aging and Nutrition Program. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

CONSIDERATION AND APPROVAL TO PURCHASE AN AD IN THE SPECIAL ENERGY EDITION OF THE EMERY COUNTY PROGRESS/SUN ADVOCATE.

Commissioner Ethan Migliori made a motion to approve purchasing an add to include all elected officials in the Special Energy Edition of the Emery County Progress/Sun Advocate. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND EMERY COUNTY SCHOOL DISTRICT REGARDING USE OF THE AQUATIC CENTER.

Commissioner Keith Brady reviewed an MOU between Emery County and Emery County School District regarding use of the Aquatic Center. Attorney Mike Olsen recommended approval. Commissioner Ethan Migliori made a motion to approve of Memorandum of Understanding between Emery County and Emery County School District regarding use of the Aquatic Center. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN BUREAU OF LAND MANAGEMENT PRICE FIELD OFFICE AND EMERY COUNTY TO COMPLETE A RECREATION AND DEVELOPMENT STRATEGY FOR THE SEGMENTS OF THE NATIONAL HISTORIC OLD SPANISH TRAIL.

Commissioner Migliori explained that the Trails Committee has appropriated \$4,000.00 for a Recreation and Development Strategy for the segments of the National Historic Old Spanish Trail. These funds along with other BLM funds will be used to cover travel costs and wages for an intern from the BLM Utah State Office. This intern will work on and complete a Recreation and Development Strategy for segments of the Old Spanish Trail within Emery County. The Recreation and Development Strategy will identify recreation routes that the public can follow to experience segments of the Old Spanish Trail. It will also identify areas that could possibly be developed including trailheads, interpretive sites, overlooks, and campgrounds. This is in conjunction with a larger multi-state effort to add on to the Old Spanish Trail. A sign plan for these recreation routes will also be developed. Commissioner Paul Cowley made a motion to approve of Agreement between BLM Price Field Office and Emery County to complete a Recreation and Development Strategy for the segments of the National Historic Old Spanish Trail. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

DISCUSSION AND APPROVAL OF SUPPORT FOR THE MUSEUM OF THE SAN RAFAEL TO PARTNER WITH UTAH HUMANITIES ASSOCIATION TO HOST A TRAVELING EXHIBIT IN 2017.

Meagan Wilberg, Museum of the San Rafael came before the board of Commissioners to seek support for the museum of the San Rafael to partner with Utah Humanities Association to host a traveling exhibit in 2017. She explained that the traveling exhibit will be called "The Way We Have Worked" in the summer of 2017. Commissioner Cowley commented that this is a great opportunity for Emery County and hopes for support from the communities. Meagan indicated that \$500.00 has been budgeted for travel expenses. Commissioner Paul Cowley made a motion to approve of support for the Museum of the San Rafael to partner with Utah Humanities Association to host a traveling exhibit in 2017. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF ADVERTISING A RFP FOR AN EVENT PLANNER FOR EMERY COUNTY.

Tina Carter, Emery County Travel Council requested approval of advertising a RFP for an Event

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Planner for Emery County. The Event Planner would promote new events for Emery County. This is a one year experiment and effort to expand opportunities in Emery County. Commissioner Ethan Migliori made a motion to advertise for a RFP for an Event Planner. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

CONSIDERATION AND POSSIBLE APPROVAL OF RECREATION SPECIAL SERVICE DISTRICT OPERATING ASSISTANCE LOAN.

Commissioner Migliori explained that Attorney Mike Olsen has drafted an agreement between Emery County and Emery County Recreation Special Service District for an operating assistance loan that will hold them out until mineral lease money comes in to the County. For value received, the Rec District promises to pay to Emery County the sum of \$100,000.00 at a rate of 1.5% per annum, computed on the actual days elapsed, on the basis of 360 days per year, payable on demand from the date until maturity. All installments of principal and interest will be taken out of the mineral lease revenues when received. The agreement is for the purpose of supporting operations of the Recreation District. Payments will begin on July 1, 2016. Commissioner Ethan Migliori made a motion to approve of Recreation Special Service District Operating Assistance Loan. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

ELECTED OFFICIALS REPORT

Commissioner Brady asked Randy Johnson to report on activity at the legislature.

Mr. Johnson reported on several bills being presented in the Legislature. HB158 deals with filing dates, HB115 deals with straight party voting, HB154 deals with career service council, HB224 deals with what an entity can use impact fees for, HB218 deals with water issues, and SB116 deals with the sale and transfer of water shares.

*Commissioner Migliori*

Commissioner Migliori reported on BEAR activity. Department of Workforce Services is working on the refining and gathering of statistics regarding wages.

*Commissioner Cowley*

Commissioner Cowley reported on attending the Open Meeting held at the Salt Lake Library regarding the EPA and Power Plants. He indicated that there was good representation from Emery and Carbon Counties. He added that 90% of those attending opposed what the EPA was trying to do. He added he hopes the EPA recognizes these are their recommendations to begin with and hopes that they pull back from this effort.

*Commissioner Brady*

Commissioner Brady suggested putting a link to the EPA Comment section on the Emery County website. He also attended the Open Meeting regarding the EPA and Power Plants. He added that this is all regarding the haze issues in the National Parks. The EPA has been invited to come here to hold their meeting not in SLC. They need to come and tour the power plants to see for themselves.

Commissioner Paul Cowley made a motion to leave the regular Commission Meeting and move into a Public Hearing/Open House and upon completion of the Public hearing return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

**5:00 P.M. - 6:30 P.M. PUBLIC HEARING/OPEN HOUSE- NRCS/FERRON CANAL RESERVOIR COMPANY/EMERY COUNTY INVITE PUBLIC COMMENT ON THE PROPOSED REHABILITATION OF THE MILLSITE DAM IN EMERY COUNTY. PUBLIC PARTICIPATION IS A VITAL COMPONENT IF THIS PROJECT. COPIES OF DRAFT PLAN-EA IS NOW AVAILABLE.**

Commissioner Keith Brady welcomed everyone to the Public Hearing and turned the time over to Tracy Behling for an introduction of key individuals and the purpose of the Public Hearing.

Norm Evenstad-NRCS reviewed the planning and environmental assessment summary of the proposed rehabilitation of the Millsite Dam in Emery County.

Eric Dixon- Utah Division of Water Resources reviewed the rehabilitation alternatives and features of the proposed rehabilitation of the Millsite Dam.

Mr. Evenstad and Mr. Dixon answered questions from the public.

Tom Lloyd asked what is the process for mitigating the impact on fish and wildlife?

Eric Luke asked a question regarding excavation and the specified depth of the dam.

Patsy Stoddard, Emery County Progress asked if those individuals who rely on irrigation will be able to irrigate this year? Mr. Dixon indicated that they hope to speed up the draining of Millsite

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a little faster this year. In 2017 they will have a reduced amount coming out. But it will not stop altogether.

Eric Luke asked how to anticipate the RFP process to be advertised? Mr. Evenstad answered to watch on their website.

Questions ended and they returned to the regular meeting.

(17)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 16, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Ethan Migliori, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #239440 through and including #239565 was presented for approval.

There were no Requisitions or Dispositions.

(2)  
APPROVAL OF COMMISSION MEETING MINUTES DATED FEBRUARY 2, 2016.

(3)  
APPROVAL OF SHAWN ALTON AS A RESERVE OFFICER AT THE SHERIFF'S OFFICE.

Commissioner Ethan Migliori made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Paul Cowley. The motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

Commissioner Ethan Migliori made a motion to leave the regular meeting and move into a public hearing to receive input regarding the mental health and substance use disorder treatment needs in Emery County and at the conclusion of the Public Hearing to return to the regular meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(2)

PUBLIC HEARING: FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, INC. AND THE EMERY COUNTY COMMISSIONERS INVITE MEDICAID ENROLLEES AND OTHER COMMUNITY MEMBERS TO GIVE INPUT REGARDING THE MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT NEEDS IN EMERY COUNTY.

Karen Dolan, Four Corners Community Behavioral Health, Inc. explained that by state statute the Emery County Commission is responsible for mental health issues in Emery County. In 1972 Carbon, Emery, Grand and San Juan counties formed Four Corners Community Behavioral Health, Inc. San Juan County later dropped out in the early 80's. Medicaid requires a public hearing to get input from citizens, clients and families to be used in planning services and decision making during this next fiscal year. She added that they have seen 98 people in the tri county area in the past 6 months. They are working with the Sheriff's Department and Justice Courts to set up a plan for screening, to get those with low risk drug problems into treatment while screening to keep high risk criminals in jail. They are reaching for good screening and great treatment that is adequately funded. Jonathon Fauver, Therapist at Four Corners talked about the criminal and addiction aspect and the fact that Four Corners sees a lot of people who are able to turn their lives around.

Angela Bloom expressed her feelings regarding her long time addiction recovery process. She opted into the drug court program and graduated in May 2015. She indicated she has had one relapse but Four Corners supported her and helped her get her life back on track. She received classes and training to assist her in acclimation back into society.

Bret Guymon added that addiction is not something you can fix. An individual's success is not necessarily for a lifetime.

Jonathon Fauver, speaking about the long term recovery aspect described how he had surgery in his youth and became addicted to opiates. At around 30 years of age he made changes in his life and was encouraged to attend college and become a therapist. He added, this did not come over easily. It has been more than a 25 year journey. He expressed his desire to support and help others make a change.

The Public Hearing came to a conclusion. The Commissioners return to the regular meeting agenda.

(3)

DARIN PALMER/RYAN HATCH, ULGT, DISCUSSION OF INSURANCE AND UPDATE OF SERVICES.

Ryan Hatch provided a presentation and discussion regarding workers' compensation insurance. ULGT has been partnering with Emery County for WC for 20 years. In December of 2014 the Trust came before the Board of Commissioners to renew WC insurance for 2015. At that time the county stood to save 3% by going with another provider. The Trust encouraged you to stay with the them and hold on. 2011 was a high claim year and caused the EMOD to remain high at 1.09. The EMOD will go down when that year moves off the 4 year average. The EMOD for 2016 is projected to be around .80, which is below average. The Trust will bid for all lines of insurance in the bidding process at renewal time and encourage their competitor to do the same. He stated that today they have provided options and demonstrated the benefit to the county. He applauded the county for their alertness to safety.

(4)

OPEN SEALED BIDS FOR COMMERCIAL WATER HEATER FOR THE EMERY COUNTY JAIL WATER HEATER PROJECT 2016. CONSIDERATION AND APPROVAL OF BID AWARD AND CONTRACT.

Bids were opened for a 100 gallon commercial water heater for the Emery County Jail Water Heater Project 2016.

- |    |                               |            |
|----|-------------------------------|------------|
| 1) | Air Temp Heating and Cooling  | \$4,831.00 |
| 2) | Dugmore Heating and Appliance | \$4,489.00 |

Commissioner Ethan Migliori made a motion to review the bids to determine the bid was as advertised then award the bid and enter into a contract with the lowest bidder for the project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF DISCOUNT AT THE EMERY COUNTY AQUATIC CENTER FOR ALL EMERY COUNTY EMPLOYEES.

Commissioner Migliori discussed and employee discount for the Emery County Aquatic Center. After much consideration it was determined that a 31% discount would work better than a flat discounted amount. The discount would be for the employee and dependents living within the home. Commissioner Ethan Migliori made a motion to approve a 31% discount across the board for all employees at the Emery County Aquatic Center. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF OFFICIAL EMERY COUNTY



COMMENTS/RESPONSE TO PROPOSED UTAH REGIONAL HAZE STATE IMPLEMENTATION PLAN REVISION (EPA HEARING).

Commissioner Paul Cowley made a motion to approve the official Emery County comment/response to proposed Utah Regional Haze State Implementation Plan Revision (EPA Hearing). The motion was seconded by Commissioner Ethan Migliori. The motion passed. Ray Petersen informed the public that they can make comment up until March 4, 2016.

(7)

CONSIDERATION AND APPROVAL OF 2016 EEO REPORTING AND AFFIRMATIVE ACTION PLAN.

Commissioner Paul Cowley made a motion to approve of 2016 EEO Reporting and Affirmative Action Plan. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

DISCUSSION AND POSSIBLE APPROVAL OF RIGHT-OF-WAY FROM PACIFICORP FOR MOTORIZED TRAIL AT END OF DES BEE DOVE ROAD.

The Commissioners discussed a right-of-way from PacifiCorp for a motorized trail at the end of Des Bee Dove Road. Commissioner Migliori talked about liability immunity for the County and that there needs to be some type of agreement for maintenance. The reason the right-of-way needs to be signed is to procure funding from the State Trails Committee to develop the trail. Attorney Mike Olsen indicated that he has no problem with the right-of-way document. Commissioner Ethan Migliori made a motion to approve a Right-of-Way from PacifiCorp for a motorized trail at the end of Des Bee Dove Road, but not the use of the trail at this time. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

RATIFY APPROVAL OF JUSTICE REINVESTMENT INITIATIVE GRANT APPLICATION.

Sheriff Funk explained that the Justice Reinvestment Initiative Program (JRI) is to support and stabilize the inmate from the time he/she is booked and housed in our facility until he/she is released, or until such time as additional treatment during incarceration is ordered by the judge. Bringing professionals on board to provide screening and assessment will help with initial diagnosis and stabilization of these individuals while incarcerated, and hopefully direct them to the proper resources as they transition into the general public. (as quoted by Captain Kyle Ekker's letter accompanying the grant application) The professionals paid through this grant will be Dr. John S. Montgomery as Supervisor and Dr. Lowell Morris, PA-C as provider for the Jail Risk and Needs Screening Diagnosis and Assessment. The amount of the grant is \$43,464.00. Sheriff Funk added this program is a 6 month experiment. There 29 counties trying to come up with their own ideas for how to solve this growing problem. Attorney Mike Olsen added that he feels this is

a good plan. Dr. Morris is already working with individuals at the jail so it is good to utilize his expertise and caring demeanor to work with these people. The grant application had a deadline that precluded this meeting so the application was signed and now needs to be ratified. Commissioner Ethan Migliori made a motion to ratify the signing of Justice Reinvestment Initiative Grant Application. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

RATIFY AGREEMENT BETWEEN EMERY COUNTY AND JOHN S. MONTGOMERY, M.D. TO SUPERVISE EMERY COUNTY JAIL RISK AND NEEDS SCREENING DIAGNOSIS AND ASSESSMENT.

This agreement between Emery County and John S. Montgomery M.D. is a six month agreement to supervise Emery County Jail Risk and Needs Screening Diagnosis and Assessment. He will be supervising Lowell Morris, PA-C ( provider) and work with the project director Captain Kyle Ekker from the ECSO. The signing of this agreement needs to be ratified due to meeting of deadlines associated with a grant. Commissioner Ethan Migliori made a motion to ratify the signing of an agreement between Emery County and John S. Montgomery M.D. to supervise Emery County Jail Risk and Needs Screening Diagnosis and Assessment. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

RATIFY AGREEMENT BETWEEN EMERY COUNTY AND LOWELL MORRIS TO PERFORM EMERY COUNTY JAIL RISK AND NEEDS SCREENING DIAGNOSIS AND ASSESSMENT.

This agreement between Emery County and Lowell Morris, PA-C is a six month agreement to provide medical treatment for inmates being housed at the Emery County Jail under the Emery county Jail Risk and Needs Screening Diagnosis and Assessment. The signing of the needs to be ratified due to meeting deadlines associated with a grant. Commissioner Ethan Migliori made a motion to ratify the signing of an agreement between Emery County and Lowell Morris, PA-C to perform Emery County Jail Risk and Needs Screening Diagnosis and Assessment. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF UTAH DEPARTMENT OF AGRICULTURE AND FOOD GRANT AGREEMENT FOR RUSSIAN OLIVE ERADICATION IN EMERY COUNTY.

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This is a \$100,000.00 grant from Utah Department of Agriculture and Food to the Emery County Weed/Mosquito Department to be used to eradicate Russian Olive Trees along the San Rafael Drainage. Commissioner Paul Cowley made a motion to approve Utah Department of Agriculture and Food Grant for Russian Olive eradication in Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF DONATION TO EMERY RODEO TEAM.

Commissioner Ethan Migliori made a motion to table this matter and invite a representative from the Emery Rodeo Team to attend the next meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

CONSIDERATION AND APPROVAL OF CELL PHONE STIPEND/REIMBURSEMENT FOR JUSTIN TRUMAN, ROAD DEPARTMENT.

Commissioner Paul Cowley made a motion to approve of cell phone stipend/reimbursement for Justin Truman. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

CONSIDERATION AND APPROVAL OF APPOINTMENT OF ETHAN MIGLIORI TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

Commissioner Paul Cowley made a motion to appoint Ethan Migliori to the Emery County Fire Protection Special Service District. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND UTAH OFFICE OF TOURISM TO PARTICIPATE IN PUBLIC/PRIVATE PARTNERSHIP PROGRAM KNOWN AS THE UTAH CAFETERIA MARKETING PROGRAM.

Travel Council Director presented an MOU between Emery County and Utah Office of Tourism to participate in public/private partnership program known as the Utah Cafeteria Marketing Program. She explained that one of the objectives of the program is to aid rural Utah in their economic development efforts by improving the visitor experience, leading to more spending and tax revenues which may include: Enhancing the recreation and support service infrastructure in emerging, rural tourism destinations, support services, capacity and to extend busy season for developed gateway communities. The program offers \$24,500.00 which Emery County will match 50/50 to contract with Roger Brooks International and Main Street Now to complete the

re-branding project. Commissioner Ethan Migliori made a motion to approve of an MOU between Emery County and Utah Office of Tourism to participate in public/private partnership program known as the Utah Cafeteria Marketing Program. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

CONSIDERATION AND APPROVAL TO ACCEPT BUREAU OF LAND MANAGEMENT'S INVITATION TO BECOME A COOPERATING AGENCY FOR THE MASTER LEASING PLAN (MLP) IN THE SAN RAFAEL DESERT AREA. APPOINTMENT OF POINT OF CONTACT FOR EMERY COUNTY.

Ray Petersen explained that the Master Leasing Plan is a mechanism for completing additional planning, analysis, and decision making dealing with oil and gas leasing. The Richfield Field Offices intend to prepare Resource Management Plan amendments in a single Environment Assessment to consider oil and gas leasing on approximately 525,000 acres of public land in the San Rafael Desert, located in Emery County. The BLM Price and Richfield Field Offices are inviting Emery County to be a cooperating agency for the duration of the San Rafael Desert MLP/EA Process. Cooperating agency status provides the opportunity for us to work together and to enhance the BLM planning efforts. Commissioner Ethan Migliori made a motion to approve acceptance of BLM's invitation to become a cooperating agency for the Master Leasing Plan (MLP) in the San Rafael Desert Area and appoint Ray Petersen as point of contact and Public Lands Council Chairman and Commissioner on the Public Lands Council as alternate points of contact. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(18)

CONSIDERATION AND APPROVAL TO ACCEPT BUREAU OF LAND MANAGEMENT'S INVITATION OF CONSULTING PARTY STATUS FOR THE MONTICELLO/MOAB FIELD OFFICE DEVELOPMENT OF A CLASS 1 EXISTING INFORMATION INVENTORY AND THREE CLASS 11 PROBABILISTIC FIELD SURVEYS FROM SAN RAFAEL DESERT AND MOLEN REEF AREAS. APPOINTMENT OF POINT OF CONTACT FOR EMERY COUNTY.

Public Lands Director, Ray Petersen asked the Commission to table this matter to allow time to collect more information. Commissioner Paul Cowley made a motion to table this matter to find out more information. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(19)

CONSIDERATION AND APPROVAL OF REQUEST FOR DONATION TO WESTERN RANGELANDS CONSERVATION ASSOCIATION, INC.

Commissioner Ethan Migliori made a motion to table this item and ask that a representative of the organization attend a Commission Meeting to provide more information. The motion was

seconded by Commissioner Paul Cowley. The motion passed.

(20)

DISCUSSION AND APPROVAL FOR PROCEDURES FOR FINAL TAX SALE.

Clerk/Auditor Brenda Tuttle presented the procedures for final tax sale. The administrative cost has been increased to cover the cost of advertising and notice mailings. This cost is added to the minimum bid. The deadline for redemption has been changed to 5:00pm the day before the sale. Title searches will begin on March 15, 2016. Commissioner Paul Cowley made a motion to approve of procedures for final tax sale as presented. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(21)

CONSIDERATION AND APPROVAL OF COOPERATIVE LAW ENFORCEMENT AGREEMENT AND EXHIBIT A 2016 ANNUAL OPERATING AND FINANCIAL PLAN BETWEEN EMERY COUNTY AND THE USDA FOREST SERVICE, MANTI-LASAL NATIONAL FOREST.

This is the standard Cooperative Law Enforcement Agreement and Operating and Financial Plan between Emery County and the USDA Forest Service, Manti-LaSal National Forest. The 2016 total annual operating plan is \$5,000.00. Commissioner Paul Cowley made a motion to approve of Cooperative law Enforcement Agreement and Exhibit A 2016 annual Operating and Financial Plan between Emery County and the USDA Forest Service, Manti-LaSal National Forest. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(22)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Brady invited Randy Johnson to provide an update of activity at the legislature. Mr. Johnson indicated that there 2 bills of concern at this time. The water restricting bill will probably be joined in the House and Senate. This is a sticky issue. He is watching it closely to see if anyone brings up any new concerns dealing with water issues. The water companies want to be able to control their resources. The biggest impact will be on the Wasatch Front where water sources are limited. They are still tinkering with the bill. Attorney Mike Olsen questioned whether there was a reason to support the bill? The other bill he his watching closely is the Goblin Valley State Park Expansion bill. Nothing has happened since it was defeated in the last session. There is a lot work that needs to be done to it before it can be reintroduced. Many feel the bill is not necessary. He will keep watching to see how it develops. Commissioner Brady indicated he received a call from Randy Anderson concerned about a bill regarding bees. They will keep watching this issue for any new developments. The Public Lands Initiative Bill will have a public hearing but he was not sure of the date yet.

*Commissioner Migliori*

Commissioner Migliori talked about the Department of Workforce Services' Rural Fastrack Grants.

*Commissioner Cowley*

Commissioner Cowley reported that the Senior Citizen Program will be getting a new bus this year.

*Commissioner Brady*

Commissioner Brady reported on Congressman Jason Chaffetz's visit to USU Eastern where he fielded questions regarding a variety of issues of importance to rural Utah citizens.

(23)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 1, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # through # was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
7-16	Plate Compactor Highway	\$1,900.00
8-16	4 Stroke Rammer Highway	\$3,040.00
9-16	Cat Motor Grader w/trade-in Highway	\$210,881.00
10-16	(2) Cat 962 Wheel Loaders w/trade-in Highway	\$385,000.00
11-16	Microwave Radio Card repair for GR Communications/SO	\$ 750.00

Dispositions were presented for the following:

622-4893, pump (W/M)

37 EOtech scopes and sites to be returned for reimbursement.

2

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(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED FEBRUARY 16, 2016

(3)

APPROVAL OF OUT-OF-STATE TRAVEL FOR RAY PETERSEN AND KEITH BRADY TO WASHINGTON D.C. FOR PLI.

(4)

NOTIFICATION THAT ADAM GARDNER WAS HIRED AS A PART TIME EQUIPMENT OPERATOR I FOR THE ROAD DEPARTMENT WORKING IN THE GREEN RIVER AREA. WAGE GRADE 16.

This item was pulled from the Consent Agenda.

Motion to approve the Consent Agenda, with exception of #4, was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Item # 4 was pulled from the Consent Agenda.

Commission Chairman Keith Brady asked to have Randy Johnson provide an update of legislative activity.

Mr. Johnson reported on the progress of House/Senate Bills in the Utah Legislature that are of interest to rural Utah, especially Emery County.

He reported on HB15- Beekeeping Bill, has a great deal of opposition. It has been held over for a second time to answer questions. HB218 Water Bill, has been pulled from committee by Representative Kay McIff who introduced the bill. There is too much opposition to this bill. SB116 is a similar water bill that is not going anywhere.

HB360-Planning Ordinances bill introduced by Mel Browns. This bill has the potential to create a lot of extra work for rural areas. He is still tracking the Goblin Valley State Park Expansion Bill. HJR8 calls for a constitutional balanced budget. HJR18 calls for a constitutional term



COMMISSION MEETING MINUTES  
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limit. Constitutional bills require 33 states to pass.

(2)

OPEN REQUEST FOR PROPOSALS FOR EVENT COORDINATOR. CONSIDERATION AND APPROVAL OF FURTHER REVIEW OR ACTION TAKEN.

There was one RFP for an Event Planner turned in to the Clerk/Auditor's Office. Commissioner Paul Cowley asked if there is a board set up to review the proposals? Commissioner Migliori indicated that the Travel Bureau will review the proposals. Commissioner Ethan Migliori made a motion to take the proposal to the Travel Bureau to continue the process of reviewing the proposal and make sure the board is comfortable with approval or re-advertise for more proposals. Commissioner Paul Cowley asked if this is a contract position? Commissioner Brady indicated that the Travel Bureau has allocated \$20,000.00 in their budget for this purpose. The funds are to come from TRT and tourism. Commissioner Cowley asked what are the events that this person will do? Commissioner Brady answered that the hope was for the planner to take some of the pressure off the Rec District to coordinate the Fair. He added that the idea behind an event planner is to have more tourism events for this side of the county that may entice motels and restaurants to locate here. Commissioner Cowley indicated that he would be more comfortable with re-advertising to give the public more of an opportunity to reply to the RFP. Commissioner Brady called for a second to Commissioner Migliori's motion to take the proposal to the Travel Bureau for review and approval or re-advertise. There was no second to the motion. Therefore, the motion died. Commissioner Paul Cowley made a motion to re-advertise for an Event Planner for two more weeks to see if we can get more response from the public for the RFP. Commissioner Ethan Migliori seconded the motion. The motion passed.

(3)

OPEN SEALED BIDS FOR SALE OF COUNTY OWNED PROPERTY. CONSIDERATION AND APPROVAL OF HIGH BID AND ASSOCIATED PAPERWORK TO COMPLETE SALE OF PROPERTY.

Bids were opened for the sale of county owned property in Lawrence. There were two bids submitted. The minimum bid advertised was \$121.00.

- |    |                      |          |
|----|----------------------|----------|
| 1) | Kyle Willis          | \$305.00 |
| 2) | Kendahle Brandenburg | \$150.00 |

Motion to accept the high bid from Kyle Willis for \$305.00 and the associated paperwork to complete the sale was made by Commissioner Paul Cowley, seconded by Commissioner Ethan Migliori and the motion passed.

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(4)

LORI ANN LARSEN, EMERY COUNTY HISTORICAL SOCIETY, REQUEST RENTAL FEE WAIVER AT THE MUSEUM OF THE SAN RAFAEL FOR THEIR GENERAL MEMBERSHIP MONTHLY MEETINGS.

Lori Ann Larsen, President of Emery County Historical Society came before the Board of Commissioners to request rental fee waiver at the Museum of the San Rafael for their general membership monthly meetings. She indicated that they hold their meetings on the 4<sup>th</sup> Thursday of the month during the winter months which is usually about 5 to 6 months out of the year. The warmer months they attend tours in the county for their meetings. She inquired as to why the ECHS had to come to request a fee waiver each year when there was an agreement to allow the historical society to hold their meetings there. She added that the ECHS was instrumental in starting the MOSR. She was reminded that the agreement was a gentleman's agreement and not in writing. Future Commissioners can not be bound by past Commissioners verbal agreements. Commissioner Ethan Migliori made a motion to approve a request for a fee waiver for the Emery County Historical Society's use of the MOSR for their membership monthly meetings. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DREW LEROY, REQUEST APPROVAL FOR FEE WAIVER AT THE LANDFILL.

Mr. LeRoy was not able to attend the meeting. Commissioner Paul Cowley made a motion take no action on this matter. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF DONATION FOR EMERY RODEO TEAM.

McCoy Christensen, Vice President of the Emery Rodeo Team came before the Board of Commissioners to request a sponsor donation for the 2016 Rodeo Team. \$250.00 is the diamond sponsorship and the amount that the Commission has donated in the past. Commissioner Ethan Migliori made a motion to approve a \$250.00 diamond sponsorship donation to the Emery Rodeo Team. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF DONATION FOR WESTERN RANGELANDS CONSERVATION ASSOCIATION, INC.

Dusty Huntington, Western Rangelands Conservation Association, Inc. came before the Board of

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Commissioners to request a donation in support of their efforts to fight for protection of rights with regard to grazing rights on BLM range land. He indicated that BLM land has been beat down by radical wild horse and burro grazing while the livestock grazers are slowly being forced off the range. The wild horse population grows by 25% each year or doubles every four years. The horse population is growing with no management. The BLM is doing nothing to mitigate the situation. The Association has filed a lawsuit with the BLM to get the horses within management level. We are not trying to eliminate or eradicate the horses/burros. We want the BLM to follow their own guidelines for management of the horses/burros. In 2014 the Board of Commissioners granted the Association \$1,000.00 to aid in this litigation effort. He stated he is here today to request a donation to continue fighting this battle. Attorney Mike Olsen stated that it has been his experience that the BLM responds to litigation. The service that this group is performing takes litigation to accomplish. He asked if there was anything else Emery County could be doing to help in this effort? Dusty stated, "Support"! Commissioner Paul Cowley made a motion to approve a donation of \$1,000.00 to the Western Rangelands Conservation Association, Inc.. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF AMENDMENT #2 OF INTERAGENCY COORDINATION AND SUB-RECIPIENT CONTRACT AGREEMENT BETWEEN EMERY COUNTY AND SEUALG.

Commissioner Ethan Migliori made a motion to approve Amendment #2 of Interagency Coordination and Sub-Recipient Contract Agreement between Emery County and SEUALG. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

CONSIDERATION AND APPROVAL TO ACCEPT BUREAU OF LAND MANAGEMENT'S INVITATION OF CONSULTING PARTY STATUS FOR THE MONTICELLO/MOAB FIELD OFFICE DEVELOPMENT OF A CLASS I EXISTING INFORMATION INVENTORY AND THREE CLASS II PROBABILISTIC FIELD SURVEYS FROM THE SAN RAFAEL DESERT AND MOLEN REEF AREAS. APPOINTMENT OF POINT OF CONTACT FOR EMERY COUNTY.

Public Lands Director, Ray Petersen reported that in the February 19, 2016 Commission Meeting this item was on the agenda but needed some clarification. Ray indicated he checked into the status of consulting party and feels comfortable with accepting consulting party status for the Monticello/Moab Office Development of a Class I existing information inventory and three Class II probabilistic field surveys from the San Rafael Desert and Molen Reef areas. This will allow

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Emery County to be part of the planning process. Commissioner Ethan Migliori made a motion to accept BLM's invitation of Consulting Party Status for the Monticello/Moab Field Office development of a Class I existing information inventory and three Class II probabilistic field surveys from the San Rafael Desert and Molen Reef areas, and appoint Ray Petersen as point of contact for Emery County as well as Public Lands Chairman and Commissioner over Public Lands as alternate point of contact for Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF SECOND AMENDMENT TO LEASE AGREEMENT BETWEEN EMERY COUNTY AND CELLULAR , INC. NETWORK CORPORATION d.b.a. VERIZON WIRELESS TO EXPAND GENERATOR BUILDING TO ACCOMMODATE A LARGER GENERATOR.

Communications Director, Bret Mills has worked out some issues with the amendment to the lease agreement between Emery County and Verizon Wireless to expand the generator building to accommodate a larger generator. Bret will have to be on site during the construction phase of the project. They are ready to move forward with the project. Commissioner Ethan Migliori made a motion to approve of second amendment to lease agreement between Emery County and Cellular Inc. Network Corporation d.b.a Verizon Wirelesss to expand generator building to accommodate a larger generator. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LAND (BLM ROW UTU-89586) TO INCREASE WIDTH OF ROW ON GILES ROAD TO INSTALL CULVERTS.

Road Supervisor Wayde Nielsen discussed a ROW application to increase the width of the original ROW on Giles Road to install culverts. The new application requests the ROW be granted with a width of 75 feet to properly maintain the road by installing two culverts. Commissioner Paul Cowley made a motion to approve of an application for Transportation and Utility Systems and Facilities on Federal Land (BLM UTU-89586) to increase width of ROW on Giles Road to install culverts. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

7

COMMISSION MEETING MINUTES  
MARCH 1, 2016

(12)

ELECTED OFFICIALS REPORT

Sheriff Funk reported his concern that there is no public safety component built into the proposed JRI.

Commissioner Migliori reported on attending meetings regarding coal mining and doing everything we can do as a county. The water issues have been curbed. The Farm Bureau has been watching this issue closely.

Commissioner Brady reminded everyone that the comment period is almost over for the EPA on the haze issue. He invited individuals to visit the website and make comments.

Commissioner Cowley reported on attending a Sage Grouse conference.

(13)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

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

MARCH 15, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Ethan Migliori, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials, and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant check Edit List #239733 through and including #239860 was presented for payment.

There were no requisitions or dispositions.

(2)  
APPROVAL OF COMMISSION MEETING MINUTES DATED MARCH 1, 2016.

(3)  
NOTIFICATION, ADAM GARDNER HAS BEEN SELECTED TO WORK AS A PART TIME EQUIPMENT OPERATOR FOR THE GREEN RIVER AREA. WAGE GRADE 16 @ \$16.39 PER HOUR.

(4)  
NOTIFICATION, ROBERT BENNETT AND WADE HANCOCK HAVE BEEN SELECTED TO WORK PART TIME ON THE RUSSIAN OLIVE PROJECT. GRADE 14 @ \$14.59 PER HOUR.

Motion to approve the Consent Agenda was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

COMMISSION MEETING MINUTES  
MARCH 15, 2016

(2)

CONSIDERATION OF APPOINTMENT TO FILL THREE VACANT TERMS ON THE EMERY WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS. ANY CANDIDATE WISHING TO SPEAK TO THE BOARD MAY DO SO NOW. APPROVAL OF RESOLUTION OF APPOINTMENT BY THE EMERY COUNTY BOARD OF COMMISSIONERS.

Commissioner Ethan Migliori made a motion to fill three vacancies on the Emery Water Conservancy District with Lee McElprang, JR Nelson, and Clyde Magnuson. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT AUTHORIZING NOT MORE THAN \$2,350,000 GENERAL OBLIGATION BONDS, SERIES 2016 A & B, FIXING THE MAXIMUM AMOUNT, MATURITY, INTEREST RATE, AND DISCOUNT ON THE BONDS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND OR BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

Jacob Sharp, Castle Valley Special Service District reviewed a General Obligation Bond, Series 2016 A & B fixing the maximum amount, maturity, interest rate and discount on the bonds to be issued to the CVSSD. Alex Buxton, Zions Bank Public Finance explained the reason for a Parameters Resolution. He explained that the purpose is to allow a notice of bonds to be issued as well as a notice of public hearing published. In years past they have tried to have the Resolution and public hearing date on the same meeting date. In working with the bond attorneys during the past couple of weeks, have determined that the public hearing notice had yet to be published. They were not able to get the public hearing notice on the agenda for today. However, they still wanted to get the notice of bonds to be issued in the newspaper so that they could close as soon as possible. One of the requirements in a bond issue is to have a thirty day contest period which begins the day the notice of bonds to be issued is published in the newspaper. So in order to get funding and access to the funds toward the end of April we are having a parameter resolution that authorizes the notice as well as calls for a public hearing on April 5th Commission Meeting. At point in time we will adopt the final bond resolution. This will get the process going and allow for the thirty day notice in the newspaper. Mr. Buxton added that CVSSD does a great job of accessing state CIB funding and using it to get the most advantage from the funds. After answering Commissioner Brady's questions regarding bonds Commissioner Ethan Migliori made a motion to approve Resolution 3-15-16A a resolution of the Board of County Commissioners of Emery County, Utah acting as the governing body of the Castle Valley Special Service District authorizing not more than \$2,350,000 General Obligation

COMMISSION MEETING MINUTES  
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Bonds, Series 2016 A&B, fixing the maximum amount, maturity, interest rate, and discount on the bonds; providing for the publication of a notice of public hearing and of bonds to be issued; providing for the running of a contest period; and related matters. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF STANDARD COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATION WORK- 2016.

Commissioner Ethan Migliori made a motion to approve of a Standard Cooperative Agreement for Utah State University Extension Education Work for 2016. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF DATE FOR MAY TAX SALE.

Clerk/Auditor Brenda Tuttle requested approval of a date for the May Tax Sale as May 19, 2016 at 10 a.m.. Commissioner Ethan Migliori made a motion to set the date of May 19, 2016 at 10 a.m. for the May Tax Sale. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS FOR UPGRADE OF EXISTING GENERATOR AT HORN MOUNTAIN COMMUNICATION SITE.

Commissioner Ethan Migliori made a motion to approve of application for Transportation and Utility Systems and Facilities on Federal Lands for upgrade of existing generator at Horn Mountain Communication Site. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF GRANT TO UTAH DIVISION OF STATE HISTORY FOR CEMETERY INVENTORY OF EMERY, HAMBRICK BOTTOMS, VERMILLION, CLARION AND THOMPSONVILLE CEMETERIES.

This grant is similar to the grant from last year. Two of the cemeteries are in Emery County. The grant is for \$5,000.00 with a 50/50 match. There is no financial obligation by Emery County. Commissioner Paul Cowley made a motion to approve of a grant application to Utah Division of State History for Cemetery Inventory of Emery, Hambrick Bottoms, Vermillion, Clarion and Thompsonville Cemeteries. The motion was seconded by Commissioner Ethan



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Migliori. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF AGREEMENT FOR JOINT OR COOPERATION UNDERTAKING TO ESTABLISH A PUBLIC INSURANCE AGENCY MUTUAL FOR THE PURPOSE OF ADMINISTERING THE UTAH SEARCH AND RESCUE ACT.

Sheriff Funk explained that this is insurance for those individuals who tour the back country who may have need to be rescued. The insurance is \$25.00 for an individual and \$35.00 per family. The money goes into a fund to reimburse the county for the expenses involved in the rescue. Currently when you register your ATV there is a portion of the fee that goes to search and rescue and is distributed to the counties for that purpose. In the past there has not been any type of reimbursement beyond the fuel cost. There is no cost to the county to participate in the program. The public can purchase the insurance online. Commissioner Ethan Migliori made a motion to approve an agreement for joint cooperation undertaking to establish a public insurance agency mutual for purpose of administering the Utah Search and Rescue Act. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSSION AND APPROVAL OF REQUEST FOR A DEFERRAL AGREEMENT FOR PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE YEARS PAST DUE FOR ROBERT & JOANN WETHERINGTON, SUSAN GAIL DAVIS, CYNTHIA MARIE EDWARDS, MARGARET ELAINE POTTER, AND TERRY HEATH.

Treasurer Steve Barton requested approval to offer a deferral agreement for payment of real property taxes that are five years past due for Robert & Joann Wetherington, Susan Gail Davis, Cynthia Marie Edwards and Margaret Elaine Potter, and Terry Heath. These owners were contacted a year ago and made aware that the property would be up for sale due to back taxes. There are 12 properties that will be going up for sale. All have been notified of the situation. Seven are real estate, four are homes and one is a business. He stated his office makes a considered effort to not let property get to this point. He added that tomorrow a list of the delinquent tax property owners will go the Clerk/Auditor's office for the tax sale process. A \$300.00 charge will be added to the back taxes to cover administrative cost associated with the sale, such as mailings and title searches. The five individuals, which he has requested deferrals on behalf of, have responded and requested a deferral. The deferral is a contract with Emery County that will allow them until November 2016 to pay the taxes. Commissioner Ethan Migliori made a motion to authorize Treasurer Steve Barton to make a contract with the five taxpayers requesting the deferral. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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MARCH 15, 2016

(10)

CONSIDERATION AND APPROVAL OF USL MEMORANDUM OF AGREEMENT BETWEEN EMERY COUNTY AND DEPARTMENT OF HERITAGE AND ARTS, UTAH STATE LIBRARY DIVISION FOR COMMUNITY LIBRARY ENHANCEMENT FUNDS (CLEF) FOR THE DEVELOPMENT OF LOCAL PUBLIC LIBRARY SERVICES.

Emery County Library Director Carole Larsen discussed an MOU between Emery County and Department of Heritage and Arts, Utah State Library Division for Community Library Enhancement Funds (CLEF) for the development of local library services. The amount is \$7,000.00. CLEF funds can only be used for collection development, technology that directly affects the public, and community outreach. Ms. Larsen indicated that it is free money for the library to coordinate programs that they already implement. Commissioner Paul Cowley made a motion to approve of an MOU between Emery County and Department of Heritage and Arts, Utah State Library Division for Community Library Enhancement Funds(CLEF). The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LIBRARY SYSTEM STRATEGIC PLAN FOR 2016, 2017, AND 2018.

Roxanne Jensen, Assistant Library Director reviewed the Emery County Library System Strategic Plan for 2016, 2017, and 2018. Roxanne read the mission statement and vision statement and outlined their objectives and goals for 2016, 2017, and 2018. This is a state library requirement. Commissioner Paul Cowley made a motion to approve of Emery County Library System Strategic Plan for 2016, 2017, and 2018. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LIBRARY ELECTRONIC MEETING POLICY.

The purpose of this policy is to establish the means and procedures by which the Emery County Library system may conduct electronic meetings in accordance with the provisions of the Public Meetings Act. This would allow access to board meetings for board members and others who are not able to attend in person. Commissioner Paul Cowley made a motion to approve of Emery County Library Electronic Meeting Policy. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(13)

CONSIDERATION AND APPROVAL OF EMERY COUNTY'S LIBRARY INTERNET AND ONLINE ACCESS POLICY.

Roxanne Jensen reviewed the Emery County Electronic Meeting Policy. She explained that children under the age of twelve have a need to access the internet for homework. The current policy needs to be amended to allow children from 8 to 17 to access the internet. The Library System is filtered by the state. Children under the age of 18 who need to access the internet for homework MAY on a one time basis, with a phone call from a parent or legal guardian access the internet. Parents are responsible for the actions of their children, whether or not they are present. Any adult user may ask a member of the library staff to disable the filter in order to gain access to an incorrectly blocked site. There must, in the judgement of the library staff, be a legitimate reason for the disabling of the filter. Failure to comply with the established policy may lead to consequences such as being asked to leave the building, or discontinue an activity. Suspension of privileges will occur in three phases. There will first be a verbal warning, second revoked privileges and signing of the Emery County Library Internet Violators form and an alert added to their patron record, and third internet privileges suspended until the violator meets in person with the Emery County Library Board who will determine if their privileges may be reinstated. Commissioner Paul Cowley made a motion to approve of Emery County Library Electronic Meeting Policy. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

CAROLE LARSEN, UPDATE ON EMERY COUNTY LIBRARIES AND ACTIVITIES.

Carole Larsen provided an update of Emery County Libraries and activities. She provided statistics on programs available to the public as well as the number of patrons currently attending libraries in the county system. She reported on grants the libraries are currently using to provide reading programs and incentives to the communities.

(15)

DISCUSSION OF REQUEST TO INCLUDE DESERTVIEW PRO RODEO WITH THE EMERY COUNTY FAIR BUDGET.

Emery County Recreation Special Service district Director Jake Atwood opened discussion regarding inclusion of the Desertview Pro Rodeo with the Emery County Fair Budget. Jake talked about combining the rodeo with the fair and having it on the same days. He indicated that in the seventeen years that the Rec District has been financing the rodeo they have broken even 2 times. The rest of the times they went in the hole with costs associated with the rodeo coming out of the Rec Budget. He indicated he felt the rodeo is worth saving. The financial burden of \$80,000.00 is hard to get past. He talked about possibly eliminating the free concert at the Fair

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which takes half of the fair budget and use the funds towards rodeo expenses. The Rec District is not getting as many sponsorships this year and that will ding the budget. He will be meeting with the Travel Bureau next week to seek some funding for the rodeo. Commissioner Brady stated that part of the Transient Room Tax is meant to promote this type of activity. Clerk/Auditor Brenda Tuttle stated that she was concerned for how to combine the Fair and the Rodeo Budgets when the Rodeo is under the Rec District and the Fair is under the County. Commissioner Cowley questioned how to mingle the two events under one budget when they are separate events and under different entities. Commissioner Migliori suggested making a significant donation to the Rodeo and call it the Emery County Rodeo. He wondered which had more value to the citizens of Emery County the rodeo or the free concert? Which would the citizens want if they had to pick one? Commissioner Brady wondered if they could put out a poll to get a feel for what the citizens would want? Emery County Fair Board Chairman stated that there will be a free concert at the Fair this year. They will be cutting out the stage sound crew which was a huge expense to the budget. Commissioner Migliori indicated that we still need to do some homework before a decision is made. Commissioner Cowley expressed his concern that the Rec District will be able to meet their obligation to payback the loan they took out from the county earlier this year by the end of the year. Julie Johansen commented that the rodeo takes place over a few nights while the concert is only one night. She has had concern expressed to her regarding citizens discontent with the procedures for rodeo ticket sales. Brenda Tuttle commented that the rodeo is a huge financial risk. If people don't come to the rodeo then someone has to absorb that loss. Jake added that half of the revenue for the rodeo comes from ticket sales. Mike Olsen suggested that the Rec District seek sponsorships for the rodeo from Price (Carbon County) businesses. The people of Emery County spend a lot of money in Price. This could help minimize some of the risk financially.

The Board of Commissioners agreed to take no action on this item at this time.

(16)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND  
MAGICIAN AL LAMPKIN FOR ENTERTAINMENT AT THE EMERY COUNTY FAIR.

Commissioner Ethan Migliori made a motion to approve of a contract between Emery County and Magician Al Lampkin for entertainment at the Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(17)

CONSIDERATION AND APPROVAL OF RENTAL AGREEMENT BETWEEN EMERY COUNTY AND INFLATABLE FUN ZONE D.B.A. BOUNCE OFF THE WALLZ LLC FOR AMUSEMENT EQUIPMENT FOR THE EMERY COUNTY FAIR.

Commissioner Ethan Migliori made a motion to approve of rental agreement between Emery County and Inflatable Fun Zone d.b.a. Bounce Off the Wallz, LLC for amusement equipment for the Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(18)

CONSIDERATION AND APPROVAL OF CONTRACT AGREEMENT BETWEEN EMERY COUNTY AND AUSSIE KINGDOM/CJ'S ANIMAL ADVENTURES, CAROLYN LANTZ FOR ENTERTAINMENT AT THE EMERY COUNTY FAIR.

Commissioner Ethan Migliori made a motion to approve of a contract agreement between Emery County and Aussie Kingdom's/CJ's Animal Adventures, Carolyn Lantz for entertainment at the Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

CONSIDERATION AND APPROVAL FOR EMERY COUNTY TO SPONSOR FOUR DAMAGE SURVEY REPORTS, XTO SITE, WATER PLANT, ADOBE WASH, AND COTTONWOOD ON THE COTTONWOOD DRAINAGE FOR A TOTAL OF \$4,170,140.

Commissioner Migliori explained that in the last couple of years the county has had a number of flooding events on the Cottonwood Drainage. Citizens come to Commission Meeting with concerns and asking for help to mitigate the problems. So the Commissioners started looking into some options. Because of our past experience with the Huntington Canyon flooding and now the Millsite Dam renovations Emergency Management started working with NRCS. NRCS was asked about available funds to mitigate the problems along the Cottonwood Drainage. Emery County was put on a wish list. Later the NRCS came to the County and said that they may be able to get some funds to mitigate the problem areas. NRCS came to Emery County with their engineers to do a Damage Survey Report. The idea behind the Damage Survey Report is to look at areas with the most significant impact and the cost to mitigate in case there was additional flooding. This would work act as basis for moving forward with a contract. They pinpointed four areas that are most affected by flooding, XTO, the water plant, Adobe Wash, and Cottonwood on the Cottonwood Drainage. Those four Damage Survey Reports would be taken back to NRCS. By saying 'yes' we think these are the areas we would like to have looked at and funding allocated to mitigate. The cost associated with the mitigation of these four areas is estimated to be \$4,170,140.00. This is not actually a contract, this is like a pre-loan application

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to say 'yes' we have interest, we want to pursue this project and we are ok with these four areas. If we say 'yes' then they will prepare the agreement between NRCS and Emery County for the funding. It does require a 25% funding match (\$1,000,000.00) which Commissioner Migliori was confident could be met with in-kind service from the shareholders and entity sources who are all on board with moving forward with this project. There is no obligation for money at this time. If we choose to walk away from this project now we will not be out anything. If we move forward on this it is considered emergency funds so we will have to move quickly on these projects this year because we will have 220 days to have the projects well underway. There will need to be variances, right-of-ways, easements and possibly application with the Army Corp of Engineers for certain portions of the project. Commissioner Cowley asked if the County undertakes anything regarding the river flooding and on private property will the county be liable or have responsible to keep it maintained in the future? Attorney Mike Olsen indicated that as an emergency mitigation situation he didn't see a problem. However, agreements will need to be signed regarding liability before any work on private land. Captain Kyle Ekker answered that once the project is completed that portion of the project can be turned back over to the shareholder of the property, but there may be some things that the County will have the responsibility to go back and maintain. Brenda Tuttle asked if the County will have any say in the structuring of the finances for this project because ultimately it will be county funds that are out there? Commissioner Migliori indicated that everything they have discussed up to now has been exploratory so when the discussion on funding structure begins they will be sure to include her in the funding discussions. Captain Kyle Ekker talked about the BLM NEPA process. Commissioner Cowley asked Brenda if the County has funds in place to begin the process? Brenda indicated that we do not have any funds budgeted for this at this time. Commissioner Migliori added that this is just a pre-application that indicates we agree to the project and want to move forward. No funds are needed at this time. Commissioner Ethan Migliori made a motion to approve the DSR's for the XTO Site, Water Plant, Adobe Wash, and Cottonwood areas from the NRCS in Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(20)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Brady reported on attending the Utah State Capital where there was a press event regarding the Public Lands Initiative. It was good to have all seven counties there showing support for the process and the bill. He and Mike McKee from Uintah County had an idea of doing a video for congress to submit as the seven counties comments in support of the process and why this is a good idea and good for the seven counties.

10  
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(21)  
ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 5, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 239918 through and including #240063 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
12-16	9 Windows for Landfill Bldg Landfill	\$4,387.00

Dispositions were presented for 316-6743, 1999 F350 Ambulance, 431-6754, 1994 CAT 966F II Loader (for trade) , 415-5994, 1994 CAT 980F Loader (for trade).

(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED MARCH 15, 2016.

(3)

APPROVAL TO START THE RECRUITMENT PROCESS FOR A SEASONAL MUSEUM RECEPTIONIST. WORKING 10 HOURS PER WEEK AT \$9.00 PER HOUR.

(4)

APPROVAL TO START THE RECRUITMENT PROCESS FOR 2 SEASONAL HEAD LIFEGUARDS WORKING 29 HOURS PER WEEK AT \$8.63 PER HOUR AND 4 SEASONAL LIFEGUARDS WORKING 29 HOURS AT \$7.68 PER HOUR.



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APRIL 5, 2016

Motion to approve the Consent Agenda was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

Motion to leave the regular meeting and move into a Public Hearing regarding Castle Valley Special Service District General Obligation bonds, Series 2016A & B and at the conclusion of the Public Hearing to return to the regular meeting was made by Commissioner Paul Cowley . The motion was seconded by Commissioner Ethan Migliori, and the motion passed.

(2)

PUBLIC HEARING- A Public Hearing on the Castle Valley Special Service District General Obligation bonds, Series 2016A & B in the amount not to exceed \$2,350,000 for a water treatment plant; sewage treatment facility; facilities used in connection with the acquisition, treatment, storage, transportation, and supply of water for domestic, industrial, secondary, and other purposes; drainage and storm facilities, including curbs and gutters; and transportation facilities consisting of roads, sidewalks, and related bridges and viaducts; and related facilities and related matters.

Jacob Sharp, CVSSD Manager and Eric Johnson, Bond Council for CVSSD discussed CVSSD General Obligation Bonds, Series 2016 A&B. These bonds are part of the \$12,500,000 voter approved General Obligation Bonds approved in 2009. Series 2016 A is to secure a \$1,350,000.00 bond for a water treatment plant in Ferron. The interest rate is 1.5%. CVSSD was granted \$1,350,000.00 by CIB for the project match. Series 2016 B is to secure a \$1,000,000.00 Bond for improvements through purchase or construction or both, facilities for the collection and treatment of sewage; facilities used in connection with the acquisition, treatment, storage, transportation, and supply of water for domestic, industrial, secondary and other purposes as noted in the exclusive description. Mr. Johnson explained that election bonds require exclusive wording or description. CVSSD was granted \$945,000.00 for a match for the project. Jacob explained that they have \$3,597,400.00 remaining of the \$12,500,000.00 voter approved General Obligation Bonds to be used over the next three years. After that CVSSD will have to go back to the voters for approval for another General Obligation Bond for funding projects for the next ten years.

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(3)

CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH (THE "ISSUER") AUTHORIZE THE ISSUER'S \$1,350,000 GENERAL OBLIGATION BONDS, SERIES 2016A (THE "SERIES 2016A BONDS") FOR A WATER TREATMENT PLANT AND RELATED IMPROVEMENTS; AND RELATED MATTERS.

Commissioner Ethan Migliori made a motion to approve Resolution 4-5-16A a resolution of the Board of County Commissioners of Emery County, Utah acting as the governing body of the Castle Valley Special Service District, Emery County, Utah (The "Issuer") authorize the issuer's \$1,350,000 General Obligation Bonds, Series 2016A ( The "Series 2016A Bonds") for a water treatment plant and related improvements; and related matters. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONER OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH (THE "ISSUER") AUTHORIZE THE ISSUER'S \$1,000,000 GENERAL OBLIGATION BONDS, SERIES 2016B (THE "SERIES 2016B BONDS") IMPROVING, THROUGH PURCHASE OR CONSTRUCTION OR BOTH FACILITIES FOR THE COLLECTION AND TREATMENT OF SEWAGE; FACILITIES USED IN CONNECTION WITH THE ACQUISITION, TREATMENT, STORAGE, TRANSPORTATION, AND SUPPLY OF WATER FOR DOMESTIC, INDUSTRIAL, SECONDARY AND OTHER PURPOSES; DRAINAGE AND STORM SEWER FACILITIES, INCLUDING CURBS AND GUTTERS; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LAND, RIGHTS-OF-WAY, AND EQUIPMENT AND FURNISHINGS THEREFOR, AND INCLUDING SUCH LEGAL, ENGINEERING, AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTION WITH THE ACQUISITION OF SUCH FACILITIES IN AND FOR THE DISTRICT; AND RELATED MATTERS.

Commissioner Ethan Migliori made a motion to approve Resolution 4-5-16B a resolution of the Board of County Commissioners of Emery County, Utah acting as the governing body of the Castle Valley Special Service District, Emery County, Utah (The "Issuer") authorize the issuer's \$1,000,000 general obligation bonds, series 2016B (The "Series 2016B bonds") improving, through purchase or construction or both facilities for the collection and treatment of sewage; facilities used in connection with the acquisition, treatment, storage, transportation, and supply of water for domestic, industrial, secondary and other purposes; drainage and storm sewer facilities,

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including curbs and gutters; and transportation facilities consisting of roads, sidewalks and related bridges and viaducts; together with all necessary land, rights-of-way, and equipment and furnishings therefor, and including such legal, engineering, and fiscal agent expenses reasonably incurred in connection with the acquisition of such facilities in and for the district; and related matters. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

AHMED MOHSEN, BUREAU OF LAND MANAGEMENT, DISCUSSION OF PROCESS TO DEVELOP A COOPERATIVE MANAGEMENT AGREEMENT BETWEEN US DEPARTMENT OF THE INTERIOR (BLM) AND STATE OF UTAH DEPARTMENT OF NATURAL RESOURCES (STATE PARKS) AND EMERY COUNTY FOR PROVIDING PUBLIC SAFETY, RESOURCE PROTECTION, AND RECREATION MANAGEMENT AND MAINTENANCE AT THE TEMPLE MOUNTAIN SPECIAL RECREATION MANAGEMENT AREA (GOBLIN VALLEY STATE PARK EXPANSION).

Ahmed Mohsen BLM Field Manager in the Price Office, came before the Board of Commissioners to discuss the process to develop a Cooperative Management Agreement between US Department of the Interior (BLM) and State of Utah Department of Natural Resources (State Parks) and Emery County for providing Public Safety, Resource Protection, and Recreation Management and Maintenance at the Temple Mountain Special Recreation Management Area (Goblin Valley State Park Expansion). Mr. Mohsen stated that the idea started a year ago to get ahead of the resource impacts and visitor use at the San Rafael Swell. The hope is to develop a plan that meets the needs of monitoring the natural heritage and use of the resources on the south eastern portion of the San Rafael Swell. This is just in the preliminary stages. The agreement will coordinate and provide for the sharing of resources as they go through the federal process. They have done this same thing with Carbon County for Nile Mile Canyon. The hope is that by next summer to have a product that we (BLM, UDNR, and Emery County) can be proud of. In 2015 there were 140,000 visitors to the area. They would like to get ahead of the curve and get a product in place that meets the needs of everyone. During spring break there was literally a traffic jam out there. They anticipate 150,000 visitors to the San Rafael Swell area in 2016. Utah is on the radar for one of the best recreational destinations. He has talked with the park superintendents in Arches and Canyon Lands who told him that when they are full they send them to Temple Mountain/Goblin Valley area. We want to make sure that when they do arrive that there is a safe place to visit and still protect the resources that are there. Many of these visitors are from other nations. Emery County is an incredible resource. The southwest corner of this county is a beautiful surprise around every corner. Commissioner Cowley stated that Goblin Valley State Park has become a world class destination. Mr. Mohsen reported that Goblin Valley State Park has been approved for the Dark Sky Designation. No action was taken on this matter.

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(6)

JOHNNIE R. MILLER, UTAH COUNTIES INDEMNITY POOL, PRESENTATION AND DISCUSSION OF A STEWARDSHIP REPORT TO EMERY COUNTY.

Johnnie R. Miller, Utah Counties Indemnity Pool provided an update of Emery County's stewardship within the pool. UCIP was created in 1992 with Emery County being the largest voluntary contributor to its creation. He reviewed the various services that the pool provides to the county. He added that he will be in the county April 18<sup>th</sup> for Sexual Harassment Training which is one of the many services that UCIP provides to the county. He will be doing a full appraisal of County owned buildings in 2017.

(7)

LEON DEFRIEZ, HUNTINGTON AIRPORT MANAGER, CONSIDERATION AND APPROVAL TO PROCEED WITH 2016 IMPROVEMENT PROJECTS FOR THE AIRPORT.

Leon Defriez, Huntington Airport Manager discussed 2016 improvement projects for the airport. He reported that a few years ago we started a project with the idea of making the airport a recreation airport. Which he felt they have accomplished. Now there is an opportunity to add to the recreational part. He is looking at getting funds to add RV hook-ups and an overnight lodge. This would provide a place to stay for pilots who get stranded here. This last weekend there were heavy winds that stranded pilots here for an extra day from as far away as Wyoming and New Mexico. We have a unique airport. We are the only airport that he knows of that is recreational. There are forty airports of our size in Utah. Commissioner Cowley asked if Mr. Defriez gets comments about people who have come to experience flying around the desert and other areas? Mr. Defriez indicated that he gets positive comments regularly from people who want to return to the area. He indicated he would like to continue with what he is trying to accomplish. He indicated he laid out a budget to get some projects done. He indicated that the airport has already put in \$2,000.00 into the water/sewer line and he figured it would cost another \$2,000.00 to finish up that project. He had a bidder that would do the job for \$1,800.00. He was excited and thought that was a good deal. But when the bidder found out he would have to go through the county bidding process he raised the cost up to \$2,750.00. The bid changes when they find out they have to go through the county's bidding process rather than a private bid. He wondered if there wasn't a better process so that he can get the jobs done without having to go through the process. Brenda Tuttle indicated that this is the county procurement policy. You can call around to get bids. It shouldn't matter if it's a county job or private job but evidently it does. Commissioner Brady wondered if it has something to do with insurance or bonding. Mr. Defriez indicated he had the same issue when he was looking at a fencing project. The cost went from \$4.00 a foot to \$7.00 a foot. The fence at the end of runway 8 ( the main runway) needs to be moved 350 feet out to provide a safety zone for landing planes. Leon and Commissioner Cowley visited with BLM to get approval to extend the fence 350 out to the end of the property but they will not help pay for the cost to move the fence. He contacted UPL because they have the

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adjourning property. They will make arrangements for him to clear sage brush off the property and use it but they want to charge us to use it. Utah Aeronautics was here last week and agreed it was a little pricey for that small piece of ground. Utah Aeronautics gave him a grant application to fill out to put \$20,000.00 towards the fence. It would be a 90/10 grant. Commissioner Brady stated that a grant application would need to be put on the Commission agenda for approval. Wayne Nielsen, Emery County Road Supervisor informed Leon and the Commissioners that the culvert at the end of the runway needs to be replaced due to erosion. He estimated it could cost approximately \$10,000.00 to replace this culvert. This would be part of the expense for extending the fencing. Another project he has going on out there is to the fueling station for MO gas. Dirt Strip pilots use this gas. Experimental planes use this gas also. It is cheaper. He stated he would like to put in another tank and tie it into the card reader so the pilots can choose the type of gas they want to use. That was a \$20,000.00 project when he first started. He estimates it would be another \$10,000.00 to finish out that project. To be able to bring power the project the power company will have to bring in a transformer at a cost of approximately \$7,000.00 to \$8,000.00. He expressed he is excited for the future of the airport. He reported that he has had a number of people express that they are impressed with our airport. It gives an opportunity for aircraft use the airport to conduct business. There are three planes based out there now that are business based. The runway is too short for larger, two engine planes to land or take off. Small, twin engine planes are all we can handle here. Commissioner Migliori advised Mr. Defriez to follow the bidding process and work through that process with Clerk/Auditor Brenda Tuttle. There are things that we as a county can do behind the scenes like working with BLM and UPL. Commissioner Paul Cowley made a motion to proceed with the improvements at the Huntington Airport. Commissioner Migliori seconded and amended the motion to include approval to finish up the things that have been started on with the funds already in the budget and wait until we get the Utah Aeronautics grant is approved to start on the fencing project. Commissioner Cowley agreed. The motion passed.

(8)

DISCUSSION AND APPROVAL OF THE UPDATED EMERY COUNTY SHERIFF'S  
OFFICE POLICY MANUAL.

Sheriff Funk indicated that they have been working on this for four years. Attorney Mike Olsen reviewed the policy and stated it was a good policy. It has been written and redacted to fit the needs of Emery County. The policy addresses how other agencies assist with the Emery County Sheriff's daily functions. Commissioner Ethan Migliori made a motion to approve of the updated Emery County Office Policy Manual. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(9)

CONSIDERATION AND APPROVAL OF LETTER TO BLM REQUESTING AN EXTENSION TO COMMENT PERIOD FOR PROPOSED RULE ON RESOURCE MANAGEMENT PLANNING 43 CFR 1600 (LLW0210000.L1610000) RIN 1004-AE39.

Commissioner Brady discussed a letter requesting an extension to the comment period for proposed rule on Resource Management Planning. The letter pointed out that the current schedule of 60 days is not sufficient time for Emery County to consider the proposed rule sufficiently to respond with meaningful comments on such a large and comprehensive document. In a county where seventy two percent of the land, or over 2 million acres, is managed by the BLM, resource management planning, and changes to planning guidelines will have major, long term economic effects on the residents. Emery county is dependent on the natural resources managed by BLM, including grazing, oil and gas exploration and extraction, mining, and tourism. Changes to the resource planning could drastically affect industries associated with these resources. Commissioner Ethan Migliori made a motion to approve of the letter to BLM requesting an extension to the comment period for proposed rule on resource management planning 43 CFR 1600 (LLW0210000.L1610000) RIN 1004-AE39. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS FOR A ROW OF A SECTION OF THE GREEN RIVER CUTOFF ROAD #401 THAT WAS PREVIOUSLY ASSIGNED TO UTAH DEPARTMENT OF TRANSPORTATION WHICH IS CURRENTLY PART OF EMERY COUNTY'S B ROAD SYSTEM.

Road Supervisor Wayde Nielsen explained that this segment of roadway previously was part of the state highway and is currently part of Emery County's "B" Road System. The request is for a Right-of-Way .54 miles long and 75 ft wide be assigned for perpetuity. No construction is necessary. Commissioner Paul Cowley made a motion to approve of Application for Transportation and Utility Systems and Facilities on Federal Lands for a ROW of a section of the Green River Cut-Off Road #401 that was previously assigned to Utah Department of Transportation which is currently part of Emery County's "B" Road System. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(11)

CONSIDERATION AND APPROVAL TO ADVERTISE A REQUEST FOR PROPOSAL (RFP) FOR BRANDING PACKAGE AND MARKETING PLAN FOR TOURISM IN EMERY COUNTY.

Commissioner Brady discussed advertising for a RFP for Branding Package and Marketing Plan for Tourism in Emery County. He indicated that the reason for doing this now is to be ready to go when Roger Brooks has finished gathering his ideas for marketing our area. The Travel Board has tried very hard within the board to market our area. Putting this RFP out now will help us find a creative agency that will help us focus our marketing and expand that marketing to multi-state and possibly internationally. Much of what they have done up until now has been brochures in local areas. Commissioner Cowley asked for the anticipated cost. Commissioner Brady indicated that will be evaluated with the RFP and determined by what the creative agency is able to bring to the table. There are a lot of dynamics that are involved with the cost. Tina indicated that she believed there is close to \$90,000.00 budgeted for this RFP. Brenda Tuttle asked how this differs from what you are paying Roger Brooks to do? Tina indicated that this totally different. The firm itself will not cost \$90,000.00, but what they do for us, will. Roger Brooks does the assessment of the communities plus assistance after that. The creative agency will come in and take Roger Brook's findings and help us with ways to be more attractive to the market. Everything that we do will be assessed and we will receive assistance to improve the visitor experience. Roger Brooks has already been working with the county for more than a year. Those who have been involved with what Roger Brooks has been doing has been very well received. Tina explained that the Utah Office of Tourism paid for the first year for Roger Brooks. Commissioner Cowley expressed concern that if the cities are not engaged in this process then we are spending a lot of money for him to come and tell us what we ought to do. Commissioner Brady added that sometimes it takes an outsider to tell us what we can't see. The cities and the businesses are going to have to take the lead in that process. Commissioner Brady added that the Travel Board is offering matching funds to do a lot of the things that Roger Brooks has suggested. Roger Brooks will be in the county next week and will present his findings and suggestions to the Travel Board. Brenda asked for a way to tie in the claim for payment of \$48,500.00 to Roger Brooks when we do not have a contract? We have an MOU with UOT for \$24,500.00. There is no contract for services. We have a claim for \$48,500.00 to Roger Brooks, which has been rejected until we have a way to tie that payment to a contract or an agreement? Commissioner Migliori suggested paying the \$24,500.00 to UOT and let them pay Roger Brooks. He indicated that they will look into the matter. Commissioner Ethan Migliori made a motion to approve to advertise a Request for Proposal (RFP) for branding package and marketing plan for tourism in Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(12)

CONSIDERATION AND APPROVAL OF FY2017 PERMANENT COMMUNITY IMPACT FUND BOARD IMPROVEMENT LIST (SHORT AND MEDIUM TERM) FOR EMERY COUNTY.

Commissioner Ethan Migliori made a motion to approve of FY2017 Permanent Community Impact Fund Board Improvement List (Short and Medium Term) for Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY EMERGENCY MEDICAL SERVICES AND THE UNITED STATES DEPARTMENT OF ENERGY FOR PROVIDING EMERGENCY MEDICAL SERVICES TO DOE, ITS CONTRACTOR PERSONNEL OR ITS GUESTS AT THE URANIUM MILL TAILINGS REMEDIAL ACTION PROJECT SITE.

Commissioner Ethan Migliori made a motion to table this matter to allow time to ask more questions. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

APPROVAL TO ADVERTISE FOR MID-TERM VACANCY ON THE EMERY COUNTY HOUSING AUTHORITY BOARD OF DIRECTORS.

Commissioner Migliori explained that Jeff Horrocks has stepped down from the Housing Authority Board of Directors in mid term. He recommended advertising for someone to fill the vacancy to fulfill the term. Commissioner Paul Cowley made a motion to advertise for mid-term vacancy on the Emery County Housing Authority Board of Directors. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

DISCUSSION AND APPROVAL TO ADVERTISE A REQUEST FOR PROPOSAL FOR JANITORIAL SERVICES AT THE CASTLE DALE LIBRARY.

Roxann Jensen, Castle Dale Librarian asked for approval to advertise for request for proposal for janitorial services at the Castle Dale Library. She indicated that they are hoping one of the staff will want to contract for the janitorial service similar to what they have in Orangeville. Commissioner Paul Cowley made a motion to approve advertising for Request for Proposal for janitorial services at the Castle Dale Library. The motion was seconded by Commissioner Ethan Migliori. The motion passed.



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(16)

CONSIDERATION AND APPROVAL OF 2015 PRE-DISASTER MITIGATION GRANT AND ARTICLES OF AGREEMENT FOR CREATING THE EMERY COUNTY HAZARD MITIGATION PLAN 2018. APPROVAL TO BEGIN TO ADVERTISE TO CONTRACT OUT THE DEVELOPMENT OF THE PLAN.

Sheriff Funk discussed the 2015 pre-Disaster Mitigation Grant and Article of Agreement for creating the Emery County Hazard Mitigation Plan 2018. The existing agreement expires in 2018. This will begin the process to have a new process in place before the other one expires. this is a grant match project for \$7,500.00. Commissioner Ethan Migliori made a motion to approve the 2015 Pre-Disaster Mitigation Grant and Articles of Agreement for creating the Emery County Hazard mitigation Plan 2018, and to advertise to contract out the development of the plan. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND STATE OF UTAH TO DIGITIZE CEMETERY RECORDS AND SUBMIT THOSE RECORDS TO THE UTAH STATE HISTORY BURIALS DATABASE.

Commissioner Paul Cowley made a motion to approve of a Contract between Emery County and State of Utah to digitize cemetery records and submit those records to the Utah State History Burials Database. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(18)

CONSIDERATION AND APPROVAL OF RESOLUTION ADOPTING GIFTS AND AWARDS POLICY.

Commissioner Paul Cowley made a motion to approve Resolution # 4-5-16C a resolution adopting a gifts and awards policy for employees of Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(19)

CONSIDERATION AND APPROVAL OF RESOLUTION ADOPTING WORKERS COMPENSATION , OCCUPATIONAL SAFETY AND HEALTH VEHICLE TRANSPORTATION.

Commissioner Ethan Migliori made a motion to approve Resolution #4-5-16D a resolution adopting Risk Management Procedures. The motion was seconded by Commissioner Paul Cowley. The motion passed

(20)

OPEN REQUESTS FOR PROPOSALS FOR EVENT COORDINATOR. CONSIDERATION AND APPROVAL OF FURTHER REVIEW OR ACTION TAKEN.

Commissioner Paul Cowley expressed his feeling that we have personnel in place in the county already that could do this type of event coordinating. Commissioner Migliori asked who would take this on without any additional pay? Tina Carter indicated that she is more than willing to listen to Commissioner Cowley's suggestions with an open mind.

Danny Whiteleather asked what this event coordinator would cost the county?

Commissioner Brady stated that the funds will come from Transient Room Tax generated from the restaurants and motel stays in the county. Brenda indicated that it is still county funds. With TRT there are rules regarding how this money can be spent.

Commissioner Brady stated that his vision for this event coordinator would be that part of their job would be to make contact with all the entities affecting the county and coordinate a calendar of events as well as create other events. The Travel Board has budgeted \$20,000.00 for the year of which 1/3 of the year is already over. So they would receive a third less to coordinate events in the county. Mr. Whiteleather wanted to know why the Recreation District Director, who is already being paid through mineral lease funds, could not coordinate these event? Commissioner Migliori stated that the Commission wants the Rec District to focus on sports and especially youth sports in the county. Years ago the fair was dumped on the Rec District and they have just done it without the expertise to coordinate the event. We constantly have internal battles over expenses. The fair is not their focus or goal. Commissioner Migliori and Brenda Tuttle recently had a conversation because the Rec District is not following procedures that as a county we would prefer that they do. The mineral lease funds have been cut to 0. So far we have not received any funds through mineral lease this year due to the loss in the coal mines. The Rec District is currently being funded by a county loan unless something changes. Come the end of the year we may have to make a huge decision. If that funding stream doesn't change it is going to have be absorbed by the county or dissolved.

Commissioner Migliori stated that we need to move back what this discussion was supposed to be. The issue at hand is whether there is value in moving forward with a coordinator. We have discussed many times before the value that we think will come from having a coordinator in what the Commission has designated as trial year. He stated he appreciates Commissioner Cowley's concern and he doesn't disagree with that. But if we have someone within the county that is qualified and willing to do the job knowing that it could possibly be a one time shot but now you are looking at dealing with HR and other things. This may drag for another three months trying to clean it up. It will still cause internal problems from a HR perspective. Attorney Olsen asked if it would be fair to a contractor to propose a shorter term basis, paid out in monthly payments.

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Typically a contract is on a thirty days notice. In the last Commission Meeting we received 1 RFP so Commissioner Cowley asked to re-advertise for additional proposals. There are now 6 proposals.

- (1) Julie Jones
- (2) Holly Jorgensen
- (3) Cynthia Draper
- (4) Amanda Leonard
- (5) Zelda Rojas
- (6) Kendra Seely

Commissioner Migliori made a motion to ask Commissioner Brady and Commissioner Cowley along with members of the Travel Board to review the applicants to see if there is one suitable and meets the criteria that they are looking for and move forward and make a recommendation. Commissioner Cowley opposed the motion. Commissioner Brady stepped down and seconded the motion. The motion passed. The Travel Board has a meeting tomorrow, Wednesday at 11am. The board will come back to Commission Meeting with a recommendation.

(21)

CONSIDERATION AND APPROVAL OF LEASE AGREEMENT WITH JOHN DEERE FINANCIAL FOR BACKHOE AT GREEN RIVER ROAD SHOP.

Road Supervisor Wayde Nielsen explained that this is the same type of lease they did for Castle Dale. This leased is for Green River Road Shop. Commissioner Paul Cowley made a motion to approve of Lease Agreement with John Deere Financial for backhoe at Green River Road Shop. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(22)

DISCUSSION AND APPROVAL TO HIRE/CONTRACT A LEGAL SECRETARY/PARALEGAL FOR THE EMERY COUNTY ATTORNEY'S OFFICE.

Attorney Mike Olsen recommended Melany Weaver for a Legal Secretary/Paralegal position in the Emery County Attorney's Office. He added that Melany met and exceeded the criteria for the position. Melany is deciding her best option; a contract position or stay as an employee and transfer from Justice Court to the Attorney's Office. Commissioner ratify and approve for the Emery County Attorney's Office to move forward with the hire of Melany Weaver. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(23)  
CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN  
EMERY COUNTY AND EMERY COUNTY SPECIAL SERVICE DISTRICT #1 FOR  
SERVICES.

Commissioner Paul Cowley made a motion to approve of Interlocal Agreement between Emery County and Emery County Special Service District #1 for services. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(24)  
ELECTED OFFICIALS REPORT.

Sheriff Funk reported that the Sheriff's Department honored Fallen Officer Wade Hansen at their annual Fallen Peace Officer Trail Ride in Moab, Utah on April 8<sup>th</sup> and 9<sup>th</sup>. The Fallen Peace Officer Trail was dedicated in 2012 to officers who have fallen and those who been injured and got back up.

Commissioner Cowley reported that there will be an auction to assist the Children's Justice Center held at Miller's Landing during the annual Emery County Business Chamber's annual banquet.

(25)  
ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 19, 2016

Present at the meeting was Chairman Keith Brady, Commissioner Ethan Migliori, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #240069 through and including #240914 was presented for payment.

Requisition were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
13-16	(8) Canon Image Runner Copiers Library	\$23,584.00
14-16	(6) 2017 Ford Explorers Sheriff	\$173,820.00
15-16	Transmodulator SO/Television	\$ 5,000.00
16-16	FM Translator SO/Television	\$1,526.20

There were no dispositions.

(2)  
APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 5, 2016.

2

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April 19, 2016

(3)

RATIFY THE HIRING OF MELANY WEAVER AS A PARALEGAL/OFFICE MANAGER IN THE ATTORNEY'S OFFICE. GRADE 21.

(4)

APPROVAL TO PROMOTE CHERYL COX TO SR. JUSTICE COURT CLERK. GRADE 16.

(5)

APPROVAL OF SUZANNE ANDERSON AS A VOLUNTEER IN ARCHIVES.

Motion to approve the Consent Agenda was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

(2)

JULIE JONES, FAIR DIRECTOR, REQUEST APPROVAL OF WAIVER OF INSURANCE REQUIREMENTS FOR FAIR VENDORS. DISCUSSION AND APPROVAL OF EVENT INSURANCE TO COVER FAIR VENDORS.

The Commissioners discussed the vendor application which requires general liability insurance with limits not less than \$1,000,000.00 per occurrence. He stated that if someone is going to sue then they are going to sue. He indicated that the Rec District is currently looking into event insurance. He wondered if they should table this matter until Julie Jones can be here. Mike Olsen asked who is requesting the waiver? It was determined that the Rec Board is the one requesting the waiver. Mike Olsen indicated that the Board and the board member themselves, personally could be sued. Commissioner Migliori questioned as to whether that could happen. His concern was, as a county are we doing everything we can to mitigate the liability. Also at the same time currently a local vendor, selling snow cones would be required to have a \$1 million dollar policy. What we as a Commission is going to hear is " why do you hate the businesses in the county? Why are you prohibiting local businesses to the Fair?". Because for them that type of insurance is just not feasible. We are trying to find that right balance so as to not prohibit those local businesses from being part of our own county event. But at the same time make sure that as much liability falls back to the business. We have to find some way to make a distinction

as to what level of insurance is required. There needs to be some type of determination or categorization as to the type of insurance is required.

Julie Jones indicated that as a Rec Department they have spoken to Tyler Jeffs and Carbon Emery Insurance who have told them that could buy an event policy as long as they have signage that states that Emery County is not responsible. Commissioner Brady asked if this type of policy only cover the Rec District or the vendors as well? Julie stated that it covers the event, those people who are under contract as vendors. Commissioner Brady indicated that there are some things that need to be flushed out with regards to the vendor application. Julie Jones indicated that the vendors have already said if they have to have this insurance policy in place then they want their money back. Commissioner Ethan Migliori made a motion to table this matter for now to allow time to look further into the issue. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF CONTRACT WITH JOHNNY V & TROUBLE TRAIN FOR ENTERTAINMENT AT THE EMERY COUNTY FAIR.

Julie Jones explained that Johnny V & Trouble Train has ties to Emery County. They have agreed to \$2,500.00 for their fee which is very reasonable. They will perform on Friday & Saturday. San Rafael Bed & Breakfast has waived their fee. Commissioner Ethan Migliori made a motion to approve of contract with Johnny V. & Trouble Train for entertainment at the Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF CONTRACT WITH MILL STREET ENTERTAINMENT FOR ENTERTAINMENT AT THE EMERY COUNTY FAIR.

Julie Jones explained that the contract with Mill Street Entertainment is for a high energy band 'No Limits'. Their usual charge is \$4,000.00 for a performance. Charlie Jenkins has started his own agency and because of his love the Emery County fans has negotiated the cost to \$2,750.00 for Saturday night's performance. Commissioner Ethan Migliori made a motion to approve of contract with Mill Street Entertainment for entertainment at the Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSSION AND APPROVAL OF ADVERTISING BIDS FOR EMERY COUNTY FAIR FROM CASTLE COUNTRY RADIO, ETV10, EMERY COUNTY PROGRESS, AND KUSA.

Julie Jones discussed advertising for the Emery County Fair. She had bids from Castle Country

Radio, ETV10, and Emery County Progress for advertising the days leading up to the Emery County Fair. Julie indicated \$3,500.00 has been budgeted for advertising. The bid from CCR which is KARB and KRPX, was broken down into the number of ads per day for 2 weeks. 195 ads running two weeks would be \$1,382.00. 312 ads would be \$2,116.00. 585 ads would be \$3,246.00. Emery County Progress's bid is \$1,500.00. The Commissioners talked about the value in each type of advertising. Commissioner Migliori suggested approving the low end on CCR for \$1,382, Emery County Progress's bid of \$1,500.00 and negotiate with ETV10 to get it down around the same price level. Commissioner Ethan Migliori made a motion to approve CCR's bid of \$1,382 and Emery County Progress's bid of \$1,500.00 and negotiate with ETV10 and bring that bid back to Commission for approval. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY EMERGENCY MEDICAL SERVICES AND THE UNITED STATES DEPARTMENT OF ENERGY FOR PROVIDING EMERGENCY MEDICAL SERVICES TO DOE, ITS CONTRACTOR PERSONNEL OR ITS GUESTS AT THE URANIUM MILL TAILINGS REMEDIAL ACTION PROJECT SITE.

This MOU was tabled in the last Commission Meeting. Jim Gordon has indicated that the EMT's in Green River are good to go on this MOU. Commissioner Ethan Migliori made a motion to approve of MOU between Emery County Emergency Medical Services and the United States Department of Energy for providing emergency medical services to DOE, its contractor personnel or its guests at the Uranium Mill Tailings Remedial Project Site. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

DISCUSSION OF RECOMMENDATION FROM TRAVEL BUREAU ON EVENT PLANNER. CONSIDERATION AND APPROVAL OF CONTRACT FOR EVENT COORDINATOR.

The RFP for an Event Planner was opened in the last Commission Meeting. The RFP's were reviewed by the Travel Bureau for a recommendation. The Travel Bureau recommended Holly Jorgensen for the Event Planner. The Travel Bureau is working with the Attorney's office to put together a contract. They are still waiting for a response from Holly for what she requires in the contract. There was no action taken on this matter.

(8)

DISCUSSION AND APPROVAL OF COOPERATIVE MANAGEMENT AGREEMENT BETWEEN EMERY COUNTY, US DEPARTMENT OF INTERIOR, AND STATE OF UTAH FOR PREPARATION OF ENVIRONMENTAL ASSESSMENT FOR THE SAN RAFAEL



SWELL SPECIAL RECREATION MANAGEMENT AREA AND TEMPLE MOUNTAIN RECREATION MANAGEMENT ZONE.

Public Lands Director Ray Petersen explained that this is preliminary to start the process to hire a contractor to work through the EA process. Ahmed Mohsen from the BLM was in Commission Meeting on April 5<sup>th</sup> to discuss the process with the County Commissioners. The MOU agreement outlines how the agencies will work through the planning process. Attorney Mike Olsen had no objections to the document. Commissioner Paul Cowley made a motion to approve an MOU agreement between Emery County, US Department of Interior, and State of Utah for preparation of Environmental Assessment for the San Rafael Swell Special Recreation Management Area and Temple Mountain Recreation Management Zone. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF THE INTERIOR (BLM PRICE AND RICHFIELD FIELD OFFICES) AND EMERY COUNTY AS A COOPERATING AGENCY FOR PREPARING A RESOURCE MANAGEMENT PLAN AMENDMENT AND ENVIRONMENTAL ASSESSMENT FOR THE DEVELOPMENT OF THE SAN RAFAEL DESERT MASTER LEASING PLAN (MLP).

Ray Petersen explained that the MOU between the DOT and Emery County is for an environmental assessment for the development of the San Rafael Desert Master Leasing Plan (MLP). This is in the extreme southeast part of the county on Highway 24 east to county boundary. (East of the highway and west of the river). No other area in the county has been identified as potential for this plan. Commissioner Paul Cowley made a motion to approve of MOU between Department of Interior (BLM Price and Richfield Field Offices) and Emery County as a cooperating agency for preparing a resource management plan amendment and environmental assessment for the development of the San Rafael Desert Master Leasing Plan (MLP). The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

DISCUSSION OF RECOMMENDATION FROM EMERY COUNTY CARE AND REHABILITATION CENTER BOARD OF DIRECTORS FOR THE COUNTY TO EXPLORE THE POSSIBILITY OF SELLING THE FACILITY. APPROVAL OF ACTION TAKEN.

Commissioner Migliori indicated that the Emery County Rehabilitation Center Board of Directors are still interested in pursuing the possibility of selling the facility. They have one more Upper Limit Payment. This is just to inform the Commissioners of the continuing efforts of the Board of Directors. Anytime the BOD changes they inform the Commission of that

continued effort. No action was taken.

(11)

CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND STATE OF UTAH THROUGH DEPARTMENT OF ADULT PROBATION AND PAROLE FOR EMERY COUNTY DRUG TASK FORCE.

Sheriff Funk indicated that this is the normal Interlocal Agreement between Emery County and State of Utah through Department of Adult Probation and Parole for Emery County Drug Task Force. The agreement identifies how the Drug Court program functions. The funds are administered through a grant and goes through 2036. Attorney Mike Olsen indicated that he has no objection to the agreement and the program seems to be operating well. Commissioner Ethan Migliori made a motion to approve of Interlocal Agreement between Emery County and State of Utah through Department of Adult Probation and Parole for Emery County Drug Task Force. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF LEVEL 3 CONDITIONAL USE PERMIT FOR BRONCO MINING.

Jeff Guymon, Planning and Zoning discussed a Level III Conditional Use Permit for Bronco Mining. Kit Pappas Environmental Engineer from Bronco Mining was present to answer an questions. Jeff explained that the Emery County Planning and Zoning Board has reviewed and set for the regulations regarding the Conditional Use Permit. Bronco Mining as acquired all the required permits. They have a 3.5\$ million dollar bond in place. They will be opening a new portal in the same general location as the previous portal. Commissioner Paul Cowley made a motion to approve of Level III Conditional Use Permit for Bronco Mining. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF FY2016 EMERGENCY MANAGEMENT PERFORMANCE GRANT APPLICATION.

The FY2016 Emergency Management Performance Grant Application is for providing funds to local emergency management organizations to assist with development, enhancement, and sustainment of emergency management programs. The program continues into 2017 and 2018. Grant match is associated with the salary of Captain Kyle Ekker and Jan Luke who administer the program. Commissioner Paul Cowley made a motion to approve of FY2016 Emergency Management Performance Grant Application. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSSION AND APPROVAL OF CONTRACT WITH ROGER BROOKS INTERNATIONAL FOR CONSULTING WORK IN REGARD TO TOURISM.

The Board of Commissioners discussed a contract with Roger Brooks International for consulting work in regard to tourism. We have an MOU with Department of Tourism to pay half the cost with a pledge to contract with RBI. Commissioner Migliori talked about the MOU with DOT and Emery County's obligation to contract with RBI as part of the arrangement. DOT will reimburse Emery County half the cost as soon as we invoice them. The first year (which was last 2015) was fully funded by DOT. The second year (2016) is half the cost. Commissioner Ethan Migliori made a motion to approve a contract with Roger Brooks International for consulting work in regard to tourism. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

CONSIDERATION AND APPROVAL OF DISTRIBUTION OF SERVICE AGREEMENT WITH CERTIFIED FOLDER SERVICE, INC.

Tina Carter, Travel Bureau explained that this is a service for distributing Emery County Travel brochures along the I-70 corridor. This service will be in the Grand Junction area at a cost of \$962.00 for the year. Commissioner Ethan Migliori made a motion to approve of distribution service agreement with Certified Folder Service, Inc. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

COMMISSION/ELECTED OFFICIALS REPORT

*Commissioner Migliori*

Commissioner Migliori reported that the Millsite Dam Renovation Project has been put on hold. At Farm Bureau meeting he received a legislative update. Fish and Game RAC used money to help pay for the transplant of 130 deer to the county from the poached deer incident.

At Economic Development they receive applications on a regular basis from businesses that are expanding.

At Planning and Zoning meeting Ray and Jeff explained what prospects go through on business applications. He indicated that he is impressed with the their board. As the board makes recommendations you can be assured the P/Z Board has done their homework. Mac Huntington does a great job as chairman. He is invested in the position.

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He attended Utah Economic Summit where they focused on the efforts of technology in businesses and the missed opportunities on not using technology. Great information was shared.

*Commissioner Cowley*

Commissioner Cowley reported on the ground breaking ceremony for the Miner's Memorial. Work will begin soon. Landfill has posted their hours of operation. He reminded everyone that close at 5:15 . They cannot leave until they have covered the fill. They have two personnel on site. So if you come in late with debris or garbage then they can't leave until it is covered.

*Commissioner Keith Brady*

Commissioner Brady reported on the \$50,000.00 Fast Track Grant from Utah State Economic Development. You have to employ someone to qualify. At UAC Conference they discussed Public Lands and Centrally Assessed Property Taxes, PILT funds. The discount card is now available for Green River area. The Castle Dale area card will be ready soon. If you would like to participate contact Tina Carter.

(17)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 3, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 240210 through and including #240321 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
17-16	(3) Commercial Canopies Emery County Fair/Rec Dist	\$1,740.00
18-16	(4) Park Benches Lawrence Cemetery	\$3,530.00
19-16	Digital Tool Box Travel Bureau	\$11,743.00
20-16	Microwave Radio Card repair /Green River Communications/Sheriff	\$3,062.00
21-16	16x16 Cement Pad/Miner's Memorial County/ Miner's Memorial	\$2,660.00

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(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 19, 2016

(3)

APPROVAL TO PROMOTE JANET DAMRON TO SR. DEPUTY RECORDER. GRADE 18.

(4)

APPROVAL TO HIRE BRITTANY COX AS A SEASONAL SALES CLERK AT THE MUSEUM. WAGE 9.00 PER HOUR.

(5)

APPROVAL TO START THE RECRUITMENT PROCESS FOR 2 PART TIME. WORKING 19 3/4 HOURS PER WEEK, SEASONAL EMPLOYEES TO WORK IN IS/GIS.

(6)

APPROVAL TO HIRE MIKE NELSON AND TINA LACOCK AS SEASONAL HEAD LIFEGUARDS. WAGE \$8.63 PER HOUR.

(7)

APPROVAL TO HIRE VALERIE CHYNOWETH AND TAEGON PULLI AS SEASONAL LIFEGUARDS. WAGE \$7.68 PER HOUR.

(8)

APPROVAL OF OUT-OF-STATE TRAVEL FOR TINA CARTER TO MILWAUKEE, WI FOR THE MAIN STREET NOW CONFERENCE.

(9)

APPROVAL OF OUT-OF-STATE TRAVEL FOR KEITH BRADY TO MONTROSE, CO FOR A SIX COUNTY INFRASTRUCTURE COALITION MEETING.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)  
OPEN AND READ ALOUD BRANDING PACKAGE AND MARKETING PLAN REQUEST FOR PROPOSALS. CONSIDERATION AND APPROVAL OF FURTHER ACTION TAKEN.

Clerk/Auditor Brenda Tuttle handed the Board of Commissioners the RFP packages and stated that "these packages are the ones that were received in my office as of 5:00 p.m. Monday, May 2, 2016". The packages were not clearly marked what they were for and since the next agenda item has RFP requests also the only way to determine what they are for was to open them.

There were 12 packages that were for the Branding Package and Marketing Request for Proposals that were read aloud.

- 1) Simple View
- 2) Truss Group
- 3) Red Rider Creative
- 4) ChandlerThinks
- 5) HAPI
- 6) Roger Brooks International
- 7) Sorenson Advertising
- 8) Utah Valley University
- 9) Viva + Impulse Creative Co.
- 10) GumCo
- 11) HUB
- 12) SLANT Media

Commissioner Ethan Migliori made a motion to turn the bids over to the Travel Council Advisory Board along with Commissioner Keith Brady and any other elected official of his choice to go through the bids and make a recommendation from there. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(3)

OPEN BIDS FOR THE DEVELOPMENT/DRAFTING OF A HAZARD MITIGATION PLAN FOR EMERY COUNTY FOLLOWING FEMA GUIDELINES. CONSIDERATION AND APPROVAL OF BID AWARD AND NECESSARY PAPERWORK TO EXPEDITE THE PROJECT.

One bid package from the opened bid packages from item #2 was for development/drafting of a hazard mitigation plan for Emery County. The bid was from S. MABE Consulting, LLC. After review of the bid Captain Ekker and Sheriff Funk recommended accepting the bid. Commissioner Ethan Migliori made a motion to accept the bid from S. MABE Consulting, LLC as discussed. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

OPEN BIDS FOR JANITORIAL SERVICES FOR THE CASTLE DALE LIBRARY. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.

There were 4 bids received in the Clerk/Auditor's office for Castle Dale Library janitorial services. The bids were as follow:

- 1) Camille Thomas \$325.00 per month
- 2) Kelly Stevens \$500.00 per month
- 3) Melinda Bell \$300.00 per month
- 4) McKensie Garrison \$500.00 per month

Commissioner Ethan Migliori made a motion to have Commissioner Cowley review the bids with Library Director Carole Larsen to determine if they are complete and go from there. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

KOBE FAIMALO, DISCUSSION AND APPROVAL OF EAGLE SCOUT PROJECT AT THE LAWRENCE CEMETERY.

Kobe Faimalo discussed an Eagle Scout project at the Lawrence Cemetery. Kobe explained that there are currently no benches at the Lawrence Cemetery. He has chosen to install 4 benches at the Lawrence Cemetery for his Eagle Scout Project. He provided the Commissioners with a cost breakdown and agenda for the project. He added that the benches will be similar to the benches in front of the courthouse. Jeff Guymon discussed placement of the benches. Lawrence Cemetery Committee Chairman Bevan Wilson explained that about a year ago the committee came up with a proposed plan to purchase 4 benches. This plan was presented to the Emery County Commissioners during the budgeting process last year. The County has budgeted



\$4,500.00 for this project. The committee has received private citizen donations (enough to pay for two benches) that were submitted to Brenda Tuttle in the Clerk/Auditor's Office. He indicated that there will be three requisitions for payment from this project. One for the purchase of the benches, one from Magnuson Lumber for the materials to frame the cement pad, and one from Nielson Construction for the cement pad to set the benches. Commissioner Cowley asked Kobe if he would have help on this project. Kobe indicated that other troop members will help with the project. He indicated that the project is projected to be completed before Memorial Day. Commissioner Paul Cowley made a motion to approve of an Eagle Scout Project at the Lawrence Cemetery as proposed by Kobe Faimalo. The motion was seconded by Commissioner Ethan Migliori. The motion passed. Bevan Wilson informed the Commissioners that the Lawrence Cemetery Committee has another project in the works that they hope to be able to work out the associated problems related to planting trees in ground with a lot of gravel and inadequate water source. He thanked Brenda Tuttle for her help with the bench project.

(6)

LARRY PRETTYMAN, DISCUSSION AND CLARIFICATION OF OWNERSHIP OF SIGN NORTH OF HUNTINGTON.

Larry Prettyman, Huntington, came before the Board of Commissioners to discuss ownership of the sign north of Huntington. He indicated that his wife's family owns the property where the sign is located and that in years past Emery County was paying the yearly lease. The county let the lease lapse and Ferron City picked it up for advertising Millsite Golf Course for a few years. He indicated that he would like to take over ownership of the sign. He stated that he has talked to the State about procedures for taking over the sign and the permitted uses of the sign. He was told by the state that Emery County would need to write a request for him to take over ownership of the sign. He would then have to make application with the state to designate the sign as commercial use. The billboard sign was constructed by the County for a cost of approximately \$5,000.00 with a yearly lease of \$500.00 to the land owner for a five year period. Now the lease is \$800.00 a year. For a while the Travel Bureau was paying the yearly lease. It somehow has fallen through the cracks. The original use of the sign was for a gateway sign. The use needs to be zoned as commercial or industrial if the use is determined to generate revenue. Jeff Guymon, Planning and Zoning Director, indicated that if the ownership changes the new owner would need to acquire a conditional use permit from the county. The Commissioners agreed that to move forward with this they would need a lot more good information and determine how it affects everyone. They suggested looking over the old lease agreement and have discussions with UDOT who regulates all billboards in the state. Commissioner Paul Cowley made a motion to table this item to allow time to look into the matter and bring it back for another meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(7)

CONSIDERATION AND APPROVAL OF MID-TERM APPOINTMENT TO THE EMERY COUNTY HOUSING AUTHORITY BOARD OF COMMISSIONERS.

Commissioner Migliori stated the County recently accepted the resignation of Jeff Horrocks from the Emery County Housing Authority Board mid-term. State statute says that ideally the board can have 5 to 7 board members. The board is currently functioning with five members. The Commission would like to find two more residents willing to be appointed to the board. They have one resident who has applied to be on the board. Commissioner Migliori recommended appointing Rebecca Brotherson to the Housing Authority Board and try to get two more appointed in the next couple of meetings. Commissioner Ethan Migliori made a motion to appoint Rebecca Brotherson to the Emery County Housing Authority Board of Commissioners to replace Jeff Horrocks. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

RATIFY OF GRANT FOR BULLETPROOF VESTS FOR SO TO REPLACE OLDER VESTS.

Sheriff Funk explained that bulletproof vests need to be replaced every three years. The Sheriff's Department has applied for a federal grant that will pay half of the cost and the other half will come out of seizure funds. The application needed to be sent in before the date of this meeting. Therefore, approval of the application process needs to be ratified. Commissioner Paul Cowley made a motion to ratify approval of a grant application for bulletproof vests for the Sheriff's Department to replace older vests. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(9)

CONSIDERATION AND APPROVAL OF 2016 PROPERTY TAX EXEMPTIONS.

American Legion Post 42 #1-130-18	Four Corners Mental Health #1-13-46	Rocky Mountain West Baptist Mission #5-94-6 #5-93-7
Castle Dale Independent Baptist Church #01-002C-0013	Green River Bible Church #1-151G-36 #1-151F-18&19	#5-94-3 #5-94-5
Daughters of Utah Pioneers-Hunt #1-196-22	LDS Church various #'s	United Mine Workers Of America #4-16-14
Daughters of Utah Pioneers-Orange #1-253-18	Bread Of Life Baptist Church #1-177A-20	Utah Museum of Natural History/ University Of Utah #5-56-2 #3-130-3 #3-130-1 #3-127-1
Daughters of Utah Pioneers-Elmo #1-72-16	Orangeville City/ Housekeepers #1-239-52	
Daughters of Utah Pioneers-CD #1-15-20	Rural Utah Child Development #1-180-20	Utah Housing / Crown Homes #1-168-4 #1-68-7 #1-29A-3 #1-29A-4
Desert Edge Christian Chapel #01-179-1	Roman Catholic Church #3-50-16 #1-151H-25	Friends of Green River- PACT EPICENTER #1-162-7 #1-154A-22
Ferron Cattleman's Association #5-87-27	Stuart B. Wilson Orient Lodge #1-151G-54	
First Baptist Church of Emery County #1-126-45		

Motion to approve the 2016 Property Tax Exemption List was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley and the motion passed.

(10)

CONSIDERATION AND APPROVAL TO RENT A D8T TRACTOR FOR DEBRIS BASIN.

Road Supervisor Wayde Nielsen explained that the equipment will be used to remove rocks from the Huntington Debris Basin. The rocks will be stockpiled to be used for the Cottonwood Creek mitigation project. The rental will be \$22,400.00 for 2 months and is an allowable expense under the stipulations of the Huntington Debris Basin Project. Commissioner Paul Cowley made a motion to approve rental of a D8T for the Huntington Debris Basin. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

CONSIDERATION AND APPROVAL ALLOWING WEED/MOSQUITO EMPLOYEES TO TAKE COUNTY-OWNED VEHICLES HOME OVERNIGHT.

Cory Worwood, Weed & Mosquito Supervisor discussed a letter he forwarded to the Commissioners regarding Weed/Mosquito employees taking county-owned vehicles home overnight. He explained that according to the new vehicle policy he needs to get permission from the Commissioners to allow this. During the hot summer months they fog for mosquitos at night. To save travel time for the employees he would like permission to let them take the vehicle home. If they live in Ferron and are traveling to Huntington or beyond then they can go pick up the vehicle and return it to the shop but if they are fogging in Clawson, Ferron or Emery it would be advantageous to have the vehicle with them. Commissioner Paul Cowley made a motion to allow Weed & Mosquito to take county owned vehicles home if the shop is not between them and where they are fogging. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF APPLICATION FOR FEDERAL ASSISTANCE SF-424 FOR EMERGENCY WATERSHED PROTECTION FY16 CASTLE DALE/ORANGEVILLE/COTTONWOOD CREEK.

Captain Kyle Ekker explained that this is the application process for federal assistance for emergency watershed protection of Castle Dale/Orangeville/Cottonwood Creek. This will start the process to get the contract and funds for the project. When the contract comes in he will bring it back to the Commission for signatures. The total project is estimated at \$4,515,000.00. Federal assistance \$3,465,000.00. The county portion \$1,050,000.00. The completion date for the project is December 14, 2016. Commissioner Ethan Migliori made a motion to approve of

application for Federal Assistance SF-424 for Emergency Watershed Protection FY16 Castle Dale/Orangeville/Cottonwood Creek. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

RATIFY PUBLIC RECREATION EASEMENT AGREEMENT BETWEEN ROCKY MOUNTAIN POWER AND EMERY COUNTY FOR DES BEE DOVE TRAIL.

A Public Recreation Easement Agreement between Rocky Mountain Power and Emery County for Des Bee Dove Trail was considered. The application process with included this agreement needed to be sent in before the date of this meeting. Therefore, the agreement was signed before this meeting and now the signing of the agreement needs to be ratified. Commissioner Paul Cowley made a motion to ratify the signing of the Public Recreation Easement Agreement between Rocky Mountain Power and Emery County for Des Bee Dove Trail. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

RATIFY GRANT APPLICATION WITH UTAH DIVISION OF PARKS AND RECREATION OFF-HIGHWAY VEHICLE PROGRAM STATE OHV GRANTS MOTORIZED TRAIL APPLICATION FOR FUNDING TO MAKE IMPROVEMENTS TO THE DES BEE DOVE TRAIL.

Commissioner Ethan Migliori discussed a Grant Application with Utah Division of Parks and Recreation Off-Highway Vehicle Program State OHV Grants Motorized Trail Application for funding to make improvements to the Des Bee Dove Trail. The trail improvement is contingent upon the \$57,000.00 funding coming through. Mark Williams OHV Club President has indicated where the match will be met. The local grazers and OHV club approve of the trail improvements. Commissioner Cowley stated that this will be a difficult trail and will be marked as highest difficulty on the trail maps. The gate will be closed during inclement weather to maintain safety and mitigate and liability. The application was signed before this meeting to meet a deadline. Commissioner Ethan Migliori made a motion to ratify the signing of an application with Utah Division of Parks and Recreation Off-Highway Vehicle Program State OHV Grant for funding to make improvements to the Des Bee Dove Trail. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSSION AND APPROVAL OF EXTRACT LOCATION FOR THE MINER'S MEMORIAL.

Dennis Ardohain and Lori Ann Larsen, Miner's Memorial Committee were present to discuss the exact location for the Miner's Memorial. Commissioner Cowley indicated that he has looked at

the location originally thought to be best location for the memorial along with the contractor. They have determined some problems with this location. They would have to relocate the water box, the slope of the lawn and retaining wall had issues. Jeff Guymon offered an extensive review of the lawn and they have determined the best location. Mayor Danny Van Wagoner discussed the zoning issues regarding the location. They discussed the fact that the monument has to be set back 12 feet from the sidewalk. Commissioner Paul Cowley made a motion to approve and set the location of the Miner's Memorial as determined. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

CONSIDERATION AND APPROVAL OF EVENT COORDINATOR CONTRACT.

Commissioner Ethan Migliori made a motion to approve of Event Coordinator Contract with Holly Jorgensen. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

CONSIDERATION AND APPROVAL OF DONATION TO EMERY COUNTY HOUSING AUTHORITY.

Commissioner Paul Cowley made a motion to approve a donation of \$10,000.00 to Emery County Housing Authority. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(18)

DISCUSSION AND APPROVAL OF AMENDED EMERY COUNTY FAIR VENDOR APPLICATION & AGREEMENT INSURANCE REQUIREMENTS.

Commissioner Migliori discussed the Emery County Fair Vendor Application and Agreement for insurance requirements. Commissioner Migliori suggested making adjustments to the application. He suggested adding two questions to the application. 1. Do you have insurance. If so include the policy carrier and number. If no, then they are to contact the Rec District who will refer them to a tenant user liability program. There they can purchase a tenant user policy for approximately \$40.00. The old application required a \$1million dollar policy which would have a premium that could be quite pricey for a small business. Commissioner Brady agreed with Commissioner Migliori that there needs to be a category based on the risk involved. He felt \$40.00 was reasonable and probably doable for a small business vendor. It is better for the county to do something than nothing. Brenda Tuttle asked 'Wouldn't the County want to be involved in this process rather than turn it over to the Rec District?'. 'The County should be checking to be sure the vendor has insurance.' Castle Dale City Mayor agreed. Mary Huntington added that if the vendor marks 'yes' they have insurance the County will need proof of that insurance. Commissioner Migliori explained that providing a certificate of insurance may

cost as much as \$50.00 from the carrier. He recommended having the Rec Dist. collect the information and forward it to Mary for verification. Commissioner Ethan Migliori made a motion to approve the amended Emery County Fair Vendor Application & agreement for insurance requirements and work with Mary to verify the vendor qualifies with the application requirements. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

CONSIDERATION AND APPROVAL OF RENTAL/LEASE AGREEMENT FOR TRACTOR TO BE USED TO MOW WEEDS ALONG COUNTY ROADWAYS.

Wayde Nielson, Road Supervisor discussed the rental of a John Deere 6175M Tractor using State Contract #PD1672 for their weed mowing from July 15<sup>th</sup> through October 14<sup>th</sup> at a cost of \$3,312.50. They would like to use Big B Equipment as the delivering dealer. Commissioner Paul Cowley made a motion to approve of rental/lease agreement for tractor to be used to mow weeds along county roadways. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(20)

CONSIDERATION AND APPROVAL OF AMENDMENTS TO EMERY COUNTY PERMANENT COMMUNITY IMPACT BOARD SHORT TERM LIST FY2016.

Two projects need to be added to the Emery County PCIB short term list. In Green River City a Natural Gas Feasibility/Economic Study and in Huntington City, ADA Compliance Restroom. Commissioner Ethan Migliori made a motion to approve of amendments to the Emery County Permanent Community Impact Board Short List. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Commissioner Ethan Migliori made a motion to leave the regular meeting and move into an executive session to discuss pending or reasonably imminent litigation involving Centrally Assessed Taxes and at the conclusion of the session to return to the regular meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(21)

EXECUTIVE SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION INVOLVING CENTRALLY ASSESSED TAXES.

Present at an Executive Session was Commissioners Brady, Migliori, and Cowley, Attorney Mike Olsen, Treasurer Steven Barton, Clerk/Auditor Brenda Tuttle, Deputy Clerk/ Auditor Carol Cox, and legal council Thomas Peters.

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(22)  
ELECTED OFFICIALS REPORT.

Nothing was reported

(23)  
ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

MAY 17, 2016

Present at the meeting is Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant check Edit List # 240360 through and including # 240499 was presented for payment.

There were no requisitions.

There was 1 disposition for a copier 580-6032 from the Library Department.

(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED MAY 3, 2016

(3)

APPROVAL OF BUSINESS LICENSE FOR ABOVE PAR OWNED BY VINCENT KELLY.

(4)

APPROVAL OF JAMES NIELSEN AND DENNIS WORWOOD TO BE VOLUNTEERS FOR THE WEED & MOSQUITO DEPARTMENT.

(5)

APPROVAL TO HIRE EMILY HUNTINGTON AS A PART TIME, WORKING NO MORE THAN 18 HRS. PER WEEK, MUSEUM SALES CLERK. GRADE 6.

(6)

APPROVAL TO HIRE SHANNON OTT AS A FULL TIME JUSTICE COURT CLERK. GRADE 12.

## DISCUSSION AGENDA

(1)

### ITEMS PULLED FOR THE CONSENT AGENDA

Nothing

(2)

### PAUL WEDDLE, MILITARY TRAINING ACTIVITY SCHEDULE IN EMERY COUNTY NEAR GREEN RIVER.

Paul Weddle, Visual Awareness and Tactical Consultant Inc. (VATC), Sub-Contractor to ICE, Inc. came before the Board of Commissioners to request a letter of support for military training activity in Emery County. He explained that they will be in White Sands area of Green River during July from 24<sup>th</sup> to 29<sup>th</sup>. The exercises will be a strictly non-kinetic event with Special Forces soldiers carrying weapons, but no live ammo. All weapons are propane powered with no projectiles. They will be operating Osprey aircraft which are loud. The area they will be using is about two football field lengths and about three miles from town. Green River City, BLM SITLA and Grand County have all been advised of the event and have given a letter of support for the event. They will have their own medical support. VIP's will be OK but no spectators will be allowed. The Board of Emery County Commissioners agreed to a letter of support for this event.

(3)

### CHUCK SEMBORSKI, INTERWEST MINING, UPDATE AND REPORT ON PLAN/PROCEDURE FOR THE CLOSURE OF DEER CREEK MINE.

Chuck Semborski, Interwest Mining provided an update and report on plans and procedures for the closure of Deer Creek Mine. He stated that PacifiCorp has been involved in the coal mining business since 1972. The closing of Deer Creek Mine marks the end of coal mining for PacifiCorp. In 2014 Deer Creek Mine was idled and in April 2015 the mine was sealed up. Mr. Semborski provided a presentation on their plans and procedures for closure of the mine. He reviewed the problems that they have had with discharge water. They are taking measures to avoid non-compliant discharge of water from the mine. He discussed a proposed pipeline project to deal with the discharge water. He also expressed his disappointment that they have to complete an environmental analysis (EA) before they can proceed with the project.

(4)

DISCUSSION AND DECISION, IF IN THE BEST INTEREST OF EMERY COUNTY, TO PROCEED WITH REQUEST TO SELL PARCEL #01-112B-0052 LOCATED WITHIN FERRON CITY.

Jeff Guymon reviewed the parcel in question with the Commissioners. The adjacent land owner has asked if the county would be willing to sell this parcel of land located within Ferron City. The parcel is zoned as residential. Commissioner Brady stated that he didn't see a need to hold on to the property. There were several questions that still needed to be answered. Commissioner Ethan Migliori made a motion to get more information and bring it back to Commission Meeting at a future date. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND STATE OF UTAH FOR BAILIFF AND PERIMETER SECURITY FOR SEVENTH DISTRICT & JUVENILE COURTS.

Attorney Mike Olsen recommended approval of the contract. Commissioner Ethan Migliori made a motion to approve a contract between Emery County and State of Utah for Bailiff and Perimeter for Seventh District & Juvenile Courts. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF BUILDING MAINTENANCE AGREEMENT BETWEEN CASTLE DALE LIBRARY AND CAMILLE THOMAS FOR JANITORIAL SERVICES.

Commissioner Ethan Migliori made a motion to approve of Building Maintenance Agreement between Castle Dale Library and Camille Thomas for janitorial services. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND WCC ENTERPRISES, INC. TO BOOK BUBBLE TOWER FOR THE EMERY COUNTY FAIR.

Julie Jones, Emery County Fair Director discussed the contract between Emery County and WCC Enterprises, Inc. To book a bubble tower for the Emery County Fair. Julie indicated that the original price was \$4,500.00. She was able to get the price reduced to \$3,000.00 for Friday and Saturday of the fair. Julie indicated that she has gone to several different carnival companies but was told our fair was too small and they would not come here. Commissioner Cowley expressed

his disapproval of spending \$3,000.00 on a bubble machine. Clerk/Auditor Brenda Tuttle commented that there is a Fair Board who makes these arrangements for the fair and been given a budget. The Commissioners need to give the board the latitude to make some of these decisions. Julie commented that Carbon County has a much larger budget than Emery County and in the past has had nothing to show for the money they spent on their fair. Emery County's Fair is much better with more to show for the money spent in entertainment. This bubble machine will be fun for everyone. Yes it is pricy but there is just not much out there for small fairs as far as entertainment that would be free to the citizens. They discussed the elephants from the last two years. It was a huge hit by the public but also a big expense for the fair. It also was expensive for the citizens. The cost to ride the elephant was more than some families could afford. This year we have the Aussie exhibit with kangaroos, etc. This is replacing the reptile exhibit from last year. The Fair Board is excited for this to come to Emery County Fair. Commissioner Ethan Migliori made a motion to approve of contract between Emery County and WCC Enterprises, Inc. to book Bubble Tower for the Emery County Fair. Commissioner Paul Cowley voted nay on the motion. Commissioner Keith Brady stepped down to second the motion. The motion passed with one in opposition.

(8)

CONSIDERATION AND APPROVAL OF CASH PRIZE MONEY FOR CUPCAKE WARS AND LIP-SYNCING COMPETITIONS AT THE EMERY COUNTY FAIR.

Commissioner Brady indicated that this issue has been worked out and discussion is not necessary.

(9)

CONSIDERATION AND APPROVAL OF RADIO ADVERTISING PROPOSAL WITH AJB BROADCASTING FOR EMERY COUNTY FAIR.

Amanda Holley-Paiz, Marketing Director for AJB Broadcasting indicated that AJB Broadcasting submitted a proposal for Fair advertising to the Fair Board two months ago. She expressed concern that there are only a few weeks left for advertising. AJB has revised their proposal and adjusted the cost to \$1,000.00 for 72 ads. Jule Jones added that Amanda will also be the MC for the fear factor challenge during the fair. Commissioner Ethan Migliori made a motion to approve of radio advertising proposal with AJB Broadcasting for the Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF ELECTION POLL WORKERS FOR 2016.

Commissioner Ethan Migliori made a motion to approve election poll workers for 2016. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSSION AND APPROVAL OF EMERY COUNTY'S OFFICIAL COMMENTS IN OPPOSITION OF BLM 2.0.

Ray Petersen, Public Lands Director drafted an official comment on the proposed revisions to the BLM resource management and land use planning system. Several concerns were addressed and Emery County requested these concerns be included as part of the administration record. Commissioner Paul Cowley made a motion to approve Emery County's official comments in opposition of BLM 2.0. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY, BLM, UDFCM AND JARED JOHNSON FOR THE FENCE ALONG GOBLIN VALLEY ROAD.

The interlocal agreement between Emery County, BLM, UDFCM and Jared Johnson addresses the issue of liability. Emery County should assume liability should the cattle guards not be maintained responsibly. The agreement clarifies who will maintain the fence. Commissioner Paul Cowley made a motion to approve an interlocal agreement between Emery County, BLM, UDFCM and Jared Johnson for the fence along Goblin Valley Road. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY GRANT SERIAL NUMBER UTU-91515 BETWEEN EMERY COUNTY AND BLM FOR A FENCE ALONG COUNTY ROAD #1012 KNOWN AS GOBLIN VALLEY ROAD.

Commissioner Paul Cowley made a motion to approve of Right-of-Way Grant serial number UTU-91515 between Emery County and BLM for fence along Emery County Road #1012 known as Goblin Valley Road. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

CONSIDERATION AND APPROVAL ALLOWING IT/GIS PERSONNEL TO TAKE COUNTY-OWNED VEHICLES HOME OVERNIGHT.

Jeff Guymon, IT/GIS Supervisor requested approval to take the county owned vehicle home when he is working on the north end of the county. The new county policy states that the department needs approval to take the vehicle home. Since he lives in Huntington it would be more economical to stay in Huntington and not have to drive back to Castle Dale to exchange

with his personal vehicle. Often times he is after five when returning from maintenance to the towns or meetings in Salt Lake and time wise and money wise it makes sense to wait until the next day to return the vehicle. During elections when he and his staff has to be out to the towns early and late it would make sense to wait until they have to return to the courthouse to return election machines. Commissioner Ethan Migliori made a motion to approve allowing IT/GIS personnel to take county-owned vehicles home overnight at Jeff Guymon's discretion. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

CONSIDERATION AND APPROVAL OF MASTER LEASE AGREEMENT BETWEEN EMERY COUNTY AND JOHN DEERE FINANCIAL TO LEASE EQUIPMENT PER STATE BID.

Commissioner Paul Cowley made a motion to approve signing a Master Lease Agreement between Emery County and John Deere Financial to lease equipment per state bid. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

CONSIDERATION AND APPROVAL OF LETTER OF INTENT TO LEASE A TRACTOR FROM JOHN DEERE FINANCIAL PER STATE BID.

Commissioner Ethan Migliori made a motion to approve a letter of intent to lease a tractor from John Deere Financial per state bid. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

CONSIDERATION AND APPROVAL OF TAX DEFERRAL AGREEMENTS FOR ATHEL WAYNE AND SHARON MITCHEIL PARCEL NO. 01-156B-0032 AND 01-156B-0033.

Treasurer Seven Barton requested tax deferral agreements for Athel Wayne and Sharon Mitcheil parcel #01-156B-0032 and 01-156B-0033. He explained that this is a residence in Green River. She has made a sincere effort to clear up the back taxes. Mr. Barton recommended an extension to pay the taxes for Athel Wayne/Sharon Mitcheil. Commissioner Ethan Migliori made a motion to approve of Tax Deferral Agreement for Athel Wayne/Sharon Mitcheil parcel # 01-156A-0032/#01-156B-0033. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(18)

CONSIDERATION AND APPROVAL OF TAX DEFERRAL AGREEMENT FOR RANDY AND MELODYE SINCLAIR FOR PARCEL NO. 01-070A-0003.

Mr. Barton recommended approval of a tax deferral agreement for Randy and Melodye Sinclair, parcel #01-070A-0003. He explained that this is also a residence in Elmo and they have made a sincere effort to clear up the past taxes. Commissioner Ethan Migliori made a motion to approve a tax deferral agreement for Randy and Melodye Sinclair for parcel #01-070A-0003. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

COMMISSION/ELECTED OFFICIAL REPORT.

*Commissioner Cowley*

Commissioner Cowley talked about the coal industry forum to be held in SLC. He reported that Kobe Faimalo completed the Eagle Scout project to install benches at the Lawrence Cemetery.

*Commissioner Brady*

Commissioner Brady reported on the partial assessment report given by Roger Brooks at a recent Travel Council Board meeting and citizens who attended. He stated that he is looking forward to what advice and suggestions Mr. Brooks has in the written report for Emery County. ETV recorded the meeting and you can find it on their website. The final report will soon be available.

*Commissioner Migliori*

Commissioner Migliori reported on Family Museum Day at the San Rafael Museum. There was a good public turn out. He reported on attending a Rocky Mountain Power meeting where they introduced their new CEO. He found the meeting to be very informative with regards to the future of energy and challenges for moving forward with alternative energy sources.

(20)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 7, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 240551 through and including # 240701 was presented for payment.

One requisition was presented for approval.

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
22-16	(6) Vehicle Set-ups, including radar & camera Sheriff	\$85,424.04

Two dispositions were presented for approval.

#580-8500, hp scanjet 5590 scanner, and 580-6562, copier.

(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED MAY 17, 2016

(3)

NOTIFICATION. CORY WORWOOD REHIRED ERIK NIELSEN AS A SEASONAL WEED & MOSQUITO TECHNICIAN WORKING 29 HOURS PER WEEK. WAGE \$13.50.

(4)

APPOINTMENT OF JORDAN LEONARD AS THE INTERIUM DEPARTMENT HEAD OVER TRAVEL BUREAU.



2

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(5)

APPROVAL TO PROMOTE DUSTIN DETO TO DISTRICT OPERATOR-NO WAGE CHANGE.

(6)

APPROVAL TO PROMOTE ERIC NIELSEN TO SR. EQUIPMENT OPERATOR GRADE 19.

(7)

APPROVAL TO HIRE JEREMY LAKE AND MATTHEW SALAS AS A FULL TIME DISPATCHER I, WITH FULL BENEFITS. WAGE GRADE 14.

(8)

APPROVAL TO HIRE KEVIN ANDY WALL AS A FULL TIME CORRECTION OFFICE I, WITH FULL BENEFITS. WAGE GRADE 15.

(9)

NOTIFICATION. SHANNON HIATT SELECTED SAVAHNA ALL AS A PART TIME LIFEGUARD WORKING 19 3/4 HOURS PER WEEK. WAGE 7.92 PER HOUR.

(10)

APPROVAL TO HIRE CASSIDY LUKE AS A SEASONAL IT WORKER WORKING 29 HOURS PER WEEK. WAGE \$8.00 PER HOUR.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

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(2)

HOPE SQUAD OF CARBON AND EMERY COUNTIES, INTRODUCTION OF ORGANIZATION DEDICATED TO EDUCATING THE PUBLIC ON SUICIDE PREVENTION BY COMMUNITY AWARENESS AND INVOLVEMENT.

Debbie Marvadakis and Cathy Donovan from Southeastern Utah Health Department in Carbon County came before the Board of Commissioners to introduce the organization called the Hope Squad, dedicated to educating the public on suicide prevention by community awareness and involvement. Mrs. Marvadakis explained that currently the suicide rate in Carbon and Emery county is 22 per year which is higher than the state average of 10-11 per year. In 2013 they put together a coalition of professionals and concerned individuals to address the suicide issue and work on reducing that rate. The numbers show that they have made a difference in lowering that rate from 22 to 11 in one year. She indicated that they are missing some partners on their board as they have no representation from Emery County. She asked the Board of Commissioners to do some brainstorming and come up with a representative for their board. They hold their meetings on the 2<sup>nd</sup> Tuesday of each month at the Health Department Building in Price. She added that there is evidence that suicide is preventable. The group has been recognized and received an award on a national level for their education on prescription drug abuse and prevention program. Prescription drug abuse is what is driving the numbers up. To bring awareness about suicide prevention they sponsor several events during the year. Spring for Hope Dinner in the Park, Suicide Prevention Walk, and Hope Festival in December are a few of these events. She added that we need Emery County at the table to help support and keep the momentum going. She stated 'we don't want to see the numbers go back up'. Commissioner Keith Brady stated that Emery County will find someone to be on their board. He thanked her for the information and the work they are doing.

(3)

NEVA STRONG, DISCUSSION OF OPPOSITION TO LANDFILL TIPPAGE FEES.

Neva Strong, Castle Dale resident came before the Board of Commissioners to express opposition to landfill tippage fees. She indicated she was charged \$20.00 for a trailer load of rubble. She expressed concern that people may become discouraged by the fee and begin taking their rubble and garbage to the ravines and outlying areas of the desert and hills. Commissioner Brady indicated that at that point that would be a matter for the Sheriff's Department to issue a citation. Commissioner Cowley added that the fee is for weights that exceed 1,000 lbs. He stated he did not understand why she was charged \$20.00. He stated that the landfill is supported by the County. The tippage fee was implemented several years ago to help off set the cost of equipment at the landfill but was never enforced. Commissioner Brady asked Mrs. Strong if she was aware that there are roll-offs in each community that are available for small refuge. These roll-offs are free to the citizens. Castle Dale Mayor Danny Van Wagoner reminded the

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Commissioners that there is not a roll-off in Castle Dale due to the proximity of the landfill to the community. Mrs. Strong asked if the citizens are aware that there are these roll-offs available? Commissioner Brady stated that it is up to each city to inform the citizens of the location of the roll-off in their community. Concerning the fee Commissioner Brady indicated he has received comments from many citizens that the tippage fees are fair. The money collected from the tippage fees does go to the use of the equipment.

(4)

GERRY STOTLER, HABITAT FOR HUMANITY BOARD MEMBER, INTRODUCTION OF NEW HABITAT FOR HUMANITY EXECUTIVE DIRECTOR FOR THE AREA AND DISCUSSION OF CASTLE DALE HABITAT HOME IN FORECLOSURE.

Gerry Stotler, Habitat for Humanity Board member introduced their new Executive Director Karen Basso. Karen informed the Commissioners of foreclosure of the house in Castle Dale. This is a four bedroom house located in Orange Court in Castle Dale. The house will be available to low income families and or veterans who may qualify for low interest loan who may not otherwise be able to qualify for a conventional loan. Every adult will have to provide 200 hours of sweat equity in the home. A construction manager will be monitoring the repair/remodel. They are accepting applications for this home now. She informed the Commissioners about a program called 'A Brush with Kindness'. This program helps low income and veterans with home repairs, building handicap ramps, roof repairs, and painting projects. The program is loan based with a low repayment plan. They need volunteers for the summer.

(5)

JULIE JOHANSEN, DISCUSSION OF USFS CLOSURE OF ROADS ON THE MANTI LA-SAL FOREST.

Julie Johansen indicated that she was made aware that the issue has been resolved. The issue was regarding gates/roads closed that provide access to private property on the Manti LaSal Forest. Ray Petersen and Commissioner Cowley met with the Forest Service and were successful in reaching a resolution to the situation. Private land owners will have access to their properties when roads are closed. The county has offered to go in and clear snow drifts to dry out for better access.

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(6)

CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND ECSSD#1 FOR JOES VALLEY BOAT RAMP EXTENSION PROJECT.

Emery County was awarded a grant from DWR in the amount of \$45,000.00 for Joe's Valley Boat Ramp Extension Project. Emery Water Conservancy District Director Jay Mark Humphrey commented that the Water District has not been contacted once about this project. The process is not being followed correctly. The EWCD has to approve of this project. He stated he was not aware of this project until he saw in on the agenda for today. Merrill Johansen, J&T Engineering stated that this inter local agreement is for the design portion of the project only. Jay Mark added that this project is not going to happen until you follow the process and bring it before the Water Board. SSD#1 Chairman, Kent Petersen indicated that he will be attending their board meeting on July 11<sup>th</sup>. The Board of Commissioners felt that there was still value in having this interlocal agreement between ECSSD #1 and Emery County to fulfill the process. Jay Mark indicated that he understands the need, but the NEPA process alone will take a long time. It's just not going to happen this year. He indicated that the boat ramp on the marina side could be opened on heavy days like July 4<sup>th</sup> and 24<sup>th</sup> IF it was maned by DWR/FS.

Commissioner Ethan Migliori made a motion to move forward with the process by approving an inter local agreement between Emery County and ECSSD#1 for Joe's Valley Boat Ramp Extension Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF UTAH DEPARTMENT OF TRANSPORTATION AERONAUTICAL OPERATIONS DIVISION PROJECT APPLICATION AND GRANT AGREEMENT FOR STATE AID FOR HUNTINGTON AIRPORT 2016 PROJECTS.

Commissioner Cowley has been coordinating with the Utah Department of Transportation Aeronautical Operations Division on an application and grant agreement for state aid for Huntington Airport 2016 projects. The culvert at the east end of the runway had to be replaced and the fence replaced. Huntington Airport is managed by Leon Defriez and the county has a contract/agreement with Mr. Defriez. Attorney Mike Olsen indicated that the agreement will need to be amended to include specific wording associated with the Divisions terms and conditions. Mr. Defriez is agreeable with this. Commissioner Paul Cowley made a motion to approve of Utah Department of Transportation Aeronautical Operations Division Project Application and Grant agreement for state aid for Huntington Airport 2016 projects. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

6

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(8)

CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND ECSSD#1 FOR HUNTINGTON AIRPORT IMPROVEMENTS 2016.

The Road Department replaced the culvert at the east end of the runway. They also cleared the brush to clear the runway approach. The fence between the adjoining property owner Darce Guymon and the airport runway needs to be replaced to keep Mr. Guymon's horses fenced in. An agreement between Emery County and ECSSD#1 is needed for the construction of the projects. Commissioner Paul Cowley made a motion to approve of Interlocal Agreement between Emery County and ECSSD#1 for Huntington Airport Improvements 2016. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF 2016 TAX SALE PROCEEDINGS.

Clerk/Auditor Brenda Tuttle reported that there were 11 properties up for tax sale this year. All but one were either redeemed or signed an extension agreement with the Treasurer's Office. The one parcel sold for \$1,000.00 to Kevin Callahan. The administrative fee will be deducted and the remainder of the sale proceedings will be sent to the State Treasurer as unclaimed property. Commissioner Paul Cowley made a motion to accept the 2016 Tax Sale Proceedings. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF CONTRACT WITH S. MABE CONSULTING, LLC FOR DEVELOPING/DRAFTING OF A HAZARD MITIGATION PLAN FOR EMERY COUNTY.

Commissioner Ethan Migliori made a motion to approve of a contract with S. MABE Consulting, LLC for developing/drafting of a Hazard Mitigation Plan for Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF CELL PHONE STIPEND FOR DUSTIN DETO.

Commissioner Paul Cowley made a motion to approve of cell phone stipend for Dustin Deto. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND DECISION ON PROPOSED RESOLUTION AMENDING TITLE 1, CHAPTER C, OF THE EMERY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL REGARDING COMMISSION SENIOR ADMINISTRATIVE ASSISTANT POSITION (TO THREE PART-TIME AND EXECUTIVE ADMINISTRATIVE ASSISTANTS.)

Scott Crook, from the law firm of Arnold & Crook was retained in 2015 to review and make recommendations on amendments to the County's personnel policy and procedures manual. Mr. Crook stated that he has been an employment attorney since 2008 and has been retained by several cities and counties and other local government entities to review personnel policies and make suggestions. He has also been retained by several government entities on human resource matters. He explained that in September of 2015 he recommended Emery County consider changing most of the executive level positions from executive to career service positions. He also recommended department head and confidential secretaries and those who have particular functions to assist the county commissioners be made 'at-will' employees. He explained the reasoning behind this recommendation. There is a County Personnel Management Act which was adopted by Utah which specifically identifies those positions that it considers to be executive level positions. He stated that his recommendation at that time was that the Commission simply follow the state statute and make everybody executive that was department head or in executive level positions. This is a decision that was entirely up to the Commission to make or not make. At that time the County Commissioners decided to retain all of the positions as civil service /career service positions even for department heads. This decision was totally against my recommendation. However, at this point he has recommended again that the Commission make at least the administrative assistant position, that is executive level that answers to each of the Commissioners, since each of the commissioners has distinct political interest from the others, that be made an executive level position which simply means that it is an 'at-will' position. He has made this recommendation in form of a proposed resolution and an amendment. He had some changes to the draft proposed resolution if the Commission determines to adopt it. On page 11 of the document, instead of administrative assistant it should read confidential secretary. So that would replace the senior administrative assistant which is a full time occupational position and changing it to three part time executive level confidential secretary positions. Commissioner Ethan Migliori made a motion to adopt Resolution 6-7-16 amending Title 1 Chapter C, of the Emery County Personnel Policies and Procedures Manual with additional recommendations by Mr. Crook. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Val Payne asked if the public was allowed to make comment and ask questions?

Commissioner Brady opened the floor to comments.

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Mr. Payne stated that as he understands the recommendation there will be three separate secretaries, one serving each commissioner individually. At which point will coordination occur? He was concerned that they are spreading it across three lines of authority and where will they come together. If you gentlemen meet to discuss things without having a posted, public meeting, then you are violating the law. If you want to hold more meetings go for it. You will be risking the checks and balances that the administrative assistant offers. Mr. Crook answered by saying that your point is well taken that it should be a confidential position. That is exactly why the position should be an executive level position. Because it is an 'at-will' position. The person serves at the instance of the Commissioner. If the Commissioner cannot trust the person that they have as a confidential secretary. As 'at-will' position if the Commissioner feels that confidentiality has been breached they can terminate that employee.

Val Payne continued with questions regarding confidentiality of the three secretaries. He repeated what Mr. Crook stated that if the secretary violates the confidence they may be discharged. He questioned Mr. Crook and the Commissioners whether the violation of confidence is what is driving this decision? Commissioner Brady answered 'no' that the Commissioners are just looking to restructure this position. Bernice Payne asked if it is to save money? Commissioner Brady answered that he had not even thought of it saving money. Cost saving was not even in the consideration. Val Payne added that in his opinion the three, separate confidential secretaries is ill advised. Mr. Crook added that this advice is the right policy to have in place. He added that this is the way county governments operate. He added that Emery County is the only county or city government that he was aware of with career service positions at all levels of government offices. Patsy Stoddard commented that you proposed this change last September is that correct? And at that point they rejected it? Why are they entertaining it now? Someone had a change of heart or change of mind for this to come up now. Mr. Crook answered that he did not know. His advice has never changed. Did the Commissioners contact you? Mr. Crook answered that is attorney client privilege information. If there were closed door meetings then I do object to that. If the Commission is talking about these type of things people need to know that.

(13)

CONSIDERATION AND APPROVAL OF AMENDING EMERY COUNTY SHORT TERM PROJECT LIST FOR PERMANENT COMMUNITY IMPACT FUND BOARD TO INCLUDE HUNTINGTON CITY ADA COMPLIANCE RESTROOM AND CEMETERY PROJECT.

Commissioner Ethan Migliori made a motion to approve amending the Emery County Short Term Project List for Permanent Community Impact Fund Board to include Huntington City ADA compliance Restroom and Cemetery Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(14)

RATIFICATION OF \$4,515,000.00 COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCE CONSERVATION SERVICE FOR EMERGENCY WATERSHED PROTECTION IN EMERY COUNTY.

A few meetings back the Commission agreed to proceed with a watershed protection project with NRCS. A Cooperative Agreement between Emery County and U.S. Department of Agriculture Natural Resource Conservation Service needed to be signed and forwarded to the NRCS by June 1<sup>st</sup>. J& T has done the preliminary drawings and engineering. The County will match with 25% (\$800,000.00). All financing will be administered through the Clerk/Auditor's office. Commissioner Paul Cowley made a motion to ratify the signing of a cooperative agreement between Emery County and U.S. Department of Agriculture Natural Resource Conservation Service for Emergency Watershed Protection in Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

DISCUSSION OF TERMINATING CONTRACT WITH SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENT FOR SENIOR CITIZEN SERVICES/PROGRAM. DISCUSSION OF PLANS TO HIRE SENIOR CITIZENS DIRECTOR AND FUTURE DIRECTION OF PROGRAM.

Commissioner Cowley discussed possibly employing someone from Emery County to administer the Senior Citizen Services Program for Emery County. The county would still maintain connection with SEUALG for the buildings. Commissioner Migliori added that there are still a number of pieces that need to be added to the discussions. They will continue to discuss this matter.

(16)

CONSIDERATION AND APPROVAL OF BULK RATES FOR AQUATIC CENTER PASSES FOR BUSINESS PURCHASE.

Commissioner Ethan Migliori made a motion to approve bulk rate pass purchase at 15% off for purchase of 25-49 passes and 30% off for purchase of 50 or more passes. The motion was seconded by Commissioner Paul Cowley. The motion passed.



10  
COMMISSION MEETING MINUTES  
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(17)  
CONSIDERATION AND APPROVAL OF LETTER TO SECRETARY JEWEL REGARDING  
THE COAL MORATORIUM.

Commissioner Paul Cowley made a motion to approve of letter to Secretary Jewel regarding the Coal Moratorium. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(18)  
ELECTED OFFICIALS REPORT.

Sheriff Greg Funk announced that he visited with the representatives from the HOPE SQUAD and has volunteered to represent Emery County on their HOPE SQUAD. He also announced that Brent Ward will be coming back to work and thanked everyone for their continued support of his family during this difficult time.

Commissioner Migliori reminded everyone of the upcoming Emery County Fair.

Commissioner Brady reported that Emery County Event Coordinator Holly Jorgensen has been busy making contacts and getting events out there for the communities.

Commissioner Cowley expressed his appreciation to Leslie Bolinder for her assistance. Even though this change is difficult we will get through this and move forward.

(19)  
ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 8, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Ethan Migliori, Commissioner Paul Cowley, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

(1)

DISCUSSION AND APPROVAL OF AMENDMENT FOR INDEPENDENT MANAGEMENT AGREEMENT WITH HUNTINGTON AVIATION, LLC DATED JANUARY 19, 2016 TO INCLUDE THE TERMS AND CONDITIONS CONTAINED IN THE UTAH DEPARTMENT OF TRANSPORTATION AERONAUTICAL OPERATIONS DIVISION CONTRACT.

Attorney Mike Olsen explained that in order for the county to receive state funds for repairs at the Huntington Airport, Huntington Aviation, LLC with whom the county contracts to manage the airport, must agree to certain terms. The management agreement signed with Huntington Aviation, LLC must be amended to include these certain terms. Mr. Olsen has prepared an amendment to the original contract. Commissioner Ethan Migliori made a motion to approve of an amendment for independent management agreement with Huntington Aviation, LLC dated January 19, 2016 to include terms contained in the UDTAOD contract. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(2)

DISCUSSION AND APPROVAL OF BEER TAX FUNDS-PLAN-STATE FISCAL YEAR 2017 TO APPROVE PROPOSED BEER TAX EXPENDITURES IN ACCORDANCE WITH THE BEER TAX GUIDELINES ISSUES BY THE UTAH SUBSTANCE ABUSE ADVISORY (USAAV) COUNCIL FOR THE ALLOWABLE USE OF BEER TAX FUNDS DISTRIBUTED FROM THE ALCOHOLIC BEVERAGE AND SUBSTANCE ABUSE ENFORCEMENT AND TREATMENT RESTRICTED ACCOUNT.

Captain Kyle Ekker, Emery County Sheriff's Department, explained that the use for the Beer Tax differs each year. These guidelines identifies how these funds may be used. He indicated that the funds will be used for DUI shifts, buys, confinement, prevention and treatment. the document has to be sent to the state by June 10<sup>th</sup>. Commissioner Paul Cowley made a motion to approve of Beer Tax Funds-Plan State Fiscal Year 2017 guidelines. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

2

Commission Meeting Minutes  
June 8, 2016

(3)

DISCUSSION AND APPROVAL TO CONTRACT WITH ASHTON BELL FOR \$400.00 AS A LABORER DURING THE COUNTY FAIR, FROM JUNE 8-11.

Commissioner Ethan Migliori made a motion to approve of a contract with Ashton Bell for \$400.00 as a laborer during the Emery County Fair from June 8-11. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

DISCUSSION AND APPROVAL TO CONTRACT WITH MARIA JOHNSON FOR CLEANING AT THE EMERY COUNTY FAIR FOR UP TO \$1,000.00.

Commissioner Paul Cowley made a motion to approve a contract with Maria Johnson for cleaning at the Emery County Fair to include Monday after the fair also for up to \$1,000.00. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

ADJOURNMENT

The meeting was adjourned.

Attest: \_\_\_\_\_ Commissioner : \_\_\_\_\_

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

JUNE 21, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Ethan Migliori, Commissioner Paul Cowley, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 240705 through and including # 240837 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
23-16	(2) Cumberland Cabins 12 x 20 Huntington Airport	\$9,530.00
24-16	Steel Side Dump Sheriff/Debris Basin Maintenance	\$47,960.00

There were no dispositions.

(2)  
APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 7, 2016.

(3)  
NOTIFICATION. KRISTA WRIGHT SELECTED AS A PART TIME LIFEGUARD  
WORKING 19 3/4 HOURS PER WEEK. WAGE GRADE 3.

(4)  
APPROVAL OF THE FOLLOWING VOLUNTEERS FOR SEARCH AND RESCUE: BRAD  
REED, GREG JEWKES, WADE ALLINSON, JEFF TUTTLE, HOWARD TUTTLE, PETE  
ALGER, RUE BELL, LOWELL MORRIS, ZACH CRAWFORD, CLAY OLIVERSON,  
LEONARD NORTON, JERRY PRICE, COURTNEY COX, SHAUN JEFFS, KIRK  
MCQUIVEY, RANDY LAKE, CHUCK, EBELING, JAMES BYARS, BEN ORGILL, LEE  
MAGNUSON, JASON JENSEN, TYLER TUTTLE, BRETT GUYMON, LAYNE POTTER,  
RUSS ARCHIBALD, CASEY TOOMER, GREG OLIVER, HAL JOHNSON, ROSS

COMMISSION MEETING MINUTES  
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CHRISTIANSEN, TROY WINTERS, JEREMY DRAPER, MICHAEL TAYLOR, ROD MAGNUSON, JIM JENNINGS, BRAWN KILLPACK, LARRY JOHANSEN, CHRIS WINN, AND JARED ANDERSON.

(5)  
NOTIFICATION, COMMISSIONER MIGLIORI SELECTED MAXINE FIELDER, WHO WILL BE A TEMPORARY EMPLOYEE THROUGH ELWOOD STAFFING, TO BE HIS CONFIDENTIAL SECRETARY. WORKING 19 3/4 HOURS PER WEEK.

(6)  
APPROVAL TO INCREASE EMILY HUNTINGTON'S HOURS FROM 18 TO 19 3/4 PER WEEK.

(7)  
APPROVAL TO MOVE EGAN SMITH FROM DISPATCH I TO CORRECTION OFFICER I, GRADE 15.

(8)  
APPROVAL OF BUSINESS LICENSE FOR HAIR ENVY.

(9)  
APPROVAL OF DENNIS WORWOOD TO ATTEND NATIONAL COUNTY AGENTS ANNUAL CONFERENCE IN ARKANSAS FROM JULY 23-29.

(10)  
REQUISITION PURCHASE OF CABIN FOR HUNTINGTON AIRPORT.

(11)  
APPROVAL OF TINA CARTER TO ATTEND GO-WEST 2017 (TRAVEL TRADE SHOW)

(12)  
APPROVAL OF MARK H. WILLIAMS TO BE PLACED ON THE EMERY COUNTY TRAIL'S COMMITTEE PER RECOMMENDATION OF PUBLIC LAND'S COUNCIL.

(13)  
APPROVAL OF TRAVEL BUREAU BOARD MEMBERS AND STAFF TO ATTEND THE ANNUAL TOURISM CONFERENCE.

Commissioner Ethan Migliori made a motion to approve the Consent Agenda with the exception of #10 to be pulled for discussion. The motion was seconded by Commissioner Paul Cowley. The motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM CONSENT AGENDA.

Agenda Item # 10 from the Consent Agenda was discussed. Commissioner Brady expressed a concern raised by himself and a citizen as to whether these cabins at the Huntington Airport will be taking business away from a private entity. Is Mr. Defriez going to be charging for the cabins? Is he going to be making money? Is the Airport going to be making money? Commissioner Cowley explained the reasoning behind the cabins at the airport. Some pilots fly in and need to spend the night and fly out the next morning, usually due to bad weather. Commissioner Cowley indicated he assumes that Mr. Defriez will be charging for the stay overnight in the cabin. You could probably say that would be taking away from private business but he didn't feel it would be much. Commissioner Migliori commented that Mr. Defriez reported that they have had a few pilots need to stay overnight over the years and they just crash on the couch in the lobby. Commissioner Cowley indicated that this is more of a convenience for the pilots. Patsy Stoddard asked how much the cabins will cost to purchase? Commissioner Migliori explained that the cabins are 12 x 20, \$4,765.00 each (2 \$9,530.00). Phil Fauver commented that last year they had two pilots fly in from Colorado and they spent the night on the couches in the lobby and flew out the next morning. In his opinion we have adequate service for the pilots. Who is going to maintain the cabins? How much is that going to cost? Commissioner Cowley indicated that Mr. Defiez has an agreement with the renters at the house at the airport to maintain the pilot lounge and security at the airport, he assumes that maintenance of the cabins may become part of the maintenance agreement, but he was not sure. Patsy Stoddard asked if the \$9,530.00 includes a foundation, plumbing and electricity as well? Commissioner Cowley commented that does not include a foundation, but does include plumbing and electricity.

Commissioner Paul Cowley made a motion to approve the purchase of the cabins for the Huntington Airport. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(2)  
REPORT ON MINERS MEMORIAL

Lori Ann Larsen provided a brief report on the Miner's Memorial. The Memorial was dedicated on June 11, 2016 during the Emery County Fair. The ceremony was well attended and is now a

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beautiful addition to Emery County. She thanked the Commissioners for their support of the project. The cities have been very supportive also. She thanked Jeff Guymon for his assistance with the sound. It went very well. She added that they now turn the monument over to Emery County. She also asked the County Commissioners for their assistance in getting lighting around the monument. She asked that the county request the bids and choose the best one for the job and the Miner's Memorial Committee will pay for the lighting.

(3)

REPORT FROM THE EMERY COUNTY EVENT COORDINATOR HOLLY JORGENSEN.

Holly Jorgensen, Emery County Event Coordinator provided a follow-up to the Emery County Fair. She reported on the comments she has received from facebook followers and statistics regarding the number of visitors to the fair and other poll questions. She talked about favorable and not so favorable comments and whether people preferred a pro rodeo or an open rodeo and having the fair in the fall rather than in June. Most people preferred the pro rodeo. However, Emery County does not have the purse to bring in the big names. Maegan Wilberg commented that she would rather see locals in the rodeo as opposed to the big names. Holly talked about the contest that she had going during the fair. She had many businesses contribute to the prizes for the winners. Commissioner Brady commented that he will be looking forward to the results of the poll when it closes. They will have more discussions regarding the fair and rodeo in the coming months.

(4)

DISCUSSION ON CASTLE COUNTRY ROBOTICS CLUB. LOOKING FOR A BUILDING.

Rob Murray, Castle Country 4 H Robotics Club came before the Board of Commissioners to report on club activity. This is his 7<sup>th</sup> year with the program. He was with the program in Oklahoma. In years past he was in he reported that the club started out this year with 26 kids and ended up with 17 kids. 2 qualified for state competition taking 2<sup>nd</sup> in state qualifiers and 10<sup>th</sup> in the state. These kids range from 8<sup>th</sup> grade to 12<sup>th</sup> grade. Next year it will be offered to all grades. he is working with the high school to have a program there also. The club is going to be funded through STEM which is a state program. This year they have been housed at Clyde Thompson's old store in Castle Dale. The building has not be adequate for their needs and are looking for a larger facility. He requested a place in the county to house the club and asked if it would be possible to utilize the old Weed/Mosquito building in Castle Dale. The club is held after school. Commissioner Cowley asked if the building would adequate for their use? He was concerned for materials or chemicals that may still be in the building from the Weed/Mosquito Department or Road Department that may cause a liability issue. Mr. Murray indicated he would be using the upstairs portion of the building. Captain Ekker reported that the CST Team and Hazmat Team has cleaned the building and removed all the unknown chemicals. Mr. Murray commented that the parent program for this outfit is called The US First, a nation wide program. They have been doing this since the late 80's and have given out over \$20,000,000.00

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in scholarships with over 300,000 kids in fifty counties. Since he has been doing this 100 percent of the kids involved have gone on to college. It is a great program for getting kids into the future. Recently on 60 Minutes they said that by 2020 35% of our workforce will use robots. These kids will build these robots. The program has been growing every year. There were 36 teams in the state of Utah this past year. The Commissioners agreed to look into the use of the Weed/Mosquito building.

(5)

JEFF KELSEY, DISCUSSION AND APPROVAL OF EMERY COUNTY INSURANCE RENEWAL FOR PLAN FOR YEAR JULY 1 2016-JUNE 30, 2017.

Jeff Kelsey discussed Emery County's insurance renewal and plan for the year July 1, 2016 through June 30, 2017. He reviewed this past year's activity. He reviewed the cost of increases to programs. Mr. Kelsey recommended changing to Altius Network. The providers would remain the same. This would be a 1% increase to the plan. A lot of the carriers are pushing the rates up. So this is a great plan. He indicated that he was very pleased with the renewal offer he was able to offer today. The average market is seeing a 12% to 15 % increase. To get a 1% increase is fantastic! Commissioner Ethan Migliori made a motion to approve of the insurance renewal for Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSSION AND APPROVAL OF APPOINTMENT OF COMMISSIONER ETHAN MIGLIORI AS VICE CHAIR OF THE COMMISSION.

Commissioner Paul Cowley made a motion to approve appointment of Commissioner Ethan Migliori as Vice Chair of the Commission. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

DISCUSSION AND APPROVAL OF RESOLUTION AUTHORIZING THE FILING OF A CROSS APPEAL AGAINST LEVEL 3 COMMUNICATIONS.

Commissioner Paul Cowley made a motion to approve Resolution 6-21-16A authorizing the filing of a cross appeal against Level 3 Communications. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

DISCUSSION AND APPROVAL OF RESOLUTION AUTHORIZING THE FILING OF A CROSS APPEAL AGAINST AT&T.

Commissioner Ethan Migliori made a motion to approve Resolution 6-21-16B authorizing the



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filing of a cross appeal against AT&T. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSSION AND APPROVAL OF RESOLUTION AUTHORIZING THE FILING OF A CROSS APPEAL AGAINST SPRINT.

Commissioner Ethan Migliori made a motion to approve of Resolution 6-21-16C authorizing the filing of a cross appeal against Sprint. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSSION AND APPROVAL OF RESOLUTION AUTHORIZING THE FILING OF A CROSS APPEAL AGAINST VERIZON.

Commissioner Paul Cowley made a motion to approve Resolution 6-21-16D authorizing the filing of a cross appeal against Verizon. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

DISCUSSION AND APPROVAL OF RESOLUTION AUTHORIZING THE FILING OF A CROSS APPEAL AGAINST PACIFIC CORPS.

Commissioner Paul Cowley made a motion to approve Resolution 6-21-16E authorizing the filing of a cross appeal against Pacific Corp. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

DISCUSSION AND APPROVAL OF THE FY 2017 STATE TASK FORCE GRANT (STFG) FROM THE STATE OF UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE FOR OPERATION OF THE EMERY COUNTY SHERIFF'S OFFICE DRUG TASK FORCE.

Captain Kyle Ekker reviewed the FY 2017 State Task Force Grant (STFG) from the State of Utah Commission on Criminal and Juvenile Justice for operation of the Emery County Sheriff's Office Drug Task Force. He indicated that this is an ongoing program since 2000 to assist the County with Drug Task Force and ongoing criminal issues. The requested amount of the STFG is \$45,982.00. This is the same as in the past. Commissioner Paul Cowley made a motion to approve of FY 2017 State Task Force Grant (STFG) from the State of Utah Commission on Criminal and Juvenile Justice for operation of the Emery County Sheriff's Office Drug Task Force. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

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DISCUSSION AND APPROVAL OF COTTONWOOD RESTORATION  
PROJECT/FUNDING.

Captain Kyle Ekker discussed the Cottonwood Restoration Project and funding. He indicated that the need to have cash up front to proceed with the project to keep it moving forward and pay the bills as they come in. Several partners as agreed to come forward with cash to put into an account for this purpose. Cottonwood Irrigation has agreed to put in \$150,000.00, Emery water Conservancy District \$150,000.00, Castle Valley Special Service District \$17,000.00 and hopefully Emery County \$150,000.00 Orangeville City has not got back to him yet with what they can put into the fund. The funds will be administered by Brenda Tuttle in the Clerk/Auditor's Office. Attorney Mike Olsen indicated that he is working on a contract with J&T for engineering services and MOU's with each entity for what they will bring to the table as far as cash and in-kind service. Captain Ekker indicated that this is an emergency in nature and will either need a special meeting to approve or ratify in the next meeting. The project is moving fast. He indicated that these loose ends need to be tied up as soon as possible.

(14)

DISCUSSION AND APPROVAL FOR THE SELL OF 4 EXCESS MEDICAID BED LICENSE  
LOCATED AT FERRON CARE CENTER.

Commissioner Migliori stated that the Care Center has 4 additional medicaid bed licenses that they do not have room for. They are at full capacity with 40 and have 44 licenses. Cascade contacted the Care Center and reached out to the board to see if they would be willing to sell their 4 excess medicaid bed licenses because they are short 4 medicaid bed licenses. The Care Center Board feels comfortable in releasing these licenses to generate some revenue. Commissioner Ethan Migliori made a motion to approve selling the excess 4 medicaid bed licenses at the Ferron Care Center. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSSION AND APPROVAL FO 2016 CERTIFIED TAX RATES FOR EMERY  
COUNTY.

Brenda Tuttle reviewed the Certified Tax Rates for 2016.

General Fund: 0.003704	To generate \$7,163,805.00
Library: 0.000425	To generate \$ 821,981.00
Recreation: 0.000066	To generate \$ 127,649.00
County Assessing/Collecting: 0.000478	To generate \$ 924,487.00
 Total Tax Rate	 0.004673 To generate \$9,037,921.00

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Commissioner Paul Cowley made a motion to approve the 2016 Certified Tax Rates for Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

DISCUSSION AND APPROVAL OF 2016 CERTIFIED TAX RATES FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Jacob Sharp, Castle Valley Special Service District reviewed the Certified Tax Rate for CVSSD. Their proposed rate is 0.001916 to generate \$3,014,005.00 for their general operations.

Commissioner Paul Cowley made a motion to approve of 2016 Certified Tax Rates for Castle Valley Special Service District. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(17)

RATIFICATION OF A LIBRARY GRANT THAT WAS SUBMITTED BY CAROLE LARSEN, ORANGEVILLE LIBRARY.

Library Director, Carole Larsen discussed a library grant application. The grant will provide kindles for the libraries for circulation. They have partnered with Emery TelCom to provide covers for the kindles. They have a strict kindle loan policy and so far have not had any problems. The policy is in place to provide for a way to recover the cost to replace the kindle should it be damaged or lost. Commissioner Paul Cowley made a motion to ratify the signing of a library grant application. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(18)

DISCUSSION AND APPROVAL OF FEE WAIVER OF MUSEUM FOR FUND RAISER FOR AVERY WARD.

Meagan Wilberg requested approval for a fee waiver for the use of the Museum for a fundraiser for Avery Ward. The fundraiser will be for a dinner on July 16<sup>th</sup>. and a silent auction. All proceeds will be going to the family so they would like the fee waived. Commissioner Ethan Migliori asked if you would be willing to do this for someone else who comes for the same type of community assistance? We would be setting a precedence if we do this. We don't have any past history to base this practice on. There will be staff members attending this event but maybe

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not the next. Meagan said she would be willing to be the staff member who will be there for others who make this same request. Mary Huntington commented that this would be cleaner if there was a policy/ procedure for this type of fee waiver so you would treat everyone the same. Commissioner Migliori commented that could be delegated back to the Museum staff to bring forward a policy/procedure to be approved. For now we will table this and have the museum staff bring in a procedure or resolution draft to the commission to consider for the next meeting. We will have one more meeting if we go that direction but for today just so you can move forward we will say we are willing to go that direction. Commissioner Ethan Migliori made a motion to table. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

DISCUSSION OF GREEN RIVER SENIOR CENTER. TWO BIDS FOR CRACK FILLING & STRIPING PARKING LOT.

The funds for this project are coming through the AOG. We received two bids for this crack sealing and striping project.

- 1) Nelco, Inc. \$5,826.00
- 2) Superior Striping, Inc. \$4,410.91

Commissioner Paul Cowley made a motion to accept the low bid from Superior Striping, Inc. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Commissioner Cowley will contact Debbie Dahl at the AOG to inform her of the Commission's decision so they can proceed with the project.

(20)

DISCUSSION AND APPROVAL ALLOWING TRAVEL BUREAU PERSONNEL TO TAKE COUNTY OWNED VEHICLES HOME OVERNIGHT.

Jordan Leonard, Travel Bureau asked for approval to allow Tina to keep the county owned vehicle overnight to avoid traveling back to the parking lot to park after a meeting out of the county. The Commissioners discussed the same stipulation for the Travel Bureau that they have allowed for Weed/Mosquito and IT. The Department Head will be responsible for allowing the vehicle to remain at the employees home as he/she deems necessary. Commissioner Ethan Migliori made a motion to approve allowing the Travel Bureau personnel to take the county owned vehicle home overnight. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(21)

DISCUSSION AND APPROVAL TO ACCEPT AND CONTRACT WITH CREATIVE FIRM FOR MARKETING TOURISM IN EMERY COUNTY.

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Tina informed the Commissioners that the Travel Board has looked over the proposals for a creative firm for marketing tourism in Emery County. They have narrowed it down to two firms. It was basically a tie. She asked that the Commission table this for now to allow time to interview these two firms to see which is a better fit for Emery County in the direction that they need to move forward with. The two firms that they have narrowed it down to are HUB and HAPI. Commissioner Migliori commented that he had a chance to review the proposals and agreed that they were all good companies and agreed that we need to look at the one that understands the dynamics of Emery County. Motion to table was made by Commissioner Paul Cowley, seconded by Commissioner Ethan Migliori and the motion passed.

(22)

DISCUSSION AND APPROVAL ALLOWING TRAVEL BUREAU TO OFFER FOUR (4) SCHOLARSHIP (\$175.00 VALUE EACH) TO EMERY COUNTY LODGING AND RESTAURANT OWNER/MANAGERS.

Tina explained that this something that they have done for a couple of years. Utah Office of Tourism holds a tourism conference each year where they have wonderful speakers that focus on tourism to give them that little bit of education that they may be missing. This is something that the Travel Bureau has budgeted for. The Travel Bureau will pay the registration fee which is \$175.00 and they pay their own way. They have four spots for this scholarship. The Tourism conference is in Heber City this year and they hope owners/managers will take advantage of this offer. Commissioner Ethan Migliori made a motion to approve offering the 4, \$175.00 scholarships to Emery County Lodging and Restaurant owners/managers to attend a Tourism Conference. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(23)

DISCUSSION AND APPROVAL ALLOWING TRAVEL BUREAU TO APPLY FOR FUNDING THROUGH THE UTAH OFFICE OF TOURISM CO-OP AND OPT-IN PROGRAMS USING THEIR BUDGETED GRANT SUPPORT FUNDS AS THEIR MATCH.

Tina explained that the Travel Bureau plans to apply for seven grants this year. They will be used for their marketing campaign and things that they are currently doing, but if approved will help cut the amount we pay in half.. They have \$145,000.00 budgeted for these 50/50 grant matches. One of the big grant we will be going for is the Utah.com campaign. A lot of the business properties have bought into that. Commissioner Migliori commented that he thinks that it is smart for the county to leverage their resources to get grant money for advertisement. Use your best discretion. A reminder to be smart with the advertising because not all advertising is good advertising. Find advertising that generates a return on our investment. Commissioner

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Ethan Migliori made a motion to approve allowing the travel Bureau to apply for funding through the Utah Office of Tourism Co-Op and Opt-In Programs using their budgeted grant support funds as their match. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(24)

DISCUSSION AD APPROVAL OF CO-OP WITH UTAH STATE PARKS TO PRODUCE AND BROADCAST WITH CHADWICK BOOTH & CO. A 3-4 MINUTE FEATURE PROMOTION HIGHLIGHTING THREE TRAILS IN EMERY COUNTY.

Tina discussed the Co-Op with Utah State Parks to produce and broadcast with Chadwick Booth & Booth & Co. a 3-4 minute feature promotion highlighting three trails in Emery County. The three trails suggested for the features are Devils Race Track/ Eva Conover which will connect Ferron City and Millsite State Park and Golf Course, Tusher Canyon Trail which will connect with Green River city and Green River State Park, and Hole OHV Trail which will connect to Goblin Valley State Park.. Our match will be \$3,900.00 for the three trails and the state will pay \$12,000.00. Commissioner Brady suggested asking if the trails can be broken down to a minute and a half segments to separate them. Jordon Leonard added that this is a great deal and opportunity to move visitors into the communities to spend money. Commissioner Paul Cowley made a motion to approve of Co-Op with Utah State Parks to produce and broadcast with Chadwick Booth & Co. a 3-4 minute feature promotion highlighting three trails in Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(25)

DISCUSSION AND APPROVAL OF LETTER WITH SITLA REGARDING LAND NEAR GREEN RIVER.

Commissioner Brady discussed a letter regarding the land and the people who want to purchase the land. This is regarding the Mancos Hill property in Green River. Commissioner Ethan Migliori made a motion to approve the letter. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(26)

DISCUSSION AND APPROVAL TO MOVE SITLA PARCELS AROUND MUNICIPALITIES.

This gives the cities more leverage to build and expand. This is just to make sure all the Commissioners are on the same page and in agreement to approve of moving parcels around municipalities. They Commissioners were in agreement with this practice. they hope to be able to move this forward with the Public Lands Initiative. Commissioner Paul Cowley made a motion to approve to move SITLA parcels around municipalities. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(27)  
COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk reported that they are preparing for a busy summer. Parades are a lot of work and the Heritage Day Parade is coming up.

Commissioner Migliori extended a special thanks to all those who helped with the Emery County Fair and a special thanks to the Rec Staff and Board members.

Commissioner Brady reported on the recent Rocket Competition in Green River City. This year they had over 600 participants and expect it grow with each year.

Commissioner Cowley reported on the success of the Miner's Memorial. The Memorial Committee presented the Commissioners with a miner's light replica as a thank you for the county's support. He highlighted a book put together by Lori Ann Larsen naming all the miners in Emery County. The book is available at the Museum and Libraries. All proceeds from the sale of the book goes back into the miners' memorial fund. He added that over half of those named in the book he knows of or knows their family.

(28)  
ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 5, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 240856 through and including # 240973 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
25-16	Maintenance Agreement/Scanner Upgrade Sheriff	\$12,162.00

There were no dispositions.

(2)  
APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 8, 2016

(3)  
APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 21, 2016

(4)  
NOTIFICATION. SUZANNE ANDERSON SELECTED AS THE PART TIME ARCHIVE SPECIALIST WORKING 19 3/4 HOURS PER WEEK. WAGE GRADE 11.

(5)  
APPROVAL OF ENGAGEMENT CONTRACT WITH D. SCOTT CROOK LAW TO REPRESENT EMERY COUNTY IN GENERAL HUMAN RESOURCE AND PERSONNEL MATTERS.



2

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(6)

APPROVAL TO HIRE KIP ALLRED AS A FULL TIME EQUIPMENT OPERATOR/DRIVER WITH FULL BENEFITS. GRADE 16.

(7)

NOTIFICATION. GLORIA WILSON HAS BEEN SELECTED AS THE PART TIME JANITOR IN THE HUNTINGTON LIBRARY WORKING 7.5 HOURS PER WEEK. GRADE 6.

(8)

NOTIFICATION. SPENCER FAUVER HAS BEEN SELECTED AS A PART TIME LIFEGUARD WORKING 19 3/4 HOURS PER WEEK. GRADE 3.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

KAREN DOLEN, FCCBH, CONSIDERATION AND APPROVAL OF FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH, INC. FY 2016 AREA PLAN.

Karen Dolen, FCCBH came before the Board of Commissioners to present their area plan for Emery County. In order to receive federal and state funding they need approval and signatures from the Commissioners as the Governing Board for FCCBH. Commissioner Keith Brady sits on this board and indicated that the Health Board has approved this plan. Commissioner Ethan Migliori made a motion to approve of FCCBH FY 2016 Area Plan for Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

DISCUSSION FOR THE COUNTY TO TAKE OVER THE ARAPEEN TRAIL JAMBOREE.

Mark H. Williams came before the Board of Commissioners to discuss the future of the Arapeen Trail Jamboree. Mr. Williams explained that due to his age he is not able to continue to coordinate the jamboree and asked that the Commissioners consider turning it over to the Travel Bureau under the Event Coordinator's direction for next year. For this year's jamboree they already have 14 participants signed up and the volunteers are all lined up. The Hub will be in

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Castle Dale this year. He further explained that he has been coordinating the jamboree for the last 14 years. In the beginning they advertised heavily in magazines like 'Dirt Wheels' which generated big interest in the event. For a couple of years they had about 70 participants. Participation dropped when they discontinued advertising. The biggest drawback has been the lack of infrastructure in the county. He indicated that his wife has had to cook the breakfast and subsequent meals. This event could be an economic benefit to the county. Emery County is an ATV friendly county and everyone is excited to show off our area to visitors. Mark indicated that he approached Tina and the Travel Bureau to ask that they consider taking the event over. Tina discussed the fees paid by the participant, what the fee covers and what the Travel Bureau proposed for the event. Mark explained that the participant gets five days of guided trail rides with continental breakfast and t-shirt. There is one meal included on the last night. Any other meals they may request will be catered and the caterer will be paid for that meal. The cost is \$30.00 a day. (\$120.00 for the five days) In order to be on the trails they need insurance and in the past the insurance for the event was carried through the Rec District. Commissioner Migliori suggested coordinating with the Rec. District and find the right fit for the advertising and other parts that may need to be worked out. He indicated that with the right partnership we should be able to make this happen. They will continue to work through the process.

(4)

DISCUSSION AND APPROVAL OF AGREEMENT TO FORM AN EMS INTERLOCAL AGENCY.

Commissioner Brady commented that in talking with the county attorney the paperwork is not quite ready yet. This item will be brought back at another meeting.

(5)

APPROVAL TO ADVERTISE THE OPEN BOARD OF DIRECTOR'S SEAT FOR THE EMERY COUNTY TRAVEL BUREAU. THIS DIRECTOR WILL REPRESENT THE WESTERN HALF OF EMERY COUNT AND MUST BE A LODGING OR RESTAURANT PROPERTY OWNER OR MANAGER TO QUALIFY.

Commissioner Brady indicated that they have one member, Jim Fauver of the Travel Board resign. Mr. Fauver indicated that he was not contributing enough to the board and asked to be replace. Commissioner Ethan Migliori made a motion to advertise for a board seat on the Emery County Travel Bureau. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(6)

RATIFICATION OF COMMENT LETTER TO BLM REGARDING THE MASTER LEASING PLAN SCOPING IN THE SAN RAFAEL DESERT FOR OIL AND GAS.

Commissioner Brady indicated that the comment letter had to be in last Friday. He indicated that BLM gave the county short notice. Commissioner Paul Cowley made a motion to ratify the signing of a comment letter to BLM regarding the Master Leasing Plan Scoping in the San Rafael Desert for oil and gas. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

DISCUSSION AND APPROVAL TO ADVERTISE FOR THE POSITION OF THE DIRECTOR OF THE SENIOR CITIZEN CENTERS IN EMERY COUNTY.

Commission Cowley explained that the county is looking to pull away somewhat from the AOG. The County would like to have their own director over the Senior Citizen centers. This director would coordinate and oversee the functions of the centers such as building use and maintenance. The AOG will still maintain responsibility for overseeing the programs. Commissioner Ethan Migliori made a motion to approve advertising for the position of the Director of the Senior Citizen Centers in Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

RATIFICATION OF FIVE JOINT PERMIT APPLICATIONS-US ARMY OF CORPS OF ENGINEERS-FOR SECTIONS 404 AND 10-UTAH STATE ENGINEER'S OFFICE -FOR NATURAL STREAM CHANNELS, FOR THE COTTONWOOD CREEK PROJECT UNDER THE NRCS EMERGENCY WATERSHED PROTECTION PROGRAM. PROJECT SITES INCLUDE WATER TREATMENT PLANT, XTO FACILITY, BARKER RESIDENCE, ORANGEVILLE CITY AND CASTLE DALE CITY.

Commissioner Brady explained that the permit applications are for stream alteration permits to move forward with the project. This is emergency funding so the project is on the fast track and we need to move quickly. Commissioner Ethan Migliori made a motion to ratify approval of five joint permit applications for US Army Corps of Engineers for Sections 404 and 10 of Utah State Engineer's Office for natural stream channels for the Cottonwood Creek Project under the NRCS Emergency Watershed Protection Program. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(9)

DISCUSSION AND APPROVAL TO ACCEPT AND CONTRACT WITH CREATIVE FIRM FOR MARKETING TOURISM IN EMERY COUNTY.

Tina Carter, Emery County Travel Bureau explained that the travel board recommended contracting with the creative firm “HUB” for marketing tourism in Emery County. She explained that they have \$90,000.00 in the budget which \$45,000.00 of will be used to leverage for additional funds. Commissioner Brady added that there were 13 creative firms who put in proposals. The board felt that the firm “HUB” was a better fit for what the county is looking to target in the market. Commissioner Paul Cowley made a motion to approve and accept a contract with the creative firm “HUB” for marketing tourism in Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

DISCUSSION AND APPROVAL FOR CASTLE COUNTRY ROBOTICS TO USE THE FORMER WEED AND MOSQUITO BUILDING IN CASTLE DALE.

In the last Commission Meeting the Commissioners was asked by Castle Country Robotics Director Rob Murray to use the old Weed/Mosquito building in Castle Dale. At that time there was concern that the building may still have unknown chemicals in the building and that the building is safe and accessible for the students. Captain Ekker indicated that the Hazmat Team had removed any unknown chemicals from the building. Commissioner Cowley commented that he felt the program was great and was happy about the fact that the high school is coming on board with the program. It would be great to have a place where they can work on their projects and not have to put things away and pick back up the next day. Commissioner Migliori commented that he is concerned that we have the right contract in place. If someone breaks into the building and destroys their work there needs to be something in place to cover everyone. Attorney Mike Olsen still had some questions about unknowns when it comes to what is expected by everyone at the table. Mike will work on a contract and coordinate with Mr. Murray to come up with a contract that will work for everyone. Commissioner Paul Cowley made a motion to approve the concept of moving forward with Castle Country Robotics to use the former Weed/Mosquito Building in Castle Dale and have Attorney Mike Olsen work with Mr. Murray to draft a contract that will work for all. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

6

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(11)

DISCUSSION AND APPROVAL OF CASTLE DALE LIBRARY TO APPLY FOR A GRANT.

Commissioner Ethan Migliori made a motion to approve of Castle Dale Library applying for a grant. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSSION AND APPROVAL FOR SETTING TIME AND DATE OF BOARD OF EQUALIZATION IN GREEN RIVER.

Commissioner Ethan Migliori made a motion to set the time and date for BOE in Green River as Tuesday, August 23, 2016 from 1:00 pm until 3:00 pm, after which Commission Meeting will commence at 3:00 pm. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk reported that their annual Triathlon will be held on July 16<sup>th</sup>. There will be a fund raiser dinner for Search and Rescue the 15<sup>th</sup>.

Commissioner Ethan Migliori commented that he wanted to curb the talk around the county that the economy is stagnant. There are still a lot of good things happening, economically, in the county. He talked about discussions with Utah Office of Procurement and Technical Assistance to get a local representative in our area to aide in getting government contracting for businesses in the county.

There are some openings in Assisted Housing. If you know of anyone in our area that is struggling please send them to the Housing Authority Office where they can receive assistance.

Commissioner Brady talked about going up Woodward Road which has been closed off since the Seely Fire. The Forest Service wanted to keep the road closed mostly because of the fire, but now a culvert has been washed out making the road impassable. Representatives from Carbon County, Emery County and Forest Service met there where discussions revolved around getting the culvert fixed, getting the road open and then getting the FS to go through a scoping session to see how the public wants the road to be. Apparently the FS has had some comments regarding keeping the road closed, mostly from non-motorized users. However, motorized users want it open. Right now we just want them to open it up to its current use and proceed with the scoping session to see how it could be used in the future.

Commissioner Cowley commented that he is one of the non-motorized users who wants the road

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to remained closed. He recognized that there will be a scoping meeting and he will be giving his comments at that meeting. He commented that it was a natural disaster that wiped out that road. He stated that there is ample access available to the ATV users and very little access available for equestrian and hiking use. He stated that in his opinion, where it has been closed for this long, it should be left as non-motorized use.

(14)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE CANVAS OF ELECTION  
FOR THE JUNE 28, 2016 PRIMARY ELECTION

July 11, 2016

Present at the meeting were Commissioner Keith Brady, Commissioner Ethan Migliori, Commissioner Paul Cowley, IT Director Jeff Guymon, and Clerk/Auditor Brenda Tuttle.

Clerk/Auditor Brenda Tuttle reported that there were 6 ballots that were verified and counted and 3 ballots that had postmarks after the deadline so they were not counted.

The total votes counted was adjusted to reflect the 6 verified votes.

Commissioner Ethan Migliori made a motion to accept the canvass of votes for the June 28, 2016 Primary Election. The motion was seconded by Commissioner Keith Brady. The motion passed.

The meeting was adjourned.

Attest: \_\_\_\_\_ Commissioner: \_\_\_\_\_

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

JULY 19, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #241011 through and including #241142 was presented for payment.

There were no requisitions or dispositions.

(2)

APPROVAL FOR DUSTY BUTLER FOR OUT-OF-STATE TRAVEL TO LAS VEGAS FOR TASER INSTRUCTOR TRAINING.

(3)

APPROVAL OF OUT-OF-STATE TRAVEL FOR CAPTAIN EKKER, AND DETECTIVES BARNETT, CONOVER AND CURTIS TO ATTEND THE UNOA ANNUAL CONFERENCE IN MESQUITE, NEVADA ON AUGUST 22 THRU 26, 2016.

(4)

APPROVAL OF OUT-OF-STATE TRAVEL FOR CAPTAINS KYLE EKKER AND JEFF THOMAS, AND DETECTIVES BARNETT, CONOVER AND CURTIS TO ATTEND THE CNOA ANNUAL CONFERENCE IN SAN DIEGO, CALIFORNIA NOVEMBER 17 THRU 23, 2016.

(5)

APPROVAL OF CELL PHONE STIPEND REQUEST FOR MELANY WEAVER IN THE ATTORNEY'S OFFICE.



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(6)

NOTIFICATION. ROAD DEPARTMENT SELECTED JOHN WILSON AS A PART TIME,  
WORKING 19 3/4 HOURS PER WEEK. EQUIPMENT OPERATOR/DRIVER I. WAGE  
GRADE 16.

Commissioner Paul Cowley made a motion to approve the Consent Agenda adding that the cell phone stipend for Melany Weave is the standard stipend. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing was pulled.

(2)

PRESENTATION BY LORI NAY FOR RURAL UTAH ALLIANCE FOUNDATION.

Lori Nay, Rural Utah Alliance Foundation presented information regarding Rural Utah Alliance Foundation. Founded by Mark Whitney from Beaver County the foundation is comprised of rural county commissioners with a goal to represent rural counties in areas specific to rural communities and counties. Their goal is to provide a consulting hot line, resource information that is up to date with relevant issues, lobbying the legislature on behalf of rural counties and drafting legislation that is relevant to rural counties and its residents, and being a unified voice, sharing information and opportunities by networking with other rural counties and leaders. The annual fee to be a member county in the alliance is \$5,000.00. The foundation is funded this first year with \$250,000.00 by the 2016 Utah Legislature and is supported by Utah Association of Counties. They have eight counties participating so far. Kanab, Iron, Washington, San Juan, Garfield, Piute, and Wayne. The legislature will continue to fund as long as it finds value in the alliance. The alliance is a non-profit, 501C association. Ms. Nay indicated that this first year the membership fee will be \$2,500.00 and ask for one Commissioner from each participating county. Ray Petersen asked how the top two board members are chosen. Ms. Nay explained that they are still in the organizing stage and once the structure is in place they will draft the by-laws and organize the board. Commissioner Keith Brady asked for time to talk it over and possibly put it on the next agenda.

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(3)

ALAN DURRANT, PRESENTATION, DISCUSSION AND APPROVAL, REGARDING  
EAGLE SCOUT PROJECT AT LITTLE BEAR CAMPGROUND.

Alan Durrant proposed an Eagle Scout Project for Little Bear Campground. He explained that there is a historical marker identifying the original trail used in 1932 by cattlemen in Huntington to get cows up on Gentry. The trail was made by drilling holes up the canyon. It was used during the depression and drought years and is named the Hole Trail. The marker is in a dilapidated state and unidentifiable due to overgrowth and age. Alan proposed replacing the sign with a steel sign or an etched sign to make it more permanent. He would also give credit to the previous scout who put up the original sign. Commissioner Cowley added that the sign would need to indicate the direction of the trail( which is directly across the road from the entrance of Little Bear Campground). Commissioner Cowley asked his plans for funding of the project. Alan indicated that he does not have funds for the project but asked if the county could donate materials or fund the cost of the materials. He indicated that he is looking for an aluminum base that will not rust. Other supplies that he will need include: cement, powder coating, 2x4 beam, framing materials, and a post to reposition the sign. Commissioner Brady suggested contacting UDOT to find out the type of decals they use. He asked how soon he was looking to start the project. Alan explained that he has three months to complete the project but hopes to have it completed before school begins. His scout troop and the Young Men's Quorum will be helping with the project. Commissioner Migliori suggested donating \$250.00 to the project rather than trying to furnish the supplies. He recommended that Allen get with Jeff Guymon to get a good placement for the sign. Commissioner Ethan Migliori made a motion to donate \$250.00 to an Eagle Scout Project/Alan Durrant at Little Bear Campground to use as he needs for the project and provide invoices to the Commission. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

DISCUSSION AND APPROVAL TO CONTRACT WITH ETV 10 TO DO 30 AND 60  
SECOND VIDEOS FOR EVENTS AND TOURISM.

Tina Carter, Emery County Travel Council discussed a contract with ETV 10 to do 30 and 60 second videos for events and tourism in Emery County. The cost for the videos is \$300.00 per 30 or 60 second event video not to exceed \$300.00 or 12 hours of filming and editing. These videos will be put on youtube and facebook. The Travel Bureau has some ideas for what they want to do for the videos. This will be paid through the Travel Bureau. Commissioner Paul Cowley made a motion to approve of contract with ETV10 to do 30 and 60 second videos for events and tourism in Emery County. The motion was seconded by Commissioner Ethan

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Migliori. The motion passed.

(5)

DISCUSSION AND APPROVAL OF MOU BETWEEN BLM AND EMERY COUNTY TO  
INSTALL TRAIL KIOSKS.

Commissioner Brady discussed an MOU between BLM and Emery County to install trail kiosks. The BLM is giving Emery County two kiosks that have been put together by BLM office staff. The location of the first kiosk is proposed to be on the corner of Farrer and Green River Avenue on county property. The second kiosk would be placed south of Green River on Airport Road where the road forks and heads south into the desert, in the right-of-way as owned by Emery County. The kiosks will be installed by the county road department and maintained by the Sage Riders Motorcycle Club. Commissioner Ethan Migliori made a motion to approve of an MOU between BLM and Emery County to install trail kiosks. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSSION AND APPROVAL OF AGREEMENT TO FORM A EMS INTERLOCAL  
AGENCY.

Tabled.

(7)

DISCUSSION AND APPROVAL OF ADDING TO THE BALLOT THIS NOVEMBER THE  
.25% SALES OPTION TAX AS ALLOWED BY HB 364.

Commissioner Brady discussed adding to the ballot this November the .25% sales option tax as allowed by HB 364. Huntington, Orangeville, Castle Dale and Green River City have all passed resolutions to request the tax option. The tax will aid in roads and will be taxed on retail sales. Legislation says the money comes into the county but the county cannot implement the option tax. The cities will have to champion the effort for the option tax. Brenda Tuttle reminded the Commission that the county has to remain neutral on the issue. 50% comes to the county and 50% will be divided by the cities. The League of Cities and Towns is in support of the option tax. If passed by the citizens in the November election the option tax will be implemented in 2017. Commissioner Paul Cowley made a motion to approve adding to the ballot this November the .25% sales option tax as allowed by HB 364. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(8)

DISCUSSION AND APPROVAL OF MODIFICATION NO. 1 TO AGREEMENT NO.161608 BETWEEN UTAH DIVISION OF WILDLIFE RESOURCES AND THE UTAH DIVISION OF STATE PARKS AND RECREATION AND EMERY COUNTY FOR BOAT RAMP EXTENSION AND PARKING EXPANSION DESIGN AT JOE'S VALLEY RESERVOIR.

Commissioner Ethan Migliori made a motion to approve of Modification No. 1 to Agreement No. 161608 between Utah Division of Wildlife Resources and the Utah Division of State Parks and Recreation and Emery County for boat ramp extension and parking expansion design at Joe's Valley Reservoir. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSSION AND APPROVAL OF THE 2015 FINANCIAL STATEMENT REPORT OF EMERY COUNTY.

Commissioner Paul Cowley made a motion to approve of the 2015 Financial Statement Report of Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

DISCUSSION AND APPROVAL OF THE UTAH DEPARTMENT OF PUBLIC SAFETY(DPS) DIVISION OF EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) OBLIGATING DOCUMENT FOR AWARD IN THE AMOUNT OF \$34,000.00 AND ARTICLES OF AGREEMENT.

Captain Kyle Ekker discussed the Utah Department of Public Safety (DPS) Division of Emergency Management Performance Grant (EMPG) obligating document for award in the amount of \$34,000.00 and Articles of Agreement. He explained that the funds are used for training exercises. They also must agree to attend the Governor's Summit. They must also comply with the Articles of Agreement. The award this year is \$34,000.00. Commissioner Paul Cowley made a motion to approve of the Utah Department of Public Safety (DPS) Division of Emergency Management Performance Grant (EMPG) and obligating document for award and Articles of Agreement. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(11)

DISCUSSION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND COTTONWOOD CREEK IRRIGATION COMPANY AND EMERY WATER CONSERVANCY DISTRICT FOR PROVIDING CASH CONTRIBUTIONS TO THE EMERY COUNTY EWP FLOOD PROJECT ALONG COTTONWOOD CREEK.

Commissioner Brady explained that the purpose of the MOU is to formalize an understanding of cooperation and assistance between parties ( Emery County, Cottonwood Creek Irrigation Company, and Emery Water Conservancy District) in providing cash contributions to the Emery County Flood Project also known as the Cottonwood Restoration Project. Each party agrees to contribute \$150,000.00 in cash contributions. The funds will be deposited in the account set up specifically for this project and will be withdrawn as needed throughout the project to keep the bills paid. It is anticipated that further funds may be needed to complete the project. The parties will contribute in equal amounts, up to \$50,000.00 in cash contribution. Upon completion of the project, if any funds remain in the account, they will be divided evenly between the parties. It is contemplated that the completion of this project will require an additional \$600,000.00 in materials and labor. An additional MOU will be drafted after final plans have been approved. Commissioner Ethan Migliori made a motion to approve an MOU between Emery County and Cottonwood Creek Irrigation Company and Emery Water Conservancy District for providing cash contributions to the Emery County Flood Project along Cottonwood Creek. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

APPROVAL TO REAPPOINT RANDY JENSEN TO THE CAREER SERVICE COUNCIL.

Commissioner Paul Cowley made a motion to re-appoint Randy Jensen to the Career Service Council. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

RATIFICATION OF A TIME EXTENSION FOR SOUTH MOORE, PHASE 10, ENGINEERING CONSTRUCTION CONTRACT WITH JOHANSEN & TUTTLE. DID NOT CHANGE THE DOLLAR AMOUNT OF THE CONTRACT.

Merrill Johansen explained that the time extension for the So. Moore, Phase 10 Engineering Construction Contract with J&T Engineering is to extend the project completion date to October 31, 2016 to allow time to put together all the necessary documents to close out the project. The dollar amount of the contract did not change. The document needed to signed before this meeting so ratification of signing the document is needed. Commissioner Paul Cowley made a motion to ratify the signing of a Time Extension for South Moore, Phase 10, Engineering Construction

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Contract with Johansen & Tuttle. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

RATIFICATION FOR SUBMITTAL FOR PAYMENT TO JOHANSEN & TUTTLE FOR THE CONSTRUCTION CONTRACT FOR THE SOUTH MOORE, PHASE 10 ROAD PROJECT. PAY REQUEST WAS FOR THE ORIGINAL CONTRACT AMOUNT.

Commissioner Paul Cowley made a motion to ratify submittal for payment to Johansen & Tuttle for construction contractor for the South Moore, Phase 10 Road Project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

RATIFICATION OF COMMENTS MADE ON BEHALF OF THE COMMISSION FOR CONGRESSMAN CHAFFETZ IN SUPPORT OF THE PLI BILL THAT WAS INTRODUCED TO CONGRESS THURSDAY, JULY 14, 2016.

Commissioner Brady read comments made on behalf of the Commissioner for Congressman Chaffetz in support of the PLI bill that was introduced to congress Thursday, July 14, 2016. It read: Emery County has been involved in a collaborative public land management process since 2008, involving many stakeholders. When we were asked to be a part of the Public Lands Initiative, we were pleased that other counties were going to engage in similar public lands collaboration, and that we could be part of a process that would address management issues on a regional basis.

We appreciate the effort that has been made by you and Congressman Bishop to engage stakeholders in each of the counties, and address all the many issues regarding public land management. We feel your process has been fair and inclusive. We are pleased to see draft legislation made available for further process and discussion. We look forward to continued discussion of the draft legislation as it makes its way through Congress.

The Emery County Commission supports the Public Lands Initiative, and will work to ensure its success.

Commissioner Ethan Migliori made a motion to ratify approval of comments made on behalf of the Commission for Congressman Chaffetz in support of the PLI Bill that was introduced to Congress Thursday, July 14, 2016. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(16)

RATIFICATION OF COMMENTS MADE ON BEHALF OF THE COMMISSION AT THE COMMUNITY MEETING HELD IN BLUFF, UT WITH DOI SECRETARY JEWELL AND BLM DIRECTOR KORNZE REGARDING THE PLI.

Commissioner Brady read comments made on behalf of the Commission at the community meeting held in Bluff, Ut with DOI Secretary Jewell and BLM Director Kornze regarding the PLI.

It read: Emery County is supportive of the Public Lands Initiative. We chose to participate in this effort when Congressman Bishop made the invitation four years ago. We are committed to all stakeholders, especially those who are active resource users, regularly benefitting from the natural resources available on our public lands.

Emery County was fortunate to host Secretary Jewell and Director Kornze a couple of days ago and share with them the results of eight years of planning, collaboration and decision making regarding the federal land in our county. We were afforded the opportunity to explain the exhaustive process we undertook. We believe the collaborative process we used resulted in land management decisions that are best for the land, the resources, and the resource users. Some of the decisions include: over a million acres of conservation designation, one hundred miles of Wild and Scenic River designation, boundary realignment have helped eliminate management problems for the Price Field Office. Cooperative management in and around Goblin Valley State Park will help us implement management strategies that will better preserve resources there.

Besides the conservation measures that sometimes steal the spotlight in the PLI, the proposed legislation will also assure regulatory certainty for recreationists, livestock permittees, energy developers and others. Proposed land exchange of federal and SITLA properties will benefit school children, the state of Utah, Emery County and the federal government. Disposal of "island properties" on BLM land will benefit private property owners and eliminate another management with and for BLM.

The specific management details with PLI are only possible by engaging, accommodating and honoring the specific knowledge that only the resource users can provide. Management theory, guidelines, GIS and computer modeling are helpful tools, but unless there is good, basic, grass roots, time tested information made available to plug into these tools, the results are questionable; "garbage in-garbage out".

As Congressman Bishop stated at the onset of this process, we need to approach land management from a different angle if we want to avoid the capricious, polarizing, politicizing processes that has previously been the norm. The PLI process is the different angle; locally

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driven, all inclusive, down to earth collaboration.

Please stop listening to the cacophony and give the PLI the attention it deserves.

Commissioner Ethan Migliori made a motion to ratify approval of comments made on behalf of the Commission at the community meeting held in Bluff, UT with DOI Secretary Jewell and BLM Director Kornze regarding the PLI. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Migliori thanked all those involved with the Junior Livestock Show this year. USU Extension Service, 4H Camp still has camps though the year. Business Chamber Luncheon & Learn will be tomorrow and he invited all to attend.

Commissioner Cowley reported that the Senior Citizens will hold their annual Summer Party in Huntington. The meal will be provided by BK's. No date or time yet.

Commissioner Brady reported that there is a Forest Service Planning Meeting today, here in the Swell Room from 5pm until 7pm. He reported on taking Secretary Jewell and Director Kornze on a tour of Buckhorn Draw and the Wedge while they were in the county.

(18)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSION: \_\_\_\_\_



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

AUGUST 2, 2016

present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #241162 through and including #241278 was presented for payment.

There were no requisitions.

There was one disposition from the Road Department for #415-6247 a 1995 Caterpillar Grader traded in for a newer grader.

(2)

APPROVAL OF MINUTES OF THE CANVAS OF ELECTION FOR THE JUNE 28, 2016 PRIMARY ELECTION.

(3)

APPROVAL OF MINUTES OF JULY 5, 2016 COMMISSION MEETING.

(4)

APPROVAL OF MINUTES OF JULY 19, 2016 COMMISSION MEETING.

(5)

RATIFICATION OF OUT-OF-STATE TRAVEL TO LAS VEGAS, NV TO CONSULT WITH LAW ENFORCEMENT OFFICIALS FOR SHERIFF GREG FUNK, CAPTAIN KYLE EKKER, DETECTIVE JEROD CURTIS , AND DETECTIVE JOHN BARNETT REGARDING A CASE THAT'S BEING INVESTIGATED.

(6)

APPROVAL OF OUT-OF-STATE TRAVEL TO LAS VEGAS, NV TO CONSULT WITH LAW ENFORCEMENT OFFICIALS FOR SHERIFF GREG FUNK, CAPTAIN KYLE EKKER, DETECTIVE JEROD CURTIS AND DETECTIVE JOHN BARNETT AS CASE REQUIRES.

2

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(7)

APPROVAL OF OUT-OF-STATE TRAVEL TO LAS VEGAS, NV TO CONSULT WITH LAW ENFORCEMENT OFFICIALS FOR THE COUNTY ATTORNEY'S OFFICE REGARDING A CASE THAT IS BEING INVESTIGATED, AS CASE REQUIRES.

Motion to approve the Consent Agenda was made by Commissioner Ethan Migliori, Seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

(2)

PRESENTATION BY WAYNE URIE IN REFERENCE TO HUNTINGTON CREEK WATERSHED PLAN ADDED TO EMERY COUNTY MASTER PLAN.

Wayne Urie, Natural Resources Conservation District, Watershed Coordinator presented information to the Commissioners regarding the Huntington Creek Watershed Plan. The plan took over 14 months to put together with efforts from all the agencies involved. It is a useful plan that everyone can use. Local landowners provided project suggestions and requests. The plan has been submitted to the EPA. With this plan in place the agency can apply with EPA for 319 funds to complete projects. The San Rafael Conservation Special Service District recommends approval of the plan. Ray Petersen commented that the Planning Commission is currently in the process of making recommendations to the County Commission for changes to the General Plan and suggested that the plan should go before the Planning Commission first to be included in the General Plan with other recommendations from the board. Commissioner Brady suggested that Wayne get with Jeff Guymon to get on the Planning Commission agenda.

(3)

DISCUSSION AND APPROVAL FOR A DONATION TO THE VIETNAM VETERAN'S APPRECIATION DAY ON SEPTEMBER 10, 2016. REQUEST FROM THE EVENT PLANNER, HOLLY JORGENSEN.

Holly Jorgensen, Event Planner came before the Board of Commissioners to request a donation of \$200.00 to the Vietnam Veterans' Appreciation Day on September 10, 2016 in Ferron. She

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would like to pay for the breakfast for the veterans' and their wives which she anticipates costing approximately \$700.00. She received a donation of \$800.00 from the Department of Veterans' Affairs and other donations from businesses. They are hoping to get the Governor here. They anticipate 60-75 veterans. There have been celebrations like this in three other locations in the state but not in eastern Utah. They expect veterans from San Juan, Carbon, Sanpete, Sevier, even Heber City. She indicated she may not need all \$200.00 but just wants to make sure she has enough to pay for the veterans' breakfasts. Commissioner Paul Cowley made a motion to approve up to \$200.00 for the Vietnam Veterans' Appreciation Day on September 10, 2016. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

RATIFICATION OF SPILLMAN TECHNOLOGIES, INC. THIS DOCUMENT WAS A  
ADDENDUM TO THE PURCHASE AGREEMENT PREVIOUSLY ENTERED INTO  
BETWEEN THE COUNTY AND SPILLMAN.

Sheriff Funk explained that Spillman Technologies provides the training for their programs. He stated that Spillman wanted \$8,500.00 per week for these training programs. He was able to negotiate the cost to \$7,500.00 for all the training. The document needed to signed and forwarded to Spillman Technologies before the date of this meeting. Commissioner Ethan Migliori made a motion to ratify approval of an addendum to the purchase agreement with Spillman Technologies. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSSION AND APPROVAL OF FAMILIARIZATION (FAM) TOUR INDEPENDENT  
SERVICE PROVIDER AGREEMENT BETWEEN EMERY COUNTY AND SAN RAFAEL  
COUNTRY ADVENTURES.

Tina Carter, Travel Bureau, explained that the Attorney's office has created a template for connecting journalist and photographers with tour guides. They have one of their tour guides that has completed the application. The FAM Tour Independent Service Provider Agreement will ensure the tour guide will provide the guest with a safe and desirable experience during their visit by following the itinerary requested for each FAM Tour. This first particular group is from a Chinese National Astronomy group with a focus on Goblin Valley because of the Dark Sky. Commissioner Ethan Migliori made a motion to approve of Familiarization (FAM) Tour Independent Service Provider Agreement between Emery County and San Rafael Country Adventures. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(6)

DISCUSSION AND APPROVAL OF EMERY COUNTY TRAVEL BUREAU MAIN STREET INCENTIVE PROGRAM APPLICATION FOR GORDON'S GARDEN CAFÉ.

Jordan Leonard, Economic Development, explained that the Emery County Travel Bureau Main Street Incentive Program is for improvements to businesses looking to upgrade the curb appeal of their business, such as signage and business front upgrades on a case by case basis. To qualify the applicant must be restaurant or hotel owners who contribute back to the county by way of the Transient Room Tax which comes back to the county to replenish the fund. The Incentive Program is a 50% match up to \$5,000.00. Gordon's Garden Café has applied for \$5,000.00 to make improvements to their café, add a small shed-like building for outside concessions and expand the greenhouse. Commissioner Migliori asked if there is any opposition from any members of the Travel Board? Jordan indicated that there was no opposition. If approved Gordon's would receive \$2,500.00 up front and \$2,500.00 upon submitting receipts and completion of the project to make sure the matching funds meet our requirements.

Commissioner Ethan Migliori made a motion to approve Gordon's Garden Café for the Emery County Travel Bureau Main Street Incentive Program for \$2,500.00 up front and \$2,500.00 upon submitting receipts and completion of the project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

DISCUSSION AND APPROVAL OF JOE'S VALLEY CLIMBING CONSERVATION INITIATIVE SUSTAINABLE RECREATION DEVELOPMENT AND MAINTENANCE-PARTNERSHIP BETWEEN EMERY COUNTY AND ACCESS FUND.

Tina Carter explained that the Joe's Valley Climbing Conservation Initiative Sustainable Recreation Development and Maintenance is a group organized for the sustain ability of Joe's Valley Climbing and it's recreation needs. This agreement is for this group to maintain trails in the bouldering area of Joe's Valley through the Trails Committee. Their point of contact will be Tina who will work through the Trails Committee, Jordan Leonard and Ray Petersen. There are a few bullets that she explained. They asked that they assist in advertising and communicating future needs, help with advertising events so that they get more participation, if we see any future opportunities that we inform them so that they can take advantage of them, that if there is a project that they are doing that the County would consider sending a letter of support for those as well, if there is any future projects that we could see down the road that would have funding available that the county could not go after themselves, that the group would be willing to jump through the hoops and create application for the funds. They asked that the County put the word out that they are doing this help not only the climbers but the community as well.

Commissioner Brady added that he has had several conversations with Access Fund, Tyler Tyson. They have expressed a love for the Joe's Valley area and willingness to go after funds to help maintain the trails to the boulders. Commissioner Paul Cowley made a motion to approve

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of Joe's Valley Climbing Conservation Initiative Sustainable Recreation Development and Maintenance Partnership between Emery County and Access Fund. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

DISCUSSION AND APPROVAL OF LETTER OF SUPPORT FOR ACCESS FUND-JOE'S VALLEY CLIMBING CONSERVATION INITIATIVE FOR THE UTAH OUTDOOR RECREATION INFRASTRUCTURE GRANT PROGRAM.

Tina explained that the group met with the Trails Committee and informed the Committee that they are going after funds through the Utah Office of Outdoor Recreation a grant fund. In the grant application a requirement is letters of support. They have asked Emery County for a letter of support. It is a project that the Trails Committee looked at and considered to be a worthy project for the county. This something that the Trails Committee has recommended to the Commissioners. Commissioner Ethan Migliori made a motion to approve a letter of support for Access Fund-Joe's Valley Climbing Conservation Initiative for the Utah outdoor Recreation Infrastructure Grant Program. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSSION AND APPROVAL OF TRAIL'S COMMITTEE GRANT FOR ACCESS FUND-JOE'S VALLEY CLIMBING CONSERVATION INITIATIVE TO USE AS PART OF THEIR MATCH TOWARDS MAKING DIRECT RECREATION ENHANCEMENTS TO THE CLIMBING RESOURCES THROUGHOUT JOE'S VALLEY.

Tina explained that Tyler Tyson-Access Fund has asked the Emery County Trails Committee for \$5,000.00 to use towards the match for the grant that they are going after through the state. The Committee has looked this request over and after an interview by the staff a recommendation was made to approve that request and forwarded the request on to the Commissioners. Commissioner Paul Cowley asked where the \$5,000.00 would come from? Tina stated that it will come from the restaurant tax. Half of the restaurant tax goes to the Trails Committee for trail improvement and development. Commissioner Migliori asked why the Trails Committee is going against their application cap of \$2,500? If you do this you will be setting a precedent. Tina explained that they did this last year. There was another a big project that came to the Committee. The Trails Committee felt that with the size of the project that they needed the extra funds to push the project forward. So the Trails Committee felt that this project needed the extra funds for the project. With this project they have support from the Forest Service and the BLM. Their EA is in place and the NEPA is nearly completed. For a project to have this much support from our outside agencies, the Trails Committee felt it just made sense to move forward with it. Commissioner Ethan Migliori recommended staying with the \$2,500.00 until the Trails Committee can adjust their policy to be up to \$5,000.00. If this is the practice that you are going

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to do and the projects are getting bigger then you need to adjust you policy to allow for that. Commissioner Ethan Migliori made a motion to approve the application for \$2,500.00 and recommend that the Trails Committee adjust their policy to allow for bigger projects. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSSION AND APPROVAL TO RENEW CONTRACT WITH JOHN DEERE FOR BACKHOE/LOADER RENTAL OF \$891 FOR ONE YEAR.

Road Supervisor, Wayde Nielsen explained that this is a renewal of the previous year's contract. they have discontinued this program so this will be the last year the Road Department will be able to lease the equipment. The cost is \$891.00 for one year. Commissioner Paul Cowley made a motion to approve a renewal contract with John Deere for backhoe/loader rental for \$891.00 for one year. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

DISCUSSION AND POSSIBLE APPROVAL OF MODIFICATION TO THE COUNTY PROCUREMENT POLICY FOR ASSETS WITH A VALUE OVER \$1 MILLION.

Commissioner Migliori explained that the modification to the County Procurement Policy is to provide for a different process for assets with a value over \$1 million dollars. This new policy will provide manner in which the County may acquire, manage and dispose of real property to ensure we get top value for the asset and assures the citizens we have received the optimum value for the asset. Commissioner Paul Cowley made a motion to approve of Modification to the Emery County Procurement Policy by approving Ordinance 08-02-16. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

DISCUSSION AND APPROVAL OF LETTER OF CONSENT TO TRANSFER MEDICAID BEDS TO CASCADES.

A letter of consent is requested by the Utah Department of Health Division of Medicaid and Health Financing validating Emery County's intent to transfer bed licences to Cascade. Commissioner Ethan Migliori made a motion to approve a letter of consent from Emery County to transfer Medicaid beds to Cascade. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(13)

DISCUSSION AND APPROVAL OF COOPERATIVE AGREEMENT BY PUBLIC AGENCIES TO CREATE A NEW ENTITY TO MANAGE EMERGENCY MEDICAL SERVICES AND PROVIDE RULES OF GOVERNANCE.

Commissioner Keith Brady explained that this Cooperative Agreement has been in the works for two months now in an effort to resolve issues with EMS in Emery County. He recommended approval. Commissioner Ethan Migliori made a motion to approve of Cooperative Agreement by Public Agencies to Create a new entity to manage Emergency Medical Services and provide rules of Governance. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSSION AND APPROVAL OF ARTICLES OF INCORPORATION OF THE EMERY COUNTY EMERGENCY MEDICAL SYSTEM.

Commissioner Ethan Migliori made a motion to approve of Articles of Incorporation of the Emery County Emergency Medical System. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSSION AND APPROVAL OF BYLAWS OF THE EMERY COUNTY EMERGENCY MEDICAL SYSTEM.

Commissioner Ethan Migliori made a motion to approve the Bylaws of the Emery County Emergency Medical System. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

DISCUSSION OF THE MOU BETWEEN EMERY COUNTY AND ORANGEVILLE CITY IN ASSISTING THE COTTONWOOD RESTORATION PROJECT, WHEREIN ORANGEVILLE CITY AGREES TO CONTRIBUTE \$8,000 IN CASH CONTRIBUTION TO THE PROJECT.

Commissioner Ethan Migliori made a motion to approve an MOU between Emery County and Orangeville City in assisting the Cottonwood Restoration Project, wherein Orangeville City Agrees to contribute \$8,000.00 in cash contribution to the project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(17)

DISCUSSION OF THE MOU BETWEEN EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT IN ASSISTING THE COTTONWOOD RESTORATION PROJECT, WHEREIN CVSSD AGREES TO CONTRIBUTE \$17,624 IN CASH CONTRIBUTION TO THE PROJECT.

Commissioner Paul Cowley made a motion to approve an MOU between Emery County and Castle Valley Special Service District in assisting the Cottonwood Restoration Project, wherein CVSSD agrees to contribute \$17,624.00 in cash contribution to the project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(18)

DISCUSSION OF THE LETTER OF INTENT COMPOSED BY THE EMERY COUNTY WEED AND MOSQUITO DEPARTMENT TO ALL CONCERNED PARTIES THAT THEY INTEND TO DISCHARGE PESTICIDES OVER OR NEAR MAJOR WATER BODIES AND AREAS THAT WILL NEED ATTENTION OVER THE NEXT FIVE YEARS.

Cory Worwood, Weed/Mosquito Department came before the Board of Commissioners to discuss a Letter of Intent to discharge pesticides over or near major water bodies for the purpose of controlling mosquitoes and noxious and invasive weeds. He explained that in 2011 the EPA required pesticides around bodies of water. The amount of pesticide is determined by how much water is treated. Utah decided to go with the minimum amount of pesticide. The Utah Legislature funded the fees for this treatment for the first two years. Emery County Weed/Mosquito has paid the fee which has been approximately \$500.00 a year. This application is a renewal with the EPA for the next five years. Commissioner Paul Cowley made a motion to approve of the Letter of Intent composed by the Emery County Weed/Mosquito Department to all concerned parties that they intend to discharge pesticides over or near major water bodies and areas that will need attention over the next five years. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Motion to leave the regular meeting and enter into an executive session to discuss acquisition or sale of real property including water rights or shares, and at the conclusion of the executive session to return to the regular meeting was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley, and the motion passed.



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(19)

EXECUTIVE SESSION REGARDING ACQUISITION OR SALE OF REAL PROPERTY,  
INCLUDING WATER RIGHTS OR SHARES; PURSUANT TO U.C.A. §52-4-204 AND  
52-4-205.

Present at an Executive Session was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, Confidential Secretary Maxine Fielder, and Melany Weaver from the Emery County Attorney's Office.

(20)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Migliori commented on the upcoming Sidewalk Jamboree this weekend and encouraged everyone to attend.

Commissioner Brady commented on the Castle Valley Pageant last week and coming up again this week.

(21)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COMPLEX, GREEN RIVER, UTAH  
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Present at the meeting were: Commission Chairman Keith Brady, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Gayleen Cox, elected officials and citizens. Commissioner Paul Cowley was absent from the meeting. Therefore, Commission Chairman Keith Brady will step down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 241321 through and including #241540 was presented for payment.

Requisitions:

26-16	Highway	2005 Cat Dozer Tractor w/ Blade Upgrade	\$166,300.00
27-16	Sheriff	Apple I-Pad Pro	\$629.99
28-16	Highway	2016 Cat Walk'n Roll Packer/Roller	\$26,395.00

There were no dispositions.

(2)  
APPROVAL OF MINUTES OF AUGUST 2, 2016 COMMISSION MEETING.

(3)  
APPROVAL OF BILL DELLOS TO THE HOUSING AUTHORITY BOARD.

(4)  
NOTIFICATION. KAREN RICHARDS WAS SELECTED AS COMMISSIONER PAUL COWLEY'S PART TIME CONFIDENTIAL SECRETARY WORKING 19 3/4 HOURS PER WEEK. GRADE 14.

(5)  
NOTIFICATION. MAEGAN CROSLAND WAS SELECTED AS COMMISSIONER KEITH

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BRADY'S PART TIME CONFIDENTIAL SECRETARY WORKING 19 3/4 HOURS PER WEEK. GRADE 14.

(6)  
NOTIFICATION. BROCK WINN WAS SELECTED AS A PART TIME EQUIPMENT OPERATOR/DRIVER I WORKING 19 3/4 HOURS PER WEEK. GRADE 16.

(7)  
APPROVAL TO GIVE BROOKLYN OLSEN AND KATILYN CARTER A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD.

(8)  
APPROVAL TO HIRE CLIVE WAYNE GORDON AS A FULL TIME EQUIPMENT OPERATOR/DRIVER I. GRADE 16.

(9)  
APPROVAL TO HIRE CLIFTON MCELPRANG AS A FULL TIME LUBE MECHANIC. GRADE 16.

(10)  
APPROVAL TO PROMOTE HUGH GRANGE AND EARL NELSON FROM AN EQUIPMENT OPERATOR/DRIVER I TO EQUIPMENT OPERATOR/DRIVER II. MOVE FROM GRADE 16 TO GRADE 17.

(11)  
APPROVAL TO HIRE LAURA HURST AS A FULL TIME DISPATCH I WITH FULL BENEFITS. WAGE GRADE.

(12)  
APPROVAL TO HIRE CINDY BOWERMAN AS THE BRANCH LIBRARIAN IN GREEN RIVER WITH PRORATED BENEFITS. WORKING 29 HOURS PER WEEK. GRADE 15.

(13)  
NOTIFICATION. JULIE STEUER SELECTED AS PART TIME ASSISTANT LIBRARIAN IN GREEN RIVER WORKING 16 HOURS PER WEEK. WAGE GRADE 7.

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Commissioner Ethan Migliori made a motion to approve the consent agenda and it was seconded by Commissioner Keith Brady. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

PUBLIC COMMENT (LIMIT 3 MINUTES PER PERSON).

EMS Personnel Amy Walmarth an EMS Instructor and Training Officer from Green River, in generally speaking for the Green River EMS Personnel, stated that they would like to have been involved in the planning process for the recently approved EMS Program before decisions are made. She asked if there will be more discussions or is everything set and you are moving forward with plans? She stated that they are all for anything that will make the situation better. However, we are questioning how a non compensated board can administer an EMS Service.

Attorney Mike Olsen explained that the newly approved agency is moving forward. It is a done deal. The Affordable Health Care Act has prompted us to move into forming an agency. Who is going to sit on the board and how the agency will be formulated is still being discussed. There are approved documents in place that will outline how to start the agency. The board will make the decisions with respect to how the agency will function and administer funds (pay bills, payroll, etc).

Amy discussed the fact that before the breakdown of the EMS there was one person who was well compensated to administer the EMS program. Now you say the program will be administered by a non compensated board. She added she didn't feel that should be a volunteer position.

Mike Olsen explained that there will be five garages and each garage will have a lead or manager that, he suspects will be a paid, part time position.

Commissioner Keith Brady indicated that he would discuss this more with her after the meeting.

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Shalise Hughes representing the Green River Medical Center commented that the Center is facing loss of 70% of grant funding. She provided the Commissioners with a packet of information and request for a letter of support.

Commissioner Ethan Migliori made a motion to leave the regular Commission Meeting and move into a Public Hearing regarding Emery County's General Plan and at the conclusion of the Public Hearing to return to the regular meeting. The motion was seconded by Commissioner Keith Brady. The motion passed.

(3)

PUBLIC HEARING: EMERY COUNTY GENERAL PLAN.

Jeff Guymon, Planning and Zoning Director discussed that the purpose of the public hearing is to address 16 general points in the county's general plan that the legislature has asked the counties to address. Emery County had been forward thinking and had already addressed many of these points in the previous general plan. The ones that were missing have been incorporated into the plan according to state law. Before it came to the Commission it has gone before the Public Lands Council and Ray Petersen has been working with Val Payne who is an expert in public lands and who has helped to formulate Emery County's General Plan. The Planning Commission has had their public hearing and input. They have incorporated minor modifications as a result of that public process. Things to note, Mr. Payne wanted to establish our right in the process that if something moves forward on a federal or a state level that we will re-enforce our position in the general plan to more firmly establish our position. We want local representation in whatever bills come up or whatever happens in the future with regards to federal and state lands. It strengthens our position with regards to water. Which he felt is the life blood of Emery County. It has been reviewed by the State of Utah Water Engineers Office and local representative who had input and was a major contributor to the Plan. He indicated he felt that the Plan is a well thought out, well documented Plan. He indicated that going forward the zoning will reflect what is in the General Plan as well.

Ray Petersen commented that this was done in response to State Law, HB323 that required each county to write a resource management plan. We chose not to do that but to amend our General Plan to cover everything the state law required. It strengthens our General Plan. When state and federal planning processes come up that we can comment on we can now use the Plan like we have in the past. This is what Emery County's position on this issue. It is a very good Plan.

Patsy Stoddard asked if North Emery's Watershed Plan was included in this Plan?

Commissioner Brady indicated that North Emery's Watershed Plan will be an addendum to the plan at a later date.

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There were no additional comments or questions. The Commissioners returned to the regular meeting agenda.

(4)

DISCUSSION AND APPROVAL OF EMERY COUNTY GENERAL PLAN.

Commissioner Ethan Migliori made a motion to approve Emery County's General Plan. The motion was seconded by Commissioner Keith Brady. The motion passed.

(5)

DISCUSSION AND APPROVAL OF GRANT APPLICATION TO HELP LOCAL ENTITIES COMPUTERIZE THEIR CEMETERY'S BURIAL RECORDS (NAMES, DATES, ETC.).

Utah Division of State History has offered another grant in the amount of \$2,800.00 with a local match of \$2,800.00 to computerize cemetery information for Scipio Pioneer, Lynndyl, Sigurd, Richfield Pioneer, Oasis, and Sutherland (approximately 1320 burials in Emery, Millard, Sanpete Sevier and Juab Counties). The work will be completed by Emery County Archives personnel.

Commissioner Ethan Migliori made a motion to approve of a Grant Application to help local entities computerize their cemetery's burial records. The motion was seconded by Commissioner Keith Brady. The motion passed.

(6)

DISCUSSION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY AND CARBON COUNTY FOR ROAD MAINTENANCE.

Emery County Attorney Mike Olsen discussed an Interlocal Agreement between Emery County and Carbon County for road maintenance. He indicated that he was approached by Carbon County because they have interest in the Nuck Woodard Road. Apparently this is the only road that accesses the small community of Clear Creek. The other roads are Mohrland Road, Little Horse Canyon Road, West Mounds/Reef Road, Trough Springs Ridge Road and Lower Miller Creek Road. Each county collects fees from State of Utah B & C Road Fund. The Agreement has been presented to and approved by Carbon County Commission and agreed upon to maintain the roads.

Eric Luke commented that at one time the Nuck Woodard Road was closed by the Forest Service because of the Seely Fire. It has been reopened. The Forest Service proposed closing it again.

Commissioner Brady indicated that he attended a field trip to Nuck Woodard with the Forest Service. There was a culvert there that needed to be repaired which they did. If they want to

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close it they will have to go through a scoping process to do that. That will be up to the Forest Service.

Eric asked 'Is Carbon County's intent to maintain that road and keep it open?'

Mike Olsen reported that they are maintaining this road for safety reasons for the Clear Creek community.

Mike asked Eric if he would like to see it closed? Eric indicated that during the closure of the road the wildlife in the area flourished, but at the same time he would not like to see any public road closed. Mike suggested he make comment when the scoping comment period opens up.

Mike indicated that with respect to this agreement we will be able to amend this agreement if the Forest Service does close the road.

Commissioner Ethan Migliori made a motion to approve of an Interlocal Agreement between Emery County and Carbon County for road maintenance. The motion was seconded by Commissioner Keith Brady. The motion passed.

(7)

DISCUSSION AND APPROVAL OF LETTER OF INTENT BETWEEN EMERY CO. AND MATRIX 2, LLC. ON GREEN RIVER PROJECT.

Jordan Leonard reported that he has David Skidmore here today who is a developer. A SITLA Trust Land representative Ryan Torgeson was also present. Mr. Skidmore is wanting to do a project in the Industrial Park in Green River. He is working with SITLA to purchase the land. They are in the middle of negotiations. The letter of intent will assist Mr. Skidmore move further on to his project and get investors. It doesn't tie the County to anything financially. The letter will allow Mr. Skidmore to go after financing. It will provide information to lenders. Mr. Torgeson commented that they are working to get the terms worked out so that the terms match up. He was not aware that the letter of intent was finalized. If it has been finalized he would like to review it. Commissioner Migliori indicated that the original letter of intent has minor changes from the final letter of intent. It deals mostly with easements. It is now a matter of making sure all the parties obligations have been finalized. The business is Matrix 2, LLC which is roughly 250 acres of solar panels to generate power.

Commissioner Ethan Migliori made a motion to move forward with approval of a letter of intent between Emery County and Matrix 2, LLC giving Mr. Torgeson, SITLA a day or two to review it incase he should have any concern, if SITLA is good with everything then move forward. The motion was seconded by Commissioner Keith Brady. The motion passed.

7

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(8)

DISCUSSION AND APPROVAL OF APPLICATION FOR BUREAU OF LAND  
MANAGEMENT (BLM) RIGHT-OF-WAY GRANT (ROW) FOR COUNTY ROAD #401.

Commissioner Keith Brady made a motion to approve application for BLM ROW Grant for County Road #401. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

DISCUSSION AND APPROVAL OF APPLICATION FOR BLM RIGHT-OF-WAY  
RENEWAL FOR COUNTY ROAD #211.

Commissioner Ethan Migliori made a motion to approve of application for BLM ROW renewal for County Road #211. The motion was seconded by Commissioner Keith Brady. The motion passed.

(10)

RATIFICATION OF LETTER OF SUPPORT TO THE AMERICAN ALPINE CLUB. A  
THREE WAY PARTNERSHIP BETWEEN BLM, EMERY COUNTY, USFS TO ENDORSE  
THE SALT LAKE CLIMBERS ALLIANCE FOR A GRANT TO FUND THE SEASONAL  
LATRINES IN THE JOE'S VALLEY BOULDERING AREA FOR 2017.

Commissioner Keith Brady explained that the letter of support did not get sent in time. We can still do it and they will have it for future use. Commissioner Ethan Migliori made a motion to approve of a letter of support to the American Alpine Club, a three way partnership between BLM, Emery County, USFS to endorse the Salt Lake Climbers Alliance for a grant to fund the seasonal latrines in the Joe's Valley bouldering area for 2017. The motion was seconded by Commissioner Keith Brady. The motion passed.

(11)

DISCUSSION AND APPROVAL OF THE RECOVERY AGREEMENT BETWEEN EMERY  
COUNTY HOUSING AUTHORITY AND THE US DEPT. OF HOUSING AND URBAN  
DEVELOPMENT AND EMERY COUNTY COMMISSIONERS.

Commissioner Migliori explained EC Housing Authority has been through the process of changing their management. This is the recovery agreement that says that the County has no problem with the process. The Housing Board has approved it. There is no financial obligation for the County. Commissioner Ethan Migliori made a motion to approve of the Recovery



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Agreement between Emery County Housing Authority and the US Dept. of Housing and Urban Development and Emery County Commissioners. The motion was seconded by Commissioner Keith Brady. The motion passed.

(12)

DISCUSSION AND APPROVAL OF WAGE INCREASE FOR TATE MANZANARES OF THE EMERY COUNTY ROAD MAINTENANCE SHOP.

Commissioner Ethan Migliori made a motion to approve a wage increase for Tate Manzanares of the Emery County Road Maintenance Shop. The motion was seconded by Commissioner Keith Brady. The motion passed.

(13)

DISCUSSION AND APPROVAL TO RELEASE A RFP SEEKING PROFESSIONAL ASSISTANCE AND TO SEE IF IT IS ADVANTAGEOUS TO SELL THE EMERY COUNTY CARE CENTER.

Commissioner Migliori explained that for a couple of years now discussion has been whether Emery County should still be in the business of owning a care center. Through support of the Emery County Care Center Board they are in the position where they are ready to release an RFP to see if it is advantageous to sell the Emery County Care Center. Commissioner Ethan Migliori made a motion to approve releasing an RFP seeking professional assistance to see if it is advantageous to sell the Emery County Care Center. The motion was seconded by Commissioner Keith Brady. The motion passed.

(14)

DISCUSSION AND APPROVAL OF A MEDICAL OFFICE BUILDING LEASE AGREEMENT BETWEEN CASTLEVIEW HOSPITAL LLC, (EMERY MEDICAL CENTER) AND EMERY COUNTY FOR THE AMBULANCE STORAGE AT THE EMERY MEDICAL CENTER.

Commissioner Brady indicated that he was contacted by Mark Hollyoak of Castleview Hospital who informed him that after they did an audit they found out that they do not have an agreement with the county to lease the building to house the ambulance. This is a straight forward agreement to lease the building to house the ambulance. It's a liability issue. Mike Olsen indicated that there are insurance requirements that need to be met. Commissioner Keith Brady made a motion to approve the Medical Office Building Lease Agreement between Castleview Hospital, LLC, pending clearance from Mary Huntington and our insurance carrier. The motion

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was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

APPROVAL TO RENEW GUARDIAN FLIGHT INSURANCE FOR ALL FULL TIME EMPLOYEES AT \$30 PER YEAR. ALL PART TIME EMPLOYEES CAN PURCHASE THIS THROUGH PAYROLL DEDUCT FOR THE SAME PRICE.

Commissioner Keith Brady explained that we have done this in years past and it has been a good benefit to the employees. Commissioner Keith Brady made a motion to approve renewal of Guardian Flight Insurance for all full time employees at \$30.00 per year. All part time employees can purchase this through payroll deduction at the same price. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

DISCUSSION AND APPROVAL OF THE AGREEMENT BETWEEN EMERY COUNTY AND DALEN JOHNSON TO PROVIDE MEDICAL SERVICES FOR THE JAIL INMATES.

The County had this same contract with Lowell Morris who has moved to Florida. This contract is between Emery County and Dalen Johnson to provide the same medical services for the jail inmates. Commissioner Keith Brady made a motion to approve an agreement between Emery County and Dalen Johnson to provide medical services for jail inmates. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(17)

DISCUSSION AND APPROVAL OF THE AGREEMENT BETWEEN EMERY COUNTY AND DALEN JOHNSON TO PROVIDE JAIL RISK NEEDS SCREENING DIAGNOSIS AND ASSESSMENTS.

Commissioner Ethan Migliori made a motion to approve an agreement between Emery County and Dalen Johnson to provide jail risk needs screening diagnosis and assessments. The motion was seconded by Commissioner Keith Brady. The motion passed.

10

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(18)

DISCUSSION AND APPROVAL OF THE AGREEMENT BETWEEN EMERY COUNTY AND JOHN S. MONTGOMERY, M.D. TO SUPERVISE DALEN JOHNSON IN PROVIDING THE JAIL RISK AND NEEDS SCREENING DIAGNOSIS AND ASSESSMENTS.

Not necessary. Tabled.

(19)

DISCUSSION AND APPROVAL OF CONTRACT WITH CREATIVE AGENCY HUB.

Jordan Leonard indicated that they have been on many conference calls with HUB to make sure they are the right marketing firm for what the Travel Council is looking for. Jordan explained they have finally come to an agreement with HUB to market Emery County. They will develop billboards, marketing and other advertising strategies to market Emery County. Our sweet spot is Green River with hotels and restaurants, but we want people coming to the other side of the county also to recreate. We think HUB is the right fit for the job. We want to piecemeal the payment so it won't be a chunk of money at the start. Once we are happy with what they have done we will move on to the next step. We want to pay them as services are rendered. Mike Olsen reviewed the contract with regards to cancellation of the contract. Commissioner Migliori indicated that they have done good work in other areas and he doesn't see that as a huge concern. Commissioner Ethan Migliori made a motion to approve a contract with creative agency HUB. The motion was seconded by Commissioner Keith Brady. The motion passed.

(20)

DISCUSSION AND APPROVAL OF A FULL PAGE AD WITH LOCAL BUSINESS BUY-IN IN DIRT WHEELS MAGAZINE, FEBRUARY ISSUE.

Tina Carter explained that this is an ad approved by the Travel Council to have a one page ad in Dirt Wheels Magazine. There is a buy-in from the businesses. We pay the majority of the cost but we have businesses buy-in because the goal is to drive individuals to the businesses. Commissioner Keith Brady made a motion to approve a full page ad with local business buy-in in Dirt Wheels Magazine's February Issue. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(21)

DISCUSSION AND APPROVAL TO HAVE UTAH.COM GENERATE EMAIL LEADS.

Tina Carter indicated that they have done this in the past. Businesses have received good leads

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from them making it a good return on their investment. This year the state will pay half the investment. Commissioner Ethan Migliori made a motion to approve the Utah.com email leads. The motion was seconded by Commissioner Keith Brady. The motion passed.

(22)

DISCUSSION AND APPROVAL TO ADVERTISE AN RFP FOR A COUNTY EVENTS COORDINATOR.

Commissioner Brady explained that the County Commissioners received a letter of resignation that has prompted the advertising of an RFP for a county Events Coordinator. Commissioner Ethan Migliori made a motion to approve advertising for an RFP for a County Events Coordinator. The motion was seconded by Commissioner Keith Brady. The motion passed.

(23)

DISCUSSION AND APPROVAL OF PARCELS IN ELMO TO BE SOLD TO ADJACENT LANDOWNERS.

Jeff Guymon explained that there is a strip of property that the County acquired in a tax sale that covers the access to three parcels. He suggested that to clear this up that the County consider selling the parcel to an adjacent property owner. One parcel is Elmo Town. Mike Olsen reviewed the situation. The parcel was originally one property owner. A portion of the taxes were not paid. The county went in and assessed a value of that portion. The county took the frontal parcel in a tax sale. He suggested offering the property for sell to the adjacent property owners because it is the front of their property. What initiated this discussion is one of the properties is up for sale. Commissioner Migliori suggested that the land owner needs to do a survey to avoid issues and make sure it is accurate. Mike indicated that the County Assessor has placed a value on the landowners portion. Two lots are \$432 and one is \$270.00. Representative of the property owner Raymond Hollar was present to discuss the property which is up for sale. It was decided that the adjacent land owner Raymond Hollar would be able to purchase the property for \$432.00. Commissioner Ethan Migliori made a motion to approve the sell of parcel #01-070D-0008 to Raymond Hollar. The motion was seconded by Commissioner Keith Brady.

(24)

DISCUSSION AND APPROVAL TO PARTNER WITH RUA.

Commissioner Brady and Commissioner Migliori asked to table this for now to allow time to attend a meeting to see if it is worth buying into a partnership. Commissioner Ethan Migliori made a motion to table this item. The motion was seconded by Commissioner Keith Brady. The motion passed.

(25)

DISCUSSION AND APPROVAL TO AUTHORIZE PAYMENT TO TYLER JEFFS AS RECOMMENDED BY THE TRAVEL COUNCIL.

Mike Olsen talked about previous approval to authorize payment to Tyler Jeffs as recommended by the Travel Council. Tyler made application through the Travel Council to put up a billboard in Huntington. At some point after the board approved that amount, Brenda brought it to their attention that perhaps this may cause an auditing problem. It technically does not meet the criteria for giving a grant for such a thing. Mike indicated he looked into it and talked with several other elected officials and decided that was probably true from an auditing standpoint. Somewhere between the time Brenda brought it to their attention and the time the Travel Council approved the grant, Mr. Jeffs purchased the billboard. He has spent the money, he relied on the Travel Council's approval to move forward with purchase of the billboard. He didn't understand that it had to go through Commission Meeting before the money was approved. The trouble we have now is he relied on that contract with the Travel Council and the county has some legal obligation to pay him the money. Mike recommended we pay Mr. Jeffs, but not pay from TRT funds because it doesn't meet the qualifications. He added his observation of the situation. He does not think that the Travel Council purposely did not follow the qualifications in approving this grant. He thinks that they were short on personnel. They have since added Jordan to the staff which will help with that. He felt it was a training issue rather than an intentional act. Mr. Leonard has had training and now knows what is required to qualify going into the future. The Travel Council needs to give notice that the applicant can not rely on the Travel Council's approval they are an advisory council for the Commission. They are good people working hard. They made a mistake, but they have had training for moving forward into the future.

Commissioner Ethan Migliori made a motion to authorize payment of \$1,600.00 to Mr. Jeffs as recommended by the Travel Council. The motion was seconded by Commissioner Keith Brady. The motion passed.

(26)

DISCUSSION AND APPROVAL TO FOLLOW PROCEDURES AND POLICY TO SELL THE BILLBOARD CURRENTLY BEING LEASED BY TYLER JEFFS.

Tabled.

13

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(25)

COMMISSION/ELECTED OFFICIALS REPORT.

Attorney Mike Olsen explained that he has prepared a draft lease agreement for the Weed/Mosquito building which was discussed in previous meetings. The school year began today and the instructor is anxious to get his program going. Commissioner Migliori indicated that the county wants to make sure the building is safe before the lease is approved. Hopefully we can make it work by the next Commission meeting.

Commissioner Migliori reported on discussions regarding road funds. He is watching this issue closely and will report to the other Commissioners as soon as there is more information.

Commissioner Brady reported that he and Jordan have been working with the state on aeronautics industry looking for manufacturing partners.

The Fair Committee is working on fair plans for next year. Next meeting is Sept. 20. 2016.

(26)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 6, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Ethan Migliori, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 241557 through and including # 241643 was presented for payment.

There were no requisitions.

Dispositions were presented for a printer from the Library #580-7236, 7 stacking chairs, 10 lounge chairs, and 3 market umbrellas from the Aquatic Center.

(2)  
APPROVAL OF MINUTES FOR AUGUST 23, 2016 COMMISSION MEETING.

(3)  
APPROVAL TO GIVE JUSTIN TRUMAN A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS THE FOREMAN. GRADE 22.

(4)  
APPROVAL TO GIVE ADAM GARDNER A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A PART TIME EQUIPMENT OPERATOR/DRIVER I. GRADE 16.

(5)  
NOTIFICATION. MAXINE FIELDER WAS SELECTED AS COMMISSIONER ETHAN MIGLIORI'S PART TIME CONFIDENTIAL SECRETARY WORKING 19 3/4 HOURS PER WEEK. GRADE 14.

2

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(6)

APPROVAL TO PROMOTE SAVAHNA HALL TO HEAD LIFEGUARD. MOVE FROM GRADE 3 TO GRADE 5.

(7)

APPROVAL FOR JOEL DORSCH TO TAKE THE PLACE OF SCOTT LABRUM ON THE REC. BOARD.

(8)

APPROVAL FOR OUT OF STATE TRAVEL FOR NATALIE HUMPHREY TO ATTEND A GRANT WRITING WORKSHOP IN GRAND JUNCTION, CO IN OCTOBER.

(9)

APPROVAL FOR APPLICATION OF BUSINESS LICENSE FOR KATIE SITTERUD, MISS KATE'S COUNTRY ROAD PRESCHOOL.

(10)

APPROVAL FOR LEON MCELPRANG TO FILL OPEN SEAT ON PUBLIC LANDS BOARD.

Motion to approve the Consent Agenda was made by Commissioner ,seconded by Commissioner and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled.

(2)

PUBLIC COMMENT ( 3 MINUTE LIMIT PER PERSON)

No comments or questions.

(3)

RATIFICATION OF PLAN SETS FOR EMERY COUNTY EMERGENCY WATERSHED PROTECTION PROJECT.

Commissioner Paul Cowley made a motion to ratify plan sets for Emery County Emergency Watershed Protection Project. The motion was seconded by Commissioner Ethan Migliori. The



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motion passed.

(4)

CONSIDERATION AND APPROVAL OF BIDS RECEIVED FOR WATERSHED PROTECTION PROJECT.

Bids were opened for the Emergency Watershed Protection Project.

1)	Jackson Excavation	\$470,310.00
2)	Johansen Construction Inc.	\$649,878.00
3)	Nelco	\$425,699.00
4)	Double E Construction	\$719,368.00
5)	Staker/Parson-Nielson Construction	\$325,072.00
6)	Harrison Field Services	\$519,437.00

Commissioner Ethan Migliori made a motion to have one of the Commissioners and J & T Engineering review the bids to determine comparative bids and award the bid to the low bidder. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSSION AND APPROVAL OF WAIVER FOR ENCROACHMENT PERMIT FOR THE NRCS-EWP QUITCHUPAH CREEK PROJECT LOCATED PRIMARILY IN SEVIER COUNTY THAT EXTENDS APPROXIMATELY 300 FEET INTO EMERY COUNTY.

Wayde Nielsen discussed a waiver for encroachment permit for the NRCS-EWP Quitchupah Creek Project. He explained that the project is primarily in Sevier County and extends approximately 300 feet into Emery County. Wayde indicated that in his opinion it did not require an encroachment permit. Therefore, he requested a waiver of an encroachment permit for the project. Commissioner Paul Cowley made a motion to waive the need for an encroachment permit for the NRCS-EWP Quitchupah Creek Project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

DISCUSSION AND APPROVAL OF CASTLE COUNTRY ROBOTICS AGREEMENT TO USE COUNTY BUILDING.

Attorney Mike Olsen indicated that he is comfortable with the lease document. Mr. Murray, administrator over the program as well as the school district office has reviewed the document

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and is comfortable with it also. Commissioner Ethan Migliori made a motion to approve an agreement with Castle Country Robotics to use the old Weed/Mosquito building for their program. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

DISCUSSION AND APPROVAL OF TRAIL'S COMMITTEE AND STAFF TO ATTEND ANNUAL UTAH OUTDOOR SUMMIT.

Jordan Leonard explained that the Trail's Committee sees the value in attending the annual Utah Outdoor Summit. They would like to go as a group with as many of the committee that would like to go. They have chosen the October 5<sup>th</sup> session in Moab. This is a one day event. Jordan requested approval to invite Trail's Committee staff to attend the summit and have the Travel Bureau pay for the ticket. Commissioner Paul Cowley made a motion to approve Trail's Committee and staff to attend the annual Utah Outdoor Summit in Moab on October 5, 2016. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

DISCUSSION AND APPROVAL OF GET IN THE WILD FAM TOUR CONTRACT.

Jordan Leonard discussed a FAM Tour Independent Service Provider Agreement with Get In The Wild a tour company from the Hanksville, Utah area. They offer guided canyoneering adventure tours which includes hiking, scrambling, canyoneering, backpacking, rock-art tours, outlaw tours and yoga in the wild. This will be mostly in the Goblin Valley area, but they are hoping to lure the tour into Green River. In return they users will write favorable articles in magazines and such that will entice others to visit our area. Commissioner Ethan Migliori made a motion to approve a FAM Tour Independent Service Provider Agreement with Get In The Wild. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSSION AND APPROVAL TO SIGN MOU'S WITH OFFICE OF TOURISM FOR THE AWARDED GRANT FUNDS FOR AAA, GO WEST, UTAH.COM & MARKETING.

Commissioner Paul Cowley made a motion to approve the signing of MOU's with the Office of Tourism for the awarded grant funds for AAA, Go West, Utah.com & Marketing. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

5

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(10)

DISCUSSION AND APPROVAL AAA CONTRACT.

Commissioner Paul Cowley made a motion to move forward with a contract with AAA. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

DISCUSSION AND APPROVAL UTAH .COM CONTRACT.

Commissioner Paul Cowley made a motion to move forward with a contract with UTAH.COM. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

RATIFICATION OF INTERLOCAL AGREEMENT WITH SPECIAL SERVICE DISTRICT #1 REGARDING CONSTRUCTION OF A DIP ON TEMPLE MOUNTAIN ROAD.

Wayde Nielsen explained that he approached J & T Engineering to get a price to repair a dip in Temple Mountain Road. It was determined that he did not have enough money in the Road budget to complete the project. Creating a change order will allow SSD #1 to pick up the difference on the project cost. This agreement with SSD#1 will allow this to happen. Commissioner Paul Cowley made a motion to approve an Interlocal Agreement with SSD#1 for construction of a dip on Temple Mountain Road. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

DISCUSSION AND APPROVAL OF INTELOCAL AGREEMENT WITH UTAH LOCAL GOVERNMENTS TRUST.

ULGT recently conducted an audit and were made aware of the fact that they do not have a current Interlocal Agreement with Emery County. This agreement has been updated. Commissioner Ethan Migliori made a motion to approve of an Interlocal Agreement with Utah Local Governments Trust. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSSION AND APPROVAL TO ADD PRICE FOR SUPER SENIORS (75 AND OVER) AT THE EMERY COUNTY AQUATIC CENTER AT \$1.00.

Shannon Hiatt requested approval to offer \$1.00 passes for what he has named Super Seniors (75 and over) at the Aquatics Center. This is an effort to encourage seniors to maintain a healthy

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lifestyle by making it affordable to use the pool. Commissioner Ethan Migliori made a motion to approve adding the price of \$1.00 for Super Seniors pool pass fee at the Emery County Aquatic Center. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Migliori reported on attending meetings with Utah Association of Counties where they are continuing efforts regarding Centrally Assessed Taxes.

Commissioner Brady reported on attending Solutions Summit where they discussed the economy and jobs and educational changes in accreditation.

The USFS will hold an open house in the Courthouse from 5-7pm to discuss moving forward with their plan revision.

Lunch & Learn will be on the 21<sup>st</sup> of September. Focus on Bouldering and its economic impact on the county.

Commissioner Cowley talked about the fact that Oregon will shut down its last coal fueled power plant this year. He talked about discussions regarding the deep sea port needed to ship coal to other countries.

(16)

ADJOURN

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 15, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Deputy Attorney Brent Langston, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #237780 through and including #237894 was presented for payment.

There were no requisitions.

Dispositions were presented for the following:

410-5378, 1992 Ranco Belly Dump (trade-in) 410-5379, 1992 Ranco Belly Dump (trade-in) 410-6167 1994 Clements Pup Belly Dump (trade-in) 410-6170 1994 Clements Pup Belly Dump (trade-in) 410-6200 1994 Dolly (trade-in) 410-6199 1994 Dolly (trade-in)

(2)

APPROVAL OF BUSINESS LICENSE FOR DOUBLE DIAMOND LLC.

(3)

APPROVAL TO REHIRE STEVE WHITFIELD, KACIE HEALY, RIKKO BOLOTAS , AND LES ANDERSON AS SEASONAL RUSSIAN OLIVE LABORERS. WAGE \$12.00 PER HOUR.

(4)

APPROVAL TO PROMOTE JONATHON MINCHEY TO PATROL DEPUTY II FOR 3 CONSECUTIVE YEARS ON THE ROAD. MOVE FROM GRADE 16 TO GRADE 17. EFFECTIVE 9-27-15.

2

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(5)

APPROVAL OF OUT-OF STATE TRAVEL FOR RAY PETERSEN AND ETHAN MIGLIORI TO WASHINGTON DC FOR PUBLIC LANDS ISSUES.

(6)

APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 1, 2015.

Commissioner Paul Cowley made a motion to approve the Consent Agenda with a post note to #5 . The motion was seconded by Commissioner Keith Brady. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Commissioner Migliori asked to change #5 on the Consent Agenda. The Commissioner traveling to Washington D.C. may change as they near the date of travel.

(2)

DISCUSSION AND APPROVAL OF RESOLUTION ADOPTING THE AMENDMENTS TO THE EMERY COUNTY PERSONNEL POLICIES AND PROCEDURE MANUAL.

Commissioner Migliori explained that the Commissioners and County Attorney have determined that combining item # 2 and #3 would be sufficient to move forward with adopting amendments to the Emery County Personnel Policies and Procedure Manual. Commissioner Migliori asked if anyone had any questions or if any further discussion was necessary before moving forward? There was no additional questions of discussion. Therefore, Commissioner Keith Brady made a motion to approve Resolution 9-15-15A rescinding the old resolution and adopting a new Emery County Personnel Policies and Procedures Manual. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF RESCINDING RESOLUTION AMENDING THE EMERY COUNTY PERSONNEL POLICY.

See agenda item #2

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(4)

TERRY ARCHIBALD, DISCUSSION OF EAGLE SCOUT PROJECT AT CASTLE DALE SENIOR CENTER TO ADD A NEW SIDEWALK. CONSIDERATION AND APPROVAL OF PROJECT AND DONATION TOWARDS IT.

Terry Archibald and his father Russ Archibald came before the Board of Commissioners to discuss an Eagle Scout Project at Castle Dale Senior Center to add a new sidewalk/ramp. Commissioner Cowley has reviewed the project along with the Planning & Zoning Director and engineer. Nielson Construction has donated 2 yards of cement towards the project. Other materials needed for the project are estimated to be \$515.00. Terry estimated the project will take 20 to 30 hours to complete. Commissioner Cowley expressed approval for the project adding that the Sr. Citizens and county will benefit from this project. Commissioner Paul Cowley made a motion to approve an Eagle Scout Project at the Castle Dale Senior Center and to approve up to \$515.00 for the project. The motion was seconded by Commissioner Keith Brady. The motion passed. Commissioner Cowley asked that Terry keep track of his time and take photos of the project so he can report back to the Commissioners after the project's completion.

(5)

CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION (BOE) CLOSURE.

Commissioner Keith Brady made a motion to close Board of Equalization for 2015. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF BOE CHANGES FOR FY 2015.

Commissioner Keith Brady made a motion to approve of BOE changes for 2015 as presented. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF VETERAN, BLIND AND HOMEOWNER'S TAX CREDIT ABATEMENTS.

Clerk/Auditor Brenda Tuttle presented a list of applicants for the veteran, blind and homeowner's tax credit abatements. She explained that all the applicants have met each program's specific requirements. Commissioner Keith Brady made a motion to approve of veteran, blind and homeowner's tax credit abatements for 2015. The motion was seconded by Commissioner Paul

COMMISSION MEETING MINUTES  
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Cowley. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF LOW INCOME TAX ABATEMENTS FOR RYAN COWLEY AND BLAIR LARSEN.

Clerk/Auditor Brenda Tuttle presented applications for low income abatements for Ryan Cowley and Blair Larsen. The low income abatement is for citizens with disability who are under 65 and would have a hardship paying the property tax. The abatement is a Commissioner adjustment and can be up to 50% off the tax owing. Commissioner Keith Brady expressed a desire to have more information regarding the applicants's situation. Commissioner Paul Cowley informed the Commissioner that he would have exempt himself from this matter because Ryan Cowley is his brother. Commissioner Keith Brady made a motion to table this matter pending additional information from the applicants. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF RESOLUTION IN SUPPORT OF DESIGNATING CLEVELAND LLOYD DINOSAUR QUARRY AS A NATIONAL MONUMENT AS PART OF THE PUBLIC LANDS INITIATIVE (PLI)

The Board of Commissioners discussed a resolution in support of designating Cleveland-Lloyd Dinosaur Quarry as a national monument as part Public Lands Initiative. Commissioner Brady expressed approval and support for the designation. Commissioner Cowley stated he was in favor of the designation saying it was a plus to the county. The Emery County Public Lands Council wants the designation included as part of the Public Lands Initiative (PLI) . Commissioner Paul Cowley made a motion to approve Resolution 9-15-15B in support of designating Cleveland-Lloyd Dinosaur Quarry as a national monument as part of the Public Lands Initiative. The motion was seconded by Commissioner Keith Brady. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF CONTRACT WITH RANDY ANDERSON FOR SERVICES TO ADVERTISE AND HOLD A COUNTY AUCTION.

The Commissioners have set a tentative date of October 24<sup>th</sup> to hold a county auction to sell county owned property such as computers, desks, file cabinets, autos and other equipment to the public. Randy Anderson advertises and conducts these type of auctions. Commissioner Paul Cowley made a motion to contract with Randy Anderson for services to advertise and hold a



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county auction. The motion was seconded by Commissioner Keith Brady. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF AMENDMENT TO EXHIBIT A OF  
COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN AND FINANCIAL  
PLAN BETWEEN EMERY COUNTY AND MANTI-LA SAL NATIONAL FOREST.

Commissioner Keith Brady made a motion to approve Amendment to Exhibit A of the Cooperative Law Enforcement Annual Operating Plan and Financial Plan between Emery County and Manti-LaSal National Forest. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LIBRARY KINDLE  
CIRCULATION POLICY AND BORROWING AGREEMENT.

The County Attorney and Emery County Library Board have reviewed the Kindle Circulation Policy and Borrowing Agreement and recommend approval. Commissioner Keith Brady made a motion to approve the Agreement. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF AN RFP TO HIRE/CONTRACT WITH A DESIGN  
FIRM FOR MARKETING STRATEGY FOR THE EMERY COUNTY TRAVEL BUREAU.

Commissioner Paul Cowley made a motion to approve of an RFP to hire/contract with a design firm for marketing strategy for Emery County Travel Bureau. The motion was seconded by Commissioner Keith Brady. The motion passed.

(14)

CONSIDERATION AND APPROVAL OF CONSTRUCTION EASEMENT APPLICATION  
FROM BUREAU OF RECLAMATION TO ASPHALT THE REMAINDER OF THE  
HUNTINGTON STATE PARK TRAIL SYSTEM.

Commissioner Migliori explained that the construction easement from Bureau of Reclamation will allow the remainder of the Huntington State Park Trail System to be paved. Commissioner

6

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Paul Cowley made a motion to approve of Construction Easement application from Bureau of Reclamation to asphalt the remainder of the Huntington State Park Trail System. The motion was seconded by Commissioner Keith Brady. The motion passed.

(15)

CONSIDERATION AND APPROVAL OF EMERY COUNTY BEER TAX FUND ANNUAL REPORT FOR FY2015.

Commissioner Keith Brady made a motion to approve of Emery County Beer Tax Fund Annual Report for FY2015. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

APPOINTMENT OF KENNETH GUNTER TO FILL AN UNEXPIRED TERM ON NORTH EMERY WATER USER'S SPECIAL SERVICE DISTRICT BOARD.

Bruce Wilson has resigned from the North Emery Water User's Special Service District. Commissioner Paul Cowley made a motion to appoint Kenneth Gunter to fulfill the unexpired term on the NEWUSSD Board. The motion was seconded by Commissioner Keith Brady. The motion passed.

(17)

COMMISSION/ELECTED OFFICIAL REPORTS.

*Commissioner Brady*

Commissioner Brady reported on the annual weed tour held in Green River. This is for those individuals who handle pesticides. They receive credits for attending the tour. Melon Days will be this weekend in Green River.

*Commissioner Cowley*

Commissioner Cowley reminded everyone of the fall burn window. Exact dates were not clear at this time.

*Commissioner Migliori*

Commissioner Migliori reported that the Resource Management Plan is nearly complete. There are about 5 areas that they still need to work on. They hope to have it complete in under a year.

7

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SEPTEMBER 15, 2015

(18)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 20, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Ethan Migliori, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant check Edit List # 241683 through and including # 241795 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
29-16	Generator, Generac 22kw model#6551 With electric transfer panel Sheriff/Communications	\$6,111.65
30-16	100 amp power supply w/monitoring DC power distribution panel w/ethernet Sheriff/Communications	,\$2769.00
31-16	Tripplite rack mount 1500va UPS Sheriff/Communications	\$ 626.33

There were no dispositions.

(2)

APPROVAL OF MINUTES FROM THE SEPTEMBER 6, 2016 COMMISSION MEETING.

(3)

NOTIFICATION. SHANNON HIATT SELECTED DAKOTA WRIGHT AND KELDON GUYMON AS PART TIME LIFEGUARDS WORKING UP TO 19 3/4 HOURS PER WEEK. WAGE GRADE 3.

2

COMMISSION MEETING MINUTES  
SEPTEMBER 20, 2016

(4)

APPROVAL TO GIVE WADE HANCOCK AND ROBERT BENNETT A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Ethan Migliori, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

PUBLIC COMMENT (3 MINUTE LIMIT PER PERSON)

No comments.

(3)

RATIFICATION OF RETAINER AGREEMENT WITH SMITH HARTVIGISEN TO ADVISE AND REPRESENT THE EMERY COUNTY CAREER SERVICE COUNCIL.

Commissioner Ethan Migliori made a motion to ratify a retainer agreement with Smith Hartvigisen to advise and represent the Emery County Career Service Council. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

DISCUSSION AND APPROVAL OF ASSURANCES RELATING TO REAL PROPERTY ACQUISITION FOR THE COTTONWOOD CREEK PROJECT- WATER TREATMENT PLANT (ADS-78) IN CONNECTION WITH THE INSTALLATION OF PROJECT MEASURES WHICH INVOLVE FINANCIAL ASSISTANCE FURNISHED BY THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

Commissioner Ethan Migliori made a motion to approve of Assurances relating to real property acquisition for the Cottonwood Creek Project-Water Treatment Plant (ADS-78) in connection with the installation of project measures which involve financial assistance furnished by the

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Natural Resources Conservation Service (NRCS). The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSSION AND APPROVAL OF ASSURANCES RELATING TO REAL PROPERTY ACQUISITION FOR THE COTTONWOOD CREEK PROJECT-BARKER RESIDENCE (ADS-78) IN CONNECTION WITH THE INSTALLATION OF PROJECT MEASURES WHICH INCLUDE FEDERAL ASSISTANCE FURNISHED BY THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

Commissioner Paul Cowley made a motion to approve of assurances relating to real property acquisition for the Cottonwood Creek Project-Barker Residence (ADS-78) in connection with the installation of project measures which include federal assistance furnished by the Natural Resources Conservation Service (NRCS). The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

DISCUSSION AND APPROVAL OF RIGHT OF WAY EASEMENT ACROSS EMERY COUNTY PROPERTY TO ACCOMMODATE A WATER PIPELINE TO DELIVER WATER FROM INTERWEST MINING'S DEER CREEK MINE TO THE HUNTINGTON POWER PLANT.

Attorney Mike Olsen indicated that he along with Wayde Nielsen and Jeff Guymon have reviewed the ROW and all approved. Commissioner Ethan Migliori made a motion to approve of Right-of-Way easement across Emery County property to accommodate a water pipeline to deliver water from Interwest Mining's Deer Creek Mine to the Huntington Power Plant. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

DISCUSSION AND APPROVAL OF CONTRACT OF THE AWARDED GRANT TO DIGITIZE CEMETERY RECORDS AND SUBMIT THOSE RECORDS TO THE UTAH STATE HISTORY BURIALS DATABASE.

Commissioner Brady explained that a couple of meetings ago the Commission approved the Emery County Archive's grant application with the State of Utah Department of Heritage and Arts to digitize cemetery records. The State has awarded the grant in the amount of \$2,800.00 to digitize cemetery records and submit those records to the Utah State History Burials Database. Commissioner Paul Cowley made a motion to approve a contract of the awarded grant as discussed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(8)

DISCUSSION AND APPROVAL OF COOPERATIVE AGREEMENT FOR NOXIOUS WEED MANAGEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS AND EMERY COUNTY WEED AND MOSQUITO DEPARTMENT.

Commissioner Brady explained that the cooperative agreement with Utah Division of Forestry, Fire and State Lands is for management of noxious weeds along the Green River and Green River City corridor. Commissioner Ethan Migliori made a motion to approve of Cooperative Agreement for Noxious Weed Management between Utah Division of Forestry, Fire and State Lands and Emery County Weed and Mosquito Department. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSSION AND APPROVAL OF FLY OVER APPLICATION OVER THE MUSEUM ON VETERAN'S DAY.

Clifford Snow thanked the Commissioners and County for their support of the Vietnam Veteran Memorial during Peach Days. The American Legion is planning the Veteran Day program for the new memorial in front of the Museum of the San Rafael in Castle Dale. They have requested a plane fly over from Hill Air Force Base. There is no money involved in the request or fly over. Commissioner Cowley commented that he attended a veteran's memorial in Price a few years back where a F117 flew over. Mr. Snow indicated that they do not know what kind of plane will fly over but we just want to make the request. Commissioner Paul Cowley made a motion to approve of Fly Over application over the Museum on Veteran's Day. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

DISCUSSION AND APPROVAL OF BOARD OF EQUALIZATION (BOE) CLOSURE.

Commissioner Ethan Migliori made a motion to close Board of Equalization for 2016. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSSION AND APPROVAL OF BOARD OF EQUALIZATION (BOE) CHANGES FOR 2016.

Commissioner Ethan Migliori made a motion to approve of Board of Equalization changes for 2016. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(12)

DISCUSSION AND APPROVAL OF VETERAN, BLIND, AND HOMEOWNER'S TAX CREDIT ABATEMENTS.

Commissioner Paul Cowley made a motion to approve of Veteran, Blind, and Homeowner's Tax Credit Abatements. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

DISCUSSION AND APPROVAL OF ARAPEEN ATV JAMBOREE EVENT AND THE EVENT BEING TAKEN OVER BY THE COUNTY.

Mark H. Williams reported on the recent Arapeen ATV Jamboree. He reported that it was not as well attended as it has been in the past. He added that they broke even on the event. He reported that other counties have a much turnout than Emery County does due to better infrastructure. Commissioner Cowley indicated that he has been involved in leading a group in the past and would like to see the event continue. Maybe a ride in the spring would draw more participation. he added that he received comments regarding how diverse and unique our area is. Mark asked that the County take over the event. He would like to see the County retain the permits with the BLM cause if we lose them we may not get them back. Mark indicated that he would be willing to assist for the first year whomever takes the event. Commissioner Ethan Migliori made a motion to approve taking over the ATV Jamboree event keeping in mind that there may be some changes to the event. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSSION AND APPROVAL TO ALLOW TRAVEL BOARD MEMBERS , LAMAR GUYMON AND JONATHON HUNT, TO RIDE IN THE COUNTY'S TRAVEL VAN TO PREVIOUSLY APPROVED UTAH TOURISM CONFERENCE AND UTAH OUTDOOR RECREATION SUMMIT SHOW.

Jordan Leonard requested approval to allow Travel Board members to ride in the County's Travel Van to various events that board members are required to attend. Recently the board was granted approval to attend Utah Tourism Conference and Utah Outdoor Recreation Summit Show. However, there are other situations such as attending meetings in Green River that would save money if the board members could travel in one vehicle. Commissioner Migliori indicated that he has read through the policy and was confident that could work. Commissioner Ethan Migliori made a motion to approve based on what the policy allows. The motion was seconded by Commissioner Paul Cowley. The motion passed.



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(15)

DISCUSSION AND APPROVAL OF RESOLUTION TO APPOINT A REPRESENTATIVE AND ALTERNATE REPRESENTATIVE WHO WILL VOTE IN BEHALF OF EMERY COUNTY AT UCIP'S ANNUAL MEETING.

Commissioner Ethan Migliori made a motion to approve of Resolution 9-20-16 appointing Mary Huntington as representative and Commissioner Keith Brady as alternative who will vote in behalf of Emery County at UCIP's Annual Meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

DISCUSSION AND APPROVAL OF THE DESIGN FOR CONSTRUCTION, AND CONSTRUCTION EVALUATIONS ON SOUTH MOORE CUT-OFF ROAD, PHASE 10.

Commissioner Ethan Migliori made a motion to approve of the design for construction, and construction evaluations on South Moore Cut-Off Road, Phase 10. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSSION AND APPROVAL TO ADD THE HUNTINGTON CREEK WATERSHED CO-ORDINATED RESOURCE MANAGEMENT PLAN TO THE EMERY COUNTY GENERAL PLAN.

Tabled.

(18)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Migliori reported that there will be a Lunch and Learn tomorrow at noon. The speaker will be Steven Jeffrey speaking on bouldering in the area and its potential for the county. He attended the U.S. Forest Service Open House last week which was well attended. He thanked all the fire chiefs in the area and those who have rallied here to help with the fire in Joe's Valley. They organized their command center at the Rec Center. Their efforts have been greatly appreciated. He attended a Planning and Zoning meeting in Green River where they discussed the Huntington Creek Watershed Project and its inclusion in the General Plan. He stated he appreciated all the time and effort put into the project.

Commissioner Cowley relayed a report given by Ray Petersen regarding the Fly Canyon Fire. Commissioner Cowley reported on several events coming up that may be of interest to citizens in the county. 4H is having a Ranch Horse Gathering and Rodeo on September 23rd & 24<sup>th</sup> in

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Castle Dale. USU will have a Master Gardening Conference in Kaysville on September 30<sup>th</sup>. There will be a Water Summit Conference at the Utah Valley Convention Center on October 25<sup>th</sup>.

Commissioner Brady reported on the success of the recent Peach Days and Melon Days.

Commissioner Brady asked Jordan Leonard to talk about the aerospace companies tour of the county. Jordan reported that Lockheed Martin and Boeing will hold a seminar on October 4<sup>th</sup> beginning at 8:00 am at the High School. There will be a breakfast at 8:00 am followed by business presentations from 2-3 local companies. Business delegations will then travel to Industrial Electric in Orangeville and EAO Services Machine Shop in Lawrence. Lockheed Martin and Boeing are looking for potential fabricators, electrical and composite manufacturing and other aspects of aerospace technology with which to do business.

Bill Dellos asked to remind everyone of the Republican Fall Dinner on September 29th.

(19)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 28, 2016

Present at the meeting was Commissioner Ethan Migliori, Commissioner Paul Cowley, Attorney Mike Olsen, Clerk/Auditor Brenda Tuttle, and citizens. Chairman Keith Brady was not able to attend the meeting. Therefore, Commissioner Ethan Migliori will step down to execute motions as needed.

(1)

CLOSED MEETING TO DISCUSS REGIONAL HAZE FEDERAL IMPLEMENTATION PLAN.

Attorney Mike Olsen explained that he was contacted by PacifiCorp and asked if Emery County wanted to join on an appeal. The State of Utah has implemented some new rules and regulations for coal fired power plants. PacifiCorp and the AG's office are going to appeal and want to know if Emery and Carbon County want to participate. Mike indicated that he spoke with Marty Banks, Attorney at Stoel Rives, LLC who specializes in this type of appeal process. Mike Olsen recommended Emery County intervene with participation in this appeal process. The risk to the county is very high if the power plants go away. Carbon County wants to share in the cost of attorney and fees. The estimated cost is possibly \$20,000.00 to \$40,000.00 which EC would share with Carbon County. Commissioner Ethan Migliori commented that if we do not engage it would be very detrimental for our economy. Commissioner Paul Cowley agreed.

Attorney Mike Olsen stated that he has a representation letter from Stoel Rives, LLC and the deadline is October 3, 2016.

(2)

APPROVAL OF ENGAGEMENT LETTER WITH STOEL RIVES LLP FOR LITIGATION REPRESENTATION.

Commissioner Ethan Migliori made a motion to move forward on intervention and contract with Stoel Rives for litigation representation. The motion was seconded by Commissioner Paul Cowley. The motion passed. Commissioner Brady previously expressed that he was favorable to the appeal process as discussed.

Ray Petersen asked if the Commissioners have considered contacting Sanpete and or Sevier Counties?

(3)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 4, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 241845 through and including # 241958 was presented for payment.

One requisition was presented for approval.

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
32-16	Bosch Tire Changer Weed/Mosquito	\$4,980.00

There were no dispositions

(2)

APPROVAL OF MINUTES OF SEPTEMBER 20, 2016 COMMISSION MEETING

(3)

APPROVAL OF KRISTEN VOSE OF CLEVELAND TOWN TO BE THEIR  
REPRESENTATIVE ON THE EMERY COUNTY RECREATION BOARD.

(4)

APPROVAL OF MISTIE BASTIAN SELECTED AS A PART TIME JANITOR WORKING  
9.5 HOURS PER WEEK AS A JANITOR IN THE GREEN RIVER LIBRARY. WAGE  
GRADE 6.

(5)

APPROVAL OF EVELYN HUNTSMAN AS A VOLUNTEER FOR THE ARCHIVES

2

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DEPARTMENT.

(6)

APPROVAL TO PROMOTE JERIMIAH RICH FROM CORRECTION OFFICER II TO PATROL DEPUTY I. NO WAGE INCREASE.

(7)

APPROVAL TO APPOINT SUZANNE ANDERSON AND VAL PAYNE TO SERVE ON THE EMERY COUNTY PRESERVATION COMMITTEE.

Commissioner Migliori indicated that there was a change on agenda item #4. The hours per week should be 6.

Motion to approve the Consent Agenda was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing.

(2)

PUBLIC COMMENT (3 MINUTE LIMIT PER PERSON)

Mark H. Williams reported on attending the recent Dark Sky event held at Goblin Valley State Park.. He and Tina Carter attended the event representing Emery County Public Lands Council. A few people from the Wasatch area attended the event. Once they set up about 10 telescopes people from the capacity filled campground starting showing up to see the night sky. While he was there he drove up North Temple Wash where the road has been damaged. He indicated that when he was on the SSD#1 Board they fought to get the road repaired 2 extra miles up the road. However, they ran into environmental issues and they felt it was not worth the fight at that time. Now repairing the road is going to cost more to fix. We need to find the funds to fix the road the way it should have been fixed in the first place to withstand the flooding issues. With the anticipated expansion of Goblin Valley State Park this road will be right in the middle of the park

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so it needs to be fixed right this time.

(3)

PRESENTATION BY CODY DRAPER FROM UTAH.COM.

Cody Draper from UTAH.COM provided a presentation of services provided by UTAH.COM. He reported that they have over 60 thousand subscribers worldwide. He is currently working with Green River City to come up with things to do in Green River. UTAH.COM is owned by the Church of Jesus Christ of Latter Day Saints initiated to bring people to Utah and do as much as they can while they are here. Emery County will be lumped into one called the Castle Valley Communities rather than breaking it down into each individual city. Commissioner Brady indicated that he has been impressed with what they have done with UTAH.com. Commissioner Migliori asked how often they accept experts in various fields to submit articles that highlight areas of interest in the county? He stated he liked their marketing approach.

(3) (A)

OPEN BIDS FOR DIKE PROJECT RELATED TO THE EMERGENCY WATERSHED PROTECTION PROJECT, 2016.

Advertising went out for the opening of bids for a dike project for the Emergency Watershed Protection Project, 2016. However, it was missed getting put on the agenda for today. Attorney Mike Olsen stated that there are some time restraints associated with this project so it would be okay to open the bids and ratify any decision in the next meeting.

Bids were opened as follow:

1)	TSJ Construction	\$353,952.89
2)	Nelco Construction	\$345,530.00
3)	Jackson Excavation	\$497,680.00
4)	VanCon	\$701,744.00
5)	Perco Rock Company	\$265,709.60
6)	Staker & Parson/Nielson Construction	\$297,116.00

Commissioner Ethan Migliori made a motion to allow a Commissioner and J&T Engineering to review the bids for accuracy , award the bid to low bidder and place on the next Commissioner Agenda for ratification. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

DISCUSSION AND APPROVAL TO UPDATE THE ELIGIBILITY FEDERAL SURPLUS

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PROPERTY PROGRAM IN ORDER TO GIVE THE ROAD DEPARTMENT THE OPPORTUNITY TO PURCHASE FROM THIS PROGRAM.

Commissioner Paul Cowley made a motion to approve updating the eligibility Federal Surplus Property Program in order to give the Road Department the opportunity to purchase from this program. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

DISCUSSION AND APPROVAL OF COMMUNITY IMPACT BOARD (CIB) COUNTY PRIORITY LIST.

Commissioner Ethan Migliori made a motion to approve of Community Impact Board (CIB) County Priority List. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSSION AND APPROVAL OF FUNDING FOR THE NIELSEN HOUSE LODGING PROPERTY THROUGH THE TOURISM INCENTIVES PROGRAM.

Jordan Leonard, Economic Development, explained that the Tourism Incentives Program was designed to help businesses that collect Transient Room Tax (TRT). The Nielsen House Lodging is an AIRBB vacation rental in Ferron. They have made application through the Tourism Incentives Program for funds to help improve the business. Initial concern were regarding the fact that it is a home. The owners must sign a contract stating that they will stay in business for at least three years or return the funds. The board approved \$2,362.50. Assessor Kris Bell asked Jordan if the owners realize that they will not get residential status on their property assessment because there is no one living in the home year round. Jordan indicated that the owners are trying to find ways to bring people into the area to stay over. Commissioner Ethan Migliori made a motion to approve funding in the amount of \$2,362.50 through the Tourism Incentives Program for the Nielsen House Lodging Property. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF ASSURANCES RELATING TO REAL PROPERTY ACQUISITION FOR THE COTTONWOOD CREEK PROJECT-CASTLE DALE (ADS-78) IN CONNECTION WITH THE INSTALLATION OF PROJECT MEASURES WHICH INVOLVE FEDERAL FINANCIAL ASSISTANCE FURNISHED BY THE NATURAL RESOURCES CONSERVATION SERVICES (NRCS).

Commissioner Paul Cowley made a motion to approve of Assurances relating to Real Property



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Acquisition for the Cottonwood Creek Project-Castle Dale (ADS-78) in connection with the installation of project measures which involve Federal Financial Assistance furnished by the Natural Resources Conservation Services (NRCS) . The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

DISCUSSION AND APPROVAL OF HOTEL RECRUITING RFP.

Jordan Leonard explained that the board is trying to take a different approach by designing an RFP to entice motels on this side of the County. The board felt it was worth the time to put feelers out there. Tourism is increasing every year. We don't want to be behind the eight ball by not having a place for visitors to stay. Commissioner Ethan Migliori made a motion to approve of hotel recruiting RFP. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSSION AND APPROVAL OF FEE WAIVER FOR MUSEUM RENTAL ROOM FOR THE CASTLE VALLEY ARCHEOLOGY SOCIETY.

Tiffany Baker, Castle Valley Archeology Society request approval of a fee waiver for museum room for October 20, 2016. The Castle Valley Archeology Society has helped out the museum with family day and donated time and money to the museum. They expect approximately 40 people and will be discussing artifacts and ways to help promote museums. Commissioner Paul Cowley made a motion to approve of fee waiver for museum rental room for the Castle Valley Archeology Society as requested. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

DISCUSSION AND APPROVAL TO PRORATE PROPERTY TAX ON PARCEL #01-0127-0018 FOR KERN BEHLING.

Kern Behling bought the property at first of the year. In September he demolished the home on the property. He is now requesting to have the property taxes prorated. At this point it is a Commissioner's Adjustment request. Previous tax dollars are \$159.67. New tax dollars would be \$119.74. Adjustment amount is -\$39.93 if approved. Kris Bell recommended approval. Commissioner Paul Cowley made a motion to approve prorating property tax on Parcel #01-0127-0018 for Kern Behling. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

6

COMMISSION MEETING MINUTES  
OCTOBER 4, 2016

(11)

DISCUSSION AND APPROVAL TO PRORATE PROPERTY TAX ON PARCEL #01-116C-0002 FOR JODY COX.

Kris Bell corrected the agenda item to read Parcel # 01-116C-0002 for Bruce Smith. Mr. Smith addressed the Commissioners. He stated that he is licensed real estate broker. He purchased 6.04 acres of property in Ferron from Wells Fargo for \$53,000.00 in a distressed bank foreclosure. Ferron City sent him a notice of non-compliance until he removes the house from the property. The Assessor has the value at \$69,900.00. Mr. Smith wants the market value to be at what he paid for the property. After much discussion Commissioner Ethan Migliori made a motion to table this matter to allow time to review the information that Mr. Smith has presented. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

RATIFICATION OF FY2016 BEER TAX FUNDS ANNUAL REPORT OF COUNTIES.

The annual report of counties was due on September 30, 2016. Therefore, the report was signed and forwarded to the State. The signing of the report needs to be ratified. Commissioner Ethan Migliori made a motion to ratify approval of FY2016 Beer Tax Funds Annual Report of Counties. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

DISCUSSION AND APPROVAL FOR THE EMERY COUNTY LANDFILL TO START THE ADVERTISING PROCESS FOR THE DISPOSAL OF THE SCRAP METAL PILE AT THE LANDFILL.

Commissioner Ethan Migliori made a motion to approve the advertising process for the disposal of the scrap metal pile at the landfill. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSSION AND APPROVAL OF THE MODIFICATIONS TO THE EMERY COUNTY LIBRARY KINDLE CONTRACT.

Carole Larsen, Emery County Library explained that they needed to make some modifications to the Emery County Library Kindle Contract. The modifications regarded fines for dropping the Kindle in the night drop and exclusive rental by Emery County residents only. Commissioner Paul Cowley made a motion to approve of the modifications to the Emery County Library Kindle Contract. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

7

COMMISSION MEETING MINUTES  
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(15)

DISCUSSION AND APPROVAL TO SET OCTOBER 19 FROM 9:00 A.M.-12:00 P.M. FOR BUDGET MEETING.

Commissioner Paul Cowley made a motion to approve setting October 19<sup>th</sup> from 9:00 A.M. to 12:00 P.M. for budget meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

DISCUSSION AND APPROVAL OF LEASE AGREEMENT WITH EMERY COUNTY SCHOOL DISTRICT TO LEASE A COUNTY BUILDING FOR THE ROBOTICS PROGRAM..

Commissioner Paul Cowley made a motion to approve of lease Agreement with Emery County School District to lease a county building for the Robotics Program. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(17)

COMMISSION/ELECTED OFFICIALS REPORT

Commissioner Migliori publicly expressed appreciation to the Road Department for their efforts throughout the rainy season to keep our roads cleaned up. He reported on attending Rural Economic Summit where efforts were discussed regarding capitalizing businesses in rural Utah. He reported on Historic Preservation Committee activity.

Commissioner Brady reported on the recent Aerospace Conference held at the High School. There were 4 to 6 businesses from Emery County present hoping to partner with the aerospace industry. There was also a Science /Robotics Fair held in conjunction with the Conference.

Commissioner Cowley reported on the Senior Citizen BBQ in Huntington Senior Center. It was a rainy day so not so well attended. Good food catered by Kent Wilson.

(18)

ADJOURNMENT

The Meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 18, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Ethan Migliori, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 241962 through and including # 242148 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
33-16	(6) NX5700 VHF Radios for Road Dept. Sheriff/Communications	\$4,174.80
34-16	Generac 22 kw Generator Model #6551 Electrical Transfer Panel Sheriff/Communications	\$5,895.80
35-16	(28) Wilson Cell Phone Boosters Sheriff/Communications	\$12,096.75
36-16	Installation of access ramp at bunker Weed/Mosquito	\$1,680.00
37-16	Alumalite Sign Aquatic Center	548.00

There were no dispositions.

2

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(2)

APPROVAL OF MINUTES OF OCTOBER 04, 2016 COMMISSION MEETING.

(3)

NOTIFICATION. MALONE MOSS WAS SELECTED AS A PART TIME LIFEGUARD WORKING 19 3/4 HOURS PER WEEK GRADE 3.

(4)

APPROVAL OF DANIELLE FARLEY TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 10-24-16.

(5)

APPROVAL TO PROMOTE ARIAUNA DOWNARD TO A CERTIFIED LIFEGUARD INSTRUCTOR FOR SUCCESSFUL COMPLETION OF THE LIFEGUARD INSTRUCTOR CERTIFICATION COURSE. MOVE FROM GRADE 7 TO GRADE 8.

(6)

APPROVAL OF MELANY WEAVER TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 10-24-16

(7)

APPROVAL TO HIRE MAXINE FIELDER AS THE FULL TIME, WITH BENEFITS, JUSTICE COURT CLERK I, GRADE 11.

Commissioner Ethan Migliori made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Paul Cowley. The motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

3

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(2)

PUBLIC COMMENT (3 MINUTE LIMIT PER PERSON).

Danny VanWagoner asked about agenda item #10. He asked why the county is hiring a special attorney?

No response was given at this time.

Commissioner Ethan Migliori made a motion to leave the regular meeting and enter into a public hearing and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

PUBLIC HEARING- TO RECEIVE PUBLIC INPUT REGARDING THE PROPOSED ORDINANCE WHICH AMENDS EMERY COUNTY ORDINANCE NO. 8-7-85A REGULATING COUNTY ROAD AND RIGHT-OF-WAY ENCROACHMENTS.

Attorney Michael Olsen explained that the reason for the Public Hearing is to receive public input regarding the proposed ordinance which amends Emery County Ordinance No. 8-7-85A regulating county road and right-of-way encroachments. He explained that the ordinance regulates the use of the road and consequences/penalties for damage to our roads. Such as when a construction company uses our roads for a construction project. This is an effort to make sure when one enters our roads or highway that it is done properly and safely to protect our roads. This amendment brings the ordinance up to date and makes it current. This ordinance is similar to what has been done in other counties as well. Mr. Olsen recommended approval of the amendment to the ordinance. Commissioner Cowley commented that the ordinance protects our roads from damage from construction companies who use our roads for construction projects. Our county road supervisor inspects the roads for safety. Jule Johansen asked if the amendment addresses consequences and penalties for damage to the road? Mr. Olsen answered that 'yes' it does identify fines and consequences.

There were no more questions or comments.

The Commissioners returned to the regular meeting agenda.

(4)

DISCUSSION AND APPROVAL OF AMENDED EMERY COUNTY ORDINANCE NO. 8-7-85A REGULATING COUNTY ROAD AND RIGHT-OF-WAY ENCROACHMENTS.

Commissioner Paul Cowley made a motion to approve of Amended Emery County Ordinance No. 8-7-85A regulating county road and right-of-way encroachments. The motion was seconded

4

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by Commissioner Ethan Migliori. The motion passed.

Commissioner Ethan Migliori made a motion to leave the regular meeting and enter into a public hearing and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

PUBLIC HEARING -TO RECEIVE PUBLIC INPUT REGARDING THE PROPOSED ACTION OF ADDING HUNTINGTON CREEK WATERSHED COORDINATED RESOURCE MANAGEMENT PLAN TO THE EMERY COUNTY GENERAL PLAN.

Ray Petersen, Public Lands Administrator explained that the Emery County Public Lands Council has reviewed the Plan and recommends it as an appendix to the Emery County General Plan.

Commissioner Paul Cowley commented that he has attended several planning meetings for the Huntington Creek Watershed Coordinated Resource Management Plan. He added that the plan is very concise.

Jeff Guymon, Zoning Administrator commented that the Planning Commission has reviewed the plan as well and find it advantageous to included it in the GP. Planning Chairman Mack Huntington recommends approval. Jeff added that many hours have been contributed to this document.

There were no more comments.

The Commissioners returned to the regular meeting agenda.

(6)

DISCUSSION AND APPROVAL TO ADD THE HUNTINGTON CREEK WATERSHED COORDINATED RESOURCE PLAN TO THE EMERY COUNTY GENERAL PLAN.

Commissioner Paul Cowley made a motion to approve the addition of the Huntington Creek Watershed Coordinated Resource Plan the Emery County General Plan. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

DISCUSSION AND APPROVAL OF THE FY2016 HOMELAND SECURITY GRANT PROGRAM ARTICLES OF AGREEMENT AND OBLIGATING DOCUMENT AWARD FOR THE PERIOD OF SEPTEMBER 1, 2016 THROUGH JUNE 30, 2019.

Sheriff Funk explained that the FY2016 Homeland Security Grant award is \$225,494.00. It will be split with Carbon County. Emery County will receive \$109,184.50 and Carbon County \$103,309.50. There is a \$13,000.00 for training. Emery County's amount is higher because we pay for the reverse 911 this year. Commissioner Ethan Migliori made a motion to approve of the FY2016 Homeland Security Grant Program Article of Agreement and Obligation Document Award for the period of September 1, 2016 through June 30, 2019. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSSION AND APPROVAL OF STATE OF UTAH JUSTICE ASSISTANCE GRANT (JAG) ISSUED BY COMMISSION ON CRIMINAL AND JUVENILE JUSTICE.

Sheriff Funk explained that the Utah Justice Assistance Grant is in the amount of \$4,496.60 which will be used to purchase 20 printers for patrol/deputy vehicles. Commissioner Paul Cowley made a motion to approve of State of Utah Justice Assistance Grant (JAG). The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

DISCUSSION AND APPROVAL TO CHANGE THE STATUS OF PARCEL #01-0168-0005 FOR GREG SHIPP OF GREEN RIVER TO ACTIVE.

Recorder, Connie Jensen explained that parcel #01-0168-0005 was previously a HUD home that was exempt from taxes. The home was purchased by Greg Shipp. The exempt status was not removed so therefore needs a Commission Adjustment to return it to taxable to collect taxes on the property. Commissioner Ethan Migliori made a motion to approve changing the status of parcel #01-0168-0005 for Greg Shipp of Green River to active. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSSION AND APPROVAL OF CONSENT AND DIRECTION TO TRANSFER REPRESENTATION TO CROOK & TAYLOR LAW, LLC.

Commissioner Brady explained that Mr. Crook formed a new firm that includes Attorney Taylor. In a previous Commission Meeting the County hired Mr. Crook to help and advise on Personnel Policy and use him for employment law and administrative law representation. This change is needed because of change in name for his firm. New name, same attorney. Commissioner Ethan Migliori made a motion to approve transfer of representation to Crook & Taylor Law, LLC. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSSION AND APPROVAL TO PROVIDE FLU AND ADACEL VACCINES THIS



YEAR IN CONJUNCTION WITH OUR WELLNESS CLINIC OCTOBER 26-27, 2016, IN CASTLE DALE AND OCTOBER 28, 2016, IN GREEN RIVER.

Personnel Director, Mary Huntington explained that the county has provided this service for its employees for the last 8 years. The Wellness Clinic has been a beneficial program. Multiple health related issues have been caught early to help mitigate claims. The Flu vaccine is offered every year. The Adacel vaccine (tetanus) is good for ten years. Commissioner Paul Cowley made a motion to approve providing flu and Adacel vaccines this year in conjunction with our Wellness Clinic. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

DISCUSSION AND APPROVAL TO UTILIZE EMERY MEDICAL CENTER AGAIN THIS YEAR FOR THE ANNUAL WELLNESS CLINIC. THE COST WILL BE \$120.00 PER FULL TIME EMPLOYEE THAT PARTICIPATES.

Mary Huntington requested approval to utilize Emery Medical Center again this year for the annual Wellness Clinic. The cost will be \$120.00 per full time employee that participates. That cost includes the basic blood draw only. EMC will do the PSA level check for an additional cost of \$37.00 per participant. Commissioner Paul Cowley made a motion to approve utilizing Emery Medical Center for the annual Wellness Clinic and the \$120.00 per full time employee that participates. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

DISCUSSION AND APPROVAL TO GIVE FULL TIME EMPLOYEES WHO PARTICIPATE IN THE WHOLE WELLNESS CLINIC 4 HOURS OF VACATION.

Commissioner Ethan Migliori made a motion to approve giving full time employees who participate in the whole Wellness Clinic 4 hours of vacation. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSSION AND APPROVAL FOR HUNTINGTON LIBRARY TO APPLY FOR KUED GRANT.

Huntington Library is seeking a \$400.00 grant from KUED to be used for books and supplies. Commissioner Paul Cowley made a motion to approve Huntington Library to apply for a KUED Grant. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

DISCUSSION AND APPROVAL TO REDUCE THE MUSEUM RENTAL ROOM FEE FOR THE DEPARTMENT OF WORKFORCE SERVICES TO HOST A TRAINING FOR UNIVERSITY OF UTAH STUDENTS ON DECEMBER 5, 2016.

Commissioner Ethan Migliori made a motion to approve waiving the fee for the rental room provided the students set and up and take down chairs to reduce strain on Museum staff. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

RATIFICATION OF APPROVAL FOR EMERY COUNTY SHERIFF'S OFFICE TO APPLY FOR A GRANT FROM WAL-MART FOR THE SHOP WITH A COP PROGRAM.

Sheriff Funk explained the program. They take a student from each elementary school for the Shop with a Cop Program. The Sheriff's Department has \$2,000.00 from a fund raiser which they will use for the match for the grant from Wal-Mart. The grant program is a first come first served program so the grant application has been signed and sent and now needs to be ratified. Commissioner Paul Cowley made a motion ratify the application for a grant from Wal-Mart for the Shop with a Cop Program. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(17)

DISCUSSION AND APPROVAL OF REIMBURSEMENT AGREEMENT FOR PROPOSED SOLAR PROJECTS BY ONYX RENEWABLES.

Commissioner Migliori indicated that he has been in on a number of discussions with companies looking to do solar projects in the county. Onyx Renewables looks to be the most promising of any he has heard from. Craig Smith, Onyx Renewables was present at the meeting to discuss proposed projects. He stated that he has done several projects (solar farms) in Iron County. This is an economic development tool that the state has given counties to do projects such as this. The projects (solar farms) are mostly done with private investor funds. The property owner usually receives a property tax advantage. The tax would be split between entities. There needs to be good access to the grid, lots of sunshine, and lots of land. The company has to have an agreement with Rocky Mountain Power who will buy the power. It is low maintenance and provides a great tax base for the county. Jim Fauver, Castle Valley Ranch stated that they have 3,000 acres tied up with Onyx. This will help 5 to 6 families, rejuvenate the farm/ranch, and increase the tax base. Jordan added that California has mandated that by the year 2021 60% of their power has to come from renewable energy. Oregon is next year. Commissioner Migliori suggested letting Jordan work through the process with Mr. Smith. Motion to table was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley, and the motion passed.

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October 18, 2016

(18)

RATIFICATION OF EMERY COUNTY EMERGENCY WATERSHED PROTECTION PROJECT FOR CASTLE DALE DIKE. BIDS WERE OPENED IN OCTOBER 4<sup>TH</sup> COMMISSION MEETING AND REVIEWED FOR COMPLIANCE. BID HAS BEEN AWARDED TO PERCO ROCK COMPANY.

Merril Johansen explained that since the time the bids were opened they have had people come in to their office to be sure the project does not disrupt wet land areas. He suggested the Commissioners table ratification until we see if we have to mitigate this issue. Commissioner Ethan Migliori made a motion to table the ratification of approval of project bids reviewed for compliance. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

OPEN REQUEST FOR PROPOSALS FOR EVENT COORDINATOR.

Proposals were opened for the Event Coordinator.

- 1) Amanda Leonard
- 2) Bailey Thomas

Commissioner Ethan Migliori made a motion to refer the proposals to the Travel Council with the coordination of a Commissioner with a possible follow-up interview process and review of the budget. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(20)

DISCUSSION AND APPROVAL TO APPOINT DANNY VANWAGONER TO FILL AN UNEXPIRED TERM AS A TRAVEL BUREAU BOARD OF DIRECTORS FOR THE WESTERN SIDE OF EMERY COUNTY.

Commissioner Paul Cowley made a motion to appoint Danny VanWagoner to fill an unexpired term as a Travel Bureau Board of Directors for the western side of Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(21)

DISCUSSION AND APPROVAL TO ADVERTISE FOR A BOARD OF DIRECTOR'S SEAT FOR THE WESTERN SIDE OF EMERY COUNTY.

Commissioner Paul Cowley made a motion to advertise for a Travel Bureau Board of Director's seat for the western side of Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(22)

DISCUSSION AND APPROVAL OF FUNDING RECEIVED FOR THE DES BEE DOVE  
MOTORIZED TRAIL FROM STATE PARKS PROJECT.

Tina Carter, Emery County Travel Council, stated that the County has been approved to receive funds from State Parks for the Des Bee Dove Motorized Trail. This gives the Travel Council the go ahead to complete the project in the next two years. Commissioner Paul Cowley made a motion to approve receiving the funds from State Parks for the Des Bee Dove Motorized Trail. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(23)

DISCUSSION AND APPROVAL OF THE APPLICATION FOR FEDERAL ASSISTANCE-  
SF-424, (REVISION TO INCREASE FUNDS) BETWEEN EMERY COUNTY AND  
NATURAL RESOURCES CONSERVATION SERVICES TO INCREASE TECHNICAL  
ASSISTANCE (TA) FUNDS IN THE AMOUNT OF \$25,000.00.

Commissioner Migliori discussed an application for Federal Assistance-SF-424 (Revision to increase funds) between Emery County and Natural Resources Conservation Services to increase Technical Assistance (TA) Funds in the amount of \$25,000.00. Merrill Johansen indicated that we may need to use some of the funds to mitigate the wetland issue. Commissioner Paul Cowley made a motion to approve the application for Federal Assistance-SF-424. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(24)

DISCUSSION AND APPROVAL TO SET THE COUNTY FAIR DATE FOR JULY 28-29,  
2017

Commissioner Keith Brady explained that the Fair Committee reviewed comments from a survey conducted after the 2106 Emery County Fair. The majority of those who commented wanted the fair returned to July. The committee proposed July 28 & 29, 2017 for the 2017 Emery County Fair. Commissioner Paul Cowley made a motion to set the date of July 28 & 29, 2017 for the 2017 Emery County Fair. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(25)

DISCUSSION AND APPROVAL TO ACCEPT THE AGREEMENT WITH THE HYPNO HIC  
FOR THE COUNTY FAIR.

10

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Commissioner Keith Brady explained that the Fair Committee would like to retain the 'Hypno Hic' for the 2107 Emery County Fair. Clerk/Auditor Brenda Tuttle expressed concern for obligating funds for 2017 when the budget has not been set. Attorney Mike Olsen wanted to look into the matter and suggested approval pending his finding. Commissioner Ethan Migliori made a motion to bring this item back at another meeting for discussion. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(26)

DISCUSSION AND APPROVAL OF 2017 TENTATIVE BUDGET.

Clerk/Auditor Brenda Tuttle stated that by law she is required to present a tentative budget for 2017 to the Board of Commissioners. As per the Commissioners request the budget reflects a 3% cost of living increase for all employees. The final budget will be set in December. Commissioner Paul Cowley made a motion to approve the 2017 Tentative Budget. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(27)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Migliori reported on the upcoming business conference on November 4<sup>th</sup> from 8:00 am until 2:00 pm. Bryan Miller will be the keynote speaker. Mike Turner who spearheaded the Utah Honor Flight Program that sends veterans to Washington, D.C. to visit the Veterans Memorial will also speak on the non-profit side of business. Others will speak to tourism in the county, social media and the internet, how to value your business structure for family to take over. It will be held at the USU EDU campus. The cost is \$20.00.

Commissioner Brady reported on attending a conference regarding the addictive use of heroin and opioids in Utah.

Commissioner Cowley reported that the Senior Christmas Party has a date of December 8<sup>th</sup> at the MOSR.

(28)

ADJOURN

The meeting was adjourned.

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ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF A PUBLIC HEARING  
HELD BY THE BOARD OF EMERY COUNTY COMMISSIONERS

OCTOBER 25, 2016

Public Hearing to take public comment on Local Option Sales Tax HB362.  
This would enable Emery County to impose a quarter of one percent (0.25% in the equivalent of 1 cent for every \$4 spent) sales and use tax for the specific purpose of transportation improvements, such as roads, trails, sidewalks, maintenance and traffic and pedestrian safety features, with the revenues divided among the county, cities, and towns within the County.

Commissioner Keith Brady opened the meeting for public comment.

There were no comments.

The public hearing was closed.

ATTEST: \_\_\_\_\_ Commissioner: \_\_\_\_\_

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

NOVEMBER 1, 2016

Present at the meeting was Commission Chairman, Keith Brady, Commissioner Ethan Migliori, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 242167 through and including #242273 was presented for payment.

One Requisition was presented:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
38-19	Professional truck mount pressure washer Weed/Mosquito	\$4,490.00

There were no dispositions.

(2)  
APPROVAL OF MINUTES OCTOBER 18, 2016 COMMISSION MEETING.

(3)  
NOTIFICATION. VANESSA JUSTESEN APPOINTED AS A PART TIME CONFIDENTIAL COMMISSION SECRETARY, WORKING UNDER PAUL COWLEY, 19 3/4 HOURS PER WEEK WITH NO BENEFITS. WAGE GRADE 14.

(4)  
APPROVAL TO GIVE CHERYL COX A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS SENIOR JUSTICE COURT CLERK. EFFECTIVE 11-7-16.



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COMMISSION MEETING MINUTES  
NOVEMBER 1, 2016

(5)

APPROVAL TO HIRE LES ANDERSON BACK AS A SEASONAL WEED & MOSQUITO TECH WORKING 29 HOURS PER WEEK, WITH NO BENEFITS. WAGE \$12.00 PER HOUR.

(6)

APPROVAL FOR OUT OF STATE TRAVEL FOR RAY PETERSEN TO ATTEND THE COLORADO RIVER USER'S ASSOCIATION CONFERENCE IN NEVADA ON DECEMBER 14-16.

(7)

APPROVAL TO APPOINT SUZANNE ANDERSON TO THE MUSEUM OF THE SAN RAFAEL BOARD.

Commissioner Paul Cowley made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing.

(2)

PUBLIC COMMENT (3 MINUTE LIMIT PER PERSON)

Nothing

(3)

PRESENTATION BY JASON JOHNSON, AREA MANAGER FOR THE UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS REGARDING UTAH WILDFIRE POLICY REVISIONS.

Jason Johnson, Area Manager for the Utah Division of Forestry, Fire & State Lands provided an update of policy revisions. He also talked about the Wildfire Preparedness Plan that needs to be updated in the next two years.

3

COMMISSION MEETING MINUTES  
NOVEMBER 1, 2016

(3) (a)

OPENING OF SCRAP METAL BIDS FOR THE LANDFILL.

Two bids were received for the purchase of scrap metal at the Landfill.

- 1) Western Metals Recycling      \$32.00 per ton.
- 2) 5D Recyclers                      \$15.00 per ton.

Since the opening of the bids was not on the agenda for today, the bids will be reviewed and compared and a decision will be made in the next Commission Meeting.

(4)

DISCUSSION AND APPROVAL TO ADVERTISE FOR AN ADVISORY COMMITTEE FOR HUNTINGTON AIRPORT.

Commissioner Cowley explained that Leon Defriez has resigned as Huntington Airport Manager. The Commission suggested creating an advisory committee to manage the airport. Mr. Defriez will stay on there until the organization is set up. Commissioner Ethan Migliori made a motion to approve advertising for an advisory committee for the Huntington Airport. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSSION AND APPROVAL FOR CLEVELAND AND ELMO LIBRARIES TO APPLY TOGETHER FOR THE KUED MINI GRANT.

Commissioner Ethan Migliori made a motion to approve for Cleveland and Elmo Libraries to apply together for the KUED mini grant. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSSION AND APPROVAL FOR GREEN RIVER LIBRARY TO APPLY FOR THE KUED MINI GRANT.

Commissioner Ethan Migliori made a motion to approve for Green River Library to apply for the KUED mini grant. The motion was seconded by Commissioner Paul Cowley. The motion passed.

COMMISSION MEETING MINUTES  
NOVEMBER 1, 2016

(7)

DISCUSSION AND APPROVAL OF ROLLBACK TAX/GREENBELT FOR GARRY PETERSEN.

Assessor, Kris Bell explained the requirements for greenbelt which Mr. Petersen currently qualified for, so we removed the land from greenbelt and attached the rollback. Kris proposed that if he meets the requirements listed they would remove the rollback but he won't be on greenbelt for two years until he qualifies. Those requirements are: 1) All land must be used for agriculture purposes. Meaning all land is being grazed, irrigated or producing 50% of its capacity. 2) Land must be fenced. 3) The vehicles need to be removed, along with the single wide trailer. If it is not something the land owner is willing to do, then the owner needs to do a segregation of the property and a rollback will need to be paid on that acreage. This needs to be taken care of by May 15, 2017. In order for the land to qualify for greenbelt, all land must be used for agriculture purposes. 4) If the land is being leased a copy of the lease will be provided to the Assessor's Office immediately. Included in the lease must be: leasee, how many years is the lease, what kind of livestock will be on the ground and for how many months out of the year. The Assessor's Office will need to determine the AUM's (animal units per month) to make sure there is enough livestock grazing the ground. 5) The land for the tax years 2016, 2017, and 2018 will not be on greenbelt. The greenbelt benefit can't be given while trying to qualify for it. The rollback for 2016 will be temporarily removed while trying to qualify. 6) If all the land is not being used for agricultural purposes, thus not meeting the requirements to be eligible for the greenbelt status for the tax year 2019, the rollback tax will be attached. Mr. Petersen did not agree to that and wanted to be put back on greenbelt. Kris informed the Commissioners that these requirements are for anyone who has property on greenbelt. Commissioner Migliori suggested allowing County Attorney Mike Olsen to review the statute for clarity on the definitions of greenbelt and work through the process with Kris Bell and Mr. Petersen.

(8)

DISCUSSION AND APPROVAL OF COMMISSION ADJUSTMENT ON PROPERTY 01-0036-0039. FOR AFTON EARLEY.

Clerk/Auditor Brenda Tuttle explained that Afton Earley has applied in years past. Her application was misfiled. Ms. Earley is eligible for the abatement in the amount of \$599.47. Commissioner Ethan Migliori made a motion to approve of Commission Adjustment on property 01-0036-0039 for Afton Earley. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSSION AND APPROVAL OF COMMISSION ADJUSTMENT ON PROPERTY 01-0162-0006 FOR LARRY CARTER.

Clerk/Auditor Brenda Tuttle explained that Larry Carter is a disabled veteran who has applied in

COMMISSION MEETING MINUTES  
NOVEMBER 1, 2016

previous years. State statute states that only one application is required unless something changes on the original application or the exemption is applied to personal property. In checking for previously applied applicants Mr. Carter's application was missed. The veteran abatement is \$573.55. Commissioner Ethan Migliori made a motion to approve of Commission Adjustment on Property 01-0162-0006 for Larry Carter. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSSION AND APPROVAL OF EMERY COUNTY EVENT COORDINATOR.

Travel Bureau Director, Tina Carter reported that the Travel Board interviewed applicants for the event coordinator. The Travel Board recommends Amanda Leonard as the new Emery County Event Coordinator. Commissioner Migliori expressed concern that there be no line of authority through Jordan Leonard as Economic Development Director. No ties to Jordan or management over Amanda. Commissioner Paul Cowley made a motion to approve Amanda Leonard as Emery County Event Coordinator with the understanding that no management over Amanda will come through Jordan. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

DISCUSSION AND APPROVAL OF AMENDED RESOLUTION 11-6-96 ADDING THE HUNTINGTON CREEK WATERSHED COORDINATED RESOURCE MANAGEMENT PLAN TO THE EMERY COUNTY GENERAL PLAN WHICH CAME FOR PUBLIC HEARING AND APPROVED ON OCTOBER 18, 2016.

In Commission meeting on October 18, 2016 the Commission approved adding the Huntington Creek Watershed Coordinated Resource Management Plan to the Emery County General Plan. A Resolution is needed to add the plan as an appendix to the General Plan. Commissioner Paul Cowley made a motion to adopt Resolution 11-01-16 amending Resolution 11-6-96 adding the Huntington Creek Watershed Coordinated Resource Management Plan to the Emery County General Plan as an appendix to the Emery County General Plan. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

DISCUSSION AND APPROVAL OF BUSINESS LICENSE FOR 4 BROTHERS ARCHERY.

Commissioner Ethan Migliori made a motion to approve of a business license for 4 Brothers Archery. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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COMMISSION MEETING MINUTES  
NOVEMBER 1, 2016

(13)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Migliori reminded the public of a second public hearing to be held today at 6:00 pm in relation to HB 362 question that is on the ballot. A lot of other communities have passed it. He also reminded everyone of the USU Eastern Utah Business Conference on Friday and Saturday.

Commissioner Brady reported on observations of two lock downs at local schools in Green River by the Emery County Sheriff's Department. It was very professional and well done. It was educational and provided an opportunity for the Sheriff's Department to become familiar with our schools. He also reported he hiked the Des Bee Dove Trail with Mark H. Williams. Mr. Williams was able to get a grant to clean-up the trail. There is a Fair Committee meeting today at 6:00pm for anyone who would like to attend.

Commissioner Cowley reported that there will be a Lands Council scoping meeting on the 15<sup>th</sup> of November in Green River at the John Wesley Powell Museum from 6pm - 8pm and here in this building on the 16<sup>th</sup>. Storms this fall have caused road damage on the San Rafael, the Mounds area by Wellington, and Temple Wash. He thanked the Road Department for taking on the task of making these roads passable again.

(14)

ADJOURN.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF A PUBLIC HEARING  
HELD BY THE BOARD OF EMERY COUNTY COMMISSIONERS

NOVEMBER 1, 2016

Public Hearing to take public comment on Local Option Sales Tax HB362.

This would enable Emery County to impose a quarter of one percent (0.25% in the equivalent of 1 cent for every \$4 spent) sales and use tax for the specific purpose of transportation improvements, such as roads, trails, sidewalks, maintenance and traffic and pedestrian safety features, with the revenues divided among the county, cities, and towns within the County.

Commissioner Keith Brady opened the meeting for public comment.

There were no comments.

The public hearing was closed.

ATTEST: \_\_\_\_\_ Commissioner: \_\_\_\_\_

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

NOVEMBER 15, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST , REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #242309 through and including #242477 was presented for payment.

Requisitions for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
39-16	(3) 6040N Printers Capital Pjts./ IT	\$1692.90
40-16	60" Wireless Tower Capital Pjts/ IT	\$5,575.00

There were no dispositions.

(2)  
APPROVAL OF MINUTES OF NOVEMBER 01, 2016 COMMISSION MEETING.

(3)  
NOTIFICATION. SHANNON HIATT SELECTED BAILEY HUGGARD, DAX HALL, MALONE MOSS AND ALLEN DURRANT AS PART TIME LIFEGUARDS WORKING 19 3/4 HOURS PER WEEK WITH NO BENEFITS. WAGE GRADE 3.

(4)  
NOTIFICATION. COMMISSIONER PAUL COWLEY SELECTED KELLI NELSON AS A

2

COMMISSION MEETING MINUTES  
NOVEMBER 15, 2016

PART TIME AGING DIRECTOR WORKING 19 3/4 HOURS PER WEEK WITH NO BENEFITS. WAGE GRADE 13.

(5)

APPROVAL TO HIRE BECKY JEWKES AS A FULL TIME, WITH BENEFITS, LIBRARIAN IN THE HUNTINGTON LIBRARY. WAGE GRADE 15.

(6)

APPROVAL TO GIVE JANET DAMRON A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE SR. DEPUTY RECORDER. EFFECTIVE 11-21-16.

(7)

APPROVAL TO RENEW JONATHON HUNT'S POSITION ON THE TRAVEL BUREAU BOARD.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Ethan Migliori, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

PUBLIC COMMENT (3 MINUTE LIMIT PER PERSON)

No comments

(3)

DISCUSS AND APPROVE BID FOR LANDFILL METAL PILE.

Commissioner Ethan Migliori made a motion to award the bid to the highest bidder Western Metals Recycling at \$32.00 per ton. The motion was seconded by Commissioner Paul Cowley. The motion passed.



3

COMMISSION MEETING MINUTES  
NOVEMBER 15, 2016

(4)

OPENING SEALED BIDS, DISCUSSION AND APPROVAL FOR COMPLETE SECURITY CAMERA SYSTEM FOR EMERY COUNTY SHERIFF'S OFFICE AND JAIL.

Sealed bids were opened for a complete security camera system for Emery County Sheriff's Office and Jail.

- |                    |             |
|--------------------|-------------|
| 1) Security 101    | \$68,511.00 |
| 2) Sound Unlimited | \$49,172.00 |

Commissioner Ethan Migliori made a motion to have the bids reviewed and compared by Sheriff Funk and a Commissioner, and then to award the project to the lowest bidder. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSSION AND APPROVAL TO ADOPT A RESOLUTION REQUIRING FEDERAL AND STATE AGENCIES WITH MANAGEMENT, OVERSIGHT OR PLANNING DUTIES TO COORDINATE WITH EMERY COUNTY ON ALL LAND USE AND NATURAL RESOURCE PLANNING WITHIN EMERY COUNTY.

Attorney Mike Olsen explained that Carbon County gave notice of this resolution for our information and asked if Emery County would be interested in adopting a similar resolution. This resolution was discussed in a Public Lands meeting in which Peter Sturba, Attorney, recommended the county should be tied in with the federal government on land issues to protect the county's interest and help with status of how the county will be involved in the process. Ray Petersen commented that it's not a constitutional right, it's a legislative right. This resolution is stronger than a policy. Commissioner Brady commented that he likes that it will insure that Emery County will be a coordinating agency in the process. Commissioner Migliori commented that it will strengthen our position with regards to the land use process with the federal government and state agencies. Commissioner Ethan Migliori made a motion to adopt Resolution 11-15-16 a resolution requiring federal and state agencies with management, oversight or planning duties to coordinate with Emery County on all land use and natural resource planning within Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSSION AND APPROVAL FOR CASTLE DALE LIBRARY TO APPLY FOR A GRANT WITH THE GREAT STORIES CLUB.

Commissioner Paul Cowley made a motion to approve for Castle Dale Library to apply for a grant with the Great Stories Club. The motion was seconded by Commissioner Ethan Migliori.

COMMISSION MEETING MINUTES  
NOVEMBER 15, 2016

The motion passed.

(7)

DISCUSSION AND APPROVAL OF ROLLBACK TAX/GREENBELT FOR PARCEL #01-002D-005 AND PARCEL # 04-0042-0014 FOR GARRY PETERSEN.

Commissioner Paul Cowley made a motion to table this item. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

DISCUSSION AND APPROVAL TO REMOVE ROLLBACK TAX FOR STANLEY AND RICKY LARSEN ON PARCEL #03-0063-0008.

Assessor, Kris Bell explained that in April of this year her office sent a letter to Mr. Larsen regarding his greenbelt status and that the rollback tax has been attached to the property. Mr. Larsen's son, Ron Larsen contacted her office and explained that Stanley Larsen had passed away and he was now the executor of the property. Ron told the Assessor's office they could go out to look at the property. Kris and her staff went to the property. However, it was posted with 'No Trespassing' signs so they could not enter the property to do an assessment. From what Kris could tell by looking at the property it was not being used as agriculture. A rollback tax was attached to the property. The property was scheduled to be pulled from greenbelt status next year. Ricky called Kris to explain that the property was being used as agriculture and provided documents to back up his claim. Kris asked to remove the rollback tax for Stanley and Ricky Larsen because she was misinformed about the land being used for agriculture purposes. Commissioner Ethan Migliori made a motion to remove the rollback tax for Stanley and Ricky Larsen on parcel # 03-0063-0008 as requested by Assessor Kris Bell. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSSION AND APPROVAL OF ONE TIME TAX ABATEMENT FOR PARCEL #01-0126-0034 WILBUR FOWLER.

Commissioner Migliori explained that during the BOE process the building that Mr. Fowler had recently purchased. He was in the middle of remodeling the building but the building has severe water damage from sitting unoccupied for so many years. The normal process that the Assessor's Office goes through to assess a property doesn't really look at weather damage when assessing a building. It would be up to the Commissioners to make an adjustment on this property with the hope that he can rehab the building and get it able to be used again. The Commission has decided to allow a \$10,000.00 value reduction for this one year which equals to a reduction of approximately \$200.00 in tax dollars. Commissioner Ethan Migliori made a motion to approve a one time, one year reduction of \$10,000.00 in value for Mr. Fowler. The

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motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSSION AND APPROVAL OF BLM TITLE V RIGHT-OF-WAY APPLICATION AND EMERGENCY BORROW AREA FOR THE PRICE RIVER ROAD #115.

Ray Petersen explained that this road is not used a lot. It parallels the train tracks east on the Mounds area. Rain has affected the road and washed it away for about a quarter of a mile. He indicated that he has met with BLM at the site and will follow-up with a ROW for a 2 mile stretch to allow the Road Department to do the repairs to the road while the road crew is not busy. Ray indicated he was grateful for the quick response from the BLM on this matter. Commissioner Paul Cowley made a motion to approve of BLM Title V ROW application and emergency borrow area for the Price River Road #115. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

DISCUSSION AND APPROVAL OF COOPERATIVE AGREEMENT WITH THE SIX COUNTY INFRASTRUCTURE COALITION AND EMERY COUNTY.

Commissioner Keith Brady asked to table this until December meeting. Commissioner Paul Cowley made a motion to table this item. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

DISCUSSION AND APPROVAL OF EC AIRPORT LIABILITY INSURANCE RENEWAL.

Commissioner Paul Cowley made a motion to approve of liability insurance renewal for the Huntington Airport. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

DISCUSSION AND APPROVAL OF EMERY COUNTY EMS COOPERATIVE AGREEMENT.

This agreement has been in the works for awhile. After some suggestions from the cities and EMT's the Commission is asking for approval of the EMS Cooperative Agreement. Phil Fauver asked if any cities were opposed to it? Commissioner Brady indicated that a lot of the questions the cities had were addressed with by-laws and articles of incorporation. Mr. Fauver asked if any of the cities were concerned that it would be an added cost for the cities in the future?

Commissioner Brady indicated that it was a concern but was again addressed in the next two items on the agenda. Commissioner Ethan Migliori made a motion to approve of Emery County

6

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EMS Cooperative Agreement. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSSION AND APPROVAL OF EMERY COUNTY EMS ARTICLES OF INCORPORATION.

Commissioner Ethan Migliori made a motion to approve of Emery County EMS Articles of Incorporation. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSSION AND APPROVAL OF EMERY COUNTY EMS BYLAWS.

The Emery County EMS By-laws will spell out how the administrative control board will operate. Commissioner Ethan Migliori indicated that he is comfortable with the document. Julie Johansen asked about the towns like Castle Dale and Orangeville who have not yet signed the agreement. Commissioner Brady indicated that they can be added later or vote themselves out if they would like. Commissioner Paul Cowley made a motion to approve of Emery County EMS By-Laws. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

DISCUSSION AND APPROVAL FOR TRAVEL BUREAU TO PURCHASE DIGITAL EVENT SIGNS FOR BOTH THE EAST AND WEST SIDES OF EMERY COUNTY.

Tina Carter asked to revisit this item in a future meeting. Commissioner Ethan Migliori made a motion to table this item. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSSION AND APPROVAL OF POSSIBLE TOURISM INCENTIVE FUND REQUESTS FOR CASTLE VALLEY OUTDOORS.

Jordan Leonard explained that Castle Valley Outdoors has a sign on the highway between Ferron and Emery that they have had a difficult time with lighting. They are asking for assistance with placing a solar powered light on the sign. The total project cost is \$4,825.00. The Tourism Incentive Fund allows for half the project cost. The amount Castle Valley is requesting is approximately \$1,700.00 to \$1,800.00. Commissioner Migliori asked if they knew how much revenue Castle Valley brings in from TRT. Tina Carter indicated that they have been consistent with paying in TRT funds. Commissioner Ethan Migliori made a motion to approve of Tourism Incentive Funds as requested from Castle Valley Outdoors. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(18)

DISCUSSION AND APPROVAL OF POSSIBLE TOURISM INCENTIVE FUND REQUESTS FOR CADDY’S.

Jordan Leonard asked to table this item. Commissioner Paul Cowley made a motion to table this item. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(19)

COMMISSION/ELECTED OFFICIALS REPORT.

Attorney Mike Olsen expressed his appreciation for the opportunity to participate in the political process.

Commissioner Migliori reported that the Care Center recently had an audit. They received no tags which speaks loud to how things are running there. No tags is extremely rare. Three years ago they had 20 tags. The new director has revamped the process. They received a letter of compliment from the state agency that oversees them. Work has began on holding an alternative fuels conference in June of 2017. The hope is that the coal to carbon fiber effort will strengthen this viable resource.

Commissioner Brady talked about the Temple Mountain scoping meeting at the John Wesley Powell Museum tomorrow. He attended a business conference last week. He talked about the Utah Honor Flight program. He talked about the success of the student protection program for parents. Lunch and Learn will be at 12:00 p.m. in Green River City.

Commissioner Cowley encouraged the public to attend the Temple Mountain Scoping meeting. he encouraged the public to provide comments and be involved in the public process.

(20)

ADJOURN.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE CANVAS OF ELECTION  
FOR THE NOVEMBER 8, 2016 GENERAL ELECTION

NOVEMBER 15, 2016

Present at the Canvas of Election was Clerk/Auditor Brenda Tuttle, Commissioner Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, IT Director Jeff Guymon.

25 Ballots were received for the canvas.

21 Provisional Ballots, 2 paper at the polls and 2 absentee ballots for a total of 25 ballots.

Motion to accept the results from the November 8, 2016 General Election was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley, and the motion passed.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF A SPECIAL MEETING  
HELD AT THE EMERY COUNTY COURTHOUSE

NOVEMBER 15, 2016

Present at a special meeting of the Board of Commissioners was Clerk/Auditor Brenda Tuttle, IT Director Jeff Guymon, Commissioner Paul Cowley, Commissioner Ethan Migliori, Emery County School Board Superintendent Larry Davis, Tracey Johnson, Lori Tuttle, Julie Wilson, Kent Wilson, and Patsy Stoddard.

The results from the November 15, 2016 Canvass of the 2016 General Election resulted in a tie for the Emery County School Board District #2.

Straws were drawn. Tracey Johnson drew the longest straw and was declared the winner of Emery County School Board District #2.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 20, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 242676 through and including # 242812 was presented for payment.

There were no requisitions.

Dispositions were presented for the following:

146-1580	Clock, Iron
148-3568	Stool, brown Cramer
146-3458	Table, drafting Stacor
146-4570	Table, communications
146-5823	Stand, printer
181-5825	Cabinet, file 4drw lateral
146-5199	Planimeter, 6 roller planix
146-5194	Chair, ergonomically correct
146-5853	Chair, ergonomically correct
143-4995	Chair,
146-6095	Printer, deskjet color
146-6463	Camera, Lazer digital
146-6461	Tape Drive,
146-6956	Camera, digital
146-7245	Computer, Pentium III 500
146-0020	Software, Word Perfect 2000
146-0026	Software, Word Perfect 2000
146-0006	Software, Draw99
146-7365	Organizer, Palm Pilot IIIC
148-7437	Shredder, Fellows
146-8227	Copier, Canon 3300



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146-7407	Computer, PIII933
146-7605	Computer, P4
146-8112	Computer, P4 Optiplex
146-8216	Computer, P4 Optiplex
146-8427	Chair, ergonomically drafting
146-8729	Computer, Optiplex GX280
146-8741	Computer, Optiplex P4 630
146-9010	Computer, Optiplex 745
146-9037	Printer, Dell 3115CN
148-2029	Stool, 8 way adjustable
146-1523	Lamp, desk
410-	Radio, 2008 Kenwood (stolen)
143-8489	Electronic Organizer, Palm

(2)

APPROVAL OF MINUTES OF NOVEMBER 15, 2016 COMMISSION MEETING.

(3)

APPROVAL OF MINUTES OF OCTOBER 25, 2016 PUBLIC HEARING.

(4)

APPROVAL OF MINUTES OF NOVEMBER 21, 2016 PUBLIC HEARING.

(5)

APPROVAL OF MINUTES OF NOVEMBER 15, 2016 GENERAL ELECTION CANVAS.

(6)

APPROVAL OF MINUTES OF NOVEMBER 15, 2016 SPECIAL MEETING REGARDING EMERY COUNTY SCHOOL BOARD DISTRICT #2 REPRESENTATIVE.

(7)

RENEW MARY KAVA, JOHN EDEN AND JUDY SCOTT AS MEMBERS OF THE ADVISORY COUNCIL ON AGING BOARD FOR ANOTHER 3 YEAR TERM.

(8)

APPROVAL OF PERSONAL PROPERTY BUSINESS EXEMPTIONS ACCOUNTS.

(9)

APPROVAL TO RENEW JONATHON HUNT'S POSITION ON THE TRAIL'S COMMITTEE.

(10)

APPROVAL TO RENEW SHERREL DUANE WARD'S POSITION ON THE PUBLIC LANDS COMMITTEE.

(11)

NOTIFICATION ALEX URGUHART HAS BEEN SELECTED AS THE PART TIME LIBRARY AND MUSEUM MAINTENANCE EMPLOYEE. WORKING UP TO 19 3/4 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. GRADE 13.

(12)

NOTIFICATION RAYOLA PNISTER HAS BEEN SELECTED AS THE PART TIME FERRON LIBRARY JANITOR. WORKING 7 ½ HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. GRADE 6.

(13)

NOTIFICATION KATY WOODBURY MILLER HAS BEEN SELECTED AS THE PART TIME ASSISTANT LIBRARIAN IN FERRON. WORKING UP TO 19 3/4 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. GRADE 7.

(14)

NOTIFICATION ABBIE CHRISTIANSEN HAS BEEN SELECTED AS THE PART TIME EMERY LIBRARY JANITOR. WORKING 6 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. GRADE 6.

(15)

NOTIFICATION JACQUELINE WILDE HAS BEEN SELECTED AS THE PART TIME TRAVEL BUREAU ASSISTANT. WORKING 19 3/4 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. GRADE 11.

(16)

APPROVAL TO HIRE BROCK WINN AS A FULL TIME, WITH BENEFITS EQUIPMENT OPERATOR/DRIVER. GRADE 16.

(17)

APPROVAL FOR LANORA (KRIS) RICHARDS TO BE A VOLUNTEER AT THE GREEN RIVER LIBRARY.

(18)

APPROVAL TO GIVE JEREMY LAKE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD.

(19)

APPROVAL TO GIVE KEVIN ANDY WALL A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD.

(20)

APPROVAL TO GIVE ERIC NIELSEN A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AFTER BEING PROMOTED TO SR. EQUIPMENT OPERATOR/DRIVER.

Motion to approve the consent agenda was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing for discussion.

(2)

PRESENTATION OF YEARS OF SERVICE AWARDS.

Service Awards were presented as follow:

30 years of service

Kyle Ekker  
Richard Bret Mills  
Jeffrey Thomas

25 years of service

Jeffrey Weber  
Colleen Murdock  
Shon Roper

20 years of service

Dustin Butler  
Shaun Bell  
Joyce Staley  
Melany Weaver

15 years of service

Tosha Barnett  
Ken Anderson  
Jerod Curtis  
Garrett Conover

10 years of service

Gayleen Cox  
Dennis Fuller  
Eric Nielsen  
Alexander O'Neil  
Thad Morris

6:00 P.M. PUBLIC HEARING

Motion to leave the regular meeting and open a Public Hearing to receive comment regarding budgets of the Emery County General Fund, Special Revenue Funds, Capital Projects Funds, Local Building Authority, and Castle Valley Special Service District and at the conclusion of the Public Hearing return to the regular meeting agenda was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley, and the motion passed.

(1)

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT CONCERNING OPENING AND AMENDING OF THE FY 2016 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Time was provided for questions or comments regarding the amended 2016 budget for Emery County General Fund, Special Revenue Funds, Capital Projects Funds, and Local Building Authority. There were no questions or comments.

Time was provided for questions or comments regarding the Castle Valley Special Service District amended 2016 budgets. There were no questions or comments.

The Public Hearing was closed.

(2)

DISCUSSION AND APPROVAL OF AMENDED 2016 BUDGET.

Upon returning to the regular meeting agenda Commissioner Ethan Migliori made a motion to approve Resolution 12-20-16 F amending the 2016 budgets of the Emery County General Fund, Special Revenue Funds, Capital Projects Funds, and Local Building Authority. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Commissioner Ethan Migliori made a motion to approve Resolution 12-20-16G amending the 2016 budgets of Castle Valley Special Service District. The motion was seconded by

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Commissioner Paul Cowley. The motion passed.

Commissioner Ethan Migliori made a motion to leave the regular meeting and open a Public Hearing to receive public comment regarding the proposed FY2017 budget for the Emery County General Funds, Special Revenue Funds, Capital Projects Funds, and Local Building Authority and upon conclusion of the public hearing to return to the regular meeting agenda. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING THE PROPOSED FY 2017 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Time was provided for comments or questions regarding the proposed FY2017 budgets for Emery County General Fund, Special Revenue Funds, Capital Projects Funds, and Local Building Authority.

There were no questions or comments.

Time was provided for comments or questions regarding the proposed FY 2017 Budgets of Castle Valley Special Service District.

Jacob Sharp, Castle Valley Special Service District reviewed for the public the 3 budgets of CVSSD.

The public hearing was closed.

(4)

DISCUSSION AND APPROVAL OF 2017 BUDGET.

Upon returning to the regular meeting agenda Commissioner Ethan Migliori made a motion to approve Resolution 12-20-16H adopting the FY2017 Budgets of the Emery County General Funds, Special Revenue Funds, Capital Projects Funds, and Local Building Authority. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Commissioner Ethan Migliori made a motion to approve Resolution 12-20-16I adopting the FY2017 budgets of Castle Valley Special Service District. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(5)

DISCUSSION AND APPROVAL OF BUSINESS LICENSE FOR KAREN SCAFFORD FOR ELEMENTS WILDERNESS PROGRAM IN HUNTINGTON.

Commissioner Ethan Migliori made a motion to approve of business license for Karen Scafford DBA: Elements Wilderness Program in Huntington, UT. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSSION AND APPROVAL OF BUSINESS LICENSE FOR AMBER JONES FOR CRAFT CREATIONS OF CLEVELAND.

Commissioner Ethan Migliori made a motion to approve of business license for Amber Jones DBA: Craft Creations of Cleveland. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

DISCUSSION AND APPROVAL OF BUSINESS LICENSE FOR LAUREL NIELSEN FOR GET IT DONE NATURALLY ENTERPRISES OF CASTLE DALE.

Commissioner Ethan Migliori made a motion to approve of business license for Laurel Nielsen DBA: Get it Done Naturally Enterprises of Castle Dale, UT. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSSION AND APPROVAL OF BUSINESS LICENSE FOR CLYDE HUNTSMAN FOR SUMMO ROBOTICS.

Commissioner Ethan Migliori made a motion to approve of business license for Clyde Huntsman DBA: Summo Robotics. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSSION AND APPROVAL OF INTERLOCAL AGREEMENT WITH SSD#1 FOR SERVICES.

Commissioner Paul Cowley made a motion to approve of Interlocal Agreement with SSD#1 for Services. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(10)

DISCUSSION AND APPROVAL OF 2017 MEETING SCHEDULE.

The following Commission Meeting schedule for 2017 was presented for approval:

January 3, 2017	3:00 p.m.
January 17, 2017	3:00 p.m.
February 7, 2017	3:00 p.m.
February 21, 2017	3:00 p.m.
March 7, 2017	3:00 p.m.
March 21, 2017	3:00 p.m.
April 4, 2017	3:00 p.m.
April 18, 2017	3:00 p.m.
May 2, 2017	3:00 p.m.
May 16, 2017	3:00 p.m.
June 6, 2017	3:00 p.m.
June 20, 2017	3:00 p.m.
July 18, 2017	3:00 p.m.
August 1, 2017	3:00 p.m.
August 22, 2017	3:00 p.m.
* held at the County Sheriff/County Complex at 45 East Farrer St., Green River, UT	
September 5, 2017	3:00 p.m.
September 19, 2017	3:00 p.m.
October 3, 2017	3:00 p.m.
October 17, 2017	3:00 p.m.
November 7, 2017	3:00 p.m.
November 21, 2017	3:00 p.m.
December 19, 2017	5:00 p.m.

Commissioner Paul Cowley made a motion to approve the 2017 Commission Meeting Schedule as proposed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

DISCUSSION AND APPROVAL OF 2017 HOLIDAY SCHEDULE.

The 2017 Holiday schedule was presented as follow:

New Year's Day	Monday	01-02-17
Human Rights Day	Monday	01-16-17
President's Day	Monday	02-20-17
Memorial Day	Monday	05-29-17
Independence Day	Tuesday	07-04-17
Pioneer Day	Monday	07-24-17
Labor Day	Monday	09-04-17
Veterans Day	Friday	11-10-17
Thanksgiving Day	Thursday	11-23-17
Thanksgiving Day	Friday	11-24-17
Christmas Eve	Friday	12-22-17
Christmas Day	Monday	12-25-17
New Year's Eve	Friday	12-29-17
New Year's Day	Monday	01-01-18

Commissioner Ethan Migliori made a motion to approve the 2017 holiday schedule as proposed. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSSION AND APPROVAL OF RESOLUTION FOR UDOT MINERAL LEASE MONEY ALLOCATIONS FOR 2017.

Commissioner Ethan Migliori made a motion to approve Resolution 12-20-16A setting the UDOT Mineral Lease Allocations for 2017. The motion was seconded by Commissioner Paul



10

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Cowley. The motion passed.

(13)

DISCUSSION AND APPROVAL OF RESOLUTION FOR SITLA MONEY ALLOCATIONS FOR 2017.

Commissioner Ethan Migliori made a motion to approve Resolution 12-20-16B allowing for SITLA money allocation for 2017. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSSION AND APPROVAL TO ADVERTISE AND RFP FOR MAINTENANCE ON ALL 5 SENIOR CITIZEN CENTERS IN EMERY COUNTY.

Commissioner Paul Cowley made a motion to table this item for now. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

DISCUSSION AND APPROVAL TO CREATE AN AIRPORT ADVISORY COMMITTEE FOR THE HUNTINGTON AIRPORT.

Commissioner Paul Cowley made a motion to approve the creation of an Airport Advisory Committee for the Huntington Airport. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

DISCUSSION AND APPROVAL OF TAX ABATEMENT FOR MILA ANDERSON ON PARCEL #05-0077-0008 FOR 2016.

Assessor Kris Bell explained that the State Tax Commission picked up Ms. Anderson's property as State Assessed. She was being double taxed because Emery County also taxed her property. Kris asked to abate the county tax in the amount of \$133.53 and the county will pick up that portion of Ms. Anderson's property that is not State Assessed next year. Commissioner Paul Cowley made a motion to approve of tax abatement in the amount of \$133.53 for Mila Anderson as proposed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(17)

DISCUSSION AND APPROVAL OF TAX ABATEMENT ON TRAILER IN CASTLE VALLEY TRAILER COURT IN FERRON FOR THE AMOUNT OF \$76.72.

Kris Bell explained that Mr. Price was recently released from jail. There is no way to contact Mr.

Price to have him pay the tax which is \$76.72. She indicated that there is no value to place on the trailer and they do not want to seize and sell it. Commissioner Ethan Migliori made a motion abate the tax on trailer in Castle Valley Trailer Court in Ferron in the amount of \$76.72. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(18)

DISCUSSION AND APPROVAL OF ROLLBACK TAX/GREENBELT FOR GARRY PETERSEN.

Kris Bell explained that the Petersens have agreed that for 2016, taxes and value will remain how they are on the tax notices, minus the rollback taxes. There was mis-communication on the information given at the times of field visits. Moving forward, the land will qualify for the greenbelt status as long as they meet the agreed requirements. Commissioner Ethan Migliori made a motion to approve of rollback tax/greenbelt for Garry Petersen as proposed by Kris Bell. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

DISCUSSION AND APPROVAL OF CONTRACT WITH EMERY COUNTY AND THE STATE OF UTAH FOR REIMBURSEMENT FOR WORK DONE BY VAL PAYNE OF "PAYNE RELIEF", FOR EMERY COUNTY'S COUNTY GENERAL PLAN.

Provisions in HB 323 and HB 219 enacted by the Utah Legislature, allowed for funds up to \$50,000.00 to be available to counties for reimbursement for expenses associated with development of a County Resource Management Plan. Val Payne "Payne Relief" has done this for Emery County. This contract with the State of Utah will get Val paid for his services on development of the plan. Commissioner Ethan Migliori made a motion to approve of Contract with Emery County and the State of Utah for reimbursement for work done by Val Payne of "Payne Relief" for Emery County's General Plan. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(20)

DISCUSSION AND APPROVAL OF DELEGATION OF FIRE MANAGEMENT AUTHORITY AND TRANSFER OF FISCAL RESPONSIBILITY BETWEEN UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS AND EMERY COUNTY.

The Delegation of Fire Management Authority and Transfer of Fiscal Responsibility between Utah Division of Forestry, Fire and State Lands and Emery County was discussed in an earlier meeting by Jason Johnson during his report. Mike Olsen explained that this is like fire insurance. He has reviewed the document and does not have any concerns. Commissioner Paul Cowley made a motion to approve of Fire Management Authority and Transfer of Fiscal Responsibility between Utah Division of Forestry, Fire and State Lands and Emery County. The motion was

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seconded by Commissioner Ethan Migliori. The motion passed.

(21)

DISCUSSION AND APPROVAL OF THE COUNTY FIRE WARDEN AGREEMENT  
BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS AND  
EMERY COUNTY.

Commissioner Ethan Migliori made a motion to approve of the County Fire Warden Agreement between the Utah Division of Forestry, Fire and State Lands and Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(22)

DISCUSSION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE  
UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS AND EMERY COUNTY.

Commissioner Paul Cowley made a motion to approve of Cooperative Agreement between the Utah Division of Forestry, Fire and State Lands and Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(23)

DISCUSSION AND APPROVAL OF RESOLUTION AGREEING TO AMENDMENT AND  
RESTATEMENT OF SEVEN COUNTY INFRASTRUCTURE COALITION INTERLOCAL  
AGREEMENT.

Resolution 12-20-16C is a resolution authorizing adding Sevier County and approving the amendment and restatement of the Seven County Infrastructure Coalition Interlocal Agreement and related matters. Attorney Mike Olsen has reviewed the resolution and has no concerns or issues with the document. Commissioner Ethan Migliori made a motion to approve Resolution 12-20-16C authorizing adding Sevier County and approving the amendment and restatement of the Seven County Infrastructure Coalition Interlocal Agreement. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(24)

DISCUSSION AND APPROVAL TO ADOPT WORKERS COMPENSATION PREMIUM  
WITH UTAH LOCAL GOVERNMENTS TRUST. 2017 PREMIUM \$68,670.00 AN  
INCREASE OF \$1,926.00.

Commissioner Ethan Migliori made a motion to approve adopting Workers Compensation Premium with Utah Local Governments Trust in the amount of \$68,670.00. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(25)

DISCUSSION AND APPROVAL OF EMERY COUNTY JOINING THE RURAL UTAH ALLIANCE.

Attorney Mike Olsen and Commissioner Keith Brady attended lunch meetings with Rural Utah Alliance and indicated that they liked what they heard. The alliance will help with direction in the issues the county elects to fight. Mike Olsen commented that he felt joining the alliance would be beneficial to the County. It would open the County up to receive funds to help advance positions that would be good for Emery County. Membership is \$5,000.00 per year which could possibly come from Public Lands funds. Commissioner Paul Cowley made a motion to approve joining the Rural Utah Alliance. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(26)

DISCUSSION AND APPROVAL OF EMERY COUNTY JOINING IN THE COAL MORATORIUM FILING.

Attorney Mike Olsen indicated this stems from Secretary Jewel's moratorium on coal. This is being challenged in court. By joining in the Coal Moratorium Filing, Emery County will have a seat at the table and the ability to take on an issue that is critical to us. Commissioner Ethan Migliori made a motion to join in the Coal Moratorium Filing. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(27)

DISCUSSION AND APPROVAL/REJECTION OF BIDS ON THE COTTONWOOD CREEK PROJECT, SOUTH EAST OF CASTLE DALE PROJECT AREA.

Merrill Johansen, J&T Engineering, explained that this project was bid out and bids have been received. J&T recommends rejecting the bids until the wetland determination study is concluded. They will be realigning the dike which will change the scope of work for the project. The project will need a determination from Army Corps of Engineers also. He recommended rejecting the bids and re-bid after scoping is completed. Commissioner Ethan Migliori made a motion to reject the bids on the Cottonwood Creek Project, South East of Castle Dale Project Area. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(28)

RATIFICATION OF AWARD OF \$3000.00 STATE OF UTAH FY2015 CITIZEN CORPS SUPPLEMENTAL GRANT TO ECSO. \$1500.00 TO EMERY COUNTY AND \$1500.00 TO CARBON COUNTY (REGION 6).

Captain Kyle Ekker indicated that this is for the Emergency Preparedness Program to be shared

with Carbon County. The forms required signatures earlier this month. Therefore, approval needs to be ratified to accept award of \$1,500.00 State of Utah FY2015 Citizen Corps Supplemental Grant to the Emery County Sheriff's Office for Region 6, which includes \$1,500.00 for Carbon County. Commissioner Paul Cowley made a motion to approve of State of Utah FY2015 Citizen Corps Supplemental Grant to ECSO for \$1,500.00 and \$1,500.00 to Carbon County (Region6). The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(29)

RATIFICATION OF APPROVAL TO SIGN AND SUBMIT NRCS FROM ADS-78 ON THE COX SPUR ROAD PROJECT AREA OF THE COTTONWOOD CREEK PROJECT. THE ADS-78 IS ACCOMPANIED BY AN ATTORNEY OPINION LETTER SIGNED BY MICHAEL OLSEN.

Attorney Mike Olsen indicated that in order to move the project along and get the cement done before it got to cold the document was signed and forwarded on to NRCS. This action needs to be ratified at this time. Commissioner Ethan Migliori made a motion to ratify approval to sign and submit NRCS from ADS-78 on the Cox Spur Road Project area on the Cottonwood Creek Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(30)

DISCUSSION AND APPROVAL TO ACCEPT EXTENSION ON FUNDING CUT-OFF DATE WITH NRCS ON THE COTTONWOOD CREEK PROJECT. NEW CUT-OFF DATE WILL BE AUGUST 05, 2017. NRCS AGREEMENT #68-8D32-16-203. THERE IS NO CHANGE IN FUNDING.

Commissioner Ethan Migliori made a motion to approve to accept extension on funding cut-off date with NRCS on the Cottonwood Creek Project (NRCS Agreement #68-8D32-16-203). The new cut-off date will be August 05, 2017. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(31)

DISCUSSION AND APPROVAL OF AGREEMENT FOR EMERY COUNTY SHERIFF'S OFFICE HOUSING GRAND COUNTY INMATES.

Sheriff Greg Funk indicated that the SO has been housing the inmates from Grand County since October. Attorney Mike Olsen indicated he had no concerns with the agreement. Commissioner Paul Cowley made a motion to approve of Agreement for Emery County Sheriff's Office housing Grand County Inmates. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(32)

DISCUSSION AND APPROVAL FOR ECSO TO APPLY FOR THE UTAH HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) 2017 PLANNING GRANT.

Sheriff Funk requested approval for the ECSO to apply for the Utah Hazardous Materials Emergency Preparedness (HMEP) 2017 Planning Grant. He indicated that the grant is for \$3,500.00 which his office will match with in-kind wages from Jan Luke and Captain Kyle Ekker who do the work with LEPC. Commissioner Paul Cowley made a motion to approve for ECSO to apply for the Utah Hazardous Materials Emergency Preparedness 2017 Planning Grant. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(33)

DISCUSSION AND APPROVAL FOR PAYMENT OF STEM CONTRACT FOR CASTLE DALE LIBRARY. \$75.00 TO CAROLYN RANDALL AND \$ 75.00 TO LARRY RANDALL.

Roxann Jensen, Emery County Library (Castle Dale) explained that Castle Dale Library applied for and received \$2,000.00 from the National Science Foundation. They have selected science partners to conduct stem classes that will be paid from this grant. They will be having the stem classes in January, March, and May of 2017. Commissioner Paul Cowley made a motion to approve payment of stem contract for Castle Dale Library in the amount of \$75.00 to Carolyn Randall and \$75.00 to Larry Randall. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(34)

DISCUSSION AND APPROVAL OF SPECIAL UTILITY LICENSE AGREEMENT, SPECIAL UTILITY LICENSE AGREEMENT BOND AND INDIVIDUAL PERFORMANCE AND WARRANTY BOND BETWEEN EMERY COUNTY AND PACIFICORP.

Attorney Mike Olsen indicated he assisted in drafting this utility lease agreement and feels comfortable with it, as does Road Supervisor Wayde Nielsen. Commissioner Paul Cowley made a motion to approve of Special Utility License Agreement, Special Utility License Agreement Bond and Individual Performance and Warranty Bond between Emery County and Pacificorp. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(35)

DISCUSSION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND STATE OF UTAH DEPARTMENT OF NATURAL RESOURCES DIVISION OF PARKS AND RECREATION FOR COORDINATION ON MATTERS RELATING TO DES BEE DOVE TRAIL.

This MOU will provide assistance with the development and maintenance of Des Bee Dove

Trail. Commissioner Brady indicated that he recently walked the trail with a representative from State Parks. The project is under the direction of the Emery County Travel Council. Commissioner Paul Cowley made a motion to approve of MOU between Emery County and State of Utah Department of Natural Resources Division of Parks and Recreation for coordination on matters relating to Des Bee Dove Trail. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(36)

DISCUSSION AND APPROVAL OF RESOLUTION STATING EMERY COUNTY'S OPPOSITION TO DESIGNATION OF EXCESSIVELY LARGE, LANDSCAPE-SCALE NATIONAL MONUMENTS BY THE USE OF THE ANTIQUITIES ACT.

This resolution was put together by Public Lands Director Ray Petersen. The Resolution states Emery County's opposition to designation of excessively large, landscape-scale national monuments by the use of the Antiquities Act. Commissioner Ethan Migliori made a motion to approve Resolution 12-20-16D stating Emery County's opposition to designation of excessively large, landscape-scale national monuments by use of the Antiquities Act. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(37)

DISCUSSION AND APPROVAL OF RESOLUTION TO ADOPT THE AUTHORIZED LOCAL OPTION GENERAL SALES TAX HB 362 DEDICATED TO TRANSPORTATION AND APPROVED BY THE VOTERS.

In November the voter's approved local option general sales tax as HB362 dedicated to transportation improvements, such as roads, trails, sidewalks, maintenance and traffic and pedestrian safety features, with the revenues divided among the county, cities and towns within Emery County. This resolution will adopt the general sales tax as dedicated to transportation (HB 362 2015). Commissioner Paul Cowley made a motion to approve Resolution 12-20-16E adopting the authorized local option general sales tax dedicated to transportation. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(38)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk thanked those who donated to the Shop-with-a-Cop Program. He indicated that has been a favorite part of his job for a number of years. They have been overwhelmed by the donations they have received this year. They were able to help a family in crisis in the county with the funds they received. Thanks to the citizens for their donations.

Attorney Michael Olsen thanked Commissioner Ethan Migliori for his years of service to the

citizens of Emery County.

Commissioner Migliori commented on the dedication of those with whom he has served with on the many boards he has served on. He felt it was a privilege to serve with the many volunteers who have served the citizens of Emery County through their volunteering their time and efforts to serve on committees and boards throughout our communities. He indicated he was grateful for the experience.

Commissioner Brady also thanked Commissioner Migliori. He reported on attending a press conference regarding the proposed Bears Ears Designation. Others who attended were Governor Herbert, Lt. Governor Cox, Senator Hatch, Mia Love, and Mike Lee. Many others were there to show support to not have a National Monument Designation in San Juan County. He added, It will be interesting to see what President Obama will do.

Commissioner Cowley echoed the thanks to Commissioner Migliori and indicated he looks forward to working with Lynn Sitterud in the coming year. He also reported on the recent Sr. Citizen Party/Dinner. He indicated that it is a good way to thank the seniors of our communities for contributions to the communities over the years.

(39)

ADJOURN

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

JANUARY 3, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #242894 through and including #242935 was presented for payment.

There were no requisitions.

One disposition was presented for an electronic cash register.

(2)  
APPROVAL OF MINUTES DATED DECEMBER 20, 2016.

(3)  
APPROVAL OF COUNTY COMMISSIONER RESPONSIBILITIES.

See attachment to minutes.

(4)  
APPROVAL TO RE-APPOINT LAMAR GUYMON AND LAURIE ANN LARSEN AS MEMBERS OF THE EMERY COUNTY CARE AND REHABILITATION BOARD.

(5)  
APPROVAL TO APPOINT ETHAN MIGLIORI AS A NEW MEMBER OF THE EMERY COUNTY CARE AND REHABILITATION BOARD.

(6)  
APPROVAL TO GIVE MATT SALAS A 3% WAGE INCREASE FOR HIS SUCCESSFUL COMPLETION OF THE 6 MONTH ORIENTATION PERIOD AND PROMOTE HIM TO A CORRECTION OFFICER I FOR SUCCESSFUL COMPLETION OF POST. EFFECTIVE 1-16-17. GRADE 15.

(7)  
NOTIFICATION. JOSIE STILSON AND MCKADE HANSEN WERE BOTH HIRED AS A

PART TIME DEPUTY TREASURERS WORKING 19 3/4 HOURS PER WEEK. WAGE GRADE 13.

(8)  
APPROVAL TO PROMOTE LES REESE TO A WEED & MOSQUITO TECHNICIAN 11 EFFECTIVE 1-16-17. GRADE 15.

(9)  
APPROVAL TO PROMOTE GARY PRICE TO A WEED & MOSQUITO TECHNICIAN II EFFECTIVE 1-16-17. GRADE 15.

(10)  
APPROVAL TO GIVE EMILY HUNTINGTON A 3% WAGE INCREASE FOR HER SUCCESSFUL COMPLETION FO THE 6 MONTH ORIENTATION PERIOD. EFFECTIVE 1 16-17. GRADE 7.

(11)  
APPROVAL TO GIVE SUZANNE ANDERSON A 3% WAGE INCREASE FOR HER SUCCESSFUL COMPLETION OF THE 6 MONTH ORIENTATION PERIOD. EFFECTIVE 1 16-17. GRADE 11.

Motion to approve the Consent agenda was made by Commissioner Paul Cowley, seconded by Commissioner Lynn Sitterud, and the motion passed.

#### DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

(2)  
DISCUSS/APPROVE/DENY CONTRACT WITH RANDY JOHNSON, GOVERNMENT MATTERS, LLC, FOR PAYMENT FOR 2017 SERVICES.

Commissioner Paul Cowley commented that in light of what has happened with the Bears Ears designation, he felt it was imperative to retain Mr. Johnson for his expertise in these matters. The situation with the San Rafael may still be looked at. We need some great representation when dealing with these matters. Commissioner Paul Cowley made a motion to approve a contract with Randy Johnson, Government Matters, LLC. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(3)  
DISCUSS/APPROVE/DENY CONTRACT WITH SHAUN D. CHRISTENSEN, HYPNO HICK ENTERPRISES, FOR THE 2017 EMERY COUNTY FAIR.

Commissioner Brady explained that the contracts for the 2017 Emery County Fair have been discussed and recommended by the Fair Board. The reason for approving them at this time is to

wait for approval of the 2017 budget. The contract with Hypno Hick is for 5 shows on Friday and Saturday at \$850.00. This expenditure is covered under the Fair budget. Commissioner Paul Cowley made a motion to approve a contract with Shaun D. Christensen, Hypno Hick Enterprises for the 2017 Emery County Fair. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(4)

**DISCUSS/APPROVE/DENY CONTRACT WITH THE MYSTERY ESCAPE COMPANY FOR THE 2017 EMERY COUNTY FAIR.**

Commissioner Brady explained that the contract with Mystery Escape Company is for \$1,500.00 for an event during Saturday of the 2017 Fair. Participants will be charged \$15.00 per person which will be split with the Company and the Emery County Fair. Participants enter a chamber with others and will have to work together to figure a way out of the chamber. Commissioner Paul Cowley made a motion to approve a contract with The Mystery Escape Company for the 2017 Emery County Fair. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(5)

**DISCUSS/APPROVE/DENY CONTRACT WITH MAD SCIENCE OF GREATER SALT LAKE AND EMERY COUNTY FOR THE 2017 EMERY COUNTY FAIR.**

Commissioner Brady explained that the contract was originally planned for 5 shows. The contract was negotiated down to 3 shows for \$550.00 for Friday and Saturday of the Fair.

Commissioner Paul Cowley made a motion to approve a contract with Mad Science of Greater Salt Lake and Emery County for the 2017 Emery County Fair. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(6)

**DISCUSSION/APPROVE/DENY KELLY LARSEN AND TENILLE LARSEN AS STEM PARTNERS FOR CASTLE DALE LIBRARY.**

Commissioner Brady explained that this is part of the Stem Grant the Castle Dale Library received in 2016. Commissioner Lynn Sitterud made a motion to approve Kelly Larsen and Tenille Larsen as Stem Grant partners for the Castle Dale Library.

(7)

**COMMISSION/ELECTED OFFICIALS REPORT**

Commissioner Brady reported that a couple of meetings ago he had announced that the 2017 Fair would possibly be during the Memorial Rodeo in 2017. They have a conflict with those dates do the Fair has been scheduled for its original date of August 4 and 5, 2017.

Commissioner Cowley reported that Kellie Nelson has been secured as Senior Citizen Center Co-ordinator for Emery County. She has been working her way through all the centers in the county for review/resolution of issues in each building site.

(8)  
ADJOURN

The meeting was adjourned.

ATTEST:

COMMISSIONER:

2017  
Commission Responsibilities

KEITH BRADY PAUL COWLEY LYNN SITTERUD  
Chairman Vice Chairman

Ambulance/EMT's Airport Animal Control  
AOG BLM/RAC Attorney  
Aquatic Center Children's Justice Center Assessor  
CV Conservancy District CV Special Service Dist. (CVSSD) Care Center  
EC Business Chamber (ECBC) Extension/USU Clerk/Auditor  
Emery County Fair Historic Preservation Co.of Govmts (COG)  
Events Coodinator Lawrence Cemetery County Facilities  
GR Conservancy Dist. Library DWR/RAC  
GR Medical Center Museum of San Rafael Housing Authority  
IS/GIS NEWU District Insurance  
Local Emergency Planning Road Department/Landfill Justice Court  
Public Mental Health Senior Citizens Personnel  
Recreation District SITLA Plan/Zone/Building  
Scenic Byways Treasurer Recorder/Archives  
Southeast UT Health Dept. USFS SSD#1  
Sheriff/HLS Water Conservancy State Parks  
Six Co. Coalition Weed/Mosquito  
Trails

Travel Bureau  
TV/Communications

Commissioner Shared Responsibilities  
(\* Contact Commissioner)

Building Authority LBA (Chairman) \* Building Authority  
Economic Development\* Economic Development Economic Develop  
Fire District \* Fire District  
Public Lands Public Lands Public Lands \*

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

JANUARY 17, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #242941 through and including #243075 was presented for payment.

Requisitions were presented for the following:

REQUISITION DESCRIPTION    AMOUNT

1-17 30 Bulletproof Vests  
Sheriff    \$23,040.00

2-17 Photo ID Camera  
Sheriff        645.00

There was 1 disposition for a ShorTel 230 phone.

(2)  
APPROVAL OF MINUTES OF JANUARY 3, 2017 COMMISSION MEETING.

(3)  
APPROVAL OF DIXIE SWASEY AND TANIE WORTHEN AS NEW MEMBERS OF THE EMERY COUNTY COUNCIL ON AGING AND NUTRITION BOARD.

(4)  
APPROVAL TO APPOINT CAROLYN CARRASCO AS A NEW MEMBER OF THE EMERY COUNTY LIBRARY BOARD.

(5)  
RATIFICATION OF APPROVAL FOR A COUNTY CREDIT CARD FOR COMMISSIONER LYNN SITTERUD.

(6)  
RATIFICATION OF APPROVAL TO ADVERTISE FOR 5 OPEN POSITIONS ON THE EMERY COUNTY PUBLIC LANDS BOARD.

(7)  
APPROVAL TO REAPPOINT ROD PLAYER, EDWARD GEARY, AND BRUCE WILSON, AND TO APPOINT RANDALL STILSON AS A NEW MEMBER OF THE EMERY COUNTY PUBLIC LANDS BOARD.

(8)  
APPROVAL TO ADVERTISE FOR ONE (1) OPEN BOARD POSITION ON THE MUSEUM BOARD.

(9)  
APPROVAL TO INCREASE MELODY HOFFMAN AND CAMILLE THOMAS'S HOURS AS ASSISTANT LIBRARIANS TO 27 HOURS PER WEEK WITH PRORATED BENEFITS. NO WAGE INCREASE.

(10)  
APPROVAL TO ADVERTISE FOR TWO (2) OPEN CAREER SERVICE COUNCIL MEMBERS.

(11)  
APPROVAL TO GIVE GLORIA WILSON A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 1-30-17.

(12)  
APPROVAL OF AMBER JONES AS A VOLUNTEER FOR ARCHIVES.

(13)  
NOTIFICATION- RICK PRICE WAS SELECTED AS AN EQUIPMENT OPERATOR I FOR THE ROAD DEPARTMENT. WORKING 19 3/4 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 16. EFFECTIVE 1-18-17.

(14)  
NOTIFICATION- REBEKAH HENNES WAS SELECTED AS A PART TIME, TEMPORARY DATA ENTRY EMPLOYEE WORKING FOR THE ROAD DEPARTMENT 19 3/4 HOURS PER WEEK. WAGE GRADE 11.

(15)  
APPROVAL TO CHANGE THE DUTIES OF GAYLE JENSEN FOR LIEUTENANT TO PATROL SERGEANT, MOVE FROM GRADE 23 FLSA EXEMPT TO GRADE 21 PER HOUR. EFFECTIVE 1-30-17.

(16)  
APPROVAL TO PROMOTE JANALEE LUKE TO SENIOR ADMINISTRATIVE ASSISTANT AT THE SHERIFF'S OFFICE. MOVE FROM GRADE 11 TO GRADE 14. EFFECTIVE 1-30-17.

Motion to approve the Consent Agenda was made by Commissioner Lynn Sitterud, seconded by Commissioner Paul Cowley, and the motion passed.

## DISCUSSION AGENDA

### (1) ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

### (2) DELIVERY OF DWR'S ANNUAL PILT PAYMENT TO EMERY COUNTY AND UPDATE OF DWR'S ACTIVITIES WITHIN THE COUNTY.

Chris Wood, Regional Supervisor for the Southeast Region presented DWR's annual Payment in Lieu of Taxes payment in the amount of \$2,610.71. The tax comes from revenue received from hunting and fishing licenses sold in Emery County. DWR owns 5,302 acres of land in Emery County as well as manages 2,800 acres of waterfowl land, which is Desert Lake. He reported that the DWR is actively involved in managing wildlife and habitats in Emery County. He talked about the Pheasant Release Program, Turkey Release Program, Chukkar Release Program, Mule Deer Transplant Program and the Treated Fish Project on the Ferron Drainage.

Commissioner Cowley encouraged DWR to remain close to the local hunting and fishing users.

### (3) RATIFICATION OF APPROVAL OF APPLICATION FOR PRE-CONSTRUCTION NOTIFICATION FOR ARMY CORPS OF ENGINEERS FOR THE COTTONWOOD CREEK PROJECT-ORANGEVILLE PROJECT SECTION.

An application for pre-construction notification for Army Corps of Engineers for the Cottonwood Creek Project-Orangeville Project Section was signed by the Commission to meet deadline constraints. Ratification of the signing now needs to be approved. Commissioner Paul Cowley made a motion to ratify the signing of an application for pre-construction application for Army Corps of Engineers for Cottonwood Creek Project-Orangeville Project Section. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

### (4) RATIFICATION OF APPROVAL OF NRCS ADS-78 ASSURANCES RELATING TO REAL PROPERTY FOR THE COTTONWOOD CREEK PROJECT NEAR XTO TO PROTECT COTTONWOOD CREEK IRRIGATION COMPANIES 63" WATER PIPELINE.

Approval of NRCS ADS-78 Assurances relating to real property for the Cottonwood Creek Project near XTO to protect Cottonwood Creek Irrigation Companies 63" water pipeline was signed by the Commission to meet deadline constraints. Ratification of the signing now needs to be ratified. Commissioner Paul Cowley made a motion to ratify the signing of NRCS ADS-78 Assurances relating to real property for the Cottonwood Creek Project near XTO to protect Cottonwood Creek Irrigation Companies 63" water pipeline. The motion was seconded by



Commissioner Lynn Sitterud. The motion passed.

(5)  
DISCUSS/APPROVE/DENY DELL PHONE STIPEND FOR COMMISSIONER LYNN SITTERUD.

Commissioner Paul Cowley made a motion to approve of a cell phone stipend in the amount of \$45.00 per month for Commissioner Lynn Sitterud. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(6)  
DISCUSS/APPROVE/DENY AGREEMENT WITH ROMEO ENTERTAINMENT GROUP TO PROCURE AN ACT FOR THE EMERY COUNTY FAIR CONCERT.

Commissioner Paul Cowley made a motion to approve an agreement with Romeo Entertainment Group to procure an act for the Emery County Fair Concert. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(7)  
DISCUSS/APPROVE/DENY TO CONTINUE WITH THE \$100 DISCOUNT TOWARDS A FAMILY PASS AT THE EMERY COUNTY AQUATIC CENTER FOR ALL EMPLOYEES.

Commissioner Brady recommended a prorated discount schedule for employees towards a family pass at the Emery County Aquatic Center for all employees.

Regular Price	Employee Price	Addl family member
Annual Family Pass for 3	\$325.00	\$225.00 \$17.00
Quarterly Family Pass 3	\$110.00	\$ 76.00 \$10.00
Annual individual pass	\$200.00	\$138.00
Quarterly individual pass	\$ 65.00	\$ 45.00
Annual couple pass	\$275.00	\$197.00
Quarterly couple pass	\$ 90.00	\$ 62.00
Annual senior pass	\$150.00	\$104.00
Quarterly senior pass	\$ 55.00	\$ 38.00
Annual senior couple	\$200.00	\$138.00
Quarterly senior couple	\$ 65.00	\$ 45.00

Commissioner Paul Cowley made a motion to approve to approve the prorated discount schedule towards a family pass at the Emery County Aquatic Center for all employees. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(8)  
RATIFICATION OF APPROVAL TO BE A COOPERATING AGENCY WITH THE BLM ON THE OLD SPANISH TRAIL NATIONAL HISTORIC TRAIL PLANNING.

The signing of the approval to be a cooperating agency with the BLM on the Old Spanish Trail National Historic Trail Planning was done on Friday, January 13, 2017 to meet time constraints

and now needs to be ratified. Commissioner Paul Cowley made a motion to ratify the signing of approval to be a cooperating agency with the BLM on the Old Spanish Trail National Trail Historic Planning. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(9)

DISCUSS/APPROVE/DENY TO ADVERTISE FOR BIDS FOR OUTDOOR BAT CONTROL AT THE EMERY COUNTY ADMINISTRATION BUILDING.

Commissioner Lynn Sitterud made a motion to dismiss this item from the agenda. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE DENY THE ANNUAL EEO REPORT AND AFFIRMATIVE ACTION PLAN.

Commissioner Lynn Sitterud made a motion to approve of the Annual EEO Report and Affirmative Action Plan. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY TO GIVE ALL PERSONNEL AT THE SHERIFF'S OFFICE UNDER THE FOLLOWING CATEGORIES A \$1.00 PER HOUR WAGE INCREASE: PATROL, CORRECTIONS, DISPATCH, ADMINISTRATION, COOK, AND BRET MILLS. EFFECTIVE 1-30-17

Sheriff, Greg Funk commented that this is something that has been brought up for two years during the budget process. He indicated that he has looked deeper into his department to find a way to get a wage increase for his deputies. He indicated that he has done away with a detective position freeing up the wages and benefits from that position. He asked that as a elected official he be allowed to use his budget to fit his needs. We need to take care of the guys who are out there putting their lives on the line. They have never said no to anything. He added that he has had one deputy that was trained by Emery County and recruited by Utah Highway Patrol because of higher wages. He said he has two deputies that at this time are being recruited by other agencies. The state has stripped away some of their retirement. EC deputies are paid on the low end of the spectrum. He is having a difficult time recruiting. No one wants to be an officer due to the negative sentiment from the public. Commissioner Paul Cowley commented that he appreciates what the SO is doing. Sentiment seems to be negative towards law enforcement everywhere. He added he recognizes the sacrifices you make for this county. Commissioner Brady asked if he has made sure that money is there with Utah Retirement Systems, overtime, etc. as well as absorbing and forwarding into the future. Sheriff Funk indicated that the money is there. He has the money. Captain Kyle Ekker commented that he agreed 100% with what the Sheriff has said. he has been with the department for 31 years and this has been a long process to get new department on the street. He added he felt \$1.00 per hour is fair to keep our people here. They are a great asset to this county. We need to support what the Sheriff is doing. Commissioner Paul Cowley made a motion to approve \$1.00 per hour wage increase for all personnel at the Sheriff's Office under the category of Patrol, Corrections, Dispatch, Administration, Cook, and Bret Mills. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(12)

DISCUSS/APPROVE/DENY RECOMMENDATION OF THE TRAVEL BOARD TO OPT-IN TO THE FOLLOWING PROGRAMS OFFERED BY THE UTAH OFFICE OF TOURISM THROUGH THEIR MARKETING SOLUTION COMPANY ADGENUITY: UTAH.com, JUDD FILMS AND MARC PISCOTTI PHOTOGRAPHY.

Tina Carter, Emery County Travel Bureau recommended the Travel Board opt-in to programs offered by the Utah Office of Tourism through their Marketing Solution Company, Adgenuity.

Opting in would save the County half of what they would normally spend on advertising.

Commissioner Brady added that these programs are a great media tool we can use for our marketing. Commissioner Paul Cowley made a motion to approve allowing the Emery County Travel Bureau to opt-in to UTAH.com, Judd Films and Marc Piscotti Photography as offered by the Utah Office of Tourism through their Marketing Solution Company, Adgenuity. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(13)

DISCUSS/APPROVE/DENY ADJUSTING AN AMBULANCE BILL FOR TERRY MORELAND.

EMS Director, Jim Gordon recommended adjusting an ambulance bill for Terry Moreland. Mr. Moreland sent a letter to the Commissioners requesting an adjustment on the mileage. The ambulance transported Mrs. Moreland to Grand Junction following an accident near I-70. Mr. Moreland was treated at the scene but not transported. They were both charged for mileage at \$753.60 each for a total of \$1,507.20. Mr. Gordon recommended wiping out one of the mileage charges. Commissioner Brady commented that normally the Commissioners have not approved an adjustment to an ambulance bill. However, this adjustment may be considered.

Commissioner Paul Cowley made a motion to wipe-out one of the mileage charges for Mr. Moreland adjusting the bill by \$753.60 as requested. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(14)

DISCUSS/APPROVE/DENY NON COMPETE DISCLOSURE LETTER FROM ROXANNE JENSEN.

Roxanne Jensen explained that her daughter Baylie Thomas is opening a consignment store, "Crafty Lil You" in Huntington where she (Roxanne) may be selling items such as books, crafts, etc. A non compete disclosure letter will alert the Commission that her involvement with the store is in no way affiliated nor connected with her position as an Emery County Librarian.

Commissioner Paul Cowley made a motion to accept a non compete disclosure letter from Roxanne Jensen. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(15)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Brady expressed appreciation to the many volunteers in the county. He recently attended a board training session and recognized the many volunteers who sit on boards throughout the county that serve the citizens of this county. The State Legislature will begin its session on Monday. If anyone has any bill or item they are particularly interested in following please contact one of the Commissioners. Lunch and Learn will be Wednesday at noon at Palenques in Huntington.

(16)  
ADJOURN

The meeting was adjourned.

ATTEST:

COMMISSIONER:

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

FEBRUARY 7, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Lynn Sitterud, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens. Commissioner Paul Cowley was not present at the meeting. Therefore, Commission Chairman Keith Brady stepped down throughout the meeting to execute motions as needed.

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #243094 through and including #243224 was presented for payment.

Requisitions were presented for the following:

REQUISITION DESCRIPTION	AMOUNT
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3-17 (2) Dell Latitude E5570 Computers	
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(3) Dell 6500 Computers	
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IT/Replacement computers	\$4,314.99
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4-17 Watchguard 4RE In-Car Camera System	
--	--

Sheriff-Grant	\$4,895.00
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5-17 Caterpillar Model 299D2 Compact Track Loader	
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Sheriff- Huntington Creek Restoration Pjt.	\$68,300.00
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Dispositions were presented for the following:

143-4995- Office Chair, 580-4763- 25 inch TV, 211-2177- 2014 Ram 1500 Truck

(2)  
APPROVAL OF MINUTES OF JANUARY 17, 2017 COMMISSION MEETING.

(3)  
APPROVAL FOR MUSEUM OF THE SAN RAFAEL, DIRECTOR MAEGAN WILBERG,  
TO GET A COUNTY CREDIT CARD.

(4)  
APPROVAL FOR OUT OF STATE TRAVEL FOR SHERIFF GREG FUNK TO ATTEND  
THE WESTERN STATES SHERIFF'S ASSOCIATION ANNUAL CONFERENCE IN RENO,

NEVADA.

(5)  
APPROVAL FOR OUT OF STATE TRAVEL FOR BRET MILLS TO ATTEND THE 2017 NATIONAL TRANSLATOR ASSOCIATION ANNUAL MEETING AND CONVENTION IN DENVER, COLORADO.

(6)  
APPROVAL TO PROMOTE KIP ALLRED TO AN EQUIPMENT OPERATOR/DRIVER II. MOVE FROM GRADE 16 TO GRADE 17. EFFECTIVE 2-12-17.

(7)  
NOTIFICATION. STERLING N. DRAGE WAS SELECTED AS A PART TIME MECHANIC FOR THE ROAD SHOP. WAGE GRADE 16.

(8)  
NOTIFICATION. KORENE MERRELL HAS BEEN SELECTED AS A PART TIME ASSISTANT LIBRARIAN IN CLEVELAND. WORKING 16 HOURS PER WEEK. WAGE GRADE 7.

(9)  
APPROVAL FOR OUT OF STATE TRAVEL FOR TINA CARTER TO ATTEND THE GO WEST SUMMIT IN NEVADA FEBRUARY 19TH-24TH.

(10)  
APPROVAL TO REAPPOINT JOSHUA ROWLEY AS AN EASTERN MEMBER OF THE TRAVEL BUREAU BOARD.

(11)  
APPROVAL TO GIVE MAEGAN CROSLAND A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 2-12-17.

(12)  
APPROVAL TO APPOINT GARY S. WILSON AND ETHAN MIGLIORI TO THE CAREER SERVICE COUNCIL TO FILL THE EXPIRED TERM OF JUDY SCOTT AND THE UNEXPIRED TERM OF RANDY JENSEN.

Motion to approve the Consent Agenda was made by Commissioner Lynn Sitterud, seconded by Commissioner Keith Brady, and the motion passed.

#### DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

**PRESENTATION BY SUZANNE ANDERSON TO EXPLAIN THE EMERY COUNTY ARCHIVES DEPARTMENT AND THE BENEFITS OF NEWLY ADDED RESOURCES THAT THE DEPARTMENT HAS RECENTLY RECEIVED.**

Suzanne Anderson provided a brief history of the Emery County Archives Department. The program began as a pilot program in 2001 with a mission to establish a repository for a history of the life and culture in the area. Emery County is one of 11 repositories in the state. The purpose is to have historical materials available for research by citizens. Suzanne talked about the lack of adequate space available for storing the materials and records that people have donated to the Archives program. She also reminded the Commissioners of an agreement between the Museum of the San Rafael and the Historical Society to allow them to use the Museum free of charge to hold their Historical Society meetings and events. Dixie Swasey indicated that she was on the Museum Board at the time that the Museum building was built and it was her understanding that because of a contribution from the Historical Society for the construction of the building that the Historical Society was to have a room dedicated for them and be allowed to use the building rent free. The room did not happen. Evelyn Huntsman reported that the Historical Society is a wonderful society that many people in this area find interesting and the attendance to their events has been great. Suzanne indicated that she was told that the Historical Society needed to readdress the no fee for the use of the building request each year. Maegan Wilberg, Museum of the San Rafael Director indicated that the building will be housing an exhibit from the Smithsonian and will not be available to be rented for a time. The Historical Society will hold their meetings and functions in the Courthouse Swell Room until the building is free to use again. Attorney Michael Olsen indicated that he will look into creating a MOU to allow the Historical Society to use the MOSR without having to return to the Commissioners each year for that permission.

**(3)  
DISCUSS/APPROVE/DENY JOEY BIRCH AS CASTLE DALE LIBRARIES MARCH STEM CONTRACT PARTNER.**

Commissioner Lynn Sitterud made a motion to approve Joey Birch as Castle Dale Library's March Stem Contract Partner. The motion was seconded by Commissioner Keith Brady. The motion passed.

**(4)  
DISCUSS/APPROVE/DENY AGREEMENT WITH UAC FOR UNEMPLOYMENT COST MANAGEMENT SERVICES.**

Personnel Director Mary Huntington explained that Emery County has been processing their own Unemployment Claims. She stated that in all the years she has been here the County has only won 2 claims. UAC is now processing Unemployment Claims. The cost is \$1,200.00 per year to defend the county on these claims. Mary proposed utilizing this service for one year to see if it is beneficial for the County. Commissioner Keith Brady made a motion to approve utilizing UAC for Unemployment Cost Management Services. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(5)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND DORY PEACOCK FOR COMEDIAN PERFORMANCE AT THE 2017 EMERY COUNTY FAIR.

Commissioner Keith Brady reported that this contract is for \$150.00 for a performance during the 2017 Emery County Fair. Commissioner Lynn Sitterud made a motion to approve a contract between Emery County and Dory Peacock for comedian performance at the 2017 Emery County Fair. The motion was seconded by Commissioner Keith Brady.

(6)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND ETHAN WILLIAMS FOR MAGICIAN PERFORMANCE AT THE 2017 EMERY COUNTY FAIR.

Commissioner Keith Brady reported that this contract is for \$350.00. Commissioner Lynn Sitterud made a motion to approve a contract between Emery County and Ethan Williams for magician performance at the 2017 Emery County Fair. The motion was seconded by Commissioner Keith Brady. The motion passed.

(7)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND ETHAN WILLIAMS FOR THE MURDER MYSTERY PERFORMANCE OF "MURDER @ THE SWELL CASINO" SCHEDULED FOR FEBRUARY 25, 2017.

Commissioner Keith Brady indicated that this contract is for \$75.00 and will take place on February 25, 2017 at the (old) Castle Dale City Building. Commissioner Lynn Sitterud made a motion to approve a contract between Emery County and Ethan Williams for the Murder Mystery performance of "Murder @ the Swell Casino" scheduled for February 25, 2017. The motion was seconded by Commissioner Keith Brady. The motion passed.

(8)

DISCUSS/APPROVE/DENY ACCEPTANCE OF A TIME EXTENSION AND ADDITIONAL FUNDING FROM THE STATE OF UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE (CCJJ) FOR THE EMERY COUNTY JAIL RISK AND NEEDS SCREENING DIAGNOSIS AND ASSESSMENT PROJECT, GRANT # 15A50.

Sheriff Funk explained that the state had a surplus in JRI funds and they have applied for a portion of these funds. This is a grant application for extension of time to use the funds.

Commissioner Lynn Sitterud made a motion to approve acceptance of a time extension and additional funding from the State of Utah Commission on Criminal and Juvenile Justice (CCJJ) for the Emery County Jail Risk and Needs Screening Diagnosis and Assessment Project, Grant #15A20. The motion was seconded by Commissioner Keith Brady. The motion passed.

(9)

COMMISSION/ELECTED OFFICIALS REPORT

Sheriff Funk reported that the State is investing money in the Juvenile Justice Program.

Commissioner Brady reminded everyone to inform the Commissioners if they have any bills in



the Legislature that they would like to have monitored. There are several bills in the legislature that the Commission is watching closely. He reported that he was pleased to hear that the Forest Service and Trails Committee is currently looking at widening several trails in the county.

(10)

ADJOURN

The meeting was adjourned.

ATTEST:

COMMISSIONER:

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

FEBRUARY 21, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #243268 through and including #243384 was presented for payment.

Requisitions were presented for the following:

REQUISITION DESCRIPTION	AMOUNT
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6-17 Portable Pool Vacuum Aquatic Center	\$ 555.03
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There was one disposition for #580-6801 & 580-6799.

(2)  
APPROVAL OF MINUTES FOR FEBRUARY 07, 2017 COMMISSION MEETING.

(3)  
APPROVAL TO REAPPOINT MORRIS SORENSEN AS A MEMBER OF THE EMERY WATER CONSERVANCY DISTRICT BOARD.

(4)  
APPROVAL TO START THE RECRUITMENT PROCESS FOR A SEASONAL WORKER AT THE MUSEUM OF THE SAN RAFAEL.

(5)  
APPROVAL OF BRANDON WILBERG AND ALEX URGUHART AS VOLUNTEERS FOR THE MUSEUM OF THE SAN RAFAEL.

(6)  
APPROVAL TO GIVE KAREN RICHARDS A 3% WAGE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Lynn Sitterud , and the motion passed.

## DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

(2)  
PUBLIC HEARING: FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH TO DISCUSS MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS.

Karen Dolan, Four Corners Community Behavioral Health came before the Board of Commissioners to discuss mental health and substance abuse disorders for the Carbon, Emery and Grand County communities. Ms. Dolan provided a history presentation of the program and its accomplishments.

Commissioner Paul Cowley made a motion to leave the regular meeting and open a public hearing to receive comments regarding Four Corners Behavioral Health and mental health and substance abuse disorders for communities in Emery County, and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

Public Hearing:

Kayla Carter address the Commissioners stating that she is a resident of Emery County and a client of Four Corners Behavioral Health and the Drug Court Program. She stated that “if not for the Drug Court Program and FCBH she would not be where she is today. The program has helped me improve my quality of life and become a productive member of our community.”

There were no more comments.

The Commissioners returned to the regular meeting schedule.

(3)  
OPEN AND REVIEW SEALED BIDS FOR THE EMERGENCY WATERSHED PROJECT: SOUTHEAST OF CASTLE DALE PROJECT SITE.

Sealed Bids were opened and read aloud for the Emergency Watershed Project, Southeast of Castle Dale Project Site.

- 1) Nielson Construction \$274,150.00
- 2) TSJ Construction \$214,083.95
- 3) Nelco Construction \$292,388.00
- 4) Perco Rock \$183,748.00

Commissioner Lynn Sitterud made a motion to allow time to compare the bids for accuracy and

then based upon the review to award the bid to the lowest bidder. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)  
DISCUSSION /APPROVE/DENY A BUSINESS LICENSE FOR VAHE ZEYNALYAN FOR ANY CRAFT NEAR ORANGEVILLE.

Commissioner Brady explained that Any Craft is a business in partnership with Summa Robotics. Both businesses will be operating out of the same building. Commissioner Paul Cowley made a motion to approve a business license for Vahe Zeynalyan DBA: Any Craft. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(5)  
DISCUSSION/APPROVE/DENY A BUSINESS LICENSE FOR KASEY EDGEHOUSE FOR KASEY'S PRO SHOP NEAR FERRON.

Commissioner Brady explained that Kasey Edgehouse has been hired at Millsite Golf Course as their golf pro. The name of the Pro Shop needs to be officially changed to Kasey's Pro Shop. Commissioner Paul Cowley made a motion to approve a business license for Kasey Edgehouse DBA: Kasey's Pro Shop. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(6)  
DISCUSSION/APPROVE/DENY TO WAIVE RENTAL FEE FOR USE OF AQUATIC CENTER FOR GRAD NIGHT.

Commissioner Lynn Sitterud made a motion to approve waiving the rental fee for use of the Aquatic Center for Grad Night. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)  
DISCUSS/APPROVE/DENY MOU BETWEEN STATE OF UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION, UNITED STATES DEPARTMENT OF INTERIOR BUREAU OF LAND MANAGEMENT AND EMERY COUNTY FOR THE MANAGEMENT AND MAINTENANCE OF THE GOOD WATER RIM TRAIL.

Ray Petersen's recommendation was to table this matter to allow time to meet key personnel on the issue. Commissioner Lynn Sitterud, upon recommendation from Public Lands Director Ray Petersen, made a motion to table this item. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)  
DISCUSS/APPROVE/DENY COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN AND FINANCIAL PLAN BETWEEN EMERY COUNTY SHERIFF'S OFFICE AND THE USDA FOREST SERVICE, MANTI-LASAL NATIONAL FOREST.

Sheriff Greg Funk reported that the Law Enforcement Annual Operating Plan and Financial Plan between Emery County Sheriff's Office and the USDA Forest Service is for reimbursement of \$5,000.00 for routine patrol on the forest and extra patrol if needed like during a fire situation.

Attorney Mike Olsen pointed out some wording corrections on the document. Commissioner Paul Cowley made a motion to approve of Cooperative Law Enforcement Annual Operating Plan and Financial Plan between Emery County Sheriff's Office and the USDA Forest Service, Manti-LaSal National Forest with the amended wording as recommended by Attorney, Mike Olsen. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(9)

DISCUSS/APPROVE/DENY A DONATION OF \$250.00 TO THE EMERY HIGH RODEO TEAM FOR THE 2017 RODEO SEASON.

Makayla Jensen and Hayden Cloward from the Emery High Rodeo Team came before the Board of Commissioners to request a Diamond Sponsorship in the amount of \$250.00 for the rodeo team. April 8th will be their home rodeo. In the past they have attracted many people from other communities to attend their rodeos. Commissioner Cowley added that the Rodeo Team is not sponsored by the school district. It is costly for the members to pay their own way to travel to rodeos, pay their entrance fees and maintain their animals. It is a great activity that benefits the students and the communities of Emery County. Commissioner Paul Cowley made a motion to approve a \$250.00 donation to be a Diamond sponsor of the Emery High Rodeo Team. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(10)

DISCUSS/APPROVE/DENY SUPPLEMENTAL WATERSHED PLAN AGREEMENT #3 BETWEEN THE FERRON CANAL AND RESERVOIR COMPANY, CITY OF FERRON, EMERY COUNTY, SAN RAFAEL CONSERVATION DISTRICT, EMERY WATER CONSERVANCY DISTRICT, UTAH STATE DIVISION OF PARK AND RECREATION, UTAH STATE DIVISION OF WILDLIFE RESOURCES AND THE NRCS.

Captain Kyle Ekker explained that the Supplemental Watershed Plan Agreement #3 between the Ferron Canal and Reservoir Company, City of Ferron, Emery County, San Rafael Conservation District, Emery Water Conservancy District, Utah State Division of Park and Recreation, Utah State Division of Wildlife Resources and the NRCS is a necessary document that will move the Millsite Dam project forward. Commissioner Paul Cowley made a motion to approve the Supplemental Watershed Plan Agreement #3 as presented. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(11)

DISCUSS/APPROVE/DENY INVITATION FROM PRICE FIELD OFFICE TO PARTICIPATE IN SAN RAFAEL DESERT TRAVEL MANAGEMENT PLAN AS A CONSULTING PARTY, AND TO APPOINT A COUNTY REPRESENTATIVE AND ALTERNATE TO PARTICIPATE ON BEHALF OF THE COUNTY.

Public Lands Director, Ray Petersen recommended accepting the invitation from the BLM, Price Field Office to be a participating consultant in the San Rafael Desert Travel Management Plan. Commissioner Lynn Sitterud made a motion to approve, upon recommendation from Ray Petersen, to participate with Price Field Office in San Rafael Desert Travel Management Plan as a consulting party and appoint Ray Petersen as Emery County's representative and Commissioner Lynn Sitterud as alternate to participate on behalf of Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND TENNANT LAWN CARE FOR THE AQUATIC CENTER, MUSEUM OF THE SAN RAFAEL, CASTLE DALE SENIOR CITIZEN CENTER, AND THE COUNTY ADMINISTRATIVE BUILDING.

The lawn care contract contained a provision to renegotiate the contract after the first of the year.

The contract has added the Aquatic Center to the list of lawns to be cared for. The contract is for three years. Commissioner Paul Cowley made a motion to approve a contract between Emery County and Tennant Lawn Care for the Aquatic Center, Museum of the San Rafael, Castle Dale Senior Citizen Center, and the County Administrative Building. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(13)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Brady asked Randy Johnson to provide information regarding legislative activity during the legislative session at the state capital. He reported on the progress of several bills that are of interest to the county and its citizens.

Jordan Leonard reported on Economic Development activity in the County.

Gagon's Medical Center in Huntington is moving along. The center is making good use of a building in Huntington as well as providing a much needed service and employing staff from the county.

Three solar companies are interested in locating in the county.

The Robotics Club is doing great things. The students are placing very well at competitions throughout the state.

House Bill 190 is a bill that helps send money our way to fund stem education in the county.

Summa Robotics and Any Craft are looking to hire individuals with the skills that they require to operate their business. The workforce is a challenge.

Economic Development is currently managing 9 loans. The program is helping to move forward opportunities for small businesses in the county.

Tina Carter is attending a tourism conference promoting Emery County to individuals who are interested in visiting our area.

Commissioner Brady reported on Rural Day on the Hill and the Governor's hope to have 25,000 jobs created in rural communities in Utah. He expressed concern that the infrastructure in rural counties may be a challenge. They still do not have natural gas in our rural communities of Green River, Elmo, and Emery.

(14)

ADJOURNMENT

The meeting was adjourned.

ATTEST:

COMMISSIONER:

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

MARCH 7, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS

The Warrant Check Edit List #243435 through and including #243519 was presented for payment.

There were no requisitions or dispositions.

(2)  
APPROVAL OF FEBRUARY 21, 2017 COMMISSION MINUTES.

(3)  
APPROVAL TO RE-APPOINT KENT WILSON TO THE CASTLE VALLEY SPECIAL SERVICE DISTRICT BOARD OF DIRECTORS.

(4)  
NOTIFICATION. LANORA RICHARD SELECTED AS A PART TIME JANITOR FOR THE GREEN RIVER LIBRARY. GRADE 6.

(5)  
APPROVAL TO APPOINT KASEY EDGEHOUSE TO THE EMERY COUNTY RECREATION DISTRICT BOARD TO REPRESENT FERRON.

(6)  
APPROVAL TO PROMOTE MICHAEL GRANGE FROM A CORRECTION OFFICER 1 TO PATROL DEPUTY 1 FOR SUCCESSFUL COMPLETION OF LEO. MOVE FROM GRADE 15 TO GRADE 16. EFFECTIVE 3-12-17.

(7)  
APPROVAL TO GIVE LAURA HURST A 3% WAGE INCREASE AND THE 3% COLA, AND \$1.00 PER HOUR INCREASE (APPROVED THE FIRST OF 2017) FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. GRADE 14. EFFECTIVE 3-12-17.

(8)

APPROVAL TO GIVE CLIFTON MCELPRANG A 3% WAGE INCREASE AND THE 3% COLA, (APPROVED THE FIRST OF 2017) FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD. GRADE 16. EFFECTIVE 3-12-17.

(9)

CLARIFICATION. THE INTENT OF THE RECENT COMMISSION APPROVAL OF THE \$1.00 PER HOUR INCREASE FOR THE SHERIFF'S OFFICE WAS TO ADJUST THEIR PAY SCALE UP BY \$1.00.

Motion to approve the Consent Agenda was made by Commissioner Lynn Sitterud, seconded by Commissioner Paul Cowley, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

(2)

DISCUSS/APPROVE/DENY RESOLUTION OF THE COUNTY COMMISSIONER OF EMERY COUNTY, UTAH , ACTING AS THE GOVERNING BODY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, AUTHORIZING NOT MORE THAT \$900,000 GENERAL OBLIGATION BONDS, SERIES 2017, FIXING THE MAXIMUM AMOUNT, MATURITY, INTEREST RATE, AND DISCOUNT ON THE BONDS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

Jacob Sharp, CVSSD came before the Board of County Commissioners to request approval for Resolution 3-7-17A authorizing not more than \$900,000.00 General Obligation Bonds, Series 2017, fixing the maximum amount, maturity, interest rate, and discount on the bonds, and providing for publication of a notice of public hearing and of bonds to be issued, and running of a contest period. He explained that these bonds are part of the 12.5 million dollar voter approved

bonds issued in 2009. They have 10 years to use the money. 2019 will be the final year of these voter approved General Obligation Bonds. The \$900,000.00 is a loan which will be added to a \$619,000.00 grant to do culinary improvements, water projects, street improvements, etc. in the county. The resolution sets the date for a public hearing which is April 4, 2017 and they will be closing on the loan on April 10, 2017. Patsy Stoddard, Emery County Progress asked Jacob for the balance remaining on the bonds after this bond is approved. Jacob answered with, \$1.8 million. This amount will allow for the same amount of bond money in the next two years.

After that they will, if it is the object of their board, to go back to the citizens of the county for another voter approved General Obligation Bond.

Commissioner Lynn Sitterud made a motion to approve Resolution 3-7-17A authorizing not more than \$900,000.00 General Obligation Bonds, Series 2017, fixing the maximum amount, maturity, interest rate, and discount on the bonds, and providing for publication of a notice of



public hearing and of bonds to be issues, and running of a 30 day contest period and other related matters. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

DISCUSS/APPROVE/DENY 2017 CIB LIST.

Commissioner Paul Cowley made a motion to approve the 2017 CIB List of projects. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(4)

DISCUSS/APPROVE/DENY MOVING FORWARD WITH A COMMUNITY REINVESTMENT AREA.

Adam Long, Smith/Hartvigsen came before the Board of Commissioners to explain a Community Reinvestment Area which is basically a redevelopment agency. By Utah Code local governments (counties and municipalities) are given one set of tools to do economic development stuff. This can be anything from site re-mediation, tax incentives, buying parcels and making them sellable, etc. Just about any project has a development aspect. The CRA is a separate entity set up by the Board of Commissioners. It is governed by the Commissioners but is separate from the county. The agency acts within project areas. Economic Development is limited by statute and case law. The county can create a development agency. The county can not give away property for development, but the agency can do that. The agency could be made up of the County, EC School District, SSD#1, Water Conservancy District, etc., (taxing entities) who share x amount of tax revenue with the agency for an x amount of time by way of interlocal agreements. Commissioner Brady asked for clarification of Agency vs Area. He commented that the way he understands it the agency would be the county and the area would be a specific plot within the county that maybe needs some development such as infrastructure or impact fees for the area to forward the development of that area. The agency would require a budget. Adam explained that the agency would need seed money. Commissioner Brady asked how much of a budget would it require? Adam answered that it depends on what the project would require and how you want to allocate costs. The agency works basically like a county department. There are requirements that have to be met by statute. Agency would need to create an area agency plan and a project area budget a projection of revenue and costs over the lifetime of the project. The process to create an agency involves the Commission creating an ordinance that says it is going to happen. Commissioner Brady asked questions regarding incentives. Ethan Hurdsmann asked, "What benefits do you see to promote getting people to bring business to the county?" Adam answered that it depends on the project. We have talked about a solar project. This project would bring in tax revenue with no demand on county services. It would bring in temporary construction jobs during the construction phase and maybe a couple of permanent jobs. Phil Fauver asked "Would a CRA be useful in putting in a gas line for Green River?" it is probably beyond the scope of an agency. Green River does have an agency in place for when it is needed. Attorney Mike Olsen commented, "you have talked about a solar project, Is that why you are here today? Mr. Long answered that the solar project is certainly on the front burner. However, the CRA would help with other projects as well. Commissioner Brady asked what other project he has seen done with a CRA. Are there any that can bring in jobs or create tax revenue? The solar project is asking for a tax abatement on their personal property. The county cannot legally grant anyone special treatment, but an agency can. Commissioner Brady stated he is for creating an agency for future projects that have special needs. After much discussion on this issue, Commissioner Paul Cowley made a motion to table this matter to allow time to get answers to

their questions. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(5)  
DISCUSS/APPROVE/DENY RESOLUTION TO FORM AN EMERY COUNTY FAIR  
ADVISORY BOARD.

Commissioner Brady explained that the Emery County Fair is no longer under the direction of the Recreation SSD so the Commission recommends forming an advisory board to oversee the Fair. Commissioner Paul Cowley made a motion to approve Resolution 3-7-2017B forming an Emery County Fair Advisory Board. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(6)  
DISCUSS/APPROVE/DENY THE BY-LAWS FOR THE EMERY COUNTY FAIR  
ADVISORY BOARD.

Commissioner Paul Cowley made a motion to approve the by-laws for the Emery County Fair Advisory Board. The motion was seconded by Commissioner Lynn Sitterud. The motion passed

(7)  
DISCUSS/APPROVE/DENY MOU BETWEEN STATE OF UTAH SCHOOL AND  
INSTITUTIONAL TRUST LANDS ADMINISTRATION (SITLA) AND UNITED STATES  
DEPARTMENT OF INTERIOR BUREAU OF LAND MANAGEMENT PRICE FIELD  
OFFICE AND EMERY COUNTY FOR THE MANAGEMENT AND MAINTENANCE ON  
THE GOOD WATER RIM TRAIL.

Commissioner Paul Cowley made a motion to table this item until a later date. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(8)  
DISCUSS/APPROVE/DENY COOPERATIVE AGREEMENT BETWEEN UTAH STATE  
UNIVERSITY EXTENSION SERVICES AND EMERY COUNTY

Commissioner Paul Cowley made a motion to approve a Cooperative Agreement between Utah State University Extension Services and Emery County. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(9)  
DISCUSS/APPROVE/DENY MARKETING FUNDS FOR THE EMERY COUNTY FAIR.

Tina Carter discussed the Travel Bureau's approval of marketing funds for the Emery County Fair. The board approved \$3,500.00 to be used for advertising. Commissioner Paul Cowley made a motion to approve marketing funds in the amount of \$3,500.00 for the Emery County Fair. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

The marketing funds come from Transient Room Taxes that are earmarked for business marketing in the county.

(10)

DISCUSS/APPROVE/DENY MARKETING FUNDS FOR THE TAMARISK RESTAURANT IN GREEN RIVER.

Tina Carter explained that the Tamarisk Restaurant in Green River has requested funds for a billboard sign. The total cost of the project is \$9,810.00. They have requested \$3,500.00 from the Travel Bureau. Commissioner Sitterud expressed concern that all businesses have the same opportunity to receive these funds. Tina indicated that all businesses have a opportunity to apply for these funds. Tamarisk Restaurant is the only restaurant business so far who has applied

Commissioner Lynn Sitterud made a motion to approve marketing funds in the amount of \$3,500.00 for Tamarisk Restaurant in Green River. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY MARKETING FUNDS FOR THE JOHN WESLEY POWELL MUSEUM IN GREEN RIVER.

Jordan Leonard explained that the John Wesley Powell Museum in Green River has requested marketing funds to redo their flyers that are distributed in the information center. The flyers indicated places to visit while in Green River as well as eating establishments, and other valuable information. They have requested \$1,000.00 towards the total project cost of \$2,000.00.

Commissioner Paul Cowley made a motion to approve marketing funds in the amount of \$1,000.00 for the John Wesley Powell Museum in Green River. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(12)

DISCUSS/APPROVE/DENY MARKETING FUNDS FOR THE MECCA BIKE CLUB.

Jordan explained that the marketing funds for the MECCA Bike Club will go towards marketing to various bike clubs in and out of the state. Steve Barton indicated that this will be for their spring biking event which will originate in Huntington this year. They host approximately 80 people from all over the state as well as some from out of state. They encourage the bikers to stay in the county and shop locally. Jordan explained that they have requested \$3,500.00.

Commissioner Paul Cowley made a motion to approve \$3,500.00 for the MECCA Bike Club. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(13)

DISCUSS/APPROVE/DENY TAX ABATEMENT FOR BACK TAXES ON PARCEL #01-0180-0025 AND #01-0180-0022 IN HUNTINGTON.

Bruce Yost, Eastern Utah Community Credit Union came before the Board of Commissioners to discuss a possible tax abatement for back taxes on Parcel #01-0180-0025 and #01-0180-0022 in Huntington. He explained that this property has been in foreclosure since 2013. The property is assessed at \$395,000.00. They were asking \$199,000.00. They have received an offer of \$135,000.00 to purchase the property. The bank would love to get it off of their books. The bank is

asking the county for some type of relief on the taxes such as a reduction in property taxes or relief of the penalty and interest. Steve Barton commented that it sounds like the bank is asking the county to take less so that the bank can take more. We can have the Assessor go look at the property and assess the value going forward. After discussion on this matter the Commissioners asked the bank to wait 2 weeks to allow time for the County Assessor to look at the assessment.

Commissioner Paul Cowley made a motion to postpone any decision for two weeks or possibly sooner on this matter. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(14)

DISCUSS/APPROVE/DENY AUTHORIZING TREASURER, STEVE BARTON, TO GRANT APPROVE OF DEFERRAL AGREEMENTS AFTER TODAY'S COMMISSION MEETING, BUT PRIOR TO MARCH 15 TAX SALE LISTINGS BEING SUBMITTED TO THE CLERK/AUDITOR'S OFFICE, AND THEN SUBMITTING THOSE DEFERRAL AGREEMENTS AS RATIFICATIONS ON THE MARCH 21 COMMISSION MEETING.

Treasurer Steve Barton explained that there are, at this time, 28 properties on the list that will be given to the Clerk/Auditor's office on March 15, 2017. Out of those 28, 16 are homes. The deferral program is offered to these property owners to assist them in clearing up the property before the 15th to avoid the \$300.00 administrative fee that will be charged after that date. The administrative fee covers the cost of title search and advertising. The agreement allows the property owner an extension until November 30 to pay the tax. He added that Emery County is taxpayer friendly and his office makes every effort to keep the taxpayer informed of their status.

He indicated that he has had four property owners come forward who have requested the extension. These four are on the agenda for approval today. There will be others who will request an extension. He asked for approval to offer the program to those who request participation between today and the 15th and have those agreements ratified in the March 21st Commission Meeting. Commissioner Sitterud requested to have a Commissioner involved in the deferral process. Mr. Barton indicated that this program has been used for several years and has worked well. Commissioner Lynn Sitterud made a motion to approve deferral agreements for after today's meeting but prior to March 15, 2017 sale listings to be ratified in the March 21, 2017 Commission Meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE (5) YEARS PAST DUE FOR DENNIS L. AND GWEN WHITE OF HUNTINGTON.

Steve Barton indicated that letters have been submitted by the property owners stating the extent of their hardship to pay the taxes. The Commissioners were given a copy of the letters.

The first deferral agreement is for Dennis L. and Gwen White of Huntington.

Commissioner Paul Cowley made a motion to approve a deferral agreement for payment of real property taxes that are five (5) years past due for Dennis L. and Gwen White. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(16)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE (5) YEARS PAST DUE FOR JERRY AND CONNIE GAYLER OF HUNTINGTON.

Commissioner Paul Cowley made a motion to approve a deferral agreement for the payment of real property taxes that are five (5) years past due for Jerry and Connie Gayler. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(17)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE (5) YEARS PAST DUE FOR LORIN A. AND ALICE D. ISRAELSEN OF CASTLE DALE.

Commissioner Paul Cowley made a motion to approve a deferral agreement for the payment of real property taxes that are five (5) years past due for Lorin A. and Alice D. Israelsen. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(18)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE (5) YEARS PAST DUE FOR DOUGLAS BLACKBURN.

Commissioner Paul Cowley made a motion to approve a deferral agreement for the payment of real property taxes that are five (5) years past due for Douglas Blackburn. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(19)

DISCUSS/APPROVE/DENY WRITING OF SUPPORT FOR THE TITLE TRANSFER FOR THE EMERY COUNTY PROJECT.

Jay Mark Humphrey, Emery Water Conservancy District came before the Board of Commissioners to request a letter of support for the title transfer for the Emery County Project. He explained that the Emery County Project is everything that the Bureau of Reclamation built in Emery County in the early 60's. Emery Water Conservancy District was organized in 1962 to fund the construction cost and operation/maintenance of the Emery County Project which is Joe's Valley Reservoir, Swasey Diversion Dam, Cottonwood Creek, Huntington Canal/ Huntington North Reservoir, and Service Canal and an underground drainage project in the Cottonwood/Huntington area. In 1970 Emery Water Conservancy District took over operation and maintenance of the project. The Bureau of Reclamation had to get storage rights for Joe's Valley Reservoir. They were relinquished by the local water users. One has a 1922 water storage right and the other a 1940 water storage right. These are very good water rights in the State of Utah. The Bureau took the water rights as collateral for the construction costs of the project. In 1972 PacifiCorp/Utah Power came in and wanted to build power plants in Emery County. The contract was modified to give industrial water out of this project. The project yields 28,100 acre feet water per year out of the project. There has been only 4 o5 years over the life of the project that they did not deliver that amount of water. It was modified again in 1987 to add another 2, 576 acre feet of agriculture water to industry to secure the water consumption of the power plant. Also 189 acre feet went to Castle Valley Special Service District which in turn went to

Huntington City. In 1994 Orangeville/Castle Dale got 100 acre feet of water. Originally the project was strictly for agriculture. Now they have industry and municipal water included in the project. In 2015 they asked the Bureau to pay of the project 6 years early. The Bureau stalled on it , they would not accept our money. They had to get a lobbyist in Washington, Congressman Chaffetz's office to help us to get the Bureau to allow us to pay the project off. Last November we paid the last payment on the project. They do not owe the federal government a dime on the Emery County Project. In the December 2015 board meeting they voted to go after title transfer. In other words take the title from the federal government, get their water rights back, and have local control of the project. The Bureau didn't like that. Jay met with the Congressional Delegation in 2016 in Washington to see what the atmosphere was like. The delegation were all in support of bringing the water rights back to local control. They met with the Bureau in January and February to get their process. They have a check list of what should happen in their eyes. When he met with the Congressional Delegation in Washington last week he met with Kyle Weaver, Deputy Director over Natural Resources over water, power and the ocean. The atmosphere in Washington has changed. There is a more positive atmosphere. He met with Representative Rob Bishop he indicated that if he gets a bill there he will push it through the legislature. Mr. Humphrey stated he was here today to seek local support from the Emery County Commissioners for returning the water rights to Utah for local control. Commissioner Brady asked Mr. Humphrey what he felt would be the benefit of having the water rights returned to Utah? Mr. Humphrey indicated that we would have control over the water rights. But the biggest things is we have paid off the loan. We should have the water rights returned to us. The Water Conservancy Board of Directors would have the control not the federal government.

Right now the Bureau tells us when maintenance needs to be done on our dime. Without the water rights we cannot go to a lending institution to procure the funds needed to do any repairs.

Mr. Humphrey indicated that water and coal is what makes Emery County and we need to protect it. Craig Johansen, Emery Water Conservancy District Board of Directors commented that the Water Conservancy District does not have anything to leverage to get state or federal funds because we do not have any assets other than user fees and taxes. We would have to raise user fees to repairs of facilities. Financing is a big problem and now is the time to work on this.

Jim Fauver asked if there is a precedence where this has been done somewhere else. Craig indicated that yes it has been done in other states. There is precedence. We are asking for standard procedure. We need the support of the County, the users, power company, and others.

There will be public hearings. This is just the first step in the process. A letter has been drafted that states that Emery County Commission is in full support of returning title of the Emery County Project from the Bureau of Reclamation to the Emery Water Conservancy District.

Commissioner Paul Cowley made a motion to approve a letter of support for title transfer for the Emery County Project. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(20)

#### DISCUSS/APPROVE/DENY GRANT APPLICATION FOR LOCAL CEMETERIES TO COMPUTERIZE THEIR BURIAL RECORDS.

Commissioner Keith Brady discussed a grant application for local cemeteries to computerize their burial records. The work will be performed by Bernice Payne. The grant is for \$2,850.00. There is no cost to the county. Commissioner Lynn Sitterud made a motion to approve of a grant application for local cemeteries to computerize their burial records. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(21)

**DISCUSS/APPROVE/DENY LETTER OF SUPPORT FOR GOED FAST TRACK ADJUSTMENT.**

Jordan Leonard, Economic Development came before the Board of Commissioners to request a letter of support for GOED Fast Track Adjustment. He explained that the State Economic Development Office recently allowed us to ask for an adjustment on the fast track grant.

Currently if businesses apply and receive this grant they would have to pay 110% of the average county wage which is currently around \$25.00 per hour. With this temporary adjustment they would not have to pay this wage, they just have to hire a full time employee. He stated that he knows there are some concerns with the fast track grant picking winner and losers. This is available to all the businesses in the county. He stated he understands that there is competition. We can avoid businesses pitting against each other. We can talk through that with the Commission that and see if they are the right fit for the grant. These businesses can apply through the state with a letter of support. He asked for the Commissioners to approve a letter of support for the temporary adjustment for the Rural Fast Track Grant. Commissioner Brady commented that there is an extreme vetting process. If you don't meet the requirements for the next two years you have to pay the money back. Commissioner Sitterud expressed concern that money is available to businesses to compete with other businesses that do the same thing in the same area. It puts the government picking winners and losers in the business environment.

Commissioner Brady commented that both businesses would have the same opportunity to expand. This is something that has benefitted businesses in Emery County in the last 4 years. It has been very hard for businesses to get this grant with the wage threshold, because most owners of business don't even pay themselves that wage. DeLynn Fielding commented that he didn't agree with the idea that it puts the government picking winner and losers because all the businesses have the same opportunity to grow with this grant. The resource and opportunity is available for all businesses. This grant opportunity has benefitted many businesses in growth.

Because of the high unemployment there are five counties out of the 29 in Utah that qualify for doing away with this 110% threshold. All it requires is for the Commission to say 'yes' lets take this burden off our local businesses so they can grow. The business has to be in existence in Utah for at least two years. Commissioner Sitterud expressed his opposition to the program.

Commissioner Paul Cowley made a motion to approve a letter of support to the GOED Fast Track Adjustment. Commissioner Keith Brady stepped down to second the motion.

Commissioner Lynn Sitterud opposed. The motion passed by two.

(22)

**DISCUSS/APPROVE/DENY CHANGE ORDER BETWEEN EMERY COUNTY AND NIELSON CONSTRUCTION FOR THE EMERGENCY WATERSHED PROTECTION PROJECT COMPLETION DATE TO BE EXTENDED BY 82 DAYS. THE NEW COMPLETION DATE IS APRIL 21, 2017.**

The Change order was previously approved. This change order is to extend the time for Nielson Construction to complete the work for the previous change order to April 21, 2017.

Commissioner Lynn Sitterud made a motion to approve a change order for Nielson Construction for the Emergency Watershed Protection Project extending the time to April 21, 2017. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(23)

**COMMISSION/ELECTED OFFICIALS REPORT.**

Commissioner Brady asked Randy Johnson for an update of activity in the legislature.  
Mr. Johnson reported on the progress of several bills that the county may have an interest.

Commissioner Brady reported on working with the school district board on a portable obstacle course for the Aquatic Center. The proceeds from the use of the obstacle course would be allocated to the Swim Team.

Emery County Business Chamber luncheon will be March 15th , at 6 p.m. at Millers Landing in Huntington.

(24)

ADJOURNMENT

The meeting was adjourned.

ATTEST:

COMMISSIONER:



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

MARCH 13, 2017

Present at a special meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Deputy Clerk/Auditor Carol Cox, Assessor Kris Bell.

Discussion Items

(1)

Discuss/Approve/Deny tax abatement for back taxes on parcel #01-0180-0025 and #01-0180-0022 in Huntington.

Assessor Kris Bell, explained that the first thing she found out was that the bankruptcy court sold the building on parcel 25 to Standard Lab. Nothing could be done with the property until the bankruptcy had been cleared up. Eastern Utah Credit Union owns all but the part with the Standard Lab building. EUCU tried to sell the property to clean up their books. They received an offer of \$135,000.00 for both parcels. Standard Labs did not inquire about the taxes, nor were the taxes cleared up at the time of the sale to Standard Labs. Therefore, the taxes have not been paid. They owe \$4,421.91 for two years. The parcels 22 & 25 are owned by EUCU. Taxes for the years 2014,2015, and 2016 are owed with penalty and interest. EUCU is asking to have the taxes abated/reduced and/or the penalty and interest removed. The total taxes owed is \$19,470.60 without P&I (\$4,093.44) on both parcels. The purchaser of the property intends to sub-divide the property after which each lot will be assessed a value of \$12,000.00 per lot. After much discussion on this matter, Commissioner Lynn Sitterud made a motion to forgive the penalty and interest in the amount of \$4,093.44 and have EUCU pay the taxes in the amount of \$19,470.60. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(2)

Adjourn

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 21, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

Consent Agenda

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 243524 through and including # 243658 was presented for payment.

Requisitions were presented for the following:

REQUISITION DESCRIPTION AMOUNT

7-17 2016 Chrysler Town/Country Van  
Perkie \$24,955.00

8-17 2017 Ford F-150 4x4 Crew Pickup  
Sheriff \$34,350.00

9-17 2017 Ford F-250 Pickup  
Sheriff \$36,445.00

10-17 (2) 2017 Ford Police Interceptor Utility AWD  
Sheriff \$61,172.24

10-17 2017 Dodge Durango Special Service AWD  
Sheriff \$28,771.74

11-17 2017 Chevrolet Tahoe 4wd  
Sheriff \$39,150.00

12-17 140M3 Motor Grader w/trade in(\$26,300.00)  
Highway \$236,556.74

13-17 Cat 966 Wheel Loader  
Highway \$333,873.39

14-17 Walk n Roll for Grader

Highway \$ 26,820.00

There was 1 disposition for a DVD spin rack from the Library #6905

(2)

APPROVAL OF MINUTES OF MARCH 7, 2017 COMMISSION MEETING

(3)

APPROVAL TO GIVE KELDON GUYMON AND DAKOTA WRIGHT A 3% WAGE INCREASE AND THE 3% COLA( APPROVE THE FIRST OF 2017) FOR SUCCESSFUL COMPLETION FO THEIR 6 MONTH ORIENTATION PERIOD. GRADE 3. EFFECTIVE 3-26-17.

(4)

APPROVAL TO GIVE JULIE STEURER A 3% WAGE INCREASE AND THE 3% COLA (APPROVED THE FIRST OF 2017) FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. GRADE 7. EFFECTIVE 3-26-17.

(5)

APPROVAL TO GIVE CINDY BOWERMAN A 3% WAGE INCREASE AND THE 3% COLA (APPROVE THE FIRST OF 2017) FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 3-26-17.

(6)

APPROVAL OF THE FOLLOWING EMT'S TO BE GARAGE LEADS AND RECEIVE A \$200.00 MONTHLY STIPEND. GREEN RIVER TAMMY HOWLAND, CASTLE DALE/ ORANGEVILLE BEN ORGILL, HUNTINGTON STONEY JENSEN, FERRON HOLLIE SMITH, AND EMERY TARA PAYNE.

(7)

APPROVAL TO GIVE CLIVE GORDON A 3% WAGE INCREASE AND THE 3% COLA (APPROVED THE FIRST OF 2017) FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD. GRADE 16. EFFECTIVE 3-26-17.

(8)

APPROVAL TO START THE RECRUITMENT PROCESS FOR SEASONAL LIFEGUARDS AND/OR HEAD LIFEGUARDS.

(9)

APPROVAL TO APPOINT LORI ANN LARSEN TO THE MUSEUM OF THE SAN RAFAEL BOARD.

(10)

APPROVAL TO RE-APPOINT DEAN KING AND RICHARD JENSEN TO THE ECSSD#1 BOARD OF DIRECTORS TO EACH SERVE ANOTHER FOUR (4) YEAR TERM.

(11)

APPROVAL FOR JAMES NIELSEN TO BE A VOLUNTEER FOR THE EMERY COUNTY WEED AND MOSQUITO DEPARTMENT.

(12)

APPROVAL OF COUNTY CREDIT CARD FOR CAROLE LARSEN, LIBRARY DIRECTOR.

Motion to approve the Consent Agenda was made by Commissioner Lynn Sitterud, seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

(2)

DISCUSS/APPROVE/DENY OPENING BIDS FOR SURVEYING AND CHAIN LINK FENCE AT GREEN RIVER LIBRARY.

Carole Larsen, Emery County Library Director explained that cars are being parked and left for long periods on the library property. The board wants to put up a chain link fence along the back side of the library (135 feet) to mitigate this situation. J&T did a survey of the site.

Fencing companies have submitted bids to put up the fence. They received a bid from Ward's Landscaping for \$2,400.00 for 11 gauge and \$2,695.00 for 9 gauge. Castle Country Fencing's bid was for \$1,500.00. The bid did not indicate the gauge of fencing. It appeared that the bid from Ward's Landscaping was more complete. Carole indicated that the cost proposal from J&T to perform a boundary survey is for \$1,600.00. Commissioner Lynn Sitterud made a motion to pay J&T for the survey and accept the low bid if the specs are met as advertised. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

PRESENTATION BY ANN COX REGARDING SPEEDING ON THE SOUTH SIDE OF LAWRENCE.

Ann Cox from Lawrence came before the Board of Commissioners to discuss speeding on the south side of Lawrence. She thanked the county road department for the signs warning drivers of the speed limits through town. However, drivers are not slowing down. Some even blow through the 4 way stop. Ms. Cox recommended several solutions. Other residents from Lawrence offered solutions. Sheriff Funk indicated that several citations have been issued.

Deputies are patrolling the area. One resident suggested having a deputy stop at various locations at different times throughout the day. Drivers may get the hint that deputies are there and you never know when or where. The Commissioners discussed some of Ms. Cox's recommendations such as, stricter enforcement of the speed laws, motion sensor flashing lights and other signs. Commissioner Brady thanked Ms. Cox for her suggested solutions to the problem rather than just complaining.

(4)

**RATIFICATION OF LETTER TO US DEPARTMENT OF RECLAMATION REGARDING CONTROLLING FLOODING EVENTS IN GREEN RIVER.**

Commissioner Brady indicated that there was a meeting in Price with the Utah Department of Reclamation where the farmers in the county expressed concern regarding flooding issues in Green River. The farmers requested a letter of support from the County Commissioners in support of mitigating the flooding issue. Commissioner Sitterud attended the meeting and reported that the hope is that with new people in Washington who control the dam, they can get water released early to mitigate the flooding issue. Commissioner Paul Cowley made a motion to approve ratification of a letter to US Department of Reclamation regarding controlling flooding events in Green River. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

**(5)  
DISCUSS/APPROVE/DENY SIGNING OF THE HMEP HAZARDOUS MATERIALS PLANNING GRANT ALLOCATION FROM THE STATE OF UTAH DIVISION OF EMERGENCY MANAGEMENT.**

Commissioner Lynn Sitterud made a motion to approve the signing of the HMEP Hazardous Materials Planning Grant Allocation from the State of Utah Division of Emergency Management. The motion was seconded by Commissioner Paul Cowley. The motion passed.

**(6)  
DISCUSS/APPROVE/DENY PRESENTATION AND SIGNING OF INTERLOCAL AGREEMENT WITH SOUTHEAST UTAH HEALTH DEPARTMENT.**

Brady Bradford, SEUDH came before the Board of Commissioners to present and Interlocal Agreement between Emery County and SEUDH. In 1972 Carbon, Emery, Grand and San Juan Counties formed the SEUDH and created an interlocal agreement that was renewed in 2007. In 2015 a few things changed and necessitated some small adjustments to the agreement. There is a change in name due to San Juan dropping out of the SEUDH and moving their budget meeting from May to November. SEUDH has ten essential functions broken down into three main parts.

Assessment of vital statistics, epidemiology, health data, policy making and assurance of public health through nursing, preparedness, health education and environmental health. It is mandated by Title 26a in Utah State Code. Emery County has an office in Castle Dale where our nurses have done a spectacular job. They did more than 300 flu shots last year. 250 immunizations, 160 well child checks that are under served, 51 newborn checks, 60 food establishments, day care centers, tanning beds, air quality/water and other environmental quality services. Sheriff Funk indicated he attended a presentation in Price about the needle exchange program. Mr. Bradford explained that the presenters are not affiliated with the health department. The health department just brought the interested parties together for discussions. Attorney Mike Olsen asked for an explanation of the needle exchange program. Sheriff Funk expressed his disapproval of the program. The presenters informed the Sheriff that the program will go forward with or without their approval. Sheriff Funk stated that if they come to Emery County he will arrest them. Mr. Bradford indicated that he did not have any data to confirm the effectiveness of the program but

that it has been working well in Salt Lake City. Mr. Bradford indicated that the Health Department's Health Educator is in favor of the program. Sheriff Funk added that she basically told them that the program is going go whether they want it or not. Sheriff Funk indicated that there is lot involved with this program that makes him very uncomfortable. Sheriff Funk wanted to know if the Health Department is going to be responsive to what the EC Commissioners wants for it's citizens. Mr. Bradford explained that the Health Department will not be running this program. The discussion was just an informational presentation not affiliated with the Health Department. Mr. Bradford indicated that he is not prepared to have such and in depth discussion with this issue. He is here to get approval for the Interlocal Agreement with SEUHD. Commissioner Sitterud wanted to know if approving this interlocal agreement has anything to do with supporting the needle exchange program? Mr. Bradford indicated that it does not. Commissioner Sitterud wanted to know what the reason was for San Juan County dropping out of the Health Department? Mr. Bradford indicated that they felt that due to the remote location that they were not getting their needs met. They have also dropped out of Four Corners. Attorney Mike Olsen asked about the parameters of the agreement. How do we drop out of the contract? Commissioner Sitterud and Attorney Mike Olsen asked for more time to look over the agreement to make sure it alines with the state statutes. Commissioner Paul Cowley made a motion to table this matter to allow time to review. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(7)

DISCUSS/APPROVE/DENY SUMMA ROBOTICS PERMIT.

Jeff Guymon, Planning and Zoning Director discussed a Level III Conditional Use Permit for Summa Robotics. He explained that it is up the County Commission discretion to decide if a public hearing is needed to determine major impacts to the citizens and communities of Emery County. The Zoning Commission may approve a Level I and Level II permit but a Level III permit must be granted by the County Commission. The Planning Commission has received a letter from UDOT granting access to the facility. The facility (Central Warehouse) predates the EC Zoning Ordinance and was already operating at a Level III status and has already gone through a permitting process. The Planning Commission recommends approval.

Commissioner Lynn Sitterud made a motion to approve Summa Robotics Level III Conditional Use Permit. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY SCOTT LABRUM AS CASTLE DALE LIBRARY'S MAY STEM CONTRACT PARTNER.

Commissioner Paul Cowley made a motion to approve Scott Labrum as Castle Dale Library's May Stem Contract Partner. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(9)

DISCUSS/APPROVE/DENY EMERY COUNTY LIBRARIES TO APPLY FOR THE CLEF GRANT.

Commissioner Paul Cowley made a motion to approve Emery County Libraries to apply for the CLEF Grant. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(10)  
DISCUSS/APPROVE/DENY CONTRACT BETWEEN LIVE A LITTLE PRODUCTIONS AND EMERY COUNTY FOR A FREESTYLE MOTO AND UTV RODEO AT THE 2017 EMERY COUNTY FAIR.

Commissioner Lynn Sitterud made a motion to table this item due to the fact that the contract is not ready. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)  
DISCUSS/APPROVE/DENY REQUEST TO TAKE ADA VANS OUT OF STATE FOR A SENIOR CITIZEN TRIP MARCH 27-29 2017.

Commissioner Paul Cowley made a motion to table this item. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(12)  
DISCUSS/APPROVE/DENY INTER-AGENCY CO-ORDINATION AND SUB-RECIPIENT CONTRACT AGREEMENT BETWEEN SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS AND EMERY COUNTY TO ADMINISTER THE EMERY COUNTY AGING AND NUTRITION PROGRAMS FROM JULY 1, 2016- JUNE 30, 2017

Commissioner Paul Cowley made a motion to approve Inter-Agency Co-Ordination and Sub-Recipient Contract Agreement between Southeastern Utah Association of Local Governments and Emery County to administer the Emery County Aging and Nutrition Programs from July 1, 2016 to June 30, 2017. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(13)  
DISCUSS/APPROVE/DENY ROW GRANTS FOR A PORTION OF PRICE RIVER ROAD.

Ray Petersen, Public Lands Director explained that late last season storms wiped out the road in the Mounds Area. The county applied for emergency ROW to repair the road. It has been 4 months and we finally have the ROW to get the Road Department out there to repair the road. Commissioner Paul Cowley made a motion to approve ROW Grants for a portion of Price River Road. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(14)  
DISCUSS/APPROVE/DENY REQUEST TO USE CLASS B ROAD FUND BUDGET FOR TRACTOR AND BACKHOE RENTAL.

Commissioner Paul Cowley made a motion to approve a request to use Class B Road Fund Budget for a tractor and backhoe rental. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(15)  
DISCUSS/APPROVE/DENY WAIVER OF PILT FOR 2015 FOR EMERY COUNTY HOUSING AUTHORITY.

Cindy Draper, Housing Authority came before the Board of Commissioners to requested a

waiver of payment in lieu of taxes for 2015 for Emery County Housing Authority. In a past Commission Meeting the EC Housing Authority was granted a waiver of PILT for 2012, 2013, and 2014 because the Authority was in such disarray. They asked for one more year to make sure that they are top of things. Cindy was not exact on the amount, but estimated the amount to be between \$1,300.00 to \$1,500.00. Commissioner Paul Cowley made a motion to approve a waiver of PILT for Emery County Housing Authority for 2015. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(16)

DISCUSS/APPROVE/DENY WAIVING THE FEE FOR THE AQUATIC CENTER FOR LITTLE MISS EMERY CONTESTANTS TO HAVE A POOL DAY.

Cindy Draper, Miss Emery Director indicated that there are 24 girls and their parents. The waiver would be for just the girls. The parents and any siblings would have to pay.

Commissioner Lynn Sitterud made a motion to approve waiving the fee for the Aquatic Center for Little Miss Emery Contestants to have a pool day. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSS/APPROVE/DENY REQUEST FROM SOUTHWEST STONE, INC. TO WAIVE AND EXCUSE PENALTIES AND INTEREST ON AMOUNTS OWED FOR THE 2010 TAX YEAR IN RETURN FOR SSI PAYING THE FULL AMOUNT OF PRINCIPAL OWING FOR THAT YEAR.

Treasurer, Steven Barton explained a situation with Southwest Stone, Inc. a rock quarry regarding their taxes owed for 2010. They were on the list for five years past due on their taxes.

They were notified that they were five years delinquent. They applied for an extension. The taxes owed are on personal property, not real property (equipment). He requested that they sign a lien on the property. The alternative would have been to have the Sheriff seize the property. They did not sign the lien. But they did make payments on all taxes subsequent to 2010. SSI sent a note with each payment stating that the 2010 taxes assessed are in appeal with the State Tax Commission and requested that we work with them to resolve it. They were assessed in 2010 by the State Tax Commission \$11,000.00 for personal property (equipment) which in subsequent years have been \$4-5,000.00. SSI has had no success with the Tax Commission. SSI requested that EC waive the accumulated interest and penalty on the \$11,000.00 and they will pay the \$11,000.00 and clear this up. Mr. Barton looked into what would happen had they been successful in the appeal with the taxes bring dropped from \$11,000.00 to the average which was \$5,200.00. Should that happen, by paying the \$11,000.00 now EC would gain \$3,000.00. His suggestion was to clear this up by allowing SSI to pay the \$11,000.00 the total tax due from 2010 and EC waive the penalty and interest on the \$11,000.00 from 2010.

Commissioner Lynn Sitterud made a motion to approve the request from SSI to waive and excuse penalties and interest on amounts owned for the 2010 tax year in return for SSI paying the full amount of principal owing for that year. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(18)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE(5) YEARS PAST DUE FOR SHAWN ALLRED.



Shawn Allred came in after the last Commission Meeting. Mr. Allred has already paid \$600.00 and still owes \$3,000.00 with a plan through auto deduction to pay the balance. Mr. Barton recommended approval of a deferral agreement for Mr. Allred. Commissioner Paul Cowley made a motion to approve a deferral agreement for the payment of real property taxes that are five (5) years past due for Shawn Allred. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(19)

#### COMMISSION/ELECTED OFFICIALS REPORT

Commissioner Brady asked Library Director Carole Larsen to explain the library's story time bags that are available at the libraries. She explained the kindle program and the stem program.

Commissioner Brady talked about a CNN interview where Yale did a study/survey on climate change to find out what the attitudes were regarding global warming. Emery County out of all the counties in the US was the #one county that did not believe in global warming. He was here on a listening tour to find out why it came out that way. Commissioner Brady had a good discussion with him. Last week KSL came here for their Road to Understanding Campaign. The program takes KSL's reporter, Alex Cabraro to the 25 counties that are not on the Wasatch Front to talk about what are our county's concerns and good information regarding our county. He will let us know when the Emery County segment will air. Ray Petersen stated that he believes it will be this Thursday.

(20)

#### ADJOURNMENT

The meeting was adjourned.

ATTEST:

COMMISSIONER:

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

APRIL 4, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 243674 through and including # 243803 was presented for payment.

There were no requisitions or dispositions.

(2)  
APPROVAL OF MINUTES OF MARCH 21, 2017 COMMISSION MEETING

(3)  
APPROVAL OF MINUTES OF MARCH 13, 2017 SPECIAL COMMISSION MEETING,

(4)  
APPROVAL TO RE-APPOINT RANDY NIELSON, STONEY JENSEN, PETE ALGER AND JUSTIN CHILDS TO THE FIRE DISTRICT BOARD FOR EACH TO SERVE ANOTHER FOUR (4) YEAR TERM.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Lynn Sitterud, and the motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

Commissioner Paul Cowley made a motion to leave the regular meeting and open a public hearing to receive comments regarding the issuance of Castle Valley SSD General Obligation Bonds, Series 2017 and upon the end of the public hearing period to return to the regular meeting schedule. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(2)

**PUBLIC HEARING:** A public hearing to receive input from the public with respect to the issuance of Castle Valley SSD General Obligation Bonds, Series 2017, in one or more series, in the aggregate principal amount not to exceed \$900,000.00 for the purchase and/or construction of facilities for the collection and treatment, storage & transportation of sewage, and related matters.

Commissioner Brady opened the public hearing and asked for comments or questions regarding the issuance of CVSSD General Obligation Bonds, Series 2017.

There were no questions or comments.

The Public Hearing was closed and the Commissioners returned to the regular meeting schedule.

The Resolution language was read aloud as follow:

Final Bond Resolution Language:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH (THE "ISSUER") AUTHORIZE THE ISSUER'S \$900,000.00 GENERAL OBLIGATION BONDS, SERIES 2017 (THE "SERIES 2017 BONDS") IMPROVING, THROUGH PURCHASE OR CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND TREATMENT, STORAGE, TRANSPORTATION, AND SUPPLY OF WATER FOR DOMESTIC, INDUSTRIAL, SECONDARY AND OTHER PURPOSES; DRAINAGE AND STORM SEWER FACILITIES, INCLUDING CURBS AND GUTTERS; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LAND, RIGHTS-OF-WAY, EQUIPMENT AND FURNISHINGS THEREFOR, AND INCLUDING SUCH LEGAL, ENGINEERING, AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTION WITH THE ACQUISITION OF SUCH FACILITIES IN AND FOR THE DISTRICT; AND RELATED MATTERS.

Commissioner Lynn Sitterud made a motion to adopt Resolution 4-4-17 authorizing the issuance of CVSSD General Obligation Bonds, Series 2017. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

PRESENTATION OF TAP AWARD TO EMERY COUNTY.

Doug Folsom, Loss Prevention Director of Utah Counties Insurance Trust presented Emery County the Trust Accountability Performance Award (TAP). Emery County has an active Risk Management Committee that ensures safety through training. This has been successful in the County maintaining low Worker's Comp. costs. The award will result in a 1.5 % discount on the county's insurance premium. Continuing to receive the award each year will be rewarded with another 1.5% discount, with a cap of 3%. He thanked the staff and members of the Risk

Management Committee who work to earn this award. He expressed his appreciation to the Commissioners for their support of safety and loss prevention programs.

(4)

DISCUSS/APPROVE/DENY MOU BETWEEN SITLA, BLM, AND EMERY COUNTY FOR THE MANAGEMENT AND MAINTENANCE OF THE GOOD WATER RIM TRAIL.

Public Lands Director, Ray Petersen indicated that the County is ready on this but the BLM is not so he recommended the Commissioners table this for now. Commissioner Paul Cowley made a motion to table this item until we hear from the BLM on this issue. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(5)

DISCUSS/APPROVE /DENY AGREEMENT BETWEEN LIVE A LITTLE PRODUCTIONS AND EMERY COUNTY FOR THE 2017 EMERY COUNTY FAIR.

Commissioner Brady explained that Live a Little Productions is an ATV/Monster Truck rodeo. The Monster Truck will be in the parade. They will charge a fee to ride in the truck. The rodeo will be at the Castel Dale Arena. The contract cost is \$3,700.00. Commissioner Lynn Sitterud made a motion to approve of an agreement between Live A Little Productions and Emery County for the 2017 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSS/APPROVE/DENY CONTRACT WITH CLIVE ROMNEY FOR A MUSICAL/STORYTELLING PERFORMANCE AT THE 2017 EMERY COUNTY FAIR.

Commissioner Brady explained that Clive Romney is a musical/storytelling performance who will be on Thursday of the Fair for a 60 to 90 minute performance. Commissioner Paul Cowley made a motion to approve a contract with Clive Romney for a musical/storytelling performance at the 2017 Emery County Fair. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(7)

DISCUSS/APPROVE/DENY INTERLOCAL AGREEMENT WITH SOUTHEASTERN UTAH HEALTH DEPARTMENT.

In the March 21, 2017 Commission Meeting the Commissioners tabled a decision regarding an interlocal agreement with Southeastern Utah health Department to allow time to visit with Brady Bradford more regarding some changes in the document wording. Attorney Mike Olsen indicated that he has spoken with Mr. Bradford regarding the language/wording that the County wanted in the document with respect to the ability to terminate the agreement matching state statute. SEUDH was in agreement with the change requested. Mr. Olsen recommended, with the wording change, that the agreement be signed. Mr. Olsen also reported on further discussions with Mr. Bradford regarding the needle exchange program. Commissioner Paul Cowley made a motion to approve an interlocal agreement with Southeastern Utah Health Department with the addition of the wording change. The motion was seconded by

Commissioner Lynn Sitterud.

(8)  
DISCUSS/APPROVE/DENY ALLOWING EMT'S SPECIAL SERVICE DISTRICT BOARD'S MEMBERS AND THE VARIOUS COUNTY BOARD'S MEMBERS THE COUNTY EMPLOYEE DISCOUNT AT THE EMERY COUNTY AQUATIC CENTER.

Commissioner Brady indicated that he asked for this to be on the agenda for discussion. He indicated he felt it would be a good way to say thanks to all those who serve on boards in the county. Sheriff Funk asked if that included Search/Rescue? Commissioner Brady expressed his desire to see all the boards receive the discount. Commissioner Paul Cowley made a motion to approve extending the ECAC employee discount to all board members and EMT's in the county. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(9)  
DISCUSS/APPROVE/DENY WAIVING THE RENTAL FEE AT THE AQUATIC CENTER ON MAY 24, 2017 FOR AN EMS APPRECIATION ACTIVITY.

Commissioner Lynn Sitterud made a motion to waive the rental fee at the Aquatic Center for an EMS Appreciation Activity to be held on May 24, 2017. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)  
DISCUSS/APPROVE/DENY CONTRACT WITH UTAH STATE HISTORY AND EMERY COUNTY TO DIGITIZE CEMETERY RECORDS AND FILE THEM IN THE UTAH STATE DATABASE.

Suzanne Anderson, Emery County Archives explained that in the past this contract through the State with Emery County as a pass through for the grant. That process is no longer required. Therefore, Commissioner Lynn Sitterud made a motion to dismiss this item from the agenda. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)  
DISCUSS/APPROVE/DENY BLM RIGHT OF WAY GRANT FOR BORROW PIT ADJACENT TO PRICE RIVER ROAD.

Commissioner Paul Cowley made a motion to approve a BLM ROW Grant for Borrow Pit adjacent to Price River Road. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(12)  
DISCUSS/APPROVE/DENY TO ADVERTISE AN RFP FOR PROFESSIONAL TO ANALYZE AND PREPARE A REPORT ON THE IMPACTS OF ECONOMIC PROJECTS IN EMERY COUNTY.

Commissioner Brady talked about advertising for an RFP for a professional to analyze and prepare a report on the impacts of economic projects in Emery County. This has been brought up because of the Community Reinvestment Agency that the County has been looking at. In discussions with Clerk/Auditor Brenda Tuttle and Attorney Mike Olsen is to make sure that any project that comes up through the agency (which has not been formed) can be analyzed by professionals to be sure that these projects are either a benefit or a detriment to the county. The RFP will state that the professional will work on a per project basis, when we need them to look over financials and make sure projects are worth bringing into the county. They will pull in the numbers, such as how many jobs the project will create, what type of abatement the project is looking for and whether or not what they are looking for is a detriment or benefit to the county. If the project is a detriment then at what point would it become a benefit. Then we can counter their offer with our own offer and if they don't take it then it is not the right fit for Emery County. Mary Huntington asked if they will help bring economic growth to the county?

Commissioner Brady indicated that is not the idea with this service. They would just be a third party that could advise us of the facts regarding a project. Attorney Mike Olsen commented that we don't need businesses to come in if its going to be a detriment to our county by abating the taxes so much that we end up supplementing their use of the sheriffs office, the roads, the landfill utilities, etc. If they want to participate in our community they will need to pay their own way.

There are experts that can help us know that. Jay Humphrey asked who are these experts? Commissioner Brady indicated that when he was looking into this one professional that came up was Zions Public Finance. Commissioner Brady asked ZPF if they could do something like this. They indicated that is what they do. So, they will probably be one who submits an RFP. We may not need them this year or even next year, but when if we do have a project would have a professional ready to help with that project. Julie Johansen asked if they will work like an appraiser? Will they use growth from other counties for comparison? Commissioner Brady indicated that he was not sure. There are many variables to be considered. Commissioner Sitterud stated he understood that there would be no cost to the county until we use them.

Jordan Leonard used the solar panel farm as an example of a project that they could help us with. Patsy Stoddard asked if the Commissioners have visited other counties that have utilized the solar panel farms? Commissioner Brady indicated that he has been trying to figure out a time to go and visit other places who have utilized the solar farms to gather as many facts as he can.

Commissioner Paul Cowley made a motion to advertise for an RFP for professionals to analyze and prepare a report on the impacts of economic projects in Emery County. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(13)

**DISCUSS/APPROVE/DENY TO ADVERTISE AN RFP TO ACCEPT BIDS TO BUILD A FENCE ON PROPERTY LINE OF GREEN RIVER LIBRARY.**

In the last Commission Meeting bids were reviewed for a fence on the property line of the Green River Library. That process was not quite done correctly. We need to advertise for an RFP to accept bids to build a fence on property line of Green River Library. Commissioner Paul Cowley made a motion to approve advertising for an RFP to accept bids to build a fence on the property line of Green River Library. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(14)

**COMMISSION/ELECTED OFFICIALS REPORT**

Sheriff Funk reported that Easter Weekend is coming up in a couple of weeks. All his deputies will be out patrolling the desert and other frequently visited areas.

Commissioner Brady reported that Green River City recently hosted a three day rock and mineral show. They had good participation at the event. Sign-ups have began for swimming lessons at the Aquatic Center.

Commissioner Cowley reported that BLM Director Ahmed Mohsen is moving on and will be leaving the Price BLM office. They will soon have a new director.

Gates on the forest/mountain roads are closed. Hopefully people will not go around the gates and damage the roads.

The shed hunting extension has been lifted. Shed hunting is allowable again.

Commissioner Paul Cowley made a motion to close the regular meeting and enter into a closed/ executive session and upon the end of executive session to return to the regular meeting. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(15)

EXECUTIVE SESSION REGARDING AN ACQUISITION OR DALE OF REAL PROPERTY PURSUANT TO UTAH CODE ANNOTATED §52-4-204 AND §52-4-205.

Present at an executive session was Commissioner Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Clerk/Auditor Brenda Tuttle, Deputy Clerk/Auditor Carol Cox, Sheriff Greg Funk, Commissioner's Confidential Secretaries Vanessa Justesen, and Maegan Crosland,

(16)

ADJOURN

The meeting was adjourned.

ATTEST:

COMMISSIONER:

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

APRIL 18, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #243843 through and including #244009 was presented for payment.

REQUISITION DESCRIPTION    AMOUNT

15-17 Sun Dolphin 8.5 ft. Sportsman Boat  
Weed/Mosquito    \$ 531.93

There were no dispositions.

(2)  
APPROVAL OF MINUTES OF APRIL 4, 2017 COMMISSION MEETING.

(3)  
APPROVAL OF THE FOLLOWING VOLUNTEERS FOR SEARCH AND RESCUE:

Brad Reed, Greg Jewkes, Wade Allinson, Jeff Tuttle, Howard Tuttle, Pete Alger, Rue Bell, Zach Crawford, Clay Oliverson, Leonard Norton, Jerry Price, Courtney Cox, Shaun Jeffs, Kirk McQuivey, Randy Lake, Chuck Ebeling, James Byars, Ben Orgill, Lee Magnuson, Jason Jensen, Tyler Tuttle, Brett Guymon, Layne Potter, Russ Archibald, Casey Toomer, Greg Oliver, Hal Johnson, Ross Christiansen, Troy Winters, Jeremy Draper, Michael Taylor, Rod Magnuson, Jim Jennings, Brawn Killpack, Larry Johansen, Chris Winn, Jared Anderson, Doug Johnson, Matt Crosland, and Dal Gray.

(4)  
APPROVAL AFFIDAVIT OF PERSONAL INTEREST FILED BY KURT PRICE.

(5)  
APPROVAL TO START THE RECRUITMENT PROCESS TO HIRE A SEASONAL

EMPLOYEE FOR THE WEED & MOSQUITO DEPARTMENT, WORKING 29 HOURS PER WEEK.



(6)  
APPROVAL TO HIRE PARKER STILSON, LEVI OLSEN, MAKYAN NIELSON, AND GAGE JENSEN AS PART TIME LIFEGUARDS. WAGE GRADE 3.

(7)  
APPROVAL TO HIRE KAYDEN PARKINS AND MELECE PULLI AS SEASONAL HEAD LIFEGUARDS. WAGE 5.

(8)  
APPROVAL TO START THE IN-HOUSE RECRUITMENT PROCESS FOR A FULL TIME DEPUTY CLERK/AUDITOR I.

(9)  
NOTIFICATION: DEREK BEAGLEY SELECTED AS A PART TIME WEED & MOSQUITO TECHNICIAN. WAGE \$13.00 PER HOUR.

(10)  
APPROVAL TO HIRE SADIE BARNETT AS A SEASONAL SALES CLERK AT THE MUSEUM OF THE SAN RAFAEL. WORKING 10 HOURS PER WEEK. WAGE \$9.00 PER HOUR.

(11)  
APPROVAL TO APPOINT EVELYN HUNTSMAN AND GARY WILSON TO THE MUSEUM OF THE SAN RAFAEL BOARD OF DIRECTORS.

Motion to approve the Consent Agenda was made by Commissioner Lynn Sitterud, seconded by Commissioner Paul Cowley, and the motion passed.

#### DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)  
PRESENTATION FROM ETV 10 ABOUT PUBLISHING PUBLIC NOTICES ON THEIR NEWSPAPER.

Julie Johansen, ETV10, informed the Board of Commissioners that with the new state regulations ETV 10 is now able to publish legal notices. Attorney Mike Olsen asked what is the current circulation of ETV10? Julie indicated that they cover all of Carbon, Emery and Moab.

(3)  
PRESENTATION FROM TIM BLACKBURN REGARDING JUST SERVE.

Tim Blackburn was present by invitation from Commission Brady to present an opportunity for citizens to serve as volunteers for community events. April is national volunteerism month.

The State governor's office is pushing for Utah to promote volunteerism. There is a critical connection between the volunteer and the event in which they are involved. Justserve.org is a website created to match organizations with volunteers. He stressed the importance of teaching our future generations to be involved in volunteerism as well as the value of hard work and becoming vested in their communities. He encouraged the Commissioners and other organizations in the county to visit the website to post events and projects that need volunteers. There is also an app for your smart phone.

(4)

DISCUSS/APPROVE/DENY SPONSORSHIP AGREEMENT WITH CHADWICK BOOTH & CO. FOR THE COUNTY SEAT.

Chadwick Booth came before the Commission to request continued sponsorship for the County Seat. He explained that the program the County Seat was created as a result of their other show At Your Leisure. It was found that there was not a platform for addressing rural Utah issues. Emery County has supported the program for the last 6 years. There is no set amount that is asked for and no county has ever been blocked for not supporting the program. The County Seat is a costly program, about half a million dollars a year to produce. The programs are aired on several channels through ABC-4 about 40 times a week with approximately 74,600 viewers per week. Currently they have 22 counties who financially support the program. Each county that supports the program is at a different level of support and it doesn't affect how much time is spent on rural issues. Attorney Mike Olsen asked if they have support of some of the larger counties on the Wasatch front? Mr. Booth indicated that statewide there are 22 of the 29 counties that actively participate in the program. We do not have Salt Lake County, Summit County, Morgan County, Grand County, Wasatch County(although they are reconsidering), Daggett County because of their size( 800 pop.) and amount of land that is owned by the US Forest Service. 75% of their program is dedicated to rural issues. Mr. Booth reported that last year Emery County contributed to the program with \$6,600.00. Commissioner Sitterud asked Commissioner Brady if support of this program is something that TRT funds could be used for since much of the content for the program is tourism? Commissioner Sitterud wanted to have time to further discuss the level of financial support for the program with the Travel Bureau and Economic Development. Commissioner Lynn Sitterud made a motion to table this allow for time to discuss participation from the Travel Bureau and Economic Development. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSS/APPROVE/DENY TAX WRITE OFF FOR PARCEL #HT-07-01-07 FOR ALEJANDRO OCHOA.

Assessor, Kris Bell discussed a mobile home in the Huntington Trailer Court. The mobile home has been abandoned. The owner is not in the area. To serve him would cost \$42.00, if they could find him. To clear the taxes for 2016 and 2017 it would be \$62.86 as opposed to taking possession of the trailer and dealing with removing it or trying to sell it. Next year her office will evaluate the trailer to see if they should even apply value to the trailer. Commissioner Lynn Sitterud made a motion to approve a tax write off in the amount of \$62.86 for parcel #HT-07-01-07. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSS/APPROVE/DENY REQUEST TO TAKE ADA VANS FOR OUT-OF-STATE TRAVEL FOR SENIOR CITIZEN'S.

Kelly Nelson, Emery County Sr. Citizens discussed a planned trip to Yellowstone National Park for the seniors in Emery County, June 26th through the 29th. The seniors will be paying for their hotel stays and their food. Mrs. Nelson requested that the county allow them to use the ADA vans rather than chartering a bus. Mrs. Nelson explained that their itinerary has them going through several scenic areas and using the vans would give them the flexibility to make stops. There was some discussion as to whether the bus drivers are insured through Emery County or AOG. The ADA vans are insured by Emery County and paid by AOG. The cut-off date for seniors to sign up to participate is May 9th. All money for the trip must be turned in by May 30th.

Commissioner Brady expressed concern that the vans are in good condition for long distance traveling. Commissioner Cowley expressed his desire to see the seniors be able to participate in this type of activities. Commissioner Paul Cowley made a motion to approve taking the ADA vans for out-of-state travel for Senior Citizens. The motion was seconded by Commissioner Lynn Sitterud. Commissioner Brady asked to have his concerns regarding liability addressed.

Has this all been approved through our insurance carrier? Make sure all of our bases are covered. The motion passed.

(7)

DISCUSS/APPROVE/DENY ADVERTISING FOR AN RFP FOR A HUNTINGTON AIRPORT CURATOR.

Commissioner Cowley indicated that the Commissioners had talked about this earlier this year and put out an RFP and did not receive a response. The RFP requirements have been re-worked and is ready to advertise again to try and get a response. Commissioner Paul Cowley made a motion to advertise an RFP for a Huntington Airport Curator. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(8)

DISCUSS/APPROVE/DENY AN ORDINANCE FORMING A COMMUNITY RE-INVESTMENT AGENCY.

Commissioner Brady indicated that this is a topic we have discussed in the past. It would give us a tool for Economic Development for those projects that could be looking at locating in our county. We would be able to do things that we wouldn't be able to do as a Commission but could as an Agency. We could offer certain things as an incentive to locate a project in our county. In our last Commission meeting we talked about advertising for an RFP for a professional to analyze these projects to be sure that the projects are either a benefit or detriment to the county. Forming a Community Re-Investment Agency is just another step in that process.

Brenda Tuttle asked if there is a copy of the ordinance for review? What affect will the ordinance have on the County? Will there be others on the Board of Directors? Commissioner Brady indicated that the Commissioners will be the only board members. There is a copy of the ordinance. Phil Fauver asked how this board would differ from the Economic Development Board. Commissioner Brady answered, 'authority'. Attorney Mike Olsen indicated that he has

checked the state code and it is allowable by law. Commissioner Sitterud stated that he is for bringing jobs into the county if it doesn't interfere with a business already established in the county. Commissioner Brady indicated that it would be a good thing to have in place if a project comes up. Commissioner Paul Cowley made a motion to table this matter until a later date. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(9)

**DISCUSS/APPROVE/DENY CONTRACT WITH COLIN RAY FOR A CONCERT AT THE 2017 EMERY COUNTY FAIR.**

Shannon Hiatt came before the Board of Commissioners to propose Colin Ray for a concert at the 2017 Emery County Fair. He explained that he was asked to put together a concert package for consideration. He contacted a booking agent to get a list of entertainers available on August 5th. The list needed to be area specific as well. He indicated that he also looked at the dynamics of our communities. Shannon was able to find Colin Ray for that weekend. Colin Ray will be performing in Richfield the next weekend. They are hoping to also get Ryan Shupe and the Rubber Band. Shannon explained that Colin Ray was here 10 years ago for a performance following the Crandal Canyon Mine Disaster to help raise money for the families. It was very well attended. Shannon suggested a cross promotion with the 10 year anniversary of the mine disaster. The contract amount for Colin Ray is \$20,000.00. Commissioner Sitterud questioned the cost for the performance. He suggested that in looking at the contract and all the requirements of the contract there is the possibility to blow the budget with this contract.

Amanda Leonard assured the Commissioners that they have been very conscientious and conservative with the other items for the fair because they knew they would have to go bigger with the concert. Commissioner Cowley expressed concern that they would not be able to recoup their money. Shannon commented that in years past the concert has been free.

Comments he has received from past attendees has indicated that people would be willing to pay for a big name artist. Amanda commented that recouping our money is not the purpose of the concert. The purpose is to draw people into the county. Commissioner Cowley commented on the attendance in the past years. He didn't think we would have the people coming in. Amanda indicated that the attendance deficit was due to the date. This year it is in between International Days and the Carbon County Fair. She indicated that we have more vendors signed up this year than ever before. Commissioner Brady explained that part of the problem in the past has been marketing which we are going to be a better job with this year and hopefully Colin Ray will be a big draw along with other things we have going on for the fair. Commissioner Cowley asked where the concert would be held? Shannon indicated that the Aquatic Center on the lawn.

Commissioner Sitterud asked how many people do you estimate you can accommodate?

Shannon indicated at we can put at least 10,000 people on the lawn. Commissioner Brady asked Attorney Mike Olsen has had an opportunity to look over the contract. He indicated that he has looked it over. Shannon explained that the county has done 13 concerts in the past. He indicated that they have never had a theft, an injury or any event. The Sheriff's Department has been on top of things every time. they have Search/Rescue, EMT's etc. on the scene. Mr. Dellos asked what they plan to charge for tickets to the concert? Commissioner Brady indicated \$5.00 a ticket. We are still talking about. Commissioner Sitterud asked what is their goal to recoup the cost? Shannon indicated that in the past there has never been a charge. But they hope that by getting bigger names they can get a better draw of people. Commissioner Sitterud expressed concern that they would be able recoup their money at \$5.00 a ticket. Commissioner Cowley had the same concern. Julie Johansen commented that if they have a big name people will pay.

Jordan commented that if we are not going to have a rodeo we have got to have a concert. He felt it was a good thing to have a big name come in. Mary Huntington commented that our whole fair is free. People will pay to go to the concert. Mike Olsen felt people would pay \$10.00 in heart beat. Randy Johnson asked if they have considered discounted pre-sale tickets?

Commissioner Brady expressed a desire to recommend to the Fair Board to pre-sale tickets and charge \$10.00 tickets. We would have to get the contract approval from Colin Ray and get it on social media asap. Commissioner Lynn Sitterud made a motion to approve a contract with Colin Ray for the 2017 Emery County Fair with a recommendation to the Fair Board to charge \$10.00 at the gate and offer pre-sale tickets at a discount. Commissioner Keith Brady stepped down to second the motion. Commission Cowley abstained from voting.

(10)

DISCUSS/APPROVE/DENY BYLAWS FOR THE EMERY COUNTY TRAVEL BUREAU.

Commissioner Paul Cowley made a motion to approve changes to the Emery County Travel Bureau By-Laws as proposed. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(11)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDING FOR SOUTHEASTERN UTAH JUNIOR LIVESTOCK SHOW.

Jordan Leonard requested approval for marketing match funds for Southeastern Utah Junior Livestock Show. They have requested \$3,500.00 and will match with the same for advertising the event. Commissioner Lynn Sitterud made a motion to approve Marketing Match Funding in the amount of \$3,500.00 for Southeastern Utah Junior Livestock Show. The motion was seconded by Commissioner Paul Cowley. The motion passed. These marketing match funds are TRT funds that are, by law, to be used to establish and promote, recreation, tourism, film production and conventions. The funds are replenishing funds that have to be used to promote the county. The funds do not come from the General Fund.

(12)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDING FOR MILLSITE LADIES GOLF ASSOCIATION.

Jordan Leonard requested approval for marketing match funds for Millsite Ladies Golf Association. They have requested \$800.00. They will match with the same for promotional items to promote the ladies league. Commissioner Lynn Sitterud made a motion to approve marketing match funds in the amount of \$800.00 for Millsite Ladies Golf Association. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDING FOR MILLSITE GOLF COURSE.

Jordan Leonard requested approval for marketing match funds for Millsite Golf Course. They have requested \$3,500.00. They will match with the same to advertise and promote the golf course. Commissioner Paul Cowley made a motion to approve marketing match funds for Ferron City/Millsite Golf Course. The motion was seconded by Commissioner Lynn Sitterud.

The motion passed.

(14)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDING FOR EMERY COUNTY AQUATIC CENTER.

Jordan Leonard requested approval for marketing match funds for Emery County Aquatic Center. They have requested \$2,500.00. They will match with the same to advertise in Grand and Carbon County as well as to the climbers who utilize the pool. Commissioner Paul Cowley made a motion to approve matching funds in the amount of \$2,500.00 for Emery County Aquatic Center. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(15)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDING FOR COWBOY MEMORIAL RODEO ON JULY 28, 2017

Tina Carter requested approval for marketing match funds for Cowboy Memorial Rodeo on July 28, 2017. They have requested \$3,500.00. They will match with the same to be used for advertising and promotional items for the rodeo. The high school rodeo team puts on this rodeo. Commissioner Paul Cowley made a motion to approve marketing match funds in the amount of \$3,500.00 for the Cowboy Memorial Rodeo on July 28, 2017. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(16)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDING FOR COX LODGING.

Tina Carter requested approval for marketing match funds for Cox Lodging. They have requested \$1,500.00. They will match with the same to be used for promotional items and advertising on social media. Commissioner Lynn Sitterud made a motion to approve marketing match funds for Cox Lodging in the amount of \$1,500.00. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDING FOR KASEY'S PRO SHOP.

Tina Carter requested marketing match funds for Kasey's Pro Shop. He has requested \$3,500.00. He will match with the same to be used for promotional items to promote Castle Rock Couples Tournament and other events at the golf course. Commissioner Paul Cowley made a motion to approve marketing match funds in the amount of \$3,500.00 for Kasey's Pro Shop. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(18)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDING FOR HUNTINGTON CITY.

Tina Carter requested marketing match funds for Huntington City. They have requested \$700.00. They will match with the same to put information on the back of the welcome sign as you enter the city. Commissioner Lynn Sitterud made a motion to approve marketing match funds in the amount of \$700.00 for Huntington City. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDING FOR GREEN RIVER CITY.

Tina Carter requested marketing match funds for Green River City. They have requested \$3,500.00. They will match with the same for promotional items for Melon Days. Commissioner Lynn Sitterud made a motion to approve marketing match funds in the amount of \$3,500.00 for Green River City. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(20)

COMMISSION/ELECTED OFFICIALS REPORT

Attorney Mike Olsen reported he met with the organization RUA and Governor Herbert where they reported that California has some laws on their books that is artificially raising the price of coal as it enters their state. General Council Peter Sturba feels that this violates the commerce clause. RUA is going to be looking into it with Reyes and Mr. Sturba and possibly look into asking the State of Utah to initiate litigation against California.

Commissioner Sitterud reported on a letter that the county received informing us that the Africanized Honey Bees have made it as far north as Emery County. Just be aware that they are possibly here.

Commissioner Brady talked about a session he attended at the Governors' Economic Summit.

(21)

ADJOURN

ATTEST:

COMMISSIONER:

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

MAY 2, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 244014 through and including #244143 was presented for payment.

There were no requisitions.

There was one disposition for a 10 key calculator #4266.

(2)  
APPROVAL OF MINUTES OF APRIL 18, 2017 COMMISSION MEETING

(3)  
APPROVAL TO RE-APPOINT PHILLIP ENGLEMAN TO THE FIRE PROTECTION DISTRICT BOARD OF DIRECTORS TO SERVE ANOTHER 4 YEAR TERM.

(4)  
NOTIFICATION. MICK ROBINSON HAS BEEN SELECTED AS THE PAST TIME INTERIM EMS DIRECTOR. WAGE INCREASE \$1.00 PER HOUR. EFFECTIVE 4-8-17.

(5)  
APPROVAL OF A \$45.00 CELL PHONE STIPEND FOR MICK ROBINSON AS THE INTERIM EMS DIRECTOR.

(6)  
APPROVAL OF MICK ROBINSON BEING ABLE TO TAKE THE EMS VEHICLE HOME OVERNIGHT ON THE EVENT IT IS IN THE BEST INTEREST OF THE COUNTY.

(7)  
APPROVAL OF KELLI NELSON AS A VOLUNTEER FOR THE MUSEUM OF THE SAN RAFAEL AND EMERY COUNTY FAIR.

(8)  
APPROVAL TO GIVE ARIAUNA DOWNARD A 3% WAGE INCREASE FOR



SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A LIFEGUARD INSTRUCTOR. EFFECTIVE 5-8-17

(9)  
APPROVAL TO GIVE VANESSA JUSTESEN A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS PART-TIME COMMISSION SECRETARY. EFFECTIVE 5-8-17

(10)  
APPROVAL TO GIVE MAXINE FIELDER A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A FULL TIME JUSTICE COURT CLERK I. EFFECTIVE 5-8-17

(11)  
APPROVAL OF KAREN RICHARDS TO BE A FULL TIME DEPUTY CLERK AUDITOR I WITH FULL BENEFITS. NO WAGE CHANGE. EFFECTIVE 5-8-17

Motion to approve the Consent Agenda was made by Commissioner Lynn Sitterud, seconded by Commissioner Paul Cowley, and the motion passed.

#### DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

(2)  
DISCUSS/APPROVE/DENY SIGNING OF LETTER TO DOGM BOARD STATING EMERY COUNTY'S POSITIONS ON MINING AND WATER RESOURCES.

Commissioner Brady commented that Emery County already has a Resource Management Plan in place making providing comment easier for anyone asking for comment. Ray Petersen indicated that this came about due to an issue with Flat Canyon Lease and Skyline Mine which brings into question some water issues and the impact mining of that lease may have on our water resources. He put together comments pulled directly from the General Plan regarding mining and water resources. The comments were submitted to the board of DOGM and they have received the comments into record. Commissioner Paul Cowley made a motion to approve the signing of a letter to DOGM Board stating Emery County's positions on mining and water resources. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(3)  
RATIFICATION OF LETTER TO MANTI-LASAL NATIONAL FOREST STATING EMERY COUNTY POSITIONS ON WILDERNESS EVALUATION.

Ray Petersen explained that as part of the Manti-LaSal National Forest's plan revision process, (they are re-writing their general plan, current 1986) as part of that process they have to evaluate

for wilderness characteristics and if there any lands that should be looked at as far as wilderness designation. Ray indicated that he accumulated the county's position regarding wilderness designation from the General Plan and submitted a comment letter last Friday. Commissioner Paul Cowley made a motion to approve ratification of a letter to Manti-LaSal National Forest stating Emery County position on wilderness designation. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(4)

DISCUSS/APPROVE/DENY SIGNING OF THE NRCS-ADS-78 ASSURANCES RELATING TO REAL PROPERTY ACQUISITION, ON THE COTTONWOOD CREEK PROJECT, ADOBE WASH SITE AS SUPPORTED BY EMERY COUNTY ATTORNEY OPINION LETTER.

Attorney Mike Olsen explained that before NRCS will release funds for the Cottonwood Creek Project NRCS must prove to us they have acquired the proper right title to do the work. Signing the NRCS-ADS-78 assures that they have the legal ability to do the things they need to do so they can release the money to us. Commissioner Paul Cowley made a motion to approve the signing of NRCS-ADS-78. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(5)

DISCUSS/APPROVE/DENY SIGNING PART III OF THE PARTIAL PAY ESTIMATE FOR THE EMERGENCY WATERSHED PROJECT.

Brenda Tuttle informed the Commissioners that this has already been taken care of through the check edit list. No action was taken.

(6)

DISCUSS/APPROVE/DENY PACIFICORP CONTRACT FOR POWER ON JESSIE ALLRED'S PROPERTY IN CASTLE DALE.

Captain Kyle Ekker explained that the new dike on Cottonwood Creek in Castle Dale went through property owned by Jessie Allred, extensively diminishing the value of the property.

The contract with Pacificorp is to pay for installation of power to the property in exchange for an easement through the property. Commissioner Lynn Sitterud made a motion to approve a Pacificorp contract for power on Jessie Allred's property in Castle Dale. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

DISCUSS/APPROVE/DENY APPLICATION TO RENEW BLM RIGHT OF WAY #UTU-5714-2.

Ray Petersen explained that Emery County applied for this ROW back in 1987 and it has since expired. This application is to renew the ROW south of Green River. Commissioner Paul Cowley made a motion to approve an application for ROW #UTU-5714-2. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(8)

**DISCUSS/APPROVE/DENY AGREEMENT WITH COUNTY SERVICES SUPPORT AND EMERY COUNTY TO ANALYZE CENTRALLY ASSESSED TAXES.**

Attorney Mike Olsen explained that Utah Association of Counties, of which Emery County is member, has created an agency to help with administrative support to strategize with other counties on how to deal with centrally assessed taxes. It will cost the county \$2,000.00 to participate based off the centrally assessed evaluations for each county of which we are on the upper limit due to our power plants and coal mines. Mr. Olsen had no objections to this agreement. Commissioner Paul Cowley made a motion to approve an agreement with County Services Support and Emery County to analyze centrally assessed taxes. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(9)

**DISCUSS/APPROVE/DENY TRAVEL BUREAU ANNUAL CERTIFIED FOLDER AGREEMENT.**

Jordan Leonard explained the Annual Certified Folder Agreement. Jordan explained that we give them our brochures, and other marketing materials which they will disseminate for us in a certain region. Moab and Grand Junction have recently opened up as part of a region that we can get in on. These brochures will be mostly Green River brochures being distributed in Moab and Grand Junction. The purpose is to drive tourist into Green River. The company will keep the brochures stocked. The cost is \$909.72 for Grand Junction and \$1,041.96 for Moab. The money will come from TRT funds. It is for one year's service from April through April.

Commissioner Lynn Sitterud made a motion to approve Travel Bureau Annual Certified Folder Agreement. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

**DISCUSS/APPROVE/DENY THE RESOLUTION TO MAKE DEPARTMENT HEAD POSITIONS AT WILL THROUGH ATTRITION.**

Commissioner Brady explained that at will is the wrong wording. It is actually making the department head position an executive position. That is the wording in the resolution.

Commissioner Paul Cowley commented that he put a lot of thought into this action. In his opinion this action doesn't change anything but the wording. The individual still has representation. It doesn't take place until the department head terminates employment with the county. When another individual is put in that position it would be executive position.

Commissioner Paul Cowley made a motion to adopt Resolution 50317 making department head positions executive positions. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(11)

**DISCUSS/APPROVE/DENY BUILDING SYSTEMS AGREEMENT WITH HONEYWELL INTERNATIONAL INC. FOR THE EMERY COUNTY AQUATIC CENTER.**

Commissioner Brady explained that Emery County has an agreement with Honeywell International, Inc. for insurance for their equipment at the Emery County Aquatic Center.

Shannon has used them often. The price is a fixed price of \$5,190.00 for three years. Having this in place has saved the county a lot of money. Shannon was able to talk Honeywell down

from \$5,800.00 price to \$5,190.00 for the next three years. Commissioner Lynn Sitterud made a motion to approve a building systems agreement with Honeywell International, Inc. for the Emery County Aquatic Center. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

COMMISSION/ELECTED OFFICIALS REPORT.

Meagan Wilberg, Museum of the San Rafael reported on the opening of the Smithsonian Exhibit 'The Way We Worked' at the MOSR from May 20, 2017 through July 8, 2017. There is also an exhibit of 'The Way We Worked in Emery County' from 1880 through 1980. American Legion from Orangeville will be holding a bake sale during the opening on the 20th.

Keith Brady reported on a meeting with agencies responsible for watching out for our water.

Sheriff Funk reported on Deputy Ward's daughter going in for another surgery. Commissioner Brady commented on a fundraiser for Kina Jewkes.

(13)

ADJOURN

The meeting was adjourned.

ATTEST:

COMMISSIONER:

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

MAY 16, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #244182 through and including #244307 was presented for payment.

Requisitions were presented for the following:

REQUISITION DESCRIPTION	AMOUNT
16-17 2017 Caterpillar 326L CF Excavator Sheriff/Huntington Debris Basin/Road Dept.	\$223,655.00

There were no dispositions.

(2)  
APPROVAL OF MINUTES OF MAY 2, 2017 COMMISSION MEETING

(3)  
APPROVAL OF BUSINESS LICENSE FOR HANSEN'S EQUIPMENT SERVICES.

(4)  
APPROVAL OF A 3% WAGE INCREASE FOR KELLI NELSON WHO HAS SUCCESSFULLY COMPLETED HER 6 MONTH ORIENTATION PERIOD. GRADE 13. EFFECTIVE 5-22-17.

(5)  
APPROVAL TO GIVE DAX HALL, ALLEN DURRANT, BAILEY HUGGARD, AND STUART MOSS A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD. GRADE 3. EFFECTIVE 5-22-17.

(6)  
NOTIFICATION: ZACHERY FAUVER WAS SELECTED AS A PART TIME LIFEGUARD

WORKING 19 3/4 HOURS PER WEEK. WAGE GRADE 3. EFFECTIVE 5-9-17

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Lynn Sitterud, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

(2)

OPENING BIDS FOR THE COTTONWOOD CREEK PROJECT, ADOBE WASH SITE.

Commissioner Brady indicated he received a text from Captain Kyle Ekker stating that after talking with NRCS we should consider tabling the opening of bids for the Adobe Wash Site and leave the bids closed to protect the unit prices of the contractors. We need a new design on the spillway. Merrill Johansen explained that basically, J&T had the state here reviewing the plans at the same time we were bidding it to hurry up the process. They met with them yesterday and the state wants to move the spillway to a different location. We are doing some extra surveys to decide if it is a big change or if it is just going to increase some of the quantities. Once they know that, they will decide if they need to re-show the site with the changes and rebid it or keep it at current unit prices and open them in the next meeting. Motion to table was made by Commissioner Paul Cowley, seconded by Commissioner Lynn Sitterud, and the motion passed.

(3)

PRESENTATION BY BRET MILLS REGARDING POSSIBLE NEEDS AND CHANGES TO TV AND COMMUNICATION.

Bret Mills, Communications explained possible changes to TV and Communications in Emery County. Congress, in a way to get some extra money in their account, put all the free over the air tv channels from channel 37 and up out for auction to the highest bidder. They sold for \$8 billion dollars. This was much less than the \$80 billion they had anticipated. At first the plan was to make enough money to help the main, high power stations in Salt Lake City pay for all their equipment to move their channels from 36 and down. Nevertheless, they sold Utah's, free, over the air, tv channels from 37 and up to T-Mobile. So basically T-Mobile can now come in and give us a letter and in 180 days we would have to be off those channels. This leaves the county on our own. The tv system is huge. You have to re-engineer all of it because one site affects the other site. The tv translators are a secondary service, we don't get any money from them, unless T-Mobile wants to help us move to keep in good standing with the public. Bret indicated that he talked with Senator Orrin Hatch about this a long time ago. This plan was sold to the legislature with the premise of offering free, over the air, internet to the citizens of the state. Then they pulled a fast one and sold it to the cell company to make a profit. Before we changed over to digital channels we went to CIB for a grant for enough money to change the television signal equipment from analog to digital. This is called the Eastern Utah Television Technologies Association. It is collaborative effort with Emery, San Juan, Carbon, Uintah, Duchesne and later Dagget County as they are tied to each other for the television signal. Grand County pulled out before the agreement was signed. With our geographic location there is no way for us to get tv

right from Salt Lake. We pick it up from the mountain above Saratoga Springs where it is micro waved down, split out and sent to the Uintah Basin and down to Monticello ( San Juan County).

We will have to change the head end equipment and re-tune all the amplifiers at a cost of approximately \$3,000.00 per channel per site to change to a different channel for the channels 36 and down. Not only is there a cost involved but we will have to rearrange everything and re-engineer the channels so that they don't overlap. If Carbon County puts channel 15 on Star Point site above Wattis and we are on Horn Mountain on channel 15 then people in Elmo and Cleveland will not get tv because they will overlap. So there is a lot of engineering involved, as well as work/collaboration between the different counties involved. Bret indicated will be working on micro wave at Cedar Mountain to shoot a signal to Green River to keep them on.

This will eliminate 9 channels that we can re-use to spread out throughout the county. A lot of engineering is going to be involved. He will try to keep the cost down as much as possible. He indicated that they may have to put some channels going up the canyons back on VHF. We can't use channel 6 and down. 7 through 13 are VHF high band because of interference issues with the digital signal. Hopefully the Commission will support us through the AOG to get grants and keep things going for our citizens. We have a huge amount of citizens using over the air free tv.

It is important that within our communities that we continue to offer free over the air tv. With our economy right now there are so many people that are on fixed incomes or are out of work and can't afford to spend \$100.00 on cable so we need to do all we can to keep our free over the air tv going.

(4)

**RATIFY SIGNING OF THE CONSTRUCTION PLAN FOR THE ADOBE WASH SEDIMENT BASIN, PART III OF THE EMERGENCY WATERSHED PROTECTION PROJECT.**

Commissioner Lynn Sitterud made a motion to ratify the signing of the construction plan for the Adobe Wash Sediment Basin, Part III of the Emergency Watershed Protection Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

**DISCUSS/APPROVE/DENY REQUEST FOR FEE WAIVER AT THE AQUATIC CENTER FOR SPECIAL NEEDS DAY ON JUNE 24, 2017.**

Shannon Hiatt, Emery County Aquatic Center along with Ignacio Arrien from Castle Dale City requested a fee waiver at the Aquatic Center for a Special Needs Day on June 24, 2017. They requested the pool for free swim time for the kids from 1pm until 4pm. This is a program that the Recreation SSD used to sponsor. Castle Dale City is bringing the program back. They will host a luau for the kids and their families. Commissioner Lynn Sitterud made a motion to approve a fee waiver at the Aquatic Center for Special Needs Day on June 24, 2017. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

**DISCUSS/APPROVE/DENY EMERY COUNTY SHERIFF'S OFFICE APPLYING FOR THE FY2017 EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM (EMPG).**

Commissioner Paul Cowley made a motion to approve allowing the Emery County Sheriff's Office to apply for the FY2017 Emergency Management Performance Grant Program (EMPG). The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(7)

DISCUSS/APPROVE/DENY CONTRACT WITH RYAN SHUPE FOR THE 2017 EMERY COUNTY FAIR.

Commissioner Brady explained that Ryan Shupe is recommended to be the opening act for Collin Raye for the 2017 Emery County Fair. The contract is for \$3,500.00. Commissioner Lynn Sitterud made a motion to approve a contract with Ryan Shupe for the 2017 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY ANNUAL STATEMENT FOR CONTINUED PROPERTY TAX EXEMPTION FOR 2017.

The Annual Statement for Continued Property Tax Exemption for 2017 was presented for approval:

#### 2017 PROPERTY TAX EXEMPTION

American Legion  
Post 42  
#1-130-18

Castle Dale  
Independent  
Baptist Church  
#01-002C-0013

Daughters of Utah  
Pioneers-Hunt  
#1-196-22

Daughters of Utah  
Pioneers-Orange  
#1-253-18

Daughters of Utah Pioneers-Elmo  
#1-72-16

Daughters of Utah Pioneers-CD  
#1-15-20

Desert Edge Christian Chapel  
#01-179-1

Ferron Cattleman's



Association  
#5-87-27

First Baptist Church of  
Emery County  
#1-126-45

Four Corners Mental Health  
#1-13-46

Green River Bible Church  
#1-151G-36  
#1-151F-18&19

LDS Church  
various #'s

Sovereign Grace  
Fellowship  
#1-177A-20

Orangeville City/  
Housekeepers  
#1-239-52

Rural Utah Child Development  
#1-180-20

Roman Catholic  
Church  
#3-50-16  
#1-151H-25

Stuart B. Wilson  
Orient Lodge  
#1-151G-54

Rocky Mountain West Baptist Mission  
#5-94-6  
#5-93-7  
#5-94-3  
#5-94-5

United Mine Workers  
Of America  
#4-16-14

Utah Museum of Natural History/ University Of Utah  
#5-56-2  
#3-130-3  
#3-130-1  
#3-127-1

Utah Housing /  
Crown Homes  
#1-168-4  
#1-68-7  
#1-29A-3  
#1-29A-4

Friends of Green River-PACT  
#1-162-7

Epicenter  
#1-154A-22

Commissioner Lynn Sitterud made a motion to approve the Annual Statement for Continued Property Tax Exemption for 2017. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)  
RATIFY COMMENTS ON JOE'S VALLEY BOULDERING AREA ENVIRONMENTAL ASSESSMENT.

Ray Petersen prepared comments for Emery County regarding an EA for Joe's Valley Bouldering Area. These comments had to be submitted to the BLM and US Forest Service two weeks ago. The comments need to be ratified. This is for pit toilets, campsites, trails in the bouldering area. Commissioner Paul Cowley made a motion to ratify approval of comments regarding an EA for Joe's Valley Bouldering. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(10)  
DISCUSS/APPROVE/DENY ADVERTISING RFP FOR EMS BILLING.

Commissioner Keith Brady indicated that this is something that the EMS Quality Improvement Team has been discussing. They want to make sure that the county is getting the best service for the money. Commissioner Paul Cowley made a motion to approve advertising for an RFP for EMS billing. The motion was seconded by Commissioner Lynn Sitterud. the motion passed

(11)

DISCUSS/APPROVE/DENY REPAIR THE SOFT SPOT ON SR-10, PART OF THE SOUTH MOORE CUT-OFF PROJECT, PHASE 10.

Merrill Johansen explained that they filled out a C-107 which is a change order just to get the contractor started. UDOT and Federal Highway had to sign the change order. Then we will have to do a change order for the Commission to sign. Funds were remaining from the federal funds from the So. Moore Cut-off Road Pjt. The matching funds will come from UDOT so the county won't have to come up with money. All the repairs are on the highway from the existing conditions of the roadway. They have a portion of the existing road that will be roto milled out and replace it with asphalt to fix the road. They will do the full length of the project rather than gamble that the rest will not do the same. Commissioner Paul Cowley made a motion to approve repair of the soft spot on SR-10, part of the So. Moore Cut-Off Project, Phase 10. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(12)

DISCUSS/APPROVE/DENY STORYTIME BAG POLICY FOR EMERY COUNTY LIBRARIES.

Carole Larsen, Library Director reported on Storytime Bags for the Emery County Libraries and the need for a policy regulating them. She indicated that the program includes a bag, book, craft or activity that the parents can do with the kids. Some of the items need to be returned to the Library necessitating the need for a policy. Attorney Mike Olsen has reviewed the policy and approves. Commissioner Paul Cowley made a motion to approve Storytime Bag Policy for the Emery County Libraries. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(13)

DISCUSS/APPROVE/DENY EMERY COUNTY LIBRARY VOLUNTEER POLICY.

Commissioner Lynn Sitterud made a motion to approve Emery County Library Volunteer Policy. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSS/APPROVE/DENY MOU WITH EMERY COUNTY SCHOOL DISTRICT FOR PURCHASE OF WIBIT.

Commissioner Brady explained that a WiBit is an inflatable obstacle course. We have talked to the Emery County High School Principal, the High School Swim Coach, and the Emery County School District Board. It has been approved by the Emery County School Board. Basically the MOU is to formalize an understanding of cooperation and assistance between Emery County and The Emery County School District regarding the purchase and use of WiBit water sports equipment at the Emery County Aquatic Center. The purchase of the equipment will aid in the training, and enhance the skills of the Emery County High School Swim Team. It will also diversify the Aquatic Center and provide another alternative in an effort for the health and

welfare of the public. EC and the District agree to jointly purchase a WiBit. Each party will pay 50% of the cost of the equipment. The WiBit will be owned by Emery County and fixed asset tag affixed. The County will provide maintenance, insurance cost and other expenses during the term of the agreement. The County and district agree that the Aquatic Center will charge \$5.00 per person per hour for use of the WiBit and reserves the right to alter this fee schedule if deemed necessary. After costs are paid, 33% of the profits will go the Swim Team paid each year by November 1st. Commissioner Paul Cowley made a motion to approve of MOU with Emery County School District for purchase of WiBit. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(15)

DISCUSS/APPROVE/DENY SPONSORING THE 2017 GRADUATION SPREAD IN ETV 10 NEWSPAPER.

Commissioner Lynn Sitterud made a motion to approve sponsoring the 2017 Graduation Spread in the ETV 10 Newspaper. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

DISCUSS/APPROVE/DENY APPLICATION FOR RENEWAL OF CEDAR MOUNTAIN COMMUNICATIONS SITE RIGHT-OF-WAY.

Ray Petersen explained that the County assumed this ROW with the BLM four years ago from Green River City. It is a 100 x 100 area on Cedar Mountain for the Communication Site. This is a renewal of that ROW. Commissioner Paul Cowley made a motion to approve renewal of Cedar Mountain Communications Site ROW. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(17)

DISCUSS/APPROVE/DENY ADVERTISING FOR CONSTRUCTION OF THE DES BEE DOVE TRAIL.

Tina Carter explained that J&T is ready to advertise for construction of the Des Bee Dove Trail. She indicated that some of the work has already been done. This work is for heavy equipment. Commissioner Paul Cowley made a motion to approve advertising for construction of the Des Bee Dove Trail. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(18)

DISCUSS/APPROVE/DENY ADJUSTMENT TO THE RESTROOM CLEANING AND MAINTENANCE AGREEMENT FOR THE BUCKHORN INFORMATION CENTER.

Tina Carter indicated that the person who has been doing the restroom cleaning and maintenance for the Buckhorn Information Center has been doing a fantastic job for a number of years. The Travel Bureau requested to increase his contract amount from \$210.00 a month to \$250.00 a month. Commissioner Lynn Sitterud made a motion to approve an adjustment to the Restroom Cleaning and Maintenance Agreement for the Buckhorn Information Center. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

DISCUSS/APPROVE/DENY MARKET MATCH FUNDING FOR JOE'S VALLEY FEST.

Tina Carter requested approval for Market Match Funding in the amount of \$3,500.00 for Joe's Valley Fest that they will match with \$3,500.00 to pay for advertising. Commissioner Lynn Sitterud made a motion to approve Market Match Funding in the amount of \$3,500.00 for Joe's Valley Fest. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(20)

DISCUSS/APPROVE/DENY MARKET MATCH FUNDING FOR EMERY COUNTY SEARCH AND RESCUE SAN RAFAEL CLASSIC TRIATHLON.

Tina Carter requested approval for Market Match Funding for Emery County Search and Rescue San Rafael Classic Triathlon in the amount of \$3,000.00 that they will match to advertise their annual San Rafael Classic Triathlon in July. Commissioner Lynn Sitterud made a motion to approve Market Match Funding for Emery County Search and Rescue San Rafael Classic Triathlon in the amount of \$3,000.00. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(21)

DISCUSS/APPROVE/DENY MARKET MATCH FUNDING FOR JOHN WESLEY POWELL RIVER HISTORY MUSEUM FOR THE RIVER RUNNERS HALL OF FAME RENDEZVOUS.

Jordan Leonard requested approval for Market Match Funding for John Wesley Powell River History Museum for the River Runners Hall Of Fame Rendezvous in the amount of \$3,500.00.

The projected cost of the project is \$10,000.00. Commissioner Lynn Sitterud made a motion to approve Market Match Funding in the amount of \$3,500.00 for the John Wesley Powell River History Museum for the River Runners Hall of Fame Rendezvous. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(22)

DISCUSS/APPROVE/DENY MARKET MATCH FUNDING FOR GREEN RIVER MELON CRUISE CAR SHOW.

Jordan Leonard requested Market Match Funding for Green River Melon Cruise Car Show in the amount of \$1,500.00 that they will match to pay for advertising. Commissioner Paul Cowley made a motion to approve Market Match Funding for Green River Melon Cruise Car Show in the amount of \$1,500.00. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(23)

DISCUSS/APPROVE/DENY 2017 ADVERTISING AGREEMENT WITH ETV CHANNEL 6 LOOP.

Jordan Leonard requested approval for advertising agreement with ETV Channel 6 Loop. Jordan indicated the cost s \$150.00 per month for 2-30 second commercial type ads to run on Channel 6.

Jordan added that this is a good opportunity to get 3 minutes per hour of advertising. Commissioner Lynn Sitterud made a motion to approve Advertising Agreement with ETV Channel 6 Loop. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(24)

DISCUSS/APPROVE/DENY LETTER OF GOED REGARDING MONIES THAT WERE GIVEN TO SUCDC.

Jordan Leonard explained that the State Legislature is looking at not allowing businesses to get the 100% tax credit. A letter to the Governor's Office of Economic Development has been drafted recognizing the Southeast Utah Community Development Corporation for the asset that they have been to our community. They focus on helping with other programs, such as suicide prevention, and are constantly helping those in need in our community. The letter expressed the feeling that the enterprise zone tax credits have been very beneficial and allow programs like this to continue. The letter expressed the feeling of the Commission that the enterprise zone tax credits have been very beneficial to our local non-profits, and they hope that the enterprise zone tax credits will continue in the future. Commissioner Paul Cowley made a motion to approve a letter of GOED regarding monies that were given to SUSDC. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(25)

DISCUSS/APPROVE/DENY LETTER OF SUPPORT TO GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT REGARDING BEAR PROGRAM.

Commissioner Paul Cowley made a motion to approve a letter of support to Governor's Office of Economic Development regarding BEAR Program. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(26)

DISCUSS/APPROVE/DENY SPONSORSHIP AGREEMENT WITH CHADWICK BOOTH & CO. FOR THE COUNTY SEAT.

Commissioner Brady stated that the Travel Bureau has agreed to pay half of the \$6,600.00 sponsorship amount with Chadwick Booth & Co. for the County Seat. So Travel Bureau will pay \$3,300.00 and Emery County will pick up the other \$3,300.00. Commissioner Paul Cowley made a motion to approve sponsorship agreement with Chadwick Booth & Co. for the County Seat. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(27)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Sitterud reported that Mac Huntington has been a long time Board member and Chairman of the Planning Commission. Judy Scott has been a long time board member of the Planning Commission. They have both indicated that they are terminating their positions on that board. Commissioner Sitterud expressed his appreciation to Mac and Judy for their years of dedication and service.

Commissioner Brady reported that there are 2 slots left for the Blood Drive on May 31st. "Women in Business" Conference will be May 17th, and May 18th .

The Museum of the San Rafael is hosting “The Way We Worked” a traveling exhibition created by the Smithsonian Institution and sponsored by Utah Humanities. Open House is Saturday, May 20th from 12:00 pm until 3:00 pm. It will run for 2 months.

(28)

ADJOURNMENT

The meeting was adjourned.

ATTEST:

COMMISSIONER:

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

MAY 25, 2017

Commissioner Lynn Sitterud was present at the meeting. Commissioner Paul Cowley attended the meeting via phone, as per Attorney Mike Olsen's counsel. Commissioner Keith Brady joined the meeting via phone also. Attorney Mike Olsen was present as were Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

(1)

OPEN AND REVIEW BIDS FOR MILLSITE DAM PROJECT.

Commissioner Lynn Sitterud opened the bids for the Millsite Dam Project and read the bids aloud as follows:

Heeter GeoTechnical Construction	\$27,395,000.00
W.W. Clyde	\$33,488,727.00
Whitaker	\$26,947,109.00
Staker/Parsons (Nielson Construction)	\$22,224,074.00
RSCI	\$30,102,691.20
Granite Construction	\$24,617,915.00

Commissioner Paul Cowley made a motion to turn the bids over to the state engineers for review and decision of award. Commissioner Lynn Sitterud stepped down and seconded the motion. The motion passed.

(2)

DISCUSS/APPROVE/DENY ADOPTING A RESOLUTION AUTHORIZING THE FILING OF CROSS-APPEALS FOR 2017 CENTRALLY ASSESSED PROPERTIES

Attorney Mike Olsen explained that Pacificorp has filed an appeal on their 2017 taxes. All counties in Utah, with the exception of Wayne County, do business with Pacificorp. Mr. Olsen indicated that he attended a meeting with representation from all the counties affected. A Resolution was drafted for review of each of those counties. Emery County needs to decide if they want to participate in the filing of cross-appeals for 2017 Centrally Assessed Properties. Attorney Mike Olsen recommended participation in the filing of cross-appeal process for 2017 Centrally Assessed Properties. Commissioner Paul Cowley made a motion to adopt Resolution 5-25-17 authorizing the filing of Cross Appeals for 2017 Centrally Assessed Properties. The motion was seconded by Commissioner Keith Brady. The motion passed.



2  
Special Commission Meeting Minutes  
May 25, 2017

(3)  
ADJOURN

Commissioner Keith Brady made a motion to adjourn the meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 6, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 244326 through and including #244517 was present for payment.

Requisitions were presented for the following:

REQUISITION DESCRIPTION    AMOUNT

17-17 (6) Kenwood Radios w/antenna/cable kits  
Communications/Highway    \$4,526.40

18-17 WiBit AquaTrack  
Aquatic Center                \$11,570.00

19-17 Cell Phone Booster for Jail  
Sheriff    \$ 2,122.82

Dispositions were presented for the following:

#8991, calculator from the Assessor's office.

(2)  
APPROVAL OF MINUTES OF MAY 16, 2017 COMMISSION MEETING.

(3)  
APPROVAL TO APPOINT MARC STILSON TO REPRESENT ORANGEVILLE CITY ON THE EMERY COUNTY RECREATION BOARD.

(4)  
APPROVAL TO APPOINT TAWNIE WORTHEN TO BE A DISTRICT AGING COUNCIL MEMBER.

(5)  
RATIFY THE REHIRING OF ERIK NIELSEN AS A WEED & MOSQUITO TECHNICIAN.  
WAGE \$13.50 PER HOUR. EFFECTIVE 5-30-17.

(6)  
APPROVAL TO GIVE BECKY JEWKES A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE HUNTINGTON BRANCH LIBRARIAN. EFFECTIVE 6-12-17.

(7)  
APPROVAL OF LEANNE SEELY TO BE A VOLUNTEER FOR THE MUSEUM OF THE SAN RAFAEL.

(8)  
APPROVAL OF COUNTY CREDIT CARD FOR KELLI NELSON, DIRECTOR OF DEPARTMENT OF AGING.

(9)  
APPROVAL OF OUT OF STATE TRAVEL FOR COMMISSIONER KEITH BRADY TO TRAVEL TO WASHINGTON, D.C.

Commissioner Paul Cowley made a motion to pull agenda item #8 from the Consent Agenda and approve the other items on the agenda. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

#### DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA

Agenda Item # 8 was pulled from the Consent Agenda.

(2)  
AWARD BIDS FOR MILLSITE DAM REHABILITATION PROJECT.

Eric Dixon, Department of Natural Resources submitted a letter to the Board of Commissioners stating that they have reviewed the bidding information that was submitted by Nielson Construction for the Millsite Dam Rehabilitation bid opening, which was held on May 25, 2017.

Based on the review of their submitted bid and accompanying documentation, they recommend that the Millsite Dam Rehabilitation construction contract be awarded to Nielson Construction for the bid price of \$22,224,074. Tracy Behling, Ferron Canal and Reservoir Company reported that their board was a part of the review process and agree with the state's decision of award.

(3)  
OPEN AND REVIEW BIDS FOR ADOBE WASH SEDIMENT BASIN PROJECT.

Bids were opened and read aloud for the Adobe Wash Sediment Basin Project as follow:

1. Staker/Parson/Nielson Construction \$1,714,195.00
2. Harrison Oil Field Service, Inc. \$1,511,389.00

3. Feller Enterprises \$1,307,355.00
4. Nelco Contractors \$1,510,618.50

Commissioner Lynn Sitterud made a motion to turn the bids over to Johansen & Tuttle Engineering for comparison review of bids for accuracy and then award the bid to the lowest bidder. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

#### OPEN AND REVIEW BIDS FOR HUNTINGTON AIRPORT CURATOR.

There was one bid for the Huntington Airport Curator. The bid was from Dal Guymon.

Commissioner Lynn Sitterud made a motion to have Commissioner Cowley review the bid to confirm he meets the specified qualifications and upon that confirmation award the bid to Dal Guymon. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

#### OPEN AND REVIEW BIDS FOR EMERY COUNTY AMBULANCE BILLING AND COLLECTIONS.

Bids were opened and read aloud for Emery County Ambulance Billing and Collections as follow:

- Fire Recovery EMS
- Ambulance System Reimbursement, Inc.
- Gold Cross Services, Inc.
- JCI Billing Services
- Ambulance Medical Billing

Commissioner Lynn Sitterud made a motion to turn the bids over to the EMS Quality Improvement Team for review and recommendation. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

#### OPEN AND REVIEW BIDS FOR COUNTY CONSULTING ECONOMIC IMPACT ANALYST.

Bids were opened and read aloud for County Consulting Economic Impact Analyst as follow:

- Lewis, Young, Robinson, Birmingham, Inc
- EFG Consulting
- Zions Public Finance

Commissioner Brady stated that in reviewing the bids it appears Zions Public Finance may be the lowest offer. He recommended a review of the bids for determination of award.

Commissioner Paul Cowley made a motion to review the bids and make a determination of awarding the bid to the firm that best meets our needs. The motion was seconded by Commissioner Lynn Sitterud.

(7)

**OPEN AND REVIEW BIDS FOR AN AGENCY SPECIALIZING IN REAL ESTATE AND SENIOR HOUSING & CARE.**

One bid was opened and read aloud for an agency specializing in real estate and senior housing & care. The bid was from Marcus & Millichap. Commissioner Lynn Sitterud made a motion to forward the bid to Emery County Care and Rehabilitation Board for recommendation and bring it back to the next Commission Meeting for award of bid. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

**DISCUSS/APPROVE/DENY CHANGE ORDER FOR THE EMERGENCY WATERSHED PROTECTION PROJECT.**

Merrill Johansen, J&T Engineering explained that they are closing this project out. The change order is for -\$51,093.70, bringing the total contract cost to \$481,719.45. The reason for the under run is we were going to do a larger project along XTO but couldn't get the right-of-way in time, so we did a smaller portion of that project decreasing the total contract amount. This closes out the project. Next Commission meeting we will have a pay request for the release of retainage on the project. Commissioner Paul Cowley made a motion to approve the change order for the Emergency Watershed Protection Project. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(9)

**DISCUSS/APPROVE/DENY CHANGE ORDER FOR THE EMERGENCY WATERSHED PROTECTION PROJECT CASTLE DALE DIKE PROJECT.**

Merrill Johansen explained that J&T has completed the final inspection of the project and they are ready to close this project out. They have passed off all the work completed by Perco Rock. The reason for the change order is the project decrease by -\$5,600.00. The new contract amount is \$178,148.00. Next Commission meeting we will have a pay request for the release of retainage on the project. Commissioner Paul Cowley made a motion to approve a change order for the Emergency Watershed Protection Project Castle Dale Dike Project. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(10)

**DISCUSS/APPROVE/DENY BEER TAX FUNDS PLAN FOR 2018.**

Captain Kyle Ekker indicated that the Beer Tax Funds Plan for 2018 includes using the funds for DUI shifts, housing, attorney fees, etc. This is an annual application. Commissioner Paul Cowley made a motion to approve Beer Tax Funds Plan for 2018. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(11)

**DISCUSS/APPROVE/DENY SIGNING THE NRCS-ADS-78 ON THE COTTONWOOD CREEK PROJECT ADOBE WASH SITE.**

Commissioner Paul Cowley made a motion to approve signing the NRCS-ADS-78 on the Cottonwood Creek Project Adobe Wash Site with an accompanying attorney opinion letter from Emery County Attorney Mike Olsen. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(12)

**DISCUSS/APPROVE/DENY SIGNING EMERY COUNTY SHERIFF'S OFFICE APPLICATION FOR THE FY 2018 STATE TASK FORCE GRANT (STFG)**

Captain Kyle Ekker explained that Emery County has a Drug Task Force and every year they have to apply for Emery County's portion of State Drug Task Force Funds that they use for drug buys and support of the task force. The grant is a pass through grant in the amount of \$41,915.00

Commissioner Lynn Sitterud made a motion to approve the signing of Emery County Sheriff's Office application for the FY 2018 State Task Force Grant (STFG). The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

**RATIFICATION OF MUDDY CREEK IRRIGATION COMPANY (MCIC) LETTER.**

Commissioner Brady explained that Muddy Creek Irrigation Company asked for a letter of support for a project that they have going on. Commissioner Paul Cowley made a motion to ratify approval of Muddy Creek Irrigation Company letter of support. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(14)

**RATIFICATION OF CONTRACT BETWEEN ECSO AND THE STATE OF UTAH FOR COURT SECURITY.**

Commissioner Paul Cowley made a motion to ratify approval of a contract between Emery County Sheriff's Office and State of Utah for Court Security. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(15)

**DISCUSS/APPROVE/DENY ANNUAL SIGNING OF THE AREA PLAN FOR FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH.**

Commissioner Lynn Sitterud made a motion to table this until next Commission Meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

**DISCUSS/APPROVE/DENY JEFF KELSEY INSURANCE RENEWAL FOR PLAN YEAR JULY 1, 2017-JUNE 30, 2018.**

Jeff Kelsey reviewed Emery County's insurance plan for July 1, 2017 through June 30, 2018.

He reviewed the past year's performance and activity. He reviewed the offers that were submitted for the coming year's insurance plan. Fidelity provided the best offer for insurance plan for renewal. Mr. Kelsey recommended option 1 which is accepting the offer from Fidelity

for the plan year July 1, 2017 through June 30, 2018. Commissioner Paul Cowley made a motion to approve renewal of insurance for plan year July 1, 2017 through June 30, 2018 with Fidelity. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(17)

DISCUSS/APPROVE/DENY APPROVAL OF THE 2017 TAX SALE PROCEEDINGS.

Commissioner Brady reported that there were 7 properties that were up for sale on the May Tax Sale. 7 properties were purchased. The deeds have been recorded and pending approve of the Commissioners will be sent to the new owners. Commissioner Lynn Sitterud made a motion to approve of the 2017 May Tax Sale proceedings. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(18)

DISCUSS/APPROVE/DENY AVIATION FUEL SUPPLY AGREEMENT.

Jeff Guymon explained that this agreement has to be in place to purchase aviation fuel for the Huntington Airport. He recommended changing the agreement from 5 years to 1 year to allow time to monitor activity at the airport and research other possible AV Fuel vendors. They discussed the possibility to have Jet A Fuel available at the airport. At this time the Sheriff's Department has to go to Carbon County for Jet A Fuel to fuel their Search and Rescue equipment

Commissioner Paul Cowley made a motion to approve Aviation Fuel Agreement, changing the term of years from five to one year. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(19)

DISCUSS/APPROVE/DENY TRANSFERRING FUNDING OF \$24,967.45 FROM EMERY COUNTY GENERAL FUND TO AGING FUND.

At the request of Brenda Tuttle this item will be stricken.

(20)

DISCUSS/APPROVE/DENY DONATIONS ON BEHALF OF THE EMERY COUNTY SUMMER YOUTH SOBER PROGRAM.

No one showed up for this item, therefore Commissioner Lynn Sitterud made a motion to table. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(21)

DISCUSS/APPROVE/DENY ADVERTISING FOR BIDS FOR CLEANING DURING THE 2017 EMERY COUNTY FAIR.

Commissioner Lynn Sitterud made a motion to advertise for bids for cleaning during the 2017 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(22)

DISCUSS/APPROVE/DENY FOR BIDS FOR A SOUND TECHNICIAN FOR THE 2017 EMERY COUNTY FAIR.

Commissioner Paul Cowley made a motion to advertise for bids for a sound technician for the 2017 Emery County Fair. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(23)

DISCUSS/APPROVE/DENY LETTER TO BLM RELINQUISHING EXPIRED RIGHT-OF-WAY UTU-059972, DRY WASH NARROWS.

Ray Petersen explained that this ROW was originally granted in 1987 for realignment work. The work is done and we no longer need the ROW. Commissioner Paul Cowley made a motion to approve a letter to BLM relinquishing an expired ROW UTU-059972, Dry Wash Narrows. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(24)

DISCUSS/APPROVE/DENY AGREEMENT BETWEEN EMERY COUNTY AND THE FOREST SERVICE REVISED FINANCIAL PLAN ON GRANT/AGREEMENT NUMBER 14-RO-1104100-010.

Highway Supervisor, Wayne Nielsen explained that this is additional \$7,000.00 funds that Forest Service grants to provide Mag Chloride on Ferron Canyon. Commissioner Paul Cowley made a motion to approve agreement between Emery County and the Forest Service revised Financial Plan on Grant/Agreement #14-RO-11041000-010. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(25)

DISCUSS/APPROVE/DENY ADOPTING A RESOLUTION AUTHORIZING THE FILING OF CROSS-APPEALS FOR 2017 CENTRALLY ASSESSED PROPERTIES.

Last Commission Meeting the Commission approved a resolution for a cross-appeal for PacifiCorp. This resolution is for AT&T Mobility and Level 3 Communications LLC.

Commissioner Paul Cowley made a motion to approve Resolution 6-6-17 a resolution authorizing the filing of cross-appeals for 2017 Centrally Assessed Properties. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(26)

DISCUSS/APPROVE/DENY DONATIONS FOR STATE FINALIST, KIRA SAILING, TO ATTEND AND COMPETE IN THE NATIONAL AMERICAN BEAUTY PAGEANT.

Tabled.

(27)

DISCUSS/APPROVE/DENY ABATING TAXES ON PARCEL #1-188-1 FOR HUNTINGTON CITY.

Assessor Kris Bell explained that Huntington City purchased property within the city and are asking to have the taxes abated. Cities are exempt from taxes and the Commission doesn't



necessarily have to abate the taxes, although, historically they have been abated. However, the city would be paying the taxes with taxpayer money. After some discussion on this matter and upon the recommendation of Kris Bell, Commissioner Lynn Sitterud made a motion to abate the taxes on Parcel #1-188-1 for Huntington City. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(28)

**DISCUSS/APPROVE/DENY SCHOLARSHIPS FOR THE 2018 GO WEST SUMMIT REGISTRATION FOR HOTEL OWNERS/MANAGERS.**

Tina Carter discussed scholarships for the 2018 Go West Summit Registration for hotel owners/managers. She explained that the GO West Summit is being held in Salt Lake City in 2018.

This is trade show where you meet one on one with bus/tour operators. The Travel Board has recommended to offer 3 scholarships to our hotel properties. The scholarship pays for their registration fee, education session, meals. The total for all three scholarships is \$7,185.00 from TRT funds. They will have to pay their own travel expense. They will have the opportunity to meet with bus tour guides and make contacts with tours to try and get them in the direction of their motel as they tour the National Park areas or other destinations. The opportunity will be sent out to all owner/managers in the county and it will be first come first served. This is the first time the Travel Bureau has tried this scholarship but they felt that with the summit in Salt Lake City maybe more would be able to attend. Tina felt that once those owners make those connections that they may want to go back. Commissioner Paul Cowley made a motion to approve the three scholarships as recommended by the Emery County Travel Bureau. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(29)

**DISCUSS/APPROVE/DENY ADVERTISING FOR BIDS FOR THE EMERGENCY WATERSHED PROTECTION ORANGEVILLE FLOOD CONTROL PROJECT.**

Commissioner Cowley made a motion to approve advertising for the Emergency Watershed Protection Orangeville Flood Control Project. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(30)

**COMMISSION/ELECTED OFFICIALS REPORT**

Sheriff Greg Funk reported that there will be a golfing fund raiser and raffle on June 17th for the captain of their Search & Rescue team, Greg Jewkes to help with expenses related to his daughter's surgery that were not covered by their insurance. Sheriff wanted to convey to everyone the urgency of using caution around the high and swift water this summer. Search & Rescue has been out on several rescues on the Green River already this season.

Commissioner Brady talked about the states' search and rescue insurance card that is available to purchase. Go to [rescue.utah.gov](http://rescue.utah.gov). He indicated that he has had discussions with the Sheriff regarding reimbursements to cover the cost associated with rescue. He talked about the high number of rescues that the Search & Rescue has already had this year. Currently they apply to the state for reimbursement for rescues for fuel, helicopter, training, and a small amount of the

equipment use. Services are being paid for by the taxes from the hunters and OHV users. The state is trying to spread it out a little to where most of the calls are to, which is those people who are not paying into the taxes.

Commissioner Brady reported on attending tours with the Public Lands Council where he witnessed a multi agency training and several areas around Green River.

(31)  
ADJOURN

ATTEST:

COMMISSIONER:

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

JUNE 20, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS

The Warrant Check Edit List #244520 through and including #244707 was presented for payment.

Requisitions were presented for the following:

REQUISITION DESCRIPTION	AMOUNT
20-17 IBoss Filter for Libraries Library	\$ 2,495.00
21-17 Patrol Vehicle set-up for 2017 Ford F150 Sheriff	7,552.44
22-17 Custom shell set-up for 2017 Ford F150 Sheriff	2,509.00
23-17 Patrol Vehicle set-up for 2017 Ford ISUV Patrol Vehicle set-up for 2017 Dodge Durango Sheriff	14,311.02
24-17 Vehicle set-up for 2017 Chevrolet Tahoe Sheriff	3,977.98

There were no dispositions.

(2)  
APPROVAL OF MINUTES OF JUNE 6, 2017 COMMISSION MEETING

(3)  
APPROVAL OF MINUTES OF MAY 25, 2017 SPECIAL COMMISSION MEETING

(4)  
APPROVAL OF ABBIE CHRISTIANSEN TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A JANITOR AT THE EMERY LIBRARY. EFFECTIVE 7-3-17

(5)  
NOTIFICATION GUSTAVO GARCIA WAS SELECTED AS A PART TIME IS/GIS LABORER. WORKING 19 3/4 HOURS PER WEEK. GRADE 5 @ \$8.89 PER HOUR. EFFECTIVE 6-12-17

(6)  
APPROVAL OF KATHY MILLER TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS AN ASSISTANT LIBRARIAN. EFFECTIVE 7-3-17

(7)  
APPROVAL OF RAYOLA PFNISTER TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE JANITOR AT THE FERRON LIBRARY. EFFECTIVE 7-3-17.

(8)  
APPROVAL OF ALEX URGUHART TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD FOR THE LIBRARY AND MUSEUM MAINTENANCE . EFFECTIVE 7-3-17.

Motion to approve the Consent Agenda was made by Commissioner Lynn Sitterud, seconded by Commissioner Paul Cowley, and the motion passed.

#### DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

(2)  
AWARD ADOBE WASH SEDIMENT BASIN 2017 PROJECT BID.

Commissioner Brady read a letter from Johansen & Tuttle Engineering informing the Emery County Commission that they have reviewed the bids submitted on June 6, 2017 for the Adobe Wash Sediment Basin 2017 Project. Based on the specs of the bid package J&T Engineering recommended Feller Enterprises with a bid of \$1,307,355.00 be awarded the project. No action was needed.

(3)  
AWARD EMS BILLING AND COLLECTION SERVICES BID.

Commissioner Brady read a letter from the EMS Quality Improvement Board recommended awarding the bid for EMS Billing and Collection Services to JCI Billing. Upon review of the bids it was determined that JCI Billing, who currently is contracted to provide the service, proposed the best rate of \$36.00 per claim. No action was needed.

(4)

**OPEN BIDS FOR THE CONSTRUCTION OF THE DES BEE DOVE TRAIL CLEARING PROJECT 2017.**

Bids were opened and read aloud for the construction of the Des Bee Dove Trail clearing project 2017. Three bids were submitted as follow:

1. High Desert Excavating, Inc. \$19,780.00
2. Nelco \$65,150.00
3. Harrison Oil Field, Inc. \$32,500.00

Commissioner Lynn Sitterud made a motion to turn the bids over to J&T Engineering for evaluation and award the bid based upon determination of the lowest and best bid that meets our needs. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

**OPEN BIDS ON ORANGEVILLE PORTION OF THE COTTONWOOD CREEK PROJECT.**

Bids for the Orangeville portion of the Cottonwood Creek Project were opened and read aloud as follow:

- Perco Rock \$294,969.00
- Feller Enterprises, Inc. \$287,704.00

Commissioner Lynn Sitterud made a motion to turn the bids over to J&T Engineering for evaluation and award the bid based upon determination of the lowest and best bid that meets our needs. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

**DISCUSS/APPROVE/DENY EMERGENCY WATERSHED PROTECTION PROJECT ORANGEVILLE FLOOD CONTROL PLANS**

Captain Kyle Ekker and Merrial Johansen explained that they are waiting for a wetland determination from the Army Corps of Engineers and one ROW to move forward with this project. Commissioner Brady suggested moving forward with approval of the plans once all the permits are in place. Commissioner Lynn Sitterud made a motion to approve moving forward with the project once all the permits and ROW are in place. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

**DISCUSS/APPROVE/DENY CHANGE ORDER FOR THE SOFT SPOT REPAIR ON SOUTH MOORE CUT-OFF ROAD PROJECT.**

Commissioner Brady explained that this is to finalize the South Moore Cut-Off Road Project. There is no money coming out of the county. The state and feds are covering the cost of the repair. Merrial Johansen explained that this project is funded by earmarked federal funds that did all of South Moore Cut-Off Road Project. UDOT came up with the match. This change order is for \$120,821.50. Since the repair is on a project that we haven't closed out, the change order has to go through the county. This will close out the project. Commissioner Paul Cowley made a motion to approve a change order for the soft spot repair on South Moore Cut-Off Road Project. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(8)

DISCUSS/APPROVE/DENY TRAVEL BUREAU'S APPLICATION FOR THE UTAH OUTDOOR RECREATION GRANT FOR WAYFINDING PROJECT IN THE LOWER SAN RAFAEL COUNTY ROAD #1010.

Tina Carter explained that this was brought about through the Trails Committee. They have applied for funding to do the Lower San Rafael Road County Road #1010. This would be from Green River down Airport Road toward Saucer Basin. This would allow for additional signage to ensure visitors have a good experience instead of getting lost. The road is about 64 miles long. The total amount of the project is \$10,000.00. The State will match with \$5,000.00. Travel Bureau would match with \$5,000.00 of which TRT funds will be used for \$3,380.00 and the remainder would be in-kind work through the Trails Committee. With the understanding that the funds used for this project are coming from TRT Funds and not county funds, Commissioner Lynn Sitterud made a motion to approve the Travel Bureau's application for the Utah Outdoor Recreation Grant for Wayfinding Project in the Lower San Rafael County Road #1010. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSS/APPROVE/DENY 2017 CERTIFIED TAX RATES FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Brenda Tuttle presented the 2017 Certified Tax Rates for Emery County.

General Fund	0.003809	For budgeted revenue	\$7,177,405.00
Interest and Sinking Fund/Bond	0.000133	For budgeted revenue	\$ 250,000.00
Library	0.000437	For budgeted revenue	\$ 823,451.00
Recreation	0.000068	For budgeted revenue	\$ 128,134.00
County Assessing/Collecting	0.000492	For budgeted revenue	\$ 927,089.00
<b>Total Revenue</b>	<b>0.004939</b>		<b>\$9,306,079.00</b>

Jacob Sharp presented the 2017 Certified Tax Rates for Castle Valley Special Service District.

General Operations	0.000989	For budgeted revenue	\$1,578,220.00
Interest and Sinking Fund/Bond	0.000897	For budgeted revenue	\$1,432,201.00
<b>Total Revenue</b>	<b>0.001886</b>		<b>\$3,010,421.00</b>

Commissioner Paul Cowley made a motion to approve the 2017 Certified Tax Rates for Emery County and Castle Valley Special Service District as presented. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(10)

DISCUSS/APPROVE/DENY ADOPTION OF THE EMERY COUNTY CORE CAPABILITIES AND GAP ANALYSIS REPORT JUNE 2017.

Captain Kyle Ekker explained the Emery County Core Capabilities and Gap Analysis Report. Each year we earmark money for addressing changes/updates to the Emergency Operation Plan. This is part of the County General Plan, not the Sheriff's Office. We started this process two years ago. This has to be done to request reimbursement from state and federal grants. This addresses how deal with evacuation of our Senior Citizens. He requested the county adopt this attachment to the Emery County General Plan. Commissioner Paul Cowley made a motion to adopt the Emery County Core Capabilities and Gap Analysis report for June 2017. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(11)

DISCUSS/APPROVE/DENY SIGNING CONTRACT AND SUPPORTING DOCUMENTS ON THE MILLSITE DAM REHABILITATION PROJECT.

Captain Kyle Ekker addressed the Commissioners and acknowledged the presence of Matt Collin, Project Engineer from Utah Division of Water Resources on the Millsite Dam Rehabilitation Project. Captain Ekker reported on the construction meeting they had earlier and things that were discussed. Representatives from the Ferron Canal & Reservoir Company, and Staker & Parson-Nielson Construction were present. They talked about signing the notice to proceed and contractual agreements. There were some terms in the agreement that were discussed regarding a change in the interest rate and turnaround time for payment procedures.

Commissioner Paul Cowley made a motion to approve signing the contract and supporting documents on the Millsite Dam Rehabilitation Project. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

Attorney Mike Olsen addressed the Reimbursable Agreement for Final Design and Construction Engineering Services between Emery County and the Utah Division of Water Resources.

NRCS covers 100% of the engineering costs for the project in conjunction with the contract for construction. This is a pass through project for Emery County. The funds are made available from NRCS and passed through Emery County to the contractor for the project with the terms as set out in the document. Mr. Olsen indicated he has no exception to the agreement.

Commissioner Paul Cowley made a motion to approve a Reimbursable Agreement for Final Design and Construction Engineering Services between Emery County and the Utah Division of Water Resources. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(12)

DISCUSS/APPROVE/DENY ADOPTING RESOLUTION AUTHORIZING THE FILING OF CROSS-APPEALS FOR 2017 CENTRALLY ASSESSED PROPERTIES.

Attorney Mike Olsen explained that legislation has changed with regard to Centrally Assessed

properties and how they appeal their taxes. He indicated that to show that the County is aware of the change and to comply with the law, he would like to authorize the filing of cross-appeals for each centrally assessed property as it is filed. We have previously adopted resolutions for Pacificorp, AT&T Mobility and Level 3 Communications. This resolution is for SPRINT and Verizon Wireless. Commissioner Paul Cowley made a motion to adopt Resolution 6-20-17A authorizing the filing of cross-appeals for 2017 Centrally Assessed Properties. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(13)

DISCUSS/APPROVE/DENY USING BLUELINE SERVICES TO DO BACKGROUND CHECKS.

Mary Huntington indicated that she recommends contracting with Blueline Services to do background checks. A typical background check will cost \$12.00. Commissioner Lynn Sitterud made a motion to approve using Blueline Services to do background checks. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSS/APPROVE/DENY RESOLUTION ESTABLISHING A CAP ON THE EMERY COUNTY INSURANCE STIPEND.

Mary Huntington explained that the Emery County Commission approved a monthly stipend in the October 9, 2005 commission meeting that is equal to the cost of single coverage when both the husband and wife work full-time for the county. She recommended adopting a resolution establishing a cap on the monthly stipend. The cost of single coverage varies based on certain criteria. If the cost of single coverage exceeds \$900.00 per month, the maximum allowable to be paid as an insurance stipend to full-time county employees who also have a spouse working full-time for the county would be set at \$900.00 per month. Commissioner Paul Cowley made a motion to adopt Resolution 6-20-17B establishing a cap on the Emery County Insurance Stipend. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(15)

DISCUSS/APPROVE/DENY DONATIONS FOR NATIONAL AMERICAN MISS STATE FINALISTS KIRA SAILING.

Kira Sailing came before the Board of Commissioners to request a donation to assist in her quest as a finalists for National American Miss State Competition in Las Vegas, NV. She explained that this is totally a scholarship pageant. She has had to send in her school transcripts and work history to qualify. It is separate from the Emery County Pageant. She indicated that she needs help to pay for entry fees and travel expenses. Commissioner Brady indicated that the usual amount for this type of donation is \$250.00. Commissioner Paul Cowley made a motion to approve a \$250.00 donation to Kira Sailing, finalist for National American Miss State. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(16)

DISCUSS/APPROVE/DENY A DONATION ON BEHALF OF THE EMERY COUNTY SUMMER YOUTH SOBER PROGRAM.



Tabled

(17)

DISCUSS/APPROVE/DENY EMERY COUNTY TRAVEL BUREAU'S OPT-IN TO THE UTAH OFFICE OF TOURISM'S CAFETERIA PROGRAM FOR UTAH.COM.

Tina Carter explained that the Travel Bureau has advertised with the Utah Office of Tourism's Cafeteria Program for UTAH.COM before and they have seen a large return on the investment. The cost is \$7,975.00 which will come from TRT funds. The Travel Bureau has budgeted for this in their 2107 budget. Commissioner Lynn Sitterud made a motion to approve Emery County Travel Bureau Opt-In to the Utah Office of Tourism's Cafeteria Program for UTAH.COM. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(18)

DISCUSS/APPROVE/DENY EMERY COUNTY TRAVEL BUREAU TO APPLY FOR THE UOT'S OUT-OF-STATE CO-OP MARKETING PROGRAM FUNDS FOR PRINT ADS.

Jordan Leonard explained that the Emery County Travel Bureau is going after state funds from the Utah Office Of Tourism in the amount of \$7,500.00 that the Travel Bureau will match to \$15,000.00 to print ads that they mail out to people, all over the country, who inquire about our county. He explained that they try to leverage as much state money as they can through grants. They have around \$80,000.00 in their budget that they use to leverage grant money from the state to turn into \$160,000.00. The print ads are a good way to show people what Emery County has to offer. Commissioner Lynn Sitterud made a motion to approve the Emery County Travel Bureau to apply for the UOT's out-of-state Co-Op Marketing Program Funds for print ads. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

DISCUSS/APPROVE/DENY EMERY COUNTY TRAVEL BUREAU TO APPLY FOR UOT'S OUT-OF-STATE CO-OP MARKETING PROGRAM FUNDS FOR BILLBOARDS.

Jordan Leonard explained that they are looking at specific spots on billboards that are out-of-state that would drive people to Emery County. The spots that they are looking at to rent for 1 year are Las Vegas, Denver, CO, Elko, NV, Wendover, NV. The amount they applying for is \$5,500.00 that they will match to have \$11,000.00 for this project. Commissioner Lynn Sitterud made a motion to approve the Emery County Travel Bureau to apply for UOT's Out-Of-State Co-Op Marketing Program Funds for Billboards. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(20)

DISCUSS/APPROVE/DENY EMERY COUNTY TRAVEL BUREAU TO APPLY FOR UOT'S OUT-OF-STATE CO-OP MARKETING PROGRAM FUNDS FOR TRADE SHOW BOOTH.

Jordan Leonard explained that the Travel Bureau would like to get a new trade show booth with the county's new branding on it. This application with Utah Office of Tourism will allow for \$7,000.00 which the Travel Bureau will match with \$7,000.00 (budgeted for in 2017) to make a total of \$14,000.00 for the project. Commissioner Paul Cowley made a motion to approve the

Emery County Travel Bureau to apply for UOT's Out-of-State Co-Op Marketing Program funds for trade show booth. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(21)

COMMISSION/ELECTED OFFICIALS REPORT.

Bill Dellos reminded the public that Chris Herrod, candidate running to replace Jason Chaffetz will be in the county for a meet and greet on the 29th of June.

Sheriff Funk thanked everyone who participated in the fund raiser for Kina Jewkes. It was very successful. They were able to raise \$8,000.00 for the family.

Commissioner Sitterud reported that he has received several calls from citizens asking for the County's position regarding the closing of Nuck Woodward Road in Huntington. He stated that Emery County had no vote in the closing of the road. If you have complaints contact the Forest Service and discuss it with them.

Commissioner Brady reported that the Emery County Historic Society will host history of Mohrland on Saturday at 10am.

Commissioner Cowley reported that the Forest Service will be holding their comment period for their 30 to 50 year plan. He encouraged the public to provide comments and be involved in the process. This will be Wednesday June 28th at 5:00 pm here in the Courthouse.

(22)

ADJOURN

The meeting was adjourned.

ATTEST:

COMMISSIONER:

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

JULY 18, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Deputy Clerk/ Auditor Carol Cox, elected officials and citizens.

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant check Edit List # 244862 through and including #245017 was presented for payment.

Requisitions were presented for the following:

REQUISITION DESCRIPTION    AMOUNT

25-17 Replacement for broken antenna for Henry Mtn.  
Radio Site- Communications/Sheriff    \$4,609.00

26-17 (1) Apple MacBook Pro for Television  
(5) Panasonic Toughbook 54 Prime for Patrol  
Sheriff    11,712.05

27-17 Enhanced Decon System Kit  
Sheriff    \$3,995.00

28-17 Patrol Vehicle Set-up F250  
Sheriff    \$4,720.00

(2)  
APPROVAL OF MINUTES OF JUNE 20, 2017 COMMISSION MEETING

(3)  
NOTIFICATION. HUNTINGTON LIBRARY HAS SELECTED JOYCE GUYMON AS A PART TIME JANITOR, WORKING 7.5 HOURS PER WEEK. WAGE GRADE 6.

(4)  
NOTIFICATION. ROAD DEPARTMENT SELECTED CORY CLOWARD AS A PART TIME EQUIPMENT OPERATOR 1, WORKING 19 3/4 HOURS PER WEEK. WAGE GRADE 16.

(5)  
NOTIFICATION. JUSTICE COURT COMPLEX MAINTENANCE SELECTED MALINDA BELL AND DINAH HAYWARD AS PART TIME JANITORS, WORKING 19 3/4 HOURS PER PAY PERIOD. WAGE GRADE 6.

(6)  
APPROVAL OF A 3% WAGE INCREASE FOR JACQUELINE WILDE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE PART TIME TRAVEL BUREAU ASSISTANT. EFFECTIVE 7-31-17

(7)  
APPROVAL OF A 3% WAGE INCREASE FOR JOSIE STILSON AND MCKADE HANSEN FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD AS PART TIME DEPUTY TREASURERS. EFFECTIVE 7-31-17

(8)  
NOTIFICATION. THE AQUATIC CENTER SELECTED CHYANNE CARTER AS A PART TIME HEAD LIFEGUARD, WORKING 19 3/4 HOURS PER WEEK. WAGE GRADE 5.

(9)  
APPROVAL OF A 3% WAGE INCREASE FOR BROCK WINN FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS THE FULL TIME EQUIPMENT OP 1. EFFECTIVE 7-31-17

(10)  
NOTIFICATION. THE AQUATIC CENTER SELECTED CAMERON PETERSEN AS A PART TIME LIFEGUARD, WORKING 19 3/4 HOURS PER WEEK. WAGE GRADE 3.

(11)  
APPROVAL OF INCREASING PAY FOR EMS GARAGE COORDINATORS TO \$500.00 PER MONTH.

Motion to approve the Consent Agenda was made by Commissioner Lynn Sitterud, seconded by Commissioner Paul Cowley, and the motion passed.

## DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)  
PRESENTATION BY VICKIE ANDERSON OF NETTORTH FINANCIAL TO AWARD A

## SCHOLARSHIP TO MASON MOSS.

Vickie Anderson, surviving widow of owner of NettWorth Financial presented a scholarship to Mason Moss. She indicated that the company is stationed in Georgia, but have outlets all over the US. They received 304 applications. 20 received scholarships. 2 were from Utah. She read a few of Mason's support and commendation letters. She then read Mason's inspirational letter to the scholarship board.

(3)

## PRESENTATION AND DISCUSS/APPROVE/DENY FOUR CORNERS AREA PLAN AND BUDGET.

Karen Dolan, Director and Jennifer Thomas, Emery County Program Director presented the Four Corners Area Plan and Budget for 2017/2018. Karen explained that yearly, by state statute they must write an area plan that covers all services that they will provide including substance abuse prevention and mental health services for the safety nets. Our interlocal agreement between Emery, Carbon and Grand Counties states that each year we will have each County Commissioner or Council Person sign off on the Area Plan to receive their state and federal funding. Attorney Mike Olsen had some questions regarding the new JRI and the process for implementation. Karen explained the program from the Four Corners position. She talked about the problems state wide finding facilities and beds for mentally ill patients. Mike Olsen requested that Four corners sit down with the Sheriff and Attorney to better understand how the program works, how the plan will help in a time of crisis and how to streamline the program to make it easier to understand everyone's responsibility within the plan. Karen reminded the Commissioners that program funding will be held up until the plan is approved. Commissioner Paul Cowley made a motion to postpone any decision until the next Commission Meeting to allow time for discussion on the plan. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(4)

## OPENING OF BIDS FOR CLEANING AT THE 2017 EMERY COUNTY FAIR.

There was one bid submitted for cleaning at the 2017 Emery County Fair. The bid was for \$1,000.00 from the Emery High Spardettes Drill Team. Commissioner Lynn Sitterud made a motion to award the bid for cleaning at the Emery County Fair for \$1,000.00 to Emery High Spardettes Drill Team. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

## OPENING OF BIDS FOR A SOUND CREW FOR THE 2017 EMERY COUNTY FAIR.

There were two bids for the sound crew at the Emery County Fair. The bids were as follow:  
Curtain Call \$1,906.00  
Carl Potter Pro Sound \$1,875.00

Amanda Leonard indicated that the budget for the sound crew is \$2,000.00. Carl Potter

requested rooms as part of his bid package which would put his bid over the bid submitted by Curtain Call. Commissioner Paul Cowley made a motion to award the bid for sound crew for the 2017 Emery County Fair to Curtain Call for \$1,906.00. The motion was seconded by Commissioner Lynn Sitterud. The motion passed

(6)  
DISCUSS/APPROVE/DENY MOU WITH CASTLE DALE CITY FOR EMERY COUNTY FAIR.

Events Coordinator, Amanda Leonard reviewed the MOU with Castle Dale City. The document clarifies the responsibilities of each party. Commissioner Paul Cowley made a motion to approve an MOU with Castle Dale City for the Emery County Fair. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(7)  
DISCUSS/APPROVE/DENY CONTRACT DOCUMENTS AND SPECIFICATIONS FOR EMERGENCY WATERSHED PROTECTION ADOBE SEDIMENT BASIN PROJECT.

Merrial Johansen, Johansen & Tuttle Engineering indicated that he met with the contractor Feller Enterprise and presented the notice to proceed with the project. The project will begin on July 25, 2017 with a completion date of December 22, 2017. The awarded bid was \$1,307,355.00. The contract documents need to be signed and move forward with the project.

Commissioner Paul Cowley made a motion to approve the contract documents and specifications for the Emergency Watershed Protection Adobe Sediment Basin Project. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(8)  
DISCUSS/APPROVE/DENY CONTRACT WITH GREG HANSEN FOR THE 2017 EMERY COUNTY FAIR.

Amanda Leonard explained that the contract with Greg Hansen is to judge the Voice of Emery County singing contest during the 2017 Emery County Fair. The prize for winning is a recording session at his studio in Springville, Utah. Commissioner Lynn Sitterud made a motion to approve of a contract with Greg Hansen for the 2017 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)  
DISCUSS/APPROVE/DENY CONTRACT WITH CHELSIE HIGHTOWER FOR THE 2017 EMERY COUNTY FAIR.

Amanda Leonard explained that the contract with Chelsie Hightower is to judge a dance competition and provide a dance camp during the 2017 Emery County Fair. Tuition is charged for the dance camp, which has 60 participants signed up to date. The budget for this event is \$2,000.00. The cost for Chelsie is \$2,000.00. Showtime Dancers is paying \$1,000.00 of the cost. Emery County will pay the other half. Mike Olsen asked the question of insurance coverage as included in the wording of the document. Commissioner Paul Cowley made a motion to approve a contract with Chelsie Hightower for the 2017 Emery County Fair pending clarification and possible change of insurance coverage as addressed in the document. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(10)

DISCUSS/APPROVE/DENY PAYING EMERY COUNTY COMMUNITY THEATRE \$250.00 FOR THEIR PERFORMANCE AT THE 2017 EMERY COUNTY FAIR.

Amanda Leonard reported that the Emery County Theatre will provide a 45 minute performance at the 2017 Emery County Fair. They have request \$250.00 for costumes and supplies.

Commissioner Lynn Sitterud made a motion to approve paying the Emery County Community Theatre \$250.00 to assist in their performance at the 2017 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

RATIFICATION OF 2017 EMPG GRANT AWARD ACCEPTANCE.

Captain Kyle Ekker explained that this is an acceptance of the a grant award for the Emergency Management Performance Grant in the amount of \$39,000.00. The acceptance document had to be signed prior to this meeting, so that action needs to be ratified. Commissioner Paul Cowley made a motion to approve of 2017 EMPG Grant Award Acceptance. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(12)

DISCUSS/APPROVE/DENY SIGNING OF USDA NRCS ADS-093, AMENDMENT TO AGREEMENT 68-8D43-15-13 ON THE MILLSITE DAM REHABILITATION PROJECT.

Captain Ekker explained that this is an extension of time and additional funds for the Millsite Dam Rehabilitation Project. Commissioner Paul Cowley made a motion to approve signing of USDA NRCS ADS-093, Amendment to Agreement 68-8D43-15-13 on the Millsite Dam Rehabilitation Project. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(13)

DISCUSS/APPROVE/DENY AGREEMENT BETWEEN JOHANSEN & TUTTLE AND EMERY COUNTY FOR PROFESSIONAL SERVICES FOR A STILLING BASIN FOR THE HUNTINGTON CANYON SOUTH DEBRIS BASIN.

Captain Kyle Ekker discussed the agreement between J&T Engineering and Emery County for Professional Services for a Stilling Basin for the Huntington Canyon South Debris Basin. The basin will be built in October when the water users all agree they can close the gates. The amount of the contract is \$18,000.00 to do the engineering, design, layout and testing. It will cost roughly \$110,000.00 to do the concrete structure. Commissioner Lynn Sitterud made a motion to approve an agreement between Johansen & Tuttle and Emery County for Professional Services for a Stilling Basin for the Huntington Canyon South Debris Basin. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

RATIFICATION OF 2017 EXTENSION OF AGREEMENT FOR JOE'S VALLEY BOAT RAMP AND PARKING LOT EXPANSION.

The agreement provides for an extension of time, terminating on June 30, 2018 for the engineering design. The agreement needed to be signed prior to the meeting to meet a deadline. Commissioner Paul Cowley made a motion to approve the signing of Modification #2 to agreement between Utah Division of Wildlife Resources and the Utah Division of State Parks and Recreation and Emery county for the boat ramp extension and parking lot design at Joe's Valley Reservoir. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(15)

DISCUSS/APPROVE/DENY ARCHIVES APPLYING FOR WORLD WAR I VETERANS GRANT.

Suzanne Anderson, Emery County Archives, discussed applying for a World War I Veterans Grant to locate and repair WWI Veterans headstones. The Grant is for \$5,000.00 which Emery County Archives will match in-kind. Commissioner Paul Cowley made a motion to approve Emery County Archives applying for World War I Veterans Grant. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(16)

DISCUSS/APPROVE/DENY UTAH OFFICE OF TOURISM'S OPT-IN PROGRAM FOR DIGITAL TOOL BOX-PHOTO PACKAGE 3.

Tina Carter, Emery County Travel Bureau explained that the Travel Bureau would like to take advantage of the Utah Office of Tourism's opt-in program for Digital Tool Box-Photo package 3 which is the use of a professional photographer. The state will pay half of the discounted cost of \$3,190.00. This expense is coming out of TRT funds. Commissioner Lynn Sitterud made a motion to approve Utah Office of Tourism's opt-in program for Digital Tool Box-Photo Package 3. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSS/APPROVE/DENY TOURISM INCENTIVE GRANT FUNDS FOR CASTLE VALLEY SMALL ENGINE MECHANIC.

Jordan Leonard explained that Brett White dba: Castle Valley Small Engine Mechanic is a small business located in Castle Dale. They rent out ATV's and possibly motorcycles and side by sides, and do small engine repair. They have gone through the Tourism Board and applied for rental tax approval through the State of Utah. They have applied for funds in the amount of \$5,000.00 to help with signage and concrete. If approved Mr. White would get the \$2,500.00 up front and the other half after the work is completed and receipts are turned in to the Tourism Board. He added that to get the Tourism Incentive funding the business has to agree to be in business for at least two years or pay the funds back. The money would come from TRT funds. Commissioner Paul Cowley made a motion to approve Tourism Incentive Funds for Castle Valley Small Engine Mechanic. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.



(18)

**DISCUSS/APPROVE/DENY LEASE AGREEMENT BETWEEN THE STATE OF UTAH AND EMERY COUNTY FOR SPACE RENT FOR ADULT PROBATION AND PAROLE.**

The Lease Agreement between the State of Utah and Emery County for Space Rent for Adult Probation and Parole is for a five year period beginning July 1, 2018 and expiring on June 30, 2023 at \$4,572.00 per year for a total of \$22,860.00 for term of the agreement. The agreement is renewable. Commissioner Lynn Sitterud made a motion to approve a Lease Agreement between the State of Utah and Emery County for space rent for Adult Probation and Parole. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

**DISCUSS/APPROVE/DENY PAYMENT FOR E-DISPATCH**

Commissioner Lynn Sitterud made a motion to table this matter to allow time for clarification. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(20)

**DISCUSS/APPROVE/DENY THE 2017 ELECTION JUDGES**

Brenda Tuttle indicated that she, as of this date has not found a third judge for Green River City. She asked that they approve the list pending approval when the third judge has been selected. Commissioner Paul Cowley made a motion to approve the 2017 Election Judges. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(21)

**DISCUSS/APPROVE/DENY COMMENTS TO FOREST SERVICE REGARDING ASSESSMENT REPORT.**

Public Lands Director, Ray Petersen talked about comments to the Forest Service regarding Draft Manti-LaSal National Forest Revision Assessment Report. He indicated that all agencies have provided comments. Ray will post these comments on the Public Lands website for all those who would like to read them. Commissioner Paul Cowley made a motion to approve comments to the Forest Service regarding Assessment Report. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(22)

**DISCUSS/APPROVE/DENY TEMPORARY USE AGREEMENT BETWEEN EMERY COUNTY AND PACIFICORP.**

Dennis Oakley explained the need for a temporary use agreement between Emery County and PacifiCorp. He indicated that PacifiCorp is in need of an area for temporary construction staging, and storage of heavy equipment, vehicles, pipe, dumpsters and other equipment and materials in connection with the Deer Creek Mine Rilda Canyon water pipeline project. Emery County owns property north of Little Bear Campground that PacifiCorp would like to lease for this purpose. PacifiCorp has obtained all the ROW and easements from other federal agencies and private land owners. If approved they would lease .79 acres of surface land, install a 6 or 7 foot high perimeter fence around the premise with two 10 foot wide access gates and also improve the access road. Commissioner Paul Cowley made a motion to approve a temporary use

agreement between Emery County and PacifiCorp. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(23)

DISCUSS/APPROVE/DENY LETTER TO FOREST SERVICE REGARDING NUCK WOODWARD ROAD.

Commissioner Brady explained that the Commission has received several calls from individuals requesting to know the process the Forest Service used to reach the decision to close the Nuckwoodward Road. Apparently there is some confusion by the public that the County has formally made any approval towards closing the road. The Commissioners decided to send a letter to the Forest Service District Ranger inviting him to attend Commission Meeting to educate the public on this matter. Commissioner Paul Cowley made a motion to approve sending a letter regarding Nuckwoodward Road. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

Ray Petersen stated that its hard for Emery County to close that is not an Emery County Road.

(24)

COMMISSION/ELECTED OFFICIALS REPORT

Margaret Herring asked the Commissioners why Kelly Nelson was let go. She indicated that she attended the Wyoming trip with her and she felt everyone was please with her. Attorney Mike Olsen explained that is a Personnel issue that cannot be discussed in an open forum. He thanked her for her concern and comment.

Commissioner Brady reported on attending a Public Lands Council field trip up Huntington Canyon with the Forest Service. They drove the loop of Huntington Canyon came back down through Joe's Valley. They talked about the fire in Fly Canyon. He indicated it was nice to see the vegetation starting to return to the area.

He reported on going on a Des Bee Dove Trail inspection with Mark Williams. Although it was not done, they did mark some places that need a little more carving out. The Trail Cat will come through and clean it up. It is looking good. Much better than before.

The Search and Rescue Triathlon was a success. Possibly 150 participants.

Lunch and Learn will be tomorrow at noon.

Pioneer Celebrations will be this weekend.

The Cowboy Memorial Rodeo the next weekend.

Then the Emery County Fair will be the next weekend.

Commissioner Cowley encouraged everyone to attend the Fair.

(25)

ADJOURN

ATTEST:

COMMISSIONER:

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

AUGUST 1, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #245070 through and including #246176 was presented for payment.

Requisitions were presented for the following:

REQUISITION DESCRIPTION    AMOUNT

29-17 Patrol Vehicle set-up/Interceptor  
Sheriff    \$7,405.69

(2)  
APPROVAL OF MINUTES OF JUNE 20, 2017 COMMISSION MEETING

(3)  
APPROVAL OF OUT OF STATE TRAVEL FOR CAPTAIN KYLE EKKER, DETECTIVE JOHN BARNETT, DETECTIVE GARRETT CONOVER AND DETECTIVE JEROD CURTIS TO ATTEND THE CNOA ANNUAL CONFERENCE IN RENO.

(4)  
APPROVAL OF OUT OF STATE TRAVEL FOR CAPTAIN KYLE EKKER, DETECTIVE JOHN BARNETT, DETECTIVE GARRETT CONOVER, AND DETECTIVE JEROD CURTIS TO ATTEND THE UNOA ANNUAL CONFERENCE IN MESQUITE, NEVADA.

(5)  
APPROVAL TO HIRE DALLON COLOGIE AND AMANDA FAUSETT FULL TIME AS A DISPATCH I WITH FULL BENEFITS. WAGE GRADE 14 \$ 16.44 PER HOUR.  
Motion to approve the Consent Agenda was made Commissioner Lynn Sitterud, seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

(2)  
NOTIFICATION OF AWARD OF BID TO ZIONS PUBLIC FINANCE INC. FOR THE ECONOMIC IMPACT ANALYSIS.

Commissioner Brady notified the public that Zions Public Finance, Inc. has been awarded the bid for the Economic Impact Analysis.

(3)  
PRESENTATION AND DISCUSSION WITH FOREST SERVICE REGARDING NUCKWOODWARD ROAD.

Darren Olsen, US Forest Service started discussion with a brief history of the area. In June of 2012 a lightning strike on Seely Mountain caused a fire that quickly got out of hand, burning 48,000 acres over a week to two week period. Rain events following the fire brought flooding to the area. Unfortunately they had to close the Nuckwoodward Road for three plus years. The Forest Service has received input from many people thanking them for closing the road and complaints that the road is closed. The OHV Clubs in the area have proposed a seasonal closure as an alternative to road closure. The Forest Service has looked at the proposal and met with both Carbon and Emery County's Commissioners. The road is mostly in Emery County but used by people in both counties. They presented the proposal to Public Lands Councils, Emery County Trails Committee and the OHV Clubs. Not once did they hear either county endorse or support the proposal of seasonal closure. After they presented the process the Forest Service exercised the option to go in and implement a temporary closure. The proposal was to allow motorized use of the road during the summer months and close the road during the hunting/fall season ( Tuesday after Labor Day), open back up during winter for snowmobile use. They are not recommending a permanent closure at this time. This decision has no bearing on wilderness issues or being pushed by any special interest groups. If a determination is made to close the road the Forest Service will follow the public process as part of the required NEPA process. He added that the Forest Service has 1,300 miles of trail roads. He stated that closing roads is very unusual for the Forest Service. This discussion was generated as a result of the proposal for a seasonal road closure. After December 31st they will go through a comment period process to make any further decisions.

Commissioner Brady explained that this discussion was requested by the Commission due to the amount of calls they have received indicating that the Commissioners had made a decision to support the road closure. Commissioner Brady stated that the Emery County Commission as a whole has not formally or publicly made any decision or statement in support of the proposal to seasonally close the Nuckwoodward Road. Commissioner Cowley stated that he personally supported the seasonal road closure. He added that as a hunter who frequented that area he has personally seen an improvement in the amount/quality of the deer/elk herds in that area.

Commissioner Sitterud stated that personally he was not in favor of the temporary/seasonal road closure. Commissioner Brady reiterated that the Emery County Commission, as a body, has not officially supported the proposal to seasonally close the Nuckwoodward Road. Comments from several individuals in attendance were expressed in support of keeping the Nuckwoodward

Road open.

(4)  
APPROVAL AND SIGNING OF THE NRCS-ADS-78, ASSURANCES RELATING TO REAL PROPERTY ACQUISITION, THE ORANGEVILLE CITY PORTION OF THE COTTONWOOD CREEK PROJECT.

Commissioner Lynn Sitterud made a motion to approve signing the NRCS-ADS-78, Assurances relating to real property acquisition, the Orangeville City portion of the Cottonwood Creek Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)  
DISCUSS/APPROVE/DENY SUPPORT LETTER FOR CONSERVATION DISTRICT SUPERVISORS.

Commissioner Brady read aloud a letter addressed to Senator and representatives regarding conservation districts representations on the Utah Conservation Commission. The purpose of the letter was to state the support of the Emery Commissioners that conservation supervisors, who know their respected areas and counties, continue to represent the needs of our individual counties on the state level when it comes to policies and procedures regarding conservation in the State of Utah. Commissioner Lynn Sitterud made a motion to approve a letter to our senators and representatives with regards to the Utah Conservation Commission. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)  
DISCUSS/APPROVE/DENY APPROVAL FOR PAYMENT FOR E-DISPATCH.

Sheriff Funk explained that the payment for E-Dispatch is shared by Fire, EMS and Search and Rescue. Commissioner Paul Cowley made a motion to approve payment for E-Dispatch. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(7)  
DISCUSS/APPROVE/DENY FOUR CORNERS AREA PLAN AND BUDGET.

Approval of the Four Corners Area Plan was tabled in the last Commission Meeting to allow time for the Sheriff and Four Corners to meet to discuss a few key issues. Sheriff Funk indicated that he is comfortable that Fours Corners will follow through with what they discussed.

Commissioner Paul Cowley made a motion to approve Four Corners Area Plan and Budget. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(8)  
COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk threw down a challenge to the Forest Service management in the meeting. The Sheriff's Department is having a Cook For A Cause BBQ cook off on Thursday night of the Emery County Fair. He challenged them to enter the cook off contest.

Commissioner Brady encouraged everyone to attend the fair.  
Lt. Governor will be in the county to kick off 25,000 Jobs on August 9th at the pavilion. The plan is to create 1,000 jobs in the county..  
August 15th is Primary Election Day. Early voting is going on now in the Clerk/Auditor's office

Commissioner Cowley reported that there will be a luncheon tomorrow for volunteers of the Fair. Thursday will be a luncheon for the Sr. Citizens at the Castle Dale Fair Grounds.

Bill Dellos reminded everyone that the three candidates running for Chaffetz position will be at a dinner/debate at the Student Union Building on the college campus in Price.

(9)  
ADJOURN

ATTEST:

COMMISSIONER:

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY SHERIFF'S COMPLEX,  
GREEN RIVER , UTAH

AUGUST 22, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Lynn Sitterud, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Gayleen Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 245230 through and including # 245454 was presented for payment.

Requisition were presented for the following:

REQUISITION DESCRIPTION    AMOUNT

30-17 HP DesignJet T520 Printer  
Sheriff    \$1,340.50

31-17 HAZCLASS 2 Hazmat Test Kit  
Sheriff    \$1,700.00

32-17 Freezer  
MOSR    \$ 528.00

Dispositions were presented for # 2015, mini air purifier, #6551, desk, #8786 HP Scanjet flatbed scanner, #6906, video/paperback display rack, #6907, round display rack.

(2)  
APPROVAL OF MINUTES OF AUGUST 1, 2017 COMMISSION MEETING

(3)  
APPROVAL TO GIVE JANALEE LUKE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE SR. ADMINISTRATIVE ASSISTANT. EFFECTIVE 8-28-17.

(4)  
APPROVAL OF JAMES THOMAS AS A RESERVE DEPUTY FOR THE SHERIFF'S



OFFICE, WAGE \$14.00 PER HOUR.

(5)  
APPROVAL TO PROMOTE ZAC FAUVER TO A HEAD LIFEGUARD AT THE AQUATIC CENTER. GRADE 5. EFFECTIVE 8-18-17.

(6)  
APPROVAL TO GIVE KORENE MERRELL A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS AN ASSISTANT LIBRARIAN. EFFECTIVE 8-28-17

(7)  
APPROVAL OF TOM BRERETON, MICHAEL JORGENSEN, BRIAN JEWKES, GARY KOFFORD, LES THOMPSON, EARNEST JENSEN, KEVIN WAREHAM, STAN MATHIS, CLIFFORD SNOW, AND MICK ROGERS FOR THE 2017 ARAPEEN ATV JAMBOREE.

Motion to approve the Consent Agenda was made by Commissioner Lynn Sitterud, Seconded by Commissioner Paul Cowley, and the motion passed.

#### DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

(2)  
PRESENTATION ON EDA CONSORTIUM WITH CARBON AND EMERY COUNTY.

Joel Smith, is from Exclerant, the company that brought Health Equity to Price and is currently looking to bring additional companies into the area. Mr. Smith introduced Nicoleen Womack, FutureINdesign the administer for the application for EDA. Ms. Womack explained that the EDA Consortium(occupying the JC Penney building in Price) provides training and employment opportunities for Carbon and Emery Counties.

(3)  
RATIFICATION OF BACKHOE RENTAL FOR THE ROAD DEPARTMENT.

Commissioner Paul Cowley made a motion to ratify the signing of a backhoe rental agreement for the Emery County Road Department. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(4)  
RATIFICATION OF LETTER OF SUPPORT REGARDING THE EDA GRANT APPLICATION FOR FUTUREINDESIGN.

Commissioner Lynn Sitterud made a motion to ratify the sending of a letter of support for the

EDA Grant application of FutureInDesign. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

**RATIFICATION OF COTTONWOOD CREEK PROJECT EXTENSION.**

There is no money involved in this extension just an extension of time (90 days) to allow time to complete the project. The project would be extended until late December. Commissioner Paul Cowley made a motion to ratify the approval of Cottonwood Creek Project Extension. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(6)

**DISCUSS/APPROVE/DENY EMERY COUNTY'S SUPPORT IN CONVERTING CRANDALL CANYON MINE SITE INTO A CAMPGROUND.**

Commissioner Sitterud explained that the Commissioners are not looking to say that Emery County is pushing for this or wanting to be involved in building it. The mining company, as part of their reclamation plan, is leaning toward turning the canyon back to the public. If the mining company offers to donate this property for a campground, the Commissioners will be able to say that we have talked about it and have an opinion in support of the proposal. After the Seely fire we lost so many camping areas that this option would benefit the public by giving them a place to camp. Commissioner Lynn Sitterud made a motion to, as a County Commission, support the mining company and the Forest Service if this is the direction they choose to go. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

**DISCUSS/APPROVE/DENY MARKETING MATCH FOR EMERY COUNTY WORKING RANCH HORSE FROM THE TRAVEL BUREAU BUDGET.**

Jordan Leonard explained that the Emery County Working Ranch Horse came to the Emery County Travel Bureau to ask for matching funds to assist in promoting their event. They will be teaching kids how ride and break horses. They will host approximately 30 families for this event.

They estimate the project will be \$4,000.00 and have requested \$2,000.00. This would come out of TRT funds. Commissioner Lynn Sitterud made a motion to approve Marketing Match funds for Emery County Working Ranch from the Travel Bureau budget. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

**DISCUSS/APPROVE/DENY TOURISM INCENTIVE FUNDING FOR FIRE PIT FROM THE TRAVEL BUREAU BUDGET.**

Jordan Leonard explained that Fire Pit bought out Fatty's. They have remodeled the building. They would like to put tables and chairs in front, fencing around the property and make it look

more appealing. They anticipate this will cost \$11,640.87. They are asking for the retail incentive grant to assist in this project. The Travel Bureau feels this is a good project because it will beautify the building and improve the property thus increasing the property taxes. The Travel Bureau would match the project with \$5,000.00 from the Travel Bureau budget. Commissioner Paul Cowley made a motion to approve incentive funds for Fire Pit from the Travel Bureau budget. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(9)

DISCUSS/APPROVE/DENY RENEWING LEASE AGREEMENT WITH SITLA FOR OHV TRAILS IN EMERY COUNTY

Public Lands Director, Ray Petersen discussed renewing a lease agreement with SITLA for OHV Trails in Emery County. In 2008 we entered into an agreement with SITLA for 30 miles of trails on SITLA land for a term of 10 years. This renewal lease is for 10 years also and is no cost to the county. The fees that are paid to SITLA come through the OHV fees that users pay when they register their ATV's. The fund that is used to create, promote and maintain trails.

The lease agreement is the same as the previous agreement with updated dates. Commissioner Lynn Sitterud made a motion to approve renewing a lease agreement with SITLA for OHV Trails in Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY CONTRACT WITH DAL DEE GUYMON, AIRPORT CURATOR.

Commissioner Paul Cowley made a motion to approve a contract with Dal Dee Guymon for Huntington Airport Curator. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(11)

DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR TEAM HARD ROCK, LLC

Commissioner Brady explained that there is a mining claim 4.4 miles east of Clawson, Utah called Septarianville, which includes three 20 acre pieces of BLM land. They would let individuals come out and dig for free but pay for the rocks if they want to take them. They hope that by bringing people to Emery County they will spend money here as well as offer an opportunity to bond with DNR and BLM. Zoning Administrator, Jeff Guymon indicated that they still need to go through the Level II zoning process. He suggested approving the license contingent upon bonding with DNR and BLM and complete the Level II permit process.

Commissioner Paul Cowley made a motion to approve a business license for Team Hard Rock, LLC contingent upon their receiving bonding from BLM and DNR and completing the Planning & Zoning Level II process. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(12)

DISCUSS/APPROVE DENY ADOPTING DOMESTIC VIOLENCE RESOLUTION.

Commissioner Brady explained that this came from Commissioner Whitney from Beaver County. As President of UAC Board he is encouraging the counties to approve a resolution regarding Domestic Violence as a fundamental right. That local government has a responsibility to continue securing their rights on behalf of the citizens. Attorney, Mike Olsen explained that the purpose of the resolution would be recognize that domestic violence is a human rights issue and you, as local government, will raise awareness and enhance domestic violence education in the communities, the public and private sectors and within your government agencies. Julie Johansen wondered if this wasn't already a part of the General Plan rather than creating a new resolution? Ray Petersen suggested checking with the Department of Health or the Domestic Violence Coalition which we already have in the county. Commissioner suggested changes to the resolution by changing : whereas, by recognizing domestic violence is a human right issue that Emery County will support awareness and domestic violence education in the communities, the public and private sectors. And in Section 2 : Emery County declares state and local government bears the responsibility to secure this human right for its citizens. Commissioner Paul Cowley made a motion to approve Resolution 8-22-17 with the corrections Commissioner Brady suggested. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(13)

DISCUSS/APPROVE/DENY INVOICE FROM SEPTEMBER 2016 FOR ENGINEER CONSULTING OLD WEED AND MOSQUITO BUILDING.

Motion to table was made by Commissioner Lynn Sitterud, seconded by Commissioner Paul Cowley, and the motion passed.

(14)

DISCUSS/APPROVE/DENY BLM RIGHT-OF-WAY UTU-89066.

Motion to approve BLM Right-of-Way UTU-89066 was made by Commissioner Paul Cowley, seconded by Commissioner Lynn Sitterud, and the motion passed.

(15)

DISCUSS/APPROVE/DENY BLM RIGHT-OF-WAY UTU-89067

Motion to approve BLM Right-of-Way UTU-89067 was made by Commissioner Paul Cowley, Seconded by Commissioner Lynn Sitterud, and the motion passed.

(16)

COMMISSION/ELECTED OFFICIALS REPORT

Attorney Mike Olsen reported that he attended a meeting with RUA on August 21st where they discussed Garfield County's/Kane County's suit under definition of the Sunshine Law. Garfield is a member of RUA so they have asked RUA to participate. Basically they are stating that because the secretary of the interior held a meeting or met with the commission that was held behind closed doors or was not noticed up that, that was meeting that was under the definition of that statute. So they are asking for an injunction to have them stop doing that. The important part is the how the court interprets that law. Basically they are going to say, any time that there is two commissioners together that is a meeting under the statute. The other side is saying that they can receive information with two of them at the same time. We will watch this close. The

board of RUA voted to have Peter Sturba represent them. We will keep watching this.

Commissioner Sitterud reported that the decision to close the Nuckwoodward Road has been put on hold for this year.

Commissioner Brady attended two meetings with the power plants. Huntington Plant received a #1 rating in the United States. Hunter Plant received #2 rating. He reported that he felt the 25k Jobs Summit went well. Emery County really needs to keep pushing for Economic Development.

Commissioner Cowley that on September 2nd there will be a Drone event at the Huntington Airport.

We then have two more events coming up in September, Peach Days in Ferron City and Melon Days in Green River City.

(17)  
ADJOURN

The meeting was adjourned.

ATTEST:

COMMISSIONER:

MINUTES OF THE CANVASS OF ELECTION  
FOR THE AUGUST 15, 2017 PRIMARY ELECTION

AUGUST 23, 2017

Present at the meeting was Commissioner Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Clerk/Auditor Brenda Tuttle and IT Director Jeff Guymon.

Clerk/Auditor Brenda Tuttle reported that there were 0 ballots to be verified or counted.

There are no adjustments to be made to the results.

Commissioner Paul Cowley made a motion to accept the canvass of votes for the August 15, 2017 Primary Election. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

The meeting was adjourned.

Attest:

Commissioner :

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

SEPTEMBER 5, 2017

Present at the meeting was Commissioner Lynn Sitterud, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

Commissioner Lynn Sitterud as Vice Chairman will step down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS

The Warrant Check Edit List #245468 through and including #245567 was presented for payment.

(2)  
APPROVAL OF MINUTES OF AUGUST 22, 2017 COMMISSION MEETING.

(3)  
NOTIFICATION. COMMISSIONER LYNN SITTERUD HAS RETAINED MAEGAN CROSLAND AS HIS CONFIDENTIAL SECRETARY. EFFECTIVE 8-24-17. WAGE GRADE 14.

(4)  
NOTIFICATION. LORRAINE MARTIN WAS SELECTED AS A PART TIME JANITOR FOR THE GREEN RIVER LIBRARY. WAGE GRADE 6.

(5)  
APPROVAL OF MARK H. WILLIAMS AS A VOLUNTEER FOR THE 2017 ARAPEEN ATV JAMBOREE.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Lynn Sitterud, and the motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)  
APPROVAL OF COMMISSIONER LYNN SITTERUD AS CHAIRMAN FOR REMAINDER OF 2017.

Commissioner Paul Cowley made a motion to appoint Commissioner Lynn Sitterud as Chairman for the remainder of 2017. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(3)  
OPENING OF BIDS ON THE HUNTINGTON CANYON SOUTH DEBRIS BASIN IMPROVEMENT PROJECT 2017.

Bids were opened and read aloud for the Huntington Canyon South Debris Basin Improvement Project 2017.

1. TSJ Construction \$219,000.60
2. Nelco Constructors \$232,875.00
3. Perco Rock Co. \$164,435.00
4. Vancon, Inc. \$319,205.00

Commissioner Paul Cowley made a motion to release the bids to Johansen & Tuttle Engineering for review and comparison and award to the lowest bidder. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

Commissioner Paul Cowley made a motion to leave the regular meeting and move into a public hearing to receive public comment on a Level 3 Conditional Use Permit for KFJ Subdivision and Zone Change, and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(4)  
**PUBLIC HEARING: TO TAKE PUBLIC COMMENT ON LEVEL 3 CONDITIONAL USE PERMIT FOR KFJ SUBDIVISION AND ZONE CHANGE.**

Jeff Guymon, Acting Director of Planning & Zoning explained the circumstances regarding a Level 3 permit for KFJ Subdivision and the needed Zone change. Johansen & Tuttle Engineering was in the process of working on a subdivision for Kerwin Jensen, owner of the business in the industrial zoned area, when they found that there are four residences located within the industrial zone, which is not allowed. The Planning & Zoning Commission did some research and found that the county approved the building permits for the residences. Because of



the lot sizes and the needed zone changes the Planning Commission recommended that lots #1,2, 3,4 be zoned as A1. Lots #5,6,7,8,and 9 stay in the Industrial Zone. The businesses operating within these lots are in accordance with the Industrial Zone. The Planning Commission recommended obtaining encroachments from UDOT for safe access in and out of the area. Resolve any conflicts with neighbors. Provide all water and sewer hook-ups. Get building permits for any new structures. File an amended plan if anything changes in the future.

(5)  
DISCUSS /APPROVE/DENY LEVEL 3 CONDITIONAL USE PERMIT FOR KFJ FOR SUBDIVISION AND ZONE CHANGE.

Upon returning to the regular meeting agenda Commissioner Paul Cowley made a motion to approve a Level 3 Conditional Use Permit for KFJ provided the conditions are met as recommended by the Planning & Zoning Commission. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(6)  
PRESENTATION OF 2017 FIRE REPORT BY JERAMY JOHNSON.

Did not attend the meeting.

(7)  
RATIFICATION OF APPOINTMENT OF BRADON BRADFORD AS INTERIM HEALTH OFFICER FOR THE SOUTHEASTERN UTAH BOARD OF HEALTH.

Commissioner Sitterud explained that because of the retiring of the health officer for the Southeastern Utah Board of Health the board has asked Bradon Bradford to be interim health office until such time as they can replace the previous officer. Commissioner Paul Cowley made a motion to ratify the appointment of Bradon Bradford as interim Health Officer for the Southeastern Utah Board of Health. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(8)  
RATIFICATION OF SIGNING OF EMERY COUNTY EMERGENCY WATERSHED PROTECTION PROJECT ORANGEVILLE FLOOD CONTROL PROJECT PLAN.

Commissioner Paul Cowley made a motion to ratify the signing of Emery County Emergency Watershed Protection Project Orangeville Flood Control Project Plan. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(9)  
RATIFICATION OF SIGNING OF COTTONWOOD CREEK EROSION CONTROL OPERATION AND MAINTENANCE PLAN.

Commissioner Paul Cowley made a motion to ratify the signing of Cottonwood Creek Erosion Control Operation and Maintenance Plan. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(10)

DISCUSS/APPROVE/DENY COOPERATIVE AGREEMENT WITH UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS FOR NOXIOUS WEED MANAGEMENT ALONG THE GREEN RIVER.

Commissioner Sitterud explained that the Cooperative Agreement with Utah Division of Forestry, Fire and State Lands is for \$25,000.00 for the year and is an additional amount than the previous year because of all the extra work the Weed Department did. Commissioner Paul Cowley made a motion to approve a Cooperative Agreement with Utah Division of Forestry, Fire and State Lands for Noxious Weed management along the Green River. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(11)

DISCUSS/APPROVE/DENY SHALA HUNSAKER AS MISS EMERY COUNTY SCHOLARSHIP PROGRAM DIRECTOR.

Motion to table was made by Commissioner Paul Cowley, seconded by Commissioner Lynn Sitterud, and the motion passed.

(12)

DISCUSS/APPROVE/DENY AMENDED COUNTY CIB LIST FOR FISCAL YEAR 2018.

Commissioner Sitterud explained that Huntington City has asked to be added to the 2018 CIB list to finish a cemetery project. Commissioner Paul Cowley made a motion to approve amending the county CIB list for Fiscal Year 2018. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(13)

DISCUSS/APPROVE/DENY EMS OFF-LINE MEDICAL DIRECTOR AGREEMENT WITH DR. TRAVIS ENGAR.

Attorney Mike Olsen indicated that this is a long standing agreement with Dr. Engar. This agreement will continue with his service as off-line medical director for emergency medical assistance. Commissioner Paul Cowley made a motion to approve EMS off-line Medical Director agreement with Dr. Travis Engar. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(14)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Cowley reported that the Huntington Airport hosted a Drone Racing event this past weekend.

The annual Arapeen Trail ride is coming up this Thursday, Friday, and Saturday. Castle Valley Ranch has offered it's services for participants.

Commissioner Sitterud talked about the process for selecting a new Commissioner to replace Keith Brady. So far there have been ten individuals interested in filling the position and have turned in an application to Emery County Republican Party Chairman, Bill Dellos. The last day to get an application in to Mr. Dellos for consideration is September 11th at 5PM. Voting will be on September 14th.

(15)  
ADJOURN

ATTEST:

COMMISSIONER:

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

SEPTEMBER 19, 2017

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 245610 through and including #214736 was presented for payment.

Requisitions were presented for the following:

REQUISITION DESCRIPTION    AMOUNT

33-17    Vehicle and body camera  
Patrol vehicle bed cover  
Sheriff    \$12,570.00

There was one disposition for a 1998 John Deere Grader #6951 traded in for a new grader.

(2)  
APPROVAL OF MINUTES OF SEPTEMBER 05, 2017 COMMISSION MEETING.

(3)  
APPROVAL OF SHAYLA HUNSAKER AS VOLUNTEER FOR THE FAIR, SPECIFICALLY THE MISS EMERY PAGEANT.

(4)  
APPROVAL TO HIRE JOSIE STILSON AS 3/4 TIME DEPUTY TREASURER I WITH PRORATED BENEFITS. WORKING 29 HOURS PER WEEK. EFFECTIVE 9-25-17. GRADE 13.

(5)  
APPROVAL OF EMERY COUNTY COMMISSION RESPONSIBILITIES LIST.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley.

Commissioner Lynn Sitterud stepped down to second the motion. The motion passed.

## DISCUSSION AGENDA

(1)

DISCUSS/APPROVE/DENY KENT WILSON AS THE INTERIM REPLACEMENT TO SERVE OUT THE UNEXPIRED TERM OF COMMISSIONER KEITH BRADY.

Commissioner Lynn Sitterud stepped down to make a motion to accept Kent Wilson to replace Keith Brady as Emery County Commissioner. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(2)

SWEARING IN OF KENT WILSON AS EMERY COUNTY COMMISSIONER TO SERVE OUT THE UNEXPIRED TERM OF COMMISSIONER KEITH BRADY.

Emery County Clerk/Auditor Brenda Tuttle conducted the swearing in process for Kent Wilson as Emery County Commissioner.

(3)

PRESENTATION OF YEARS OF SERVICE TO SCOTT N. JOHANSEN.

Attorney Mike Olsen read a tribute prepared for Scott N. Johansen

Scott retired in 2016 from his 24 year tenure as the Seventh District Juvenile Court Judge. He became the Judge in 1992 after serving as the Emery County Attorney for 13 years. As Judge he served Carbon, Emery, Grand and San Juan counties. He also served as the felony drug court Judge in Emery and family drug court in Carbon County until his retirement. In 2014, he received the Chancellor's Medallion Award at the USU Eastern Commencement exercises.

Scott received his law degree from the J. Reuben Clark College of Law at BYU in 1977 and practiced with the Price law firm of Frandsen, Keller & Jensen from 1977 to 1979. He served as city attorney for several cities and towns in Carbon, Emery, and Sanpete counties and is a former president of the Utah Association of Counties. Scot is the past chair of the Board of Juvenile Court Judges, past chair of the Judicial Council's Policy and Planning Committee, past member of the Sentencing Commission and the Judicial Council. Scot made landmark changes in the Juvenile Justice System, and transformed that system by helping to create the Juvenile Sentencing Guidelines and also by helping to secure significant amounts of funding for the system to be used in the hiring of probation officers and in funding services for those involved in the juvenile justice system. He championed education and had an unrivaled 96% high school graduation rate for juveniles that came before him.

Scott is the son of the late Eugene and Grace Johansen and the husband of Laurel Johansen.

They have five children- two sons and three daughters. They have 20 grandchildren, including a set of twins and a set of triplets and their 21st grandchild is expected in November. He has maintained his active role in their lives even during his fight with leukemia and afterward. Scott was diagnosed with leukemia in 2015 and after a long, hard courageous battle he was declared

leukemia free in September of 2016.

He is always accompanied by grandchildren, whether it's working with them out on the farm or riding horses in Joe's Valley. He's the grandpa that was seen sliding down rocks and hiking through Yosemite and he was also involved in instigating, encouraging and participating in paddleboard fights at Bear Lake. He loves training little cowboys and farmers out at the field and spends a lot of his time in retirement converting from flood irrigation to the new sprinkling system, which he thoroughly enjoys.

Ever the historian, he regales family with stories from WWII and with experiences from his own life ranching in Joe's Valley and prosecuting murders in his early career. He enjoys traveling to see his grandchildren and he's always up for excursions delivering Hereford bulls to buyers throughout the west and Midwest for the JoBulls operation. His family feels as though they were granted a miracle in having him still with them after his bout with cancer and they enjoy every minute they get to spend with him.

Scott has gained the respect and admiration of many during his years of service to his community family and church.

Scott was presented with a plaque of appreciation from Emery County.

(4)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(5)  
OPEN AND REVIEW BIDS FOR MURAL AT THE MUSEUM OF THE SAN RAFAEL.

There was one bid for a mural at the Museum of the San Rafael. The bid was from Kaelynn Winn Fine Art in the amount of \$8,200.00. The project was locally advertised. Museum Director Maegan Wilberg explained that a capital request was made for \$3,500.00 during 2017 budget process. Brenda Tuttle suggested that they could rollover the funds to next year and do the project in 2018. Maegan indicated that there is no hurry on a decision. Commissioner Kent Wilson made a motion to table this until another meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)  
RATIFICATION OF SIGNING OF CUT-OFF DATE EXTENSION FOR SOUTH MOORE CUT-OFF ROAD PHASE 10.

Commissioner Paul Cowley made a motion to ratify the signing of Cut-Off Date Extension for South Moore Cut-Off Road Phase 10. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)  
DISCUSS/APPROVE/DENY SIGNATURE ON CHANGE ORDER NO.1 ON THE  
MILLSITE DAM REHABILITATION PROJECT.

Commissioner Sitterud explained that the survey was done incorrectly and has to be re-done. The cost is \$10,106.00. The cost to Emery County is approximately \$300.00. This is between the NRCS and the water users. Emery County is just a pass through and administer for the project. The cost is within the budget for this project. The county has to approve all the work. Commissioner Paul Cowley made a motion to approve Change Order #1 on the Millsite Dam Rehabilitation Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)  
DISCUSS/APPROVE/DENY ORDINANCE DECLARING SMOKING PROHIBITED IN  
OUTDOOR PLACE OF PUBLIC ACCESS.

Attorney Mike Olsen explained that this is something that is being done in other counties and cities. It addresses the issue of smoking in ball parks, playgrounds, events, etc within 25 feet of public access. He indicated that this is an issue that law enforcement as well as his office has had several calls about and have asked for clarification of the state statute or a county ordinance. If the ordinance is passed it will be advertised in the paper for two weeks and up to the venue, such as the parks to post a sign citing the ordinance. Commissioner Paul Cowley made a motion to approve an ordinance declaring smoking prohibited in outdoor places of public access. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)  
DISCUSS/APPROVE/DENY PROVIDING FLU VACCINES THIS YEAR IN  
CONJUNCTION WITH OUR WELLNESS CLINIC NOVEMBER 1-2, 2017 IN CASTLE  
DALE AND NOVEMBER 3, 2017, IN GREEN RIVER.

Mary Huntington requested approval to provide flu vaccines in conjunction with the county's Wellness Clinic in November. Commissioner Kent Wilson made a motion to approve providing flu vaccines in conjunction with the Wellness Clinic in November. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)  
DISCUSS/APPROVE/DENY UTILIZING EMERY MEDICAL CENTER FOR THE  
ANNUAL WELLNESS CLINIC.

Commissioner Paul Cowley made a motion to approve utilizing Emery Medical Center for the annual Wellness Clinic. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)  
DISCUSS/APPROVE/DENY GIVING FULL TIME EMPLOYEES WHO PARTICIPATE IN  
THE WHOLE WELLNESS CLINIC 4 HOURS OF VACATION.

Commissioner Kent Wilson made a motion to approve giving full time employees who participate in the Whole Wellness Clinic 4 hours of vacation. The motion was seconded by

Commissioner Paul Cowley. The motion passed.

(12)

DISCUSS/APPROVE/DENY AN ORDINANCE TO DECLARE AND ENFORCE A GENERAL POLICY FOR THE FENCING OF FARMS, SUBDIVISIONS OR OTHER PRIVATE PROPERTY.

Attorney Mike Olsen discussed the need for an ordinance to declare and enforce a general policy for the fencing of farms, subdivisions or other private property. He explained that he has had several calls from farmers and ranchers regarding a defined fencing policy. Ray Petersen reported that past Commissioners have been reluctant to pass a fencing ordinance, preferring to keep the policy as is. Mr. Olsen indicated that Utah is an open range state. He talked about instances where there is a need for the ordinance. After additional discussion Commissioner Kent Wilson made a motion to approve an ordinance to declare and enforce a general policy for the fencing of farms, subdivisions or other private property. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

DISCUSS/APPROVE/DENY AUTHORIZING BALANCE RESOURCES TO NAME AND REPRESENT EMERY COUNTY AS ONE OF THE SUPPORTING FRIENDS OF COURT IN THE FILING TO BACK GARFIELD AND KANE COUNTIES IN THE SUWA VS GARFIELD & KANE COUNTIES LAWSUIT.

Attorney Mike Olsen discussed an instance wherein, SUWA is suing Garfield and Kane Counties Secretary of Interior, Ryan Zinkie asked for input from a couple of Commissioners from Garfield and Kane Counties regarding wilderness issues. Because the Commissioners met with Mr. Zinkie, in an unofficial capacity, to provide input, SUWA says that was a meeting and was therefore illegal. Mr. Olsen added that Balance Resources is asking for Emery County to be one of the supporting friends of the court in filing to back Garfield and Kane Counties in the SUWA vs Garfield & Kane Counties lawsuit. He indicated that this suit could have big implications for how the Commissioners do their job. Commissioner Kent Wilson made a motion to table any decision until next Commission Meeting to allow time for Mr. Olsen to gather more information. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSS/APPROVE/DENY BOARD OF EQUALIZATION (BOE) CLOSURE.

Commissioner Paul Cowley made a motion to approve the closure of BOE for 2017. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

DISCUSS/APPROVE/DENY BOARD OF EQUALIZATION (BOE) CHANGES FOR 2017.

Commissioner Paul Cowley made a motion to approve BOE Changes for 2017. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(16)

DISCUSS/APPROVE/DENY VETERAN, BLIND, AND HOMEOWNER'S TAX CREDIT



## ABATEMENTS.

Clerk/Auditor Brenda Tuttle explained the requirements for the Veteran, Blind, and Homeowner's tax Credit. The Commissioners reviewed the list of applicants. Commissioner Kent Wilson made a motion to approve the list of Veteran, Blind, and Homeowner's Tax Credit Abatements. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

### DISCUSS/APPROVE/DENY LOW INCOME ABATEMENT FOR RYAN COWLEY.

Commissioner Lynn Sitterud and Commissioner Kent Wilson discussed a low income abatement for Ryan Cowley. Commissioner Paul Cowley excused himself from the discussion and left the room. Clerk/Auditor Brenda Tuttle explained that Mr. Cowley meets the qualifications for the abatement. This abatement is a Commissioner adjustment and is not refunded by the State. The Commission can abate up to 50% of the taxes owed. Mr. Cowley has applied in past years, but did not apply last year. Commissioner Kent Wilson made a motion to grant a 50% abatement for Ryan Cowley indicating that it is for 25% for last year and 25% for this year. Commissioner Lynn Sitterud stepped down to second the motion. The motion passed.

(18)

### DISCUSS/APPROVE/DENY EASEMENT FROM SITLA FOR A SEGMENT OF OHV TRAIL BETWEEN THE PAGEANT SITE AND THE NEWLY DEVELOPED DESBEE DOVE TRAIL.

Ray Petersen explained that this is a request to make application for an easement from SITLA for a segment of OHV trail between the pageant site and the newly developed DesBee Dove Trail. Emery County owns a right-of-way to the trail. There is no cost the county. He suggested incorporating this lease into a 10 year lease as they have done with other leases. Commissioner Kent Wilson made a motion to approve making application from SITLA for a segment of OHV trail between the pageant site and the newly developed DesBee Dove Trail. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

### COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Cowley

Joel Jensen, Eastern Utah Community Credit Union asked to have announced that they will have a membership luncheon on Wednesday, September 20th from 11am-2 pm.

Suicide Prevention Group open workshop will be on September 29th at 10am at the Emery County Sheriff's Training Facility. Taryn Hyatt will be the presenter.

The Arapeen Trail Jamboree was successful. Mark Williams indicated that they had over 50 people. The staging for the event was held at Castle Valley Outdoors. He estimated that approximately \$14,000.00 was spent in the county by those who attended the jamboree.

Commissioner Sitterud

Commissioner Sitterud expressed his appreciation for the freedoms we enjoy in this country. He cited the recent voting process for selection of a new commissioner for the county.

Howard Shorthill, USU EU explained an advancement grant writing workshop at the University to assist and introduce individuals to the grant writing process. This will be held on October 23rd at the University of Utah Eastern Utah Campus in Price, Ut.

(20)

ADJOURN.

ATTEST:

COMMISSIONER:

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

SEPTEMBER 28, 2017

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

DISCUSS/APPROVE/DENY RESOLUTION TO WITHDRAW FROM THE  
SOUTHEASTERN UTAH DISTRICT HEALTH DEPARTMENT.

Commission Chairman Lynn Sitterud asked for feedback from Roxanne Jensen, Board Chairman of Southeastern Utah District Health Department. Kathy Kearney-Reeves, as a board member, presented feedback also. Roxanne explained that the Board

(2)

ADJOURN

ATTEST: \_\_\_\_\_ COMMISSIONER : \_\_\_\_\_

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

SEPTEMBER 28, 2017

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

(1)

DISCUSS/APPROVE/DENY RESOLUTION TO WITHDRAW FROM THE  
SOUTHEASTERN UTAH DISTRICT HEALTH DEPARTMENT.

Commission Chairman Lynn Sitterud explained that this meeting is being held today to discuss/approve/deny a resolution to withdraw from the Southeastern Utah District Health Department. He said that there has not been a decision to withdraw or that there is even a desire from within the County Commission to withdraw. This meeting is being held today because we have a time constraint, that if we were to send a resolution, it needed to be done before the end of the month to enable us to do this. We are doing this today as an insurance policy incase we find it necessary to do this. Carbon County Commission has done this same resolution showing their intent to withdraw from Southeastern Utah District Health Department. We are not being drug by Carbon County, we just want enable ourselves to be able to make the correct decision when the time comes. He continued, We will be discussing a resolution as follows:

A Resolution of Emery County Board of Commissioners giving notice of its intent to withdraw from the Southeastern Utah District Health Department, whereas, the Board of County Commissioners is charged in establishing a local health department for the benefit of Emery County Residents, and, whereas the Board of County Commissioners is concerned about the present ability of the Board of Southeastern Utah Board of Health to met the needs of Emery County's residents. Now, Therefore, the Emery County Board of Commissioners finds that the citizens of Emery County would be better served by withdrawing from the Southeastern Utah District Health Department and forming its own health district. Now, therefore, be it hereby resolved by the Board of County Commissioners of Emery County, Utah, that pursuant to Utah Code Anoted, Section 26A-1-122, the Board of Commissioners does hereby give notice that Emery County shall withdraw from the Southeastern Utah District Health Department effective December 31, 2017. The Board of Commissioners reserves the right to resend this resolution at anytime prior to that date.

Commissioner Cowley asked for input from SEUDHD Board Chairman, Roxanne Jensen.

Roxanne indicated that she had Board Member Kathy-Kearney Reeves in attendance also.

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She indicated that in speaking with Commissioner Wilson it was explained to her that this process is necessary to do to discuss some of the issues that Carbon County has brought up and that you have the right to resend it. She stated she hopes that is the way you decide to go.

Roxanne read a prepared statement for the Board of Commissioners. She stated that upon receiving notice of the Carbon County's Board of Commissioners proposal to consider a resolution withdrawing from the SEUDHD she contacted Dr. Miner Utah State Health Department Director. He stated that his recommendation would be for Carbon County to reconsider that proposal and do everything possible to keep the three counties together. I contacted County Commissioners to inform them about Carbon County's proposal. She stated it would be her hope that the Commissioners would take this time between now and December 31<sup>st</sup> to try to resolve the issues between Carbon, Emery and Grand Counties so we can form our tri-county health department back.

Attorney Mike Olsen asked Roxanne if she had specific ideas for resolving the issues? She indicated that she has not even heard what Carbon Counties issues are. She suggested having some discussions with Carbon County and the Health Department and resolve the issues. Try to look at every angle and decide what is best for our citizens. Do not leave the Health Department out of the discussions. The number one concern of the board is to keep the three counties together.

Commissioner Sitterud asked Roxanne if she can see the merit in what Emery County is trying to do? Roxanne indicated that she can see the merit in it but would hope that the County would have the discussions to resolve the issues.

Patsy Stoddard asked the Commissioners what the issues are that need to be resolved? Commissioner Sitterud indicated that there is a dysfunction within the board. It is not a functioning board. No one from Emery County is pushing this, it is just an insurance policy to see that we are not left behind and disabling ourselves from making a decision. Patsy asked what would be the county's plan for meeting health needs of Emery County residents if the county was to withdraw from the Health Department? Commissioner Sitterud answered that he does not know if anyone knows what that map would look like right now. Commissioner Wilson explained that if we do not exercise this right now, and this is the only time we can do this per state statute you can only pull out by December 31<sup>st</sup> of each year and give written 90 day notice, and if Carbon County pulls out of the Health District then by state statute we will be tied to Grand County for a year. Mike Olsen added that Carbon County is the host county for the Health District. All the infrastructure is in Carbon County. Most of the employees are in Carbon County, most of the population is in Carbon County. We have to keep our options open. Carbon County is under the impression that this is not a functioning Board. Commissioner Wilson asked Roxanne and Kathy how long the board has been looking for a new director? They indicated that Mr. Cunningham retired in March 2017. Commissioner Wilson indicated that for 6 months now the board of directors has been consumed in the hiring process. He stated as he attended the

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last Board meeting he feels that Carbon County is concerned that they have not been taking care of their responsibilities as given to them by the State in guiding SEUDHD. There has not been any direction and policy. Commissioner Wilson's impression from attending one meeting that Carbon County, if they are going to stay, would like a whole new board of directors and start new. Carbon County is the driving force. We are just responding to their action. Next Friday there is going to be a meeting with one representative from each county at which time Carbon County will address their concerns and possible solutions to their concerns. Then it will be up to Emery County or Grand County to decide if we can live with those set of circumstances. Patsy Stoddard asked if it is just the administrative part of the health department with the problem? It is not the services out in the field? Commissioner Wilson indicated that the Health Department offices that have routine business with the public are operating with business as usual. The Health Department is running fine. The problem is fractures in the board of directors. It is the county's obligation to see that these services are taken care of properly. Carbon County is using their mandate to try and straighten out the board of directors. The Board of Directors has one employee and that is the Executive Director. Then the Executive Director is the boss of all the other employees. So the board only has authority over one employee. They are to give him policies and guidance to do his job. Commissioner Wilson expressed concern, that regardless of who they hire to be the new administrator, he is going to be a new individual. If we make every board member new as well, to him that puts everything at risk. So, going forward we need to make sure there is some form of leadership. There needs to be some experience on the board so not every slot is a new person. Some important decisions need to be made. The first option for everyone is to find a way for us all to stay together. Commissioner Sitterud stated that is what this Commission wants to see. We hope that you all see that we, as a Commission, are representing the citizens of Emery County in the best way that we can see for our citizens. We would not want to say today that if Carbon County withdraws we have to withdraw with them but, come December 31<sup>st</sup> if Carbon County withdraws and we with you and everyone wants to provide input to this decides that we are better off to be with Carbon County starting over than to be with Grand County. We need to work towards that decision. This will put us in the best position to make an important decision at that time. This will be an open process to help us determine what is best for us.

Kathy commented as a former employee of the Health Department who has retired and petitioned to be appointed to the board, stated that in her opinion it will be a huge detriment to all of the counties involved if we have to split. A lot of progress has been made with Dave Cunningham who did a great job with the department. He implemented new programs. He brought qualified employees to the area. If we split up, it will be one big mess.

Commissioner Sitterud added that they do not understand why, when Dave Cunningham was going to retire in March you did not have someone in place in January working alongside Dave to let Dave teach them all he can before he left to have a smooth transition. He indicated that as a Commission that concerned us, that it did not concern the board.

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Kathy indicated that was never even talked about in board meetings. She indicated she did not know why this did not occur? This is typical of the local health department. They did not think ahead to look at hiring someone ahead of time to let them get all the wisdom and knowledge from the experienced person. The new person is put on the job and expected to figure it out. She felt that the board's thought on this was the environmental health director was being groomed for this position and was put in as the interim director so the board would petition to have him put in there. Then the board decided they wanted some new blood. The first time around that did not work out well. Many of the board members still felt that they needed new blood.

Patsy Stoddard asked if it was the Board of Directors job to find a new director? Commissioner Wilson indicated that the Board of Directors is responsible for the Director of the Health District. This process was on the agenda for the last meeting he attended. The Board voted to put this off until they have figured out the boundaries for a new director.

Roxanne indicated that the Board did agree on a new director, but later found out that she was not qualified for the job. Some board members wanted to offer the job to their second choice and some wanted to reopen the application process.

Attorney Mike Olsen asked if the Board could have someone hired and in place by January 1<sup>st</sup>? Roxane indicated that the interim director can serve for 1 year. The Board has to hire someone before March 31, 2018.

Commissioner Wilson stated that in his opinion he felt that the process of finding a new director is what has caused all of the stress. Not the new director. It is the process. The Board, as he understands it, did not follow their own guidelines. In their policy, if he understands is correctly, the normal procedure would have been a two thirds vote would have only been necessary to hire a new director. Somewhere along the way they changed that to a unanimous vote. This was changed for this event.

Kathy stated that she thinks that they (the Board) have realized the mistakes (as a board) that the initial hiring committee made. That was one of the major ones. She stated that she was not on the initial hiring committee. She is on the current hiring committee. Two of the members were Commissioners and the third was a board member from Grand County. There was no precedent set on hiring a health officer. They had no guidelines, no rules to go by. They were basically developing things as they went along.

Attorney Mike Olsen asked if we can move forward? Can we fix the rules and get us a director? The Contract with the Health Department is up on January 1.

Kathy and Roxanne suggested that is if you secede. You can operate under the interim director until March 2018.

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Commissioner Wilson stated that he is not suggesting that Emery County leave the Health Department on January 1. All we are doing is passing a resolution to where we can if we want to.

Attorney Mike Olsen asked but if we have not left by January 1 then we are obligated for one more year? We have to have this worked out by then. This can only be done on the December 31<sup>st</sup> deadline.

Commissioner Sitterud stated that if we do not do this by January 1 then we can not do this again until January 1 of the next year.

Commissioner Wilson added that if everyone stays on board then it is a March deadline. If everyone can workout their differences and we all three maintain our membership then the interim director can stay on until March.

Roxanne indicated that the Board is ready to move on with the advertising, but we needed to have this discussion before we can move forward to know what they would be advertising for.

Attorney Mike Olsen expressed his frustration at the Board's indecisiveness at getting a director hired. The interim director is doing a great job. Let's just get him hired and move on.

Commissioner Wilson stated that our problem is we need to find out what Carbon County is going to dictate to stay in.

Attorney Mike Olsen stated he speculated that Carbon County will want a new board, start fresh and get Brady hired. He is qualified and doing a great job.

Commissioner Wilson made a motion to accept Resolution 9-28-17 to preserve our right to leave Southeastern Utah District Health Department if necessary on December 31. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(2)

ADJOURN

ATTEST: \_\_\_\_\_ COMMISSIONER : \_\_\_\_\_



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

OCTOBER 3, 2017

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

Commissioner Kent Wilson was not present at the meeting. Commissioner Lynn Sitterud will step down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 245752 through and including # 245859 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
34-17	(4) Gas Monitors (1) Test Station Sheriff	\$4,969.93
35-17	Wall sink, faucet, water line, drain, labor Weed/Mosquito	\$725.00

There were no dispositions.

(2)  
APPROVAL OF MINUTES OF SEPTEMBER 19, 2017 COMMISSION MEETING

(3)  
APPROVAL OF COUNTY CREDIT CARD FOR COMMISSIONER KENT WILSON.

(4)  
APPROVAL OF CELL PHONE STIPEND FOR COMMISSIONER KENT WILSON.

(5)

2

COMMISSION MEETING MINUTES  
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APPROVAL TO APPOINT COMMISSIONER KENT WILSON AS VICE CHAIRMAN.

(6)

APPROVAL TO APPOINT BOLTON WORLD TO A TRAVEL BOARD MEMBER SEAT.

(7)

APPROVAL OF MICHAEL GRANGE TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS PATROL DEPUTY I. GRADE 16. EFFECTIVE 10-8-17.

(8)

NOTIFICATION DAVID ROBERTSON SELECTED AS THE PART TIME MAINTENANCE WORKER FOR THE LIBRARIES AND SAN RAFAEL MUSEUM. WAGE GRADE 13.

Commissioner Paul Cowley made a motion to approve the Consent Agenda with the exception of item #5 being moved to the discussion agenda #1. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

#5 Approval to appoint Commissioner Kent Wilson as Vice Chairman. Commissioner Paul Cowley made a motion to appoint Commissioner Kent Wilson as Vice Chairman of the Board of Emery County Commissioners. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(2)

DISCUSS/APPROVE/DENY MARKET MATCH FUNDING FOR MECCA BIKE CLUB FESTIVAL

Jordan Leonard, Economic Development requested approval for Market Match Funding for MECCA Bike Club Festival. They are requesting \$3,500.00 which they will match and use for advertising their events. TRT funds are used to fund the Market Match Program. Commissioner Lynn Sitterud made a motion to approve Market Match Funding for MECCA Bike Club Festival in the amount of \$3,500.00. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

COMMISSION MEETING MINUTES  
OCTOBER 3, 2017

DISCUSS/APPROVE/DENY TOURISM DEPARTMENT TO MOVE FORWARD WITH PROJECTS FROM THE UTAH COOPERATIVE MARKETING PROGRAM-ROUND 2017 50/50 GRANT FUNDING.

Tina Carter, Travel Bureau requested approval to move forward with projects for the Utah Cooperative Marketing Program. She reported that they received three grant awards from UOT for the Utah Cooperative Marketing Program- Round 2017 50/50 Grant Funding. For the digital campaign they are awarded \$7,400.00. For Website Development Phase 2 they are awarded \$22,300.00. For Branding and Marketing they are awarded \$58,400.00. Commissioner Paul Cowley made a motion to approve moving forward with the projects from the Utah Cooperative Marketing Program -Round 2017. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(4)

DISCUSS/APPROVE/DENY COMMENT LETTER TO FOREST SUPERVISOR IN REGARD TO PROPOSED SOUTH FORK LEASE MODIFICATION.

Public Lands Director, Ray Petersen explained that the USDA proposes to add 800 acres to two leases in the Quitcupah Lease and Green's Hollow Lease. This will increase coal production for SUFCO which is an important economic and energy activity for Emery County and neighboring counties, the State of Utah and the nation. Ray added that Emery County supports this modification and expects that proper management practices be required and implemented in the development and extraction of coal resources. Commissioner Lynn Sitterud made a motion to approve a support letter to Forest Supervisor of the Manti-LaSal National Forest with the stipulation that any water resource issues be mitigated by Canyon Fuel Company, LLC., The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSS/APPROVE/DENY LETTER OF SUPPORT FOR THE GREEN RIVER FIRE AND EMS BUILDING.

The City of Green River is seeking support for PCIB grant application to help finance a new public safety building. As part of the application process they are required to have a letter of support from the Emery County Commission. The letter was due October 5, 2017. Commissioner Paul Cowley made a motion to ratify the sending of a letter of support for the City of Green River in their grant process. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(6)

DISCUSS/APPROVE/DENY ALLOWING EMERY COUNTY EMTS THAT LIVE IN GREEN

COMMISSION MEETING MINUTES  
OCTOBER 3, 2017

RIVER TO GET THEIR FLU SHOTS AT GREEN RIVER MEDICAL CENTER.

Personnel Director, Mary Huntington requested approval to allow Emery County EMTs that live in Green River to get their flu shots at Green River Medical Center. Commissioner Paul Cowley made a motion to allow EMTs that live in Green River to get their flu shots at the Green River Medical Center. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(7)

RATIFICATION OF APPROVAL OF 2017 BEER TAX FUNDS.

Captain Kyle Ekker explained that the Sheriff's Department receives a portion of each sale to be used for specific list of things. In the past they have used it to compensate for overtime, and other uses as allowed. This year the amount is \$20,185.00. An acceptance letter was needed to be sent before October 1<sup>st</sup>. Captain Ekker was seeking ratification for acceptance of the Beer Tax Funds for 2017. Commissioner Paul Cowley made a motion to ratify approval of 2017 Beer Tax Funds. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(8)

DISCUSS/APPROVE/DENY THE RESOLUTION OF APPOINTMENT OF AN EMERY COUNTY REPRESENTATIVE AND AN ALTERNATE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING, IN APPOINTING MARY HUNTINGTON AS THE REPRESENTATIVE AND MIKE OLSEN AS THE ALTERNATE REPRESENTATIVE.

Commissioner Paul Cowley made a motion to approve Resolution 10-3-17 appointing Mary Huntington as an Emery County Representative and Mike Olsen as an Alternate for the Utah Counties Indemnity Pool Annual Membership meeting. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(9)

DISCUSS/APPROVE/DENY GIVING THE SPOUSE OF A FULL TIME EMPLOYEE A \$25.00 VISA GIFT CARD FOR PARTICIPATING IN THE WELLNESS CLINIC ON ANYONE OF THESE DATES, NOVEMBER 1<sup>ST</sup>, 2<sup>ND</sup>, AND/OR 3<sup>RD</sup> 2017.

Commissioner Paul Cowley made a motion to give the spouse of a full time employee a \$25.00 Visa Gift Card for participating in the Wellness Clinic on November 1, 2, and/or 3, 2017. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(10)

DISCUSS/APPROVE/DENY GIVING FULL TIME EMPLOYEES OR THEIR SPOUSE A

COMMISSION MEETING MINUTES  
OCTOBER 3, 2017

\$25.00 VISA GIFT CARD FOR PARTICIPATING IN THE HEALTHCARE BLUE BOOK/TELEDOC ENROLLMENT SEMINAR ON NOVEMBER 9, 2017.

Commissioner Paul Cowley made a motion to give full time employees or their spouse a \$25.00 Visa Gift Card for participation in the HealthCare Blue Book/TeleDoc enrollment seminar on November 9, 2017. The motion was seconded by Commissioner Lynn Sitterud. The motion passed. Commissioner Lynn Sitterud made a motion to amend the motion to include allowing Green River employees to receive the \$25.00 Visa Card for participating in the enrollment process while already here for the Wellness Clinic on November 1, 2, and /or 3<sup>rd</sup>. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY BOE COMMISSION ADJUSTMENT PHASE 2.

Assessor Kris Bell requested approval for a BOE Commission Adjustment for Lyman Family Farms. The change is to switch parcel #02-0105-003 from locally assessed to state assessed. Commissioner Paul Cowley made a motion to approve a BOE Commission Adjustment for parcel #02-0105-003 as recommended by Kris Bell. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(12)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Greg Funk invited everyone to attend a special speaking engagement with Kimberly Schlau-Below 100 on Wednesday at 10 am at the Green River High School and 6 pm at Emery High School Auditorium and Thursday at 9:30 am at Emery High School. Ms. Schlau speaks about Highway Patrol awareness dealing with speeding and knowing when to back off. She speaks from experience as she lost two daughters to a high speed chase.

(13)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Paul Cowley, seconded by Commissioner Lynn Sitterud and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 17, 2017

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS

The Warrant Check Edit List # 245902 through and including # 246045 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
36-17	SQL Server 2017 Air fiber links IT	\$ 3,580.50

There were no dispositions.

(2)

APPROVAL OF MINUTES OF OCTOBER 03, 2017 COMMISSION MEETING

(3)

APPROVAL OF MINUTES OF SEPTEMBER 28, 2017 SPECIAL COMMISSION MEETING.

(4)

APPROVAL OF AFFIDAVIT OF PERSONAL INTEREST IN BEHALF OF JERIMIAH RICH WITH HIS BUSINESS INTEREST IN JR'S STOP N GO.

(5)

NOTIFICATION: ALEX STILSON SELECTED AS A PART TIME HEAD LIFEGUARD WORKING 19 3/4 HOURS PER WEEK. EFFECTIVE 10-9-17. WAGE GRADE 5.

2

COMMISSION MEETING MINUTES  
OCTOBER 17, 2017

(6)

NOTIFICATION: ELI BEAGLEY, DEEGAN MINCHEY, AND HANNAH MORRIS  
SELECTED AS A PART TIME LIFEGUARD WORKING UP TO 19 3/4 HOURS PER WEEK.  
WAGE GRADE 3.

(7)

APPROVAL TO TEMPORARILY PROMOTE TYSON HUNTINGTON FROM PATROL  
DEPUTY II TO DETECTIVE I UP TO 3 YEARS. INCLUDES A 3% WAGE INCREASE  
WHILE PERFORMING DETECTIVE DUTIES.

(8)

APPROVAL OF AFFIDAVIT OF PERSONAL INTEREST IN BEHALF OF KENT WILSON  
WITH HIS BUSINESS INTERESTS IN BK'S STOP-N-SHOP AND EMERY COUNTY  
SANITATION.

Commissioner Paul Cowley made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Kent Wilson. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing

(2)

PRESENTATION OF PROGRAMS OFFERED BY SEUALG BY MICHAEL BRYANT.

Michael Bryant, SEUALG came before the Board of Emery County Commissioners to present a brochure outlining the servicing programs for Carbon, Emery, Grand and San Juan Counties.

(3)

DISCUSS/APPROVE/DENY AMENDED CIB LIST FOR FY 2018.

Commissioner Lynn Sitterud explained that the amendment to the CIB List for year 2018 is to add \$60,000.00 to provide vehicles for the HEAT and Food Bank services in Emery and San Juan Counties. Commissioner Kent Wilson made a motion to approve an Amended CIB List FY 2018. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

COMMISSION MEETING MINUTES  
OCTOBER 17, 2017

DISCUSS/APPROVE/DENY AMENDING AGREEMENT WITH DALEN JOHNSON TO INCLUDE LOWELL MORRIS AS A MEDICAL PROVIDER FOR THE INMATES OF THE EMERY COUNTY DETENTION CENTER.

This was added to the agenda , but was not necessary. Commissioner Paul Cowley made a motion to table. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

DISCUSS/APPROVE/DENY AMENDING AGREEMENT WITH DALEN JOHNSON TO INCLUDE LOWELL MORRIS AS A MEDICAL PROVIDER UNDER THE EMERY COUNTY JAIL RISK AND NEEDS SCREENING DIAGNOSIS AND ASSESSMENT PROGRAM, FUNDED BY THE STATE OF UTAH, COMMISSIONER ON CRIMINAL AND JUVENILE JUSTICE (CCJJ) FOR THE COUNTY PERFORMANCE INCENTIVE PROGRAM (CPIP).

Sheriff Funk indicated that they currently have a contract with Dalen Johnson as a medical provider under the Emery County Jail Risk and Needs Screening Diagnosis and Assessment Program, which is funded by the State of Utah. The State has been pleased with the way the program has been working. Dalen asked to have Lowell Morris help him with the program. The State agreed. Commissioner Paul Cowley made a motion to approve amending the agreement with Dalen Johnson to include Lowell Morris. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

APPROVE ACCEPTANCE OF AWARD OF THE 2017 STATE HOMELAND SECURITY PROGRAM GRANT (SHSP) FOR REGION VI, EMERY AND CARBON COUNTY.

Chairman Lynn Sitterud explained the 2017 Homeland Security Program Grant (SHSP) for Region VI, Emery and Carbon County. Carbon County will be signing the same Acceptance of Award. Emery County's portion will be \$97,934.50. Carbon County's portion will be \$114,559.50. The remainder, \$13,000.00 Regional Funds, is earmarked for dive and rope teams that is shared by the two counties. Items purchased with these funds must be on a list for specific, approved uses. Commissioner Paul Cowley made a motion to approve acceptance of award of the State Homeland Security Program Grant (SHSP) for Region VI, Emery and Carbon County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY ADVERTISING FOR BIDS FOR REMOVAL OF DEBRIS



COMMISSION MEETING MINUTES  
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FROM THE HUNTINGTON BALL COMPLEX TO WIDEN THE EXISTING ROADWAY  
AND PARKING AREA.

Chairman Lynn Sitterud explained that at the north end of the ballpark there is a hill that the rocks are rolling off and there is no where for the runoff to go. We have interested people in the dirt. He proposed opening it up for bid, advertise for anyone interested in removing the dirt. The hill will be squared off and the successful bidder can remove the dirt to a place of their choosing. The dirt is anticipated to be approximately 10,000 yards. Commissioner Kent Wilson made a motion to proceed with the process by advertising for bids to remove the dirt from the Huntington Ball Complex as discussed. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY 2018 TENTATIVE BUDGET FOR EMERY COUNTY AND  
CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Clerk/Auditor, Brenda Tuttle presented the 2018 tentative budget for Emery County. Castle Valley Special Service District Administrator, Jacob Sharp presented their 2018 tentative budget. Commissioner Kent Wilson made a motion to approve the 2018 tentative budgets for Emery County and Castle Valley Special Service District. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

PRESENTATIONS BY LEGAL COUNSEL REPRESENTING PARTIES REGARDING  
LONG STREET. THIS IS NOT A PUBLIC HEARING, HOWEVER, THE COMMISSIONERS  
WILL ACCEPT PUBLIC COMMENT TIME (MAXIMUM OF 3 MINUTES EACH).

Chairman Lynn Sitterud explained that this is not a public hearing but simply an opportunity to gather information and allow expression of ideas and opinions of this issue. The Emery County Commissioner's position on this issue is that there has been a lot insinuation. We have never held a public hearing on abandoning this road. There has never been a meeting of the Commissioners to discuss or vote on abandoning this road. With the information that they have been given by their legal counsel and having never seen a public hearing or found minutes that this has been accepted, our position is that this is a public road. We will allow counsel to give presentation on their position and then we will open the meeting to the public to orderly and politely express opinions. (Three minutes only each)

Steve Styler, legal counsel for the Holyoak family. He stated that this issue boils down to the ability to protect their private property rights. The ranch that the Holyoak family purchased in 2005 has Long Street that goes through this property. One of the issues that the Holyoaks have

COMMISSION MEETING MINUTES  
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seen since their ownership is that when people have come up along this road they believe that they can drive through their property to access the BLM Wilderness Study Area which is directly to the north on the other side of their property. There is no way to leave this road to access the BLM property without crossing over private property. On a number of occasions people have tried to get into the WSA and the BLM has responded with some pretty harsh criticism of the Holyoak family, saying that they are allowing people to access the BLM through their property or doing it themselves threatening to impose fines. Basically they are forcing the Holyoak family to be the gatekeeper for the WSA. They are aware that there has not been any formal abandoning of this road. State law requires that there be continued use for a 10 year period. Mr. Stayler sited history of requests, by property owners, made to the Commission to maintain the road. He reported on the history of past uses. There is nothing that shows how this road became a county road. His contentions is that this road was never a county road.

Dave Blackwell, legal counsel representing Green River Companies, June Adams and Greg Vetere, adjoining land owners. He stated his main concern and focus is on county Road # 1001 also known as Long Street. This road shows up on maps and has for many years. The records he looked at show that in 1983 or possibly 1985 the county made a bus turnaround at end of the road on what is now the front of the Holyoak property. County roads are made through use. There is no formal way for the road to be made a county road. It is through use of the road. The landowners ask for help to maintain road. The county takes it on and then UDOT takes over from there. UDOT then recognizes it as a county road and pays the county through Class B Road Funds as such to maintain the road. There are thousand of miles of roads in the county that are similar to this one that you can not go back and find a date that it became a county road. We know that magically it appears on a map as a county road. Many of these roads go over private land. It has to have ten years use. It is a prescriptive easement through use. This is an issue that he has dealt with formally over the 23 years he worked as the county attorney here in Emery County. In looking over the 23 years he worked here he found 2 instances where they abandoned 2 roads that were previous county roads. In both instances they were little segments that were no longer used because of a reconfigured joining highway. this is not the case here. There are land owners here, particularly June Adams and Greg Vetere, who have purchased land with assurance that there is access to a county road. Zoning in Emery County requires access to a county road. If June Adams decided to divide her property to 2 acre lots those properties would have to have access to a county road or they could not build. It is very important that the land owners have access to a county road. There was a point in time when a particular land owner who owned property on both sides of the road asked the County Road Department to quit grading, but later asked to have be graded. Later that same land owner along with another land owner asked to have the Road Department come in and fix the road. This road has never been abandoned. It may have not been maintained but never abandoned. To say it is not a county road is to defy the facts. He stated his concern is for the land owners reduction property value if this access is cut off. This has been compounded by the new fencing policy especially with respect to June Adams who took down a gate which was her access for her property to the county road. Her biggest issue is that she now has to maintain that fence because the cows run

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on the county road. This is an issue for the other land owners also. It is not fair to these property owners for the road to be abandoned now.

Attorney Mike Olsen asked Mr. Blackwell that when you said that through use of ten years are you relying on a state statute? Mr. Blackwell indicated that he could not state the exact statute but that is basically what it is. Through use of ten years makes it a public road. A county road is established when the county begins maintaining the road and the state starts paying funds for the maintaining of that road. UDOT said it had to be a public road for at least 10 years prior to 1999 for it to be on their map. Mr. Olsen asked Mr. Blackwell, does the county have any responsibility for determining county roads and keeping a record of these roads. Road Supervisor, Wayde Nielsen indicated that they have to keep a record and report annually. Mr. Olsen asked if this road has been recorded with the County Recorder as a county road? County Recorder, Connie Jensen indicated that yes it has been recorded.

Mr. Stayler indicated that as a point of reference, when the Holyoaks purchased the property in 2005 there was a title search done wherein the road did not show up as a county road.

Chairman Lynn Sitterud opened the meeting to the public for comments.

The majority of the comments were from Green River residents past and current. They made comments regarding the amount of years they have used the road to access BLM property for recreational use, as well as historical sites along the river.

Those making comments were as follow:

Tim Vetere, Greg, Vetere, Frank Vetere, Kathy Ryan, Bob Quist, Don Holyoak, Randy Erwin, Ross Wilberg, Cam Weihing, Kent Sleight, David Ray, Jake Braken, Colby Hunt, Patsy Stoddard, Frank Spadafora, Jaden Mead, June Adams, John Vetere.

Chairman Sitterud thanked those who have made comment. He indicated that if counsel moves to having a public hearing we will hold that public hearing in Green River.

(10)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Kent Wilson indicated that the Health Department is headed in the right direction.

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(11)  
ADJOURN

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 7, 2017

Present at the meeting was Chairman Lynn Sitterud, Commissioner Paul Cowley, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials, and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #246183 through and including #2463222 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
37-17	(3) AED G3 units Sheriff	\$3,885.00
38-17	Replacement for Radio Repeater for Cedar Mtn. Communications	\$3,733.10
39-17	(3) Kenwood NXR-5700 25 Watt Repeater radios (12) Kenwood NXR 5700 mobile Sheriff Office radios (8) Kenwood NX-5200 hand helds for Sheriff's Office Communications/Sheriff	\$25,092.02
40-17	(5) fiber connections for Horn, Cedar, GR, Moore And Sheriff's Office for Public Safety Communications and TV Fiber Build out to the County's Cedar Mtn. Communications site. Fiber Build out to the County's Moore Communications Site.	\$ 8,125.00 \$3,210.00 \$45,571.00
41-17	(3) HP workstations Z-240 MT IT/Capital Replacement	\$ 4,388.97

2

COMMISSION MEETING MINUTES  
NOVEMBER 7, 2017

(2)

APPROVAL OF MINUTES OF OCTOBER 17, 2017 COMMISSION MEETING.

(3)

APPROVAL TO APPOINT WARREN OVIATT TO THE FIRE PROTECTION SPECIAL SERVICE DISTRICT BOARD.

(4)

APPROVAL TO APPOINT CARRIE CHILDS TO THE FIRE PROTECTION SPECIAL SERVICE DISTRICT.

(5)

APPROVAL TO RE-APPOINT DANNY VAN WAGONER TO THE TRAVEL BOARD TO SERVE A FOUR(4) YEAR TERM.

(6)

APPROVAL TO APPOINT LES WILBERG TO THE PLANNING AND ZONING BOARD TO SERVE A FOUR(4) YEAR TERM.

(7)

APPROVAL FOR OUT OF STATE TRAVEL FOR RAY PETERSEN TO ATTEND THE ANNUAL COLORADO RIVER WATER USERS ASSOCIATION CONFERENCE IN LAS VEGAS, NEVADA ON DECEMBER 13-15.

(8)

APPROVAL FOR OUT OF STATE TRAVEL FOR COMMISSIONER LYNN SITTERUD AND COMMISSIONER KENT WILSON TO TRAVEL TO WASHINGTON D.C. FOR WORK ON LANDS BILL ON NOVEMBER 12-15, 2017.

(9)

APPROVAL TO BRING JORGAN ALLRED, LES ANDERSON AND KACIE HEALEY BACK AS SEASONAL RUSSIAN OLIVE TECHNICIANS WORKING 29 HOURS PER WEEK, WITH NO BENEFIT. WAGE \$13.50 PER HOUR.

(10)

NOTIFICATION: JONATHAN SEELY AND SYDNEY TERWILLIGER HAVE BEEN SELECTED AS PART-TIME LIFEGUARDS WORKING 19 3/4 HOURS PER WEEK, WITH NO BENEFITS. WAGE \$13.50 PER HOUR.

(11)

3

COMMISSION MEETING MINUTES  
NOVEMBER 7, 2017

APPROVAL TO GIVE DEREK BEAGLEY A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD. MOVE FROM GRADE 14 @ \$15.04 PER HOUR TO GRADE 14 @ \$15.49 PER HOUR. EFFECTIVE 11-13-17.

(12)

APPROVAL TO GIVE MAKYAN NIELSON, LEVI OLSEN, AND PARKER STILSON A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD. MOVE FROM GRADE 3 @ \$7.91 PER HOUR TO GRADE 3 \$ 8.16 PER HOUR. EFFECTIVE 11-13-17.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FOR THE CONSENT AGENDA.

Nothing

(2)

OPEN AND REVIEW BIDS FOR REMOVAL OF DEBRIS FROM THE HUNTINGTON BALL COMPLEX TO WIDEN THE EXISTING ROADWAY AND PARKING AREA.

There was one bid for removal of debris from the Huntington Ball Complex. The bid was from JN Auto. Mr. Nielson intends to use the dirt for personal use and indicated in his bid that work will be traded for use of the removed dirt and debris so there will be no monetary cost involved. Commissioner Kent Wilson made a motion to accept the bid from JN Auto for the removal of debris from the Huntington Ball Complex to widen the existing roadway and parking area. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

PRESENTATION BY RAY PETERSEN REGARDING THE MK TUNNELS.

Public Lands Director, Ray Petersen reported on discussions with BLM about possibility of management of the MK Tunnels. They talked about creating a heritage area for interpretation of the history of the area. With the new field manager coming on board more discussion will continue. Commissioner Sitterud added that the direction from the council was to see what funding will be available so there is no cost to the county.

(4)

COMMISSION MEETING MINUTES  
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PRESENTATIONS BY SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS.

Geri Gamber made a presentation highlighting the services available through the Southeastern Utah Association of Local Governments with a focus on the Aging Program in Emery County. They have recently hired Robby Jensen as the Aging Director. Mr. Jensen has a masters degree in Geriatrics. They will begin visiting the Senior Centers on November 20<sup>th</sup>. She talked about funds set aside to assist the centers. She introduced program managers who were present for the presentation and gave an overview of the services provided through their programs at the AOG. Michael Bryant, Regional Planning Director for AOG highlighted their website through a video presentation. You can access their website through [www.seualg.utah.gov](http://www.seualg.utah.gov). Program directors in attendance were: Jade Powell, CDBG & VITA, Shawna Horrocks, AAA Director, Debbie Riche, Aging Program Specialist, Julie Rosier, Community Service Program Manager, Michele Kelley, Fiscal Manager, Michael Bryant, Regional Planning Director.

(5)

DISCUSS/APPROVE/DENY LETTER REQUESTING COOPERATING AGENCY STATUS IN DEVELOPMENT OF AMENDMENTS TO BLM RESOURCE MANAGEMENT PLANS AND ASSOCIATED ENVIRONMENTAL IMPACT STATEMENT IN RESPONSE TO DOI SECRETARIAL ORDER 3353.

Ray Petersen recommended approval of a letter requesting cooperating agency status in developments to BLM Resource Management Plans and the associated Environmental Statement in response to Department of Interior's Secretarial Order 3353. Commissioner Paul Cowley made a motion to approve a letter drafted by Ray Petersen to BLM requesting to be a part of the process. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY CHANGE ORDER #2 ON MILLSITE DAM REHABILITATION PROJECT.

Captain Kyle Ekker and Eric Dixson, State Engineer on the Millsite Dan Rehabilitation Project explained Change Order #2. The funds for this will come from the contingency budget. Commissioner Paul Cowley made a motion to approve Change Order #2 for Millsite Dan Rehabilitation Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY CHANGE ORDER #3 ON MILLSITE DAM REHABILITATION



COMMISSION MEETING MINUTES  
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PROJECT.

Commissioner Kent Wilson made a motion to approve Change Order #3 on Millsite Dan Rehabilitation Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY COMMISSION ADJUSTMENT ON PARCEL #01-0248-0016.

Nadine Thompson, Assessor's Office requested a Commission adjustment on Parcel #01-0248-0016. She explained that they should have given a metal garage the 55% residential exemption instead of the secondary, because it is located on the property right behind his house. Previous tax dollars \$663.68, new tax dollars, \$365.02, a difference of \$298.66 Commissioner Paul Cowley made a motion to grant a Commission adjustment on Parcel #01-0248-0016 as requested. The motion was seconded by Commissioner Kent Wilson.

(9)

DISCUSS/APPROVE/DENY COMMISSION ADJUSTMENT ON PARCEL #01-151D-0042.

Nadine Thompson, Assessor's Office requested a Commission adjustment on Parcel #01-151D-0042. This parcel is Green River City and is exempt, so there should be no value. The request is to remove the \$2,400.00 value on parcel #01-151D-0042. Commissioner Kent Wilson made a motion to grant a Commission adjustment on Parcel #01-151D-0042 as requested. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY 2017 BUSINESS PERSONAL PROPERTY TAX EXEMPT ACCOUNTS.

Nadine Thompson, Assessor's Office requested approval for the Business Personal Property Tax Exemptions. She explained that this applies to those businesses with less than \$10,300.00 in personal property. The business must make application to be exempt from the Personal Property Tax. Commissioner Paul Cowley made a motion to approve the 2017 Business Personal Property Tax Exempt Accounts. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY ADVERTISING FOR BIDS FOR THE LANDFILL METAL PILE.

COMMISSION MEETING MINUTES  
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Commissioner Paul Cowley made a motion to approve advertising for bids for Landfill metal pile. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY ADOPTING A RESOLUTION AMENDING THE FEE SCHEDULE FOR CONDITIONAL USE PERMITS.

Planning/Zoning Director, Jeff Guymon indicated that the Planning Commission in discussions to be more business friendly has adjusted the Conditional Use Permit Fee Schedule. The Board felt that this would help businesses that are just starting out or do not have much value. In the process of reviewing the fee schedule they reviewed several other counties schedules and found that what they are proposing fits in with what other counties are charging. If the business expands their business they will have to file for an amendment and their fee will meet with what they have added to the business. Mr. Guymon asked for approval of Resolution 11-7-17, amending and adopting the fee schedule for Conditional Use Permits. Commissioner Kent Wilson made a motion to approve and adopt Resolution 11-7-17 amending the fee schedule for Conditional Use Permits. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

DISCUSS/APPROVE/DENY APPROVAL TO ADVERTISE JOB OPENING FOR EMERY COUNTY EVENT COORDINATOR.

Commissioner Sitterud explained that the contract with Amanda Leonard as the Event Planner has expired. In keeping with policy we need to advertise a job opening for an Event Planner. Commissioner Kent Wilson asked if in the contract there could be a clause to include retaining the person for another year if we are pleased with their work? Attorney Mike Olsen indicated that could be written into the next contract. Commissioner Kent Wilson made a motion to approve advertising for an Event Planner and rewrite the contract to include retaining the person if they are doing a good job, possibly making it a three year contract. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSS/APPROVE/DENY MARKETING MATCH PROGRAM FOR HUNTINGTON CITY.

Travel Bureau Director, Tina Carter requested Marketing Match Funds for Huntington City. She explained that this will be a 50/50 match for signage wrap on the billboard sign as you are coming into Huntington City. This is the sign where Millsite Golf Course was previously advertised. The sign will be used to advertise Emery County including the County Brand. The request is for \$3,200.00 which Huntington City will match. This is to get them started and they

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will take over the yearly payment in subsequent years. This is funded by TRT funds. Commissioner Kent Wilson made a motion to approve a request for Marketing Match Funds in the amount of \$3,200.00 for Huntington City using TRT Funds. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSS/APPROVE/DENY MARKETING FULL PAGE AD CONTRACT FOR NATIONAL GEOGRAPHIC TRAVELER.

Travel Bureau Director, Tina Carter requested Marketing Match Funds for a full page ad contract for National Geographic Traveler. She explained that the Event Planner is having a photo contest in three categories, professional, novice and local. The photos will be used for a full page ad in the National Geographic Traveler Magazine. The cost for this ad is \$87,000.00. The Utah Office of Tourism was able to negotiate the cost down to \$37,195.00. The Travel Bureau applied for a grant from UOT for half the cost. The cost for the ad will be \$18,597.50. It will be in the October/November 2018 magazine. The funds for this will come from TRT. Commissioner Kent Wilson made a motion to approve a request for Marketing Match Funds for a full page ad contract for National Geographic Traveler using TRT funds. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

DISCUSS/APPROVE/DENY MARKETING PARTNERSHIP STATE PARKS.

Jordan Leonard, Economic Development Director requested Marketing Partnership with Utah State Parks to video the State Parks in Emery County. Emery County will retain the rights to the video to be used as we desire. It will be shown on Good Things Utah. They have requested \$4,000.00. Commissioner Kent Wilson made a motion to grant Marketing Partnership Funds for State Parks to video the State Parks in Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Wilson reported that the Health Department has hired a new director. They are now working toward a MOU to continue and move forward with permanent changes. He explained that each county has 2 votes and Carbon County want to change that to 3 for them. They figure that they have 50% of the population and they are the hosting county, we use their attorney. The board still has things to work out. There will be a few board members whose terms will end in January so they will be bringing in some new blood while still retaining experience on the board.

Commissioner Wilson talked about the fact that the budget process is nearly complete for the

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coming year. With the Mineral Lease payments steadily going down and the cost of doing business going up the county will be looking at making some hard choices in the coming year.

Commissioner Cowley talked about being involved in process to hire Robby Jensen. He is a local, coming from Ferron. He will be based in Price. He is optimistic about his qualifications and what he can do for Emery County Seniors.

(18)

ADJOURN

Commissioner Paul Cowley made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE CANVASS OF ELECTION HELD NOVEMBER 14, 2017  
FOR THE GENERAL ELECTION HELD ON NOVEMBER 7, 2017

Present at the Canvass of Election:

Paul Cowley  
Kris Bell  
Steven Barton  
Jeff Guymon  
Brenda Tuttle

An additional four ballots came in since election day and were valid.

Commissioner Paul Cowley made a motion to approve the results of the General Election held on November 7, 2017

The motion was seconded by Kris Bell and approved by all present.

The meeting was adjourned.

ATTEST:

COMMISSIONER:

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

NOVEMBER 21, 2017

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 246327 through and including #246483 was presented for payment.

There were no Requisitions.

Dispositions were presented for 255-2239 a 2006 Kobelco Hydraulic Excavator and 580-1984 a clock.

(2)  
APPROVAL OF MINUTES OF NOVEMBER 7, 2017 COMMISSION MEETING

(3)  
APPROVAL OF MINUTES FO NOVEMBER 14, 2017 CANVASS OF ELECTION FOR THE GENERAL ELECTION HELD ON NOVEMBER 7, 2017.

(4)  
APPROVAL TO PROMOTE NATALIE HUMPHREY TO OFFICE MANAGER OF THE ROAD DEPARTMENT. WAGE GRADE 16. EFFECTIVE 12-4-17

(5)  
NOTIFICATION. WADE HANCOCK HAS BEEN SELECTED TO RETURN AS A PART TIME WEED & MOSQUITO TECH WORKING 19 3/4 HOURS PER WEEK. WAGE GRADE 14.

Commissioner Paul Cowley made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Kent Wilson. The motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

(2)  
PRESENTATION BY ERIC DIXON FROM THE STATE OF UTAH DNR, DIVISION OF WATER RESOURCES, AND BRONSON SMART OF NRCS TO UPDATE AND INFORM ON THE MILLSITE DAM REHABILITATION PROJECT.

Commissioner Kent Wilson made a motion to table this and move it to the December 19<sup>th</sup> meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)  
UPDATE ON COTTONWOOD CREEK EMERGENCY WATERSHED PROTECTION PROJECT.

Commissioner Kent Wilson made a motion to table this and move it to the December 19<sup>th</sup> meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)  
PRESENTATION BY LUIGI RESTA WITH UTILITY SOLAR INVESTMENT REGARDING SOLAR POWER PROJECTS.

Luigi Resta, Executive Vice President of ONYX Renewable Partners Utility Solar Investment came before the Board of Commissioners to discuss possible solar power projects in Emery County. He explained that PacifiCorp has put out a Request for Proposals for solar photovoltaic resources. They are seeking cost-competitive bids for solar energy interconnecting with or delivering to PacifiCorp's system that will reduce system costs and provide net benefits for customers. PacifiCorp will seek to establish an initial shortlist that includes up to approximately 2,000 MW of aggregate solar capacity. The submission deadline is December 11, 2017. He indicated that they are hoping to get a project on the short list for consideration. To do so they need to have several things in place. He presented a proposed change to the county ordinance regarding solar energy panels. There will need to be approval from the Planning Commission and the County Commissioners for a Conditional Use Permit. It would be a 25 year contract with the land owner with an expected tax abatement for 70% of the county personal property tax for the first 15 years. Mr. Resta provided a presentation providing information regarding the project. He talked about his company's success in constructing the first solar power plant in the state called the Utah Red Hills in Iron County in 2015. Commissioner Wilson indicated that he

has been in communications with Iron County regarding the solar plant. They indicated to Commissioner Wilson that it was a zero cost for the county and that 30% of something is better than 100% of nothing. Commissioner Wilson provided insight to the dilemma with regards to taxes and what is best for the county in light of the current trend and future of coal in Emery County in relation to the power plants. Carbon County is considering it but without a tax abatement. Mr. Resta did not anticipate it being considered for the short list. The land owner for this project is Castle Valley Ranch. Woody Johnson, owner of Castle Valley Ranch indicated that he approves of the project. He thinks it is compatible and will not hamper the operations at the ranch. Attorney Mike Olsen had questions regarding taxes and the proposed creation of a Re-Investment Agency comprised of all the taxing entities of the county. In the June 6, 2017 Commission Meeting the Commissioners approved Zions Finance to conduct an Economic Impact Analyst for analyzing these types of projects to be sure that the projects are either a benefit of detriment to the county. Mr. Resta indicated that Blackstone is paying for that study. Commissioner Sitterud asked if Mr. Resta has met with the School Board, as the tax abatement will greatly affect the school district's tax base. Mr. Resta indicated that he has met them. Commissioner Sitterud indicated that his concern is with the citizens of the county and that ultimately they will have to agree with the project. The Planning Commission will have to hold a special session to consider and recommend to the Emery County Commissioners an amendment to the ordinance with regard to large scale solar power plants. There are statutory time lines for creating the re-investment agency, ordinance changes as well as holding a public hearing for a conditional use permit. There were many questions and comments. The Commissioners indicated that they will wait for a recommendation from the Planning Commission and move as fast as possible.

(5)

RATIFICATION OF LETTER OF SUPPORT FOR MCIC FOR FUNDING FROM THE BUREAU OF RECLAMATION FOR MCIC'S EFFORTS IN THEIR SALINITY OFFSET PROJECTS.

Commissioner Paul Cowley made a motion to ratify the signing of a Letter of Support for Muddy Creek Irrigation Company for funding from the Bureau of Reclamation for MCIC's efforts in their salinity offset projects. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

RATIFICATION OF CHANGE ORDER NO. 1 FOR THE ADOBE WASH SEDIMENT BASIN PROJECT.

Commissioner Kent Wilson made a motion to approve the ratification of Change order #1 for the Adobe Wash Sediment Basin Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.



(7)

DISCUSS/APPROVE/DENY EMERY COUNTY LOCAL EMERGENCY PLANNING COMMITTEE'S (LEPC) APPLICATION FOR THE UTAH HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) 2018 GRANT.

Captain Kyle Ekker explained that Emery County has been doing this for a very long time. The application is for \$4,000.00 which the SO will match with \$1,000.00. The funds will be used for wages and training. Commissioner Paul Cowley made a motion to approve LEPC application for the Utah Hazardous Materials Emergency Preparedness (HMEP) 2018 Grant. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY THE UPDATED EMERGENCY SUPPORT FUNCTION #10 OF THE EMERY COUNTY EMERGENCY OPERATIONS PLAN.

Captain Ekker explained that anytime they update any information related to the plan it has to be approved by the Emery County Commission. In this case the contact phone numbers are being updated. Commissioner Paul Cowley made a motion to approve the updated Emergency Support Function #10 of the Emery County Emergency Operation Plan. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Wilson reported on his recent trip to Washington, D.C. While there he met with Senate and State Representatives regarding Emery County's proposed Public Lands Bill. He stated he was encouraged by the progress being made and confident that it will be passed next year.

(10)

ADJOURN

Commissioner Kent Wilson made a motion to adjourn the meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF A SPECIAL MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS

DECEMBER 7, 2017

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley (via phone), Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials.

(1)

DISCUSS/APPROVE/DENY SIGNING AN ORDINANCE CREATING THE EMERY COUNTY COMMUNITY REINVESTMENT AGENCY.

Commissioner Sitterud explained that creating a reinvestment agency has been in discussion for some time. The Commission has decided to move forward with creating the agency. Commissioner Wilson expressed the reason for his support of creating the agency. Emery County has a unique form of government compared to other counties in the state. Emery County's tax base is the highest in the state due to the services that we provide to the communities. As a county we provide police officers, public safety, EMS, Road maintenance, etc. So when opportunities come along to provide incentives for business who contribute to the tax base, to locate in the county we need to be prepared to offer these incentives. Attorney Mike Olsen added that possible projects could come along in the future that would benefit the county. Creating an agency at this time has nothing to do with any specific project.

Commissioner Kent Wilson made a motion to move forward with and ordinance creating the Emery County Community Reinvestment Agency. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(2)

DISCUSS/APPROVE/DENY THE BYLAWS FOR THE EMERY COUNTY COMMUNITY REINVESTMENT AGENCY.

Attorney Mike Olsen prepared the bylaws for the agency and indicated that the documents does what we want it to do. It creates a platform for getting the agency started. Commissioner Paul Cowley made a motion to accept the bylaws of the Emery County Community Reinvestment Agency. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(3)

DISCUSS/APPROVE/DENY THE PARTICIPATION REQUEST APPLICATION FOR THE EMERY COUNTY COMMUNITY REINVESTMENT AGENCY.

Commissioner Kent Wilson made a motion to table this item until a later date. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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Special Commission Meeting Minutes  
December 7, 2017

(4)  
ADJOURN

Commissioner Paul Cowley made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 19, 2017

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 246647 through and including #246778 was presented for payment.

There were no requisitions.

Dispositions were presented for the following:

580-1976, bean bag chair, 580-1979, bean bag lounger, 580-1980 bean bag lounger, 580-1981 bean bag lounger, 410-2244 portable heater,

(2)  
APPROVAL OF MINUTES OF NOVEMBER 21, 2017 COMMISSION MEETING.

(3)  
APPROVAL TO RE-APPOINT WILLIAM COYNE, TED CURTIS AND RAYMON QUINN TO THE NORTH EMERY WATER USERS SPECIAL SERVICE DISTRICT.

(4)  
APPROVAL TO INCREASE EMS GARAGE LEAD SALARY TO \$550.00 PER MONTH.

(5)  
APPROVAL TO APPOINT DOUG MORENO TO BE THE EMS GARAGE LEAD IN GREEN RIVER.

(6)  
APPROVAL TO APPOINT PENNY RICHES TO THE TRAVEL BOARD.

(7)  
APPROVAL OF ON CALL PAY FOR DETECTIVE TYSON HUNTINGTON IN THE AMOUNT OF \$200.00 PER MONTH.

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COMMISSION MEETING MINUTES  
DECEMBER 19, 2017

(8)

APPROVAL OF OUT OF STATE TRAVEL FOR SHERIFF GREG FUNK, CAPTAIN KYLE EKKER AND CAPTAIN JEFF THOMAS TO ATTEND THE 2017 SHOT SHOW AND LAW ENFORCEMENT EDUCATION PROGRAM IN LAS VEGAS, NEVADA.

(9)

APPROVAL TO TRANSFER TAMMY TUCKER TO THE ROAD AND WEED & MOSQUITO. WILL MAINTAIN HER CURRENT WAGE. EFFECTIVE JANUARY 2, 2018.

(10)

APPROVAL OF OUT OF STATE TRAVEL FOR COMMISSIONER SITTERUD AND CAPTAIN EKKER TO ATTEND A MEETING WITH MURRAY ENERGY IN OHIO.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded Commissioner Kent Wilson and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

Commissioner Paul Cowley made a motion to leave the regular Commission Meeting and move into a Public Hearing to receive public comment concerning the opening and amending of the FY 2017 budgets for Emery County and Castle Valley Special Service District and to return to the regular meeting upon close of the public hearing. The motion was seconded by Commissioner Kent Wilson. The motion passed

6:00 PM PUBLIC HEARING TO RECEIVE PUBLIC COMMENT CONCERNING OPENING AND AMENDING OF THE FY 2017 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Clerk/Auditor Brenda Tuttle presented the amended FY 2017 budget for the Emery County General Fund, Specials Revenue Funds, Capital Projects Funds, and Local Building Authority.

Castle Valley Special Service District Director Jacob Sharp presented the amended FY 2017 Budget for Castle Valley Special Service District General Fund, Capital Project Fund, and Debt Service Fund.

COMMISSION MEETING MINUTES  
DECEMBER 19, 2017

(2)

DISCUSS/APPROVE/DENY AMENDED 2017 BUDGET

Upon returning to the regular meeting Commissioner Kent Wilson made a motion to approve Resolution 12-19-17 A amending the FY 2017 Budget for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds and Local Building Authority of Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Commissioner Paul Cowley made a motion to approve Resolution 12-19-17B amending the FY 2017 Budget for Castle Valley Special Service District General Fund, Capital Project Fund, and Debt Service Fund. The motion was seconded By Commissioner Kent Wilson. The motion passed.

Commissioner Paul Cowley made a motion to leave the regular meeting and move into a Public Hearing to receive public comment on the proposed FY 2018 budgets of Emery County and Castle Valley Special Service District and to return to the regular meeting upon close of the public hearing. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(3)

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING THE PROPOSED FY 2018 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY, AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Clerk/Auditor Brenda Tuttle presented the proposed FY 2018 budgets of the Emery County General Fund, Special Revenue Funds, Capital Projects Funds and Local Building Authority of Emery County. She explained that there have been many meetings to deal with balancing the budget, addressing insurance increases and decline in revenues.

Castle Valley Special Service District Director Jacob Sharp presented the proposed FY 2018 budget for Castle Valley Special Service District General Fund, Capital Project Fund, and Debt Service Fund.

(4)

DISCUSS/APPROVE/DENY 2018 BUDGET.

Upon returning to the regular meeting Commissioner Kent Wilson made a motion to approve Resolution 12-19-17C adopting the FY 2018 Budget of the Emery County General Fund, Special Revenue Funds, Capital Projects Funds and Local Building Authority of Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Commissioner Paul Cowley made a motion to approve Resolution 12-19-17D adopting the FY

COMMISSION MEETING MINUTES  
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2018 budgets of Castle Valley Special Service District General Fund, Capital Projects Funds, and Debt Service Funds. The motion was seconded by Commissioner Kent Wilson. The motion passed.

Commissioner made a motion to leave the regular meeting and move into a Public hearing to receive comments on proposed amendments to 11-3-8 Solar Energy System other than small-scale, building-mounted primarily for onsite use and to return to the regular meeting upon end of the public hearing. The motion was seconded by Commissioner. The motion passed.

(5)

6:30 PM PUBLIC HEARING TO TAKE PUBLIC COMMENT ON PROPOSED  
AMENDMENTS TO 11-3-8 SOLAR ENERGY SYSTEMS OTHER THAN SMALL-SCALE,  
BUILDING-MOUNTED PRIMARILY FOR ONSITE USE.

Planning & Zoning Director Jeff Guymon reviewed amendments to 11-3-8 to Article XI of the Emery County Ordinance/Code regarding Solar Energy Systems other than small-scale, building-mounted for Onsite Use. The purpose is to promote the accommodation of solar energy systems and associated equipment within the County, which are not small-scale solar systems under, or otherwise do not qualify for Level I permitting for any reasons set forth in, Section 11-2-4 of the Article, such as being freestanding or ground-mounted rather than attached to an existing building or structure, or exceeding ten kilowatts (kW) of direct current (DC) capacity if it is a solar photovoltaic energy system, or providing power for use on premises other than those on which they are erected (including delivery into the electric transmission grid, or into the electric distribution grid other than by way of net-metering or other arrangement primarily for onsite use as contemplated by Section 11-2-4 (c) (iv) of this Article). This applies to all solar energy systems that are not Small-scale solar energy systems and which are modified or installed after the effective date of this ordinance. The Planning Board is supportive of this amendment. What they like about the plan is that it protects the county. It outlines, step by step the requirements and enhances what we already have in place.

(6)

DISCUSS/APPROVE/DENY AMENDMENT 11-3-8 SOLAR ENERGY SYSTEMS OTHER  
THAN SMALL-SCALE, BUILDING-MOUNTED PRIMARILY FOR ONSITE USE.

Upon returning to the regular meeting, Commissioner Kent Wilson made a motion to approve Amendment 11-3-8 Solar Energy Systems other than small-scale, building-mounted primarily for onsite use. The motion was seconded by Commissioner Paul Cowley. The motion passed

(7)

PRESENTATION BY ERIC DIXON FOR THE STATE OF UTAH DNR, DIVISION OF  
WATER RESOURCES, AND BRONSON SMART OF NRCS TO UPDATE AND INFORM  
ON THE MILLSITE DAM REHABILITATION PROJECT.

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Eric Dixon, NRCS, provided a photo presentation of Millsite Dam Rehabilitation Project progression. The project began in June of 2017 and is progressing on schedule. Ferron Canal and Irrigation Company President Tracy Behling reported on successfully obtaining an up to 40 year contract with PacifiCorp for water for the power plant. He added he has been impressed with Staker and Parson's/Nielson Construction on the project. NRCS and S & P have been good to work with.

(8)

UPDATE ON THE COTTONWOOD CREEK EMERGENCY WATERSHED PROTECTION PROJECT.

Howard Tuttle, Johansen & Tuttle Engineering provided a photo presentation of the progression of work on the Cottonwood Creek Emergency Watershed Protection Project.

(9)

OPEN, REVIEW AND POSSIBLE AWARD OF SEALED EVENT COORDINATOR PROPOSALS.

There was one proposal from Amanda Leonard. Commissioner Kent Wilson made a motion to review the proposal and award the bid based on Amanda meeting the required specifications that the County requested. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

RATIFICATION OF LETTER TO THE FOREST SERVICE REGARDING THE CANYONS PROJECT.

Public Lands Director Ray Peterson reviewed a letter to the Forest Service regarding the Canyons Project. He indicated that comments regarding the Canyons Project was date specific for November 30, 2017 and asked that the letter be ratified. The letter states that the County agrees with the premise of the project including the detailed Current Condition and Purpose and need for action described in the stakeholder letter dated 11/07/2017. Emery County residents and officials have been outspoken in advocating for the very type of project that is being proposed. Watershed health is the highest priority for management of Forest lands within the county and our neighboring counties to the west. It appears that this project will address our great concerns for this vital resource. Commissioner Paul Cowley made a motion to ratify the signing of a letter to the Forest Service regarding the Canyons Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

RATIFICATION OF TEMPORARY CONTRACT EXTENSION FOR THE EMERY COUNTY EVENT COORDINATOR.



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There was a need to extend the contract for Amanda Leonard as Event Coordinator until a new contract has been approved. Commissioner Paul Cowley made a motion to ratify the approval of a temporary contract extension for the Emery County Event Coordinator. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY SIGNING OF SUBSIDENCE AND SURFACE USE AGREEMENT FOR BRONCO MINING.

David Smaldone, Bronco Mining and Mining Engineer Manager, Seth McCourt came before the Board of Commissioners to present progress information and some background on how the mine was obtained. Seth McCourt provided a brief history of the mine and photos of operations. Mr. Smaldone indicated that Bronco Mining has been working with Attorney Mike Olsen and Commissioner Lynn Sitterud to draft a Subsidence and Surface Use Agreement for Bronco Mining. Attorney Mike Olsen recommended the language in the document be added to the release of damages section of the document. Currently language indicates harmless goes one way, Mr. Olsen requested a change in the language to include a mutual agreement so that we hold each other harmless. Commissioner Kent Wilson made a motion to approve the Subsidence and Surface Use Agreement for Bronco Mining as drafted after we add language that Bronco Mining will hold Emery County harmless for their activities under the contract. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

DISCUSS/APPROVE/DENY CHANGE ORDER #1 FOR THE HUNTINGTON CANYON SOUTH DEBRIS BASIN IMPROVEMENT PROJECT, 2017.

Howard Tuttle presented Change Order #1 for the Huntington Canyon South Debris Basin Improvement Project, 2017. The contractor is Perco Rock. The original contract amount is \$164,435.00. He explained that the CO is an increase to the project of \$5,704.00. The new contract amount is \$170,139.00. This closes out the project. Commissioner Kent Wilson made a motion to approve CO #1 for the Huntington Canyon South Debris Basin Improvement Project, 2017. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSS/APPROVE/DENY CHANGE ORDER # 2 FOR THE ADOBE WASH SEDIMENT BASIN PROJECT.

Howard Tuttle presented Change Order #2 for Adobe Wash Sediment Basin Project 2017. The contractor is Feller Enterprise. The original contract amount is \$1,307,355.00. The CO is an increase to the project in the amount of \$111,902.00. The new contract amount is \$1,592,395.40. This cleans up the project and closes it out. Commissioner Kent Wilson made a

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motion to approve CO#2 for Adobe Wash Sediment Basin Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSS/APPROVE/DENY CHANGE ORDER #1 FOR THE ORANGEVILLE FLOOD CONTROL PROJECT.

Howard Tuttle presented CO #1 for the Orangeville Flood Control Project. The contractor is Feller Enterprise. The original contract amount is \$287,704.00. The CO is an increase to the project in the amount of \$22,071.00. This is for items added to the project after the project was bid out. The new contract amount is \$309,775.00. Commissioner Paul Cowley made a motion to approve CO#1 for the Orangeville Flood Control Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(16)

DISCUSS/APPROVE/DENY SPONSORING MEDICATION DROP BOX AT WINN'S PHARMACY.

Weston Winn, Winn's Pharmacy requested the County be a pass through for a grant to be a secure place to dispose of unused drugs. Weston indicated that he had to receive clearance through the DEA to be a disposal facility. He indicated that he is very aware of the drug epidemic facing our communities and felt that he would like to do his part to help fix the situation in some way. To house the medication drop box at the pharmacy he had to pass strict DEA requirements. He indicated that he is hoping to keep the grant funds coming to fund the program which cost \$400.00 to send the box to a secure waste facility. The box takes approximately 6 months to fill up. Commissioner Kent Wilson made a motion to approve sponsoring a medication drop box at Winn's Pharmacy. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR R & R MAINTENANCE.

Commissioner Kent Wilson made a motion to approve a business license for R & R Maintenance. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(18)

DISCUSS/APPROVE/DENY COMMISSION ADJUSTMENT ON PARCEL #01-0249-0009 FOR JAMES WOOD.

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Assessor, Kris Bell explained that the residence on parcel #01-0249-0009 owned by Mr. Woods was being tax as a secondary residence. Mr. Woods moved into this residence in 2017. The Assessor's office was not aware of the change. The change is to move the home from secondary to the primary residence. The previous tax dollars was \$ 571.62, the new tax dollars is \$314.39. this is a tax difference of \$257.23. Commissioner Paul Cowley made a motion to approve a Commission Adjustment on Parcel #01-0249-0009 for James Wood. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(19)

DISCUSS/APPROVE/DENY 2018 MEETING SCHEDULE.

Brenda Tuttle presented the following 2018 Commission Meeting Schedule for approval:

January 2, 2018	3:00 p.m.
January 16, 2018	3:00 p.m.
February 6, 2018	3:00 p.m.
February 20, 2018	3:00 p.m.
March 6, 2018	3:00 p.m.
March 20, 2018	3:00 p.m.
April 3, 2018	3:00 p.m.
April 17, 2018	3:00 p.m.
May 1, 2018	3:00 p.m.
May 15, 2018	3:00 p.m.
June 5, 2018	3:00 p.m.
June 19, 2018	3:00 p.m.
July 3, 2018	3:00 p.m.
July 17, 2018	3:00 p.m.
August 7, 2018	3:00 p.m.
August 21, 2018	3:00 p.m.
September 4, 2018	3:00 p.m.
September 18, 2018	3:00 p.m.
October 2, 2018	3:00 p.m.
October 16, 2018	3:00 p.m.
November 6, 2018	3:00 p.m.
November 20, 2018	3:00 p.m.
December 18, 2018	5:00 p.m.

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(20)

DISCUSS/APPROVE/DENY 2018 HOLIDAY SCHEDULE

Brenda Tuttle presented the following FY 2018 Holiday Schedule for approval:

New Year's Day	Monday	01-01-18
Human Rights Day	Monday	01-15-18
President's Day	Monday	02-19-18
Memorial Day	Monday	05-28-18
Independence Day	Wednesday	07-04-18
Pioneer Day	Tuesday	07-24-18
Labor Day	Monday	09-03-18
Veterans Day	Monday	11-12-18
Thanksgiving Day	Thursday	11-22-18
Thanksgiving Day	Friday	11-23-18
Christmas Eve	Monday	12-24-18
Christmas Day	Tuesday	12-25-18
New's Years Eve	Monday	12-31-18

(21)

DISCUSS/APPROVE/DENY COOPERATIVE AGREEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS AND EMERY COUNTY.

Brenda explained that this is the Wildland Fire Budget request for \$21, 256.00 for 2018. Commissioner Paul Cowley made a motion to approve Cooperative Agreement between the Utah Division of Forestry, Fire, and State Lands and Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(22)

DISCUSS/APPROVE/DENY CONTRACT WITH RANDY JOHNSON,

GOVERNMENT MATTERS, LLC.

Attorney Mike Olsen indicated that while reviewing the contract he noticed that there was a clause in the previous contract that provided for Mr. Johnson to report to the Commissioner on a timely manner any legislative activity whether it is federal legislation or state legislation that may affect the county. Commissioner Paul Cowley made a motion to accept the contract with Randy Johnson, Government Matters, LLC. with the wording correction regarding reporting in a timely manner added to the document. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(23)

DISCUSS/APPROVE/DENY SIGNING OF THE UTAH OUTDOOR RECREATION GRANT CONTRACT FOR FUNDING AWARDED.

Jordan Leonard reported that the Travel Bureau applied for a grant to sign the lower San Rafael area. The grant is for \$10,000.00 through the state. The Travel Bureau will be responsible for \$5,000.00 of which half can be in-kind through labor. Commissioner Paul Cowley made a motion to approve accepting the grant award. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(24)

DISCUSS/APPROVE/DENY RESCINDING OF THE RESOLUTION TO WITHDRAW FROM SEUHD.

Brayden Bradford, Director of SEUHD reported that it has been an eventful year for the Health District. Over the last month and a half they have seen a lot more stability and have done a lot of good things. As you are aware Carbon County passed a resolution to withdraw from the Health District and the Interlocal Agreement under which they operate. Last week they rescinded that action. He asked that Emery County do the same. It is understood that there are certain aspects of the current agreement that need to be addressed. It was his suggestion that any aspects of the agreement be given to Commissioner Kent Wilson as a member of the board to flesh out in their board meetings. Commissioner Wilson indicated that it has been a journey and is happy with the way things have worked out. He stated he looks forward to moving forward and working with the Health District. Attorney Mike Olsen suggested that the first agreement was not being followed anyway. Look at the current agreement and not make sweeping changes, just follow the original agreement. Lets take it slow. Commissioner Paul Cowley made a motion to rescind Resolution 9-28-17, notice of intent to withdraw from SEUHD. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(25)

DISCUSS/APPROVE/DENY THE MOU FROM SEUHD MODIFYING THE

INTERLOCAL AGREEMENT THAT FORMS THE SEUHD.

Commissioner Kent Wilson made a motion to approve an MOU from SEUHD Modifying the Interlocal Agreement that forms the SEUHD. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(26)

DISCUSS/APPROVE/DENY THE 2018 WORKERS COMPENSATION PREMIUM OF \$88,340 WITH THE UTAH LOCAL GOVERNMENTS TRUST.

Mary Huntington requested approval for the 2018 Workers Compensation Premium of \$88,340.00 with the Utah Local Governments Trust. This is an increase over the previous year. Commissioner Kent Wilson made a motion to approve the 2018 Workers Compensation premium of \$88,340.00 with the Utah Local Government Trust. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(27)

DISCUSS/APPROVE/DENY RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A SEVENTH AMENDED INTERLOCAL COOPERATION AGREEMENT WITH OTHER MEMBERS OF UTAH COUNTIES INDEMNITY POOL, RELATING TO THE ESTABLISHMENT, FUNDING AND OPERATION OF UTAH COUNTIES INDEMNITY POOL.

Mary presented Resolution 12-19-17 E a Resolution approving and authorizing the execution of a seventh amended interlocal cooperation agreement with other members of Utah Counties Indemnity Pool, relating to the establishment, funding and operation of Utah Counties Indemnity Pool. She explained that if you opt out of the pool you will no longer have coverage on open claims. You would have to buy gap insurance. Her recommendation was to adopt the resolution and do not leave UCIP. Commissioner Kent Wilson made a motion to adopt Resolution 12-19-17E as presented. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(28)

DISCUSS/APPROVE/DENY RESOLUTION APPROVING PARTICIPATION OF THE EMERY COUNTY MUNICIPAL BUILDING AUTHORITY IN THE UTAH COUNTIES INDEMNITY POOL AS A SEPARATE COUNTY RELATED ENTITY MEMBER.

Mary explained that up until now the LBA has been covered under the County's plan. LBA now has to break out and be a separate entity and the county as a participating member county will sponsor the LBA. The county's premium will be reduced by the amount of the LBA's premium and they will pay their own premium. Resolution 12-19-

12

COMMISSION MEETING MINUTES  
DECEMBER 19, 2017

17F approves participation of the Local Building Authority of Emery County in the Utah Counties Indemnity Pool as a separate county related entity member. Commissioner Paul Cowley made motion to adopt Resolution 12-19-17F as presented. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(29)

DISCUSS/APPROVE/DENY ISSUING A REQUEST FOR PROPOSAL FOR PUBLIC DEFENDER SERVICES TO PROVIDE INDIGENT PUBLIC DEFENSE.

Current Public Defender David Allred has informed the County that he is retiring as Public Defender. Attorney Mike Olsen indicated that Mr. Allred has been the Public Defender for many years. Emery County owes Mr. Allred a debt of Gratitude for his years of exceptional service to its citizens and the courts. Commissioner Paul Cowley made a motion to approve issuing a request for proposal for Public Defender services to provide indigent public defense. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(30)

DISCUSS/APPROVE/DENY CONTRACT WITH JN AUTO, LLC FOR THE WIDENING OF THE PARKING LOT AND ROADWAY AT THE HUNTINGTON BALL COMPLEX.

In a previous Commission Meeting bids were accepted for widening of the parking lot and roadway at the Huntington Ball Complex. There was one bid for the project from JN Auto, LLC. The bid indicated that he would do the job for no cost in exchange for taking the fill dirt from the project. Commissioner Paul Cowley made a motion to approve a contract with JN Auto, LLC for the widening of the parking lot and roadway at the Huntington Ball Complex. The motion was seconded by Commissioner Kent Wilson. The motion passed.

Bids were received in the Clerk/Auditor's Office for in response to an advertisement for contractors to take the scrap metal at the landfill. There was 1 bid received from Basin industries for \$58.00 per ton.

(31)

COMMISSION/ELECTED OFFICIALS REPORT.

No reports

(32)

13  
COMMISSION MEETING MINUTES  
DECEMBER 19, 2017

ADJOURN

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

JANUARY 2, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 246851 through and including #246865 was presented for payment.

There were no requisitions or dispositions.

(2)  
APPROVAL OF MINUTES OF DECEMBER 19, 2017 COMMISSION MEETING

(3)  
APPROVAL OF MINUTES OF DECEMBER 7, 2017 SPECIAL COMMISSION MEETING.

(4)  
APPROVAL TO APPOINT DANNY VAN WAGONER TO HIS MAYORAL SEAT ON THE CVSSD BOARD.

(5)  
APPROVAL TO APPOINT BRAD GILES TO FILL AN OPEN SEAT ON THE CVSSD BOARD.

(6)  
APPROVAL OF 2018 COUNTY COMMISSION RESPONSIBILITIES.

Commissioner Paul Cowley made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Kent Wilson. The motion passed.

DISCUSSION AGENDA

2  
COMMISSION MEETING MINUTES  
JANUARY 2, 2018

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

(2)  
YEARS OF SERVICE AWARD PRESENTATIONS.

Annette Allen is retiring this month after twenty-eight years with the county. She was presented with a plaque of appreciation. The following employees were presented with service awards:

<u>5 years of service</u>	<u>10 years of service</u>	<u>20 years of service</u>	<u>30 years of service</u>
Selina Hardman Denise Allen Jerimiah Rich	Tina Carter	John Barnett Brenda Tuttle Travis Winn Terry Seager	Ray Petersen

(3)  
PRESENTATION FROM THE SEUALG TO UPDATE US ON THE CHANGES AND IMPROVEMENTS TO THE AGING DEPARTMENT ALONG WITH ANY OTHER UPDATES THEY HAVE.

Robbie Jensen, Aging Director for Southeastern Utah Association of Local Governments provided an update of activities for Emery County within the Aging Department. He stated his goal of bi-monthly visits each of the Senior Centers in the county. He talked about several activities and programs being offered at various centers. Ferron Sr. Center/Meals on Wheels will be improved thanks to a \$50,000.00 CDBG grant. He answered questions from the public regarding the use of the building and the cost associated with its use and bus rides to doctor appointments. Commissioner Wilson asked for clarification on what determines the County's contribution to the Aging program. It was determined that the contribution amount is set by the county during the budget process. Commissioner Cowley thanked Robbie for his timely report and stated that the Commissioners looked forward to working with him in the future.

(4)  
DISCUSS/APPROVE/DENY FABRICATION AND INSTALLATION OF HANDRAILS ON THE HUNTINGTON CANYON SOUTH DEBRIS BASIN IMPROVEMENT PROJECT.

COMMISSION MEETING MINUTES  
JANUARY 2, 2018

Commissioner Lynn Sitterud explained that Perco Rock is the contractor for the Huntington Canyon Debris Basin Improvement Project. At the end of the project Perco realized that they needed handrails. Perco went to three companies for a bid. Two companies were too busy and did not submit a bid. The one bid they received was two times the amount of the engineers estimate for the job. Johansen and Tuttle went to Mac's Mining Repair, Mike Bass and received a bid that was in line with the engineer's estimate. We need a motion to approve fabrication and installation of the handrails. Commissioner Sitterud indicated that he must abstain from voting on any action with this due to his affiliation with this company. Commissioner Paul Cowley made a motion to approve Mac's Mining Repair, Mike Bass for the fabrication and installation of handrails on the Huntington Canyon South Debris Basin Improvement Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

COMMISSION/ELECTED OFFICIALS REPORTS.

Sheriff Funk thanked the EMS and other first responders for their swift action and coordination with regards to the recent bus accident on I-70.

The Commissioners echoed Sheriff Funk's comments and indicated that they are proud of the local coordination efforts and knowledge that the systems that the county has in place worked when it was needed.

(6)

ADJOURN

Commissioner Paul Cowley made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 3, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #242894 through and including #242935 was presented for payment.

There were no requisitions.

One disposition was presented for an electronic cash register.

(2)  
APPROVAL OF MINUTES DATED DECEMBER 20, 2016.

(3)  
APPROVAL OF COUNTY COMMISSIONER RESPONSIBILITIES.

See attachment to minutes.

(4)  
APPROVAL TO RE-APPOINT LAMAR GUYMON AND LAURIE ANN LARSEN AS MEMBERS OF THE EMERY COUNTY CARE AND REHABILITATION BOARD.

(5)  
APPROVAL TO APPOINT ETHAN MIGLIORI AS A NEW MEMBER OF THE EMERY COUNTY CARE AND REHABILITATION BOARD.

(6)  
APPROVAL TO GIVE MATT SALAS A 3% WAGE INCREASE FOR HIS SUCCESSFUL COMPLETION OF THE 6 MONTH ORIENTATION PERIOD AND PROMOTE HIM TO A CORRECTION OFFICER I FOR SUCCESSFUL COMPLETION OF POST. EFFECTIVE 1-16-17. GRADE 15.

2

Commission Meeting Minutes  
January 3, 2017

(7)

NOTIFICATION. JOSIE STILSON AND MCKADE HANSEN WERE BOTH HIRED AS A PART TIME DEPUTY TREASURERS WORKING 19 3/4 HOURS PER WEEK. WAGE GRADE 13.

(8)

APPROVAL TO PROMOTE LES REESE TO A WEED & MOSQUITO TECHNICIAN 11 EFFECTIVE 1-16-17. GRADE 15.

(9)

APPROVAL TO PROMOTE GARY PRICE TO A WEED & MOSQUITO TECHNICIAN II EFFECTIVE 1-16-17. GRADE 15.

(10)

APPROVAL TO GIVE EMILY HUNTINGTON A 3% WAGE INCREASE FOR HER SUCCESSFUL COMPLETION FO THE 6 MONTH ORIENTATION PERIOD. EFFECTIVE 1-16-17. GRADE 7.

(11)

APPROVAL TO GIVE SUZANNE ANDERSON A 3% WAGE INCREASE FOR HER SUCCESSFUL COMPLETION OF THE 6 MONTH ORIENTATION PERIOD. EFFECTIVE 1-16-17. GRADE 11.

Motion to approve the Consent agenda was made by Commissioner Paul Cowley, seconded by Commissioner Lynn Sitterud, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

(2)

DISCUSS/APPROVE/DENY CONTRACT WITH RANDY JOHNSON, GOVERNMENT MATTERS, LLC, FOR PAYMENT FOR 2017 SERVICES.

Commissioner Paul Cowley commented that in light of what has happened with the Bears Ears designation, he felt it was imperative to retain Mr. Johnson for his expertise in these matters. The situation with the San Rafael may still be looked at. We need some great representation when dealing with these matters. Commissioner Paul Cowley made a motion to approve a

contract with Randy Johnson, Government Matters, LLC. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(3)

DISCUSS/APPROVE/DENY CONTRACT WITH SHAUN D. CHRISTENSEN, HYPNO HICK ENTERPRISES, FOR THE 2017 EMERY COUNTY FAIR.

Commissioner Brady explained that the contracts for the 2017 Emery County Fair have been discussed and recommended by the Fair Board. The reason for approving them at this time is to wait for approval of the 2017 budget. The contract with Hypno Hick is for 5 shows on Friday and Saturday at \$850.00. This expenditure is covered under the Fair budget. Commissioner Paul Cowley made a motion to approve a contract with Shaun D. Christensen, Hypno Hick Enterprises for the 2017 Emery County Fair. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(4)

DISCUSS/APPROVE/DENY CONTRACT WITH THE MYSTERY ESCAPE COMPANY FOR THE 2017 EMERY COUNTY FAIR.

Commissioner Brady explained that the contract with Mystery Escape Company is for \$1,500.00 for an event during Saturday of the 2017 Fair. Participants will be charged \$15.00 per person which will be split with the Company and the Emery County Fair. Participants enter a chamber with others and will have to work together to figure a way out of the chamber. Commissioner Paul Cowley made a motion to approve a contract with The Mystery Escape Company for the 2017 Emery County Fair. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(5)

DISCUSS/APPROVE/DENY CONTRACT WITH MAD SCIENCE OF GREATER SALT LAKE AND EMERY COUNTY FOR THE 2017 EMERY COUNTY FAIR.

Commissioner Brady explained that the contract was originally planned for 5 shows. The contract was negotiated down to 3 shows for \$550.00 for Friday and Saturday of the Fair. Commissioner Paul Cowley made a motion to approve a contract with Mad Science of Greater Salt Lake and Emery County for the 2017 Emery County Fair. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(6)

DISCUSSION/APPROVE/DENY KELLY LARSEN AND TENILLE LARSEN AS STEM

4

Commission Meeting Minutes  
January 3, 2017

PARTNERS FOR CASTLE DALE LIBRARY.

Commissioner Brady explained that this is part of the Stem Grant the Castle Dale Library received in 2016. Commissioner Lynn Sitterud made a motion to approve Kelly Larsen and Tenille Larsen as Stem Grant partners for the Castle Dale Library.

(7)

COMMISSION/ELECTED OFFICIALS REPORT

Commissioner Brady reported that a couple of meetings ago he had announced that the 2017 Fair would possibly be during the Memorial Rodeo in 2017. They have a conflict with those dates do the Fair has been scheduled for its original date of August 4 and 5, 2017.

Commissioner Cowley reported that Kellie Nelson has been secured as Senior Citizen Center Co-ordinator for Emery County. She has been working her way through all the centers in the county for review/resolution of issues in each building site.

(8)

ADJOURN

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

KEITH BRADY

Chairman

Ambulance/EMT's  
AOG  
Aquatic Center  
CV Conservancy District  
EC Business Chamber (ECBC)  
Emery County Fair  
Events Coodinator  
GR Conservancy Dist.  
GR Medical Center  
IS/GIS  
Local Emergency Planning  
Public Mental Health  
Recreation District  
Scenic Byways  
Southeast UT Health Dept.  
Sheriff/HLS  
Six Co. Coalition  
Trails  
Travel Bureau  
TV/Communications

PAUL COWLEY

Airport  
BLM/RAC  
Children's Justice Center  
CV Special Service Dist. (CVSSD)  
Extension/USU  
Historic Preservation  
Lawrence Cemetery  
Library  
Museum of San Rafael  
NEWU District  
Road Department/Landfill  
Senior Citizens  
SITLA  
Treasurer  
USFS  
Water Conservancy  
Weed/Mosquito

LYNN SITTERUD

Vice Chairman

Animal Control  
Attorney  
Assessor  
Care Center  
Clerk/Auditor  
Co.of Govmts (COG)  
County Facilities  
DWR/RAC  
Housing Authority  
Insurance  
Justice Court  
Personnel  
Plan/Zone/Building  
Recorder/Archives  
SSD#1  
State Parks

Commissioner Shared Responsibilities

(\* Contact Commissioner)

Building Authority  
Economic Development\*  
  
Public Lands

LBA (Chairman) \*  
Economic Development  
Fire District \*  
Public Lands

Building Authority  
Economic Develop  
Fire District  
Public Lands \*



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

JANUARY 16, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS

The Warrant Check Edit List #246903 through and including #247019 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1-18	2016 Peterbuilt 389 w/freight 2018 Peterbuilt 389 w/freight Highway	\$332,220.00

There were no dispositions.

(2)

APPROVAL OF MINUTES OF JANUARY 2, 2018 COMMISSION MEETING

(3)

APPROVAL TO PROMOTE BROOKLYN OLSEN TO HEAD LIFEGUARD. GRADE 5.  
EFFECTIVE 2-5-18

(4)

NOTIFICATION. KAITLYN SALING SELECTED AS A PART TIME HEAD LIFEGUARD.  
GRADE 5.

(5)

APPROVAL TO CONTINUE THE DISCOUNTED AQUATIC CENTER PASS FOR  
EMPLOYEES, EMT'S AND FIREMAN.

(6)

RATIFICATION. MICHAEL VAN WAGONER WAS PROMOTED TO PATROL DEPUTY

COMMISSION MEETING MINUTES  
JANUARY 16, 2018

SEPTEMBER 16, 2017. NO WAGE ADJUSTMENT, SAME GRADE AND PAY THAT HE WAS ON AS A CORRECTION OFFICER II.

(7)  
APPROVAL TO GIVE JOYCE GUYMON A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 2-5-18

(8)  
APPROVAL OT PROMOTE ERIC NIELSEN TO DISTRICT GRADE OPERATOR. NO WAGE ADJUSTMENT, SAME GRADE AND PAY HE WAS ON AS A SR. EQUIPMENT OPERATOR.

(9)  
APPROVAL TO PROMOTE CHYANNE CARTER TO A HEAD LIFEGUARD. GRADE 5. EFFECTIVE 2-5-18

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)  
OPEN, REVIEW AND POSSIBLE AWARD OF SEALED PUBLIC DEFENSE SERVICES PROPOSALS.

Bids were opened and reviewed for Public Defense Services in Emery County.

- |    |                        |                      |
|----|------------------------|----------------------|
| 1) | Blackburn Law Office   | \$6,000.00 per month |
| 2) | Oliver & Sitterud, LLC | \$7,000.00 per month |

Commissioner Kent Wilson made a motion to review the proposals with Legal Council and award the contract in the February 6, 2018 Commission Meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Mr. Sitterud indicated that he is aware that Mr. Blackburn may have a time conflict on Thursdays.

COMMISSION MEETING MINUTES  
JANUARY 16, 2018

(3)

DISCUSS/APPROVE/DENY THE REQUEST TO ADVERTISE AN RFP FOR AN EMERY COUNTY FAIR DIRECTOR FOR THE 2018 EMERY COUNTY FAIR.

Commissioner Wilson explained that last year Amanda Leonard fulfilled that obligation. Because of family obligations and health reasons she does not want to do it again this year. The Fair Board discussed the best option would be to contract with an individual to be a director. Commissioner Kent Wilson made a motion to advertise for an RFP for an Emery County Fair Director for the 2018 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

DISCUSS/APPROVE/DENY SIGNING OF SITLA EASEMENT NO. 1303, AMENDMENT NO. 2- DES BEE DOVE TRAIL.

Public Lands Director, Ray Petersen explained that in September 2017 they applied for an easement from SITLA for the Des Bee Dove Trail. That easement has been approved by SITLA and is now ready to be signed. The area has been surveyed and cleared. There is no charge by SITLA or out of pocket cost to the county. Commissioner Paul Cowley made a motion to approve signing of SITLA Easement No. 1303, Amendment No. 2- Des Bee Dove Trail. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

DISCUSS/APPROVE/DENY TOURISM GRANT AGREEMENT WITH HUNTINGTON CITY.

Jordan Leonard explained that Huntington City applied for a tourism grant to place a signage wrap on the billboard on Highway 10 outside of town. The grant was a 50/50 match grant \$3,200.00 which Huntington City will match. Economic Development will be helping with the design of the sign. The agreement with Huntington City will indicate the terms and responsibility of each party. The grant is funded by TRT funds. Commissioner Kent Wilson made a motion to approve a Tourism Agreement with Huntington City. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSS/APPROVE/DENY THE MOVING PROCESS OF THE PIONEER MUSEUM ARTIFACTS TO BE RELOCATED TO THE MUSEUM OF THE SAN RAFAEL.

Maegan Wilberg, Museum of the San Rafael came before the Board of Commissioners to discuss the moving process of the Pioneer Museum artifacts to the Museum of the San Rafael. She reviewed the condition of the building where they are now being housed. In 2015 rain in the spring caused damage in the Pioneer Museum. She presented the problem to the Museum Board,

COMMISSION MEETING MINUTES  
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who advised her to go to Castle Dale City to see what they could do to help mitigate the damage. Castle Dale City replied that they would not put money into the building as they received a grant to build a new building. Other water spots have formed over the years and gotten worse. During the process the Board decided that they wanted to move the Pioneer Museum to the rental space available at MOSR, but due to mis-communication it was stopped for whatever reason. During this time when they were looking into finding out more information they found an agreement between Castle Dale City and Emery JC's for the lease of the building for the housing of the Pioneer Museum for a term of fifty years. ( 1969-2019) This contract will be expire January 2019. The safest and cheapest resolve is to move the artifacts to the MOSR. We would have 11 months to move the artifacts, but would like to have it done by pageant time. She reviewed the process for safely moving the artifacts. She has volunteers who will help with this process. Commissioner Paul Cowley made a motion to approve the moving process of the Pioneer Museum artifacts to the Museum of the San Rafael. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY HISTORICAL PRESERVATION COMMISSION TO APPLY FOR A GRANT TO RESTORE THE CASTLE DALE BRIDGE.

Julie Johansen, Historical Preservation Commission requested approval to apply for a grant through the CLG (Certified Local Governments Grant). It is a match grant for \$10,000.00 to refurbish the Castle Dale Bridge. (The match can be in-kind work) It is the only bridge left out of five bridges that were built in 1910. There is a group of citizens that feel it is important to retain the bridge. They have a committee to look into what needs to be done. In the process they hope to get it registered with the State Historical Society. The bridge will be used as part of a walking trail/atv trail. Commissioner Cowley indicated that Lauren Huntsman has been working on this for some time. The bridge needs new decking, hand rails, etc. They are hoping to get most of that work as part of the in-kind match for the grant. Commissioner Wilson indicated that from what he understands it would have to be registered with the State Historical Society first, before they can apply for the grant. Mike Olsen asked if there is any cost associated with that process and does that process start with the county? Suzanne Anderson, indicated that she found out today that it does have to be registered first and this is a 6 month process. The Historical Preservation Commission would have to decide if they want to take that on and apply for this grant to start that, very involved, process which would be part of the grant. Because it is so involved the SHS has people that they hire out to help with this process. From what she was told today, the first thing that needs to be done is to have it registered this year and next year apply for the grant to do the work after we have had time to gather our facts and do some research. Suzanne indicated that she just found this out today and had not had an opportunity to share this information with Julie. Ray Petersen shared comments regarding Historic Sites. In looking at historic structures and bridges in the past as chairman of the Historic Preservation Commission, he found out that when restoring and maintaining historic structures that fall under the historic register you have to restore and maintain them using the materials and workmanship to what was

COMMISSION MEETING MINUTES  
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used when it was constructed. This could turn out to be quite costly. He advised that when you consider having a structure put on the registry that you consider this. Mary Huntington asked who will then own the bridge? Who will be required to insure the bridge? If the county currently owns the bridge and continues to own it then you will have to have insurance that cost a whole lot more once it is restored? There was some question of ownership of the bridge and road. Mike Olsen asked if we have bids to know what we are getting into? It may be a big deal to make it into a historical site or it may not. Suzanne indicated that the Historic Preservation Commission will meet on January 23 where they will discuss that. They can put up an interpretive sign and apply to get it registered and for the funds to do the involved process. That gives them this year to do the research and decide if it is feasible or not. Mike Olsen questioned what part of this process needs to be approved today? After considerable discussion, Commissioner Kent Wilson made a motion to table any consideration for thirty days to allow time to do more research into this matter. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY FOR THE ARCHIVES DEPARTMENT TO APPLY FOR A GRANT TO DIGITIZE THE EMERY COUNTY PROGRESS.

Suzanne Anderson, Emery County Archives requested approval for the Archives Department to apply for a grant to digitize twenty more years of the Emery County Progress. That would involve hiring Mountain West Digital Library who has the library. So far, the Progress is digitized up to 1918. So twenty more years would take it up to 1939. She indicated that she has received many requests from people not from our area for obituaries, births, local happenings, etc. This would allow people to do research on their own. The actual cost to digitize 20 years of the EC Progress is unknown at this time. The last time it was done it was \$1,664.00. Tina Carter is going to count to get a total of pages that cost covered. The grant is for \$2,000.00 maximum. There is a match which would be Suzanne's labor. Mountain West would be paid with the grant funds. Once the grant is awarded then the Commission would approve a contract to pay Mountain West Digital Library to digitize twenty years of the Emery County Progress. Commissioner Kent Wilson made a motion to approve the Archives Department to apply for a grant to digitize the Emery County Progress. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY AND ACTIVE-RE-ENTRY FOR PERKIE VAN SERVICES.

The MOU between Emery County and Active Re-Entry is for 7 years and will document the maintenance of the van used by Active Re-Entry to transport cancer patients to Provo on a weekly basis. Emery County owns the van, insures it, and maintains it. Active Re-Entry provides the driver. Attorney Mike Olsen indicated he would like to edit the document regarding

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doing what is needed to keep the van working during the 7 years. He would like to tweek that portion of the maintenance agreement. Commissioner Kent Wilson made a motion to approve the MOU with the corrections by Legal Council. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR EZRA WILLIAMS FOR E AND C ENTERPRISE.

Commissioner Paul Cowley made a motion to approve a business license for Ezra Williams dba: E and C Enterprise. The motion was seconded by Commissioner Kent Wilson. The motion passed. The business license has been approve by Planning & Zoning.

(11)

DISCUSS/APPROVE/DENY PAYING THE 2017 RUA ANNUAL DUES INVOICE.

Commissioner Paul Cowley made a motion to withdraw this item from the agenda. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY RENEWING CONTRACT WITH COUNTY SEAT FOR 2018.

The renewal contract with the County Seat is for 16- 30 second segments on Channel 4 for \$6,900.00 per year. The Commissioners questioned whether the county is getting their monies worth, citing that the topics that are covered seemed to have moved away from rural issues and focusing more on urban issues. Randy Johnson indicated that he felt Mr. Booth is well aware of the issues facing the counties. He stated he felt that Mr. Booth has broadened his reach to the whole state as he is facing challenges to find show discussions. The Commissioners felt that the County Seat needs to focus more on rural issues since the urban counties have other, broader avenues for discussing issues. Commissioner Wilson wondered if this is something that Jordan Leonard could look into. They discussed inviting Mr. Booth to attend the next Commission Meeting and be prepared to offer some suggestions to him for issues facing rural counties. Commissioner Kent Wilson made a motion to table this and invite Mr. Booth to the next Commission Meeting and have Jordan evaluate the commercials of Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

DISCUSS/APPROVE/DENY CANYON COUNTRY PARTNERSHIP DUES FOR 2018.

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Commissioner Wilson indicated that this is a meeting that he attends. The meetings are usually in Green River. This month they will meet in Moab. State agencies get together and report on what is happening their agencies and counties. Commissioner Wilson proposed staying with CCP for this year as the County is trying to get a Public Lands Bill passed as well as other bills in the legislature that could benefit from combined efforts. We need to keep the voice of other counties on the same page and sharing information with southeastern Utah. The dues for 2018 are \$1,400.00. Commissioner Kent Wilson made a motion to approve paying the 2018 dues for Canyon Country Partnership. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSS/APPROVE/DENY RENEWAL OF MEMBERSHIP FEES OF \$500.00 TO SEUPA

Commissioner Paul Cowley made a motion to approve continuing Emery County's Bronze contributor status and renew membership in SEUPA. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

DISCUSS/APPROVE/DENY REQUEST OF PARTIAL ABANDONMENT OF ROAD #201, NORTH OF HWY #155, APPROXIMATELY .25 MILES GRAVEL

Commissioner Kent Wilson made a motion to table and send this to the Public Lands Council for a formal recommendation. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

DISCUSS/APPROVE/DENY REQUEST FOR PARTIAL ABANDONMENT OF ROAD #304, DEER CREEK ROAD FROM COAL YARD TO DEER CREEK MINE, APPROXIMATELY 1.25 MILES ASPHALT.

Commissioner Kent Wilson made a motion to table and send this to the Public Lands Council explore this and make a formal recommendation. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSS/APPROVE/DENY REQUEST FROM ROCKY MOUNTAIN POWER TO RELOCATE POWER POLES ON CLEVELAND SOUTH LOOP ROAD #201 FOR ECSSD #1 ROAD PROJECT.

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ECSSD#1 is preparing to widen County Road #201 Cleveland Buss Loop Road. This road improvement project will require the relocation of power poles which are inside the road right-of-way. The time frame of the project is to have it under construction contract by April or May 2018. Rocky Mountain Power needs approval of the Emery County Commission to relocate the poles. Commissioner Paul Cowley made a motion to approve a request by Rocky Mountain Power to relocate power poles on Cleveland South Loop Road #201 for ECSSD#1 Road Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(18)

DISCUSS/APPROVE/DENY THE USU/EXTENSION OFFICE CONTRACT FOR 2018.

County Attorney Mike Olsen indicated that he just got the contract and has not had time to go over the document. The general intent is to change employees to University employees and pay a flat fee. Commissioner Wilson asked if we can pay them the budgeted amount? The University is hoping to have all the employees transferred over by February 1<sup>st</sup>. Any expenses for services that have thus far been expended will be deducted from the budgeted amount that will be transferred to them. Brenda Tuttle suggested that the sooner the better for the transfer so we can get all the paperwork completed. The contract details can be worked out later. Mike indicated that there will be a lot of benefits for all parties from this. The services will be exactly the same as we have been getting. Commissioner Kent Wilson made a motion to approve the transfer of employee to the University, that they provide the same services that we have been getting, the budgeted amount will be transferred to them, we will approve a formal contract with USU/Extension for 2018 with all the details at a later date and Emery County will incur no additional expenses related to the employee transfer. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

DISCUSS/APPROVE/DENY THE FY 2018 AMENDED CIB LIST.

Commissioner Cowley indicated that the Ferron Sr. Center needs to have a metal carport added to the loading area for the Meals on Wheels program. The project is anticipated to be \$50,000.00. They would like to add this project to the CIB list for funding in 2018. Commissioner Paul Cowley made a motion to amend the 2018 CIB list. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(20)

COMMISSION/ELECTED OFFICIALS REPORT.

Attorney Mike Olsen indicated that Mr. Travis Blackburn is here and would like to address the Thursday conflict. Mr. Blackburn indicated that he is Helper City's attorney and has court on



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Thursday. He has another attorney in the same space he works out of who will be willing to help with Helper City leaving Mr. Blackburn available to be in Emery County on Tuesday and Thursday's court days.

Commissioner Kent Wilson asked Randy Johnson to report on recent legislative activity. Mr. Johnson reported on current bills in the House and Senate that could potentially affect Emery County and rural Utah. He also discussed bills coming up that they need to be watching.

Commissioner Lynn Sitterud reported that the Commissioners along with Lauren Huntsman and Brock Johansen met with Governor Herbert's office regarding the 2,500 job initiative.

(21)

ADJOURN

Commissioner Paul Cowley made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 17, 2017

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Lynn Sitterud, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #242941 through and including #243075 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1-17	30 Bulletproof Vests Sheriff	\$23,040.00
2-17	Photo ID Camera Sheriff	645.00

There was 1 disposition for a ShorTel 230 phone.

(2)  
APPROVAL OF MINUTES OF JANUARY 3, 2017 COMMISSION MEETING.

(3)  
APPROVAL OF DIXIE SWASEY AND TANIE WORTHEN AS NEW MEMBERS OF THE  
EMERY COUNTY COUNCIL ON AGING AND NUTRITION BOARD.

(4)  
APPROVAL TO APPOINT CAROLYN CARRASCO AS A NEW MEMBER OF THE  
EMERY COUNTY LIBRARY BOARD.

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(5)

RATIFICATION OF APPROVAL FOR A COUNTY CREDIT CARD FOR COMMISSIONER LYNN SITTERUD.

(6)

RATIFICATION OF APPROVAL TO ADVERTISE FOR 5 OPEN POSITIONS ON THE EMERY COUNTY PUBLIC LANDS BOARD.

(7)

APPROVAL TO REAPPOINT ROD PLAYER, EDWARD GEARY, AND BRUCE WILSON, AND TO APPOINT RANDALL STILSON AS A NEW MEMBER OF THE EMERY COUNTY PUBLIC LANDS BOARD.

(8)

APPROVAL TO ADVERTISE FOR ONE (1) OPEN BOARD POSITION ON THE MUSEUM BOARD.

(9)

APPROVAL TO INCREASE MELODY HOFFMAN AND CAMILLE THOMAS'S HOURS AS ASSISTANT LIBRARIANS TO 27 HOURS PER WEEK WITH PRORATED BENEFITS. NO WAGE INCREASE.

(10)

APPROVAL TO ADVERTISE FOR TWO (2) OPEN CAREER SERVICE COUNCIL MEMBERS.

(11)

APPROVAL TO GIVE GLORIA WILSON A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 1-30-17.

(12)

APPROVAL OF AMBER JONES AS A VOLUNTEER FOR ARCHIVES.

(13)

NOTIFICATION- RICK PRICE WAS SELECTED AS AN EQUIPMENT OPERATOR I FOR THE ROAD DEPARTMENT. WORKING 19 3/4 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 16. EFFECTIVE 1-18-17.

(14)

NOTIFICATION- REBEKAH HENNES WAS SELECTED AS A PART TIME, TEMPORARY DATA ENTRY EMPLOYEE WORKING FOR THE ROAD DEPARTMENT 19 3/4 HOURS PER WEEK. WAGE GRADE 11.

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(15)

APPROVAL TO CHANGE THE DUTIES OF GAYLE JENSEN FOR LIEUTENANT TO PATROL SERGEANT, MOVE FROM GRADE 23 FLSA EXEMPT TO GRADE 21 PER HOUR. EFFECTIVE 1-30-17.

(16)

APPROVAL TO PROMOTE JANALEE LUKE TO SENIOR ADMINISTRATIVE ASSISTANT AT THE SHERIFF'S OFFICE. MOVE FROM GRADE 11 TO GRADE 14. EFFECTIVE 1-30-17.

Motion to approve the Consent Agenda was made by Commissioner Lynn Sitterud, seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

DELIVERY OF DWR'S ANNUAL PILT PAYMENT TO EMERY COUNTY AND UPDATE OF DWR'S ACTIVITIES WITHIN THE COUNTY.

Chris Wood, Regional Supervisor for the Southeast Region presented DWR's annual Payment in Lieu of Taxes payment in the amount of \$2,610.71. The tax comes from revenue received from hunting and fishing licenses sold in Emery County. DWR owns 5,302 acres of land in Emery County as well as manages 2,800 acres of waterfowl land, which is Desert Lake. He reported that the DWR is actively involved in managing wildlife and habitats in Emery County. He talked about the Pheasant Release Program, Turkey Release Program, Chukkar Release Program, Mule Deer Transplant Program and the Treated Fish Project on the Ferron Drainage.

Commissioner Cowley encouraged DWR to remain close to the local hunting and fishing users.

(3)

RATIFICATION OF APPROVAL OF APPLICATION FOR PRE-CONSTRUCTION NOTIFICATION FOR ARMY CORPS OF ENGINEERS FOR THE COTTONWOOD CREEK

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PROJECT-ORANGEVILLE PROJECT SECTION.

An application for pre-construction notification for Army Corps of Engineers for the Cottonwood Creek Project-Orangeville Project Section was signed by the Commission to meet deadline constraints. Ratification of the signing now needs to be approved. Commissioner Paul Cowley made a motion to ratify the signing of an application for pre-construction application for Army Corps of Engineers for Cottonwood Creek Project-Orangeville Project Section. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(4)

RATIFICATION OF APPROVAL OF NRCS ADS-78 ASSURANCES RELATING TO REAL PROPERTY FOR THE COTTONWOOD CREEK PROJECT NEAR XTO TO PROTECT COTTONWOOD CREEK IRRIGATION COMPANIES 63" WATER PIPELINE.

Approval of NRCS ADS-78 Assurances relating to real property for the Cottonwood Creek Project near XTO to protect Cottonwood Creek Irrigation Companies 63" water pipeline was signed by the Commission to meet deadline constraints. Ratification of the signing now needs to be ratified. Commissioner Paul Cowley made a motion to ratify the signing of NRCS ADS-78 Assurances relating to real property for the Cottonwood Creek Project near XTO to protect Cottonwood Creek Irrigation Companies 63" water pipeline. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(5)

DISCUSS/APPROVE/DENY DELL PHONE STIPEND FOR COMMISSIONER LYNN SITTERUD.

Commissioner Paul Cowley made a motion to approve of a cell phone stipend in the amount of \$45.00 per month for Commissioner Lynn Sitterud. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(6)

DISCUSS/APPROVE/DENY AGREEMENT WITH ROMEO ENTERTAINMENT GROUP TO PROCURE AN ACT FOR THE EMERY COUNTY FAIR CONCERT.

Commissioner Paul Cowley made a motion to approve an agreement with Romeo Entertainment Group to procure an act for the Emery County Fair Concert. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(7)

DISCUSS/APPROVE/DENY TO CONTINUE WITH THE \$100 DISCOUNT TOWARDS A FAMILY PASS AT THE EMERY COUNTY AQUATIC CENTER FOR ALL EMPLOYEES.

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Commissioner Brady recommended a prorated discount schedule for employees towards a family pass at the Emery County Aquatic Center for all employees.

	Regular Price	Employee Price	Addl family member
Annual Family Pass for 3	\$325.00	\$225.00	\$17.00
Quarterly Family Pass 3	\$110.00	\$ 76.00	\$10.00
Annual individual pass	\$200.00	\$138.00	
Quarterly individual pass	\$ 65.00	\$ 45.00	
Annual couple pass	\$275.00	\$197.00	
Quarterly couple pass	\$ 90.00	\$ 62.00	
Annual senior pass	\$150.00	\$104.00	
Quarterly senior pass	\$ 55.00	\$ 38.00	
Annual senior couple	\$200.00	\$138.00	
Quarterly senior couple	\$ 65.00	\$ 45.00	

Commissioner Paul Cowley made a motion to approve to approve the prorated discount schedule towards a family pass at the Emery County Aquatic Center for all employees. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(8)

RATIFICATION OF APPROVAL TO BE A COOPERATING AGENCY WITH THE BLM ON THE OLD SPANISH TRAIL NATIONAL HISTORIC TRAIL PLANNING.

The signing of the approval to be a cooperating agency with the BLM on the Old Spanish Trail National Historic Trail Planning was done on Friday, January 13, 2017 to meet time constraints and now needs to be ratified. Commissioner Paul Cowley made a motion to ratify the signing of approval to be a cooperating agency with the BLM on the Old Spanish Trail National Trail Historic Planning. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(9)

DISCUSS/APPROVE/DENY TO ADVERTISE FOR BIDS FOR OUTDOOR BAT CONTROL AT THE EMERY COUNTY ADMINISTRATION BUILDING.

Commissioner Lynn Sitterud made a motion to dismiss this item from the agenda. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE DENY THE ANNUAL EEO REPORT AND AFFIRMATIVE ACTION PLAN.

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Commissioner Lynn Sitterud made a motion to approve of the Annual EEO Report and Affirmative Action Plan. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY TO GIVE ALL PERSONNEL AT THE SHERIFF'S OFFICE UNDER THE FOLLOWING CATEGORIES A \$1.00 PER HOUR WAGE INCREASE: PATROL, CORRECTIONS, DISPATCH, ADMINISTRATION, COOK, AND BRET MILLS. EFFECTIVE 1-30-17

Sheriff, Greg Funk commented that this is something that has been brought up for two years during the budget process. He indicated that he has looked deeper into his department to find a way to get a wage increase for his deputies. He indicated that he has done away with a detective position freeing up the wages and benefits from that position. He asked that as a elected official he be allowed to use his budget to fit his needs. We need to take care of the guys who are out there putting their lives on the line. They have never said no to anything. He added that he has had one deputy that was trained by Emery County and recruited by Utah Highway Patrol because of higher wages. He said he has two deputies that at this time are being recruited by other agencies. The state has stripped away some of their retirement. EC deputies are paid on the low end of the spectrum. He is having a difficult time recruiting. No one wants to be an officer due to the negative sentiment from the public. Commissioner Paul Cowley commented that he appreciates what the SO is doing. Sentiment seems to be negative towards law enforcement everywhere. He added he recognizes the sacrifices you make for this county. Commissioner Brady asked if he has made sure that money is there with Utah Retirement Systems, overtime, etc. as well as absorbing and forwarding into the future. Sheriff Funk indicated that the money is there. He has the money. Captain Kyle Ekker commented that he agreed 100% with what the Sheriff has said. he has been with the department for 31 years and this has been a long process to get new department on the street. He added he felt \$1.00 per hour is fair to keep our people here. They are a great asset to this county. We need to support what the Sheriff is doing. Commissioner Paul Cowley made a motion to approve \$1.00 per hour wage increase for all personnel at the Sheriff's Office under the category of Patrol, Corrections, Dispatch, Administration, Cook, and Bret Mills. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(12)

DISCUSS/APPROVE/DENY RECOMMENDATION OF THE TRAVEL BOARD TO OPT-IN TO THE FOLLOWING PROGRAMS OFFERED BY THE UTAH OFFICE OF TOURISM THROUGH THEIR MARKETING SOLUTION COMPANY ADGENUITY: UTAH.com, JUDD FILMS AND MARC PISCOTTI PHOTOGRAPHY.

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Tina Carter, Emery County Travel Bureau recommended the Travel Board opt-in to programs offered by the Utah Office of Tourism through their Marketing Solution Company, Adgenuity. Opting in would save the County half of what they would normally spend on advertising. Commissioner Brady added that these programs are a great media tool we can use for our marketing. Commissioner Paul Cowley made a motion to approve allowing the Emery County Travel Bureau to opt-in to UTAH.com, Judd Films and Marc Piscotti Photography as offered by the Utah Office of Tourism through their Marketing Solution Company, Adgenuity. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(13)

DISCUSS/APPROVE/DENY ADJUSTING AN AMBULANCE BILL FOR TERRY MORELAND.

EMS Director, Jim Gordon recommended adjusting an ambulance bill for Terry Moreland. Mr. Moreland sent a letter to the Commissioners requesting an adjustment on the mileage. The ambulance transported Mrs. Moreland to Grand Junction following an accident near I-70. Mr. Moreland was treated at the scene but not transported. They were both charged for mileage at \$753.60 each for a total of \$1,507.20. Mr. Gordon recommended wiping out one of the mileage charges. Commissioner Brady commented that normally the Commissioners have not approved an adjustment to an ambulance bill. However, this adjustment may be considered. Commissioner Paul Cowley made a motion to wipe-out one of the mileage charges for Mr. Moreland adjusting the bill by \$753.60 as requested. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(14)

DISCUSS/APPROVE/DENY NON COMPETE DISCLOSURE LETTER FROM ROXANNE JENSEN.

Roxanne Jensen explained that her daughter Baylie Thomas is opening a consignment store, "Crafty Lil You" in Huntington where she (Roxanne) may be selling items such as books, crafts, etc. A non compete disclosure letter will alert the Commission that her involvement with the store is in no way affiliated nor connected with her position as an Emery County Librarian. Commissioner Paul Cowley made a motion to accept a non compete disclosure letter from Roxanne Jensen. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(15)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Brady expressed appreciation to the many volunteers in the county. He recently attended a board training session and recognized the many volunteers who sit on boards



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throughout the county that serve the citizens of this county. The State Legislature will begin its session on Monday. If anyone has any bill or item they are particularly interested in following please contact one of the Commissioners. Lunch and Learn will be Wednesday at noon at Palenques in Huntington.

(16)

ADJOURN

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 6, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 247040 through and including # 247175 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
2-18	Watchguard 4RE In-Car Camera System Sheriff-ADF Grant	\$4,995.00

One Disposition was presented for #1128, recorder.

(2)  
APPROVAL OF MINUTES FOR JANUARY 16, 2018

(3)  
APPROVAL TO RE-APPOINT KATHY KEARNEY TO THE SEUHD BOARD TO SERVE ANOTHER 3 YEAR TERM.

(4)  
APPROVAL OF CELL PHONE/PAGER REIMBURSEMENT FORM FOR ERIC NIELSEN IN THE AMOUNT OF \$25.00.

(5)  
RATIFICATION OF OUT OF STATE TRAVEL FOR LYNN SITTERUD TO GO TO BOULDER CITY, NEVADA.

2

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(6)

NOTIFICATION, ROBERT NELSON WAS SELECTED AS A PART TIME EQUIPMENT OPERATOR I FOR THE ROAD SHOP IN GREEN RIVER. WAGE GRADE 16, EFFECTIVE 1-17-18.

(7)

APPROVAL OF A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF DINAH HAYWARD AND MALINDA BELL'S 6 MONTH ORIENTATION PERIOD. GRADE 6, EFFECTIVE 2-12-18.

(8)

APPROVAL OF 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF CAMERON PETERSEN'S 6 MONTH ORIENTATION PERIOD. GRADE 6. EFFECTIVE 2-12-18.

(9)

APPROVAL TO HIRE CORY CLOWARD AS A FULL TIME EQUIPMENT DRIVER OP I WITH FULL BENEFITS AND GIVE HIM A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A PART TIME EMPLOYEE. GRADE 16. EFFECTIVE 2-12-18

(10)

APPROVAL TO HIRE SELINA HARDMAN AS A FULL TIME DEPUTY ASSESSOR/DMV TECH WITH FULL BENEFITS. GRADE 14. EFFECTIVE 2-12-18.

(11)

APPROVAL OF OUT-OF-STATE TRAVEL FOR SHERIFF GREG FUNK TO TRAVEL TO RENO, NEV TO ATTEND THE WESTERN STATES SHERIFF'S ASSOCIATION CONFERENCE.

Motion to approve the Consent Agenda with the correction on item #10 to Grade 13, was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing.

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Commissioner Paul Cowley made a motion to leave the regular Commission Meeting and enter into a Public Hearing to receive comments regarding Four Corners Community Behavioral Health's plan for Mental Health and Substance Abuse Use Disorders in Emery County and to return to the regular meeting at the conclusion of the public hearing. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(2)

PUBLIC HEARING : FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH ANNUAL PUBLIC HEARING ON MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS.

Karen Dolan, Four Corners Community Behavioral Health explained that by Utah State Statute and to meet Medicaid requirements Four Corners needs to provide feedback from the citizens of Emery County regarding mental health and substance abuse disorders.

Attorney Mike Olsen commented that the judicial system is changing with regard to mental health and substance abuse and society is changing to react to these changes. Four Corners is a big part of that change. They have been responsive and adaptive to the needs in Emery County in helping citizens get good care.

JR Nelson commented on the difficulty of raising a grandchild due to the mental illness of his daughter, and the loss of grandchild due to suicide. He stated he is amazed at Four corners ability to take \$1.00 and turn it into \$9.00 to provide service to our citizens. The facility in Carbon County houses citizens working through mental health issues. He commented that he stopped there one day to visit and the first three doors he knocked on were Emery County people that he knew. His daughter ended up at the facility in Moab where the apartments are remarkable. He added that he sits on the Four Corners governing Board of Directors along with Commissioner Kent Wilson. He has been involved in evaluating Four Corner's staff. They are able to do amazing things with little funds.

Karen commented that 1 in 5 people will develop mental health problems. It is just a part of the human condition. Public safety is a big part of what they do.

Kolton World commented that he struggled with substance abuse for 15 years and with assistance from Four Corners staff he has overcome it and now has a second chance at life. He has become a productive member of society. He added that the overdose rate is outrageous. He thanked Four Corners for all they have done for him.

Commissioner Wilson asked Karen Dolan if Four Corners is interested in pursuing housing in Emery County? Karen answered that it is something that they are very interested in and are currently looking at acquiring funding.

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Bill Dells asked if the crime rate is higher surrounding these housing units?

Karen answered that these people have staff who become like family around them all the time. This is tough on families. For the most part they are more vulnerable.

Bill Dellos asked how do you overcome the stigma or address the concerns of the neighbors surrounding the these housing centers?

Karen answered for the most part these centers as less dangerous and monitored extensively.

JR Nelson added that if you do not have anyone in your family with mental health issues you do not understand.

There were no more comments. The Commissioners returned to the regular meeting.

(3)

PRESENTATION BY CHAD BOOTH AND RICK PETERSEN REGARDING COUNTY SEAT.

Commissioner Paul Cowley made a motion to remove this item from the agenda. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(4)

RATIFICATION OF SIGNING OF DOCUMENT AWARDED FUNDS FOR THE CITIZEN CORP SUPPLEMENTAL GRANT.

Commissioner Paul Cowley made a motion to ratify the signing of the grant document awarding funds for the Citizen Corp Supplemental Grant. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

DISCUSS/APPROVE/DENY RENEWAL OF CONTRACT WITH COUNTY SEAT FOR SEASON 8, 2018

Commissioner Paul Cowley made a motion to remove this item from the agenda. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

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DISCUSS/APPROVE/DENY SPONSORING EMERY COUNTY COMMUNITY THEATER FOR 2018.

Tasha Jewkes and Michelle Paskett came before the Board of Commissioners to request a sponsoring donation to Emery County Community Theater. Tasha explained that they are stepping things up this year and will have performances, and a summer workshop for kids. Their first production will be Once Upon A Mattress on March 15-17th. Michelle explained that they are concentrating on raising the quality of theater in Emery County. She informed the Commissioners that they have to pay royalties to use the plays which is \$1,500.00 for the three days. She talked about the struggles with regard to the sets for each play. They build them and then have to dismantle them because they have nowhere to store them. She asked if maybe the county would allow them to store sets at the old Weed/Mosquito building. Attorney Mike Olsen reviewed the liability issue and insurance cost. He explained that we may need to look into the insurance requirements to make sure it is not cost prohibitive for them. Michelle explained that they have developed sponsorship levels for the donations. Last year the county's donation was \$2,000.00. Commissioner Wilson asked if they submitted a budget request? Michelle indicated she was not aware that they needed to submit a request. The 2018 budget did not reflect a request. Brenda reminded the Commissioners that they will need to look at the options to find the funds because it was not budgeted for. Commissioner Kent Wilson made a motion to delay any decision for two weeks to look at funding options. The motion was seconded by Commissioner Paul Cowley. The motion passed. This will be on the February 20, 2018 Commission Meeting.

(7)

DISCUSS/APPROVE/DENY 2018 EMERY RODEO TEAM SPONSORSHIP.

Commissioner Kent Wilson made a motion to table. The motion was seconded by Commissioner Paul Cowley. The motion passed,

(8)

DISCUSS/APPROVE/DENY COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND UTAH STATE PARKS.

Dan Clark, Construction Manager for Utah State Parks and Brent Tuttle from Johansen & Tuttle addressed the Board of Commissioners regarding a portion of the Millsite Dam Rehabilitation Project. Utah State Parks has 4 parks in Emery County. The Millsite Dam Rehabilitation affects the Millsite State Park, so they have to do some work within the construction area. It makes sense to have the contractor already working on the project continue with their portion of the job. Brent explained that portion of the construction work that Utah State Parks has planned within the Millsite job. He requested that Emery County, as owner of the project agree with Utah State Parks, through a cooperative agreement, keep the contractor moving on with the Utah State Parks portion of the project. The Cooperative Agreement allows for a pass through with

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the cooperation of the Emery County Clerk/Auditor's office to receive the payment from Utah State Parks and pay the contractor for their portion of the project. Commissioner Kent Wilson made a motion to approve a Cooperative Agreement between Emery County and Utah State Parks. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSS/APPROVE/DENY EXTENDING THE CONTRACT WITH FORSYTHE FIRE FOR AN ADDITIONAL 2 YEARS OF SERVICE.

Attorney Mike Olsen indicated that he spoke with Forsythe Fire and felt that extending the contract for an additional 2 years is a good option. The price is favorable. He recommended approval of the contract. Commissioner Paul Cowley made a motion to approve Resolution 2-6-18A extending the contract with Forsythe Fire for an additional 2 years of service. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY TALENT CONTRACT WITH ROMEO ENTERTAINMENT FOR THE 2018 EMERY COUNTY FAIR

Attorney Mike Olsen recommended signing the contract with Romeo Entertainment for the 2018 Emery County Fair. It is the same as last year. The contract is for a maximum amount of \$2,500.00 to negotiate with entertainers for the concert entertainment for the Fair.

Commissioner Kent Wilson made a motion to approve a contract with Romeo Entertainment for the 2018 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY RESOLUTION AMENDING ORDINANCE 06-03-03 GOVERNING LIBRARY BOARD MEMBERS.

Carole Larsen, Emery County Library Director requested approval for a Resolution amending Ordinance 6-3-03 governing Library Board members. According to policy a board member has to reapply every four years for two consecutive terms. The Library board would like to change that to make a board member's term indefinite with approval of the Commission. They would still have to go through the process but be able to keep them beyond the two consecutive terms. Commissioner Kent Wilson commented that in small communities it is difficult to find someone who is passionate about their position, so when they are able to find that person they would like to be able to keep them. Carole indicated that they would also like to change the terms from July to January. Attorney Mike Olsen agreed. Commissioner Kent Wilson made a motion to approve Resolution 2-6-18B amending Ordinance 06-03-03 governing Library Board Members. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(12)

DISCUSS/APPROVE/DENY AMENDED LIBRARY CARD POLICY.

Carole Larsen explained that the Board would like to amend the Library Card Policy. They have been charging the climbers a \$25.00 fee. They would like to change this part to \$20.00 is refunded and the Library would keep \$5.00 to cover our services. There were a few other changes. Attorney Mike Olsen reviewed the policy and agreed. Commissioner Paul Cowley made a motion to approve an Amended Library Card Policy. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY AMENDED EMERY COUNTY LIBRARY FEES/FINES POLICY

Carole Larsen explained that the amended Emery County Library Fees/Fines Policy has some small wording changes. Mike Olsen agreed. Commissioner Kent Wilson made a motion to approve of Amended Emery County Library Fees/Fines Policy. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSS/APPROVE/DENY EMERY COUNTY LIBRARY APPLYING FOR THE LSTA GRANT.

Carole Larsen requested approval to apply for a LSTA Grant. She indicated that there is \$250,000.00 state wide available for Libraries to apply for grants for new computers or upgrades. They intend to apply for \$8,000.00 to help upgrade computers and services that the Libraries supply to the citizens of Emery County. Commissioner Paul Cowley made a motion to approve Emery County Library applying for the LSTA Grant. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

DISCUSS/APPROVE/DENY SIGNING DOCUMENTS IN ORDER FOR EMERY COUNTY LIBRARIES TO BE AWARDED THEIR CLEF FUNDING.

Carole Larsen explained that after signing this document things will be in order for the Emery



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County Libraries to be awarded their CLEF Funding. She explained that in 2006 the legislature began providing \$565,000.00 state wide to the Libraries in smaller communities for technology programs. The Emery County Library will be awarded \$7,200.00 to be used for technology and programming programs for the citizens of Emery County. Commissioner Paul Cowley made a motion to approve signing the documents in order for Emery County Library to be awarded the CLEF Funding. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(16)

APPROVAL OF NEW SAFETY INCENTIVE PROGRAM

Personnel Director, Mary Huntington explained a new Safety Incentive Program for review and approval. All full and part time employees who have not had a worker's compensation claim or general liability claim in the previous month will be entered into a drawing to be awarded the last commission meeting of the preceding month. However, when there is a "loss time" workers compensation claim the previous month there will not be a drawing for any awards the preceding month. There will be 3, \$100.00 visa gift cards awarded to full time employees, and 1, \$100.00 visa gift card awarded to a part time employee during the eligible months.

There will be three buckets of eligible names to draw from during the eligible months.

1. Full time employees who occupy a safety sensitive position at the Road Department, Weed & Mosquito, and Sheriff's Office will be awarded 2 of the \$100.00 visa gift cards.
2. All other full time employees will be awarded 1 of the \$100.00 visa gift cards.
3. Part time employees will be awarded 1 of the \$100.00 visa gift cards.

Loss time workers compensation claims are when an employee is injured on the job and loses time from work.

It was the consensus of the Commissioners and several other elected officials that elected officials should be excluded from the drawing.

Commissioner Paul Cowley made a motion to approve the new Safety Incentive Program excluding elected officials from the program. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(17)

APPROVAL OF THE NEW HAZARDOUS COMMUNICATION PROGRAM.

Personnel Director, Mary Huntington explained the new Hazardous Communication Program. It is intended to ensure compliance with Occupational Health and Safety Administration (OSHA) requirements for the adoption of the UN Globally Harmonized System and to provide a safe

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work environment for employees working for Emery County. There is a mandatory refresher course that employees must attend each year. Commissioner Paul Cowley made a motion to approve of the new Hazardous Communication Program. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(18)

APPROVAL OF THE UPDATED AFFIRMATIVE ACTION PLAN FOR 2018

Personnel Director, Mary Huntington requested approval for the updated Affirmative Action Plan 2018. She indicated that this is a federal report that has to be updated each year to be sure we are not discriminating. The report is required to accompany federal grant applications. Commissioner Kent Wilson made a motion to approve the updated Affirmative Action Plan for 2018. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

DISCUSS/APPROVE/DENY INTER-AGENCY COORDINATION AND SUB-RECIPIENT CONTRACT AGREEMENT BETWEEN EMERY COUNTY AND SEUALG

Robbie Jensen, Senior Citizen Program Director and Michelle Kelly, Finance Director came before the Board of Directors to request approval for an Inter-Agency Coordination and Sub-Recipient Contract Agreement between Emery County and SEUALG. Robbie indicated that the budget for 2018 reflects a \$25,000.00 increase from last years due to the wages for the new director. Last year the new director was not in place until later in the year. Commissioner Wilson wanted to address the nearly \$200,000.00 fund balance. Michelle indicated that they could look into ways to use the fund balance each year to enhance the Senior programs and centers in Emery County. Commissioner Wilson asked that the Emery County have a voice in how the fund balance is spent and asked that the SEUALG not continue to build the fund. Michelle suggested that the Emery County Commission could make recommendations on what to spend the money on to the director to budget for during their budget process beginning in April. Commissioner Paul Cowley made a motion to approve an Inter-Agency Coordination and Sub-Recipient contract Agreement between Emery County and SEUALG. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(20)

DISCUSS/APPROVE/DENY LETTER OF SUPPORT REGARDING THE DEMOLITION/DISPOSITION APPLICATION FOR THE HOUSING UNITS IN FERRON AND CASTLE DALE.

Commissioner Sitterud stated that Emery County has no intention of supporting demolition of the housing units. Commissioner Wilson sits on the Housing Authority Board and reported that

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HUD has certain criteria that has to be met to continue with the housing units. The units need to be rented at 90% occupancy rate all the time. We have not been able to do that so we are out of compliance due to the fact that many of the residents have transitioned to Section 8 housing. Many are preferring to rent a house or mobile home and be part of a community rather than an apartment complex and receive a rent subsidy from HUD. Four Corners has shown a desire to take the housing development over. He stated, "that appeals to me". Attorney Mike Olsen indicated he is open to exploring the option of selling the units to Four Corners so they can help our people first before the option of putting it out for sale to the public. He added that at some point we, as a county, will have to put more money into Mental Health and substance abuse. As a society and as a Commission we need to invest money in mental health and substance abuse issues. This makes sense. Commissioner Wilson added that all we can do as a County Commission is make a recommendation to the Housing Board. Commissioner Cowley stated that he is in favor of having Four Corners take over the housing units. Commissioner Kent Wilson made a motion to proceed with a letter of support to HUD to endorse the sale of the units to Four Corners and pursue doing all we can to help Four Corners be able to meet their goal before offering for sale to the public. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Bill Dellos indicated that he is on the Housing Authority board. He indicated that he felt that the board would like to see money go back into the community.

Patsy Stoddard asked what will happen to the residents that are currently occupying the units. Bill Dellos indicated that they will be moved out to Section 8 housing. However, Four Corners has indicated that they would grandfather in any tenant who wants to stay in the unit.

(21)

DISCUSS/APPROVE/DENY PURCHASING ADVERTISEMENT FOR THE ENERGY EDITION FROM THE SUN PROGRESS.

Commissioner Paul Cowley made a motion to approve a half page advertisement for the Energy Edition from the Sun Progress for \$565.00. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(22)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC REPORT.

Commissioner Kent Wilson made a motion to excuse Mr. Johnson and table his report until the next Commission Meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(23)  
COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Wilson reported that in the last Commission meeting they approved advertising for a Fair Director. The Clerk/Auditor's office received one RFP. Opening the bids was not added to the agenda today so the bid will be opened in the February 20<sup>th</sup> meeting.

Commissioner Cowley talked about the BLM's desire to move the dinosaur track on Moore Cut-Off Road. They are looking for a place to move it to.

(24)  
ADJOURN

Commissioner Paul Cowley made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING OF THE  
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Present at the meeting was Commission Chairman Keith Brady, Commissioner Lynn Sitterud, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens. Commissioner Paul Cowley was not present at the meeting. Therefore, Commission Chairman Keith Brady stepped down throughout the meeting to execute motions as needed.

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #243094 through and including #243224 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
3-17	(2) Dell Latitude E5570 Computers (3) Dell 6500 Computers IT/Replacement computers	\$4,314.99
4-17	Watchguard 4RE In-Car Camera System Sheriff-Grant	\$4,895.00
5-17	Caterpillar Model 299D2 Compact Track Loader Sheriff- Huntington Creek Restoration Pjt.	\$68,300.00

Dispositions were presented for the following:

143-4995- Office Chair, 580-4763- 25 inch TV, 211-2177- 2014 Ram 1500 Truck

(2)  
APPROVAL OF MINUTES OF JANUARY 17, 2017 COMMISSION MEETING.

(3)  
APPROVAL FOR MUSEUM OF THE SAN RAFAEL, DIRECTOR MAEGAN WILBERG, TO  
GET A COUNTY CREDIT CARD.

2

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(4)

APPROVAL FOR OUT OF STATE TRAVEL FOR SHERIFF GREG FUNK TO ATTEND THE WESTERN STATES SHERIFF'S ASSOCIATION ANNUAL CONFERENCE IN RENO, NEVADA.

(5)

APPROVAL FOR OUT OF STATE TRAVEL FOR BRET MILLS TO ATTEND THE 2017 NATIONAL TRANSLATOR ASSOCIATION ANNUAL MEETING AND CONVENTION IN DENVER, COLORADO.

(6)

APPROVAL TO PROMOTE KIP ALLRED TO AN EQUIPMENT OPERATOR/DRIVER II. MOVE FROM GRADE 16 TO GRADE 17. EFFECTIVE 2-12-17.

(7)

NOTIFICATION. STERLING N. DRAGE WAS SELECTED AS A PART TIME MECHANIC FOR THE ROAD SHOP. WAGE GRADE 16.

(8)

NOTIFICATION. KORENE MERRELL HAS BEEN SELECTED AS A PART TIME ASSISTANT LIBRARIAN IN CLEVELAND. WORKING 16 HOURS PER WEEK. WAGE GRADE 7.

(9)

APPROVAL FOR OUT OF STATE TRAVEL FOR TINA CARTER TO ATTEND THE GO WEST SUMMIT IN NEVADA FEBRUARY 19TH-24TH.

(10)

APPROVAL TO REAPPOINT JOSHUA ROWLEY AS AN EASTERN MEMBER OF THE TRAVEL BUREAU BOARD.

(11)

APPROVAL TO GIVE MAEGAN CROSLAND A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 2-12-17.

(12)

APPROVAL TO APPOINT GARY S. WILSON AND ETHAN MIGLIORI TO THE CAREER SERVICE COUNCIL TO FILL THE EXPIRED TERM OF JUDY SCOTT AND THE UNEXPIRED TERM OF RANDY JENSEN.

Motion to approve the Consent Agenda was made by Commissioner Lynn Sitterud, seconded by

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Commissioner Keith Brady, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

PRESENTATION BY SUZANNE ANDERSON TO EXPLAIN THE EMERY COUNTY ARCHIVES DEPARTMENT AND THE BENEFITS OF NEWLY ADDED RESOURCES THAT THE DEPARTMENT HAS RECENTLY RECEIVED.

Suzanne Anderson provided a brief history of the Emery County Archives Department. The program began as a pilot program in 2001 with a mission to establish a repository for a history of the life and culture in the area. Emery County is one of 11 repositories in the state. The purpose is to have historical materials available for research by citizens. Suzanne talked about the lack of adequate space available for storing the materials and records that people have donated to the Archives program. She also reminded the Commissioners of an agreement between the Museum of the San Rafael and the Historical Society to allow them to use the Museum free of charge to hold their Historical Society meetings and events. Dixie Swasey indicated that she was on the Museum Board at the time that the Museum building was built and it was her understanding that because of a contribution from the Historical Society for the construction of the building that the Historical Society was to have a room dedicated for them and be allowed to use the building rent free. The room did not happen. Evelyn Huntsman reported that the Historical Society is a wonderful society that many people in this area find interesting and the attendance to their events has been great. Suzanne indicated that she was told that the Historical Society needed to readdress the no fee for the use of the building request each year. Maegan Wilberg, Museum of the San Rafael Director indicated that the building will be housing an exhibit from the Smithsonian and will not be available to be rented for a time. The Historical Society will hold their meetings and functions in the Courthouse Swell Room until the building is free to use again. Attorney Michael Olsen indicated that he will look into creating a MOU to allow the Historical Society to use the MOSR without having to return to the Commissioners each year for that permission.

(3)

DISCUSS/APPROVE/DENY JOEY BIRCH AS CASTLE DALE LIBRARIES MARCH STEM

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CONTRACT PARTNER.

Commissioner Lynn Sitterud made a motion to approve Joey Birch as Castle Dale Library's March Stem Contract Partner. The motion was seconded by Commissioner Keith Brady. The motion passed.

(4)

DISCUSS/APPROVE/DENY AGREEMENT WITH UAC FOR UNEMPLOYMENT COST MANAGEMENT SERVICES.

Personnel Director Mary Huntington explained that Emery County has been processing their own Unemployment Claims. She stated that in all the years she has been here the County has only won 2 claims. UAC is now processing Unemployment Claims. The cost is \$1,200.00 per year to defend the county on these claims. Mary proposed utilizing this service for one year to see if it is beneficial for the County. Commissioner Keith Brady made a motion to approve utilizing UAC for Unemployment Cost Management Services. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(5)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND DORY PEACOCK FOR COMEDIAN PERFORMANCE AT THE 2017 EMERY COUNTY FAIR.

Commissioner Keith Brady reported that this contract is for \$150.00 for a performance during the 2017 Emery County Fair. Commissioner Lynn Sitterud made a motion to approve a contract between Emery County and Dory Peacock for comedian performance at the 2017 Emery County Fair. The motion was seconded by Commissioner Keith Brady.

(6)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND ETHAN WILLIAMS FOR MAGICIAN PERFORMANCE AT THE 2017 EMERY COUNTY FAIR.

Commissioner Keith Brady reported that this contract is for \$350.00. Commissioner Lynn Sitterud made a motion to approve a contract between Emery County and Ethan Williams for magician performance at the 2017 Emery County Fair. The motion was seconded by Commissioner Keith Brady. The motion passed.

(7)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND ETHAN WILLIAMS FOR THE MURDER MYSTERY PERFORMANCE OF "MURDER @ THE SWELL CASINO" SCHEDULED FOR FEBRUARY 25, 2017.

Commissioner Keith Brady indicated that this contract is for \$75.00 and will take place on



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February 25, 2017 at the (old) Castle Dale City Building. Commissioner Lynn Sitterud made a motion to approve a contract between Emery County and Ethan Williams for the Murder Mystery performance of "Murder @ the Swell Casino" scheduled for February 25, 2017. The motion was seconded by Commissioner Keith Brady. The motion passed.

(8)

DISCUSS/APPROVE/DENY ACCEPTANCE OF A TIME EXTENSION AND ADDITIONAL FUNDING FROM THE STATE OF UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE (CCJJ) FOR THE EMERY COUNTY JAIL RISK AND NEEDS SCREENING DIAGNOSIS AND ASSESSMENT PROJECT, GRANT # 15A50.

Sheriff Funk explained that the state had a surplus in JRI funds and they have applied for a portion of these funds. This is a grant application for extension of time to use the funds. Commissioner Lynn Sitterud made a motion to approve acceptance of a time extension and additional funding from the State of Utah Commission on Criminal and Juvenile Justice (CCJJ) for the Emery County Jail Risk and Needs Screening Diagnosis and Assessment Project, Grant #15A20. The motion was seconded by Commissioner Keith Brady. The motion passed.

(9)

COMMISSION/ELECTED OFFICIALS REPORT

Sheriff Funk reported that the State is investing money in the Juvenile Justice Program.

Commissioner Brady reminded everyone to inform the Commissioners if they have any bills in the Legislature that they would like to have monitored. There are several bills in the legislature that the Commission is watching closely. He reported that he was pleased to hear that the Forest Service and Trails Committee is currently looking at widening several trails in the county.

(10)

ADJOURN

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

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Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #247218 through and including #247337 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
3-18	Electrical Retrofit EC Aquatics Center	\$57,250.00
4-18	2018 f Series SD Pick-up Sheriff/Communication	\$45,749.00

There were no dispositions.

(2)  
APPROVAL OF MINUTES OF FEBRUARY 06, 2018 COMMISSION MEETING.

(3)  
APPROVAL FOR OUT OF STATE TRAVEL TO WASHINGTON, D.C. FOR KENT WILSON FOR WORK ON THE MENTAL HEALTH AND PUBLIC LANDS BILL. APRIL 21-17, 2018

(4)  
APPROVAL FOR PRE-AUTHORIZED OUT OF STATE TRAVEL FOR TESTIFYING IN WASHINGTON, D.C. THIS WILL BE A SHORT NOTICE TRIP AND WILL BE EITHER LYNN SITTERUD, KENT WILSON OR RAY PETERSEN TRAVELING.

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(5)

APPROVAL OF OUT OF STATE TRAVEL FOR JORDAN LEONARD TO ATTEND GROWING ENTREPRENEURIAL COMMUNITIES SUMMIT IN KANSAS CITY. APRIL 24-26.

(6)

APPROVAL OF OUT OF STATE TRAVEL FOR TINA CARTER TO ATTEND THE TRAVEL & ADVENTURE SHOW IN DENVER, CO. MARCH 22-16.

(7)

RATIFICATION OF OUT OF STATE TRAVEL FOR DENNIS WORWOOD TO ATTEND THE 2018 RIPARIAN RESTORATION CONFERENCE IN GRAND JUNCTION, CO.

(8)

APPROVAL TO GIVE DALLON COLOGIE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD. EFFECTIVE 3-5-18.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

AWARD THE EMERY COUNTY PUBLIC DEFENDER CONTRACT.

Attorney Mike Olsen received an email from Blackburn Law Office has withdrawn his bid for Emery County Public Defender due to a conflict in scheduling. Oliver & Sitterud have indicated that they will adjust their bid to match Blackburn's bid of \$6,000.00 per month. Mr. Olsen recommended awarding the bid to Oliver & Sitterud. The Conflict Contract was not bid out. Mark Tanner will continue to handle the conflict cases for Emery County. Commissioner Kent Wilson made a motion to accept a contract with Oliver & Sitterud for \$6,000.00 per month as Public Defender for Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

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AWARD THE EMERY COUNTY FAIR DIRECTOR.

One proposal was submitted for Emery County Fair Director. The proposal was from Sandra Huntington in the amount of \$3,500.00. Commissioner Kent Wilson made a motion to accept the bid from Sandra Huntington for Emery County Fair Director. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

PRESENTATION FROM PETER STIRBA FROM RURAL UTAH ALLIANCE REGARDING JOINING RUA FOR THE 2018 YEAR.

Peter Stirba presented information regarding Rural Utah Alliance. He provided a brief history of the group and issue that they are currently addressing. The State Legislature has appropriated \$100,000.00 to address rural legal issues. Issues of concern included the Wild Burro and open meeting act that are of issue in Kane and Garfield Counties. He indicated that they hope to get individual members as well as other agencies and industries as well as counties. Attorney Mike Olsen indicated that he is on the board and felt that this is a helpful, good organization. The annual due is \$5,000.00. Joining RUA will be discussed at another time.

(5)

DISCUSS/APPROVE/DENY WAIVING THE POOL RENTAL FEE FOR SPECIAL NEEDS DAY AT THE EMERY AQUATIC CENTER.

Emery County Aquatics Center Director Shannon Hiatt requested waiving the pool rental fee for their Special Needs Day at the Aquatic Center. They have asked for June 9<sup>th</sup> and are including Carbon County this year as so many of the children go to school with the Carbon County children. The pool will be closed to the public during the event. Last year they hosted over thirty children along with their families. Commissioner Paul Cowley made a motion to approve waiving the pool rental fee for Special Needs Day at the Emery Aquatic Center indefinitely. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY THE AMENDED AGREEMENT WITH HONEYWELL INTERNATIONAL FOR MAINTENANCE AT THE EMERY COUNTY AQUATIC CENTER.

Shannon Hiatt discussed an amended agreement with Honeywell International for maintenance at the Emery County Aquatic Center. He indicated that they are on a 3 year cycle of which they have two years remaining. He asked to have the agreement extended out an additional three years and then renegotiate the agreement after that. Due to the electrical retrofitting that was recently approved the agreement amount will increase by \$510.00 for the additional three years. Commissioner Kent Wilson made a motion to approve an amended Agreement with Honeywell International for maintenance of the Emery County Aquatic Center including the three year

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extension with the increase. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

DISCUSS/APPROVE/DENY DONATING EMERY COUNTY AQUATIC CENTER SWIM PASSES TO MEMBERS OF THE EMERY COUNTY SUICIDE AWARENESS PROGRAM.

Shannon explained that Sheriff Funk suggested members of the Emery County Suicide Awareness Program would be having an event at the pool tonight and asked if the passes to the members could be waived for this night. Shannon indicated that there may be 10 people attend. Commissioner Kent Wilson made a motion to donate passes to the Emery County Aquatic Center for tonight to the Emery County Suicide Awareness Program. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY THE CONTRACT BETWEEN AMANDA LEONARD AND EMERY COUNTY FOR THE EVENT COORDINATOR DUTIES FOR 2018.

Advertising was done for an event coordinator. Amanda Leonard was the only one who bid on the contract. The bid was for \$1,666.00 per month for 9 events throughout the year. It was suggested to offer Amanda the contract for three years with an evaluation each year. Commissioner Paul Cowley made a motion to approve a contract with Amanda Leonard for the Emery County Event Coordinator for 2018, 2019 and 2020. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY THE CONTRACT BETWEEN SANDRA HUNTINGTON AND EMERY COUNTY FOR FAIR DIRECTOR DUTIES FOR 2018.

Commissioner Kent Wilson made a motion to approve a contract between Sandra Huntington and Emery County for Fair Director for 2018. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY THE STANDARD COOPERATIVE AGREEMENT BETWEEN USU EXTENSION SERVICES AND EMERY COUNTY FOR 2018.

Attorney Mike Olsen discussed a standard cooperative agreement between USU Extension Services and Emery County. He stated that an agreement draft has been going back and forth for some time. After some work they have finally agreed on a final draft. He stated that he has no objections or concerns with the agreement and recommends moving forward with approval. Commissioner Kent Wilson made a motion to approve a Standard Cooperative Agreement

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between USU Extension Services and Emery County for 2018 as negotiated. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY RESOLUTION DECLARING THE EXISTENCE OF A DROUGHT EMERGENCY IN EMERY COUNTY, UTAH PURSUANT TO U.C.A. 17-8-7.

Commissioner Wilson discussed a resolution declaring the existence of a drought emergency in Emery County. This was recommended to be in the best interest of the county due to current moisture conditions in Emery County. Commissioner Paul Cowley made a motion to approve Resolution 2-20-18 a resolution declaring the existence of a drought emergency in Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY LETTER OF AGREEMENT BETWEEN EMERY COUNTY AND COTTONWOOD CREEK CONSOLIDATED IRRIGATION COMPANY.

Captain Kyle Ekker explained this Letter of Agreement turns the Adobe Wash Debris Basin part of the project back over to Emery Water Conservancy District for operation and maintenance. Emery County sponsored the project and as such owned it while it was under construction. This letter of agreement will remove that responsibility from Emery County and return it to the owner EWCD. Emery County is still responsible for the remainder of the project as sponsor of the project. Commissioner Paul Cowley made a motion to approve a letter of agreement between Emery County and Cottonwood Creek consolidated Irrigation Company. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY AN AMENDMENT TO THE LONG-TERM DISABILITY PROGRAM.

Personnel Director Mary Huntington explained an amendment to the Long Term Disability Program. Effective march 1<sup>st</sup> there will be a decrease in the employer premium rate from .006 to .005 of regular salary as defined by the compensation in Exhibit A of Section 7.1 of PEHP Health & Benefits program. She requested a signature to accept an amendment to the Long Term Disability Program. Commissioner Paul Cowley made a motion to approve an amendment to the Long-Term Disability Program. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY A DONATION TO THE EMERY HIGH RODEO TEAM.

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Riata Christiansen, President, Hayden Cloward, Vice President and Wyatt Magnuson, Secretary from the Emery High Rodeo Team came before the board of Commissioners to request a donation. Each of the representatives told a little about themselves and reported on the team. They have their first rodeo coming up on April 13<sup>th</sup> & 14<sup>th</sup>. Emery High Rodeo is not funded by the school district. They rely on donations to fund their program. Commissioner Kent Wilson made a motion to donate \$500.00 to the Emery High Rodeo Team. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSS/APPROVE/DENY A DONATION TO THE EMERY COUNTY COMMUNITY THEATER.

Angela Paskett and Tasha Jewkes came before the Board of Commissioners to request a donation to the Emery County Community Theater. Commissioner Paul Cowley made a motion to donate \$500.00 to the Emery County Community Theater. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(16)

DISCUSS/APPROVE/DENY EMERY COUNTY COMMUNITY THEATER USING THE OLD WEED AND MOSQUITO BUILDING FOR STORAGE.

During the previous Commission Meeting Angela Paskett and Tasha Jewkes requested the Commission consider allowing the ECCT to use the old Weed/Mosquito building to store their props, sets and costumes. Attorney Mike Olsen indicated that he would look into the liability and insurance issue. He found that if we have the available space, they can sign a liability clause and provide liability insurance to cover any damages to their property then he sees no problem. Angela indicated that they have been searching for a package liability insurance to cover their production. If it is cost prohibitive then they will look at storage units or another place. Commissioner Kent Wilson made a motion to approve allowing the Emery County Community Theater to use the old W/M building provided they obtain liability insurance and sign a liability form with the County as the County Attorney has requested. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSS/APPROVE/DENY HT-01-0012 TAX ABATEMENT FOR 2017 & 2018.

Assessor Kris Bell reported that there is a trailer in Olsen Trailer Court where the owner passed away two years ago. They have not been able to contact the owners daughter. We do not want to assume the trailer. She requested a tax abatement in the amount of \$135.87 for the 2 years the taxes have not been paid. Commissioner Paul Cowley made a motion to approve a tax abatement on property #HT-01-0012 for 2017 & 2018 as requested by the Assessor's office. The motion was seconded by Commissioner Kent Wilson. The motion passed.

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(18)

DISCUSS/APPROVE/DENY TAX ADJUSTMENT ON PARCEL #1-1770-40 FOR KERRY AND CARLA POWELL.

Recorder Connie Jensen explained that for the tax years 2016 & 2017 this property should have been combined into 1 lot but it was not until going forward. There is a big difference in what they would have been charged because the subdivision was vacated and returned to 1 lot rather than 18 lots. This would have changed the valuation and adjusted the taxes. The Powells have requested a tax adjustment on this parcel as if the change had been made two years ago. The back taxes before 2016 when it was still 18 lots and before it was vacated and turned back into 1 lot will still need to be paid. Commissioner Wilson indicated that he received a call from the Powells on this and has helped them work through the process. They are looking to sell the property. This will put the value where it should be. Commissioner Kent Wilson made a motion to adjust the property taxes, interest and penalties on parcel #1-1770-40 as if the change from 18 lots to 1 lot had been made two years ago. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

DISCUSS/APPROVE/DENY SUPPORT LETTER FOR FAST TRACK ADJUSTMENT PAY.

Economic Development Director Jordan Leonard explained the State of Utah allows businesses to go after Rural Fast Track funds to expand their business. By state regulation they have to pay an employee \$25.00 per hour. This wage requirement is so high that there are several businesses slipping through the cracks that could succeed with a boost from this program but do not qualify as they cannot hire a full time employee at the current required wage. The letter of support is for support of an adjustment to the wage requirement from \$25.00 to \$9.15. This temporary adjustment would give them the opportunity to succeed. Commissioner Kent Wilson made a motion to approve a letter of support for Fast Track adjustment pay. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(20)

DISCUSS/APPROVE/DENY MARKETING FUNDS FOR MECCA SPRING MOUNTAIN BIKE FESTIVAL.

Jordan Leonard requested Marketing Match Funds for MECCA Spring Mountain Bike Festival. They are requesting \$3,500.00 that they will match to purchase promotional items and advertising. They had about 80 participants last year during the three day event. The funds are from TRT funds. Commissioner Kent Wilson made a motion to approve Marketing Match Funds in the amount of \$3,500.00 from TRT funds for MECCA Spring Mountain Bike Festival. The motion was seconded by Commissioner Paul Cowley. The motion passed.



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(21)

DISCUSS/APPROVE/DENY MARKETING FUNDS FOR LADIES GOLF ASSOCIATION.

Jordan Leonard requested Marketing Match Funds for Ladies Golf Association. They are requesting \$800.00 that they will match for promotional items and advertising. They are inviting ladies from across the state to join them at Millsite Golf Course for a ladies league tournament. Commissioner Kent Wilson made a motion to approve Marketing Match Funds from TRT in the amount of \$800.00 for Ladies Golf Association. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(22)

DISCUSS/APPROVE/DENY MARKETING FUNDS FOR GREEN RIVER ROCK & MINERAL SHOW.

Jordan Leonard requested marketing Match Funds for Green River Rock & Mineral Show. They are requesting \$3,500.00 that they will match to purchase promotional items and advertising. Last year they had 300 people attend the show. This year it will be on March 23. Commissioner Kent Wilson made a motion to approve Marketing Match funds from TRT for Green River Rock & Mineral Show. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(23)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC REPORT.

Randy Johnson- Government Matters, LLC provided an update of legislative activity. He reviewed several House and Senate bills currently being watched that are of interest to Emery County and rural counties.

(24)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Sitterud reported that the county will hold a County Auction on April 28, 2018. The county has asked the cities to participate if they have anything to sell.

(25)

ADJOURN

Motion to adjourn was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson and the motion passed.

9

COMMISSION MEETING MINUTES  
FEBRUARY 20, 2018

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 6, 2018

Present at the meeting was Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 247350 through and including # 247481 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
5-18	Table, panels and prints for shows Travel Bureau	\$3,817.30
6-18	Desktop computers (8) Laptop computer (3) IT/Capital Projects	\$10,671.54

There were no dispositions.

(2)  
APPROVAL OF FEBRUARY 20, 2018 COMMISSION MEETING MINUTES.

(3)  
APPROVAL TO GIVE LORRAINE MARTIN A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 3-12-18.

(4)  
NOTIFICATION. SELECTED SARA JENSEN AS A PART TIME ASSISTANT LIBRARIAN IN FERRON WORKING 19 HOURS PER WEEK WITH NO BENEFITS. WAGE GRADE 7. EFFECTIVE 3-13-18.

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Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

PRESENTATION BY NANCY BENTLEY REGARDING ACTIVE RE-ENTRY PROGRAMS.

Nancy Bentley, Active Re-Entry thanked the Commission for their support of the Perkie van to transport cancer patients for treatments. She explained that Active Re-Entry is a grass roots organization that offers services to all ages in 7 counties in Utah, extending to Wyoming, Arizona and on the Navajo Reservation. They have seventeen programs including youth programs and veteran services with regard to pensions and eligibility. They have a division for the blind and visually impaired, offering equipment to help them continue to live independently. There is a music and memory program aiding those with dementia as well as pain issues. They also have animal assisted therapy. Stacy Moss is over the youth program, as well as a driver for the cancer van. Larry Heaton is a driver for the cancer van also. Delena Fish is on the staff. Their phone number in Price is 637-4950. Commissioner Wilson commented that this presentation should be given at each of the Sr. Centers to inform the Seniors of the services that you provide. He suggested meeting with Robbie Jensen, Senior Citizen Director for SEUHD to make that arrangement.

(3)

RATIFICATION OF LETTER OF SUPPORT FOR HB327.

Commissioner Kent Wilson made a motion to ratify the signing of a letter of support for HB327. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

RATIFICATION OF LETTER OF SUPPORT FOR GEORGE HANSEN, GOVERNOR'S MEDAL FOR SCIENCE AND TECHNOLOGY AWARD NOMINEE.

Commissioner Paul Cowley made a motion to ratify the signing of a letter of support for George Hansen Governor's Medal for Science and Technology Award Nominee. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)  
RATIFICATION OF PRESSURE RELIEF TESTING TO ELEVATOR IN COUNTY  
ADMINISTRATION BUILDING.

This testing was done while the company was in town to test at the power plant making the cost for the service \$700.00 rather than the higher rate to come back. Commissioner Paul Cowley made a motion to ratify approval for pressure relief testing to the elevator in the county administrative building. The motion was seconded by Commissioner Kent Wilson. The motion passed.

Commissioner Paul Cowley made a motion to leave the regular Commission Meeting and enter into a Public Hearing to receive input from the public with respect to the Issuance of Castle Valley Special Service District General Obligation Bonds, Series 2018 and the conclusion of said public hearing to the return to the regular meeting agenda. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)  
**PUBLIC HEARING: PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC WITH  
RESPECT TO THE ISSUANCE OF CASTLE VALLEY SPECIAL SERVICE DISTRICT  
GENERAL OBLIGATION BONDS, SERIES 2018, IN ONE OR MORE SERIES, IN THE  
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$900,000 FOR THE PURCHASE  
AND/OR CONSTRUCTION OF FACILITIES FOR THE COLLECTION AND TREATMENT,  
STORAGE AND TRANSPORTATION OF SEWAGE, AND RELATED MATTERS.**

Jacob Sharp, Manager of Castle Valley Special Service District explained that this is the final step for acquiring the bond. They put in an application with CIB for \$900,000.00 loan and have been awarded a \$748,000.00 grant. These funds will be used to do all the projects they have throughout the county. This is part of the voter approved bond election from 2009. They have 1 more year to bond from this election bond after that they will have to go through the election process for further bonding.

There were no questions or comments from the public.

The Commissioners returned to the regular meeting agenda.

(7)  
DISCUSS/APPROVE/DENY A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY  
OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH  
(THE 'ISSUER') AUTHORIZE THE ISSUER'S \$900,000 GENERAL OBLIGATION BONDS,  
SERIES 2018 (THE "SERIES 2018 BONDS") IMPROVING, THROUGH PURCHASE OR

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CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND TREATMENT OF SEWAGE; FACILITIES USED IN CONNECTION WITH ACQUISITION, TREATMENT, STORAGE, TRANSPORTATION, AND SUPPLY OF WATER FOR DOMESTIC, INDUSTRIAL, SECONDARY AND OTHER PURPOSES; DRAINAGE AND STORM SEWER FACILITIES, INCLUDING CURBS AND GUTTERS; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LAND, RIGHTS-OF-WAY, EQUIPMENT AND FURNISHINGS THEREFOR, AND INCLUDING SUCH LEGAL, ENGINEERING, AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTION WITH THE ACQUISITION OF SUCH FACILITIES IN AND FOR THE DISTRICT; AND RELATED MATTERS.

Upon returning to the regular meeting agenda Commissioner Kent Wilson made a motion to approve Resolution 3-6-18 authorizing the issuance of \$900,000 General Obligation Bonds, Series 2018 (The "Series 2018 Bonds") improving, through purchase or construction or both, facilities for the collection and treatment of sewage, facilities used in connection with acquisition, treatment, storage, transportation, and supply of water for domestic, industrial, secondary and other purposes; drainage and storm sewer facilities, including curbs and gutters, and transportation facilities consisting of roads, sidewalks and related bridges and viaducts; together with all necessary land, rights-of-way, equipment and furnishings therefor, and including such legal engineering, and fiscal agent expenses reasonably incurred on connection with the acquisition of such facilities in and for the district, and related matters. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Commissioner Paul Cowley made a motion to leave the regular meeting and enter into a public hearing to receive public comment on partial abandonment of Road #304 and Road #201 and at the conclusion of said public hearing to return to the regular meeting agenda. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

**PUBLIC HEARING: PUBLIC HEARING TO TAKE PUBLIC COMMENT ON PARTIAL ABANDONMENT OF ROAD #304 DEER CREEK ROAD, FROM THE COAL YARD TO DEER CREEK MINE; APPROXIMATELY 1.25 MILES OF ASPHALT, AND PARTIAL ABANDONMENT OF ROAD #201 NORTH OF HIGHWAY #155 APPROXIMATELY .25 MILES OF GRAVEL ROAD.**

Road Supervisor, Wayde Nielsen explained that they are doing a reclamation project on Road #304 Deer Creek Road, from the coal yard to Deer Creek Mine approximately 1.25 miles. The county will cease to maintain the road as part of the B Road system as it will no longer be a county road. Road #201 is a private road from off of Highway 155 to Cleveland from Huntington Reservoir. The road goes up to a farm and they have put a gate to stop access to this road.

5

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Ray Petersen indicated that at the Commissioner's request the Public Lands council conducted a field trip to these sites then discussed it in a work meeting and recommends approval to abandon the roads.

Commissioner Wilson asked if re-classifying the road to a D Road may be better option? That way there is no obligation to maintain them in the future. It would give future Commissioners the opportunity to change classification in the future if things change. Once you abandon the road you have to go back to get ROW's again or prove prescriptive easement.

Wayde indicated that both of these roads are access to private property and are of no use to the County. State statute says that if the road is not open to public access then it must be abandoned.

Jeff Guymon indicated that a D Road designation would still allow access to bottom of the road for future development.

(9)

DISCUSS/APPROVE/DENY PARTIAL ABANDONMENT OF ROAD #304 AND ROAD #201 AS STATED IN THE ABOVE PUBLIC HEARING ITEM.

Upon returning to the regular meeting Commissioner Kent Wilson made a motion to change the classification of road #304 to a Class D Road allowing RMP to close the road during the reclamation process and approve abandonment of Road # 201. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY GRANT AGREEMENT FOR THE INVASIVE SPECIES MITIGATION GRANT FOR THE WEED AND MOSQUITO DEPARTMENT.

Weed/Mosquito Director, Corey Worwood explained that this is a five year grant and nothing is different from the previous grant. The State has been very complementary of the work they have done and want to continue to fund. This agreement is with the State to fund an Invasive Species Mitigation Grant. Commissioner Paul Cowley made a motion to approve an agreement for the Invasive Species Mitigation grant for the Weed and Mosquito Department. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY CHANGE ORDERS #4 AND #5 ON THE MILLSITE DAM REHABILITATION PROJECT.

Captain Kyle Ekker explained that CO #4 and CO #5 have been reviewed and recommended for

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Commission approved during their last meeting of the Millsite Dam Rehabilitation Project that includes NRCS, the Water Users, the State and EC. There will probably be a few more coming before the Commissioners as the project is moving along. Commissioner Kent Wilson made a motion to approve CO#4 and CO#5 on the Millsite Dam Rehabilitation Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE (5) YEARS PAST DUE ON PARCEL #01-0207-0035 FOR EDNA DORRINE CHRISTENSEN.

Treasurer Steve Barton explained that on March 15 he will submit a list to the Clerk/Auditor's office of those real property tax payers who are 5 years past due. Currently there are 22 on the list. Of those 22, 10 are real estate, 6 primary residences, 3 secondary residences, 2 centrally assessed, and 1 agricultural. These taxpayers have received notices of an impending sale starting a year ago. The county offers a deferral program that allows the taxpayer to make an effort to bring the taxes current through November 30<sup>th</sup> of the current tax year. The tax payer is asked to submit a letter indicating how they got into this predicament and how they plan to bring the taxes current. It is in the best interest of the county to work with the taxpayer to bring the taxes current. Mr. Barton indicated he has received request for deferral from two taxpayers. He requested approval for a deferral agreement for the payment of real property taxes that are five years past due on Parcel #01-0207-0035 for Edna Dorrine Christensen. Commissioner Kent Wilson made a motion to approve a deferral agreement for the payment of real property taxes that are five years past due on Parcel #01-0207-0035 for Edna Dorrine Christensen. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE(5) YEARS PAST DUE ON PARCEL #01-0062-0006 FOR CLINT OVESON.

Commissioner Kent Wilson made a motion to approve a deferral agreement for payment of real property taxes that are five years past due on parcel #01-0062-0006 for Clint Oveson. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSS/APPROVE/DENY APPLICATION FOR THE UTAH OUTDOOR RECREATION GRANT.

Devin LeRoy came before the Board of Commissioners to discuss a Utah Outdoor Recreation Grant in the amount of \$40,000.00 to construct a building for a youth range. He proposed to pay



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\$10,000.00 with an in-kind match and get the other \$20,000.00 from the grant. He stated that he has received good response with donations. He has a certified instructor lined-up. He requested approval to run the grant through the Recreation SSD. This is something that has been discussed and approved by the Recreation SSD Board. Commissioner Kent Wilson made a motion to allow the Recreation SSD to pursue a Utah Outdoor Recreation Grant. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSS/APPROVE/DENY CONTRACT WITH GREENLIGHT BOOKING FOR THE 2018 EMERY COUNTY FAIR.

Commissioner Kent Wilson indicated that the Emery County Fair Director has found a magician for the 2018 Emery County Fair. This is a booking contract for \$3,500.00 for his performance on Saturday of the Fair. Attorney Mike Olsen indicated he has reviewed the contract. Commissioner Kent Wilson made a motion to approve a contract with Greenlight Booking for the 2018 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

DISCUSS/APPROVE/DENY \$500.00 DEPOSIT FOR INFLATABLES FOR THE 2018 EMERY COUNTY FAIR.

Commissioner Wilson indicated that they need to pay a \$500.00 deposit to hold the date of the Fair and then determine what type of inflatable we need at a later date. Commissioner Kent Wilson made a motion to approve a \$500.00 deposit for inflatables for the 2018 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSS/APPROVE/DENY CONTRACT WITH PAYNE RELIEF, LLC.

Ray Petersen indicated that the contract with Payne Relief, LLC is to assist Public Lands Committee and Historic Preservation Commission in preparing and writing a reclamation plan for the MK Tunnels. The plan will be presented to the BLM in their May 22, 2018 meeting. The contract amount is \$15.00 per hour not to exceed \$3,000.00. Ray indicated that there may be a possibility to be reimbursed by the BLM. Commissioner Paul Cowley made a motion to approve a contract with Payne Relief, LLC. The motion was amended by Commissioner Kent Wilson to include pursuing BLM reimbursing the county. The motion passed.

(18)

DISCUSS/APPROVE/DENY RENEWAL OF ROWS ON BLM ADMINISTERED LAND.

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Public Lands Director Ray Petersen reviewed three ROWs on BLM administered land. He explained that these ROWs have been in existence since 1988 and were for twenty years. These ROWs will terminate this year. They are important ROWs for Emery County. They are all maintained as part of Emery County's "B" Road system. The three ROWs are 1) UTU-062049 #405- The Wedge, 2) UTU-062047 #332, San Rafael Bridge, 3) UTU-064167 #927, South Salt Wash. Ray indicated that the renewal will request that the ROWs be issued in perpetuity. Commissioner Paul Cowley made a motion to approve renewal of ROWs on BLM administered land with a request that they be issued in perpetuity. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

DISCUSS/APPROVE/DENY FIRE PROTECTION DISTRICT BYLAWS.

Bylaws of the Fire Protection Special Service District were approved in their board meeting in December. They have not had bylaws in place previously. They have been reviewed by Attorney Mike Olsen and recommended for approval. Commissioner Paul Cowley made a motion to approve Fire Protection Special Service District By-Laws. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(20)

DISCUSS/APPROVE/DENY WAIVING THE RENTAL FEE AT THE EMERY COUNTY AQUATIC CENTER FOR EMS APPRECIATION DAY.

Commissioner Paul Cowley made a motion to approve waiving the rental fee at the Emery County Aquatic Center for the EMT's and their families for 1 evening. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(21)

DISCUSS/APPROVE/DENY HUNTINGTON AIRPORT USING ONE OF THE 2018 SURPLUS VEHICLES FOR COURTESY CAR SERVICES.

Commissioner Paul Cowley made a motion to approve using one of the 2018 surplus vehicles for a courtesy car at the Huntington Airport with a stipulation that it be used only in Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(22)

DISCUSS/APPROVE/DENY KELDAN GUYMON EAGLE SCOUT PROJECT PROPOSAL.

Keldon Guymon came before the Board of Commissioners to propose an Eagle Scout Project at the Little Bear Campground. He proposed putting a new roof on the East small pavilion. He projected the cost to be \$2,400.00 for materials. He indicated he will have the help of at least 15-25 scouts for the project. Commissioner Paul Cowley made a motion to approve an Eagle

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Scout Project at Little Bear Campground by Keldon Guymon. The motion was seconded by Commissioner Kent Wilson. The motion passed. This project will be funded through LBA.

(23)

DISCUSS/APPROVE/DENY 2018 RUA MEMBERSHIP.

RUA representative made a presentation of their program during the last Commission Meeting. The Board of Commissioners have had a difficult time coming to a consensus whether to join or not. The Commissioners decided they would wait to get a list of those who have joined before they make a decision. Commissioner Kent Wilson made a motion to table this item to a future Commission Meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(24)

DISCUSS/APPROVE/DENY OPTIONS FOR LAND ACCESS FOR MICK ROGERS PROPERTY.

Commissioner Wilson indicated that Mr. Rogers came in to the Commission office to make a request use the power pole located at the new Weed/Mosquito building to get power to his home currently under construction on the property that he acquired during the land exchange that made it possible to construct the new W/M building. RMP has given their permission for him to use the same power pole. He is now asking Emery County to authorize RMP to put a power source on the pole for his new house. There is no financial responsibility to Emery County. Mike Olsen indicated that he can't think of any reason to not approve. Mr. Rogers will have his own power box and meter. Commissioner Kent Wilson made a motion to approve as long as there is no harm or cost to Emery County, that we will allow RMP to proceed sharing the power pole with Mr. Rogers. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(25)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC REPORT.

Randy Johnson, Government Matters, LLC provided a run down of bills in the legislature that Emery County is watching and have interest and or concern.

(26)

COMMISSION/ELECTED OFFICIALS REPORT.

Mike Olsen indicated that Sheriff Funk asked to be excused from the meeting today as he is attending the Western Sheriff's Convention. He is meeting with BLM and the Forest Service regarding law enforcement and working in cooperation with these agencies.

10  
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Bill Dellos reported that Mitt Romney will be attending the Lincoln Day Dinner on March 15<sup>th</sup>

(27)  
ADJOURN

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 20, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 247487 through and including #247610 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
7-18	(8) Kenwood Handheld Radios SO/HLS	\$4,620.00
8-18	Monitor for jail camera system Sheriff	962.01
9-18	(6) Power Amplifiers/Digital repeaters for radios Sheriff/Communications	\$9,222.00

Dispositions were presented for the following:

210-1602, 2012 Ford F-150 XLT will be transferred to Weed/Mosquito, 621-8983, 2004 Ford F-150 XLT will be sent to auction, 310-1899, office chair.

(2)  
APPROVAL OF COMMISSION MEETING MINUTES.

(3)  
APPROVAL TO APPOINT KYLE WILLIS TO THE NORTH EMERY WATER USER'S

2

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SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD.

(4)

APPROVAL OF BETH MARSHALL AS A VOLUNTEER FOR TRAVEL BUREAU.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

(2)

YEARS OF SERVICE PRESENTATION TO DAVID & McKETTE ALLRED FOR 24 YEARS OF SERVICE TO EMERY COUNTY AS INDIGENT DEFENSE COUNSEL.

Friends and Family of David & McKette Allred were present to witness a presentation for 24 years of service to Emery County and Indigent Defense Counsel. Attorney Mike Olsen read the following tribute:

David and McKette Allred are heading for new adventures in Illinois. At the end of April they will be leaving Emery County to serve in the Nauvoo Temple Mission for the Church of Jesus Christ of Latter-Day Saints. They are leaving some big shoes to fill. They have made great contributions to our community and will be sorely missed. When one calls the office, they receive a greeting, "You have reached the law office of David and McKette Allred." This law office has been a huge undertaking for the Allreds for the last 24 (plus) years but there is so much more to them beyond the office. Their accomplishments and interests are many and varied. For McKette there's making and decorating cakes for weddings and special occasions, shopping, exercising of any kind, (especially Zumba), camping, fishing, and enjoying time with children and grandchildren. David's interests include fishing, bow fishing, basketball, racquet ball, gymnastics, piano and he was even on the ski patrol. He has coached Babe Ruth and Little League.

David M. Allred is the oldest son of Darwin and Dixie Allred, born in Burley, Idaho. The family, including four siblings, moved to Mankato, Minnesota, where they lived from the time David was in second grade through high school. David served a mission for the Church of Jesus

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Christ of Latter-Day Saints in Sacramento, California from August 1985 to August 1987. David earned his Bachelor's Degree in political science from BYU.

McKette Allred was born to Delile and Elda Hinkins and was raised with her siblings in the great little town of Orangeville, Utah. McKette also served a mission from January 1986 to August 1987 in the Italy Milan Mission. While attending BYU, David and McKette met. They were married in the Manti Temple August 13, 1988. McKette earned her Bachelor of Arts Degree in Elementary Education and taught for two years before law school. The Allreds began law school with their 5 month-old baby (McKay). In their second year, they added twin girls, (Megan and Meran). McKoy and McKlane later rounded out their family. David and McKette are grandparents of five as well.

After receiving her Juris Doctorate from the University of Arkansas at Little Rock, McKette was thrilled to return to Emery County to open a private law practice with her husband. She is Manager and Associate in David M. Allred, PC. She currently serves as the Emery County Parental Defense Public Defender and previously held the same position in Carbon County. Her experience as a parental defense attorney has taught her to defend the rights of parents. She has handled hundreds of cases in juvenile court and district court and appears in both on a monthly basis for hearings and trials. She is the defense attorney for the drug court program in Emery County, held two times a month. She is certified private guardian ad litem and as such, an advocate for children. David and McKette are licensed foster parents and helped reunite two children back home with their parents. Their latest venture is Meridian Mentoring, a residential treatment center for teen girls, which they opened in January of 2017.

In her private practice she has done adoptions, guardianships, divorces, paternity claims, custody disputes, probate matters, personal injury cases, and medical malpractice claims. She enjoys helping residents of Emery and Carbon Counties with their legal issues.

McKette has served as Vice President of the Utah Family Law Executive Committee, on the Emery County Domestic Violence Coalition, Felony Drug Court for Emery County, Children's Justice Advisory Board for Emery and Carbon Counties, former Bar president for the Seventh District, Private Guardian ad Litem, 2009 Parental Defense Attorney of the Year, and 2016 Pro Bono Attorney of the Year.

McKette has also served as a Cub Scout leader and assisted her sons in achieving the rank of Eagle Scout, was PTA president, Miss Emery County 1983-84, board member of Miss Emery County Scholarship pageant since 1995, restaurant hostess, jewelry consultant and manager. She has served in many church positions.

David has been the Emery county Public Defender from 1993, and Carbon County Public Defender from 1994, representing indigent defendants in District Courts, Juvenile Court delinquency cases, Justice Courts, city Courts, Drug Court, and parents in DCFS cases. He is a

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member of the drug court team for Emery County. He is a board member of the Children's Justice Center, chamber of Commerce and South Lawrence Irrigation Company. He has served in many church callings, Young Men's, Elder's Quorum, Bishopric counselor, mission leader and District Commissioner in Boy Scouts.

David has been in court usually three days a week and sometimes every weekday of there were trials or preliminary hearings. He has done hundreds and hundreds of trials and hearings. He has represented defendants in every aspect of the court process and nearly every delinquency and criminal problem in the courts. He has maintained excellent relationships with opposing counsel, courts and their staff. He has provided necessary public defender services to so many people with some of their worst problems. David has the ability to quickly analyze cases and grasp what legal questions need to be addressed. He resolves cases timely and amicably.

The message to those who have worked with them over the years would leave for the "Law Office of David and McKette Allred" is a resounding, THANK YOU!

(3)

AWARDING OF MONTHLY SAFETY INCENTIVE VISA GIFT CARDS TO 4 EMPLOYEES WHO ARE ELIGIBLE.

Mary Huntington presented names of those employees who qualify for the monthly incentive VISA gift card drawing. Full Time employee winner: Shannon Hiatt  
Part-time employee winner: Carol Cox  
Safety Sensitive employee winners: Justin Truman and Thad Morris

(4)

DISCUSS/APPROVE/DENY LEGAL DEFENDER AGREEMENT

Commissioner Paul Cowley made a motion to approve a Legal Defender Agreement with Oliver & Sitterud. The motion was seconded by Commissioner Kent Wilson. The motion passed

(5)

DISCUSS/APPROVE/DENY COURTESY CAR USER AGREEMENT.

Commissioner Paul Cowley indicated that a vehicle has become available to be used as a courtesy car at the Huntington Airport. He recommended a county owned Durango be placed at the Huntington Airport for the pilots who fly in to the airport to use to conduct business and purchase meals with the stipulation that the vehicle not leave the county (got to Price). Commissioner Paul Cowley made a motion to approve using a county owned Durango as a courtesy car at the Huntington Airport. The motion was seconded by Commissioner Kent Wilson. The motion passed.



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(6)

DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR LILA CANYON COAL MINE.

Commissioner Paul Cowley made a motion to approve a business license for Lila Canyon Coal Mine. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDS FOR SAGE RIDERS-SINGLE TRACK EVENT AT CHIMNEY ROCK.

Jordan Leonard requested Marketing Match funds for Sage Riders- Single Track Event at Chimney Rock. He explained that last year they had 400 riders participate and hosted 1,000 attendees. They have requested \$3,500.00 which they will match to market the event. The event will be on September 22, 2018. The funds will come from TRT. Commissioner Kent Wilson made a motion to approve Marketing Match Funds for Sage Rider- Single Track Event at Chimney Rock. The motion was seconded by Commissioner Paul Cowley. The motion passed

(8)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDS FOR EC SEARCH & RESCUE-SAN RAFAEL CLASSIC TRIATHLON.

Jordan Leonard requested Marketing Match Funds for Emery County Search & Rescue San Rafael Classic Triathlon. He explained that this is a fund raiser for S/R. It will be a closed loop Triathlon, the only one in the state. Last year they had 150 participants and 400 attendees. They are requesting \$3,500.00 for advertising and promotions which they will match mostly with in-kind volunteers. The funds will come from TRT. Commissioner Kent Wilson made a motion to approve Marketing Match Funds for EC Search & Rescue- San Rafael Classic Triathlon. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDS FOR JOES VALLEY FEST.

Jordan Leonard requested Marketing Match Funds for Joe's Valley Fest. He explained that this will be the fourth year for the Fest. Last year they had 300 participants and 400 attendees at the Fest held at the Castle Dale City Park. It is a growing event. He estimated that there have been approximately 15,000 climbers, come and go, in the county throughout the year. He indicated that it is important to educate the climbers as we meet them, that as we are part of what they do the more we educate them on what the county has to offer. The Fest will be held on October 5<sup>th</sup> through the 7<sup>th</sup>. They have requested \$3,500.00 that they will match to assist with advertising and promotions. The funds will come from TRT funds. Commissioner Kent Wilson made a motion to approve Marketing Match Funds for Joe's Valley Fest. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(10)

DISCUSS/APPROVE/DENY ADVERTISING FOR TOURISM WEBSITE.

Jordan Leonard requested approval to advertise for RFP for a tourism website. He indicated they are looking to get new age links to places to stay, visitor information and other amenities. They would like to see what kind of response they can get from a RFP as far as cost. Commissioner Paul Cowley made a motion to approve advertising a RFP for a tourism website. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY MARKETING AGREEMENT WITH UTOPIA FOR COMMERCIAL ADS ON KJZZ.

Jordan Leonard indicated that the board would like to use Utopia for commercial ads on KJZZ. The company would produce 2 30 second ads and the county would be able to keep the footage to use for social media or as we want for marketing. The contract would be for 1 year to allow us to see if we get any return from the ads. The ads will run during 12 commercials per day on KJZZ as well as Park City TV. Commissioner Kent Wilson indicated he would like to analyze, after a year, the product they create before we renew any agreement. Commissioner Kent Wilson made a motion to approve a Marketing Agreement with Utopia for Commercial Ads on KJZZ with the understanding we will need to analyze the product after a year before renewing any agreement. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE (5) YEARS PAST DUE ON PARCEL #'S 01-0041-0004, 01-0041-0006, AND 01-0041-0014 FOR JERALD W. BARNEY.

Treasurer Steven Barton indicated that the delinquent list is now at 5 properties which is all real estate and not residences.

Steven Barton recommended a Deferral Agreement for the payment of real property taxes that are five years past due for Jerald W. Barney. Mr. Barney has written a letter requesting a deferral and stating a plan for payment on parcel's 01-0041-0004, 01-0041-0006 and 01-0041-0014. If approved he will have until November 30 to bring the taxes current through 2018. Commissioner Kent Wilson made a motion to approve a deferral agreement for Jerald W. Barney on the parcels indicated by Steve Barton. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE (5) YEARS PAST DUE ON PARCEL #01-0256-0016

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FOR CLIFFORD L. KEMPLE, JR.

Steven Barton recommended a Deferral Agreement for the payment of real property taxes that are five years past due for Clifford L. Kemple, Jr. Mr. Kemple has written a letter requesting a deferral and stating a plan for payment on parcel #01-0256-0016. If approved Mr. Kemple will have until November 30 to bring the taxes current through 2018. Commissioner Paul Cowley made a motion to approve a deferral agreement for Clifford L. Kemple, Jr for the parcel indicated Steven Barton. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE (5) YEARS PAST DUE ON PARCEL #01-0191-0004 FOR ENRIQUE REYES.

Steven Barton recommended a Deferral Agreement for the payment of real property taxes that are five years past due for Enrique Reyes. Mr. Reyes has written a letter requesting a deferral and stating a plan for payment on parcel #01-0191-0004. If approved Mr. Reyes will have until November 30 to bring the taxes current through 2018. Commissioner Kent Wilson made a motion to approve a Deferral Agreement for Enrique Reyes for the parcel indicated by Steven Barton. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

APPROVAL AND ADOPTION OF DOCUMENT EXTENDING RESOLUTION NO. 2-20-18, RESOLUTION DECLARING THE EXISTENCE OF A DROUGHT EMERGENCY IN EMERY COUNTY, UTAH PURSUANT TO U.C.A. 17-9-7, FOR A PERIOD OF 30 DAYS.

Commissioner Kent Wilson made a motion to approve adoption of a document extending Resolution 2020-18, a Resolution declaring the existence of a drought emergency in Emery County, Utah pursuant to U.C.A. 17-9-7 for a period a 30 days. The motion was seconded by Commissioner Paul Cowley. The motion passed.

This will need to be done every thirty days until the drought emergency has ended.

(16)

DISCUSS/APPROVE/DENY RE-ADOPTION OF THE EMERY COUNTY EMERGENCY OPERATIONS BASIC PLAN.

Sheriff Funk indicated that the re-adoption is necessary to update the plan to include the current

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personnel and Commissioners. The plan has not changed. Commissioner Paul Cowley made a motion to approve a re-adoption of the Emery County Emergency Operations Basic Plan. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(17)

RANDY JOHNSON- GOVERNMENT MATTERS, LLC REPORT.

Randy Johnson, Government Matters, LLC reported on recent activity within the Legislature with regard to certain bills that are of interest to Emery County.

(18)

COMMISSION/ELECTED OFFICIALS REPORT

Commissioner Cowley reported that there will be an Elderly Abuse Conference in Richfield on May 15 from 8 am until 5 pm.

Commissioner Wilson reported on a recent tour he attended on the desert with representative from SUWA and the Pugh Foundation. He reported he was impressed with Randy Johnson and Ray Petersen doing their work in trying to get the county's land use bill passed. Their knowledge with regards to the County's Land Use Bill and land issues was impressive. He stated that Emery County has good employees who serve our County well and are able to do a lot of things with little money.

(19)

ADJOURN

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 3, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS

The Warrant Check Edit List # 247624 through and including #247718 was presented for payment.

There were no requisitions.

Dispositions were presented for the following:

610-5488, Computer Stand, 610-4717 Incubator (foam), 146-9288, compact fridge.

(2)  
APPROVAL OF MARCH 20, 2018 COMMISSION MEETING MINUTES.

(3)  
APPROVAL OF OUT-OF-STATE TRAVEL FOR TINA CARTER TO ATTEND THE IPW TRADE SHOW IN DENVER.

(4)  
APPROVAL FOR ANY ELIGIBLE EMERY COUNTY EMT'S TO ATTEND EMT CONFERENCE IN ST. GEORGE, UT.

(5)  
APPROVAL TO ADVERTISE FOR AN OPEN POSITION ON THE EMERY COUNTY CAREER SERVICE COUNCIL BOARD.

(6)  
APPROVAL TO ADVERTISE AN RFP FOR LAWN CARE AT SEVEN (7) OF THE EMERY

COUNTY LIBRARIES AND THE EMERY COUNTY ROAD DEPARTMENT.

(7)

APPROVAL OF THE FOLLOWING VOLUNTEERS FOR SEARCH AND RESCUE:  
BRAD REED, GREG JEWKES, WADE ALLINSON, JEFF TUTTLE, HOWARD TUTTLE,  
PETE ALGER, ZACH CRAWFORD, LEONARD NORTON, JERRY PRICE, SHAUN JEFFS,  
KIRK MCQUIVEY, RANDY LAKE, CHUCK EBELING, JAMES BYARS, BEN ORGILL,  
LEE MAGNUSON, JASON JENSEN, TYLER TUTTLE, BRETT GUYMON, RUSS  
ARCHIBALD, CASEY TOOMER, GREG OLIVER, HAL JOHNSON, ROSS  
CHRISTEANSEN, TROY WINTERS, MICHAEL TAYLOR, ROD MAGNUSON, JIM  
JENNINGS, BRAWNY KILLPACK, LARRY JOHANSEN, CHRIS WINN, JOARED  
ANDERSON, DOUG JOHNSON, MATT CROSLAND, DAL GRAY, RYAN TORGESON,  
NATHAN MARTINEZ, DALEN JOHNSON, LOWELL MORRIS, AND RONNIE  
BLOOMER.

(8)

APPROVAL TO PROMOTE CAMILLE THOMAS FROM ASSISTANT LIBRARIAN IN  
CASTLE DALE TO BRANCH LIBRARIAN IN CLEVELAND WORKING 29 HOURS PER  
WEEK. MOVE FROM GRADE 7 TO GRADE 15. EFFECTIVE 4-9-18.

(9)

APPROVAL TO TRANSFER MINDI LABRUM FROM THE ELMO LIBRARY TO  
CLEVELAND LIBRARY AS THE ASSISTANT LIBRARIAN WORKING 19 HOURS PER  
WEEK. WAGE AND GRADE WILL STAY THE SAME, EFFECTIVE 4-4-18

(10)

NOTIFICATION: SELECTED MARIA JOHANSEN AS THE ASSISTANT LIBRARIAN FOR  
THE ELMO LIBRARY. WORKING 16 HOURS PER WEEK NO BENEFITS. WAGE  
GRADE 7.

(11)

NOTIFICATION: SELECTED SHERRI JENSEN AS THE ASSISTANT LIBRARIAN FOR  
THE CASTLE DALE LIBRARY. WORKING 19 HOURS PER WEEK WITH NO BENEFITS.  
WAGE GRADE 7, EFFECTIVE 4-4-18.

(12)

NOTIFICATION: SELECTED JULIE ROLLINS AS THE JANITOR FOR CASTLE DALE  
LIBRARY. WORKING 9 HOURS PER WEEK WITH NO BENEFITS. WAGE GRADE 6 @  
\$9.42 PER HOUR. EFFECTIVE 4-4-18.

(13)

APPROVAL TO PROMOTE KELDON GUYMON AND CHYANNE CARTER TO HEAD

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LIFEGUARD, MOVE FROM GRACE 3 GRADE 5. EFFECTIVE 4-9-18

(14)

APPROVAL TO GIVE DAVID ROBERTSON A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD . EFFECTIVE 4-9-18.

Commissioner Lynn Sitterud asked that Lynn Tuttle be added to the Search & Rescue list of volunteers. There was a correction to the item #13. It should be Kaitlynn Carter, not Chyanne Carter. Commissioner Kent Wilson made a motion to approve the Consent Agenda with the corrections as discussed. The motion was seconded by Commissioner Paul Cowley. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing was pulled for discussion.

(2)

RATIFICATION OF RESOLUTION LOWERING WAGE REQUIREMENT FOR THE FAST TRACK GRANT.

Commissioner Kent Wilson made a motion to ratify approval of Resolution 3-20-18 a resolution lowering the wage requirement for the Fast Track Grant. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

DISCUSS/APPROVE/DENY APPLYING FOR A GRANT FOR AN EMERY COUNTY VICTIMS ADVOCATE.

Attorney Mike Olsen stated that state statute requires each county to provide service for victims of domestic violence, crimes, abuse, etc. Chapter 37 of the Utah Code lists 6 pages of requirements to provide. The victims advocate from Carbon County has been providing this service for Emery County also. She does a great job, but is spread too thin. Every county has to have a victim advocate. The state will provide 90% of the cost to have a victim advocate, the county would provide the other 10%. When people are harmed, through no fault of their own, they do not know what to do, where to go to get help. The victim advocate helps the victim through the system with the information they need to go through the process and how to get help. Nancy Orgill from the Attorney's office has been helping people through some of this process, but Emery County needs their own person in place. Applying for this grant is the first phase of the process of acquiring a victims advocate for Emery County. The time will come when we

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need to decide the 10% in-kind to put with the grant. This could be office space, tech support, vehicle, etc. The advocate would be an employee of the county. The application is due April 17<sup>th</sup>. Several members of the Domestic Violence Coalition were present to speak to the need for a victim advocate. Attorney Mike Olsen recommended pursuing the grant. Commissioner Kent Wilson made a motion to approve applying for a grant for an Emery County Victims Advocate. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

DISCUSS/APPROVE/DENY CHANGES REGARDING THE GRANT TO DIGITIZE 20 YEARS OF THE EMERY COUNTY PROGRESS.

Suzanne Anderson explained that a request to pursue a grant to digitize 20 years of the Emery County Progress came before the Board of Commissioners on January 16, 2018 and was approved. She provided new information regarding the grant. The cash match for the \$1,998.00 grant is \$944.00. The Emery County Historical Society, acknowledged the benefit this would provide to the County, has pledged to provide the match through donations and fund raising efforts. She indicated that the Board was short 28 boxes at a cost of \$506.80. Her match for this would be \$254.00 which she felt she could meet from her archival budget. Suzanne requested approval to proceed with the grant with this additional information. Commissioner Paul Cowley made a motion to approve proceeding with the grant with the additional changes. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

DISCUSS/APPROVE/DENY COURTESY CAR USER AGREEMENT FOR HUNTINGTON AIRPORT.

Commissioner Cowley explained that the motion made in the last Commission Meeting was to approve the vehicle to be used at the Huntington Airport as a courtesy vehicle for the pilots to use to access the communities. The motion should have been to approve the user agreement that the user signs to use the vehicle. Therefore, Commissioner Paul Cowley made a motion to approve a Courtesy Car User Agreement for Huntington Airport. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR PERKINS B-n-B.

Commissioner Kent Wilson made a motion to approve a business license for Perkins B-n-B provided he has gone through the proper steps to acquire the license. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

DISCUSS/APPROVE/DENY DONATION TO EMERY COUNTY SUICIDE PREVENTION



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GROUP.

Ann Larsen and Patsy Stoddard came before the Board of Commissioners to provide a brief history of the group and request a donation to help with the program and activities. She indicated that much of the money for programs and activities has come from their own pockets. They hold weekly support group meetings at 5:30 p.m. on Tuesdays at the Castle Dale Senior Citizens Center. Anyone who has lost a loved one to suicide or people struggling with suicidal thoughts or anyone in need of support is welcome to attend the group meeting. They have held events and group activities. The group has attendance by community members as young as 12 years old. Any support would be appreciated. Sheriff Funk indicated that the group along with Four Corners Community Behavioral Health has been beneficial in stopping people from reaching the crisis level. Commissioner Kent Wilson made a motion to approve a donation of \$250.00 to the Emery County Suicide Prevention Group. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY MODIFICATION OF GRANT AGREEMENT BETWEEN U.S. FOREST SERVICE AND EMERY COUNTY.

The modification of Grant Agreement between U.S. Forest Service and Emery County is for an increase in the amount of the Grant to \$30,000.00. Commissioner Paul Cowley made a motion to approve a Modification of Grant Agreement between U.S. Forest Service and Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY MARKETING FUNDS FOR GREEN RIVER SOFTBALL AND GOLF TOURNAMENTS.

Jordan Leonard requested Marketing Match Funds for Green River Softball and Golf Tournaments. He explained that this is their fall tournaments. Last year they hosted 32 teams for the ball tournament and 90 golfers for the three man scramble golf tournament. They are requesting \$3,500.00, that they will match, to help advertise the events. This is TRT funds. Commissioner Paul Cowley made a motion to approve Marketing Match Funds for Green River Softball and Golf Tournaments using TRT Funds. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY TRAVEL BUREAU APPLYING FOR THE OUTDOOR

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RECREATION GRANT FOR HISTORIC INTERPRETIVE SIGNAGE.

Jordan Leonard requested approval to apply for the Outdoor Recreation Grant to be used for Historic Interpretive Signage. He identified several areas they propose to place interpretive signs. The State will fund 50% of the cost of the signs with a 25% cash match and 25% in-kind match from the county (Travel Bureau). The Travel Bureau feels this project will add value to the county by enhancing the experience people have when they visit these places.

Commissioner Kent Wilson made a motion to approve the Travel Bureau applying for the Outdoor Recreation Grant for historic interpretive signage. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY PRIORITIZED CIB LIST FOR FY 2019.

Commissioner Kent Wilson reported that the Commissioners sat in on the meeting where the AOG voted on the list. Commissioner Wilson suggested we analyze it because of Emery Town's situation. They are seeking a grant through CIB to analyze water monitoring at the Green's Hollow Area. Commissioner Wilson indicated that the Commissioners have been in a meeting where the coal mine is already doing that. He would like to be sure that Emery Town is not going after funding for something that is already being done. Commissioner Kent Wilson made a motion approve the prioritized CIB List for 2019 with clarification on Emery Town's water concerns. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSS/APPROVE/DENY CHANGE ORDERS # 6 AND # 7 ON THE MILLSITE DAM REHABILITATION PROJECT.

Commissioner Paul Cowley made a motion to approve Change Orders #6 and #7 on the Millsite Dam Rehabilitation Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS'/APPROVE/DENY CONTRACT THROUGH GREEN LIGHT BOOKING AGENCY FOR JENNY OAKS BAKER TO PERFORM AT THE 2018 EMERY COUNTY FAIR.

Commissioner Wilson reported that the Fair Committee has been successful in getting Jenny Oaks Baker to perform at the 2018 Emery County Fair. She will be a great addition to the Fair. Jenny is a violinist with family ties to Emery County. Commissioner Kent Wilson made a motion to approve a contract through Green Light Booking Agency booking Jenny Oaks Baker to perform at the 2018 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed. Attorney Mike Olsen indicated that he is still working on getting a

7

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liability clause in the contract.

(14)

DISCUSS/APPROVE/DENY ROMEO ENTERTAINMENT CONTRACT FOR NED LEDOUX FOR THE 2018 EMERY COUNTY FAIR CONCERT.

Shannon Hiatt requested approval to contract with Romeo Entertainment to book Ned Ledoux for the 2018 Emery County Fair. He indicated that this does not finalize getting Ned Ledoux, it is just the part we need to do today to get Ned Ledoux booked for the date we want. Shannon indicated that he will be back at a later date to finalize a contract with Ned Ledoux. The contract amount for Ned Ledoux is \$15,000.00. Mike Olsen indicated that the contract does contain a limited liability clause. Commissioner Kent Wilson made a motion to approve a contract with Romeo Entertainment to book Ned Ledoux for the 2018 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSS/APPROVE/DENY CONTRACT WITH MILL STREET ENTERTAINMENT FOR CHARLIE JENKINS AS AN OPENING ACT FOR THE 2018 EMERY COUNTY FAIR CONCERT.

Shannon Hiatt requested approval for a contract with Mill Street Entertainment for Charlie Jenkins as an opening act for the 2018 Emery County Fair Concert. The contract amount for Charlie Jenkins is \$4,500.00. Commissioner Kent Wilson made a motion to approve a contract with Mill Street Entertainment for Charlie Jenkins as an opening act for the 2018 Emery County Fair Concert. The motion was seconded by Commissioner Paul Cowley. The motion passed. We still need a limited liability clause for Charlie Jenkins as part of the contract.

(16)

DISCUSS/APPROVE/DENY SIGNING MOU WITH THE MANTI LASAL NATIONAL FOREST IN REGARD TO COOPERATING AGENCY STATUS IN THE FOREST PLAN REVISION PROCESS.

Ray Petersen discussed a MOU with the Manti LaSal National Forest in regard to cooperating agency status in the Forest Plan Revision Process. He explained that the MOU specifies the level of cooperation Emery County will have in the revision process. Ray recommended signing the MOU. Commissioner Paul Cowley made a motion to approve a MOU with the Manti LaSal National Forest with regard to cooperating agency status in the Forest Plan Revision Process. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(17)

DISCUSS/APPROVE/DENY BLM RIGHT-OF-WAY # UTU-91790.

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Ray Petersen requested approval of BLM Right-of-Way #UTU- 91790. This ROW is for a portion of the Dellos Ranch Road State Road #24 that parallels the San Rafael River. We applied for this ROW a few years ago but, before we could complete work on it, a late summer thunder storm came through and washed out the road. So nothing has been done to repair the road for a while. We made another ROW application for a piece of this road plus the borrow area to provide the material to repair the road. Commissioner Paul Cowley made a motion to approve a BLM Right-of-Way # UTU-91790. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(18)

DISCUSS/APPROVE/DENY MOTOR VEHICLE DRIVER INFORMATION AGREEMENT.

Mary Huntington explained that this agreement gives Utah Local Government Trusts the ability to check motor vehicle records, on a monthly basis, for employees who are assigned or who may drive county owned vehicles through the scope of their work. This service is provided free of charge with our Workers Comp/Trust Accountability program. By participating in this program we will get premium dollars back on our insurance. Commissioner Kent Wilson made a motion to approve Motor Vehicle Driver Information Agreement. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC REPORT.

Randy Johnson, Government Matters, LLC reported on legislative activity with regards to bills and other issues of interest to Emery County and rural Utah.

The Solar Bill was signed by the Governor, as well as the Natural Gas Infrastructure Bill. These could substantially impact Emery County with Green River looking to get natural gas infrastructure in their community. The solar bill could potentially open the door for PacifiCorp to add to solar energy in Emery County. During the legislature recess we have been looking over our Public Lands bill and crossing all the T's and dotting all the I's getting it ready to go to committee. Commission support during the committee session is very important.

Robbie Jensen, Director of the Senior Citizen Program provided a brief update of activity. They have three, part-time employees for Meals-on-Wheels. They are looking at applying for three grants. One will be for a program helping seniors prevent falls. Second a foster grandparent program. Third is a grandparents day recognizing Grandparents who are raising or helping raise grandchildren. He indicated that they are working on ways to get people to utilize the senior centers. They are working with several other agencies to present information to provide services to the seniors.

They are moving into the next phase with the Ferron Senior Center carport. Funding will be

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available on July 1st.

Commissioner Cowley thanked Robbie for his leadership with the senior programs.

(20)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Cowley applauded the Search & Rescue volunteers. Many are out on calls for many hours, many in the middle of the night. They do a great service, without compensation or complaint.

Commissioner Sitterud echoed Commissioner Cowley's comments and suggested that the local paper write an article highlighting those volunteers and the service that they provide. He reminded everyone of the upcoming Miss Emery Golf Tournament. It is Saturday, April 14th at 10a.m. \$250.00 per team.

Sheriff Funk reminded everyone of the fund raiser for Eli Winter who had part of his lung removed. They will have a dinner and auction on Friday, 13<sup>th</sup>. The dinner will be provided by BK's and Stewart's. There will be a raffle and silent auction for many items that have been donated for the fund raiser.

Bill Dellos reminded the Commissioners that the Republic Convention will be Thursday, April 12<sup>th</sup> at 6:30 p.m. in Huntington. State representatives will be present.

(21)

ADJOURN

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 17, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

The Warrant Check Edit List #247756 through and including #247909 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
11-18	Nikon Camera D7500 w/lens Nikon 70-200mm lens Sheriff- Homeland Security	\$4,673.90

Dispositions were presented for the following:

210-9615	2009 Dodge Durango	#5579
216-9827	2010 Chevrolet Tahoe	#2296
210-8908	2006 Dodge Durango	#0015
210-1140	2011 Chevrolet Tahoe	#2701
210-1306	2011 Dodge Charger	#2418
210-1307	2011 Dodge Charger	#2419
210-1309	2011 Dodge Charger	#2417
210-1152	2010 Chevrolet Tahoe	#7303
210-9448	2009 Dodge Durango SLT	#8706
210-1881	2014 Ford Taurus Intercept	#3194
316-7512	2001 Chevrolet Suburban	#4211
234-8279	2004 Chevrolet Pickup	#2316
210-9820	2008 Dodge Ram 1500 Quad	#0161
160-9712	2008 Chrysler Town/Country	#2255
410-7385	1995 Kenworth Tractor	#3087

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(2)

APPROVAL OF APRIL 03, 2018 COMMISSION MEETING MINUTES

(3)

APPROVAL FOR DUANE FOWLER TO SERVE A FOUR (4) YEAR TERM ON THE AGING AND NUTRITION BOARD.

(4)

APPROVAL TO START THE RECRUITMENT EFFORT FOR UP TO FIVE (5) SEASONAL LIFEGUARDS AND /OR HEAD LIFEGUARDS AS NEEDED.

(5)

APPROVAL TO PROMOTE BRENDA LEMON TO DEPUTY RECORDER II. MOVE FROM GRADE 13 TO GRADE 14. EFFECTIVE 04-23-2018.

(6)

APPROVAL OF LOYETTE HOLDAWAY AS A VOLUNTEER FOR THE LIBRARY SYSTEM.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

PRESENTATION BE GRAND COUNTY SHERIFF'S OFFICE.

Motion to table was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

(3)

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PRESENTATION BY CENTURY LINK REGARDING 911 UPDATE.

Motion to skip this item, to be dealt with at a later time in meeting if a representative gets here was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

(4)

OPEN, REVIEW AND AWARD BID FOR LAWN CARE FOR SEVEN (7) EMERY COUNTY LIBRARIES AND THE EMERY COUNTY ROAD DEPARTMENT.

Commissioner Lynn Sitterud opened bids for lawn care for seven (7) Emery county Libraries and the Emery county Road Department and read them aloud as follow:

- 1) Tab's Lawn Service \$295.75 per week, season (26 weeks) total \$7,689.50.
- 2) Zygee's Ranch \$ \$600.00 per week
- 3) Ray-zer Sharp Landscaping \$ 600.00 per week
- 4) Samuel James Smith \$ 240.00 per week, season (26 weeks) total \$6,240.00
- 5) Tennant Lawn Care Service \$ 326.00 per week, season (26 weeks) \$8,487.00

Commissioner Kent Wilson made a motion to compare the bids and determine which bid best matches the specifications as identified in the advertised RFP and award the bid based on that review process. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSS/APPROVE/DENY CONTRACT FOR LAWN CARE FOR SEVEN (7) EMERY COUNTY LIBRARIES AND THE EMERY COUNTY ROAD DEPARTMENT.

Commissioner Paul Cowley made a motion to have Attorney Mike Olsen draw up a contract for the successful bidder based upon review of the bids. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

APPROVAL OF THE COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING & FINANCIAL PLAN BETWEEN EMERY COUNTY SHERIFF'S OFFICE AND THE USDA FOREST SERVICE MANTI-LA SAL NATIONAL FOREST, 2017 ANNUAL OPERATING AND FINANCIAL PLAN.

Commissioner Paul Cowley made a motion to approve of a Cooperative law Enforcement Annual Operating & Financial plan between Emery County Sheriff's Office and the USDA Forest Service Manti-LaSal National Forest, 2017 Annual Operating and Financial Plan. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY AND BLM REGARDING



COMMISSION MEETING MINUTES  
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THE TRAVEL MANAGEMENT PLAN.

Ray Petersen explained that the Court has ordered that the BLM Price Field Office and Emery County take a look at the Travel Management Plan with respect to the cultural resources on the San Rafael desert and San Rafael Swell. Ray recommended that the Commission sign and participate. Commissioner Paul Cowley made a motion to approve an MOU between Emery County and BLM regarding the Travel Management Plan. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY A LETTER TO THE BLM DECLARING EMERY COUNTY'S INTEREST IN PARTICIPATION AS A CONSULTING PARTY REGARDING THE OIL AND GAS LEASE SALE.

Ray Petersen explained that Emery County has been invited by BLM to participate as a consulting party regarding the oil and gas lease sale on the San Rafael Desert. In September they will be evaluating 160,000 acres on the San Rafael Desert for oil and gas lease sale. Ray advised the Commissioners to sign the letter and enter into agreement to be recognized as a participating party. Commissioner Paul Cowley made a motion to approve signing a letter to the BLM declaring Emery County's interest in participating as a consulting party regarding the oil and gas lease sale. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY THE DISTRIBUTION SERVICE AGREEMENT WITH CERTIFIED FOLDER DISPLAY SERVICES FOR DISTRIBUTION OF MARKETING BROCHURES.

Jordan Leonard discussed a Distribution Service Agreement in the amount of \$2,057.74 with Certified Folder Display Services. He explained that they distribute approximately 5,000 brochures to businesses and kiosks in Green River, Grand Junction and Moab. This expense is an allowable use of TRT funds. Commissioner asked if the County receives any verification that they provide the service. Jordan will check into that. The Commissioners also asked if they could bill the county on a quarterly basis. Commissioner Kent Wilson made a motion to approve an Agreement with Certified Folder Display with the stipulation that the County pays on a quarterly basis and that Certified Folder Display verifies that the county receives the service. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY MARKETING FUNDS FOR CRANDALL CANYON MEMORIAL RUN.

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Jordan Leonard requested approval of Marketing Funds for Crandall Canyon Memorial Run. Last year they hosted approximately 100 runners. They are requesting \$2,000.00 which they will match to market the event through social media, newspaper ads, T shirts, etc. The Run will be held on August 4<sup>th</sup>. This a Board and State approved use of TRT funds. Commissioner Kent Wilson made a motion to approve Marketing Funds for Crandall Canyon Memorial Run in the amount of \$2,000.00. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY MARKETING FUNDS FOR THE LITTLE GRAND CANYON MARATHON.

Jordan Leonard requested approval of Marketing Funds for the Little Grand Canyon Marathon. Last year they hosted approximately 200 runners. They are requesting \$3,500.00 which they will match to assist in promotion and advertising the event. The event will be held on September 15<sup>th</sup>. The Travel Board as reviewed and approved the use of TRT funds for assisting with marketing the event. Commissioner Kent Wilson made a motion to approve Marketing Funds for the Little Grand Canyon Marathon. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSS/APPROVE DENY MARKETING FUNDS FOR MILLSITE GOLF COURSE.

Jordan Leonard requested approval of Marketing Funds for Millsite Golf Course. They requested \$3,500.00 which Ferron City will match to assist with radio ads and advertising/promotion in Utah Golf Magazine, PGA Magazine and Adventure Land in Grand Junction to promote the golf course. This is a Board and State approved use of TRT funds. Commissioner Kent Wilson made a motion to approve Marketing Funds for Millsite Golf Course in the amount of \$3,500.00. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

DISCUSS/APPROVE/DENY MARKETING FUNDS FOR COWBOY'S MEMORIAL RODEO.

Jordan Leonard requested Marketing Funds for Cowboy's Memorial Rodeo. They have requested \$3,500.00 which they will match to promote and market the rodeo. Last year they had more than 250 people attend the rodeo. This is now the closest thing we have to a pro rodeo. The rodeo is scheduled for July 28 and 29, 2018. This is an approved use of TRT funds. Commissioner Paul Cowley made a motion to approve Marketing Funds for Cowboy's Memorial Rodeo in the amount of \$3,500.00. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)  
DISCUSS/APPROVE/DENY MARKETING FUNDS FOR THE EMERY COUNTY  
AQUATIC CENTER.

Jordan Leonard requested Marketing Funds for the Emery County Aquatic Center. They have requested \$3,500.00 which they will match. The funds will be used to advertise in the paper and radio ads to focus on Carbon County and surrounding areas. ECAC is a zero entry pool and he hopes to appeal to those not comfortable with the waves for little children at the Wave Pool. The Travel Board has approved the use of TRT funds for this purpose. Commissioner Paul Cowley made a motion to approve Marketing Funds for the Emery County Aquatic Center in the amount of \$3,500.00. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)  
DISCUSS/APPROVE/DENY MARKETING FUNDS FOR KASEY'S PRO SHOP.

Jordan Leonard requested Marketing Funds for Kasey's Pro Shop. He has requested \$3,500.00 which he will match. He will be holding two events that the funds will be used to promote. The first event will be June 2, Castle Rock Amateur and the second one is a couple's tournament on August 17<sup>th</sup>. The funds will be used to help with the website, logo golf balls and advertising for the two events. The Travel Board has approved the use of TRT funds for this purpose. Commissioner Kent Wilson made a motion to approve Marketing Funds in the amount of \$3,500.00 for Kasey's Pro Shop and ask that he show receipts showing that the funds were used for advertising. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)  
DISCUSS/APPROVE/DENY 2018 ANNUAL PROPERTY TAX EXEMPTIONS FOR  
RELIGIOUS OR EDUCATIONAL NON-PROFIT ORGANIZATIONS.

The 2018 Annual Property Tax Exemptions for Religious or Educational Non-Profit Organizations was presented for approval:

2018 PROPERTY TAX EXEMPTION

American Legion  
Post 42

#1-130-18

Castle Dale  
Independent

Baptist Church  
#01-002C-0013

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Daughters of Utah Pioneers-Hunt #1-196-22	LDS Church various #'s	#3-130-3 #3-130-1 #3-127-1
Daughters of Utah Pioneers-Orange #1-253-18	Sovereign Grace Fellowship #1-177A-20	Utah Housing / Crown Homes #1-168-7 #1-29A-3 #1-29A-4
Daughters of Utah Pioneers-Elmo #1-72-16	Orangeville City/ Housekeepers #1-239-52	Friends of Green River-PACT #1-162-7
Daughters of Utah Pioneers-CD #1-15-20	Rural Utah Child Development #1-180-20	Epicenter #1-154A-22
Alpine Community Church #01-179-1	Roman Catholic Church #3-50-16 #1-151H-25	
Ferron Cattleman's Association #5-87-27	Stuart B. Wilson Orient Lodge #1-151G-54	
First Baptist Church of Emery County #1-126-45	Rocky Mountain West Baptist Mission #5-94-6 #5-93-7 #5-94-3 #5-94-5	
Four Corners Mental Health #1-13-46	United Mine Workers Of America #4-16-14	
Green River Bible Church #1-151G-36 #1-151F-18&19	Utah Museum of Natural History/ University Of Utah #5-56-2	

8

COMMISSION MEETING MINUTES  
APRIL 17, 2018

Commissioner Kent Wilson made a motion to approve the 2018 Property Tax Exemptions list. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSS/APPROVE/DENY REVISED RISK MANAGEMENT VEHICLES-  
TRANSPORTATION POLICY.

Motion to table was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

(18)

DISCUSS/APPROVE/DENY AGREEMENT WITH SCOTT S. CROOK TO  
REVIEW/UPDATE THE EMERY COUNTY POLICIES AND PROCEDURES MANUAL.

Three years ago Emery County entered into an agreement with Scott S. Crook to review/update the Emery County Policies and Procedures Manual. It is time once again to review the manual and update to meet state regulations. Rather than paying Mr. Crook by line item for his services he has agreed to a flat amount of \$3,000.00. Attorney Mike Olsen has reviewed the agreement. Commissioner Kent Wilson made a motion to approve an agreement with Scott S. Crook to review/update the Emery County Policies and Procedures Manual upon Mr. Crook's review of the document. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

DISCUSS/APPROVE/DENY REQUEST FROM ANN COX REGARDING COUNTY  
PROPERTY LOCATED EAST OF HER PROPERTY.

Motion to table was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

(20)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC REPORT.

Randy Johnson, Government Matters, LLC provided an update of current bills in the legislature that are of concern/interest to Emery County and rural Utah.

The County's Land Use bill is still going back and forth. It appears that the timing of Commissioner Wilson's trip to Washington, DC. coincides with testimonies before the committee on the land use bill.

COMMISSION MEETING MINUTES  
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(21)

COMMISSION/ELECTED OFFICIALS REPORT.

Attorney Mike Olsen reported that Sheriff Funk asked to be excused from the meeting today. Captain Ekker was in attendance at today’s meeting representing the Sheriff’s Department.

Commissioner Wilson talked about Search and Rescue and the very successful turnout that they had at a fund raiser they sponsored for the son of their members. They were able to raise an abundant amount of money to help a struggling family.

Commissioner Sitterud commented that Emery County should receive a pat on the back for the out pouring of support that the Winter’s family received during the fund raiser. Many people donated an abundance of items for the auction.

Following Elected officials reports, they held the monthly safety drawing.

Commissioner Sitterud drew names of those who qualify for the monthly incentive VISA gift card drawing as follows:

- Full time employee- Carole Larsen
- Par time employee- Meagan Crosland
- Safety Sensitive Employees- Molly Barnes and Brock Winn

(22)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

1  
COMMISSION MEETING MINUTES  
MAY 1, 2018

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

MAY 1, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #247926 through and including #248034 was presented for payment.

There were no Requisitions or Dispositions.

(2)  
APPROVAL OF APRIL 17, 2018 COMMISSION MEETING MINUTES

(3)  
APPROVAL TO REAPPOINT JUDY ANN SCOTT TO THE EMERY COUNTY AGING AND NUTRITION BOARD.

(4)  
NOTIFICATION. ESTELLE GRANGE HAS BEEN SELECTED TO BE THE JANITOR AT THE HUNTINGTON LIBRARY. WAGE GRADE 6.

(5)  
APPROVAL TO PROMOTE JEREMY LAKE TO CORRECTION OFFICER I FOR SUCCESSFUL COMPLETION OF POST. EFFECTIVE 5-6-18. MOVE FROM GRADE 14 TO GRADE 15.

(6)  
APPROVAL TO HIRE MIKE HOWES AS A FULL TIME DISPATCHER I WITH BENEFITS. GRADE 14.

(7)

2

COMMISSION MEETING MINUTES  
MAY 1, 2018

APPROVAL TO HIRE ERIK NIELSEN BACK AS A SEASONAL WEED & MOSQUITO TECH. WAGE \$13.50 PER HOUR.

(8)

APPROVAL OF E. JAMES NIELSEN TO BE A VOLUNTEER FOR THE WEED & MOSQUITO DEPARTMENT.

(9)

APPROVAL TO HIRE MELISSA ARRIEN AND KEVIN BUTLER AS A SEASONAL HEAD LIFEGUARD. WAGE GRADE 5.

(10)

APPROVAL TO HIRE GAGE D. JENSEN AS A SEASONAL LIFEGUARD. WAGE GRADE 3.

(11)

APPROVAL OF RETIRED SGT. TOM HARRISON AND RETIRED SGT. DUSTY BUTLER AS APPROVED VOLUNTEERS TO ASSIST WITH EMERGENCY MANAGEMENT, HOMELAND SECURITY AND OTHER SPECIAL FUNCTIONS AT THE EMERY COUNTY SHERIFF'S OFFICE.

(12)

APPROVAL TO TRANSFER MAXINE FIELDER TO THE RECORDER'S OFFICE AS A FULL TIME DEPUTY RECORDER I, WITH BENEFITS. MOVE FORM GRADE 11 TO GRADE 13. EFFECTIVE 5-7-18

Motion to approve the Consent Agenda with the exception of #3 was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Number 3 was pulled from the Consent Agenda because Judy Ann Scott's term is not up until next year.

(2)

PRESENTATION BY GRAND COUNTY SHERIFF'S OFFICE.



COMMISSION MEETING MINUTES  
MAY 1, 2018

Grand County Sheriff Steven White presented Sheriff Funk and his staff with plaques stating appreciation from Grand County for their assistance during the remodel process of the Grand County Jail facility. Emery County Sheriff's Office housed Grand County inmates from October 2016 through September 2017 during their remodel process. A plaque was also presented to the Emery County Commissioners.

(3)

PRESENTATION BY DWR FOR DELIVERY OF DWR'S ANNUAL PILT PAYMENT TO EMERY COUNTY AND UPDATE OF DWR'S ACTIVITIES WITHIN THE COUNTY.

Chris Wood, Regional Supervisor for Division of Wildlife presented the Commissioners with a check for \$2,610.71 for PILT payment for 5,421 acres of land that the agency owns in Emery County. Most of the land is along the San Rafael River and some at the Huntington Game Farm. There is an abundance of open land in Emery County for people to recreate, fish and hunt. The PILT payment is paid by sportsmen through fees. They also manage Desert Lake. The 2,800 acres are owned by US Fish and Wildlife service. He stated that they appreciate the partnership they have with Emery County Land Council. He attends their meeting each month and appreciates the communication and ability to work through issues. He reported that the agency is doing what they can to grow the deer and elk herds on the mountains. They are continuing to work with land owners through depredation to mitigate the deer that don't migrate. They have release approximately 10,000 pheasants, 700 to 800 in Emery County alone. They are trying to reignite the joy of pheasant hunting for the next generation of hunters. They have experienced a bison issue with bison coming off the Ute Indian Reservation onto allotment holders. The herd on the reservation is getting too big. They are working though this issue. He added he appreciates the partnership the agency has with the County and its citizens.

(4)

DISCUSS/APPROVE/DENY RESTRUCTURING THE BOARD OF THE LOCAL BUILDING AUTHORITY OF EMERY COUNTY.

Attorney Mike Olsen indicated that in the last couple of weeks a citizen has brought into question the legal aspects of the LBA. He indicated that he is looking into the state statutes to affirm that the LBA can do what it does and that we are in compliance. He requested time to continue his research and provide in writing to the Board of Commissioners his recommendation. Commissioner Kent Wilson made a motion to table this matter for a later meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSS/APPROVE/DENY AWARDDING BID FOR LAWN CARE FOR SEVEN(7) EMERY COUNTY LIBRARIES AND THE EMERY COUNTY ROAD DEPARTMENT.

COMMISSION MEETING MINUTES  
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Commissioner Kent Wilson explained that bids for lawn care for the libraries and Road Department were opened and read aloud in Commission Meeting on April 17, 2018. Some bids were eliminated. We have narrowed it down to two bids that are very close. He requested to table this for today to allow time to continue to evaluate the bids. Commissioner Kent Wilson made a motion to table this and have the current contractor carry on with the duties for the month of May at the same rate as the last contract rate. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSS/APPROVE/DENY EMERY COUNTY EMERGENCY MANAGEMENT'S APPLICATION FOR THE 2018 EMERGENCY MANAGEMENT PERFORMANCE GRANT.

Commissioner Paul Cowley made a motion to approve Emery County Emergency Management's application for the 2018 Emergency Management Performance Grant. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY 2018 ELECTION JUDGES.

Clerk/Auditor Brenda Tuttle presented a list of election judges for the 2018 election year. Brenda indicated that many are individuals who have been used in previous elections, some are those who indicated from the town caucus meetings their desire to serve as an election judge. The list may change as election day approaches and she asked for the ability to make changes as needed. Commissioner Kent Wilson made a motion to approve the 2018 election judges and allow alternate judges as needed. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY ANNUAL MEMBERSHIP DUES FOR THE UTAH WATER ASSOCIATION.

Commissioner Paul Cowley made a motion to approve annual membership dues of \$500.00 for the Utah Water Association. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY RENTAL AGREEMENT FOR THE DUNK TANK FOR THE 2018 EMERY COUNTY FAIR.

Commissioner Kent Wilson made a motion to approve an agreement for The Dunk Tank in the

COMMISSION MEETING MINUTES  
MAY 1, 2018

amount of \$99.00 per day for the 2018 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY THE REVISED RISK MANAGEMENT VEHICLE-TRANSPORTATION POLICY.

Mary Huntington, Personnel Director reported that three weeks ago in Risk Management meeting the committee approved and recommended approval of the revised Risk Management Vehicle-Transportation Policy. The County participates in the Trust Accountability program with Local Governments Trust who carries our Worker's Comp. Participation in the program will earn us a percentage of our premium back at the end of the year. Mary will forward driver's licenses of all employees who drive a county vehicle or use their own vehicle during the scope of their job and on county time to the Trust who will provide a rating report to the County. This is an effort to mitigate exposure and limit risks to the County. Commissioner Paul Cowley made a motion to approve the Revised Risk Management Vehicle-Transportation Policy. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY THE SELECTION OF A CAREER SERVICE COUNCIL MEMBER FOR A THREE YEAR TERM ENDING JUNE 1, 2021.

Commissioner Kent Wilson explained that due to McKette Allred leaving for a mission for the LDS Church a vacancy is open for the Career Service Council. There is three years left on the term. They had a few applicants for this opening. One requirement of the board is to be a judge or practicing attorney. Scott Johansen meets this requirement as he is a retired judge and practicing attorney. Commissioner Kent Wilson indicated that the Emery County Commissioners would like to offer the position to Scott Johansen. Commissioner Wilson expressed his gratitude to those who have applied. Commissioner Kent Wilson made a motion to approve Scott Johansen to be on the Career Service Council for a three year term ending June 1, 2021. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

RANDY JOHNSON- GOVERNMENT MATTERS, LLC. REPORT.

Randy Johnson was not able to attend the meeting today. Commissioner Wilson reported on the recent trip to Washington, D.C. He stated he was encouraged by what they were told regarding the County's Public Land Bill. The legislators they met with told them this is the best time to present the bill. There is a Republican President, Republican House and Senate. This works in our favor. They are still tweeking the bill to make everyone happy. An environmental group that they met with, The Pugh Foundation, is in favor of bill. They were encouraged and hopeful for its passage.

COMMISSION MEETING MINUTES  
MAY 1, 2018

(13)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Cowley reported on discussions in Public Lands Council regarding the water situation. It is not good.

Attorney Mike Olsen extended his appreciation to McKette Allred for her years of service on the Career Service Council. It is a great service to the County for Scott Johansen to come out of retirement to serve on the Career Service Council.

(14)

ADJOURN

Commissioner Paul Cowley made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

Commissioner Paul Cowley made a motion to reconvene the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

The Commissioners were reminded of the RFP's that were turned in to the Clerk/Auditor's office on time per advertising. Opening of the bids was not added to the Agenda due to an oversight. Attorney Mike Olsen indicated that the Commissioners could open the RFP's to allow time to review them before awarding the bid, which according to advertising would be May 15<sup>th</sup>. The opening of the bids will be ratified in the May 15<sup>th</sup> meeting.

Proposals were opened and read aloud as follow:

1)	Precision CMS	\$22,995
2)	Patrick Copeland	\$44,000
3)	Lauder Design	\$45,000
4)	Smirk New Media	\$13,500
5)	Relic	\$25,000
6)	HUB	\$55,000
7)	Develop 50 Studio	\$22,785
8)	ETV News	\$13,455
9)	Infogenix	\$18,000 - \$23,000
10)	RUMOR	\$55,000 - \$75,000
11)	LOVE Communications	\$49,625 - \$57,125

Motion to turn the bids over to the Travel Board to analyze a determine that they meet the scope of their needs was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson and the motion passed.

7

COMMISSION MEETING MINUTES  
MAY 1, 2018

Motion to adjourn the meeting was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 15, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #248070 through and including #248182 was presented for payment.

There were no requisitions or dispositions.

(2)  
APPROVAL OF MAY 1, 2018 COMMISSION MEETING MINUTES.

(3)  
APPROVAL OF A 3% WAGE INCREASE FOR HANNAH MORRIS, ELI BEAGLEY, DEEGAN MINCHEY, SYDNEY TERWILLIGER, AND JONATHAN SEELY FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD. EFFECTIVE 5-21-18.

(4)  
APPROVAL OF SETTLEMENT AGREEMENT AND RELEASE IN THE BOLINDER MATTER.

(5)  
NOTIFICATION: SELECTED EARL NIELSON AS A PART TIME EQUIPMENT OPERATOR I WORKING 19 3/4 HOURS PER WEEK. WAGE GRADE 16.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

COMMISSION MEETING MINUTES  
MAY 15, 2018

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Patsy Stoddard asked for some details on #4 on the Consent Agenda. Commissioner Wilson explained that the case was settled for \$75,000.00. The funds were paid by our insurance company. Attorney Mike Olsen indicated that Emery County Commissioners will have a press release regarding this matter, tomorrow, May 16, 2018.

(2)

PRESENTATION OF EMPLOYEE OF THE MONTH.

Arianna Downard from the Aquatic Center presented Keldon Guymon with an Employee of the Month Certificate. She added that Keldon really stepped up to the plate this last month helping in many capacities at the pool. Keldon opened and closed to pool while Kylee has been absent for a kidney transplant. He was there before school to open the pool and there after school to close the pool. This was done while he is also on the all state track team and attending school. He took on these added responsibilities with out complaint and with a smile. The staff at the aquatic center want to recognize his extra effort and dedication.

(3)

DRAWING/AWARDING OF MONTHLY SAFETY INCENTIVE VISA GIFT CARDS TO 4 EMPLOYEES WHO ARE ELIGIBLE.

A drawing was held for the monthly safety incentive program:

Full Time employee: Nancy Orgill

Part-Time employee: Maegan Wilberg

Safety Sensitive employees: Jeremiah Rich and Shaun Bell.

(4)

JEFF KELSEY INSURANCE RENEWAL FOR PLAN YEAR JULY 1, 2018 - JUNE 30, 2019.

Jeff Kelsey reviewed Emery County's insurance plan for July 1, 2018 through June 30, 2019. He reviewed last year's performance and activity. He reviewed the offers that were submitted for the coming year's insurance. This year will not see an increase in premiums. He reviewed the options for dental and made suggestions. Commissioner Wilson thanked Mr. Kelsey for his hard work in providing the county's employees with the best, most affordable insurance. He also thanked Mary and Brenda for representing the employees during the many meetings held

3

COMMISSION MEETING MINUTES  
MAY 15, 2018

regarding insurance. Commissioner Kent Wilson made a motion to pursue the insurance plan for the plan year 2018-2019, with the current model and the modifications to the plan as suggested. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

AWARD BID FOR LAWN CARE OF SEVEN (7) EMERY COUNTY LIBRARIES AND THE EMERY COUNTY ROAD SHOP.

Commissioner Paul Cowley made a motion accept the recommendation of the Emery County Library Board and award the bid for lawn care of seven (7) Emery County Libraries and the Emery County Road Shop to Tennant Lawn Care. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY CONTRACT WITH TENNANT LAWN CARE FOR LAWN CARE SERVICES AT SEVEN (7) EMERY COUNTY LIBRARIES AND THE EMERY COUNTY ROAD SHOP.

Commissioner Paul Cowley made a motion to approve a contract with Tennant Lawn Care for lawn care services at seven (7) Emery County Libraries and the Emery County Road Shop for three (3) years with the option to extend the contract. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

RATIFICATION OF APPLICATION FOR THE STATE PARKS GRANT.

Jordan Leonard explained that the application was due May 1<sup>st</sup> for this grant which was the day of the last meeting, to late to get on the agenda. The grant is for the purchase of a Trail Cat to clean up current trails that are already Forest Service and BLM approved. The total project is \$80,000.00. The Tourism Council has approved up to \$30,000.00 on the project that includes operator and fuel. Les Wilberg has volunteered to help. State and in-kind and cover the balance. The biggest concern will be where to house the machine. Commissioner Paul Cowley made a motion to ratify an application for a State Parks Grant. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)



COMMISSION MEETING MINUTES  
MAY 15, 2018

RATIFICATION OF LETTER OF SUPPORT FOR THE EMERY COUNTY PUBLIC LAND MANAGEMENT ACT 2018.

The letter is addressed to Senator Orrin Hatch and Representative John Curtis in support of the Emery County Public Land Management Act 2018. It explains the process that the Public Lands Council went through for the last 25 years to get the bill to this point. Leon McElprang expressed some concerns. He indicated that he sits on the Public Lands Council and has not been involved with the process for the last 25 years. He had some questions on wilderness characteristics, designation and access. Randy Johnson addressed his concerns and assured Mr. McElprang that nothing has changed. Mr. McElprang added that Utah State did a study that shows agriculture and grazing on the Manti, and as far as economics go, brings 23 million dollars into our area every year. That is right up there with coal mining. He stated he hopes the Council understands the economic value in grazing in our area and hopes they are always taking care of that. Randy assured him that they have worked really hard to protect those interest. Commissioner Sitterud indicated that he has had discussions on the bill with Mr. McElprang previously and just to ease everyone's concerns he contacted 10 or 12 larger cattle ranchers in our area, to touch base with them and get their feel for wilderness designation on the Manti. These ranchers indicated that looking at all the possibilities, with the political landscape as it is today, they were comfortable with what is being done. Mike Olsen addressed some of his concerns regarding wilderness designation and monument designation. Randy Johnson explained that if this bill passes the possibility of monument designation would defiantly be less likely due to the fact that the areas under scrutiny would already be in wilderness designation or national conservation areas. Randy stated, "When this bill passes we will have Congressionally recognized a million acres of our 2.9 million acres in this County". You can't put a monument on wilderness designation or national conservation areas. This could, potentially, remove the target off our back, as far as monument designation is concerned.

Commissioner Paul Cowley made a motion to ratify the signing of a letter in support for the Emery County Public Land Management Act 2018. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY LETTER OF SUPPORT FOR ALTERNATIVE 2 IN THE MUDDY CREEK WILD AND HORSE HERD MANAGEMENT AREA GATHER PLAN.

Commissioner Kent Wilson made a motion to approve a letter of support for Alternative 2 in the Muddy Creek Wild and Horse Herd Management Area Gather Plan. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR JAN CURTIS, JANCO

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NETWORKING.

Commissioner Kent Wilson made a motion to approve a business license for Jan Curtis DBA: Janco Networking. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY AND THE UTAH DIVISION OF EMERGENCY MANAGEMENT.

The MOU between Emery County and the Utah Division of Emergency Management identifies staging areas in Emery County in the event of an emergency. It is required for the EMPG Grant. Commissioner Paul Cowley made a motion to approve a MOU between Emery County and the Utah Division of Emergency Management. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY RESOLUTION DECLARING THE EXISTENCE OF A DROUGHT EMERGENCY IN EMERY COUNTY

Commissioner Paul Cowley made a motion to approve Resolution 5-15-18 a resolution declaring the existence of a drought emergency in Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY TOURISM MARKETING MATCH FUNDS FOR HERITAGE DAYS RODEO.

Jordan Leonard requested Tourism Marketing Match funds in the amount of \$3,500.00 for Heritage Days Rodeo. The date of the rodeo is June 29, 2018. They had approximately 900 people attend last year's rodeo. They will match the funds to use for promotional advertising and promotional materials. The funds are TRT funds. Commissioner Kent Wilson made a motion to approve Tourism Marketing Match funds in the amount of \$3,500.00 for Heritage Days Rodeo. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSS/APPROVE/DENY TOURISM MARKETING MATCH FUNDS FOR MELON CRUISE CAR SHOW.

6

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Jordan Leonard requested Tourism Market Match funds in the amount of \$1,700.00 for Melon Cruise Car Show. The date of the show is September 8, 2018. They had approximately 250 visitors at the show last year. They will match the funds to use for advertising. The funds are TRT funds. Commissioner Paul Cowley made a motion to approve Tourism Marketing Match Funds in the amount of \$1,700.00 to Melon Cruise Car Show. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

DISCUSS/APPROVE/DENY TRAVEL BUREAU'S APPLICATION FOR GRANT FUNDING THROUGH THE UTAH OFFICE OF TOURISM FOR MARKETING PROJECTS.

Jordan Leonard requested approval for the Travel Bureau's application for grant funding through the Utah Office of Tourism for marketing projects. He indicated that the proposed projects such as billboards, wall wraps, etc. must be out of the state of Utah. In the past the grant has been anywhere from \$100,000.00 to \$150,000.00. We would use \$50,000.00 to \$60,000.00 from TRT to match the grant. He indicated that they have seen an increase of TRT and revenue tax. Sales Tax is up a little. We will try to pinpoint where the return of investment is coming from. Commissioner Kent Wilson made a motion to approve the Travel's Bureau application for Grant Funding through the Utah Office of Tourism for marketing projects. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

DISCUSS/APPROVE/DENY TRAVEL SHOWS FOR 2019.

Jordan Leonard presented a list of travel shows that the Travel Bureau has approved to attend in 2019. He indicated that Tina Carter attends the travel shows.

Go West Idaho, is a tour bus operator show.

Quartzite, AZ is retirees and State Parks promotional.

Sportsman Expo is for adventurers

Travel Adventure Show is water sports and State Parks.

Commissioner Kent Wilson made a motion to approve the Travel Show Plan for 2019. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSS/APPROVE/DENY CONTRACT AGREEMENT WITH EARL CORREY TO PROVIDE TWO (2) MUSICAL PERFORMANCES FOR THE WONDERS OF THE SWELL PHOTO CONTEST.

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Earl Correy is a Native Style Flute performer. Mr Correy has agreed to provide two musical performances for the Wonders of the Swell Photo Contest. He will perform at the John Wesley Powell Museum and at the Rochester Panel during a workshop with Bob Maynard, on Saturday, June 23, 2018. The contract amount is \$500.00 to cover his performance and accommodations for travel expenses, the PA system set-up and take down. Commissioner Kent Wilson made a motion to authorize a contract agreement with Earl Correy to provide two musical performances for the Wonders of the Swell Photo contest. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(18)

DISCUSS/APPROVE/DENY CONTRACT AGREEMENT WITH BOB MAYNARD TO JUDGE THE WONDERS OF THE SWELL PHOTO CONTEST.

Jordan Leonard indicated that they have 66 to 150 photos signed up thus far for the Wonders of the Swell Photo Contest. Bob Maynard is a professional photographer who has agreed to be a judge for the photo contest. The contract agreement covers his cost for travel expenses. Commissioner Kent Wilson made a motion to approve a contract agreement with Bob Maynard to judge the Wonders of the Swell Photo Contest. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

DISCUSS/APPROVE/DENY HYPNO HICK CONTRACT FOR THE 2018 EMERY COUNTY FAIR.

Attorney Mike Olsen indicated that the contract for Hypno Hick did not include a liability and insurance clause. He suggested approving the process and he will address the liability and insurance clause with the contractor. Commissioner Kent Wilson made a motion to go through the contract process with Hypno Hick for the 2018 Emery County Fair addressing the liability and insurance clause on the contract. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(20)

DISCUSS/APPROVE/DENY LOCAL PUBLIC SAFETY TRUST FUND COST-SHARING AGREEMENT.

Mary Huntington explained that back in 2016 the legislature passed a bill that the counties are required to pay health insurance for a surviving spouse and their children up to age 26 in the event a law enforcement officer was killed in the line of duty. What that meant is the county is would be responsible to pay the cost of the premium for the spouse and children to participate. Then they made a trust fund an option where if the county chose to participate in the trust fund you would pay \$95.00 per law enforcement that is employed by the county into the trust fund every year. Then, in the event a law enforcement officer were to be killed in the line of duty, the

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trust fund would reimburse the county those premium dollars. Until legislation this year participation in that trust fund was voluntary. Participation in the trust fund is now mandatory for all counties in Utah. In the past the county just handled the premium. The cost for the county to participate this year would be \$95.00 per certified law enforcement in the county which is 34, would be \$3,230.00 for the year. This goes into affect July 1, 2018. There is an agreement that needs to be signed. Mary will supply the trust with a list of names that are certified along with the payment that will be transferred to the trust fund. Commissioner Paul Cowley made a motion to approve a Local Public Safety Trust Fund Cost-Sharing Agreement. The motion was seconded by Commissioner Kent Wilson. The motion passed.

In other business Merrial Johansen, from Johansen & Tuttle Engineering informed the Commissioners of a possible Federal Grant opportunity. This is a National Infrastructure Investment grant run through UDOT. 1.5 billion dollars will be available nation wide. Each state will have available 25 million dollars that the counties may make application to receive. It would be a 80/20 grant. They will focus on rural areas. They will look at cost/ benefit value merit value, long term value, ability to maintain, environmental value, tax growth, availability of match funds, and more. Projects already in the works, that already have their environmental studies completed will be ahead due to the date which is July 19, 2018.

(21)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC REPORT

Randy Johnson- Government Matters, LLC reported on activity of interest to Emery County and rural Utah. EC's Public Lands Bill has been introduced. Hearings on the House side will begin in mid June. This will require one of the Commissioners to go to Washington, DC to testify before the House. Senator Hatch would like to see more before they recess. He has set up a meeting with Public Lands Council for next week to bring them up to speed with the language of the bill. They are working on matching the language to the presidents language. We need to get it passed in the Senate.

(22)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Sitterud reported that he received word from the Seven County Coalition reporting that a US Judge has ruled in favor of eliminating the ban to export coal from a California port.

(23)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Paul Cowley, seconded by

9

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Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 17, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

The Warrant Check Edit List #247756 through and including #247909 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
11-18	Nikon Camera D7500 w/lens Nikon 70-200mm lens Sheriff- Homeland Security	\$4,673.90

Dispositions were presented for the following:

210-9615	2009 Dodge Durango	#5579
216-9827	2010 Chevrolet Tahoe	#2296
210-8908	2006 Dodge Durango	#0015
210-1140	2011 Chevrolet Tahoe	#2701
210-1306	2011 Dodge Charger	#2418
210-1307	2011 Dodge Charger	#2419
210-1309	2011 Dodge Charger	#2417
210-1152	2010 Chevrolet Tahoe	#7303
210-9448	2009 Dodge Durango SLT	#8706
210-1881	2014 Ford Taurus Intercept	#3194
316-7512	2001 Chevrolet Suburban	#4211
234-8279	2004 Chevrolet Pickup	#2316
210-9820	2008 Dodge Ram 1500 Quad	#0161
160-9712	2008 Chrysler Town/Country	#2255
410-7385	1995 Kenworth Tractor	#3087

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COMMISSION MEETING MINUTES  
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(2)

APPROVAL OF APRIL 03, 2018 COMMISSION MEETING MINUTES

(3)

APPROVAL FOR DUANE FOWLER TO SERVE A FOUR (4) YEAR TERM ON THE AGING AND NUTRITION BOARD.

(4)

APPROVAL TO START THE RECRUITMENT EFFORT FOR UP TO FIVE (5) SEASONAL LIFEGUARDS AND /OR HEAD LIFEGUARDS AS NEEDED.

(5)

APPROVAL TO PROMOTE BRENDA LEMON TO DEPUTY RECORDER II. MOVE FROM GRADE 13 TO GRADE 14. EFFECTIVE 04-23-2018.

(6)

APPROVAL OF LOYETTE HOLDAWAY AS A VOLUNTEER FOR THE LIBRARY SYSTEM.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

PRESENTATION BE GRAND COUNTY SHERIFF'S OFFICE.

Motion to table was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

(3)



COMMISSION MEETING MINUTES  
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PRESENTATION BY CENTURY LINK REGARDING 911 UPDATE.

Motion to skip this item, to be dealt with at a later time in meeting if a representative gets here was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

(4)

OPEN, REVIEW AND AWARD BID FOR LAWN CARE FOR SEVEN (7) EMERY COUNTY LIBRARIES AND THE EMERY COUNTY ROAD DEPARTMENT.

Commissioner Lynn Sitterud opened bids for lawn care for seven (7) Emery county Libraries and the Emery county Road Department and read them aloud as follow:

- 1) Tab's Lawn Service \$295.75 per week, season (26 weeks) total \$7,689.50.
- 2) Zygee's Ranch \$ \$600.00 per week
- 3) Ray-zer Sharp Landscaping \$ 600.00 per week
- 4) Samuel James Smith \$ 240.00 per week, season (26 weeks) total \$6,240.00
- 5) Tennant Lawn Care Service \$ 326.00 per week, season (26 weeks) \$8,487.00

Commissioner Kent Wilson made a motion to compare the bids and determine which bid best matches the specifications as identified in the advertised RFP and award the bid based on that review process. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSS/APPROVE/DENY CONTRACT FOR LAWN CARE FOR SEVEN (7) EMERY COUNTY LIBRARIES AND THE EMERY COUNTY ROAD DEPARTMENT.

Commissioner Paul Cowley made a motion to have Attorney Mike Olsen draw up a contract for the successful bidder based upon review of the bids. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

APPROVAL OF THE COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING & FINANCIAL PLAN BETWEEN EMERY COUNTY SHERIFF'S OFFICE AND THE USDA FOREST SERVICE MANTI-LA SAL NATIONAL FOREST, 2017 ANNUAL OPERATING AND FINANCIAL PLAN.

Commissioner Paul Cowley made a motion to approve of a Cooperative law Enforcement Annual Operating & Financial plan between Emery County Sheriff's Office and the USDA Forest Service Manti-LaSal National Forest, 2017 Annual Operating and Financial Plan. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY AND BLM REGARDING

COMMISSION MEETING MINUTES  
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THE TRAVEL MANAGEMENT PLAN.

Ray Petersen explained that the Court has ordered that the BLM Price Field Office and Emery County take a look at the Travel Management Plan with respect to the cultural resources on the San Rafael desert and San Rafael Swell. Ray recommended that the Commission sign and participate. Commissioner Paul Cowley made a motion to approve an MOU between Emery County and BLM regarding the Travel Management Plan. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY A LETTER TO THE BLM DECLARING EMERY COUNTY'S INTEREST IN PARTICIPATION AS A CONSULTING PARTY REGARDING THE OIL AND GAS LEASE SALE.

Ray Petersen explained that Emery County has been invited by BLM to participate as a consulting party regarding the oil and gas lease sale on the San Rafael Desert. In September they will be evaluating 160,000 acres on the San Rafael Desert for oil and gas lease sale. Ray advised the Commissioners to sign the letter and enter into agreement to be recognized as a participating party. Commissioner Paul Cowley made a motion to approve signing a letter to the BLM declaring Emery County's interest in participating as a consulting party regarding the oil and gas lease sale. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY THE DISTRIBUTION SERVICE AGREEMENT WITH CERTIFIED FOLDER DISPLAY SERVICES FOR DISTRIBUTION OF MARKETING BROCHURES.

Jordan Leonard discussed a Distribution Service Agreement in the amount of \$2,057.74 with Certified Folder Display Services. He explained that they distribute approximately 5,000 brochures to businesses and kiosks in Green River, Grand Junction and Moab. This expense is an allowable use of TRT funds. Commissioner asked if the County receives any verification that they provide the service. Jordan will check into that. The Commissioners also asked if they could bill the county on a quarterly basis. Commissioner Kent Wilson made a motion to approve an Agreement with Certified Folder Display with the stipulation that the County pays on a quarterly basis and that Certified Folder Display verifies that the county receives the service. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY MARKETING FUNDS FOR CRANDALL CANYON MEMORIAL RUN.

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Jordan Leonard requested approval of Marketing Funds for Crandall Canyon Memorial Run. Last year they hosted approximately 100 runners. They are requesting \$2,000.00 which they will match to market the event through social media, newspaper ads, T shirts, etc. The Run will be held on August 4<sup>th</sup>. This a Board and State approved use of TRT funds. Commissioner Kent Wilson made a motion to approve Marketing Funds for Crandall Canyon Memorial Run in the amount of \$2,000.00. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY MARKETING FUNDS FOR THE LITTLE GRAND CANYON MARATHON.

Jordan Leonard requested approval of Marketing Funds for the Little Grand Canyon Marathon. Last year they hosted approximately 200 runners. They are requesting \$3,500.00 which they will match to assist in promotion and advertising the event. The event will be held on September 15<sup>th</sup>. The Travel Board as reviewed and approved the use of TRT funds for assisting with marketing the event. Commissioner Kent Wilson made a motion to approve Marketing Funds for the Little Grand Canyon Marathon. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSS/APPROVE DENY MARKETING FUNDS FOR MILLSITE GOLF COURSE.

Jordan Leonard requested approval of Marketing Funds for Millsite Golf Course. They requested \$3,500.00 which Ferron City will match to assist with radio ads and advertising/promotion in Utah Golf Magazine, PGA Magazine and Adventure Land in Grand Junction to promote the golf course. This is a Board and State approved use of TRT funds. Commissioner Kent Wilson made a motion to approve Marketing Funds for Millsite Golf Course in the amount of \$3,500.00. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

DISCUSS/APPROVE/DENY MARKETING FUNDS FOR COWBOY'S MEMORIAL RODEO.

Jordan Leonard requested Marketing Funds for Cowboy's Memorial Rodeo. They have requested \$3,500.00 which they will match to promote and market the rodeo. Last year they had more than 250 people attend the rodeo. This is now the closest thing we have to a pro rodeo. The rodeo is scheduled for July 28 and 29, 2018. This is an approved use of TRT funds. Commissioner Paul Cowley made a motion to approve Marketing Funds for Cowboy's Memorial Rodeo in the amount of \$3,500.00. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)  
DISCUSS/APPROVE/DENY MARKETING FUNDS FOR THE EMERY COUNTY  
AQUATIC CENTER.

Jordan Leonard requested Marketing Funds for the Emery County Aquatic Center. They have requested \$3,500.00 which they will match. The funds will be used to advertise in the paper and radio ads to focus on Carbon County and surrounding areas. ECAC is a zero entry pool and he hopes to appeal to those not comfortable with the waves for little children at the Wave Pool. The Travel Board has approved the use of TRT funds for this purpose. Commissioner Paul Cowley made a motion to approve Marketing Funds for the Emery County Aquatic Center in the amount of \$3,500.00. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)  
DISCUSS/APPROVE/DENY MARKETING FUNDS FOR KASEY'S PRO SHOP.

Jordan Leonard requested Marketing Funds for Kasey's Pro Shop. He has requested \$3,500.00 which he will match. He will be holding two events that the funds will be used to promote. The first event will be June 2, Castle Rock Amateur and the second one is a couple's tournament on August 17<sup>th</sup>. The funds will be used to help with the website, logo golf balls and advertising for the two events. The Travel Board has approved the use of TRT funds for this purpose. Commissioner Kent Wilson made a motion to approve Marketing Funds in the amount of \$3,500.00 for Kasey's Pro Shop and ask that he show receipts showing that the funds were used for advertising. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)  
DISCUSS/APPROVE/DENY 2018 ANNUAL PROPERTY TAX EXEMPTIONS FOR  
RELIGIOUS OR EDUCATIONAL NON-PROFIT ORGANIZATIONS.

The 2018 Annual Property Tax Exemptions for Religious or Educational Non-Profit Organizations was presented for approval:

2018 PROPERTY TAX EXEMPTION

American Legion  
Post 42

#1-130-18

Castle Dale  
Independent

Baptist Church  
#01-002C-0013

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Daughters of Utah Pioneers-Hunt #1-196-22	LDS Church various #'s	#3-130-3 #3-130-1 #3-127-1
Daughters of Utah Pioneers-Orange #1-253-18	Sovereign Grace Fellowship #1-177A-20	Utah Housing / Crown Homes #1-168-7 #1-29A-3 #1-29A-4
Daughters of Utah Pioneers-Elmo #1-72-16	Orangeville City/ Housekeepers #1-239-52	Friends of Green River-PACT #1-162-7
Daughters of Utah Pioneers-CD #1-15-20	Rural Utah Child Development #1-180-20	Epicenter #1-154A-22
Alpine Community Church #01-179-1	Roman Catholic Church #3-50-16 #1-151H-25	
Ferron Cattleman's Association #5-87-27	Stuart B. Wilson Orient Lodge #1-151G-54	
First Baptist Church of Emery County #1-126-45	Rocky Mountain West Baptist Mission #5-94-6 #5-93-7 #5-94-3 #5-94-5	
Four Corners Mental Health #1-13-46	United Mine Workers Of America #4-16-14	
Green River Bible Church #1-151G-36 #1-151F-18&19	Utah Museum of Natural History/ University Of Utah #5-56-2	

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COMMISSION MEETING MINUTES  
APRIL 17, 2018

Commissioner Kent Wilson made a motion to approve the 2018 Property Tax Exemptions list. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSS/APPROVE/DENY REVISED RISK MANAGEMENT VEHICLES-  
TRANSPORTATION POLICY.

Motion to table was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

(18)

DISCUSS/APPROVE/DENY AGREEMENT WITH SCOTT S. CROOK TO  
REVIEW/UPDATE THE EMERY COUNTY POLICIES AND PROCEDURES MANUAL.

Three years ago Emery County entered into an agreement with Scott S. Crook to review/update the Emery County Policies and Procedures Manual. It is time once again to review the manual and update to meet state regulations. Rather than paying Mr. Crook by line item for his services he has agreed to a flat amount of \$3,000.00. Attorney Mike Olsen has reviewed the agreement. Commissioner Kent Wilson made a motion to approve an agreement with Scott S. Crook to review/update the Emery County Policies and Procedures Manual upon Mr. Crook's review of the document. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

DISCUSS/APPROVE/DENY REQUEST FROM ANN COX REGARDING COUNTY  
PROPERTY LOCATED EAST OF HER PROPERTY.

Motion to table was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

(20)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC REPORT.

Randy Johnson, Government Matters, LLC provided an update of current bills in the legislature that are of concern/interest to Emery County and rural Utah.

The County's Land Use bill is still going back and forth. It appears that the timing of Commissioner Wilson's trip to Washington, DC. coincides with testimonies before the committee on the land use bill.

COMMISSION MEETING MINUTES  
APRIL 17, 2018

(21)

COMMISSION/ELECTED OFFICIALS REPORT.

Attorney Mike Olsen reported that Sheriff Funk asked to be excused from the meeting today. Captain Ekker was in attendance at today’s meeting representing the Sheriff’s Department.

Commissioner Wilson talked about Search and Rescue and the very successful turnout that they had at a fund raiser they sponsored for the son of their members. They were able to raise an abundant amount of money to help a struggling family.

Commissioner Sitterud commented that Emery County should receive a pat on the back for the out pouring of support that the Winter’s family received during the fund raiser. Many people donated an abundance of items for the auction.

Following Elected officials reports, they held the monthly safety drawing.

Commissioner Sitterud drew names of those who qualify for the monthly incentive VISA gift card drawing as follows:

- Full time employee- Carole Larsen
- Par time employee- Meagan Crosland
- Safety Sensitive Employees- Molly Barnes and Brock Winn

(22)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

1  
COMMISSION MEETING MINUTES  
MAY 1, 2018

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

MAY 1, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #247926 through and including #248034 was presented for payment.

There were no Requisitions or Dispositions.

(2)  
APPROVAL OF APRIL 17, 2018 COMMISSION MEETING MINUTES

(3)  
APPROVAL TO REAPPOINT JUDY ANN SCOTT TO THE EMERY COUNTY AGING AND NUTRITION BOARD.

(4)  
NOTIFICATION. ESTELLE GRANGE HAS BEEN SELECTED TO BE THE JANITOR AT THE HUNTINGTON LIBRARY. WAGE GRADE 6.

(5)  
APPROVAL TO PROMOTE JEREMY LAKE TO CORRECTION OFFICER I FOR SUCCESSFUL COMPLETION OF POST. EFFECTIVE 5-6-18. MOVE FROM GRADE 14 TO GRADE 15.

(6)  
APPROVAL TO HIRE MIKE HOWES AS A FULL TIME DISPATCHER I WITH BENEFITS. GRADE 14.

(7)



2

COMMISSION MEETING MINUTES  
MAY 1, 2018

APPROVAL TO HIRE ERIK NIELSEN BACK AS A SEASONAL WEED & MOSQUITO TECH. WAGE \$13.50 PER HOUR.

(8)

APPROVAL OF E. JAMES NIELSEN TO BE A VOLUNTEER FOR THE WEED & MOSQUITO DEPARTMENT.

(9)

APPROVAL TO HIRE MELISSA ARRIEN AND KEVIN BUTLER AS A SEASONAL HEAD LIFEGUARD. WAGE GRADE 5.

(10)

APPROVAL TO HIRE GAGE D. JENSEN AS A SEASONAL LIFEGUARD. WAGE GRADE 3.

(11)

APPROVAL OF RETIRED SGT. TOM HARRISON AND RETIRED SGT. DUSTY BUTLER AS APPROVED VOLUNTEERS TO ASSIST WITH EMERGENCY MANAGEMENT, HOMELAND SECURITY AND OTHER SPECIAL FUNCTIONS AT THE EMERY COUNTY SHERIFF'S OFFICE.

(12)

APPROVAL TO TRANSFER MAXINE FIELDER TO THE RECORDER'S OFFICE AS A FULL TIME DEPUTY RECORDER I, WITH BENEFITS. MOVE FORM GRADE 11 TO GRADE 13. EFFECTIVE 5-7-18

Motion to approve the Consent Agenda with the exception of #3 was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Number 3 was pulled from the Consent Agenda because Judy Ann Scott's term is not up until next year.

(2)

PRESENTATION BY GRAND COUNTY SHERIFF'S OFFICE.

COMMISSION MEETING MINUTES  
MAY 1, 2018

Grand County Sheriff Steven White presented Sheriff Funk and his staff with plaques stating appreciation from Grand County for their assistance during the remodel process of the Grand County Jail facility. Emery County Sheriff's Office housed Grand County inmates from October 2016 through September 2017 during their remodel process. A plaque was also presented to the Emery County Commissioners.

(3)

PRESENTATION BY DWR FOR DELIVERY OF DWR'S ANNUAL PILT PAYMENT TO EMERY COUNTY AND UPDATE OF DWR'S ACTIVITIES WITHIN THE COUNTY.

Chris Wood, Regional Supervisor for Division of Wildlife presented the Commissioners with a check for \$2,610.71 for PILT payment for 5,421 acres of land that the agency owns in Emery County. Most of the land is along the San Rafael River and some at the Huntington Game Farm. There is an abundance of open land in Emery County for people to recreate, fish and hunt. The PILT payment is paid by sportsmen through fees. They also manage Desert Lake. The 2,800 acres are owned by US Fish and Wildlife service. He stated that they appreciate the partnership they have with Emery County Land Council. He attends their meeting each month and appreciates the communication and ability to work through issues. He reported that the agency is doing what they can to grow the deer and elk herds on the mountains. They are continuing to work with land owners through depredation to mitigate the deer that don't migrate. They have release approximately 10,000 pheasants, 700 to 800 in Emery County alone. They are trying to reignite the joy of pheasant hunting for the next generation of hunters. They have experienced a bison issue with bison coming off the Ute Indian Reservation onto allotment holders. The herd on the reservation is getting too big. They are working through this issue. He added he appreciates the partnership the agency has with the County and its citizens.

(4)

DISCUSS/APPROVE/DENY RESTRUCTURING THE BOARD OF THE LOCAL BUILDING AUTHORITY OF EMERY COUNTY.

Attorney Mike Olsen indicated that in the last couple of weeks a citizen has brought into question the legal aspects of the LBA. He indicated that he is looking into the state statutes to affirm that the LBA can do what it does and that we are in compliance. He requested time to continue his research and provide in writing to the Board of Commissioners his recommendation. Commissioner Kent Wilson made a motion to table this matter for a later meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSS/APPROVE/DENY AWARDED BID FOR LAWN CARE FOR SEVEN(7) EMERY COUNTY LIBRARIES AND THE EMERY COUNTY ROAD DEPARTMENT.

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Commissioner Kent Wilson explained that bids for lawn care for the libraries and Road Department were opened and read aloud in Commission Meeting on April 17, 2018. Some bids were eliminated. We have narrowed it down to two bids that are very close. He requested to table this for today to allow time to continue to evaluate the bids. Commissioner Kent Wilson made a motion to table this and have the current contractor carry on with the duties for the month of May at the same rate as the last contract rate. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSS/APPROVE/DENY EMERY COUNTY EMERGENCY MANAGEMENT'S APPLICATION FOR THE 2018 EMERGENCY MANAGEMENT PERFORMANCE GRANT.

Commissioner Paul Cowley made a motion to approve Emery County Emergency Management's application for the 2018 Emergency Management Performance Grant. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY 2018 ELECTION JUDGES.

Clerk/Auditor Brenda Tuttle presented a list of election judges for the 2018 election year. Brenda indicated that many are individuals who have been used in previous elections, some are those who indicated from the town caucus meetings their desire to serve as an election judge. The list may change as election day approaches and she asked for the ability to make changes as needed. Commissioner Kent Wilson made a motion to approve the 2018 election judges and allow alternate judges as needed. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY ANNUAL MEMBERSHIP DUES FOR THE UTAH WATER ASSOCIATION.

Commissioner Paul Cowley made a motion to approve annual membership dues of \$500.00 for the Utah Water Association. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY RENTAL AGREEMENT FOR THE DUNK TANK FOR THE 2018 EMERY COUNTY FAIR.

Commissioner Kent Wilson made a motion to approve an agreement for The Dunk Tank in the

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amount of \$99.00 per day for the 2018 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY THE REVISED RISK MANAGEMENT VEHICLE-TRANSPORTATION POLICY.

Mary Huntington, Personnel Director reported that three weeks ago in Risk Management meeting the committee approved and recommended approval of the revised Risk Management Vehicle-Transportation Policy. The County participates in the Trust Accountability program with Local Governments Trust who carries our Worker's Comp. Participation in the program will earn us a percentage of our premium back at the end of the year. Mary will forward driver's licenses of all employees who drive a county vehicle or use their own vehicle during the scope of their job and on county time to the Trust who will provide a rating report to the County. This is an effort to mitigate exposure and limit risks to the County. Commissioner Paul Cowley made a motion to approve the Revised Risk Management Vehicle-Transportation Policy. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY THE SELECTION OF A CAREER SERVICE COUNCIL MEMBER FOR A THREE YEAR TERM ENDING JUNE 1, 2021.

Commissioner Kent Wilson explained that due to McKette Allred leaving for a mission for the LDS Church a vacancy is open for the Career Service Council. There is three years left on the term. They had a few applicants for this opening. One requirement of the board is to be a judge or practicing attorney. Scott Johansen meets this requirement as he is a retired judge and practicing attorney. Commissioner Kent Wilson indicated that the Emery County Commissioners would like to offer the position to Scott Johansen. Commissioner Wilson expressed his gratitude to those who have applied. Commissioner Kent Wilson made a motion to approve Scott Johansen to be on the Career Service Council for a three year term ending June 1, 2021. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

RANDY JOHNSON- GOVERNMENT MATTERS, LLC. REPORT.

Randy Johnson was not able to attend the meeting today. Commissioner Wilson reported on the recent trip to Washington, D.C. He stated he was encouraged by what they were told regarding the County's Public Land Bill. The legislators they met with told them this is the best time to present the bill. There is a Republican President, Republican House and Senate. This works in our favor. They are still tweeking the bill to make everyone happy. An environmental group that they met with, The Pugh Foundation, is in favor of bill. They were encouraged and hopeful for its passage.

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(13)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Cowley reported on discussions in Public Lands Council regarding the water situation. It is not good.

Attorney Mike Olsen extended his appreciation to McKette Allred for her years of service on the Career Service Council. It is a great service to the County for Scott Johansen to come out of retirement to serve on the Career Service Council.

(14)

ADJOURN

Commissioner Paul Cowley made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

Commissioner Paul Cowley made a motion to reconvene the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

The Commissioners were reminded of the RFP's that were turned in to the Clerk/Auditor's office on time per advertising. Opening of the bids was not added to the Agenda due to an oversight. Attorney Mike Olsen indicated that the Commissioners could open the RFP's to allow time to review them before awarding the bid, which according to advertising would be May 15<sup>th</sup>. The opening of the bids will be ratified in the May 15<sup>th</sup> meeting.

Proposals were opened and read aloud as follow:

1)	Precision CMS	\$22,995
2)	Patrick Copeland	\$44,000
3)	Lauder Design	\$45,000
4)	Smirk New Media	\$13,500
5)	Relic	\$25,000
6)	HUB	\$55,000
7)	Develop 50 Studio	\$22,785
8)	ETV News	\$13,455
9)	Infogenix	\$18,000 - \$23,000
10)	RUMOR	\$55,000 - \$75,000
11)	LOVE Communications	\$49,625 - \$57,125

Motion to turn the bids over to the Travel Board to analyze a determine that they meet the scope of their needs was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson and the motion passed.

7

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Motion to adjourn the meeting was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 15, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #248070 through and including #248182 was presented for payment.

There were no requisitions or dispositions.

(2)  
APPROVAL OF MAY 1, 2018 COMMISSION MEETING MINUTES.

(3)  
APPROVAL OF A 3% WAGE INCREASE FOR HANNAH MORRIS, ELI BEAGLEY, DEEGAN MINCHEY, SYDNEY TERWILLIGER, AND JONATHAN SEELY FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD. EFFECTIVE 5-21-18.

(4)  
APPROVAL OF SETTLEMENT AGREEMENT AND RELEASE IN THE BOLINDER MATTER.

(5)  
NOTIFICATION: SELECTED EARL NIELSON AS A PART TIME EQUIPMENT OPERATOR I WORKING 19 3/4 HOURS PER WEEK. WAGE GRADE 16.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

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MAY 15, 2018

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Patsy Stoddard asked for some details on #4 on the Consent Agenda. Commissioner Wilson explained that the case was settled for \$75,000.00. The funds were paid by our insurance company. Attorney Mike Olsen indicated that Emery County Commissioners will have a press release regarding this matter, tomorrow, May 16, 2018.

(2)

PRESENTATION OF EMPLOYEE OF THE MONTH.

Arianna Downard from the Aquatic Center presented Keldon Guymon with an Employee of the Month Certificate. She added that Keldon really stepped up to the plate this last month helping in many capacities at the pool. Keldon opened and closed to pool while Kylee has been absent for a kidney transplant. He was there before school to open the pool and there after school to close the pool. This was done while he is also on the all state track team and attending school. He took on these added responsibilities with out complaint and with a smile. The staff at the aquatic center want to recognize his extra effort and dedication.

(3)

DRAWING/AWARDING OF MONTHLY SAFETY INCENTIVE VISA GIFT CARDS TO 4 EMPLOYEES WHO ARE ELIGIBLE.

A drawing was held for the monthly safety incentive program:

Full Time employee: Nancy Orgill

Part-Time employee: Maegan Wilberg

Safety Sensitive employees: Jeremiah Rich and Shaun Bell.

(4)

JEFF KELSEY INSURANCE RENEWAL FOR PLAN YEAR JULY 1, 2018 - JUNE 30, 2019.

Jeff Kelsey reviewed Emery County's insurance plan for July 1, 2018 through June 30, 2019. He reviewed last year's performance and activity. He reviewed the offers that were submitted for the coming year's insurance. This year will not see an increase in premiums. He reviewed the options for dental and made suggestions. Commissioner Wilson thanked Mr. Kelsey for his hard work in providing the county's employees with the best, most affordable insurance. He also thanked Mary and Brenda for representing the employees during the many meetings held



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regarding insurance. Commissioner Kent Wilson made a motion to pursue the insurance plan for the plan year 2018-2019, with the current model and the modifications to the plan as suggested. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

AWARD BID FOR LAWN CARE OF SEVEN (7) EMERY COUNTY LIBRARIES AND THE EMERY COUNTY ROAD SHOP.

Commissioner Paul Cowley made a motion accept the recommendation of the Emery County Library Board and award the bid for lawn care of seven (7) Emery County Libraries and the Emery County Road Shop to Tennant Lawn Care. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY CONTRACT WITH TENNANT LAWN CARE FOR LAWN CARE SERVICES AT SEVEN (7) EMERY COUNTY LIBRARIES AND THE EMERY COUNTY ROAD SHOP.

Commissioner Paul Cowley made a motion to approve a contract with Tennant Lawn Care for lawn care services at seven (7) Emery County Libraries and the Emery County Road Shop for three (3) years with the option to extend the contract. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

RATIFICATION OF APPLICATION FOR THE STATE PARKS GRANT.

Jordan Leonard explained that the application was due May 1<sup>st</sup> for this grant which was the day of the last meeting, to late to get on the agenda. The grant is for the purchase of a Trail Cat to clean up current trails that are already Forest Service and BLM approved. The total project is \$80,000.00. The Tourism Council has approved up to \$30,000.00 on the project that includes operator and fuel. Les Wilberg has volunteered to help. State and in-kind and cover the balance. The biggest concern will be where to house the machine. Commissioner Paul Cowley made a motion to ratify an application for a State Parks Grant. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

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RATIFICATION OF LETTER OF SUPPORT FOR THE EMERY COUNTY PUBLIC LAND MANAGEMENT ACT 2018.

The letter is addressed to Senator Orrin Hatch and Representative John Curtis in support of the Emery County Public Land Management Act 2018. It explains the process that the Public Lands Council went through for the last 25 years to get the bill to this point. Leon McElprang expressed some concerns. He indicated that he sits on the Public Lands Council and has not been involved with the process for the last 25 years. He had some questions on wilderness characteristics, designation and access. Randy Johnson addressed his concerns and assured Mr. McElprang that nothing has changed. Mr. McElprang added that Utah State did a study that shows agriculture and grazing on the Manti, and as far as economics go, brings 23 million dollars into our area every year. That is right up there with coal mining. He stated he hopes the Council understands the economic value in grazing in our area and hopes they are always taking care of that. Randy assured him that they have worked really hard to protect those interest. Commissioner Sitterud indicated that he has had discussions on the bill with Mr. McElprang previously and just to ease everyone's concerns he contacted 10 or 12 larger cattle ranchers in our area, to touch base with them and get their feel for wilderness designation on the Manti. These ranchers indicated that looking at all the possibilities, with the political landscape as it is today, they were comfortable with what is being done. Mike Olsen addressed some of his concerns regarding wilderness designation and monument designation. Randy Johnson explained that if this bill passes the possibility of monument designation would defiantly be less likely due to the fact that the areas under scrutiny would already be in wilderness designation or national conservation areas. Randy stated, "When this bill passes we will have Congressionally recognized a million acres of our 2.9 million acres in this County". You can't put a monument on wilderness designation or national conservation areas. This could, potentially, remove the target off our back, as far as monument designation is concerned.

Commissioner Paul Cowley made a motion to ratify the signing of a letter in support for the Emery County Public Land Management Act 2018. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY LETTER OF SUPPORT FOR ALTERNATIVE 2 IN THE MUDDY CREEK WILD AND HORSE HERD MANAGEMENT AREA GATHER PLAN.

Commissioner Kent Wilson made a motion to approve a letter of support for Alternative 2 in the Muddy Creek Wild and Horse Herd Management Area Gather Plan. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR JAN CURTIS, JANCO

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NETWORKING.

Commissioner Kent Wilson made a motion to approve a business license for Jan Curtis DBA: Janco Networking. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY AND THE UTAH DIVISION OF EMERGENCY MANAGEMENT.

The MOU between Emery County and the Utah Division of Emergency Management identifies staging areas in Emery County in the event of an emergency. It is required for the EMPG Grant. Commissioner Paul Cowley made a motion to approve a MOU between Emery County and the Utah Division of Emergency Management. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY RESOLUTION DECLARING THE EXISTENCE OF A DROUGHT EMERGENCY IN EMERY COUNTY

Commissioner Paul Cowley made a motion to approve Resolution 5-15-18 a resolution declaring the existence of a drought emergency in Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY TOURISM MARKETING MATCH FUNDS FOR HERITAGE DAYS RODEO.

Jordan Leonard requested Tourism Marketing Match funds in the amount of \$3,500.00 for Heritage Days Rodeo. The date of the rodeo is June 29, 2018. They had approximately 900 people attend last year's rodeo. They will match the funds to use for promotional advertising and promotional materials. The funds are TRT funds. Commissioner Kent Wilson made a motion to approve Tourism Marketing Match funds in the amount of \$3,500.00 for Heritage Days Rodeo. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSS/APPROVE/DENY TOURISM MARKETING MATCH FUNDS FOR MELON CRUISE CAR SHOW.

6

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Jordan Leonard requested Tourism Market Match funds in the amount of \$1,700.00 for Melon Cruise Car Show. The date of the show is September 8, 2018. They had approximately 250 visitors at the show last year. They will match the funds to use for advertising. The funds are TRT funds. Commissioner Paul Cowley made a motion to approve Tourism Marketing Match Funds in the amount of \$1,700.00 to Melon Cruise Car Show. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

DISCUSS/APPROVE/DENY TRAVEL BUREAU'S APPLICATION FOR GRANT FUNDING THROUGH THE UTAH OFFICE OF TOURISM FOR MARKETING PROJECTS.

Jordan Leonard requested approval for the Travel Bureau's application for grant funding through the Utah Office of Tourism for marketing projects. He indicated that the proposed projects such as billboards, wall wraps, etc. must be out of the state of Utah. In the past the grant has been anywhere from \$100,000.00 to \$150,000.00. We would use \$50,000.00 to \$60,000.00 from TRT to match the grant. He indicated that they have seen an increase of TRT and revenue tax. Sales Tax is up a little. We will try to pinpoint where the return of investment is coming from. Commissioner Kent Wilson made a motion to approve the Travel's Bureau application for Grant Funding through the Utah Office of Tourism for marketing projects. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

DISCUSS/APPROVE/DENY TRAVEL SHOWS FOR 2019.

Jordan Leonard presented a list of travel shows that the Travel Bureau has approved to attend in 2019. He indicated that Tina Carter attends the travel shows.

Go West Idaho, is a tour bus operator show.

Quartzite, AZ is retirees and State Parks promotional.

Sportsman Expo is for adventurers

Travel Adventure Show is water sports and State Parks.

Commissioner Kent Wilson made a motion to approve the Travel Show Plan for 2019. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSS/APPROVE/DENY CONTRACT AGREEMENT WITH EARL CORREY TO PROVIDE TWO (2) MUSICAL PERFORMANCES FOR THE WONDERS OF THE SWELL PHOTO CONTEST.

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Earl Correy is a Native Style Flute performer. Mr Correy has agreed to provide two musical performances for the Wonders of the Swell Photo Contest. He will perform at the John Wesley Powell Museum and at the Rochester Panel during a workshop with Bob Maynard, on Saturday, June 23, 2018. The contract amount is \$500.00 to cover his performance and accommodations for travel expenses, the PA system set-up and take down. Commissioner Kent Wilson made a motion to authorize a contract agreement with Earl Correy to provide two musical performances for the Wonders of the Swell Photo contest. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(18)

DISCUSS/APPROVE/DENY CONTRACT AGREEMENT WITH BOB MAYNARD TO JUDGE THE WONDERS OF THE SWELL PHOTO CONTEST.

Jordan Leonard indicated that they have 66 to 150 photos signed up thus far for the Wonders of the Swell Photo Contest. Bob Maynard is a professional photographer who has agreed to be a judge for the photo contest. The contract agreement covers his cost for travel expenses. Commissioner Kent Wilson made a motion to approve a contract agreement with Bob Maynard to judge the Wonders of the Swell Photo Contest. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

DISCUSS/APPROVE/DENY HYPNO HICK CONTRACT FOR THE 2018 EMERY COUNTY FAIR.

Attorney Mike Olsen indicated that the contract for Hypno Hick did not include a liability and insurance clause. He suggested approving the process and he will address the liability and insurance clause with the contractor. Commissioner Kent Wilson made a motion to go through the contract process with Hypno Hick for the 2018 Emery County Fair addressing the liability and insurance clause on the contract. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(20)

DISCUSS/APPROVE/DENY LOCAL PUBLIC SAFETY TRUST FUND COST-SHARING AGREEMENT.

Mary Huntington explained that back in 2016 the legislature passed a bill that the counties are required to pay health insurance for a surviving spouse and their children up to age 26 in the event a law enforcement officer was killed in the line of duty. What that meant is the county is would be responsible to pay the cost of the premium for the spouse and children to participate. Then they made a trust fund an option where if the county chose to participate in the trust fund you would pay \$95.00 per law enforcement that is employed by the county into the trust fund every year. Then, in the event a law enforcement officer were to be killed in the line of duty, the

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trust fund would reimburse the county those premium dollars. Until legislation this year participation in that trust fund was voluntary. Participation in the trust fund is now mandatory for all counties in Utah. In the past the county just handled the premium. The cost for the county to participate this year would be \$95.00 per certified law enforcement in the county which is 34, would be \$3,230.00 for the year. This goes into affect July 1, 2018. There is an agreement that needs to be signed. Mary will supply the trust with a list of names that are certified along with the payment that will be transferred to the trust fund. Commissioner Paul Cowley made a motion to approve a Local Public Safety Trust Fund Cost-Sharing Agreement. The motion was seconded by Commissioner Kent Wilson. The motion passed.

In other business Merrial Johansen, from Johansen & Tuttle Engineering informed the Commissioners of a possible Federal Grant opportunity. This is a National Infrastructure Investment grant run through UDOT. 1.5 billion dollars will be available nation wide. Each state will have available 25 million dollars that the counties may make application to receive. It would be a 80/20 grant. They will focus on rural areas. They will look at cost/ benefit value merit value, long term value, ability to maintain, environmental value, tax growth, availability of match funds, and more. Projects already in the works, that already have their environmental studies completed will be ahead due to the date which is July 19, 2018.

(21)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC REPORT

Randy Johnson- Government Matters, LLC reported on activity of interest to Emery County and rural Utah. EC's Public Lands Bill has been introduced. Hearings on the House side will begin in mid June. This will require one of the Commissioners to go to Washington, DC to testify before the House. Senator Hatch would like to see more before they recess. He has set up a meeting with Public Lands Council for next week to bring them up to speed with the language of the bill. They are working on matching the language to the presidents language. We need to get it passed in the Senate.

(22)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Sitterud reported that he received word from the Seven County Coalition reporting that a US Judge has ruled in favor of eliminating the ban to export coal from a California port.

(23)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Paul Cowley, seconded by

9

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Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 5, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 248200 through and including #248339 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
12-18	2018 Dodge Durango SSV Sheriff	\$28,810.84
13-18	2018 F-150 XLT 4x4 Supercrew Cab Sheriff	\$33,246.90
14-18	2018 Dodge Charger Police AWD Sheriff	\$24,957.00
15-18	2018 Chevrolet Tahoe CK15706 4WD Sheriff	\$39,550.00
16-18	Patrol vehicle set-up for 3 vehicles Sheriff	\$20,549.77

Dispositions presented for the following:

310-0101 (7) Bahia chaise lounge chairs, 310-0001 (7) Bahia stacking chairs



2

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(2)

APPROVAL OF MAY 15, 2018 COMMISSION MEETING MINUTES.

(3)

APPROVAL TO HIRE JAX GARDNER AS A SEASONAL WEED AND MOSQUITO  
TECHNICIAN. WAGE \$13.00 PER HOUR.

(4)

NOTIFICATION: SELECTED ANGELLENA MIGLIORI, KAELEE HOOLEY, JOSIE  
GILBERT AND EMELYN OLIVERSON AS PART TIME LIFEGUARDS WORKING 19 3/4  
HOURS PER WEEK. WAGE GRADE 3.

(5)

APPROVAL TO HIRE CHARLENE JENSEN AS A 3/4 TIME DEPUTY TREASURER  
WORKING 29 HOURS PER WEEK WITH PRORATED BENEFITS. NO MEDICAL. WAGE  
GRADE 13.

(6)

APPROVAL TO HIRE CLIVE GORDON AS A FULL TIME LUBE MECHANIC WITH  
FULL BENEFITS. WAGE GRADE 16.

(7)

APPROVAL TO HIRE JAIME GARRETT ANDERSON AS A 3/4 TIME JUSTICE COURT  
CLERK WORKING 29 HOURS PER WEEK WITH PRORATED BENEFITS. NO  
MEDICAL. WAGE GRADE 11.

(8)

APPROVAL TO GIVE NATALIE HUMPHREY A 3% WAGE INCREASE FOR  
SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE  
6-18-18.

(9)

APPROVAL TO HIRE MCKLANE ALLRED, JORGEN ALLRED, AND TAPPAN DRAPER  
AS A FULL TIME DISPATCHER I WITH FULL BENEFITS. WAGE GRADE 14.

(10)

APPROVAL TO APPOINT KOBI ERNI TO THE EMERY COUNTY FIRE PROTECTION  
DISTRICT BOARD OF DIRECTORS.

(11)

APPROVAL TO APPOINT STEPH CRABTREE TO THE EMERY COUNTY HOUSING  
AUTHORITY BOARD OF DIRECTORS.

COMMISSION MEETING MINUTES  
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Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)  
RATIFICATION OF LETTER OF PRIORITY STATEMENTS FROM EMERY COUNTY REGARDING PLANS TO COORDINATE WITH THE NEW FOREST SERVICE PLAN.

Public Lands Director Ray Petersen explained that the Manti LaSal National Forest Pan Review Team partnered up with Emery County and San Rafael Conservation District to provide statements and provide references on the County's portion of the new Forest Service plan. The letter was due on June 1<sup>st</sup>. Ray requested ratification of the letter that was sent. Commissioner Kent Wilson made a motion to ratify a letter of priority statements from Emery county regarding plans to coordinate with the new forest service plan. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)  
AWARD BID FOR TOURISM WEBSITE.

Commissioner Kent Wilson requested to have this tabled. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)  
DISCUSS/APPROVE/DENY THE 2018 TAX SALE PROCEEDINGS.

Clerk/Auditor Brenda Tuttle reported that there was one property not redeemed by the date of the sale. The property had taxes and interest owing of \$379.42 and was sold to Wade and Lori Hancock for \$400.00. Commissioner Paul Cowley made a motion to accept the sale proceedings of the 2018 May Tax Sale. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)  
DISCUSS/APPROVE/DENY ADOPTING A RESOLUTION AUTHORIZING THE EMERY COUNTY TREASURER AND THE EMERY COUNTY CLERK/AUDITOR USER ACCESS

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TO THE UTAH PUBLIC TREASURER'S INVESTMENT FUND ACCOUNT FOR EMERY COUNTY.

Treasurer Steven Barton explained that only authorized people have access to the Utah Public Treasurer's Investment Fund Account. Apparently we did not have a formal document to that affect. Attorney Mike Olsen drafted a resolution formalizing that the Emery County Treasurer and Emery County Clerk/Auditor with authority to access the account. Commissioner Kent Wilson made a motion to adopt Resolution 6-5-2018A authorizing the Emery County Treasurer and the Emery County Clerk/Auditor user access to the Utah Public Treasurer's Investment Fund Account. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSS/APPROVE/DENY AGREEMENT BETWEEN PACIFICORP AND EMERY COUNTY FOR PAYMENT OF PASS CHIP SEAL OIL FOR RILDA CANYON ROAD.

Emery County delayed chip sealing Rilda Canyon Road until June of 2018 due to pipeline construction. PacifiCorp has agreed to pay Emery County for the cost of the PASS chip seal oil at a cost of \$62,205.00. Commissioner Paul Cowley made a motion to approve an Agreement between Emery County and PacifiCorp for payment of PASS Chip Seal Oil for Rilda Canyon Road. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY ADOPTING A RESOLUTION AUTHORIZING THE FILING OF CROSS-APPEALS FOR THE 2018 CENTRALLY ASSESSED PROPERTIES.

Attorney Mike Olsen advised the Commission that adopting a resolution authorizing the filing of cross-appeals for the 2018 Centrally Assessed properties allows the county to object to an assessment and request a hearing with the Utah State Tax Commission within thirty days from when an owner of a centrally assessed property objects and requests a hearing (appeal). Adopting this Resolution allows us the opportunity to exercise our right to cross-appeal. Commissioner Paul Cowley made a motion to adopt Resolution 6-5-2018B a Resolution authorizing the filing of cross-appeals for 2018 Centrally Assessed Properties. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY CONTRACT FOR COURT SECURITY BETWEEN THE STATE OF UTAH, THE ADMINISTRATIVE OFFICE OF THE COURTS AND THE EMERY COUNTY SHERIFF'S OFFICE.

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Attorney Mike Olsen explained that this contract is a yearly contract with the State of Utah for Emery county to provide security for the Administrative Office of the Courts. It has always worked well and he has no questions or concerns regarding the contract. Commissioner Paul Cowley made a motion to approve a contract for Court Security between the State of Utah, the Administrative office of the Courts and the Emery County Sheriff's Office. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY CHANGE ORDER#8 ON THE MILLSITE DAM REHABILITATION PROJECT.

Eric Dixon, NRCS explained that Change Order #8 on the Millsite Dam Rehabilitation Project is a change of milestone dates due to modifications on the spillway. There is no additional costs associated with this change order. Commissioner Kent Wilson made a motion to approve Change Order # 8 for the Millsite Dam Rehabilitation Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY EMERY COUNTY BEER TAX FUNDS PLAN FOR THE STATE FISCAL YEAR 2019.

Captain Kyle Ekker explained that there are specific things that the Beer Tax Funds can be used for. The Beer Tax Funds are funds collected by the cities. The state regulates the use of these funds. Commissioner Paul Cowley made a motion to approve Emery County Beer tax Funds Plan for 2019. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY BEAR GRANT APPLICATION.

Jordan Leonard requested approval to go after a \$30,000.00 grant through BEAR to assist in growing home based businesses. The funds would be used to assist in identifying resources and possibly providing storefront access for businesses. Commissioner Kent Wilson made a motion to approve pursuing the BEAR Grant application process. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSS/APPROVE/DENY SUPPORT LETTER TO GOED SUPPORTING EMERY COUNTY'S LOCAL BUSINESSES.

Jordan Leonard explained that a letter of support from the Emery County Commission is

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required as part of the BEAR grant process. The letter expresses Emery County's commitment to having an engaged business community and to make the most of every opportunity to assist our local businesses whenever possible. The BEAR program is one of the tools that Emery County uses to support our businesses. Commissioner Paul Cowley made a motion to approve a letter of support to GOED supporting Emery County's local businesses. The motion was seconded by Commissioner Kent Wilson. The motion passed.

Jordan informed the Commissioners of a current program called Bright Ideas! The program is for young entrepreneurs. They have twenty-five youth signed up. The program helps youth develop their ideas for businesses.

(13)

DISCUSS/APPROVE/DENY PERFORMANCE AGREEMENT WITH SEAN BOTT FOR PERFORMANCES DURING THE 2018 EMERY COUNTY FAIR.

Sean Bean is a mind reader and comedian. He has agreed to perform on Saturday of the Emery County Fair. Commissioner Kent Wilson made a motion to approve a performance agreement with Sean Bott for performances during the 2018 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

RANDY JOHNSON- GOVERNMENT MATTERS, LLC REPORT.

Randy Johnson, Government Matters, LLC reported on the progress of the Public Lands Bill. He indicated that this is the right time to introduce and pass this bill. He indicated that he has had a few people ask for more time to thoroughly review the bill for themselves. However, the circumstances are ideal for its passage in the House and the Senate this year. If we do not get it passed this year we may never have this opportunity again. The atmosphere in the legislature could change if delayed. He credited Senator Hinkins with his level of support for the bill. He has invited state legislators to Emery County to observe the areas being considered first hand. He regards the bill on a Federal and State level.

(15)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk reported on rescues on the San Rafael. The SO will hold their annual Triathlon on July 13<sup>th</sup> and 14<sup>th</sup>. He also reported on the prescribed burn taking place on Trail Mountain through Thursday, June 7<sup>th</sup>.

Commissioner Cowley read a public announcement regarding the use of fireworks within city limits and state fire code restrictions.

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Commissioner Sitterud reported on the county's rock star Search and Rescue Team. He indicated that he attended a recent training session for rescues on the desert. He was impressed with the quality of people we have on the S/R team. Even the medical team, Lowell Morris stepped up to rappel down cliffs to reach injured visitors to our desert. The S/R team is totally volunteer, they do not get paid.

(16)

ADJOURN.

Commissioner Paul Cowley made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 19, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit list # 248375 through and including # 248485 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
17-18	2018 Ford F-350 Wheeled Coach Ambulance EMS- Ambulance	\$160,780.00
18-18	2018 Ford F-150 4x4 Supercrew pickup Sheriff	33,246.90
19-18	Television Equipment to move to new channels Television	17,825.00

One disposition was presented for 141-2015, air purifier.

(2)  
APPROVAL OF JUNE 5, 2018 COMMISSION MEETING MINUTES.

(3)

2

COMMISSION MEETING MINUTES  
JUNE 19, 2018

NOTIFICATION: SELECTED THOMAS BEHLING AS A PART TIME WEED AND MOSQUITO TECHNICIAN. WAGE GRADE 14.

(4)

APPROVAL TO PROMOTE JOSIE STILSON TO THE SR. DEPUTY TREASURER. MOVE TO GRADE 16. EFFECTIVE JULY 2, 2018.

(5)

APPROVAL TO TRANSFER CLIF MCELPRANG FROM LUBE MECHANIC TO EQUIPMENT OP 1. NO WAGE CHANGE.

(6)

APPROVAL OF SHORT NOTICE TRAVEL TO WASHINGTON FOR WORK ON THE EMERY COUNTY PUBLIC LANDS BILL.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

DRAWING/AWARDING OF MONTHLY SAFETY INCENTIVE VISA GIFT CARDS TO 4 EMPLOYEES WHO ARE ELIGIBLE.

Results for the monthly drawing for Safety Incentive Visa Card:

Part-time: Maria Johansen

Full-time: Ray Petersen

Safety Sensitive: Tasha Barnett and Kyle Ekker

(3)

FOREST SERVICE REPORT ON TRAIL MOUNTAIN FIRE.



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The Trail Mountain Fire is now under the management of a Type 2 Incident Management Team.

Jessie Bender, Public Relations Director. Steve Shaw, Chief of Operations and Tim Roide from Roide's Great Basin Type 2 Incident Management Team #4 provided an overview of the Trail Mountain Fire. The fire began as a prescribed burn by the US Forest Service-Ferron District on Trail Mountain on June 1, 2018. By June 4<sup>th</sup> the fire was re-categorized as it had moved into Cottonwood Canyon and heading northwest. Jurisdiction for management of the fire changed to a Type 2 Incident Management team. Jessie reported that the fire is now 43% contained. Firefighters will continue to use natural breaks in terrain and vegetation as well as direct and indirect fireline to increase containment. Burning operations will continue on the west and northwest side of the fire to prevent growth by removing receptive vegetation. Winds coming from the northwest are expected to be less turbulent over the next two days. and temperatures will continue to come down, while relative humidity increases. Crews are working diligently toward securing and encompassing the fire's edge. As fire containment grows, crews will also begin remediation work. Some of this work includes removing hazard trees, clearing roads, clearing streams, and building water bars to help prevent soil erosion. The Incident Management Team also sent firefighting resources to a new fire located northeast of Joe's Valley Reservoir, about 4 miles south west of the Trail Mountain fire. The Straight Canyon Fire is approximately 2 acres in size. Firefighters expect to contain it by tomorrow. The cause is unknown at this time. Highway 31 through Huntington Canyon is now open, but travel with caution is expressed. Horse Canyon Trailhead, Indian Creek Campground, Little Bear Campground, Lower Little Bear Campground, and Riverside Campsite are closed. They expect to have Little Bear Campground open by weeks end. Statistics: Size: 14,429 acres. Engines: 23. total personnel: 589. Crews: 15. Helicopters: 6. Contained: 43%

Tim Roide expressed the teams appreciation for the warm reception that they have received from the people of Emery County. It is welcomed and appreciated.  
Emery County Commissioners thanked the incident team and firefighters for their efforts.

(4)

PRESENTATION OF AWARD BY DOUG FOLSOM WITH UTAH LOCAL GOVERNMENTS TRUST.

Doug Folsom, Utah Local Governments Trust presented the Emery County Commissioners with the TAP (Trust Accountability Performance) award. He added that this is the second year that Emery County has received this award. He expressed appreciation to the Emery County Risk Management Team. The team has implemented loss prevention programs in Emery County to help encourage and keep employees safe. He thanked the Emery County Commissioners for their support of the team and their programs.

(5)

PRESENTATION BY ROBBIE JENSEN REGARDING EMERY COUNTY AGING

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DEPARTMENT.

Robbie Jensen, Emery County Aging Department provided an update of current and future activity. He indicated that the Aging Department is running smoothly. He talked about several programs. A Stepping On program to assist seniors with fall prevention. Currently they are looking into a Fostering Grandparents grant for Emery, Carbon, Grand, San Juan, and possibly Tooele Co. He reported that the roof at the Huntington Senior Center has been leaking in several places. Had they known this earlier they could have applied for CDBG grant to repair or replace the roof. Now they may be looking for other ways to fund the roof repairs or replacement. They hoped to make the repairs before this winter, however, the CDBG grant process would put them into next July to receive the funds to make the repairs. They are looking into their options. Robbie introduced Jennie Fasselin . Jennie is with Red Dawg publishing. AOG is using Red Dawg to produce a publication. They are revamping their Emery County Newsletter that is sent out to all Emery County Seniors and would like to use Jennie and Red Dawg to make the newsletter more user friendly for the seniors. To raise awareness of the Senior Centers Jennie asked the Commissioners for a photo opportunity possibly with the Commissioners assisting with meal deliveries to the seniors. On September 21<sup>st</sup>, at the Castle Dale Sr. Center they will hold a Grandparent's Day to acknowledge grandparents and the work that they do in their efforts in caring for and raising their grandchildren. They will have events and things for the grandparents, children and even teenagers. Robbie thanked the Commissioners for their continued support.

(6)

DISCUSS/APPROVE/DENY FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH AREA PLAN FOR FY 2019.

Karen Dolan Four Corners Community Behavioral Health presented their Area plan for FY 2019.

She indicated that according to state statute Four Corners is required to write an area plan for mental health services offered to the Counties they have the responsibility to serve. She reviewed a few changes and updates to the plan. She reported that the plan has been reviewed and approved by the Board of Directors and the State. She presented the plan to the Board of Commissioners requesting their approval. Commissioner Kent Wilson made a motion to approve the Four Corners Community Behavioral Health Area Plan for FY 2019. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

AWARD BID FOR TOURISM WEBSITE.

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Jordan Leonard indicated that they received a grant in the amount of \$29,875.00 to help purchase a county website design. They have \$27,500.00 from TRT funds to put with the grant to purchase a website designer. The bids received in the Clerk/Auditors office were opened and read aloud in a previous meeting. The Travel Council has reviewed the bids and narrowed the list down to four potential website designers. After considering the options the council has decided that HUB was the lowest bid on maintenance at \$600.00 per year for hosting and tech support. The bid is \$55,000.00 to design a tourism website. HUB will train Travel Council staff on basic maintenance. Commissioner Wilson asked for the ability to gage the success and/or failure of the program to determine if the County is getting a return on their investment. The Travel Council Board recommended HUB be awarded the bid as website designer. Commissioner Kent Wilson made a motion to accept the proposal from HUB for a Tourism Website for Emery County and the yearly maintenance fee of \$600.00 per year as long as we have the website with them. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

ACCEPTANCE OF AWARD OF THE 2018 HMEP PLANNING GRANT FROM THE UTAH STATE FIRE MARSHAL HAZMAT SECTION.

Captain Kyle Ekker explained that the 2018 HMEP Planning Grant is for \$4,000.00 from the Utah State Fire Marshall Hazmat Section. This is an annual grant. It covers the cost of Local Emergency Management Program. Commissioner Paul Cowley made a motion to accept the award of the 2018 HEMP Planning Grant from the Utah State Fire Marshall Hazmat Section. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

APPROVAL OF STATE TASK FORCE GRANT APPLICATION FOR THE EMERY COUNTY DRUG TASK FORCE.

Sheriff Funk indicated that the State Task Force Grant is in the amount of \$47,750.00. It is a yearly grant that is what we run the Drug Task program with and is essential to dealing with the drug issues in Emery County. Commissioner Kent Wilson made a motion to approve of State Task Force Grant Application for the Emery County Drug Task Force. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY MARKET FUNDING FOR THE DIRTY DEVIL AND SOUTHEASTERN UTAH JUNIOR LIVESTOCK ASSOCIATION.

COMMISSION MEETING MINUTES  
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Jordan Leonard requested approval for Market Funding for the Dirty Devil and the Southeastern Utah Junior Livestock Association. The Dirty Devil is a dirt bike trail ride beginning at Millsite looping to the desert on to Price and then to Helper and back to Millsite. This is approximately a seven hour trip. Dirty Devil has requested \$1,500.00 which they will match to help with advertising the event. They anticipate 30 to 60 participants and hope to grow the event each year.

The funds will come from TRT.

Southeastern Utah Junior Livestock Association requested \$3,500.00 which they will match to advertise the Jr. Livestock Show. The event brings in people to the county for two to three days. The funds will come from TRT. Commissioner Kent Wilson made a motion to approve Market Funding for the Dirty Devil and Southeastern Utah Junior Livestock Association. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY AMENDMENT TO MOU WITH THE NATIONAL PARK SERVICE REGARDING THE LIVESTOCK GRAZING AND TRAILING MANAGEMENT PLAN.

Ray Petersen explained that there were three permittees remaining in the National Park in the Heartnet Draw area. One permittee has chosen to retire. The permit was sold to an entity that will not be using it for grazing. The remaining allotments are not in Emery County. The National Park Service asked for an amendment to the MOU to allow for this change. Commissioner Kent Wilson made a motion to approve an amendment to the MOU with the National Park Service with regard to the Livestock Grazing and Trailing Management Plan. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSS/APPROVE/DENY AMENDMENT TO THE FY 2019 EMERY COUNTY CIB LIST.

The amendment to the FY 2019 Emery County CIB List is to add \$400,000.00 for North Emery Water Users to the CIB list to make improvements to their system. Commissioner Paul Cowley made a motion to amend the FY 2019 CIB Emery County CIB List to add NEWU to the list. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY CONTRACT WITH BRETT WHITE FOR AN ATV RODEO AT THE 2018 EMERY COUNTY FAIR.

COMMISSION MEETING MINUTES  
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Attorney Mike Olsen indicated that he is still working on an indemnity clause to allow for insurance. Commissioner Kent Wilson made a motion to table this until next meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSS/APPROVE/DENY CERTIFIED TAX RATES FOR EMERY COUNTY FOR 2018.

Clerk/Auditor Brenda Tuttle presented the Certified Tax Rates for Emery County for 2018. Brenda informed the Commissioners that PacifiCorp has appealed their taxes.

The proposed tax rate for General Operations is 0.003528 to generate revenue \$7,183,264.  
The proposed tax rate for Interest/sinking fund/Bond is 0.000123 to generate \$250,000.  
The proposed tax rate for Library is 0.000405 to generate \$824,609.  
The proposed tax rate for Recreation is 0.000063 to generate \$128,273.  
The proposed tax rate for multicounty assessing/collecting is 0.000009 to generate \$18,325.  
The proposed tax rate for county assessing/collecting is 0.000456 to generate \$928,449.  
The total proposed tax rate is 0.004584 to generate a total revenue of \$9,332,920.00

Commissioner Kent Wilson made a motion to accept the Certified Tax Rates for Emery County for 2018 as proposed. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSS/APPROVE/DENY CERTIFIES TAX RATES FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT FOR 2018.

Brenda explained that Jacob Sharp could not be here today. The proposed tax rate for CVSSD is the same as last year. Their debt rate is based on what bond they have to pay back.

The proposed tax rate for General Operations is 0.000989 to generate revenue \$1,686,847.  
The proposed tax rate for Interest/sinking fund/bond is 0.000840 to generate \$1,432,945.  
The total proposed tax rate is 0.001829 to generate a total revenue of \$3,119,792.00

Commissioner Kent Wilson made a motion to accept the Certified Tax Rates for Castle Valley Special Service District as proposed. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

DISCUSS/APPROVE/DENY ALLOCATION OF A PERCENTAGE OF JORDAN LEONARD'S WAGE AND BENEFITS TO BE PAID BY THE TRAVEL BUREAU.

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Commissioner Wilson indicated that the Travel Bureau has voted to pay a percentage of Jordan Leonard's wage and benefits because he over sees the Travel Council. After visiting with Brenda Tuttle it was decided that 14% of his benefit package would equate to 25% of his wage. Doing this will free up some funds in Economic Development to do some projects. Commissioner Kent Wilson made a motion to approve allocation of 14% of Jordan Leonard's benefit package to the Travel Bureau. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

RANDY JOHNSON- GOVERNMENT MATTERS, LLC REPORT.

Mr. Johnson could attend the meeting today.

(18)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Wilson reported that Public Lands has been busy. Ray Petersen, Randy Johnson and Lynn Sitterud were in Salt Lake testifying before the Legislature on the Public Lands Bill. He will soon be going to Washington, D.C. to testify before Congress. He expressed his appreciation to County employees for their efforts and assistance with the fire in Trail Mountain.

Commissioner Sitterud stated it is good to see how much the county has welcomed the firefighters into the community. He reported on meeting with the Governor's office regarding the lands bill. Commissioner Wilson will be flying to Washington, D.C. to testify and meet with key legislators.

(19)

ADJOURN.

Commissioner Paul Cowley made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 3, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 248505 through and including #248637 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
20-18	(4) 2018 Honda Generators Sheriff/Emergency	\$4,396.00

There was 1 disposition for a microfilm reader/printer #9371.

(2)  
APPROVAL OF JUNE 19, 2018 COMMISSION MEETING MINUTES.

(3)  
APPROVAL TO FILL THE FULL TIME EQUIPMENT OPERATOR/DRIVER/VACANCY.  
WAGE GRADE 16.

(4)  
APPROVAL OF ELIZABETH (BETTY) MOORE TO VOLUNTEER IN ARCHIVES.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

2

COMMISSION MEETING MINUTES  
JULY 3, 2018

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Mary Huntington reported that David Luke was hired as the full time equipment operator/driver at the Road Department. (item #3)

(2)

RATIFICATION OF LETTER REQUESTING FEDERAL ASSISTANCE FOR FLOOD CONTROL DUE TO TRAIL MOUNTAIN FIRE IMPACT ON WATERSHED.

A letter requesting Federal Assistance for flood control due to the Trail Mountain Fire's impact on watershed had to be sent at the beginning of the fire incident to qualify. Therefore, ratification of the sending of a letter requesting Federal assistance needs to be approved. Commissioner Paul Cowley made a motion to ratify approval of a letter requesting Federal assistance for flood control due to the Trail Mountain Fire's impact on watershed. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(3)

RATIFICATION OF LETTER REGARDING FLOOD CONTROL FUNDS UNDER PL566.

A letter requesting Flood Control funds under PL566 was sent at the beginning of the fire incident. Therefore, ratification of the sending of the letter needs to be approved. Commissioner Kent Wilson made a motion to ratify approval of sending a letter regarding Flood Control Funds under PL566. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Motion to leave the regular meeting and enter into a Public Hearing to receive public comment on a draft of the Emery County Pre-Disaster Mitigation Plan and upon the end of said Public Hearing to return to the regular meeting was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

(4)

PUBLIC HEARING: HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A DRAFT OF THE EMERY COUNTY PRE-DISASTER MITIGATION PLAN.

There were no public comments.

(5)



COMMISSION MEETING MINUTES  
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DISCUSS/APPROVE/DENY DRAFT OF THE EMERY COUNTY PRE-DISASTER  
MITIGATION PLAN.

Upon returning to the regular Commission Meeting Captain Kyle Ekker reported that this is a renewal of the Pre-Disaster Mitigation Plan and it must be in place to receive grants and federal assistance in the event that the County experience's a disaster in the future. Commissioner Paul Cowley made a motion to approve a draft of the Emery County Pre-Disaster Mitigation Plan. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY AND THE BLM FOR  
NOXIOUS WEED CONTROL.

Corey Worwood explained that in the past the amount BLM provided for Noxious Weed Control was \$10,000.00. The new MOU has appropriated \$13,000.00 for Noxious Weed Control on BLM land. Commissioner Paul Cowley made a motion to approve a MOU between Emery County and BLM for Noxious Weed Control. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY CONTRACT WITH ULTIMATE INFLATABLES FOR THE  
2018 EMERY COUNTY FAIR

Commissioner Kent Wilson made a motion to approve a contract with Ultimate Inflatables for the 2018 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY CONTRACT WITH BRETT WHITE, CASTLE VALLEY  
SMALL ENGINE REPAIR, LLC. FOR THE 2018 EMERY COUNTY FAIR.

Commissioner Kent Wilson made a motion to approve a contract with Brett White, Castle Valley Small Engine Repair, LLC for a ATV Rodeo/Derby at the Emery County Fair 2018. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSS/APPROVE/DENY PAYING INVOICE FOR TROUT FOR THE 2018 EMERY  
COUNTY FAIR.

Commissioner Wilson reported that an event at the Emery County Fair 2018 will be a trout fishing event. Participants will be allowed to fish and catch a trout. If they so desire that fish can be cleaned and then cooked on a grill at the event. The invoice is for \$1,000.00 for the trout.

COMMISSION MEETING MINUTES  
JULY 3, 2018

He also reported that local advertising has helped boost the budget for the fair this year. Commissioner Kent Wilson made a motion to authorize paying the invoice for trout for the 2018 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY SIGNING CONFIDENTIALITY AGREEMENT WITH COMMUNITY SOLAR.

Commissioner Sitterud explained that this is an agreement that needs to be in place if and when we reach the point of negotiations for the solar company to come into the county. Commissioner Wilson indicated that they are coming in seeking incentives. We are asking them to share some confidential information to help justify incentives with any negotiations. They are not willing to share some of this information without this agreement. Attorney Mike Olsen has not had an opportunity to review the agreement but will do so ASAP. The agreement will be signed at the time of negotiations with Community Solar. Commissioner Kent Wilson made a motion to approve signing a confidentiality agreement with Community Solar upon approval of Attorney Mike Olsen. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY BUY ONE GET ONE FREE SWIM DAY, THURSDAY AUGUST 2, 2018 FOR THE EMERY COUNTY FAIR.

Commissioner Wilson explained that last year the Aquatic Center held a free swim day for 4 hours during the Fair. This affects the Aquatic Center's budget. So this year they have decided to have buy one/get one free all day on Thursday, August 2, 2018 for the Emery County Fair 2018. This way it will not hit their budget hard. Commissioner Kent Wilson made a motion to approve a buy one /get one free swim day, Thursday, August 2, 2018 during the Emery County Fair, 2018. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSS/APPROVE/DENY REQUESTS TO WRITE-OFF UNPAID AMBULANCE BILLS.

There are four parties who have requested a discount on their ambulance bill. In the past these requests have been decided on a case by case basis. Commissioner Wilson requested that, in the future the applicant provide more information so the Commission can make an informed decision based on the ability to pay. Commissioner Cowley indicated he felt better about granting a percentage of the total amount invoiced. For these four applicants the Commissioners felt that a 8% discount on the total amount invoiced would be acceptable. Commissioner Kent Wilson made a motion to approve a 8% discount on the total amount billed for these four applicants. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(13)

DISCUSS/APPROVE/DENY LETTER TO KATHLEEN CLARK OF THE STATE OF UTAH PUBLIC LAND POLICY AND COORDINATING OFFICE.

Ray Petersen drafted a letter to Kathleen Clark of the State of Utah Public Lands Policy Coordinating Office regarding the State of Utah's Petition for Rulemaking to Establish New Management Provisions for Utah's Inventoried Roadless Areas. The letter states Emery County's position on the matter. He requested approval to send the letter that the Public Lands Council has approved to send. Commissioner Paul Cowley made a motion to approve sending a letter to Kathleen Clark of the State of Utah Public Land Policy and Coordinating Office as drafted by Public Lands Director and approved by the Emery County Public Lands Council. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY THE RESOLUTION FOR THE REVISED EMERY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL.

Attorney Mike Olsen reported that this Resolution is for the revised Emery County Personnel Policies and Procedures Manual. This clears up some case law changes and makes the policy and procedures clear and up to date with state law for employees of Emery County. He provided a presentation and outline of the proposed revisions. There were some Department Heads and elected officials who have not had time to review the revisions and asked for time to do so. It was decided to give the Department Heads and Elected officials time to review the revisions and give their findings to Mary Huntington or the Commissioners by Friday, July 13, 2018. Commissioner Kent Wilson made a motion to table this until the next Commission Meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC REPORT.

Mr. Johnson was not able to make it to the meeting today. Commissioner Wilson indicated that the next step for the Emery County Public Lands Bill will be to have it introduced on the floor of the Senate.

(16)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Wilson indicated that the Commissioners have discussed holding a Commission Meeting in Green River. They may hold the meeting on the second meeting in August which will be August 21, 2018.

Commissioner Sitterud reported on meetings with the Forest Service/DWR/DOGM regarding the

6

COMMISSION MEETING MINUTES  
JULY 3, 2018

Trail Mountain Fire. They are close to getting it completely out. The next step will be getting assistance from the federal government to help pay for repairs and damages from the fire.

(17)

ADJOURN

Commissioner Paul Cowley made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE CANVASS OF ELECTION HELD JULY 3, 2018  
FOR THE PRIMARY HELD ON JUNE 26, 2018

Present at the Canvass of Election:

Paul Cowley  
Kent Wilson  
Kris Bell  
Jeff Guymon  
Brenda Tuttle

17 Provisional and Absentee Ballots were reviewed for validity.

Commissioner Paul Cowley made a motion to approve the results of the Primary held on June 26, 2018.

The motion was seconded by Commissioner Kent Wilson. The motion passed.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER : \_\_\_\_\_

1  
COMMISSION MEETING MINUTES  
JULY 17, 2018

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

JULY 17, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 248676 through and including #248817 was presented for payment.

One Requisition was presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
21-18	AC Unit for Landfill Highway/Class B/Emergency	\$3,696.00

There were no dispositions.

(2)  
APPROVAL OF JULY 3, 2018 COMMISSION MEETING MINUTES.

(3)  
NOTIFICATION- LOYETTE HOLDAWAY SELECTED AS A PART TIME EMPLOYEE NOT ELIGIBLE FOR BENEFITS, WORKING AS A ROVER/FILL IN ASSISTANT LIBRARIAN. WAGE GRADE 7.

(4)  
APPROVAL TO GIVE ROBERT NELSON, EQUIPMENT OPERATOR I, A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD. EFFECTIVE 7-30-18.

(5)

2

COMMISSION MEETING MINUTES  
JULY 17, 2018

APPROVAL OF KIMBERLY HOWES AS A RESERVE/VOLUNTEER DISPATCHER .  
WAGE \$14.00 PER HOUR.

(6)

NOTIFICATION- DOUG WEAVER SELECTED AS A PART TIME MAINTENANCE  
WORKER FOR THE SAN RAFAEL MUSEUM, WORKING UP TO 8 HOURS PER WEEK.  
WAGE GRADE 13.

(7)

APPROVAL OF EGAN SMITH TO BE PROMOTED TO PATROL DEPUTY I. MOVE  
FROM GRADE 15 TO GRADE 16 EFFECTIVE 7-30-18.

(8)

NOTIFICATION- TY GORDON SELECTED AS A PART TIME EQUIPMENT OPERATOR I  
EMPLOYEE NOT ELIGIBLE FOR BENEFITS, WORKING UP TO 19 3/4 HOURS PER  
WEEK IN THE ROAD DEPARTMENT. WAGE GRADE 16.

(9)

APPROVAL TO FILL THE FULL TIME MECHANIC POSITION AT THE ROAD SHOP,  
WITH FULL BENEFITS. WAGE GRADE 18.

Motion to approve the Consent Agenda adding the name of Derek Beagley to fill the full time position at the Road Shop, (item #9) was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

The monthly Safety Incentive drawing was as follow:

Part-time employees- Degan Minchey

Full time employees- Dennis Fuller

Safety Sensitive employees- Jeff Weber and Wade Hancock

(2)

COMMISSION MEETING MINUTES  
JULY 17, 2018

DISCUSS/APPROVE/DENY OPTING-IN TO A CLASS ACTION LAWSUIT REGARDING THE COUNTY'S RIGHT TO RECOVER ADDITIONAL SUMS UNDER THE PAYMENTS IN LIEU OF TAXES ACT (PILT) FOR FISCAL YEARS 2015, 2016, AND 2017.

Attorney Mike Olsen explained that it is a good idea to opt-in to a class action lawsuit to secure Emery County's right to recover additional sums under the payments in lieu of taxes act (PILT). In 2008 Congress amended the PILT statute making it mandatory for the government to pay us PILT. This was to help off-set non taxable property that is owned by the federal government. However, Congress did not fund it. Counties were not receiving payment from the federal government to the level that they were supposed to under that statute. Kane County recently sued them and won. On the heels of that suit, the court in that case certified it as a class action. So now the qualifying counties have an opportunity to opt-in to the class action law suit. He contacted the Kane County Attorney and other people at a state level and asked them if they had a recommendation and all the feed back he has received is, it is a good idea to opt-in to get the money we are due under that statute. Commissioner Kent Wilson made a motion to opt-in to a class action lawsuit regarding the county's right to recover additional sums under the Payments in Lieu of Taxes Act (PILT) for fiscal years 2015, 2016, and 2017 as recommended by Attorney Mike Olsen. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

DISCUSS/APPROVE/DENY SIGNING OF RESOLUTION AUTHORIZING THE FILING OF CROSS-APPEAL FOR 2018 CENTRALLY ASSESSED PROPERTIES IN REGARDS TO AVAD OPERATING LLC.

Attorney Mike Olsen requested approval to sign Resolution 7-17-18 authorizing the filing of cross-appeal for 2018 Centrally Assessed properties in regards to AVAD Operating, LLC. It is important to stay on top of the Centrally Assessed Appeals as they come in and preserve our legal right to cross-appeal and turned in the Tax Commission on a timely basis. Commissioner Paul Cowley made a motion to sign Resolution 7-17-18 authorizing the filing of cross-appeal for 2018 Centrally Assessed properties in regards to AVAD Operating, LLC. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(4)

DISCUSS/APPROVE/DENY COOPERATIVE AGREEMENT BETWEEN DWR, STATE PARKS, USDA AND EMERY COUNTY FOR BOAT RAMP EXTENSION.

Merrial Johansen explained that the funds for the boat ramp extension were allocated last fall and now the agencies are gathering all the necessary agreements to do the work. Commissioner Wilson asked that Jay Humphrey's concerns regarding the ongoing maintenance are addressed. Jay wanted to be sure that the other agencies, State Parks, USDA, and DWR are accountable and



COMMISSION MEETING MINUTES  
JULY 17, 2018

responsible for the ongoing maintenance of all the facilities on the forest. Attorney Mike Olsen has not had an opportunity to review the agreement. Commissioner Kent Wilson made a motion to approve a cooperative agreement between DWR, State Parks, USDA and Emery County for boat ramp extension upon Attorney Mike Olsen's review of the agreement and assures the Commissioners that Emery County is not responsible for any finances. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSS/APPROVE/DENY 2018-2019 CONTRACT AGREEMENT WITH SOUTHEASTERN UTAH ASSOCIATION OF GOVERNMENTS AND EMERY COUNTY.

Commissioner Paul Cowley made a motion to approve a contract agreement with Southeastern Utah Association of Governments and Emery County for 2018-2019. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY ROAD PROJECT AGREEMENT BETWEEN EMERY COUNTY AND THE USDA FOREST SERVICE, MANTI-LA-SAL NATIONAL FOREST FOR MAG CHLORIDE APPLICATION ON SCHEDULE A FOREST ROADS.

Commissioner Paul Cowley made a motion to approve a road project agreement between Emery County and the USDA Forest Service, Manti La-Sal National Forest for Mag Chloride application on schedule A Forest Roads upon review and approval of Attorney Mike Olsen. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY UTAH OUTDOOR RECREATION GRANT CONTRACT.

Jordan Leonard and Tina Carter discussed a Utah Outdoor Recreation Grant Contract. The project is along the Scenic Byway identifying trails in the forest and its history as well as other sites along the way, such as when to see the Salmon spawn on Electric Lake. The Travel Bureau has appropriated \$10,000.00 from TRT funds for this project. The actual contract amount is \$8,000.00. The total project is \$32,000.00 and includes Sanpete and Carbon County with their portion of the project. Commissioner Kent Wilson made a motion to authorize \$8,000.00 from TRT funds for this grant. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY CONTRACT FOR CLEANING SERVICES DURING THE 2018 EMERY COUNTY FAIR.

COMMISSION MEETING MINUTES  
JULY 17, 2018

Commissioner Wilson explained that a contract for the cleaning services during the 2018 Emery County Fair is with Mindi Labrum and Nancy Jorgensen in the amount of \$1,800.00. They will clean up the fair vendor areas with the addition of the parade route to the contracted services. Commissioner Kent Wilson made a motion to approve a contract for cleaning services with Mindi Labrum and Nancy Jorgensen during the 2018 Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSS/APPROVE/DENY MOU WITH CASTLE DALE CITY DURING THE 2018 EMERY COUNTY FAIR.

Commissioner Wilson indicated that in the past Emery County has utilized several Castle Dale City employees during the fair to provide various maintenance service through an MOU. This year, the Fair Committee has suggested not using an MOU and have people sitting around waiting until their service is needed. They would like to have Castle Dale City bill the county for the services of their employee as an on call basis such as during initial set up for vendors and other events as needed and when the fair is over, with the tear down process. This would be paying for actual hours worked rather than a flat amount. Commissioner Wilson asked Attorney Mike Olsen if it is possible to negotiate a wage with the City and draft an agreement for on call services? The hope is to save the county some money on this service. No action was taken on this item at this time.

(10)

DISCUSS/APPROVE/DENY AGREEMENT WITH CARL POTTER OF PRO SOUND FOR SOUND SYSTEM SERVICES FOR THE 2018 EMERY COUNTY FAIR.

Commissioner Wilson explained that the agreement with Carl Potter of Pro Sound is for \$1,800.00 plus two nights motel room at approximately \$150.00. Mr. Potter will provide the sound for all events during the fair. Commissioner Kent Wilson made a motion to approve an agreement with Carl Potter of Pro Sound for sound system services for the Emery County Fair, 2018. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY ANNUAL CONTRIBUTION TO BEAR.

Commissioner Wilson reported that there has been a BEAR organization in Price that has done the BEAR program for several years. Every year they make an application with Emery County for \$5,000.00 to help them administer a state grant. This year the state changed the criteria. Emery County and all other counties were allowed to put in two applications per county. Emery County put in 2 applications and we were awarded those grant applications. One grant is for \$26,000.00 through Emery County and one is \$27,000.00 through Emery County Economic

COMMISSION MEETING MINUTES  
JULY 17, 2018

Development. He proposed analyzing the county's grants first and find out what our financial commitments are. There is a good chance that our \$5,000.00 will have to go to our grants instead of Carbon County grants. He indicated he would like to see us analyze our grants first and use the money here fulfilling our BEAR grants. One of the grants is to analyze the roughly 200 to 300 local in-home businesses in Emery County. Some of them may be able to make that leap to become a main street business. We want to find out what we can do to help them make that leap to become more profitable. The other grant is to analyze infrastructure in Emery County economically. So that when a business from Salt Lake or out of state comes in we can hand them a printed or on line version of all of our infrastructure in Emery County whether it be electrical, water/sewer, etc, to see if we fit their needs. The other component is to take ten of those companies in the county that are related to coal mining where their businesses are diminishing and help them maybe morp their business into something different and market their business nationally. We want to approach those companies and find out what other products or services can they provide in the US to help market themselves nationally. He suggested the \$5,000.00 that is in the Emery County Economic Development budget be used to fulfil our grants first with USU Eastern. He would like to inform the Carbon County BEAR that we want to analyze our grants first, that our needs come first and will consider their needs if there is any money left over. Commissioner Wilson made a motion to analyze our grants first, prioritize our grants 1 & 2 and if there is any money out of that \$5,000.00 budget left we will bring it back before the Commission to entertain the Carbon County BEAR request. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC REPORT.

Mr. Johnson was not able to attend the meeting. Commissioner Wilson reported that the status of the county land bill is still in negotiations. Nothing new to report.

(13)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk reported that the Sheriff's Department recently held their Triathlon to raise money for Search and Rescue. They had approximately 150 participants. Everything went well. The SO is currently working with NRCS on issues following the recent fire on Trail Mountain involving ash, and debris due to flooding. Senator Hatch's representatives recently visited and indicated possible 100% to deal with the issues.

Commissioner Wilson reported on a recent state recognition award bestowed on the Emery County EMS with regard to the New Year's Eve bus accident on I-70.

He reported that Dennis Worwood has announced his retirement. As a Commission we recognize the many years of service to Emery County and it's citizens. He has been a great asset

COMMISSION MEETING MINUTES  
JULY 17, 2018

to the county.

Jordan Leonard will be leaving the County's employment as Economic Director. He has taken a position with USU Eastern as Economic Development Intern . He will be stationed in the courthouse and working with five different counties on economic development through the internet.

Commissioner Cowley reported on a recent tour of the fire impacted areas with Commissioner Wilson and Carl Fillmore. They visited the Rilda Canyon area viewing the springs and the impact on the culinary water system. They are hopeful for federal assistance to improve these water systems.

(14)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

AUGUST 7, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #248890 through and including #249042 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
22-18	Tool set, 610 piece w/drawer/cabinet Road Department	\$ 6,915.95
23-18	Portable, Firefighter Radio Sheriff	875.00

There were no dispositions.

(2)  
APPROVAL OF JULY 17, 2018 COMMISSION MEETING MINUTES.

(3)  
APPROVAL OF JULY 03, 2018 CANVASS OF ELECTION MINUTES.

(4)  
APPROVAL OF OUT-OF-STATE TRAVEL FOR EMERY COUNTY DRUG TASK FORCE MEMBERS CAPTAIN KYLE EKKER, DETECTIVE JOHN BARNETT AND DETECTIVE TYSON HUNTINGTON AT ATTEND THE CNOA ANNUAL CONFERENCE IN SAN DIEGO, CALIFORNIA.

2

COMMISSION MEETING MINUTES  
AUGUST 7, 2018

(5)

APPROVAL OF OUT-OF-STATE TRAVEL FOR EMERY COUNTY DRUG TASK FORCE MEMBERS CAPTAIN KYLE EKKER, DETECTIVE JOHN BARNETT AND DETECTIVE TYSON HUNTINGTON TO ATTEND THE UNOA ANNUAL CONFERENCE IN MESQUITE, NEVADA.

(6)

RATIFICATION - LAKOTA CLARK WAS HIRED AUGUST 6, 2018, AS THE FULL TIME MECHANIC AT THE ROAD SHOP WITH FULL BENEFITS. WAGE GRADE 18.

(7)

APPROVAL TO PROMOTE JONATHON SEELEY AND SYDNEY TERWILLEGER RO HEAD LIFEGUARDS. MOVE FROM GRADE 3 TO GRADE 5.

(8)

APPROVAL OF LES WILBERG, LES THOMPSON, GARY KOFFORD, TOM BRERETON, BRANDON WILBERG, AND MARK H. WILLIAMS AS VOLUNTEERS FOR THE 2018 ARAPEEN ATV JAMBOREE.

(9)

APPROVAL OF LES WILBERG AND LES THOMPSON AS VOLUNTEERS FOR GROOMING THE TRAILS IN EMERY COUNTY.

(10)

APPROVAL TO PROMOTE JOEL MIKE HOWES TO DISPATCHER II WITH PREVIOUS EXPERIENCE AS A DISPATCHER. MOVE FOR GRADE 14 TO GRADE 15. EFFECTIVE 8-20-18.

(11)

APPROVAL TO START THE RECRUITMENT EFFORT FOR A FULL TIME VICTIMS ADVOCATE WHICH WILL BE A PROVISIONAL EMPLOYEE POSITION.

(12)

APPROVAL TO APPOINT JUSTIN QUEEN TO THE EMERY COUNTY RECREATION BOARD REPRESENTING GREEN RIVER CITY.

(13)

APPROVAL TO APPOINT MARY ANN WRIGHT TO FILL THE VACANCY OF A REMAINING TERM ON THE EMERY COUNTY LIBRARY BOARD.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by

3

COMMISSION MEETING MINUTES  
AUGUST 7, 2018

Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

PRESENTATION REGARDING THE SUCCESS OF THE 2018 SOUTHEASTERN UTAH JUNIOR LIVESTOCK SHOW.

(3)

RATIFICATION OF LETTER REQUESTING WATERSHED STATUS IN ACCORDANCE WITH PL 83-566.

This is the first step in developing a plan to protect Joe's Valley Reservoir and Orangeville from flood waters and debris.

Commissioner Paul Cowley made a motion to approve ratification of a letter requesting watershed status in accordance with PL 83-566. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(4)

RATIFICATION OF CONTRACT AGREEMENT WITH WALL CONTRACTORS TO BEGIN EMERGENCY WORK AT THE CRANDALL CANYON MINERS MONUMENT TO PREVENT DESTRUCTION OF THE MONUMENT DUE TO FLOODING FROM THE RECENT FOREST FIRE.

The Forest Service provided Emery County with funds to construct a wall protecting the Crandall Canyon Miner's Memorial from potential flooding due to the recent fire in the area. The funds were provided contingent upon the county begin work immediately on the project. Therefore, ratification of the contract agreement with Wall Contractors is to begin the emergency work. Commissioner Paul Cowley made a motion to ratify a contract agreement with Wall Contractors to begin emergency work at the Crandall Canyon Miner's Memorial Monument to prevent destruction of the monument due to potential flooding from the recent forest fire. The motion was seconded by Commissioner Kent Wilson. The motion passed.

4

COMMISSION MEETING MINUTES  
AUGUST 7, 2018

(5)

ACCEPTANCE OF THE UTAH DEPARTMENT OF PUBLIC SAFETY DIVISION OF  
EMERGENCY MANAGEMENT FY 2018 EMERGENCY MANAGEMENT PERFORMANCE  
GRANT (EMPG) ALLOCATION.

This is the Emergency Management Performance Grant (EMPG) allocation in the amount of \$38,900.00 to assist the Sheriff's Office in covering related expenses for emergency management. Commissioner Kent Wilson made a motion to approve the EMPG allocation. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSS/APPROVE/DENY CHANGE ORDER #10 ON THE MILLSITE DAM  
REHABILITATION PROJECT.

Change Order #10 is for the extra work performed by Nielson Construction on the Millsite Dam Rehabilitation Project. Commissioner Paul Cowley made a motion to approve Change Order #10 for the Millsite Dam Rehabilitation Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY CONTRIBUTION TO RURAL EMS DIRECTORS  
ASSOCIATION.

Commissioner Wilson explained that Rural EMS Directors Association is a new assistance made up of rural Utah EMS Directors that will help with garage leads and training EMT's working to improve the quality of leadership within the rural areas. The dues will be approximately \$400.00 a year. Commissioner Kent Wilson made a motion to approve a contribution to Rural EMS Directors Association. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY DONATION OF AQUATIC CENTER PASS/PASSES AS AN  
AWARD FOR THE HABITAT FOR HUMANITY GOLF TOURNAMENT.

Commissioner Kent Wilson made a motion to allow 8 Aquatic Center Passes to be used as an award for the Habitat for Humanity Golf Tournament. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)



COMMISSION MEETING MINUTES  
AUGUST 7, 2018

DISCUSS/APPROVE/DENY TO PROVIDE FLU VACCINES THIS YEAR IN CONJUNCTION WITH OUR WELLNESS CLINIC OCTOBER 31 AND NOVEMBER 1, 2018 AND IN GREEN RIVER ON NOVEMBER 1<sup>ST</sup> TOO. THE COUNTY WILL PAY \$27.00 FOR EMPLOYEES (FULL OR PART TIME ALONG WITH EMT VOLUNTEERS) WHO CHOOSE TO RECEIVE THE VACCINE.

Personnel Director, Mary Huntington requested that the County provide flu vaccines this year in conjunction with the County's Wellness Clinic on October 31<sup>st</sup> in Castle Dale and November 1<sup>st</sup> in Green River. She also requested that the County pay the \$27.00 for those full time or part-time employees and EMT volunteers who choose to receive the vaccine. The funds will come out of the Insurance budget. Commissioner Kent Wilson made a motion to approve providing vaccines for full time and part-time employees and EMT volunteers who choose to participate. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY TO UTILIZE EMERY COUNTY MEDICAL CENTER AGAIN THIS YEAR FOR THE ANNUAL WELLNESS CLINIC. THE COST WILL BE \$250.00 PER FULL TIME EMPLOYEE THAT PARTICIPATES. THIS COST WILL INCLUDE THE VISION TEST, HEARING TEST ( FOR ROAD AND WEED & MOSQUITO) BMI, BLOOD PRESSURE CHECK. LAB TEST AND FOLLOW UP VISIT.

Mary Huntington requested to utilize Emery Medical Center again this year for the annual Wellness Clinic. The cost will be \$250.00 per full time employee that participates. This cost will include the vision test, hearing test ( for Road and W/M employees) BMI, Blood Pressure Check, Lab test and follow up visit. Commissioner Paul Cowley made a motion to approve utilizing Emery Medical Center for the annual Wellness Clinic as proposed. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/ DENY TO GIVE FULL TIME EMPLOYEES WHO PARTICIPATE IN THE WHOLE WELLNESS CLINIC 4 HOURS OF VACATION.

Mary Huntington requested approval to give full time employees who participate in the "whole" Wellness Clinic 4 hours of vacation. She indicated that the benefits of participation in the whole Wellness Clinic has proven to benefit the employee through early detection of potentially costly illness which has also benefitted the County. Commissioner Paul Cowley made a motion to approve giving full time employees who participate in the "whole" Wellness Clinic 4 hour of vacation. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY RESOLUTION TO ADOPT THE REVISED EMERY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL.

Mary Huntington explained that a few Commission Meetings back they were presented with a revised Personnel Policies and Procedures Manual for consideration and approval. At that time Commissioner Wilson asked to allow time for the Department heads and Elected officials to review the document and make and recommendations. She indicated that she received a recommendation regarding those employees who receive training and certifications that is funded by the County. It was recommended that if the employee leaves the county's employment within 3 years of receiving the training or certification that they have to reimburse the county for the cost of that training. The funds would be deducted from any payout for sick/vacation that they potentially receive. She noted that max amount(cap) of \$10,000.00. This provision has been added to the document and has been reviewed by Department Heads and Elected Officials. The Commissioners thanked Mary and those who helped her with the work done on the revised Emery County Personnel Policies and Procedures Manual. Commissioner Kent Wilson made a motion to approve Resolution 8-7-18A adopting the revised Emery County Personnel Policies and Procedures Manual. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

DISCUSS/APPROVE/DENY PAYING ANNUAL FEES DUE TO SEUALG.

Commissioner Kent Wilson made a motion to approve paying annual dues in the amount of \$5,000.00 to SEUALG. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSS/APPROVE/DENY PAYING ANNUAL MEMBERSHIP DUES TO RUA FOR 2018.

Commissioner Wilson explained that RUA is Rural Utah Alliance made up of an alliance of rural counties to fight rural issues such as legislation aimed at coal and pollution and other issues. These issues may not directly affect Emery County but have the potential to affect us. The Alliance meets regularly and discusses rural issues relevant to the potential issues. The alliance receives funding from the state also to assist in this effort. Commissioner Kent Wilson made a motion to approve annual dues of \$5,000.00 to RUA for 2018. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDS FOR THE TAMARISK

COMMISSION MEETING MINUTES  
AUGUST 7, 2018

Tina Carter requested Marketing Match funds for the Tamarisk in Green River. They have requested \$3,500.00 which they will match to put up a billboard. She added that this is advertising dollars and is an allowed use for TRT funds. The request has been approved by the Travel Board. Commissioner Kent Wilson made a motion to approve Marketing Match funds for the Tamarisk. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

DISCUSS/APPROVE/DENY OFFICE OF TOURISM CAFETERIA PLAN POLICIES AND GUIDELINES FOR FISCAL YEAR 2019.

Tina explained that the Cafeteria Plan is an outline of programs that the County can choose from to promote the county. It is through UTAH.com. They evaluate the various programs and decide which programs are a good fit for the county. The programs run from August 2018 through August of 2019. The amount is \$13,000.00 which the state will match to make \$26,000.00. She indicated that they have had 2,349 requests for info on Emery County by using these programs. The funds will come from TRT. Commissioner Kent Wilson made a motion to approve Office of Tourism Cafeteria Plan Policies and Guidelines for Fiscal Year 2019. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSS/APPROVE/DENY SIGNING A COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND UTAH DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE RESOURCES FOR COMPLETION OF THE TRAIL MOUNTAIN FIRE (#4741) PROPOSED THROUGH THE UTAH WATERSHED RESTORATION INITIATIVE.

Commissioner Paul Cowley made a motion to approve signing a Cooperative Agreement between Emery County and Utah Department of Natural Resources, Division of Wildlife Resources for completion to the Trail Mountain Fire (#4741) proposed through the Utah Watershed Restoration initiative. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(18)

DISCUSS/APPROVE/DENY MODIFICATIONS TO A GRANT AGREEMENT BETWEEN EMERY COUNTY AND THE FOREST SERVICE.

The modification is to extend the current grant into 2019. Commissioner Paul Cowley made a motion to approve modifications to a Grant Agreement between Emery County and the Forest Service. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(19)

DISCUSS/APPROVE/DENY SIGNING OF RESOLUTION AUTHORIZING THE FILING OF

8

COMMISSION MEETING MINUTES  
AUGUST 7, 2018

CROSS-APPEAL FOR 2018 CENTRALLY ASSESSED PROPERTIES IN REGARDS TO AT&T INC, CENTURY LINK, AND UNION PACIFIC RAILROAD COMPANY.

Attorney Mike Olsen indicated that this is necessary to secure the County's ability to cross appeal when centrally assessed properties appeal their taxes. Commissioner Paul Cowley made a motion to sign Resolution 8-7-18B authorizing the filing of cross-appeal for 2018 Centrally Assessed Properties in regards to AT&T Inc., Century Link, and Union Pacific Railroad Company. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(20)

RANDY JOHNSON- GOVERNMENT MATTERS, LLC REPORT.

Randy Johnson- Government Matters, LLC provided an update on the progress of the Lands Bill legislation process .

(21)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Sitterud commended Commissioner Wilson and the management of the fair. They have heard great things about the fair this year. It was a success.

Commissioner Wilson invited Sandra Huntington and Amanda Leonard to the meeting today to publicly thank them for the success of the 2018 Emery County Fair. Congratulations for a job well done. Amanda reported on the success of the Young Entrap enures Program. She indicated that there were 30 plus kids who participated. Sandra thanked her team of volunteers, Mary Huntington, Mindi Labrum, Nancy Jorgensen, Nadine Hinkins, Amanda Leonard, and Julie Wilson. The Ned Ladoux concert was a huge success. Last year concert tickets sales were around \$15,000.00. This year concert ticket sales were around \$23,000.00.

(22)

ADJOURN.

Commissioner Kent Wilson made a motion to adjourn the meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

9

COMMISSION MEETING MINUTES  
AUGUST 7, 2018

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

AUGUST 21, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # through and including # was presented for payment.

There were no Requisitions.

There were dispositions for an office chair, and (4) chaise lounge chairs from the Aquatic Center.

(2)  
APPROVAL OF AUGUST 07, 2018 COMMISSION MEETING MINUTES.

(3)  
APPROVAL TO APPOINT JESSE NIELSON AS AN AT LARGE MEMBER OF THE EMERY COUNTY RECREATION BOARD OF DIRECTORS.

(4)  
APPROVAL TO GIVE SELINA HARDMAN A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A DEPUTY ASSESSOR. EFFECTIVE 8-27-18.

(5)  
APPROVAL TO RECLASSIFY THE SAFETY COORDINATOR/SIGN MANAGER POSITION FROM GRADE 17 TO GRADE 18.

(6)  
APPROVAL TO PROMOTE THAD MORRIS TO THE SAFETY COORDINATOR/SIGN MANAGER IN THE ROAD DEPARTMENT. GRADE 18. EFFECTIVE 8-27-18.

2

COMMISSION MEETING MINUTES  
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(7)

RECLASSIFY LAKOTA CLARK FROM LEAD MECHANIC TO MECHANIC I. GRADE 16.  
EFFECTIVE 8-27-18

Motion to approve the Consent agenda was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

AWARDING OF MONTHLY SAFETY INCENTIVE VISA GIFT CARDS.

Part-time employees- Tiffany Baker  
Full-time employees- Becky Jewkes  
Safety Sensitive employees- Les Reese and Cory Worwood

(3)

RATIFICATION OF SIGNING OF AN AMENDMENT TO THE CONTRACT BETWEEN  
EMERY COUNTY AND THE DIVISION OF WILDLIFE RESOURCES REGARDING  
FUNDING FOR THE CRANDALL CANYON MEMORIAL MONUMENT RETAINING  
WALL PROJECT.

In the last Commission Meeting Commissioners signed an Contract between Emery County and the Division of Wildlife Resources regarding funding for the Crandall Canyon Memorial Monument Retaining Wall Project. The original amount from DWR was \$35,000.00. This amendment to the contract increases the funding amount to \$75,000.00. Commissioner Paul Cowley made a motion to ratify the signing of an amendment to the contract between Emery County and Division of Wildlife Resources regarding funding for the Crandall Canyon Memorial Monument Retaining Wall Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(4)

COMMISSION MEETING MINUTES  
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RATIFICATION OF SIGNING AN AGREEMENT BETWEEN EMERY COUNTY AND JOHANSEN AND TUTTLE ENGINEERING REGARDING THE CRANDALL CANYON MEMORIAL MONUMENT RETAIN WALL PROJECT.

Commissioner Kent Wilson made a motion to ratify the signing of an agreement between Emery County and Johansen & Tuttle Engineering regarding the Crandall Canyon Memorial Monument Retaining Wall Project. The motion was seconded by Commissioner Paul Cowley. The motion passed. Commissioner Wilson thanked all involved in this project. We were able to bring this all together within seven days.

(5)

DISCUSS/APPROVE/DENY MARKETING MATCH FUNDS FOR FERRON CITY FOR THE MUD BOG AND FOR MECCA FALL FESTIVAL.

Tina Carter requested approval of Marketing Match funds in the amount of \$3,500.00 for Ferron City that they will match to market/advertise a Mud Bog in conjunction with Peach Days Celebration. She requested Marketing Match Funds in the amount of \$3,500.00 for MECCA Fall Festival which they will match to promote/advertise their fall bike festival. These have both been approved by the Travel Board and meet the criteria for use of TRT funds. Commissioner Kent Wilson made a motion to approve Marketing Match funds for Mud Bog and MECCA Fall Festival as proposed. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSS/APPROVE/DENY QUITCLAIM OF SAND AND GRAVEL EASEMENT REGARDING ELDON PRICE PROPERTY.

This is a perpetual easement from the early 60's. Emery County has not used it for some time now. Emery County no longer has an interest in retaining the easement and agrees that it can be returned to Mr. Price. Commissioner Paul Cowley made a motion to Quitclaim of a sand and gravel easement to Eldon Price. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC. REPORT.

Mr. Johnson was not able to attend the meeting today. Public Lands Director Ray Petersen reported that there will be hearings tomorrow with the Sub Committee at the Senate. Commissioner Wilson thanked Ray for his rebuttal comments with regard to questions and comments on the proposed bill in the local papers.

(8)

COMMISSION/ELECTED OFFICIALS REPORT.



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Attorney Mike Olsen commented that Sheriff Funk was absent from the meeting because the Sheriff's Department was involved in handling the inmate from the Greyhound bus incident earlier this year. There was discussion regarding whether we have to have a bus stop in Green River.

Commissioner Cowley commented that Murray Energy provided the balance of the funds needed to complete the retaining wall at the Crandall Canyon Memorial Monument.

(9)

ADJOURN.

Commissioner Kent Wilson made a motion to adjourn the meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 4, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check List # 249203 through and including #249311 was presented for payment.

There were no requisitions.

Dispositions were presented for 580-9823 computer, 580-8743 computer, 580-7915 computer,

(2)  
APPROVAL OF AUGUST 21, 2018 COMMISSION MEETING MINUTES

(3)  
APPROVAL TO APPOINT THOMAS JENSEN TO THE FIRE DISTRICT TO FILL A REMAINING TERM POSITION.

(4)  
NOTIFICATION- NATALIE OLSEN WAS SELECTED AS A PART TIME TRAVEL BUREAU ASSISTANT WORKING UP TO 19.75 HOURS PER WEEK. WAGE GRADE 11, EFFECTIVE 8-29-18.

(5)  
APPROVAL TO HIRE VANESSA JUSTESEN AS THE VICTIMS ADVOCATE. THIS IS A FULL TIME PROVISIONAL POSITION WITH FULL BENEFITS . WAGE GRADE 15.

(6)  
APPROVAL TO PROMOTE SHON ROPER FROM PATROL DEPUTY II TO DETECTIVE I TEMPORARILY UP TO 3 YEARS. WILL STAY ON THE SAME GRADE AND RECEIVE A 3% WAGE INCREASE WHILE PERFORMING DETECTIVE DUTIES. EFFECTIVE 9-10-18

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(7)

APPROVAL OF CHARLES LAWRENCE AS A RESERVE OFFICER. WAGE \$14.00 PER HOUR.

(8)

APPROVAL TO RECLASSIFY THE CONFIDENTIAL SECRETARY POSITION TO VARIABLE PART TIME.

(9)

APPROVAL TO MOVE MAEGAN CROSLAND TO A VARIABLE PART TIME EMPLOYEE WITH PRORATED RETIREMENT EFFECTIVE 9-10-18.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

(2)

RATIFICATION OF LETTER OF SUPPORT FOR CASTLE DALE CITY TO APPLY FOR A GRANT TO BUILD PICKLEBALL COURTS.

Castle Dale City contacted the Emery County Commissioners to request a letter of support to build pickleball courts near the Recreation Center. Castle Dale City is applying for a grant for funding to build the courts and the letter will accompany the application. The deadline for the application was Friday, August 31, 2018 so a letter of support was signed and now the signing of the letter needs to be ratified. Commissioner Kent Wilson made a motion to ratify the signing of a letter of support for Castle Dale City to apply for a grant to build pickleball courts. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

PRESENTATION FROM MARGIE MEMOTT ON UTAH STATE UNIVERSITY UPDATES.

Margie Memott, Utah State University Extension Southern Division Director provided an update of the process to fill the position of Emery County Extension Agent due to the recent retirement of Dennis Worwood. She explained that Christine Jensen will act as interim department head

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until the position has been filled. A search committee has been formed and they are in the process of receiving applications. They applicants will go through a review process and the finalist will be interviewed that will be televised on the web and available for the public to view and make recommendations. They will try to fill the position as soon as possible. She hesitated to say “replace” Dennis because she said that replacing Dennis will be impossible. She thanked Dennis for his service and dedication to the citizens of Emery County.

Dennis Worwood provided a report on the recent Junior Livestock Show held in Ferron. He explained that there are 5 livestock shows in the State of Utah. Ferron is the Southeastern Utah Junior Livestock Show. They received funds from the Travel Bureau, Carbon County, Emery County, and the State of Utah. They had 530 animals and 320 exhibitors. 60% of the exhibitors came from out of the area. That is 4 people for every exhibit. They gave out \$30,000.00 in prizes and awards. The final total from the auction was \$250,000.00. They had a committee of 30 volunteers who provided many hours of volunteer time. Kids worked for about 4 months to get their animals ready for the stock show. He stated that this was the biggest and best show he has seen since he has been here. He expressed his hope that the Commissioners will take part in the hiring presentation process. He stated that he has worked hard to meet the needs and please the citizens of Emery County.

(4)

DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR KURRY JENSEN  
TRANSPORTATION.

Commissioner Kent Wilson made a motion to approve a business license for Kurry Jensen Transportation. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSS/APPROVE/DENY INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY  
AND SSD#1 FOR THE JOE’S VALLEY BOAT RAMP PROJECT.

Merrial Johansen explained that the Joe’s Valley Boat Ramp Project will be administered by the Special Service District #1. This agreement is between SSD#1 and Emery County to administer the project. They held a site showing last week and the bids will be opened by the end of this week and award the bid on Monday. They may not get the project completed this year depending on the weather. Commissioner Paul Cowley made a motion to approve an interlocal agreement between Emery County and SSD#1 for the Joe’s Valley Boat Ramp Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY APPLYING FOR ALREADY APPROVED GRANT THROUGH

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THE DEPARTMENT OF TRANSPORTATION FOR THE HUNTINGTON AIRPORT  
RUNWAY.

Jeff Guymon explained that DOT provides \$100,000.00 to rehabilitate/resurface the runway at the Huntington Airport. The county's match will be \$10,000.00. There is a set time of April and May of 2019 to have the work completed. Johansen & Tuttle Engineering is assisting on this project. The next scheduled maintenance on the runway will be in 2023. Jeff recommended approval the application process. Commissioner Paul Cowley made a motion to approve applying for a grant through the Department of Transportation for the Huntington Airport Runway. The motion was seconded by Commissioner Kent Wilson. The motion passed. The project will be run through SSD#1

(7)

DISCUSS/APPROVE/DENY COOPERATIVE AGREEMENT WITH UTAH DEPARTMENT  
OF NATURAL RESOURCES FOR NOXIOUS WEED REMOVAL ALONG THE GREEN  
RIVER.

Cory Worwood, Weed & Mosquito Department Director explained that a Cooperative Agreement was arranged for by the Forest, Fire and State Land to remove noxious weeds along the Green River. The amount is \$10,000.00. He recommended approval. Commissioner Paul Cowley made a motion to approve a Cooperative Agreement with Utah Department of Natural Resources for weed removal along the Green River. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY MOU BETWEEN THE UTAH DIVISION FORESTRY FIRE  
AND STATE LANDS AND EMERY COUNTY.

Fire Wardens Jeramy Jorgensen and Rudy Sandoval came before the Board of Commissioners to discuss a MOU between the Utah Division Forestry, Fire and State Lands and Emery County. The purpose of the understanding is to provide a means whereby the County may be reimbursed for the use of local fire suppression equipment and ambulance. During the Trail Mountain Fire they were not able to use Emery County's trucks or ambulance because this MOU was not in place. Fire fighters must have a red card which is a wildland fire certification to participate in fighting a fire on state or federal lands. He reviewed the document and pointed out a few details that are of interest to the county. This is the same MOU that is used in other counties and cities in the state. Attorney Mike Olsen asked questions regarding the county's ability to make a decision whether to fight a fire or let it burn. He indicated that he attended a forum with Lt. Governor Spencer Cox, Senator Rob Bishop and others regarding local input regarding prescribed/controlled burn and lightning ignited fires. He had questions regarding private property and owners participation in the decision process. Mike Olsen indicated he will continue to attend the forums and be in on the discussions keeping the Commissioners informed. Jeramy

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Jorgensen indicated that this MOU specifically deals with the fire trucks, ambulance and fire fighting resources. The Commissioners decided to table this to allow time to meet with the FPSSD and EMS Board to address any concerns they may have with the MOU. Commissioner Kent Wilson made a motion to table this decision until the next Commission Meeting to allow time to meet with the FPSSD and EMS Board. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSS/APPROVE/DENY REQUEST FOR TAX ADJUSTMENT ON HT-07-0107.

Selina Hardman, Assessor's Office requested that taxes on HT-07-0107 be abated. They were unable to locate the owner. The owner has abandoned the mobile home and it is no longer in a livable condition. There is no economic value. The tax amount requested to be abated is \$32.04. Commissioner Kent Wilson made a motion to grant an abatement of taxes on HT-07-0107 as requested by the Emery County Assessor's Office. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND UAC REGARDING CREATION OF A PROJECT AREA FOR A CRA PROJECT.

Commissioner Wilson indicated that we have a solar company that is wanting to do a project in Emery County. They are seeking incentives. We need to create a project area. The solar company came to us with a list of two attorneys that they have done business with in the past to create these project areas. That did not feel comfortable to us. So we checked with Utah Association of Counties who is concerned with the county's best interest. UAC is going to make this service available to counties. They have a consultant who specializes in creating community redevelopment areas and has created many in the Salt Lake area. They have given the county a proposal to consider. They will create the project area, negotiate with all the taxing entities within Emery County and also with the person wanting to create the solar farm, take care of all the documentation with the State and also manage the project area during the next fifteen years while the increment is in place. UAC proposed a contract for \$15,000.00. The Commissioners received bids from two other companies that do this same service. The bids were comparable. UAC is providing this service for a comparable price. Commissioner Kent Wilson made a motion to direct our County Attorney to create a contract with UAC and using them as our agent to create the CRA Project area. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND COMMUNITY SOLAR REGARDING FUNDING REIMBURSEMENT FOR CREATING

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THE CRA PROJECT AREA.

Commissioner Wilson indicated that this is business arrangement with Community Solar. The Contract with Community Solar is so that they will cover the cost of UAC to create the CRA. This means there will be no cost to the county to create the CRA. Commissioner Kent Wilson made a motion to approve a contract between Emery County and Community Solar regarding funding reimbursement for creating the CRA Project Area. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSS/APPROVE/DENY AGREEMENT BETWEEN EMERY COUNTY AND USDA REGARDING PREDATOR DAMAGE CONTROL IN EMERY COUNTY.

Tom Hardee indicated that USDA has a pass through Predator Damage Control Program in which Emery County participates at the rate of \$10,000.00. Livestock producers provide private funds of \$5,000.00. USDA refunds the county their 50% match of \$5,000.00 and the \$5,000.00 from the producers private funds. This pass through program makes it no cost to the county to participate. Commissioner Kent Wilson made a motion to approve an agreement between Emery County and USDA regarding Predator Damage Control in Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed. This is helicopter coyote control.

(13)

DISCUSS/APPROVE/DENY BLM RIGHT-OF-WAY RENEWAL GRANTS FOR BUCKHORN WASH, HADDEN WASH, AND LAST CHANCE.

Commissioner Paul Cowley made a motion to approve BLM Right-Of-Way renewal grants for Buckhorn Wash, Hadden Wash, and Last Chance. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC REPORT.

Randy Johnson, Government Matters, LLC provided a report on Legislative activity. Emery County's Land Bill is in the hands of the US Congress. It is very unlikely that this bill will go before Congress as a solo bill. It will be packaged with other lands bill to create a lands bill that has a better chance of passing. It will be before the Senate Committee for mark-up in mid-September. Time is our biggest enemy. Senator Hatch has an extraordinary amount of prestige in the Senate. If we move into another year conditions will not be as favorable.

(15)

COMMISSION/ELECTED OFFICIALS REPORT.

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Attorney Mike Olsen reported that he and Sheriff Funk attended a forum in Salt Lake regarding local control when it comes to ability to fight fires. Concerns that the forest is not being managed well, it is burning down and could be done better. Good to know the governor's office is aware of our plight. He will continue to watch and participate in the forum and hope it keeps moving forward.

Commissioner Wilson indicated that he received an email today from the Governor's Office of Economic Development regarding the negative impacts the drought has had on Emery County. We will bring up concerns that the monitors are high in the mountains and not giving an accurate reading of the conditions in the valleys.

We have had a couple of solar company interested in projects in the county. When Facebook said they were going to build on the Wasatch Front they have said they want a 1000 MW of solar power when they open the doors. We are going to try to accommodate them.

Commissioner Cowley commented that in referring to the County's Land Bill, Ray Petersen's comments regarding the bill have been excellent to explain the bill and puts in perspective for everyone to understand.

(16)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

SEPTEMBER 18, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS

The Warrant Check Edit List # 249349 through and including # 249468 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
24-18	40 Watt Digital TV Amp. & TP- 400 Sheriff/Television	\$7,500.00

There were no dispositions.

(2)  
APPROVAL OF SEPTEMBER 04, 2018 COMMISSION MEETING MINUTES.

(3)  
APPROVAL TO GIVE SARAH JENSEN, ASSISTANT LIBRARIAN IN FERRON, A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 9-24-18.

(4)  
APPROVAL TO HIRE MITCHELL HORTON AS A FULL TIME EQUIPMENT OPERATOR/DRIVER I WITH FULL BENEFITS. WAGE GRADE 16.

(5)  
APPROVAL FOR A CELL PHONE STIPEND AND CREDIT CARD FOR VANESSA JUSTESEN, VICTIM ADVOCATE.

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Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing.

(2)

AWARDING OF MONTHLY SAFETY INCENTIVE VISA GIFT CARDS.

Safety Incentive \$100.00 Visa Card winners:

Full Time: Becky Jewkes

Part Time: Natalie Olsen

Safety Sensitive: Gary Price and Leslie Reese

Public Comment was not added to the agenda, however, there was a member of the public who requested time to comment.

Roger Jensen representing the Reeder Subdivision Board requested gravel on the dugway of the Reeder Subdivision Road. This is an Emery County road. They are asking for the gravel to be delivered and they will grade it. The last time it was done was about fifteen years ago. He informed the Commissioners that the 38 owners of cabins in the subdivision pay taxes amounting to approximately \$500,000.00 in the last fifteen years. The owners do not ask for a lot but feel this is needed. Service providers such as propane deliveries are finding it difficult to travel the road as it has been washed out and graded over the years. They currently have an agreement with the county to keep the roadway graded with a snow plow, which Hal Johnson does. This agreement is due for renewal next year. Since this issue was not on the agenda for discussion it will be put on the agenda for the next Commission Meeting. The Commissioners will get with Wayde Nielsen and see what can be done.

(3)

PRESENTATION BY AMANDA LEONARD REGARDING JOE'S VALLEY PRESS  
RELEASE.

Commissioner Kent Wilson made a motion to strike this from the agenda and revisit it in the next Commission meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(4)

DISCUSS/APPROVE/DENY/ EMERY COUNTY BEER TAX FUNDS ANNUAL REPORT FOR STATE FY 2018

Captain Kyle Ekker explained that the Beer Tax Funds have specific outlined uses such as confinement, extra patrol, prosecutor expenses. This is money that comes back to Emery County from the cities. Commissioner Kent Wilson made a motion to accept the Beer Tax Funds report. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSS/APPROVE/DENY ACCEPTANCE OF AWARD OF THE UTAH DEPARTMENT OF PUBLIC SAFETY (DPS) DIVISION OF EMERGENCY MANAGEMENT (DEM) FY 2018 STATE HOMELAND SECURITY GRANT (SHSP) COVERING THE PERFORMANCE PERIOD FOR SEPTEMBER 1, 2018 THROUGH AUGUST 31, 2021 TOGETHER WITH ARTICLES OF AGREEMENT.

Captain Kyle Ekker explained that this has been going on for about twelve to fourteen years. It is a combined effort with Carbon County Region 6. It is based on the number of Hazmat Techs. Carbon County will get the bulk of the funds for 2019. Commissioner Paul Cowley made a motion to accept award of the Utah Department of Public Safety (DPS) Division of Emergency Management (DEM ) FY 2018 Sate Homeland Security Grant (SHSP) covering the performance period for September 1, 2018 through August 31, 2021 together with Articles of Agreement. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS FOR NOXIOUS WEED CONTROL WITHIN JURISDICTION AREAS.

Cory Worwood, Emery County Weed/Mosquito proposed approval for an agreement between Emery County and Utah Division of Forestry, Fire and State Lands for Noxious Weed Control within jurisdiction areas. He explained that the areas are from Nephradite Rock to Green River. The amount of the grant varies with each year. The yearly amount for this agreement is \$20,000.00 to control weeds along the Green River. Cory recommended approval. Commissioner Paul Cowley made a motion to approve a Cooperative Agreement between Emery County and Utah Division of Forestry, Fire and State Lands for noxious weed control within jurisdiction areas as outlined in the agreement. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY BOARD OF EQUALIZATION (BOE) CLOSURE.

4

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Clerk/Auditor Brenda Tuttle requested approval to close Board of Equalization (BOE) for 2018. Commissioner Paul Cowley made a motion to close BOE for 2018. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY BOE CHANGES FOE 2018.

Assessor, Kris Bell requested BOE changes for 2018. The Commissioners reviewed the list. Commissioner Kent Wilson made a motion to accept the BOE changes for 2018. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSS/APPROVE/DENY VETERAN, BLIND, AND HOMEOWNER'S TAX CREDIT ABATEMENTS.

Clerk/Auditor Brenda Tuttle presented the names of Veteran, Blind and Homeowners who have applied for tax credit/abatements for 2018. The Veteran, or surviving spouse applicant must have at least a 10% disability by the Department of Veteran Affairs. The Blind applicant must have submitted a letter from an ophthalmologist certifying that there is no more than 20/200 visual in the better eye when corrected or have a restricted field of vision of the better eye. Homeowners tax credit abatement is for low income, widow or widower 65 or older with an income cap of \$32,738.00 for the year for all persons living in the home. The homeowners tax credit is reimbursed by the state. Commissioner Kent Wilson made a motion to approve the Veteran's, Blind, and Homeowner's tax credit abatements for 2018. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSS/APPROVE/DENY LOW INCOME ABATEMENT FOR RYAN COWLEY.

Brenda Tuttle explained that the low income abatement is for individuals who have proven a hardship. This abatement is at Commission's discretion and up to 50% of the tax. This application is for Ryan Cowley. Commissioner Kent Wilson made a motion to approve a low income abatement for Ryan Cowley for 50% of the taxes owing. Commissioner Lynn Sitterud stepped down to second the motion. Commissioner Paul Cowley abstained from voting. The motion passed.

(11)

DISCUSS/APPROVE/DENY LOW INCOME ABATEMENT FOR MILLIE ELLETT.

Brenda Tuttle requested approval for a low income abatement for Millie Ellett. Commissioner

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Paul Cowley made a motion to approve a low income abatement for Millie Ellet for 50% of the tax. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY LOW INCOME ABATEMENT FOR LYNN OLSON.

Brenda Tuttle requested approval for a low income abatement for Lynn Olson. Commissioner Kent Wilson made a motion to approve a low income abatement for Lynn Olson for 50% of the tax. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

DISCUSS/APPROVE/DENY REQUEST FROM AMERICAN LEGION FOR A MONETARY DONATION TO THE VETERAN'S MONUMENTS BEING PLACED AT FERRON CITY PARK.

Commissioner Kent Wilson explained that during Peach Days the American Legion held a dedication ceremony for a Veteran's Monument being place at Ferron City Park. The ceremony was very well attended. American Legion has requested a monetary donation to the monuments. The standard donation amount is \$250.00. Therefore, Commissioner Paul Cowley made a motion to donate the standard amount of \$250.00 to the American Legion for the Veteran's Monuments being placed at Ferron City Park. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND JOHN VAN WAGONER FOR MUSICAL SERVICES FOR THE JOE'S VALLEY BOULDERING FEST.

A contract between Emery County and John Van Wagoner for musical services for the Joe's Valley Bouldering Fest was presented for approval. The amount of the contract is \$1,200.00 and comes out of TRT funds and not the general fund. Attorney Mike Olsen had no concerns with the document. Commissioner Kent Wilson made a motion to approve a contract between Emery County and John Van Wagoner for musical services for the Joe's Valley Bouldering Fest. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY AND PRICE BLM FOR OPERATION OF THE TRAIL CAT FOR TRAIL MAINTENANCE.

Ray Petersen explained the Emery County participates with BLM for two volunteers to operate a Trail Cat for trail maintenance. Myron Jeffs has been providing this service. There have been more trails maintained this year than in other years. Attorney Mike Olsen had no objections with the document. Commissioner Wilson commended the Trails Committee for their hard work on

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the trails in the county. Commissioner Kent Wilson made a motion to approve an MOU between Emery County and Price BLM for operation of the Trail Cat for trail maintenance. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC REPORT.

Randy Johnson, Government Matters, LLC provided an update of activity with Emery County’s Land Bill. With the hurricane in the east the bill did not get marked up on the House last week. It its now scheduled for the middle of next week They will be marking up the Senate at the same time. Once the those two mark ups occur then we will be shopping for a Public Lands package of bills that is being put together. How this will come together or how many bills will be included we do not know at this time. We are still working on a couple of issues with the Senate mostly with SITLA and the Utes. We do not have much control over the SITLA issues. They will have to be dealt with before we move on.

(17)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Wilson reported on the State Public Health Board of Directors discussions regarding opioids and suicide prevention. We are going to be hearing a lot more about it in the coming months. It is important to be engaged and informed as a county and help be a part of the solution to the problem. We are still moving forward with solar. We are still on the hunt and things look positive.

Commissioner Cowley reported on attending a meeting regarding Manti LaSal Plan Revision. The plan revision will take place the rest of the year and possibly into next year. This will involve activity on the forest for the next twenty years.

(18)

ADJOURN

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 2, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Paul Cowley, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 249485 through and including #249580 was presented for payment.

There were no Requisitions.

One disposition was presented for a Sharp calculator.

(2)  
APPROVAL OF SEPTEMBER 18, 2018 COMMISSION MEETING MINUTES.

(3)  
NOTIFICATION. MELISSA ARRIEN SELECTED AS A PART TIME HEAD LIFEGUARD WORKING 19 3/4 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 5.

(4)  
APPROVAL TO HIRE CODY MORRIS AS A FULL TIME DRIVER/EQUIPMENT OPERATOR I WITH FULL BENEFITS. WAGE GRADE 16.

(5)  
APPROVAL TO PROMOTE CORY CLOWARD TO DRIVER/OPERATOR II. MOVE FROM GRADE 16 TO GRADE 17. EFFECTIVE 10-8-18

(6)  
APPROVAL OF STEVEN BARTON TO BE A VOLUNTEER IN THE COUNTY

COMMISSION MEETING MINUTES  
OCTOBER 2, 2018

TREASURER'S OFFICE.

(7)

APPROVAL TO PUT JOSIE STILSON IN CHARGE OF THE COUNTY TREASURER'S OFFICE UNTIL THE REPUBLICAN CENTRAL COMMITTEE MEETING IS HELD OCTOBER 24, 2018, TO APPOINT AN INTERIM TREASURER WITH THE RESIGNATION OF COUNTY TREASURER STEVEN BARTON.

(8)

APPROVAL TO GIVE SHON ROPER ON CALL PAY IN THE AMOUNT OF \$100 PER DAY PERIOD, HE WAS RECENTLY PROMOTED TO DETECTIVE. EFFECTIVE 10-8-18.

Motion to approve the Consent Agenda minus #7 was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Commissioner Wilson explained that Josie Stilson has been asked to fill in for Treasurer, Steven Barton who has retired. According to state statute she should be appointed temporary manager until the Republican Party has gone through their process for a replacement. We also need to discuss appropriate compensation. Commissioner Wilson proposed that starting tomorrow, Josie receive pay and benefits the same as what Steven Barton received and to adopt a resolution allowing her to manage the PTIF account for Emery County and other necessary paperwork as needed in the office. Commissioner Wilson made a motion to appoint Josie Stilson as Temporary Manager Treasurer with the same pay and benefits as the office of Treasurer has and to adopt Resolution 10-2-18A assigning Josie as manager of Emery County's PTIF account and other paperwork as deemed necessary for the office functions. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(2)

DISCUSS/APPROVE/DENY THE PRE-AWARD DOCUMENTS FOR THE NRCS TRAIL MOUNTAIN EMERGENCY WATERSHED PROTECTION (EWP) PROJECT.

Captain Kyle Ekker explained that during the Trail Mountain Fire they had started a letter requesting assurances from the NRCS for the canyons affected by the fire. He completed a damage survey report with NRCS for a flood/watershed protection project. They will fund 75% of the projects. The document to be signed today is for award of the funds. Commissioner Paul



COMMISSION MEETING MINUTES  
OCTOBER 2, 2018

Cowley made a motion to approve the pre-award documents for the NRCS Trail Mountain Emergency Watershed Protection (EWP) Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(3)

DISCUSS/APPROVE/DENY ADOPTION OF THE EMERY COUNTY PRE-DISASTER MITIGATION PLAN 2018.

Captain Ekker explained that this is the last step in the Pre-Disaster Mitigation Plan for 2018. FEMA requires that all entities, cities and county adopt this plan to qualify for grants for five years. Commissioner Paul Cowley made a motion to adopt the Emery County Pre-Disaster Mitigation Plan for 2018. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(4)

DISCUSS/APPROVE/DENY CONTRACT WITH UTAH DIVISION OF PARKS AND RECREATION FOR THE NON-MOTORIZED AND MOTORIZED TRAIL MATCHING FUNDS AWARDED TO EMERY COUNTY FOR THE PURCHASE OF A TRAIL CAT WITH ATTACHMENTS.

Commissioner Wilson explained that earlier this year the Trails Committee decided to apply for a grant through state parks to purchase some trail maintenance equipment. They were granted \$40,000.00 from State Parks which we will have to match with \$40,000.00. That match can be by way of wages, fuel, equipment, anything we can put towards the purchase. In the trails committee meeting it was decided to form a committee to determine what kind of equipment they want and will best fit their need. It will take about 45 days to make that determination and how best to proceed. Commissioner Kent Wilson made a motion to approve a contract with Utah Department of Parks and Recreation for the Non-Motorized and Motorized Trail Matching Funds awarded to Emery County for the purchase of a Trail Cat with attachments. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSS/APPROVE/DENY CONTRACT WITH HUB REGARDING TOURISM WEBSITE.

Attorney Mike Olsen explained that he has reviewed the contract and commended Jeff Guymon for his expertise and knowledge of the details and suggestions for changes that have been incorporated into the contract. He added he is now comfortable with the contract with the changes. Commissioner Wilson suggested to Tina that they pick a board member to be a project manager with her to make sure we get everything we should have in connection with Jeff. Commissioner Kent Wilson made a motion to approve a contract with HUB for a tourism website. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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OCTOBER 2, 2018

(6)

DISCUSS/APPROVE/DENY RESOLUTION ADOPTING THE REVISED TRAVEL POLICY.

Mary Huntington reviewed the Revised Travel Policy. This would amend the policy to include a working lunch and being able to use a county credit card to pay for a working lunch if it is a direct benefit to the county. The Department Head would have to receive prior approval from the elected official over that department. They would have to provide a list of people attending the meeting and an agenda of the meeting or what was discussed. They would also be able to pay for the lunch by way of invoice to that department. Commissioner Kent Wilson made a motion to adopt Resolution 10-2-18B adopting the Revised Travel Policy. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY AND THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS.

This was presented in Fire District Meeting and EMS Board meeting as well as to the Commissioners. Fire District and EMS both agree with the MOU. This will allow them to be available as first responders on fires and be compensated. Commissioner Kent Wilson made a motion to approve an MOU between Emery County and the Utah Division of Forestry, Fire and State Lands. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND SEUHD.

Commissioner Wilson explained that about a year ago Emery County along with Carbon County threatened to withdraw from the SEUHD. We did not actually follow through with that. However, we have never come to terms with an interlocal agreement between the three counties. That has been hashed out in the last thirty days. The changes made to the agreement are added clarification on how to get rid of board members that are acting not in the best interest of the counties and the Health Department. They have strengthened the language and defined that process. They strengthened the process for how a county can withdraw from the Health Department. The board members will stay the same, three from each county. They tweaked the formula for assessing dues. County Attorney Mike Olsen now approves of the agreement. Commissioner Kent Wilson made a motion to approve an Interlocal Agreement between Emery County and SEUHD. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSS/APPROVE/DENY LETTER OF SUPPORT FROM EMERY COUNTY TO THE BLM REGARDING DEVELOPMENT AND MAINTENANCE OF THE NEW SPRING

COMMISSION MEETING MINUTES  
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BOXES AND PIPELINE.

Ray Petersen requested approval for a letter drafted in support from Emery County to the BLM regarding development and maintenance of the new spring boxes and pipeline. He suggested that it would be wise to ask Weed & Mosquito Department Director, Cory Worwood to draft a weed management plan also. Commissioner Paul Cowley made a motion to approve signing a letter of support from Emery County to the BLM regarding development and maintenance of the new spring boxes and pipeline. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

RANDY JOHNSON- GOVERNMENT MATTERS, LLC. REPORT.

Randy Johnson reported that the Emery County Lands Bill was in front of the Senate Energy and Natural Resources Committee this morning and passed, by-voice vote, out of committee. The mark- up went very smoothly. This is significant because when it passes by- voice vote it indicates by-partisan support and gives it strength as it moves along. At this point we have passed the House and Senate Committees and Mark-ups. In our twenty plus years of working on these issues we have never come this close to moving a bill that far before. Essentially it is done deal. Ready to be passed. Now we have to take the House version and the Senate version and reconcile the differences between the versions. They are minor things that do not have anything to do with the substance of the bill or things that the Public Lands Council/County Commissioners wanted this bill to accomplish. They have to do with other entities. SITLA is one, we still don't have acceptable SITLA exchange language in the Senate version. That is what we will be working on. There were 47 bills on mark-up that day. He was not sure how many bills will be packaged together with this bill. Commissioner Wilson commented that he has read several social media comments regarding the bill. Many people are feeling like we sold them down the river. He received a few emails regarding the county giving up their right to build new roads on the desert. Randy responded that after FLPMA we are not able to build new roads. By articulating this in our bill does not change the fact that what is happening on the ground under current law. The trade off is that we got the Recreation Area that substantially protects and keeps open all the roads that are currently down there, in exchange for including language that says we will not go build new roads. The trade off was not hard because we can't build new roads anyway. In the bill there is language that we direct BLM to identify and create new trails specifically for bicyclist. We felt it was important to identify this user group because they can not go into wilderness areas, they use wheeled vehicles but not motorized. They will then have access to Recreation Areas besides what is there now. This will include access to historic sites. Commissioner Wilson Randy Johnson identified the two important areas to negotiate when we merge the two bills together. The first is SITLA, the second is State Parks (Goblin Valley). The rest is technical stuff that does not change the bill. One was diminishing the number of board members on the planning council for the Recreation Area. But it is pro county. It is still favorable to the county. But we will work on that. Commissioner Wilson asked if we put us in

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the situation where we could lose one mile of road or trail if this passes. Randy answered if we do it is because of the current settlement not because of this legislation. Our legislation leaves the determination of the roads and transportation system down there to the current BLM revaluation under terms of the settlement. So the answer to your question is “No, it will not happen”.

(11)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk reported on attending an opioid epidemic symposium put on by 4H, Kristine Jensen. It was well attended. They talked about the concerns here in Emery County. Good information. We are working very hard as a county to come up a solution to this problem.

Commissioner Wilson confirmed what Sheriff Funk said. Sometimes we are unfairly linked to Carbon county as far as suicide and opioid incidents We as a county government are going to be actively a part of the solution. We are all concerned. Sometimes the information is mis alined. One incident from I-70 can bump the numbers for the county. Our numbers to not coincide with what is reported.

Commissioner Cowley reported that the Pioneer Museum recently received some display cases from Moab. Commissioner Cowley asked that people visit the Pioneer Museum and see what they have.

(12)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 16, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Deputy Attorney Brent Langston, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 249617 through and including # 249741 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
26-18	Carpet for Dispatch Center Sheriff	\$1,510.24
27-18	Replacement Fuel Pump Huntington Airport	\$11,795.00

There were no dispositions.

(2)  
APPROVAL OF OCTOBER 2, 2018 COMMISSION MEETING MINUTES.

(3)  
APPROVAL TO GIVE MARIA JOHANSEN, ELMO ASSISTANT LIBRARIAN, A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 10-22-18

(4)  
APPROVAL TO GIVE SHERRI JENSEN, CASTLE DALE ASSISTANT LIBRARIAN, A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 10-22-18

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(5)

APPROVAL TO GIVE CAMILLE THOMAS, CLEVELAND BRANCH LIBRARIAN, A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 10-22-18.

(6)

APPROVAL TO GIVE KELDON GUYMON, HEAD LIFEGUARD, A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD. EFFECTIVE 10-22-18

(7)

APPROVAL TO GIVE KAITLYN CARTER, HEAD LIFEGUARD, A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 10-22-18

(8)

APPROVAL TO GIVE JULIE ROLLINS, CASTLE DALE JANITOR, A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 10-22-18

(9)

APPROVAL OF OUT-OF-STATE TRAVEL FOR SHERIFF GREG FUNK, CAPTAIN KYLE EKKER AND COMMISSIONER LYNN SITTERUD TO ATTEND THE 4<sup>TH</sup> ANNUAL POLICE RECRUITMENT AND RETENTION SUMMIT IN PHILADELPHIA, PENNSYLVANIA.

(10)

APPROVAL TO APPOINT BRAD RICHMOND TO THE EMERY COUNTY RECREATION BOARD TO REPRESENT FERRON CITY.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

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(2)

AWARDING OF MONTHLY SAFETY INCENTIVE VISA GIFT CARDS.

Part-time Employees: Josie Gilbert

Full Time Employees: Brenda Lemon

Safety Sensitive Employees: Brent Ward and Merrill Duncan

(3)

DISCUSS/APPROVE/DENY ACCEPTANCE OF BID FOR CARPET AT THE CLEVELAND LIBRARY.

Library Director, Carole Larsen presented bids from 2 flooring companies.

1) Abbey Carpet bid \$9,372.75 which includes \$500.00 for tear out and floor prep

2) Hometown Flooring bid \$11,954.25 tear out and floor prep would be extra

Carole recommended Abbey Carpet's low bid. Commissioner Kent Wilson made a motion to award the bid for carpet at the Cleveland Library to the low bidder, Abbey Carpet. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

RATIFICATION OF NRCS PL566 COTTONWOOD CREEK WATERSHED AGREEMENT DOCUMENTS.

Commissioner Kent Wilson made a motion to ratify the signing of documents with NRCS for PL566 Cottonwood Creek Watershed Agreement. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSS/APPROVE/DENY ADVERTISING TO ACCEPT BIDS FOR REMOVAL OF THE LANDFILL METAL PILE.

Commissioner Paul Cowley made a motion to approve advertising for bids for removal of the Landfill metal pile. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY THE RESOLUTION OF APPOINTMENT OF AN EMERY COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING; IN APPOINTING MARY HUNTINGTON AS THE REPRESENTATIVE AND MIKE OLSEN AS THE ALTERNATE REPRESENTATIVE.

Commissioner Kent Wilson made a motion to adopt Resolution of Appointment 10-16-18 appointing Mary Huntington as an Emery County representative and Mike Olsen as an alternate appointment for the Utah Counties Indemnity Pool Annual Membership Meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

DISCUSS/APPROVE/DENY TOURISM BOARD RECOMMENDATION FOR THE WORKING RANCH HORSE EVENT, EMERY COUNTY HISTORIC PRESERVATION COMMISSION PROJECT AND R PIZZA PLACE TO RECEIVE MARKETING MATCH FUNDS.

Tina Carter requested Marketing Match Funds for Working Horse Ranch Horse Event. They have requested \$1,300.00 which they will match to promote the event. Emery County Historic Preservation Commission has requested \$3,500.00 which they will match to complete a project. R Pizza Place has requested \$5,000.00 in Tourism Incentive Funds, which they will match to update the curb appeal of their business. The work that they have done on the inside of the business can be used as their match for this incentive program. The Tourism Board has recommended these projects. TRT funds will be used. Commissioner Paul Cowley made a motion to approve Marketing Match Funds for the three projects as recommended by the Tourism Board. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY 2019 TENTATIVE BUDGET FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Brenda Tuttle presented the 2019 Tentative Budget for Emery County. She stated that she, as County Auditor is required by law to prepare and present a budget for the upcoming year. The budget is the same as last years. Brenda and the Commissioners will be meeting with departments in next few weeks in preparation for the final budget in December. Copies of the tentative budget may be picked up in the Clerk/Auditor's office. Commissioner Kent Wilson made a motion to approve the 2019 budget for Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Jacob Sharp, Manager of CVSSD presented the 2019 Tentative Budgets for CVSSD. He explained that CVSSD has three budgets. General Fund Budget is for street maintenance, wages, etc. Capital Funds Budget is for the projects around the County, usually with leveraging through CIB funding, and GOB Bonds. They are on the last year(ten years) of the voter approved GOB Bonds. After next year they will have to go back to the voters for GOB Bonds to go another ten year period. The last fund is Debt Service Fund. This fund is used to pay back CIB and Bonds. Jacob asked about the anticipated change in mineral lease funds, when will it go into affect? Commissioner Wilson indicated that will be a year from now, not on January 1. Commissioner Kent Wilson made a motion to approve 2019 Tentative Budget for CVSSD. The motion was



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October 16, 2018

seconded by Commissioner Paul Cowley. The motion passed.

(9)

RANDY JOHNSON- GOVERNMENT MATTERS, LLC REPORT.

Randy Johnson indicated that there is not much to report. Legislators have gone home for mid terms. They are in a time of waiting for now with regards to the Land Bill. With regards to the Trail Mountain Mitigation Project, they had meetings today. There is no report as of yet. Chances are good for getting at least 25%.

(10)

COMMISSION/ELECTED OFFICIALS REPORT

Sheriff Funk commented on the recent passing of LaMar Guymon. He expressed his appreciation to LaMar Guymon for his years of dedication to Emery County. He proposed a plaque to express the appreciation and years of service to the County. He added that the Emery County Deputies will be shrouded on Thursday.

Commissioner Wilson reported on meetings with the Sheriff and Attorney regarding Drug Court, opioids, and suicide. He stated that these are issues that we need to be engaged in confronting. He thanked the Sheriff, Attorney and Four Corners for being engaged in this issue.

Commissioner Cowley visited with Attorney Mike Olsen regarding the incident involving the deputies in Green River. He thanked the deputies for their expertise in managing the incident. He stated, it could have been much worse.

(11)

ADJOURN

Commissioner Paul Cowley made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER : \_\_\_\_\_

MINUTES OF A SPECIAL PUBLIC HEARING  
HELD IN THE EMERY COUNTY COURTHOUSE

OCTOBER 23, 2018

6:00 P.M.

Present at a Public Hearing was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Clerk/Auditor Brenda Tuttle, Deputy Clerk/Auditor Carol Cox, and Road Supervisor, Wayde Nielsen.

The purpose of the Public Hearing was to receive comment on amending Class B Road by allocating \$666,000.00 from Fund Balance to the Equipment line item.

There was no public comment.

The Public Hearing was closed.

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

OCTOBER 24, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Deputy Clerk Auditor Carol Cox, Road Supervisor Wayde Nielsen, and Sheriff Greg Funk.

(1)

DISCUSS/APPROVE/DENY A RESOLUTION AMENDING THE 2018 CLASS B FUND BUDGET.

A Public Hearing was held yesterday to receive comment on amending the Class B Road Fund to allocate \$666,000.00 from Fund Balance to the Equipment line item in Class B Road Fund. A resolution is now needed. Commissioner Paul Cowley made a motion to adopt Resolution 10-24-18 amending Class B Road Fund Budget. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(2)

DISCUSS/APPROVE/DENY THE SIGNING OF PURCHASE ORDERS SUBMITTED BY THE EMERY COUNTY ROAD DEPARTMENT.

Commissioner Kent Wilson made a motion to approve the signing of purchase orders and requisition submitted by the Emery County Road Department. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Motion to adjourn the meeting was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 29, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
28-18	Patrol Vehicle Set-up Sheriff	\$3,350.06
29-18	Patrol Vehicle Set-up Sheriff	7,978.46

Disposition were presented for 7103, calculator, 8781, scanner, 8738, computer, 9800, computer, 8490, computer, 9825, computer, 9811, computer, 8416, computer, 9824, computer, 9822, computer, 9821, computer

(2)  
APPROVAL OF OCTOBER 16, 2018 COMMISSION MEETING MINUTES

(3)  
RATIFICATION OF RESOLUTION AMENDING THE RESOLUTION AUTHORIZING USER ACCESS TO THE UTAH PUBLIC TREASURER'S INVESTMENT FUND ACCOUNT FOR EMERY COUNTY TO REPLACE STEVE BARTON WITH JOSIE STILSON WITH ACCESS.

(4)  
APPROVAL TO APPOINT DIANA THOMPSON TO THE SEUHD BOARD OF REPRESENTATIVES.

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(5)

APPROVAL TO GIVE BRENDA LEMON A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 11-19-18

(6)

APPROVAL TO ADVANCE CLIVE GORDON TO LUBE II. MOVE FROM GRADE 16 TO GRADE 17 EFFECTIVE 11-5-18.

(7)

APPROVAL TO PROMOTE CLIFTON MCELPRANG TO DRIVER/EQUIPMENT OPII. MOVE FROM GRADE 16 TO GRADE 17. EFFECTIVE 11-5-18.

(8)

NOTIFICATION- SANDRA HUNTINGTON HAS BEEN HIRED AS A PART TIME DEPUTY TREASURER WORKING 19 3/4 HOUR PER WEEK. WAGE GRADE 13.

(9)

APPROVAL TO HIRE TINA CARTER AS THE FULL TIME LEGAL SECRETARY, WITH FULL BENEFITS. WAGE GRADE 13.

Motion to approve the CONSENT Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

Nothing

(2)

APPROVAL AND SWEARING IN OF JOSIE STILSON AS THE EMERY COUNTY TREASURER.

Commissioner Paul Cowley made a motion to approve Josie Stilson as the Emery County Treasurer. The motion was seconded by Commissioner Kent Wilson. The motion passed.

Josie was sworn in as Emery County Treasurer by Clerk/Auditor Brenda Tuttle.

(3)

RATIFICATION OF SIGNING OF THE FIRST AMENDMENT TO NON-EXCLUSIVE SURFACE USE AND DAMAGE AGREEMENT.

Jan Luke, Emery County Sheriff's Department explained that after the Seely Fire in 2012 Emery County entered into an agreement with PacifiCorp for use of the clay and rock materials during

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construction of debris basins and other erosion control measures. PacifiCorp requested to extend that agreement. The agreement was signed earlier to meet time constraints. Commissioner Paul Cowley made a motion to ratify the signing of the First Amendment to Non-Exclusive Surface Use and Damage Agreement. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(4)

RATIFICATION OF SIGNING OF THE REVISED PRE-AWARD APPLICATION FOR FEDERAL ASSISTANCE FOR EMERY COUNTY.

Jan Luke, Emery County Sheriff's Department explained the revised re-award application for federal assistance for Emery County. This is for NRCS mitigation work to lessen the affects of the Trail Mountain Fire on watershed in the county. A letter to the State of Utah was drafted requesting a waiver of the 25% Emery County would have to match, and requesting the project be fully funded. We have received a re-vised award indicating the project is now fully funded. This pre-award application for federal assistance is to receive the funds. Commissioner Kent Wilson made a motion to ratify the signing of the Revised Pre-Award Application for Federal Assistance for Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSS/APPROVE/DENY APPROVAL FOR ASSESSOR KRIS BELL TO SIGN OFF ON THE BUSINESS PERSONAL PROPERTY TAX EXEMPT LIST FOR 2018.

Assessor Kris Bell presented the Business Personal Property Tax Exempt List for 2018. These are businesses that claim less than \$10,500.00 personal property. Commissioner Kent Wilson made a statement that his business, Emery County Sanitation, is on the list. Commissioner Paul Cowley made a motion to approve the Business Personal Property Tax Exempt List for 2018. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY THE EMERY COUNTY SHERIFF'S OFFICE APPLICATION FOR THE STATE OF UTAH JUSTICE ASSISTANCE GRANT (JAG) TO ENABLE EMERY COUNTY TO CONTINUE THE EMERY COUNTY JAIL RISK AND NEEDS SCREENING DIAGNOSIS AND ASSESSMENT PROGRAM

Jan Luke, Emery County Sheriff's Department requested approval for application for the State of Utah Justice Assistance Grant (JAG) to enable Emery County to Continue the Emery County Jail Risk and Needs Screening Diagnosis and Assessment Program. She explained that the program began on a trial basis. The State of Utah was impressed with the way the program and agreed to continue the program. The State was able to find funding through another source. The program pays Dallen Johnson and Lowell Morris to provide the service. The program offers an

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opportunity to develop a relationship between the offender and the provider. The offender is released with a more sound direction to transition back into society. Commissioner Kent Wilson made a motion to approve Emery County Sheriff's application for the State of Utah Justice Assistance Grant (JAG) . The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

DISCUSS/APPROVE/DENY BEAR CONTRACT

Commissioner Kent Wilson explained that three months ago the Commissioners authorized the Economic Development team to create an application to the State of Utah for a BEAR Grant. That grant has been awarded for \$26,000.00 to be used for what is called Economic Gardening. Jordan Leonard and Ethan Migliori through the Chamber of Commerce have agreed to subcontract with the county to do the work. Commissioner Kent Wilson made a motion to approve sending the application for a BEAR contract. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSS/APPROVE/DENY AMENDMENT TO THE INTERAGENCY COORDINATION AND SUB RECIPIENT CONTRACT FOR THE EMERY COUNTY AGING DEPARTMENT.

Commissioner Kent Wilson explained that the amendment is for an increase of \$4,000.00 from the State of Utah to be used for the Aging Program. Commissioner Paul Cowley made a motion to approve Amendment to the Interagency Coordination and Sub Recipient Contract for the Aging Department. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY CONTRACT AGREEMENT WITH KEVIN'S ABBEY CARPET TO REMOVE AND REPLACE CARPET AT THE CLEVELAND LIBRARY.

Commissioner Paul Cowley made a motion to approve a Contract Agreement with Kevin's Abbey Carpet to remove and replace carpet at the Cleveland Library. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY PASSING A RESOLUTION REQUESTING THE RE-CERTIFICATION OF THE EMERY COUNTY JUSTICE COURT.

COMMISSION MEETING MINUTES  
OCTOBER 29, 2018

Attorney Mike Olsen explained that a resolution requesting re-certification of the Emery County Justice Court is required by Utah State Statute certifying that we will follow required guidelines. We are in compliance with these state required guidelines. He recommended approval of the resolution. Commissioner Kent Wilson made a motion to approve Resolution 10-29-18A Re-Certifying the Emery County Justice Court. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Kent Wilson explained that the reason we changed this meeting to today is because by State Law we had to have the application for Josie Stilson as Emery County Treasurer put before the Emery County Commission within 5 days.

Commissioner Sitterud asked that the newspaper acknowledge the offices of Congressman Curtis Senator Hatch, and Congressman Stewart for their assistance on the 100% funding from the State for Federal Assistance regarding the Trail Mountain Fire. This saved the county from having to come up with the 25% which is 1.4 million dollars. We appreciate these offices going to bat on our behalf.

(12)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



MINUTES OF THE CANVASS OF ELECTION HELD NOVEMBER 13, 2018  
FOR THE GENERAL ELECTION HELD ON NOVEMBER 6, 2018

Present at the Canvass of Election:

Paul Cowley  
Kris Bell  
Josie Stilson  
Jeff Guymon  
Brenda Tuttle

16 Provisional and Absentee Ballots were reviewed for validity.

8 Absentee ballots were counted  
8 Provisional ballots were not counted.

Kris Bell made a motion to accept the results of the General Election held on November 6, 2018.  
The motion was seconded by Commissioner Paul Cowley. The motion passed.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

NOVEMBER 20, 2018

Present at the meeting was Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 249948 through and including #250082 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
30-18	HP Laserjet Pro 500 M570dn Sheriff/CCJJ JAG	\$717.17
31-18	41" Tool Chest/Cabinet Combo Weed/Mosquito	\$1,099.00

There was 1 disposition for a Camera #1385.

(2)  
APPROVAL OF OCTOBER 29, 2018 SPECIAL COMMISSION MEETING MINUTES.

(3)  
APPROVAL OF OCTOBER 23, 2018 PUBLIC HEARING MINUTES

(4)  
APPROVAL OF OCTOBER 24, 2018 SPECIAL COMMISSION MEETING MINUTES.

(5)  
APPROVAL OF NOVEMBER 13, 2018 CANVASS OF ELECTION MINUTES.

2

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(6)

APPROVAL OF MONTHLY CELL PHONE STIPEND AND ISSUANCE OF COUNTY CREDIT CARD TO JOSIE STILSON, TREASURER.

(7)

APPROVAL TO PROMOTE KEVIN ANDY WALL TO PATROL DEPUTY I. MOVE FROM GRADE 15 TO GRADE 16. EFFECTIVE 12-3-18.

(8)

APPROVAL TO GIVE ESTELLE GRANGE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A JANITOR IN THE HUNTINGTON LIBRARY. EFFECTIVE 12-3-18.

(9)

APPROVAL TO HIRE KAREN RICHARDS AS A FULL TIME DEPUTY ASSESSOR WITH FULL BENEFITS. GRADE 13.

(10)

APPROVAL TO HIRE KIMBERLY HOWES AS A FULL TIME DISPATCHER II WITH FULL BENEFITS . GRADE 15.

(11)

APPROVAL TO HIRE DUSTIN HASKELL AS THE FULL TIME LEAD MECHANIC , WITH FULL BENEFITS, AT THE ROAD SHOP. WAGE GRADE 18.

(12)

APPROVAL TO GIVE MAXINE FIELDER A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A DEPUTY RECORDER. EFFECTIVE 12-3-18.

(13)

APPROVAL TO GIVE JOEL HOWES A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A DISPATCHER. EFFECTIVE 12-3-18.

(14)

APPROVAL FOR OUT OF STATE TRAVEL FOR RAY PETERSEN TO ATTEND THE ANNUAL COLORADO WATER USERS ASSOCIATION CONFERENCE IN LAS VEGAS, NV. DECEMBER 12-14, 2018.

(15)

COMMISSION MEETING MINUTES  
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APPROVAL OF COUNTY BUSINESS LICENSE FOR LILA CANYON MINE.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

AWARDING OF MONTHLY SAFETY INCENTIVE VISA GIFT CARDS.

Full time employees: Natalie Humphrey  
Part-time employees: Susan Hess  
Safety Sensitive: Brooke Smith and Kay Jensen

(3)

PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON AMENDING THE EMERY COUNTY GENERAL PLAN, IN ORDER TO ESTABLISH DESIRED MANAGEMENT CLASSIFICATIONS FOR INVENTORIED ROADLESS AREAS (IRAs) ON THE MANTI LASAL NATIONAL FOREST.

Ray Petersen explained that Emery County has been approached by the State of Utah to partner with other counties in the State to petition the Federal Government to modify the management in roadless areas in the national forest. The Public Lands Council took that under advisement and looked at inventoried roadless areas in Emery County and made recommendations for management. These recommendations were sent on to the Planning Commission who met last Wednesday, held a Public Hearing and made their recommendations as well.

Utah Roadless Rule Petition, Proposed Management Area Categories. The deadline to have this completed is December 1, 2018. The four categories are 1) **Primitive areas**, which is the most restrictive. This means road construction is prohibited, timber management is for personal use only, mineral development (beyond valid existing rights) is prohibited, motorized travel limited to existing routes. 2) **Forest restrictive areas**, which is moderately restrictive. There would be preference toward temporary road construction with mitigation, commercial timber harvest allowed for forest health reasons only, mineral extraction allowed, motorized travel limited to existing routes. 3) **Forest stewardship areas**, which is the least restrictive. There would be permanent road construction allowed (although temporary roads are preferred) full range of silviculture techniques allowed, mineral extraction allowed, motorized travel allowed subject to Forest Travel Plan. 4) **Re-Inventory/Boundary adjustment areas**, which means these areas should be removed entirely from the Roadless Rule (or have existing boundaries adjusted) due to

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high presence of roads, motorized trails, energy infrastructure, and other features that disrupt roadless values. Also areas that are smaller than 5,000 acres and thus do not meet the Roadless Area size threshold.

The Inventoried Roadless Areas and PL recommendations:

NuckWoodward #6598	Recommended #3
East Mountain #7391 Candland	Recommended #1
East Mountain #7389	Recommended #1
East Mountain #6674	Recommended #3
East Mountain #7390	Recommended #3
East Mountain #7408	Recommended #4 Re-inventory/Boundary adjustment. Need to check with NEWU and SSD to get their input.
East Mountain #7449	Recommended #3
East Mountain #7131	Recommended #4 Re-Inventory/Boundary adjustment. Need to check with NEWU and SSD to get their input.
Gentry #6712	Recommended #3 Possibly look at buffer zones in this area.
Boulger-Black Canyon #7396	Recommended #3 Possibly look at buffer zones along private property. Sanpete Co. has recommended #3 also.
Boulger-Black Canyon #7128	Recommended #3
Boulger-Black Canyon #7366	Recommended #3
White Knoll #7140	Recommended #3
Straight Canyon #6814	Recommended #4 Re-Inventory/Boundary adjustment.
North Horn #5714	Recommended #3
Biddlecome-Rock Canyon #6723	Recommended #3? May need to look at surface mining.
Muddy Creek-Nelson Mtn #6641	Recommended #3 & #4 Possibly re-draw boundary along

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the escarpment.

Ray added, Emery County finds that for many of the inventoried roadless areas #3 active management options is most consistent with desired management activity. Emery County request buffer areas along highways and roads that are consistent through the state as part of the petition. Emery County also requested 500 foot buffer zones between the inventoried roadless areas regardless of the management classification and private property as part of the petition. It would be best if such a buffer was consistent through the state.

Motion to leave the regular meeting and enter into a Public hearing to receive comments on amending the Emery County General Plan was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley and the motion passed.

The meeting was opened to the public for comments.

Jeff Guymon commented that knowing that there is resources below Candland Mountain and fuel on the surface that may need to be dealt with in the future, he proposed that East Mountain #7389 and #7391 be moved to #2 which would allow for mineral extraction in the event that technology advances or other things that may possibly come in the future. He stated he agrees with the management that is going on there now, but for the future, he felt that changing these two areas to #2 would be the best option.

Julie Johansen commented that this is what they discussed in Planning Meeting, adding that if the Land Bill doesn't go through, if it doesn't stay primitive, then the recommendation was to change it to a #2 management.

(4)

DISCUSS/APPROVE/DENY AMENDMENTS TO THE EMERY COUNTY GENERAL PLAN REGARDING DESIRED MANAGEMENT CLASSIFICATIONS FOR IRAs ON THE MANTI LASAL NATIONAL FOREST.

Upon returning to the regular Commission, Meeting Commissioner Paul Cowley made a motion to accept the plan management classifications for IRAs on the Manti LaSal National Forest with the modification of changing areas #7389 and #7391 from a #1 to #2. The motion was seconded by Commissioner Kent Wilson. The motion passed.

Commissioner Kent Wilson made a motion to accept the amendments to the Emery County General Plan regarding desired management classifications for IRAs on the Manti LaSal National Forest. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

OPEN, REVIEW AND AWARD BID FOR REMOVAL OF THE LANDFILL METAL PILE.

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Three bids were opened and reviewed for the removal of the Landfill Metal Pile.

- 1) Basin Industries \$61.00 per ton
- 2) Western Metal Recycling \$86.00 per ton
- 3) Stevenson Metal Recycling \$80.00 per ton

Commissioner Kent Wilson made a motion to have Attorney Mike Olsen review the bids and upon examination of the bids award the bid to the highest bidder. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

OPEN, REVIEW AND AWARD BID FOR FERRON SENIOR CENTER CONSTRUCTION PROJECT.

The Clerk/Auditor's office did not receive any bids for this project. Commissioner Paul Cowley made a motion to hold off until we see if we want to re-bid for this project. The motion was seconded by Commissioner Kent Wilson. The motion passed. Robbie Jensen, explained that CDBG grant money awarded from the state. He stated he knew that there would not be any bids. He called the state to see what needed to be done in that event. Because the AOG is the body that applied for this grant, they suggested that the AOG be the receiving body of the bids and they would manage the grant going forward. Robbie indicated that he is working on re-creating the bidding process using the Davis-Bacon wages and everything that goes with the requirements. In the future when we go through the bid process the AOG will facilitate the process.

(7)

PRESENTATION BY MICHAEL BRYANT OF SEUALG REGARDING THE CIB PROCESS AND REGIONAL PLANNING SERVICES.

Michael Bryant, Regional Planner, SEUALG presented an overview of the CIB process. He reminded the Commissioners to be thinking of projects to put on the CIB list for 2019. They will hold a county list prioritization meeting in March. It is crucial that entities get your project list ASAP so that he can schedule meetings for the list prioritization process. The Utah Department of Transportation is updating the Statewide Long-Range Transportation Plan. This will identify transportation projects from 2019-2050 for the non-urban areas around the state. UDOT is in the process of gathering data on local and regional travel needs to incorporate into the plan and would like to hear from local officials. Michael handed out an information sheet of services SEUALG and the Utah Community Development Office offer.

(8)

DISCUSS/APPROVE/DENY THE EWP AGREEMENT BETWEEN THE NRCS AND EMERY COUNTY FOR THE TRAIL MOUNTAIN FIRE.

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Jan Luke, ECSO explained that this is the same project that was discussed in the October Commission Meeting where the Commissioners approved and signed the pre-award documents. This is the final award document with NRCS for Trail Mountain Fire Emergency Watershed Protection Program. NRCS will provide \$6,041,501.00 for work to protect the watershed in Huntington Canyon as a result of the Trail Mountain Fire. The proposed work will be done in Meetinghouse Canyon, Rilda Canyon, Crandal Canyon, Millfork and Little Bear Canyon. Exact projects have not been determined yet. There has been some preliminary damage reports done but we cannot move forward until all the signatures are on the document. She pointed out that Suzanne Anderson's name as listed as the recipient contact person. Jan indicated she contacted NRCS and they said that was auto populated and the actual recipient program contact person is Brenda Tuttle. NRCS suggested that the Commission sign the documents now so they can tie up the money and then they will work with the grant specialist to make the correction. Commissioner Kent Wilson made a motion to sign the EWP agreement with NRCS for the Trail Mountain Fire. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSS/APPROVE/DENY CHANGE ORDER NO.11 ON THE MILLSITE DAM REHABILITATION PROJECT.

Merrial Johansen explained that Change Order #11 for the Millsite Dam Rehabilitation Project is an increase to the project in the amount of \$9,278.68 for additional test pits. This is no cost to the county. This is just a pass through. Commissioner Paul Cowley made a motion to approve Change Order # 11 on the Millsite Dan Rehabilitation Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY APPLICATION FOR PAYMENT NO 17 ON THE MILLSITE DAM REHABILITATION PROJECT.

Clerk/Auditor Brenda Tuttle explained that this agenda item was not necessary.

(11)

DISCUSS/APPROVE/DENY REQUEST FROM THE ROAD DEPARTMENT TO RENT A TRACTOR FROM JULY 15, 2019 THROUGH OCTOBER 14, 2019.

Wayde Nielsen, Emery County Road Department requested approval for a rental contract to rent a tractor from July 15, 2019 through October 14, 2019. Wayde explained that they need to order the tractor by December to have it available for July. Commissioner Kent Wilson made a motion to approve a rental contract for a tractor. The motion was seconded by Commissioner Paul Cowley. The motion passed.



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(12)

DISCUSS/APPROVE/DENY MARKETING AGREEMENT WITH UTOPIA TV.

Commissioner Kent Wilson indicated that the Travel Bureau has had a contract with Utopia TV for the past 6 months. They would like to renew the contract for another 6 months. The cost is \$7,500.00. Commissioner Kent Wilson made a motion to approve a Marketing Agreement with Utopia TV. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

DISCUSS/APPROVE/DENY AGREEMENT BETWEEN EMERY COUNTY AND JOHANSEN & TUTTLE ENGINEERING FOR THE HUNTINGTON AIRPORT ASPHALT REHABILITATION PROJECT, 2019.

Merrial Johansen, J&T Engineering explained an agreement between Emery County and Johansen & Tuttle Engineering. Emery County received a grant for \$90,000.00 for an asphalt rehabilitation project at the Huntington Airport. Emery County's cost is \$10,000.00 to the project. The agreement is for J & T to prepare the plans and specs for the project and coordinate the project. At this time we are not sure if the project will be run through the SSD#1 or LBA. Commissioner Paul Cowley made a motion to approve an agreement between Emery County and Johansen & Tuttle Engineering for the Huntington Airport Asphalt Rehabilitation Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY TRANSFER OF FUNDS FROM ECONOMIC DEVELOPMENT LOAN FUND TO THE ECONOMIC DEVELOPMENT COUNCIL.

Clerk/Auditor Brenda Tuttle explained that twenty years ago the Economic Development Council created a Revolving Loan Fund. Emery County has been tracking these loans of which they have no control. These loans are detrimental to the county and we have to account for them every year with the Independent Auditors. The Economic Development Council is now set up to be able to take over the loans. Brenda recommended writing a check to the Economic Development Council for whatever balance is in their account and transfer the loans to them. Commissioner Kent Wilson made a motion to write a check to the Economic Development Council for the balance in their account and transfer the Revolving loans to them. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSS/APPROVE/DENY CENTRAL UTAH THROUGHPUT INFRASTRUCTURE AGENCY AGREEMENT.

Attorney Mike Olsen indicated that in 2016 Senate Bill #246 passed which is called a

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Throughput Infrastructure Fund. It created a fund for certain tax revenue that could be used to make grants and loans for government agencies or districts to use the money to make infrastructure. A project has come along that Carbon, Emery, Sevier and Sanpete have found interest in. The project is a development, acquisition, construction, finance, managing and or operating the right to use a portion of the throughput capacity of a bulk commodities ocean port terminal to be constructed on a parcel approximately 20 acres of land adjacent to the port of Oakland, California together with associated rights and interests. The throughput capacity of the project will be utilized to provide for the transportation and or export of bulk commodities produced within the counties and elsewhere in the state in furtherance of the proposes of SB 246 and the act.

Mike indicated that the way this will be set up is that all four counties will have 25% interest in the Agency to be able to pursue the infrastructure for that project. If Emery County is interested in pursuing this there are three documents to be considered.

**Resolution 11-20-18** is a resolution authorizing and approving the Interlocal Cooperation Agreement providing for the creation and organization of the Central Utah Throughput Infrastructure Agency; and related matters.

**Interlocal Cooperation Agreement** provides for the creation and organization of the Central Utah Throughput Infrastructure Agency among Carbon County, Emery County, Sanpete County and Sevier County. The project would be financed by a loan, a grant or a combination of a loan and a grant from the Permanent Community Impact Fund Board from the Throughput Infrastructure Fund established by SB 246, and repayment obligations of the Agency under any loan would be evidenced by bonds, notes or other obligations of the Agency. As provided in SB 246 and the Interlocal Agreement, any Bonds issued by the Agency would be payable solely from the revenues from the Project received by the Agency, and the Bonds and contractual obligations of the Agency shall not be a debt or obligation of any of the Counties, and the Counties shall have no responsibility or liability for the payment of the bonds or such contractual obligations. The Agency would be governed by a four-person Board of Directors, with each of the Counties appointing one director and an alternate director. If Emery County agrees to be a part of this, this document would be used to create Articles of Incorporation and Bylaws.

**Engagement Letter.** Special Counsel Services for Organization of Interlocal Entity and Bond Counsel Services for Project Financing. This letter sets forth the scope of legal services to the counties and Central Utah Throughput Infrastructure Agency CUTIA and other matters related to an engagement of the counties.

Mike stated that this has been a work in progress for some time now. Everyone has given input. There have been a number of meetings that Commissioner Sitterud and Attorney Mike Olsen have been a part of. He added that at the last meeting he attended, everyone was in agreement to proceed with doing it this way as drafted.

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Commissioner Sitterud commented that there is 53 million dollars that was provided by the legislature for this project. This 53 million from the legislature will be the match money from each of the four counties to enter into this throughput agency. After this 53 million from the legislature has been paid back, then any profit from this port would come back to the four counties even though the counties have not had to put any money into the agency.

The money needed to pay the lawyer fees and other fees to start up this company will come out of the 53 million dollars from the legislature. Sanpete County put up some money to start the process. Emery County has to put up nothing to be a partner. Emery County will not be responsible for anything once it is in existence. This allows us to ship Emery County (Utah) coal to Japan and other places in the world that have deep water ports that are large enough for large ships to come in to pick up coal. The four counties are centrally situated so it makes sense for us to pursue this for economic gain. Mike Olsen explained that if this is something Emery County would like to pursue the Commissioners need to name a Commissioner representative and an alternate. This same process is going on in each of the four counties.

Commissioner Paul Cowley made a motion to approve the **Interlocal Cooperation Agreement**. The motion was seconded by Commissioner Kent Wilson. The motion passed.

Commissioner Kent Wilson made a motion to approve a **Letter of Engagement** between Emery County and the Central Utah Throughput Infrastructure Agency. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Commissioner Kent Wilson made a motion to approve **Resolution 11-20-18** authorizing and approving the Interlocal Cooperative Agreement providing for the creation of the Central Utah Throughput Infrastructure Agency and appointing Commissioner Lynn Sitterud as Emery County's Commissioner representative and Commissioner Kent Wilson and alternative representative to the Board of Directors. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

DISCUSS/APPROVE/DENY APPROVAL OF ORDINANCE ESTABLISHING THE EMERY COUNTY PUBLIC LAND CORNER PRESERVATION FUND.

Connie Jensen, Recorder explained that in order for Emery County to apply for and receive funds for preserving corner monuments the county has to have a Public Land Corner Preservation Fund in place. Some of these corner monuments are on stones or rocks. With the burn scar from the fires we could lose these corner monuments with floods. We need to take

11  
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measures to preserves these monuments. Commissioner Paul Cowley made a motion to approve an ordinance establishing the Emery County Public Land Corner Preservation Fund. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(17)  
COMMISSION/ELECTED OFFICIALS REPORT.

Attorney Mike Olsen expressed gratitude for the support of the voters in Emery County.

Commissioner Paul Cowley informed everyone on the Senior Christmas Party at the Orangeville Fire Station.

Bill Dellos thanked Brenda Tuttle, Jeff Guymon and their crew for the expert job they did conducting the election.

(18)  
ADJOURN

Commissioner Paul Cowley made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 7, 2018

Present at a special Commission Meeting: Commissioner Lynn Sitterud, Commissioner Kent Wilson, Clerk/Auditor Brenda Tuttle and Deputy Clerk/Auditor Carol Cox.

(1)

DISCUSS/APPROVE/DENY A RESOLUTION AUTHORIZING YEAR END BONUSES FOR EMERY COUNTY EMPLOYEES/ELECTED OFFICIALS.

Commissioner Kent Wilson explained that Emery County Commission discussed during the budget process that Emery County is in a much better position this year compared to a year ago. Because of high insurance cost last year they were not able to give a cost of living increase or bonus to employees. This year Emery County was able to save \$600,000.00 due to employees sacrifice. He proposed a one time year end bonus to EC employees and elected officials as follow:

Full Time employees/elected officials receive \$1,500.00  
Employees working 20-29 hrs per week receive \$750.00  
Employees working 11-19.75 hrs per week receive \$250.00  
Employees working 0-10.75 hrs per week receive \$25.00  
Part-Time lifeguards receive \$25.00

Employee must have been employed for a minimum of 6 months in order to be eligible for the bonus.

Commissioner Kent Wilson made a motion to approve Resolution 12-7-18 authorizing year end bonuses for Emery County Employees and Elected Officials as the resolution indicates. Commissioner Lynn Sitterud stepped down as Commission Chairman to second the motion. The motion passed.

(2)

ADJOURN

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 18, 2018

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Paul Cowley, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #250283 through and including #250381 was presented for payment. There were no Requisitions or Dispositions.

(2)  
APPROVAL OF NOVEMBER 20, 2018 COMMISSION MEETING MINUTES

(3)  
APPROVAL OF DECEMBER 07, 2018 SPECIAL COMMISSION MEETING MINUTES.

(4)  
APPROVAL TO RE-APPOINT TRAVIS BACON TO THE EMERY COUNTY TRAVEL BOARD.

(5)  
APPROVAL TO RE-APPOINT KOLTON WORLD TO THE EMERY COUNTY TRAVEL BOARD.

(6)  
APPROVAL TO APPOINT ELLEN FINN AND BILLIE MAXFIELD TO THE MUSEUM OF THE SAN RAFAEL BOARD.

(7)  
APPROVAL TO ADOPT WORKERS COMPENSATION PREMIUM WITH UTAH LOCAL GOVERNMENTS TRUST. 2018 \$88,340 AND 2019 \$87,233.54 A DECREASE OF \$1,104.46.

(8)  
NOTIFICATION: SELECTED KASSIDEE JENSEN AS A VARIABLE PART TIME

2

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EMPLOYEE WHO MAY WORK 20 HOURS PER WEEK BUT LESS THAN 30 HOURS PER WEEK WITH PRORATED RETIREMENT AND NOT OTHER BENEFITS. EFFECTIVE 11-27-18 WAGE GRADE 14.

(9)

NOTIFICATION: SELECTED MELISSA KEMPLE AS A PART-TIME ASSISTANT LIBRARIAN IN EMERY. EFFECTIVE 11-18-18.

(10)

NOTIFICATION: SELECTED ASHLEY MORGAN AS A PART TIME LIFEGUARD. EFFECTIVE 12-14-18. WAGE GRADE 3.

(11)

NOTIFICATION; SELECTED SCOTTEE BROWER AS A HEAD LIFEGUARD. EFFECTIVE 12-14-18. WAGE GRADE 5.

(12)

APPROVAL OF KAELEE HOOLEY, ANGELLENA MIGLIORI, EMELYN OLIVERSON, AND JOSIE GILBERT TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD. EFFECTIVE 12-30-18.

(13)

APPROVAL TO HIRE SHELE COLOGIE AS A 3/4 TIME DEPUTY TREASURER. AFTER THE FIRST OF THE NEW YEAR. WAGE GRADE 13.

(14)

APPROVAL TO GIVE MCKLANE ALLRED AND JORGEN ALLRED A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD AS A DISPATCHER. EFFECTIVE 12-30-18.

(15)

APPROVAL TO PROMOTE JORGEN ALLRED TO CORRECTION OFFICE I. MOVE FROM GRADE 14 TO GRADE 15. EFFECTIVE 12-30-18

(16)

APPROVAL TO GIVE CHARLENE JENSEN A 35 WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A DEPUTY TREASURER. EFFECTIVE 12-30-18.

(17)

APPROVAL TO PROMOTE MOLLY BARNES TO DISPATCH II. GRADE 15. EFFECTIVE 12-30-18

3

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(18)

APPROVAL TO GIVE THOMAS BEHLING A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A WEED & MOSQUITO TECHNICIAN. EFFECTIVE 12-30-18.

(19)

APPROVAL TO GIVE JAIME ANDERSON A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A JUSTICE COURT CLERK. EFFECTIVE 12-30-18.

Motion to approve the Consent Agenda, with the exception of #17, was made by Commissioner Kent Wilson, seconded by Commissioner Paul Cowley, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

#17 was pulled from the Consent Agenda. It was not approved.

6:00 P.M. PUBLIC HEARING TO RECEIVE PUBLIC INPUT CONCERNING OPENING AND AMENDING OF THE FY 2018 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, LOCAL BUILDING AUTHORITY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT . THE PUBLIC HEARING WILL ALSO RECEIVE PUBLIC COMMENT REGARDING THE PROPOSED FY 2019 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUND, LOCAL BUILDING AUTHORITY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT. EMERY COUNTY'S PROPOSED 2019 BUDGET INCLUDES A 3% CONST OF LIVING INCREASE FOR COUNTY EMPLOYEES AND ELECTED OFFICIALS.

Commissioner Paul Cowley made a motion to leave the regular meeting and enter a public hearing as posted and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

Commissioner Wilson explained that county revenue was up for this year by \$350,000. The county was able to save money on insurance premiums.

Jacob Sharp, CVSSD reviewed their three budgets, General Fund, Capital Project Fund, and Debt Service Fund.



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There were no questions or comments regarding the Amended Budgets.

Commissioner Wilson discussed the FY 2019 Budget for Emery County General Fund, Special Revenue Funds, Capital Projects Funds, and Local Building Authority. He explained that the FY 2019 budget reflects a 3% wage increase in the pay scale for county employees and elected officials.

Jacob Sharp reviewed the FY2019 budgets for CVSSD. Their budget reflects a flat \$.52 COL increase, a roughly 2% increase for employees. Their Capital Projects Fund will reach the end of their voter approved bond and will be looking at proposing another bond to the voters during the election cycle in 2019 to carry them through capital projects in the county for another 10 year period.

The public hearing was closed and the Commissioners returned to the regular meeting.

(2)

DISCUSS/APPROVE/DENY AMENDED 2018 BUDGET FOR EMERY COUNTY.

Upon returning to the regular Commission Meeting, Commissioner Kent Wilson made a motion to approve Resolution 12-18-18C amending the 2018 budget for Emery County General Fund, Special Revenue Funds, Capital Projects Funds, and Local Building Authority. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

DISCUSS/APPROVE/DENY AMENDED 2018 BUDGET FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Commissioner Kent Wilson made a motion to approve Resolution 12-18-18D amending the 2018 budgets for Castle Valley Special Service District. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

DISCUSS/APPROVE/DENY FY2019 EMERY COUNTY BUDGET.

Commissioner Kent Wilson made a motion to approve Resolution 12-18-18E adopting the FY2019 budget for Emery county General Fund, Special Revenue Funds, Capital Projects Funds, and Local Building Authority. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

DISCUSS/APPROVE/DENY FY2019 CASTLE VALLEY SPECIAL SERVICE DISTRICT BUDGET.

5

COMMISSION MEETING MINUTES  
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Commissioner Paul Cowley made a motion to approve Resolution 12-18-18F adopting the FY2019 budgets for Castle Valley Special Service District. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

PRESENTATION BY EXTENSION OFFICE TO INTRODUCE ROWE ZWAHLEN, THE NEW USU EXTENSION AGENT.

Christine Jensen, USU Extension informed the Commissioners that Rowe Zwahlen has been hired as the USU Extension Agent. Mr. Zwahlen was not able to attend the meeting to day, but will be introduced to the Commissioners in the January meeting. Christine introduced Kammi Swasey and explained that Kammi is a Ten Year 4H graduate. Kammi has served many positions and participated in many areas of 4H and earned many awards. Kammi was presented with her Ten Year 4H Award.

(7)

PRESENTATION BY MARK CHAMBERLAIN REGARDING YOUTH CONSERVATION CORPS FUNDING REQUEST.

Mark Chamberlain presented a video presentation of the Youth Conservation Corps. Their goal is to encourage students to go into higher education by exploring careers and gaining work experience. The students are encouraged to explore careers in environmental science careers. They work with students to prepare them to progress into the work force. Many times they are able to help students who are in a critical position, by helping them figure out a career choice. He explained that they are continually losing funding. He requested funding to help keep the program going. The Commissioners indicated that they would look at the request in a future meeting.

(8)

RATIFICATION OF THE JAG GRANT APPLICATION.

The grant from 2016 had left over funds in the amount of \$3,150.00. The application will move the funds for use for purchase of equipment. The application date specific. It was signed to meet a deadline. Commissioner Paul Cowley made a motion to ratify the signing of the JAG Grant Application. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

RATIFICATION OF SIGNATURE AUTHORITY TO ROBERT JENSEN, EMERY COUNTY AGING DIRECTOR OF SEUALG, FOR THE UDOT PUBLIC TRANSIT TEAM GRANT

COMMISSION MEETING MINUTES  
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AWARD AND MANAGEMENT PROCESS.

Robert Jensen as Emery Aging Director of Southeastern Utah Association Of Local Governments needed to be assigned the use of personal identification number to be able to log in for online submission of UDOT Federal Transit Administration grant applications. In order to meet time constraint the signature authority document was signed and forwarded. Commissioner Paul Cowley made a motion to ratify the signing authority to Robert Jensen, Emery County Aging Director for UDOT Public Transit Team Grant Award and management process. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

RATIFICATION OF STANDARD AGREEMENT BETWEEN EMERY COUNTY AND JOHANSEN AND TUTTLE ENGINEERING REGARDING THE TRAIL MOUNTAIN FIRE EWP PROJECT, 2019.

A signature was needed to keep the project moving forward. The agreement was date specific so it was signed and forwarded. Commissioner Kent Wilson made a motion to ratify the signing of Standard Agreement between Emery County and Johansen and Tuttle Engineering regarding the Trail Mountain Fire EWP project, 2019. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSS/APPROVE/DENY 2019 MEETING SCHEDULE

The 2019 Commission Meeting Schedule was presented for approval:

January 8, 2019	3:00 p.m.
January 22, 2019	3:00 p.m.
February 5, 2019	3:00 p.m.
February 19, 2019	3:00 p.m.
March 5, 2019	3:00 p.m.
March 19, 2019	3:00 p.m.
April 2, 2019	3:00 p.m.
April 16, 2019	3:00 p.m.
May 7, 2019	3:00 p.m.
May 21, 2019	3:00 p.m.
June 4, 2019	3:00 p.m.
June 18, 2019	3:00 p.m.
July 2, 2019	3:00 p.m.
July 16, 2019	3:00 p.m.

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August 6, 2019	3:00 p.m.
August 20, 2019	3:00 p.m.
September 3, 2019	3:00 p.m.
September 17, 2019	3:00 p.m.
October 1, 2019	3:00 p.m.
October 15, 2019	3:00 p.m.
November 19, 2019	3:00 p.m.
December 17, 2019	5:00 p.m.

Commissioner Kent Wilson made a motion to approve the 2019 Commission Meeting Schedule. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

DISCUSS/APPROVE/DENY 2019 HOLIDAY SCHEDULE

The 2019 Holiday Schedule was presented for approval:

New Year's Day	Tuesday	01-01-19
Human Rights Day	Monday	01-21-19
President's Day	Monday	02-18-19
Memorial Day	Monday	05-27-19
Independence Day	Thursday	07-04-19
Pioneer Day	Wednesday	07-24-19
Labor Day	Monday	09-02-19
Veterans Day	Monday	11-11-19
Thanksgiving Day	Thursday	11-28-19
Thanksgiving Day	Friday	11-29-19
Christmas Eve	Tuesday	12-24-19
Christmas Day	Wednesday	12-25-19
New's Years Eve	Tuesday	12-31-19

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Commissioner Paul Cowley made a motion to approve the 2019 Holiday Schedule. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY COOPERATIVE AGREEMENT BETWEEN THE UTAH  
DIVISION OF FORESTRY, FIRE AND STATE LANDS AND EMERY COUNTY.

Commissioner Paul Cowley made a motion to approve a Cooperative Agreement between the Utah Division of Forestry, Fire and State Lands and Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY RESOLUTION RESCINDING EMERY COUNTY  
RESOLUTION NO. 12-20-16B.

Commissioner Kent Wilson explained that two maybe three years ago Emery County passed a Resolution (Res. #12-20-16B) authorizing the distribution of Mineral Lease funds to five special districts. Emery County Commissioners wish to rescind Resolution #12-20-16B and create a new resolution. Commissioner Kent Wilson made a motion to rescind Emery County Resolution #12-20-16B. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSS/APPROVE/DENY RESOLUTION AMENDING EMERY COUNTY RESOLUTION  
NOS. 12-20-16A, 4-6-99A AND 4-10-08B.

Commissioner Kent Wilson discussed the Emery County Commissioner's desire to amend Resolution #12-20-16A, #4-6-99, and #4-10-08B. Commissioner Wilson explained that in 2015 Mineral Lease payments crashed. The county went from receiving 3 or 4 million to receiving \$650,000.00. At that point the county changed the equation. Everybody is operating at a minimum. To keep the agencies going they reduced the amounts distributed to the districts. They proposed removing LBA from the distribution. They proposed to change the formula for the distribution to Special Service District to 47%, CVSSD to 16%, ECRSSD to 16%, ECFPSSD to 16%, NEWUSSD to 5%. He proposed a cap for CVSSD and ECRSSD of \$225,000.00 and NEWUSSD of \$75,000.00. The mineral lease money not distributed as a result of the caps, will then be pooled and distributed among the districts according to a percentage to be determined at time to best accommodate the various needs of the districts. Jacob Sharp expressed concern that only three of the five districts are capped. Brad Giles commented that he understands what the Commission is trying to do, but he would like to see a cap for all the districts. He also asked that a committee be formed to be responsible for the surplus and distributed according to emergencies. Commissioner Kent Wilson made a motion to pass Resolution 12-18-18B amending Emery County Resolution 12-20-16A, 4-6-99A and 4-10-08B. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(16)

DISCUSS/APPROVE/DENY SIGNING AXON ENTERPRISES QUOTE FOR 2018 PRICING ON EQUIPMENT TO BE PURCHASED BY EMERY COUNTY SHERIFF'S OFFICE.

Sheriff Funk indicated that this is the Sheriff's Department Laser program. The cost of the program is going up in 2019. By signing with Axon Enterprises their quote for the program will be locked in and they will not pay the higher cost. This program is much cheaper than purchasing the lasers outright. Commissioner Kent Wilson made a motion to sign with Axon Enterprises to lock in the quote for 2018 pricing on equipment to be purchased by Emery County Sheriff's Office. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

DISCUSS/APPROVE/DENY CHANGE ORDER #12 ON THE MILLSITE DAM REHABILITATION PROJECT.

Merial Johansen explained that Change Order #12 addresses issues related to components of Millsite Dam Rehabilitation. The change order is no cost to Emery County. Commissioner Paul Cowley made a motion to approve Change Oder # 12 for the Millsite Dam Rehabilitation. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(18)

DISCUSS/APPROVE/DENY COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND UDOT REGARDING THE GOBLIN VALLEY/MILLSITE STATE PARKS CHIP SEAL PROJECT.

Merial Johansen explained that Emery County submitted a grant application to the Joint Highway Committee for improvement of B system access roads to Goblin Valley State Park and Millsite State Park. The project will cost \$1,127,000.00. \$1,000,000.00 is allowed to be reimbursed at 50% (up to \$500,000.00) payable to the local agency as the work is completed. The project will be run through SSD#1. They would like to bid the project out this spring. Commissioner Paul Cowley made a motion to approve a Cooperative Agreement between Emery County and UDOT regarding the Goblin Valley/Millsite State Parks chip seal project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(19)

DISCUSS/APPROVE/DENY INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND SPECIAL SERVICE DISTRICT#1 REGARDING GOBLIN VALLEY/MILLSITE PROJECT.

Commissioner Paul Cowley made a motion to approve an Interlocal Agreement between Emery County and Special Service District #1 regarding Goblin Valley/Millsite State Parks. The

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motion was seconded by Commissioner Kent Wilson. The motion passed.

(20)

DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY AND EMERY COUNTY SPECIAL SERVICE DISTRICT #1 REGARDING MANAGING AIRPORT CRACK AND SEAL PROJECT.

Commissioner Kent Wilson made a motion to approve an MOU between Emery County and Emery County Special Service District #1 to manage the Huntington Airport crack and seal project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(21)

DISCUSS/APPROVE/DENY UTAH DEPARTMENT OF HEALTH CONTRACT AMENDMENT REGARDING EMERY COUNTY CARE AND REHAB CENTER.

Commissioner Sitterud explained that this is a contract the Commission renews each year that allows the ECCR Center to receive Upper Limit Payments from the Federal Government. Without these funds the care center would not be able to function. Commissioner Paul Cowley made a motion to approve Utah Department of Health Contract Amendment regarding Emery County Care and Rehab Center. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(22)

DISCUSS/APPROVE/DENY ADDENDUM TO AGREEMENT ESTABLISHING THE SOUTHEASTERN UTAH ASSOCIATION OF GOVERNMENT.

Commissioner Wilson explained that Emery, Carbon, Grand and San Juan belong to the Southeastern Utah Association of Governments. It was created fifty years ago this month. The current interlocal agreement expires and we need to renew it for another fifty years. Commissioner Kent Wilson made a motion to approve an addendum to agreement establishing the Southeastern Utah Association of Government. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(23)

DISCUSS/APPROVE/DENY ADDENDUM TO THE EMERY COUNTY AGING DIRECTOR BUDGET.

Commissioner Wilson explained that the Aging Director has been working part time for Emery County without a benefit package. Emery County, Carbon County and AOG has been working together on an agreement to have the Aging Director administer the Aging program for Carbon and Emery Counties. This increases Emery County's cost by about 23,000.00 a year. Emery

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COMMISSION MEETING MINUTES  
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County will get a long term, committed director with a masters degree in Geriatrics. Partnering with Carbon County saves money for both counties. Commissioner Kent Wilson made a motion to approve an addendum to the Emery County Aging Director Budget. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(24)  
DISCUSS/APPROVE/DENY SIGNING QT PETROLEUM ON DEMAND M4000 FUEL TERMINAL PURCHASE AGREEMENT FOR HUNTINGTON AIRPORT.

Commissioner Sitterud explained that this a new, self-serve fuel terminal for the Huntington Airport. There have been many on-going problems with the current fuel system. This new terminal should mitigate the problems that pilots have been experiencing at the airport. Commissioner Paul Cowley made a motion to approve signing QT Petroleum On Demand M4000 Fuel Terminal Purchase Agreement for the Huntington Airport. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(25)  
DISCUSS/APPROVE/DENY SIGNING SUBSCRIPTION SERVICE AGREEMENT BETWEEN QT POD, LLC AND EMERY COUNTY FOR SUBSCRIPTION SERVICES M4000.

Commissioner Paul Cowley made a motion to approve signing Subscription Service Agreement between QT POD, LLC and Emery County for Subscription Services M4000. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(26)  
DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY AND THE BLM FOR NOXIOUS WEED CONTROL.

Commissioner Sitterud explained that the MOU is the standard, annual agreement between Emery County and BLM for noxious weed control on BLM property. It is the same MOU as the previous year. Commissioner Paul Cowley made a motion to approve an MOU between Emery County and BLM for noxious weed control. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(27)  
DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND THE EMERY COUNTY CHAMBER OF COMMERCE REGARDING 2019 BEAR GRANT.

Ethan Migliori explained that the Governor's Office of Economic Development allows counties to put in two applications for BEAR funds. Emery County made application for \$30,000.00 through two entities, Emery County Economic Development and Emery County (\$60,000.00).



COMMISSION MEETING MINUTES  
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There is no match required. With Jordan Leonard changing employment it was questioned whether the County could still go after the funds. The Emery County Chamber of Commerce proposed to take the place of the Economic Development since Jordan is no longer Economic Development Director. These funds are proposed to be used for the Commercial to Cottage program. This program will help businesses grow locally. They will provide training components and skill sets to help businesses transition in growth. A key factor to their plan is to create a living document for existing infrastructure in Emery County. The document will include the advantages of living and working in Emery County. Julie Johansen commented it is important to include the strong technology advantages we have in Emery County. Jordan Leonard added that he is on the Board of the Chamber of Commerce and as such will oversee the management of the program making sure it is run correctly. Commissioner Wilson thanked Ethan and the Chamber of Commerce and Jordan Leonard in his new capacity with Rural Online Initiative for stepping up to assist in providing the means by which Emery County will be able to get the funds to continue the BEAR program. If run correctly it will be a yearly program and advantage to Emery County's Economic Development. There is no risk for Emery County. If approved Emery County will be a pass through agent for the BEAR Grant. Commissioner Kent Wilson made a motion to approve a contract between Emery County and the Emery County Chamber of Commerce regarding 2019 BEAR Grant. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(28)

RANDY JOHNSON-GOVERNMENT MATTERS, LLC REPORT.

The document is finished. It all depends on how President Trump handles the shutdown whether it gets passed or not.

(29)

COMMISSION/ELECTED OFFICIALS REPORTS.

Sheriff Funk touched on the tragedy in the county this past week with the loss of a student. He knows the citizens of Emery County will do as they usually do and reach out to the family in proving the love and support they need at this time.

Attorney Mike Olsen, Commissioner Kent Wilson and Commissioner Sitterud thanked Commissioner Cowley for his dedication to the County in his capacity as Commissioner and a friend. They wished him the best in his retirement.

Commissioner Cowley thanked the citizens of Emery County for the opportunity to serve the county. He commented on the County's Lands bill. He thanked all those people who have worked on the various boards to help move this bill forward.

(30)

13  
COMMISSION MEETING MINUTES  
DECEMBER 18, 2018

ADJOURN

Commissioner Paul Cowley made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 8, 2019

Present at the meeting was Commissioner Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # through and including # was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1-19	4RE Standard DVR Camera System Sheriff/Patrol Vehicles	\$9,990.00
2-19	Nikon 300mm f/2.8 ED AF-S VR II Nikkor Lens Sheriff	\$5,496.95
3-19	Taser 60-Year 1 Pmt Sheriff	\$10,740.00

There were no dispositions.

(2)

APPROVAL OF MINUTES OF DECEMBER 18, 2018 COMMISSION MEETING.

(3)

APPROVAL TO RE-APPOINT JR NELSON TO THE EMERY COUNTY PUBLIC LANDS BOARD.

(4)

APPROVAL TO RE-APPOINT LORAN HUNTSMAN TO THE EMERY COUNTY PUBLIC LANDS BOARD.

(5)

APPROVAL TO APPOINT LES WILBERG TO THE EMERY COUNTY PUBLIC LANDS

2

COMMISSION MEETING MINUTES  
JANUARY 8, 2019

BOARD.

(6)

APPROVAL TO APPOINT DAN HUNTER TO THE EMERY COUNTY CARE AND REHAB BOARD.

(7)

APPROVAL TO APPOINT RICK LARSEN TO THE EMERY COUNTY CARE AND REHAB BOARD.

(8)

APPROVAL TO APPOINT DOUG STILSON TO THE EMERY COUNTY TOURISM BOARD.

(9)

APPROVAL TO APPOINT JESSIE NIELSON TO THE EMERY COUNTY TOURISM BOARD.

(10)

APPROVAL OF 2019 COUNTY COMMISSION RESPONSIBILITIES.

(11)

APPROVAL TO GIVE JEFF GUYMON A WAGE INCREASE OF \$3,309.84 FOR BEING ASSIGNED TO OVERSEE BOTH THE HUNTINGTON AIRPORT AND PLANNING AND ZONING DEPARTMENT. EFFECTIVE 1-7-19

(12)

APPROVAL TO PROMOTE MOLLY BARNES TO DISPATCH II. GRADE 15. EFFECTIVE 1-14-19

(13)

APPROVAL TO PROMOTE LAURA HURST TO DISPATCH II. GRADE 15. EFFECTIVE 1-14-19.

(14)

APPROVAL TO PROMOTE MATTHEW SALAS TO PATROL DEPUTY I FOR COMPLETION OF LAW ENFORCEMENT OFFICE. GRADE 16. EFFECTIVE 1-13-19.

(15)

APPROVAL TO PROMOTE DALLON COLOGIE TO CORRECTION OFFICE I. WAGE GRADE 15. EFFECTIVE 1-13-2019.

3

COMMISSION MEETING MINUTES  
JANUARY 8, 2019

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

YEARS OF SERVICE AWARD PRESENTATIONS

Carole Larsen 40 years  
Wayde Nielsen 25 years  
Becky Jewkes 15 years  
Janalee Luke 15 years  
Kenneth Eley 10 years  
Tammy Tucker 10 years  
Merrill Duncan 10 years  
Shannon Hiatt 10 years  
Melodie Hoffman 10 years  
Carol Cox 5 years  
Camille Thomas 5 years  
Gary Price 5 years  
Susan Hess 5 years  
Nanette Harrison 5 years  
Michael Grange 5 years

(3)

RATIFICATION OF SCRAP ACCEPTANCE AGREEMENT FOR WORK DONE TO REMOVE THE LANDFILL METAL PILE.

Commissioner Kent Wilson made a motion to ratify the signing of a Scrap Acceptance Agreement with Western Metals for work done to remove the landfill metal pile. The motion was seconded by Commissioner Gill Conover. The motion passed.

(4)

DISCUSS/APPROVE/DENY LYNN SITTERUD REMAINING CHAIRMAN FOR 2019.

Commissioner Kent Wilson made a motion to retain Lynn Sitterud as Commission Chairman for 2019. The motion was seconded by Commissioner Gil Conover. The motion passed.

(5)

4

COMMISSION MEETING MINUTES  
JANUARY 8, 2019

DISCUSS/APPROVE/DENY KENT WILSON REMAINING VICE CHAIRMAN FOR 2019.

Commissioner Gil Conover made a motion to retain Kent Wilson as Commission Vice Chair for 2019. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

APPROVAL OF NOTICE OF GRANT AND AGREEMENT AWARD BETWEEN THE NRCS AND EMERY COUNTY FOR THE COTTONWOOD CREEK WATERSHED PLAN -EA (ENVIRONMENTAL ASSESSMENT) WORK

Commissioner Gil conover made a motion to accept a notice of Grant and Agreement Award between NRCS and Emery County for the Cottonwood Creek Watershed Plan-EA work. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY CREATING A CONTRACT FOR SERVICES BETWEEN MARK H WILLIAMS AND EMERY COUNTY TOURISM DEPARTMENT REGARDING QUARTZSITE TOURISM SHOW.

Commissioner Kent Wilson discussed creating a contract for services between Mark H. Williams and Emery County Tourism. He explained that the Tourism Board felt that Emery Ccounty should have a presence at the Quartzsite Tourism Show which runs for ten days. Mark H. Williams stays in Quartzsite for four or five months during the winter months. The Tourism Board discussed paying Mr. Williams \$300.00 a day (\$3,000.00) to man a booth for Emery County. They would like to send 50 cases of maps and brochures for him to distribute at the show. Commissioner Kent Wilson made a motion to approve creating a contract for services between Mark H. Williams and Emery County Tourism Department regarding Quartzsite Tourism Show. The motion was seconded by Commissioner Gil Conover. The motion passed.

Commissioner Gil Conover made a motion to skip #8 and move on to #9 and return to #8. The motion was seconded by Commissioner Kent Wilson. The motion passed. Commission/Elected Officials reports were before the Executive Session.

Commissioner Kent Wilson made a motion to leave the regular Commission Meeting and move into an Executive Session and at the conclusion of the session to return to the regular meeting agenda. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY MOVING INTO CLOSED SESSION TO DISCUSS PENDING

COMMISSION MEETING MINUTES  
JANUARY 8, 2019

OF REASONABLY IMMINENT LITIGATION.

Present at an Executive Session was Commissioner Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Sheriff Greg Funk, Personnel Director Mary Huntington, Melany Weaver, Attorney Administrative Assistant, Deputy Clerk/Auditor Carol Cox.

(9)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Greg Funk reported on a drug bust the Sheriff's Department recently conducted. He indicated that they reached out to the Feds and will get some real consequences for this person this time. He thanked all the agencies involved in the bust.

Attorney Mike Olsen reported that this bust was good police work. Drugs continue to be a big problem for the county.

Commissioner Kent Wilson invited Ray Petersen to give an update on Emery County's Lands Bill. Ray reported that the last couple of months of 2018 the Public Lands Council has been busy working on passing a Public Lands Bill. They have been working in partnership with Curtis and Hatch staffers in Washington, D.C. All were in agreement with the package that was being presented and packaged with 120 other lands bills. Senator Lee opposed the bill. So it was done. Now they have a new Congress back in session. The bill will be re-introduced in a couple of days. He indicated that they received a call from Congressman Curtis' office and they believe that the bill will be passed in the next few days. Senator Hatch's Office, with is now Senator Romney's office was confident it will be passed this time. There is a map and copy of the bill on the County website. There is additional wilderness designation in the southern corner of the county. It was a compromise to pull Candland out of the designation. Commissioner Sitterud indicated that there was a time when the Public Lands Council and Commissioners were not in favor of the bill. They have received much support through Governor Herbert and Senator Romney. He indicated that they are now more confident that this is the best that we can get. It is packaged with an omnibus package with 120 other lands bills.

Commissioner Gil Conover invited Christine Jensen from USU Extension Service to introduce Emery County's new Extension Agent. Christine introduced Rowe Zwahlen as Emery County's Extension Agent. Rowe has a degree in Horticultural. He will oversee the horticultural, agriculture, natural resources and youth development for the County. He started here in the county on January 2, 2019. He lives in Wellington, Utah. Christine introduced Margie Memmott. She is the USU Extension Southern Region Department Director. She talked about the cooperative agreement between USU Extension Service and Emery County. Christine Jensen has been appointed USU Extension Service Department head/County Director. She welcomed Gill Conover as a new Commissioner for Emery County.

6  
COMMISSION MEETING MINUTES  
JANUARY 8, 2019

(10)  
ADJOURN.

At the conclusion of an Executive Session the meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

JANUARY 22, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Deputy Attorney Brent Langston, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

**CONSENT AGENDA**

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # through and including # was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
4-19	Office Chair Commission	777.38
5-19	(2) Canon Imagerunner C3525 Copiers Capital Replacement	5,624.00

There were no dispositions.

(2)  
APPROVAL OF MINUTES OF JANUARY 08, 2019 COMMISSION MEETING.

(3)  
APPROVAL TO APPOINT DALLAS TRUMAN TO THE MUSEUM BOARD.

(4)  
APPROVAL TO CHANGE CAROL COX, DEPUTY CLERK/AUDITOR, TO A VARIABLE PART TIME EMPLOYEE WITH PRORATED RETIREMENT. EFFECTIVE 1-28-19. NO WAGE CHANGE.

(5)  
APPROVAL TO HIRE ADRIANA CHIMARAS AS THE FULL TIME TRAVEL & TOURISM DIRECTOR WITH FULL BENEFITS. WAGE GRADE 19

2

COMMISSION MEETING MINUTES  
JANUARY 22, 2019

(6)

APPROVAL TO GIVE DOUG WEAVER A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AND 3% COLA. EFFECTIVE 1-28-19.

(7)

APPROVAL TO GIVE LOYETTE HOLDAWAY A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AND 3% COLA. EFFECTIVE 1-28-19.

(8)

APPROVAL TO REAPPOINT BART COX, GARY ARRINGTON, MARIE ANDERSON, CARL JACOBSEN TO THE EMERY COUNTY PLANNING AND ZONING BOARD.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

**DISCUSSION AGENDA**

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

AWARD OF MONTHLY SAFETY INCENTIVE VISA GIFT CARDS.

January Safety Incentive winners:

Part-time: Savanah Hall

Full-time: Bret Mills

Safety Sensitive: Cody Morris and Eric Nielsen

Commissioner Kent Wilson made a motion to move the public comment agenda item to after #12 on the agenda list. The motion was seconded by Commissioner Gil Conover. The motion passed.

(3)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

COMMISSION MEETING MINUTES  
JANUARY 22, 2019

(4)

PRESENTATION BY COMMISSIONERS RECOGNIZING CAROLE LARSEN FOR HER RETIREMENT AND 40 YEARS OF SERVICE TO EMERY COUNTY.

Commissioner Kent Wilson recognized and thanked Carole Larsen for her 40 years of service to Emery County.

(5)

COMMENTS BY TORI KILLIAN REGARDING THE EMERY COUNTY PUBLIC LANDS BILL.

Tori Killian made a formal request that the Emery County Commissioners hold a public information meeting in order for the citizens of Emery County to view and understand the recent changes in the Emery County Public Lands Bill. She asked that this meeting be held as soon as possible as the bill will be going before the legislature in the coming days and weeks. She asked that the Commissioners provide maps, related information and a format to accept public comment. She asked that the Commissioners and Public Lands Council members be available to answer questions from the public. She also asked that the meeting be held in the evening so that the public would have more opportunity to attend. Tori also requested that a Resolution be adopted by the Emery County Commission in support of Senator Mitt Romney and Senator Mike Lee's Protect Utah's Rural Economy 'PURE' Act. The bill would protect Utah from Presidential Antiquities Act. She encouraged the Commissioners to consider this. Commissioner Wilson indicated that he is in support of doing that. Commissioner Sitterud indicated that the Commissioners pledged their support for the bill in a recent phone call with Senator Lee. Commissioner Sitterud indicated that they will get with Attorney Mike Olsen to draft a resolution to consider in the next meeting. The date and time for the public meeting was set for February 5, 2019 from 6pm to 8pm.

(6)

RATIFICATION OF NOTICE OF LEASE RENEWAL FOR THE LOCAL BUILDING AUTHORITY.

Commissioner Gil Conover made a motion to ratify a Notice of Lease Renewal for the Local Building Authority. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

RATIFICATION OF AMENDMENT #1 TO THE REIMBURSABLE AGREEMENT FOR FINAL DESIGN AND CONSTRUCTION ENGINEERING SERVICES BETWEEN EMERY

COMMISSION MEETING MINUTES  
JANUARY 22, 2019

COUNTY AND UTAH DIVISION OF WATER RESOURCES REGARDING THE MILLSITE  
DAM REHABILITATION PROJECT.

Commissioner Kent Wilson made a motion to ratify approval of Amendment #1 to the Reimbursable Agreement for Final Design and Construction Engineering Services between Emery County and Utah Division of Water Resources regarding the Millsite Dam Rehabilitation Project. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY ACCEPTANCE OF THE 2018 CITIZEN CORPS  
SUPPLEMENTAL GRANT AWARD FROM THE STATE HOMELAND SECURITY  
PROGRAM.

Captain Ekker explained that this grant from State Homeland Security. It is a 50/50 split grant with Carbon County (\$3,000.00 /\$1,500.00 each) to provide training. Commissioner Gil Conover made a motion to accept the 2018 Citizen Corps Supplemental Grant Award from the State Homeland Security program. The motion was seconded by Commissioner Kent Wilson . The motion passed.

(9)

DISCUSS/APPROVE/DENY COOPERATIVE AGREEMENT FOR UTAH STATE  
UNIVERSITY EXTENSION SERVICES WITHIN EMERY COUNTY.

Commissioner Gil Conover made a motion to approve a Cooperative Agreement with Utah State University Extension Services within Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY INCREASING WEED AND MOSQUITO DEPARTMENTS  
CLOTHING ALLOWANCE.

Commissioner Lynn Sitterud explained that the clothing allowance for steel toed boots was increased from \$100.00 to \$150.00 for Road Department. Weed/Mosquito did not raise their clothing allowance. Cory Worwood was not aware that he needed to request an increase to the clothing allowance during the budget process. He would like to increase the clothing allowance to \$150.00 per W/M employee. He has the funds in his budget for this increase. This would match what other departments have for clothing allowance. He will address the increase during the budget process. Commissioner Kent Wilson made a motion to approve an increase to Weed and Mosquito clothing allowance to \$150.00. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

COMMISSION MEETING MINUTES  
JANUARY 22, 2019

DISCUSS/APPROVE/DENY PAY RAISES AND HOLIDAY/WEEKEND STIPEND FOR EMT'S.

Commissioner Kent Wilson discussed pay raises for Advanced EMT's, Basic EMT's and Drivers. An Advanced EMT's pay rate is \$14.50/hr. It is becoming increasingly difficult to recruit advanced EMT's at this rate. Basic EMTs and drivers make the same amount. There is no incentive to receive an EMT license in Emery County. We are in dire need of Advanced EMT's in Emery County. During this past three day holiday, Martin Luther King Day, there were not enough EMT's to cover in Orangeville/Castle Dale. There was an incident in Orangeville and the person had to wait, on the ground, for an ambulance/EMT to come from Ferron. He proposed that for the three day period that an EMT, whom has previously signed up to be on call for, that they receive a stipend of \$50.00. This would provide an incentive for those who sacrifice their time on the weekends and three day holidays. He also proposed a \$3.00/hr raise for the Advanced EMT pay rate and \$1.00/hr pay raise for Basic EMT, ambulance drivers \$.50/hr. Commissioner Kent Wilson made a motion to approve a pay raise of \$3.00/hr for Advanced EMT, \$1.00/hr for Basic, \$.50 for drivers and EMT's who have previously signed up to be on call for a three day holiday receive a \$50.00 stipend. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY LEASE AGREEMENT BETWEEN EMERY COUNTY AND THE STATE OF UTAH DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT.

Commissioner Lynn Sitterud indicated that we have government employees who want to lease offices in this building. This lease agreement will identify the parameters for leasing an office. Commissioner Gil Conover made a motion to approve a lease agreement between Emery County and The State of Utah Division of Facilities Construction and Management. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk reported on a recent rescue that took place in Huntington Canyon regarding an individual caught up in an avalanche. This was different for the Sheriff's Department. He indicated that we usually have desert rescues. They have had rescues like this before but they were on the Sanpete side. They had to call in Sanpete County and the Alta Ski Patrol. He indicated that a result of this incident was to determine that they are not fully prepared for snow rescues. He praised Larry Johansen for his invaluable assistance in this rescue.

Commissioner Wilson reported on the Public Lands bill. The Bill has been reopened in the Senate. The Senate leadership is the one who decided when it goes to the floor. Senate

COMMISSION MEETING MINUTES  
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Representative John Curtis supports it, Senator Romney supports it. They have met with Mike Lee who has indicated that he can not support the bill. Mike Lee has said that Utah has given enough. He thinks that each of us feel the same way. Commissioner Wilson stated he believes that the next Democrat president we get will make president Obama look like a conservative. We need to get something accomplished, something in writing for us soon, someone else will be dictating. He added that he has never seen a monument that does not have a paved road going right through the middle. We do not want to turn this into an amusement park for everyone in the US to come and see. He stated that it is his fear, that if we get a monument, that is exactly what is going to happen. In his opinion the Emery County Public Lands Bill, as it is now, eases a lot of his concerns. A lot has been said about the extra 150,000 acres of wilderness that we added. We got Candland Mountain taken off. For future concerns, we need to take of that mountain. Everything we added to wilderness is being managed as a natural area with wilderness characteristics. It is being managed as wilderness today. We can't do anything today in that area today. Turning that into wilderness doesn't change one thing, in his opinion. He stated he appreciates being able to put this out the public and is ok with talking about it to the public. He also talked about the short comings that this past weekend opened up about our emergency response times and is open to discussions on how to better serve the citizens of Emery County.

Commissioner Conover thanked Tori for coming in and proposing an open forum opportunity for the public.

Commissioner Sitterud talked about the efforts of the County to recruit people to donate times and services that help the citizens of Emery County.

(14)

ADJOURN.

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF A SPECIAL COMMISSION MEETING  
HELD AT THE EMERY COUNTY COURTHOUSE

FEBRUARY 4, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Sheriff Greg Funk, Deputy Clerk/Auditor Carol Cox, members of the Public Lands Council, members of OHV clubs/communities and citizens.

1)  
DISCUSS/APPROVE/DENY SUPPORT OF THE EMERY COUNTY PUBLIC LANDS  
MANAGEMENT ACT.

Commissioner Sitterud explained the purpose of the meeting. He explained that they had to hold this meeting before 9:00 am Washington time, incase the bill was to move this morning. He explained that this is not a regular meeting, so there are no consent agenda items. The only item on the agenda is to discuss/approve/deny support of the Emery County Public Lands Management Act.

Commissioner Kent Wilson commented that a week ago there was an outcry, rumor that 50 miles of road would be closed because of this bill. When this information came available to us, we were concerned. He indicated that he and Commissioner Sitterud had been saying to everyone, that this bill will not close 1 mile of road. The Commissioners talked to BLM and were told that the roads being referred to, were in the new wilderness area (the 200,000 acres) in the southern end of the county. The Commissioners were told, all the roads that are in question now, if they are open on the management plan, will stay open. If they were in any other classification they would be closed. The Commissioners got on the phone with John Curtis' office and Mitt Romney's office and they indicated that things were up in the air, they had a lot of questions and they needed to do some homework with the BLM. For us to protect ourselves, incase we got into a situation where we wanted to withdraw our support for this bill, we felt we needed to make a meeting available. For this bill to go forward the action was already taken last May. Legally, there does not need to be any action taken, by the Commission, for this bill to go forward. Because McConnell filed cloture on the bill, it made it to where we can not just withdraw our support. It has to have an amendment filed and then that would have to be honored and then the Emery County bill can be pulled from the omnibus bill. So there was a process to go through. We wanted to leave all avenues open. The Commissioners felt that if they promised that not one mile of road would be closed, or if for some reason they felt like they have lied to the public, or we deceived them, then we want to straighten that out, make it right and go back and redo the bill. From the BLM's perspective, from Curtis' perspective, from Romney's perspective the roads on the maps are 'other routes' and BLM looks at them as being closed today. In BLM's opinion, if we are using these routes today we are either doing it because they lack law enforcement out there or because we are doing an illegal act and choosing to go on routes that are already closed. From Emery County's perspective, BLM is responsible for the roads. They are the ultimate management. What they say goes. That would be true if this bill passes and that will

be true if this bill fails. All of the concerns we are hearing will still be of concern if this bill fails. This bill is not throwing any new obstacles forward in the management of roads. Also, Commissioner Conover, is a new commissioner and has not had the opportunity to go on record for this lands bill or against. The Commissioners felt it was important to have a meeting and give him a chance to voice his opinion publicly.

Commissioner Gil Conover commented that he ran for commissioner to help bring industry and jobs into the county. He stated that, having a background in the power industry, he feels that the power industry is the largest, economic benefactor in this county. He stated he also knows that the power industry has an end of life. He stated, that is a big concern to him. Through getting into this position and with the lands bill he has a lot to learn in a hurry. He indicated that he has participated in the meetings, listened to what is going on, talked with Congressman Curtis, Senator Romney, Senator Lee and several in Congress getting their thoughts and opinions on this bill. Congress has had a lot to do with the amendments on this bill. There were things that were added on the end, mostly by the Democratic side, the environmental side, even the Republican side.

Commissioner Wilson added, there were three things, toward the end, that needed to happen. First, we needed stronger language in the bill for alternative routes and maintenance. Part way through the process there was no new roads. That was concerning to a lot of people. It became clear, by visiting with the OHV community that was not good enough language. For the last 6 months of that bill, we have fought to change that. We needed stronger language on roads for maintenance and alternative routes. Next, we needed to make sure SITLA was part of the program to where we could trade out around coal mines so we could enjoy some prosperity and jobs in the future. The third thing was, Candland Mountain. Candland Mountain, which goes from Left Hand Fork to Electric Lake, was part of the wilderness package. We, as a Commission felt that was a mistake. We need to be able to manage it for fire and future water resources. Wilderness designation would hinder that, maybe even stop growth in Emery County in the future and possibly make water more expensive. We went back with those three asks. To get those three things done, their response was, we want 200,000 more acres. We had a decision, are these three things important enough to give up this extra acreage on the far end of the desert. That is the reason this came about. We felt obligated to tidy these things up. If that road language didn't change this bill did not go anywhere with us. The language was not acceptable.

Commissioner Conover commented that while learning about the bill he has checked with the power industry to get their opinion. They have checked with all their lawyers to find out how the wilderness would affect the power industry. The power industry has stated that it would be easier for the industry go forward with the wilderness out there than it would to have a monument put in this area. A monument would shut them down. Environmental community has become stronger and stronger. The power industry is now with the things that will be coming with the carbon tax going forward when the next Democratic president is elected. All of our eggs are in Huntington Power Plant, Hunter Power Plant, the coal mines, trucker drivers and all



the families who benefit from those big jobs in Carbon and Emery County. So the reason he ran for this position was to help bring other industry into this county. He stated he would love to have our county be solvent and be able to handle the future going forward. With this lands bill, there are some good things. The SITLA lands trade are a great thing for Emery County. Those mineral lease funds will come back to Emery County. Many of the trails out there on the desert are protected by this bill. Commissioner Conover's opinion on the lands bill is that it is the best thing for Emery County.

Commissioner Lynn Sitterud commented that when he first came into office as a commissioner he was against this bill. He stated that he wished that there was not one acre of wilderness in the whole state of Utah. He has experienced the frustration of closed roads while hunting sheep. He stated that he had to look at this as what is best for the county, not what is best for me personally. At the end of last year when we found out that SITLA trades were not guaranteed and that Candland Mountain was included in the wilderness and that the road language was not right, we called Congressman Curtis' office and told them that he was against the bill and that we were not going to pass the bill. A week later they came back with the SITLA trades not only approve, but mandated, that Candland Mountain was removed from the wilderness and that the road language was changed. We worked hard trying to get a no net loss statement in the bill but the Democate leadership would not allow that statement. They did come back with what you see in the bill now with being able to repair or reroute roads that are there now. He indicated that the Commission has been told by Senators, Congressmen and BLM that any legal road that is open today will remain open. He believes that in the years to come, there will be roads and trails that are closed on the desert. He indicated that the Commission has asked for language to tell us if this bill is going to be the reason for the closing of any roads and trails. We have been told that if any roads and trails are closed it will be because of the SUWA lawsuit and not this bill. We will lose some trails and roads. Any two roads that are redundant, one will be closed. We are being told over and over again that roads and trails will not be closed because of this bill, it will be because of the lawsuit. We are going to lose some roads and trails whether this bill passes or not. Commissioner Sitterud stated that after he went against the bill at the end of the year, the Commissioners notified Curtis's office that the Commission is no longer in favor of the bill. When they came back with the SITLA trades was mandated, that Candland Mountain was removed and that the road language had been softened as much as the Democate leadership would allow, we touched bases with industry leadership, public leadership, school leadership and cattlemen in the county. He added that he is not trying to belittle the voice of the ATV community because he is one of them. He rides his ATV on the desert as much as he can get there. The ATV community is the lone voice against this bill. Everyone else we are talking to is telling us that we can not take a chance on a monument. We have to look at this, as a Commission, do we do what is right for the majority of Emery County or do what we want for ourselves? He has told the other two Commissioners that if they vote yes to continue to support his bill, that as much as he dislikes it, he will support their decision because it is what is best for Emery County as a whole.

4

Special Commission Meeting

February 4, 2019

There were many comments from the ATV community as well as citizens of Emery County.

Commissioner Kent Wilson made a motion to support the Emery County Public Lands Bill Act as it has been negotiated out. The motion was seconded by Commissioner Gil Conover. The motion passed.

2)

ADJOURN

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 5, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 250664 through and including #250789 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
6-19	HazCat 2.0 Pro Kit/Narcotics Screening Sheriff/Hazmat Response Team	\$6,472.00
7-19	Herman Miller Office Chair(2) Sheriff	988.00

Dispositions were presented for the following:  
1071,3hp pump, 1636, vacuum

(2)  
APPROVAL OF MINUTES OF JANUARY 22, 2019 COMMISSION MEETING

(3)  
APPROVAL OF OUT-OF-STATE TRAVEL FOR SHERIFF GREG FUNK TO ATTEND THE WESTERN STATES SHERIFF'S ASSOCIATION CONFERENCE IN RENO, NV ON MARCH 3-7, 2019.

(4)  
APPROVAL FOR OUT OF STATE TRAVEL FOR BRET MILLS TO ATTEND THE 2019 NATIONAL TRANSLATOR ASSOCIATION ANNUAL MEETING AND CONVENTION IN RENO, NV ON MAY 9-12, 2019.

2

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(5)

APPROVAL FOR OUT-OF-STATE TRAVEL FOR CAPTAIN KYLE EKKER TO ATTEND THE COLT M4/M16 ARMORERS COURSE IN LAS VEGAS, NV ON APRIL 8-10, 2019.

(6)

APPROVAL TO REAPPOINT JEFF TUTTLE TO THE CASTLE VALLEY SPECIAL SERVICE DISTRICT BOARD.

(7)

APPROVAL TO GIVE TY GORDON A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AND A 3% COLA. EFFECTIVE 2-11-19.

(8)

APPROVAL TO GIVE EGAN SMITH A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AND 3% COLA. EFFECTIVE 2-11-19.

(9)

APPROVAL TO HIRE MELODIE HOFFMAN AS THE FULL TIME ORANGEVILLE BRANCH LIBRARIAN WITH FULL BENEFITS. WAGE GRADE 15. EFFECTIVE 2-11-19.

(10)

NOTIFICATION SELECTED JULIE ROLLINS AS THE OV ASSISTANT LIBRARIAN. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 15. EFFECTIVE 2-11-19.

(11)

APPROVAL TO ALLOW THE TIME AN EMPLOYEE SPENDS WITH A FIELD TRAINING OFFICER (FTO) AT THE SHERIFF'S OFFICE PRIOR TO BEING PROMOTED TO CORRECTIONS OR PATROL COUNT TOWARDS THEIR 6 MONTH ORIENTATION PERIODS AFTER BEING PROMOTED. EFFECTIVE 1-1-19.

(12)

APPROVAL TO RECOGNIZE KEVIN WALLS FTO EXPERIENCE FROM JANUARY 4, 2018 TO AUGUST 2018 IN SATISFYING HIS 6 MONTH ORIENTATION PERIOD WHEN HE WAS PROMOTED TO PATROL DEPUTY I ON DECEMBER 3, 2018. THEREFORE, HIS 6 MONTH ORIENTATION PERIOD HAS BEEN SATISFIED. WILL RECEIVE 3 % WAGE INCREASE AND THE 3% COLA RETROACTIVE TO 1-1-19.

(13)

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APPROVAL FOR COUNTY CREDIT CARD FOR COMMISSIONER GIL CONOVER.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

Roxanne Jensen, Assistant County Librarian asked the Commissioners to reconsider pulling the 7 janitor positions from the Libraries. She stated that she is not in favor of eliminating the positions.

Carole Larsen, former Library Director asked the Commissioners to reconsider eliminating the janitor positions at the libraries. She cited the loss of a job for that individual.

Sherri Jensen, Assistant County Librarian in Castle Dale asked the Commissioners to reconsider eliminating the janitor positions at the libraries. She commented that it is unfair to the patrons for the librarians to have to clean as well as their other duties. Librarians will have to pick up the slack from not having janitors.

Colleen Murdoch, Assistant County Librarian in Ferron asked the Commissioners to reconsider eliminating the janitor positions at the libraries.

Mary Ann Wright, Library Board member asked the Commissioners to reconsider eliminating the janitor positions at the libraries.

Felicia Mitchesen expressed her gratitude to Four Corners for their support. She stressed that she would not be where she is today without their help.

Bret Davis expressed his gratitude to Four Corners for their support and resources. He stressed that he is in a different place than he was year ago and it is due to the help he received from Four Corners.

Bill Dellos expressed his gratitude for the Commissioners and all that they do for our county. He asked that the citizens of Emery County be cognizant of what they do for us.

Commissioner Gil Conover made a motion to leave the regular meeting and move to a Public

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Hearing to allow for comment from the public regarding Four Corners Community Health's Annual Mental/Substance Use Disorder and at the conclusion of the public hearing return to the regular meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(3)

PUBLIC HEARING: PUBLIC HEARING FOR PRESENTATION OF AND PUBLIC COMMENT ON THE ANNUAL MENTAL/SUBSTANCE USE DISORDER.

Karen Dollan, Director of Four Corners Community Behavior Health provided a presentation and information regarding Four Corners and their program available in Emery County. By state law and Medicaid requirements they must hold a yearly Public Hearing to receive public comment on mental health and substance use. They use the feedback in their planning and grant writing for the three counties that Four Corners services. She explained that Four Corners is a non profit and is funded by Federal, State and County funding. Through state law the County is responsible for mental health services and substance use disorder. Four Corners was created by the three counties, by an interlocal agreement, to provide this for the counties. They operate with a 12 person board that help them review everything that they do. They provide public safety and work closely with law enforcement in the communities. They provide crisis services. She has around 100 employees, 70 are full time employment, 13 live in Emery County. They just opened their new Opioid Treatment Program. They help people who are addicted to opioids get their life back.

Savanah Eley is a patient who has been helped through their drug program. She commented that she is a recovering addict and has benefitted from the resources that they provide. With Four Corners assistance she has been clean now for 21 months.

Attorney Mike Olsen commented that Emery County is required to provide mental health and substance use services for its citizens. He indicated that his office doesn't usually get a call unless there is a problem. He expressed his gratitude and appreciation for the services Four Corners provides to Emery County citizens.

Susan Ehler commented that she understands the help that Four Corners provides to families but wonders why they have to wait for a family to get to crisis mode before they can receive that help?

Karen explained that the law dictates when we can commit an individual. There has to be an immediate threat to himself or others. This can be frustrating for families. The legislature is passing a law that will help with this issue.

Roxanne Jensen commented that it seems we have so much suicide in our area. Is there anything as a community that we can do to help some who is in crisis? How do we educate people?

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Savanah stated that there is a suicide crisis support group that meets once a week in Emery County.

Commissioner Kent Wilson asked if there was any data that lends credence to mixing drugs with alcohol?

Karen did not know of any data that is available. Sherri Jensen indicated that she works part time at a pharmacy. They advise people that are prescribed anti-depressants to not drink alcohol.

Bret Davis expressed concern that counseling is not part of the treatment when someone is prescribed anti-depressants.

The Public Hearing was closed and the Commissioners returned to the regular meeting agenda.

(4)

PRESENTATION BY ROBBIE JENSEN WITH AOG REGARDING THE EMERY COUNTY AGING DEPARTMENT.

Robbie Jensen, Aging Director for Carbon and Emery Counties provided an update of activities. AOG will open bids for construction of the carport at Ferron Sr. Center at board meeting at the end of this month. They will not be able to get a new meals on wheels vehicle this year but they are in line to get a new Sr. Bus in 2022. They are looking for a new Sr. Director for Green River. Huntington Sr. Center has had some roofing repairs and are working with a scout group to get a new flag pole. Every Tuesday Seniors enjoy group activities.

(5)

DISCUSS/APPROVE/DENY TAX ABATEMENT OF MOBILE HOME TAXES ON HT-07-0169 FOR SARAH SORENSON AND JAKE JENSEN.

Kris Bell, Emery County Assessor requested approval to abate the taxes on HT-07-0169 for Sarah Sorenson and Jake Jensen. They are unable to locate the owner. The owner has abandoned the mobile home and it is no longer in a livable condition. The taxes to be considered for abatement are \$58.82. Commissioner Kent Wilson made a motion to approve a tax abatement for mobile home taxes on HT-07-0169 as requested. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/DENY CLEF GRANT CONTRACT FOR EMERY COUNTY LIBRARIES.

6

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Roxanne Jensen requested approval for Community Library Enhancement Funds in the amount of \$7,300.00. The funds will be used for children's books and areas. Commissioner Gil Conover made a motion to approve a CLEF Grant Contract for Emery County Libraries. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY EDA FUNDING FOR THE RURAL DIVERSIFICATION PROJECT.

Commissioner Kent Wilson explained that the Association of Governments they have come up with a program to have the five participating counties to contribute \$1,000.00 a year for the next three years it entitles the AOG to go after seek matched to add to the revolving loan fund for the future. They have roughly 1 million dollars to fund loans to businesses that would not otherwise be able to get loans. Commissioner Kent Wilson made a motion to contribute \$1,000.00 a year for the next three years to come from Economic Development budget. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY AGREEMENT BETWEEN EMERY COUNTY AND MARK H WILLIAMS REGARDING THE QUARTZSITE RV SHOW.

Commissioner Kent Wilson indicated that Mark H. Williams has already fulfilled this service by attending the Quartzite RV Show. He attended the show for 10 days passing out many brochures and maps. The agreement is for \$3,000.00. Commissioner Kent Wilson made a motion to approve an agreement between Emery County and Mark H. Williams regarding the Quartzite RV Show. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY THE PHASING OUT OF LIBRARY JANITORS THROUGH ATTRITION OR THE BEGINNING OF THE NEXT BUDGET CYCLE.

Commissioner Gil Conover indicated that they have taking a long look at this issue. Because of the comments made today he proposed that this be tabled until after a Library Director has been appointed. Commissioner Gil Conover made a motion to table this matter until after a Library Director has been hired. The motion was seconded by Commissioner Kent Wilson. The motion passed. Commissioner Conover added that this is not off the table. We will not replace any janitors that have left.

(10)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk reported that he had an opportunity to attend the legislature to hear about bills that



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will affect law enforcement and the county. Search and Rescue is involved with Wilderness Medic training.

Attorney Mike Olsen added to what Sheriff Funk said. It is good to get involved and weigh in on some of these things that are going on in the legislature.

Commissioner Wilson addressed the Economic Development of the County. The Commissioners are looking at all departments and the responsibility that they have to keep costs down. He commented on the Commission Meeting held yesterday morning and the responsibility the Commissioners had with relation to the Emery County Lands Bill.

Commissioner Gil Conover expressed the desire of the Commissioners to have people attend the public information evening regarding the Emery County Lands Bill.

(11)

ADJOURNMENT.

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 19, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Clerk/Auditor Brenda Tuttle, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #250801 through and including #250901 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
8-19	CAT 303E Excavator, Auger, Bit, Hammer Kit Tourism-50/50 Match with State	\$57,790.93
9-19	Passport Camera & Printer Clerk/Auditor	1,036.20
10-19	Election Equipment per state bid Clerk/Auditor	77,257.00

Dispositions were presented for the following:  
1071,3hp pump, 1636, vacuum

(2)  
APPROVAL OF MINUTES OF FEBRUARY 5, 2019 COMMISSION MEETING.

(3)  
APPROVAL OF MINUTES OF FEBRUARY 4, 2019 SPECIAL COMMISSION MEETING.

(4)  
APPROVAL TO REAPPOINT KENT PETERSEN, BEVAN WILSON AND MERRILL SWASEY TO SERVE ANOTHER FOUR YEAR TERM ON THE SPECIAL SERVICE DISTRICT #1 BOARD.

2

COMMISSION MEETING MINUTES  
FEBRUARY 19, 2019

(5)

APPROVAL TO GIVE JULIE ROLLINS A 6% WAGE INCREASE BY MOVING HER FROM GRADE 7 TO GRADE 8 WITH THE INCREASED DUTIES OF JANITORIAL WORK IN THE ORANGEVILLE LIBRARY EFFECTIVE 2-25-19.

(6)

APPROVAL TO GIVE SHERRIE JENSEN A 6% WAGE INCREASE BY MOVING HER FROM GRADE 7 TO GRADE 8 WITH THE INCREASED DUTIES OF JANITORIAL WORK IN THE CASTLE DALE LIBRARY. EFFECTIVE 2-25-19.

(7)

APPROVAL TO GIVE JONATHAN SEELY A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A HEAD LIFEGUARD. EFFECTIVE 2-25-19.

(8)

APPROVAL TO GIVE DAVID LUKE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD ALONG WITH THE 3% COLA. EFFECTIVE 2-25-19.

(9)

APPROVAL OF THE UPDATED AFFIRMATIVE ACTION PLAN FOR 2019.

(10)

APPROVAL OF BUSINESS LICENSE FOR K-9 TRANSPORT.

(11)

APPROVAL OF BUSINESS LICENSE FOR POWER SOURCE SERVICES INC.

(12)

APPROVAL OF COUNTY CREDIT CARD FOR ADRIANA CHIMARAS, DIRECTOR OF TRAVEL, TOURISM AND THE MUSEUM OF THE SAN RAFAEL.

(13)

APPROVAL FOR JOY MAJORS TO BE A VOLUNTEER FOR THE EMERY COUNTY VICTIMS ADVOCATE PROGRAM.

Commissioner Gil Conover made a motion to approve the Consent Agenda with the exception of item #13. The motion was seconded by Commissioner Kent Wilson. The motion passed.

DISCUSSION AGENDA

3  
COMMISSION MEETING MINUTES  
FEBRUARY 19, 2019

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Item # 13 was pulled from the Consent Agenda.

(2)  
AWARDING OF MONTHLY SAFETY INCENTIVE VISA GIFT CARDS.

Full-time Employee- Becky Jewkes  
Part-time Employee- Sarah Jensen  
Safety Sensitive Employees- Jeffrey Weber and Egan Smith

(3)  
PRESENTATION BY CHRIS WOOD REGARDING PILT, AND PRESENTATION OF THE  
PILT CHECK FOR EMERY COUNTY.

Chris Wood, DWR, Price Field Office presented Emery County a check for \$2,610.71 for PILT payment for the 5,420 acres of land on the upper San Rafael and lower San Rafael, and Huntington Game Farm. They also manage Desert Lake. All the land is managed for wildlife. The agency is funded through license dollars. He reported that the agency is currently working on the Joe's Valley Boat Ramp/Parking Lot Expansion. They have just completed the Ferron Drainage Program. They have release 12,000 pheasants in Utah this year. Regarding the Trail Mountain Fire of 2018, they are currently working on re-seeding efforts. Regarding the fish loss in Crandall Canyon and Rilda Canyon, they will not replenish the fish until the water quality is better.

(4)  
PUBLIC COMMENT (3 MINUTE TIME LIMIT).

There were no comments

(5)  
RATIFICATION OF SUPPORT LETTER FOR CASTLE DALE CITY DISC GOLF COURSE  
GRANT.

Commissioner Kent Wilson explained that Castle Dale City is applying for a grant to build a disc golf course, that will be located at Cheddar Park. A nice course could bring in tournaments, attracting players and their spending money from across the state. Emery County Commissioners are in support of Castle Dale City applying for this recreational grant. A letter of support from the County Commissioners needed to accompany the application so it was signed earlier to meet time constraints. Commissioner Kent Wilson made a motion to ratify the signing of a letter of support for Castle Dale City in applying for a recreational grant to build a disc golf

COMMISSION MEETING MINUTES  
FEBRUARY 19, 2019

course. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/DENY UPDATING THE ELIGIBILITY FEDERAL SURPLUS  
PROPERTY PROGRAM.

The Road Department and Weed/Mosquito Department participate in this program. This program allows the Road Department to buy federal surplus equipment. It allows the Weed/Mosquito Department to use equipment and then turn it back in. Commissioner Gil Conover made a motion to approve updating the Eligibility Federal Surplus Property Program for the Road Department and Weed/Mosquito Department. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY EMERY COUNTY LEPC'S APPLICATION FOR THE UTAH  
HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) 2019 PLANNING  
GRANT.

This is an annual application. It helps fund training and meetings for Local Emergency Preparedness. Commissioner Kent Wilson made a motion to approve Emery County's LEPC application for the Utah Hazardous Materials Emergency Preparedness (HEMP) 2019 Planning Grant. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY PURCHASING NEW ELECTION EQUIPMENT.

Clerk/Auditor, Brenda Tuttle discussed purchasing new election equipment. The state has sent out a contract and has decided that the useful life of our current equipment has ended. We have to purchase new equipment at this time. The state has selected a vendor. So basically have to go with that vendor. In the last election cycle Carbon and Emery Counties were the only two counties who held traditional polling places, because we could do that with the machines that we had. With the purchase of the new equipment and the way that the entire state has gone, it essentially forces us to go 'by mail'. She indicated that she has gone to the cities and offered to run their elections 'by-mail' because with the new equipment it has to be a paper ballot. There will not be polling places in the county. The contract we have, with the State, to get the new equipment we need is for \$77,257.00, of which the State will reimburse us \$42,000.00 and the State will pay all the maintenance agreements. It is a big scanner that counts all of the ballots. We will pay programming fee for each election. Commissioner Kent Wilson made a motion to approve purchasing new election equipment. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

COMMISSION MEETING MINUTES  
FEBRUARY 19, 2019

DISCUSS/APPROVE/DENY AGREEMENT WITH ROMEO ENTERTAINMENT TO USE THEM AS A CONSULTANT TO BOOK TALENT FOR THE 2019 EMERY COUNTY FAIR AND CONCERT.

Commissioner Kent Wilson explained that every year we use Romeo Entertainment to seek out our entertainment for the Emery County Fair. They charge a 10% fee and help write up the contracts with the entertainers. Commissioner Kent Wilson made a motion to accept and approve an agreement with Romeo Entertainment as a consultant to book talent for the 2019 Emery County Fair and Concert. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY THE MATERIAL VALUE OF THE 2019 EMERY COUNTY FAIR CONCERT CONTRACT.

Commissioner Kent Wilson explained that Romeo Entertainment has found an entertainer for the Fair Concert. Last year the entertainment for the Fair Concert was about \$20,000.00. This year we have chosen a band that is \$50,000.00. After the 2018 Fair the Fair Committee used a social media survey to get a feel for how much the public would be willing to pay for a concert. They found that the average person was in favor of paying \$20.00 per ticket. Based on that the Committee looked for entertainment for around \$50,000.00. The contract prevents them from naming the entertainment until April. So all they can talk about today is dollars and make a plan for ticket prices. If the same amount of people show up to the concert this year and planning for and additional 10% to attend, they figure that they can break even. He proposed \$18.00 for adults at pre-sale, \$25.00 at the gate, \$5.00 for children. He added that Emery County has lost the Emery County Pageant, so we feel like we need a bigger production, something we might be known for. We feel like this is safe. The contract is for \$50,500.00. The additional is for tee shirts to be used for promotions. Emery Telcom has agreed to be a major sponsor. Radio stations will promote the concert. Commissioner Kent Wilson made a motion to approve the material value of the 2019 Emery County Fair Concert Contract as discussed. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY EMERY COUNTY'S INVOLVEMENT IN THE COTTAGE COMMERCIAL GRANT PROJECT.

Commissioner Kent Wilson explained that the County made application with the State of Utah for a Cottage Commercial Grant Project and that award was accepted in a previous meeting. We also subcontracted with the Emery County Business Chamber to carry out the contract. The purpose of grant will be to work with our in home business community in Emery County to see if any of them are at a point to become store front businesses. We will try to grow our economy from within. The Emery County Business Chamber has began work on this project. The amount

COMMISSION MEETING MINUTES  
FEBRUARY 19, 2019

of the grant is \$28,000.00. There is no cost to the county. Commissioner Kent Wilson made a motion to continue on this path with the Business Chamber by approving Emery County's involvement in the Cottage Commercial Grant Project. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

APPROVAL TO DELEGATE THE COMMISSIONERS VOLUNTEER AUTHORITY IN THE EVENT OF AN EMERGENCY TO THE EMERY COUNTY SHERIFF WORKING IN CONJUNCTION WITH THE PERSONNEL DIRECTOR.

Personnel Director, Mary Huntington explained that state statute requires that the county to have a volunteer policy, which we do. The volunteer fills out a form that goes to the Personnel Department and the name is added as an agenda item for Commission approval. Then the applicant participates in drug testing. There is a part of that statute that the Commissioners can delegate authority in certain situations. She requested approval to delegate authority to the Sheriff in the case of an emergency. An example would be when the Sheriff had an emergency with the avalanche. A list of those individuals who volunteered would be given to the Personnel Director to be approved by the Commissioners after the emergency to satisfy the requirement. Commissioner Gil Conover made a motion to approve delegating the Commissioners volunteer authority in the event of an emergency to the Emery County Sheriff working in conjunction with the Personnel Director. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

APPROVAL TO DELEGATE THE COMMISSIONERS VOLUNTEER AUTHORITY FOR THE EMERY COUNTY FAIR TO THE EMERY COUNTY FAIR DIRECTOR WORKING IN CONJUNCTION WITH THE PERSONNEL DIRECTOR.

Commissioner Kent Wilson made a motion to approve delegating Commissioners volunteer authority for the Emery County Fair to the Emery County Fair Director working in conjunction with the Personnel Director. The motion was seconded by Commissioner Gil Conover. The motion passed.

(14)

DISCUSS/APPROVE/DENY VICTIMS ADVOCATE COUNTY VEHICLE AGREEMENT.

Commissioner Gil Conover made a motion to table this item. The motion was seconded by Commissioner Kent Wilson. The motion passed.

COMMISSION MEETING MINUTES  
FEBRUARY 19, 2019

(15)

DISCUSS/APPROVE/DENY A RESOLUTION SUPPORTING THE PASSING OF PROTECT UTAH'S RURAL ECONOMY ACT.

Attorney Mike Olsen indicated that this came from a citizen request in a past Commission Meeting. The citizen suggested that Utah is subject to the Antiquities Act, which is where the President can sign into law, dedicating huge amounts of land to a Presidential National Monument. Wyoming and Alaska have been successful in limiting the Antiquities Act in their state. Many think that it is limited there from what is more appropriate from when the original intent when the law was created. Representative Lee and Senator Romney are running a bill that will make the same exception for Utah. A resolution has been drafted saying that the Commission in Emery County supports that. It puts Emery County on record as being in support of that action. Commissioner Gil Conover commented that as a County Commissioner he is in support of limiting the Antiquities Act. Commissioner Gil Conover made a motion to approve Resolution 2-19-19 supporting the passing of Protect Utah's Rural Economy Act. Commissioner Kent Wilson seconded the motion and commented that if this had been enacted in the last two years it would not have been necessary for us to do a lands bill of our own. Because there is no protection against future presidents and their ability to designate 2 million acre lots. The motion passed.

(16)

DISCUSS/APPROVE/DENY ECONOMIC DEVELOPMENT CONTRACT BETWEEN EMERY COUNTY AND UAC.

Commissioner Lynn Sitterud explained that Jordan Leonard took a different job last year. As a Commission they have not replaced him yet and have been doing the job themselves. The Commission took the funds that would have been used for wages and benefits and contracted with UAC to represent Emery County in trying to bring economic development into the County. They will help us find the right Economic Development Director when the time is right. For now the Commission would like to use the representative from UAC, his name is Stuart Clayson. He just left Salt Lake County as Economic Development Director. He is well connected through the state of Utah. He has been working on a solar project for Emery County for the last thirty days without a contract. There are several projects that are in the works for Emery County. The County has purchased Central Warehouse building and are seeking funding to get a business in the building. Julie Johansen asked if Emery County has opportunity zones? Commissioner Wilson indicated that he was not aware that we have any opportunity zones. The project areas we are creating in Emery County are a good tool for us to compete with other counties. Emery County is the land of opportunity. There are a lot of things we can do to help our economy. For the next year, we want to think outside the box and see what we can do. The contract is for \$60,000.00 for a year. Commissioner Kent Wilson made a motion to approve an Economic Development contract between Emery County and UAC. The motion was seconded by Commissioner Gil Conover. The motion passed.



8  
COMMISSION MEETING MINUTES  
FEBRUARY 19, 2019

(17)  
COMMISSION/ELECTED OFFICIALS REPORT.

Attorney Mike Olsen reported that Sheriff Funk is at the State Capital testifying with respect to a bill. Captain Kyle Ekker is here today representing the Sheriff's Department.

Commissioner Kent Wilson reported that the Public Lands Bill has passed the Senate 92-8 and is waiting on the House vote. Two weeks ago the Commissioners held a public meeting where 150 to 200 people attended. Very good information was presented. There has been a lot of negative press about the lands bill. Commissioner Wilson stated that from his perspective when a president designates a monument, that area's future is limited to tourism. As a county, we look at ourselves as an energy corridor first. Had we waited for a presidential designation it would have hampered our ability to produce energy. He stated he has no remorse for making the decision to move forward with the bill.

Commissioner Gil Conover echoed Commissioner Wilson's comments. He added that as a county we need more industry. We need to protect the power plants we currently have. He supports the lands bill.

(11)  
ADJOURNMENT.

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 5, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #250947 through and including #251028 was presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
11-19	(6) Pickup Trucks Road Department	\$235,441.00
12-19	GE MAC 1200 Resting EKG machine Sheriff	1,495.00

There were no dispositions.

(2)  
APPROVAL OF MINUTES OF FEBRUARY 19, 2019 MEETING

(3)  
APPROVAL TO APPOINT RANDY JENSEN TO THE MUSEUM OF THE SAN RAFAEL BOARD TO SERVE A 4 YEAR TERM.

(4)  
APPROVAL TO RE-APPOINT SHERREL DUANE WARD, CRAIG JOHANSEN AND ROGER BARTON TO THE EMERY WATER CONSERVANCY DISTRICT BOARD TO SERVE ANOTHER 4 YEAR TERM.

2

Commission Meeting Minutes  
March 5, 2019

(5)

APPROVAL TO GIVE THAD MORRIS A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION TO HIS 6 MONTH ORIENTATION PERIOD AS THE SAFETY/SIGN COORDINATOR ALONG WITH THE 3% COLA. EFFECTIVE 3-11-19.

(6)

APPROVAL TO PROMOTE KIP ALLRED TO SR. EQUIPMENT OPERATOR. MOVE FROM GRADE 17 TO GRADE 19. EFFECTIVE 3-11-19.

(7)

APPROVAL TO PROMOTE TIFFANI BAKER TO LEAD MUSEUM ASSISTANT AS A VARIABLE PART TIME EMPLOYEE WORKING 20-19 HOURS PER WEEK WITH PRORATED RETIREMENT. GRADE 12. EFFECTIVE 3-11-19.

(8)

APPROVAL OF JOY L. MAJORS AS A VOLUNTEER WITH THE VICTIMS ADVOCATE POSITION.

(9)

APPROVAL OF DANIELLE TUTTLE AND LUANN KOCH AS VOLUNTEERS FOR THE EMERY COUNTY CONCERT.

(10)

APPROVAL TO GIVE NATALIE OLSEN 3%WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE TRAVEL BUREAU ASSISTANT ALONG WITH THE 3% COLA. EFFECTIVE 3-11-19.

(11)

APPROVAL OF VANESSA JUSTESEN, VICTIM ADVOCATE, TO BE ASSIGNED A COUNTY VEHICLE WITH NO COMMUTING FEE CHARGED.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT).

MaryAnn Wright, EC Library Board member addressed concerns regarding a new Library Director for consideration. She indicated that the Library Board was concerned because they have not been included in the hiring process. Mary Ann also address her concern for the Commissioner's proposal to do away with library janitors.

Carolyn Carasco, Chairperson for Emery County Library Board expressed her frustration for the length of time it is taking to hire a new library director.

(3)

RATIFICATION OF APPLICATION FOR UTAH OUTDOOR RECREATION GRANT FOR THE BEAR CREEK RENOVATION PROJECT.

Commissioner Wilson indicated that Meagan Crosland and Jeff Guymon did all the work on this grant application. The grant is for \$25,000.00 from Utah Outdoor Recreation with a \$25,000.00 match from the county for BearCreek Campground Rehabilitation Project. A letter of support from the Emery County Commission was needed to accompany the grant application. The grant application was date specific, so it was signed on February 28, 2019. Commissioner Kent Wilson made a motion to ratify the signing of a grant application and letter of support for Utah Outdoor Recreation for the Bear Creek Renovation Project. The motion was seconded by Commissioner Gil Conover. The motion passed.

(4)

RATIFICATION OF LETTERS OF SUPPORT FOR EMERY COUNTY RECREATION DEPARTMENT AND ORANGEVILLE CITY REGARDING THE OUTDOOR RECREATION GRANT APPLICATIONS.

Orangeville City has made a grant application to Utah Outdoor Recreation for funding assistance for a walking path project. They have asked for a letter of support from the Emery County Commission to accompany their grant application. Since the application was date specific, the Commissioners signed a letter of support on February 19, 2019. Commissioner Gil Conover made a motion to ratify the signing of a letter of support for Orangeville City to accompany their grant application to Utah Outdoor Recreation for a walking path project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

RATIFICATION OF APPLICATION FOR LSTA GRANT FOR EMERY COUNTY

LIBRARIES.

Commissioner Gil Conover made a motion to ratify the signing of LSTA Grant application for Emery County Libraries in the amount of \$4,200.00. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

RATIFICATION OF THE NON FUNDED PARTICIPATION AGREEMENT BETWEEN EMERY COUNTY AND THE USDA, FOREST SERVICE MANTI-LASAL NATIONAL FOREST.

Captain Kyle Ekker explained that the Non-funded Participation Agreement between Emery County and the USDA, Forest Service Manti-LaSal National Forest is for work that will be done mostly on the forest to mitigate the damage from the Trail Mountain Fire. This agreement will allow the USDA to use funds from the NRCS grant the county received. The agreement was date specific so it was signed on February 25, 2019. Commissioner Gil Conover made a motion to ratify the signing of the Non Funded Participation Agreement between Emery County and the USDA, Manti- LaSal National Forest. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE (5) YEARS PAST DUE ON PARCEL #1-241A-13 FOR SETH MANNING.

The Emery County Treasurer's office requested approval for Deferral Agreement for the payment of Real Property Taxes that are five (5) years past due on Parcel #1-241A-13 for Seth Manning. Commissioner Gil Conover made a motion to approve a Deferral Agreement for Seth Manning. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE (5) YEARS PAST DUE ON PARCEL #1-208-1 FOR JAMIE LEE.

The Emery County Treasurer's office requested a Deferral Agreement for the payment of Real Property Taxes that are five (5) years past due on Parcel #1-208-1 for Jamie Lee. Commissioner Kent Wilson made a motion to honor a Deferral Agreement for Jamie Lee. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY WILDLAND FIRE PAYMENT MONEY ALLOCATIONS.

5

Commission Meeting Minutes  
March 5, 2019

Commissioner Gil Conover made a motion to table this item. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

COMMISSION/ELECTED OFFICIALS REPORT.

Attorney Mike Olsen reported that Sheriff Funk is absent from the meeting today while he attends the Western Sheriff's Conference in Reno, NV. Captain Kyle Ekker is here representing the Emery County Sheriff's Department.

Commissioner Wilson reported that he understands the Library Board's frustration with the Commissioners in taking so long to fill the Library Director position. He explained that this is an important decision that will affect the Library System for years to come. They take the time to analyze things and then make the tough decisions. He expressed his thoughts on the passing of the Emery County Lands Bill. He added is refreshing to be able to talk about what may come in the future.

Commissioner Conover reported on the Emery County Lands Bill Celebration on March 20, 2019 from 2 until 3 at the Emery High School. Congressman Curtis, Lt. Governor Cox and other dignitaries will be attending.

(11)

ADJOURN

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 19, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 251033 through and including # 251138 was presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
13-19	(3) Ergonomic, Work Chairs Sheriff	\$2,201.43

There were no dispositions.

(2)  
APPROVAL OF MINUTES OF MARCH 05, 2019 COMMISSION MEETING

(3)  
RATIFICATION OF APPROVAL OF OUT OF STATE TRAVEL FOR ADRIANA CHIMARAS TO ATTEND TOURISM CONFERENCE IN BOISE, IDAHO.

(4)  
APPROVAL TO APPOINT BILL DELLOS AS A MEMBER OF THE EMERY COUNTY LIBRARIES BOARD.

(5)  
APPROVAL TO GIVE SHON ROPER A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A DETECTIVE I. EFFECTIVE 3-15-19.

2

COMMISSION MEETING MINUTES  
MARCH 19, 2019

(6)

APPROVAL TO GIVE VANESSA JUSTESEN A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE VICTIM ADVOCATE. EFFECTIVE 3-25-19.

(7)

APPROVAL OF GLENYS SITTERUD AS A VOLUNTEER SEWING INSTRUCTOR AT THE EMERY LIBRARY.

(8)

APPROVAL TO PROMOTE CLIF MCELPRANG TO LEAD CRUSHER OPERATOR. MOVE TO GRADE 19. EFFECTIVE 3-25-19

(9)

APPROVAL TO HIRE CLARENCE SMITH AS A FULL-TIME PATROL DEPUTY II IN GREEN RIVER. GRADE 17. EFFECTIVE 3-25-19.

(10)

NOTIFICATION SELECTED TAYLOR DURRANT, BRENNAN DURRANT, ASHER BEAGLEY, RAQUELLE SIMMONS, AND HALEY GUYMON AS PART-TIME LIFEGUARDS. WAGE GRADE 3.

(11)

NOTIFICATION SELECTED SETH BAANTJER AS A PART TIME WEED & MOSQUITO TECHNICIAN. WAGE GRADE 14.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

## **DISCUSSION AGENDA**

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

AWARDING OF MONTHLY SAFETY VISA GIFT CARDS.

Full-time Employee: Jeff Guymon

Part-time Employee: Ariauna Downard

Safety Sensitive: McKlayne Allred, Kurt Price



COMMISSION MEETING MINUTES  
MARCH 19, 2019

(3)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

Commissioner Gil Conover made a motion to leave the regular Commission Meeting schedule and enter into a Public Hearing and upon completion of a Public hearing to return to the regular meeting schedule. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(4)

**PUBLIC HEARING:** A PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO THE ISSUANCE OF CASTLE VALLEY SPECIAL SERVICE DISTRICT GENERAL OBLIGATIONS BONDS, SERIES 2019, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$848,000 IMPROVING, THROUGH PURCHASE OF CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND TREATMENT OF SEWAGE; FACILITIES USED IN CONNECTION WITH THE ACQUISITION, TREATMENT, STORAGE, TRANSPORTATION, AND SUPPLY OF WATER FOR DOMESTIC, INDUSTRIAL, SECONDARY AND OTHER PURPOSES; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LAND, RIGHT-OF-WAY, EQUIPMENT AND FURNISHINGS THEREFOR, AND INCLUDING SUCH LEGAL ENGINEERING, AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTION WITH THE ACQUISITION OF SUCH FACILITIES IN AND FOR THE DISTRICT; AND RELATED MATTERS.

Castle Valley Special Service District Manager, Jacob Sharp and Alex Buxton, Zions Bank Public Finance explained that the Public hearing is the process necessary to issue municipal bonds. Alex, explained that CVSSD makes application to CIB and is able to double their money. The CIB receives funds from the federal government from mineral lease revenue. Emery County is fortunate to received some of this funding, whether it is a grant or low interest bond. The interest rate is 2.5% which is significantly lower than what they would receive from a bank. The bond will be used for projects and is the last of the 2009, voter approved \$12,500,000.00. CVSSD has been able to do \$21,000,000 in projects by leveraging through CIB. Jacob explained that this is the end of the ten year voter approved funding. CV will be looking at going to the voters again this year for another voter approved bond to do projects for another ten years. The board is assessing facility needs and identifying the funds that they will need to do the projects.

Brenda Tuttle reminded Jacob of the new election process. In 2019 elections will be by mail as mandated by the state. This is not a county election or Presidential election year. It is a municipal election year. The cities have contracted with the county to run their elections. The cost to run an election is significantly more than what we have done in the past. Jacob indicated that he will get with Brenda to gather more information to determine the cost.

4

COMMISSION MEETING MINUTES  
MARCH 19, 2019

Commissioner Sitterud asked for any comments or questions.

(5)

APPROVAL OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH (THE ISSUER) AUTHORIZE THE ISSUER'S \$848,000 GENERAL OBLIGATION BONDS, SERIES 2019 (THE "SERIES 2019 BONDS") IMPROVING, THROUGH PURCHASE OR CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND TREATMENT OF SEWAGE FACILITIES USED IN CONNECTION WITH THE ACQUISITION, TREATMENT, STORAGE, TRANSPORTATION, AND SUPPLY OF WATER FOR DOMESTIC, INDUSTRIAL, SECONDARY AND OTHER PURPOSES; DRAINAGE AND STORM SEWER FACILITIES, INCLUDING CURBS AND GUTTERS; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LAND, RIGHT-OF-WAY, EQUIPMENT AND FURNISHINGS THEREFOR, AND INCLUDING SUCH LEGAL, ENGINEERING, AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTION WITH THE ACQUISITION OF SUCH FACILITIES IN AND FOR THE DISTRICT; AND RELATED MATTERS.

Upon returning to the regular meeting schedule, Commissioner Kent Wilson made a motion to approve Resolution 3-19-19 authorizing the issuance \$848,000.00 General obligation Bonds, series 2019 (The "Series 2019 Bonds") as set in the Resolution documents. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

PRESENTATION BY ROSEANNE FILLMORE WITH THE FOREST SERVICE REGARDING RAC BOARD NOMINATIONS.

Roseanne Fillmore came before the Board of Commissioners with a request for names to submit to the Secretary of Agriculture for appointment to the Resource Advisory Council (RAC). They need thirteen members. The members need to come from Emery, Sanpete, and San Juan Counties. They would like people from Public Lands Council, Wildlife Conservation, Energy/Mining industry, grazing, and local groups. She asked for two names from each group. RAC hold meetings two times a year. RAC was organized in 2010 to manage Secure Rural School Funds. These funds are distributed to Emery, Sanpete, and San Juan Counties. She requested that names be submitted by April 15, 2019.

(7)

COMMISSION MEETING MINUTES  
MARCH 19, 2019

DISCUSS/APPROVE/DENY FAIR DIRECTOR AGREEMENT BETWEEN EMERY COUNTY AND SANDRA HUNTINGTON FOR THE 2019 EMERY COUNTY FAIR.

Commissioner Kent Wilson indicated that last year the contract to direct the Emery County Fair was \$3,500.00. Sandra Huntington was the director and she did an excellent job. However, she has indicated that there is no way she would do it this year for the same amount. Commissioner Wilson explained that he was able to get her to do it another year but for \$7,000.00 and Mary Huntington's help with the contracts for vendors. He explained that last year the county was able to secure advertising at around \$12,000.00 and he is hoping that this year will be the same. This would help so the added expense for a director would not be a burden on the taxpayer. Commissioner Kent Wilson made a motion to approve an agreement with Sandra Huntington for \$7,000.00 as Emery County Fair Director, to continue annually with an option of a 2% increase that will be based on performance. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY GRANT APPLICATION TO DIGITIZE THE EMERY COUNTY PROGRESS.

Suzanne Anderson and Scottie Draper came before the Board of Commissioners to request approval for a grant application to continue digitizing the Emery County Progress. The grant amount is \$6,906.70. Scottie Draper, ETV News informed the Commissioners that EmeryTelCom has pledged to match the grant to get his work done. She added that it is important to preserve history. The progress received 57,000 page views in the last four months with a wide range of requests. Suzanne explained that with the state grant, the match from Emery TelCom and Emery County Historical Society has pledged \$959.00 and with her hours as match they can get this done. If approved Mountain West Digital Library will take until January 2020 to finish. Commissioner Gil Conover made a motion to approve a grant application to digitize the Emery County Progress. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY VOCA GRANT APPLICATION FOR 2019-2020 AND 2020-2021 FOR THE VICTIMS OF CRIME ASSISTANCE PROGRAM.

Attorney Mike Olsen explained that Vanessa was here to discuss this but was called out on an emergency. He added that this is the same amount as last year but is for two years rather than one year. He expressed his approval for the program and indicated that Vanessa is the right person for the job. Law enforcement and the community is grateful for what she does to help the victims of crime. It gives the victim the assistance that they need to focus on the important things with regard to the situation with which they are dealing with. It is making a positive impact on our communities. The money is the same as last year. Commissioner Kent Wilson

6

COMMISSION MEETING MINUTES  
MARCH 19, 2019

made a motion to approve VOCA Grant Application for 2019-2020 and 2020-2021 for the Victims of Crime Assistance Program. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY ANNUAL AGREEMENT BETWEEN BLM AND EMERY COUNTY REGARDING NOXIOUS WEED MANAGEMENT.

Commissioner Kent Wilson made a motion to approve the annual Agreement between BLM and Emery County regarding Noxious Weed Management. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Wilson reported on the Economic Development growth in Emery County. Emery County has experience a 7.5% growth rate. Our economy is starting to rebound.

Commissioner Conover reported on the progress of hiring a Library Director. He reported that they are probably about two weeks out to get a director in place. Historic Preservation is working on getting the Castle Dale Bridge listed on the State Historic Bridge list. Ed Geary informed the Commissioners that the State History Division has offered to do the application. You would typically have to pay someone to do that. Emery County is the owner of the bridge.

Commissioner Sitterud reported that Emery County has acquired the Coal Haul facility and with the help of Senator Hinkins and the Seven County Infrastructure Coalition has been seeking funding through the legislature to prepare the facility for a Molten Salt Research Facility to be housed in Emery County. The research will be to find a viable source for things such as medical isotopes for cancer treatments.

Congressman Curtis and members of his staff will be here on Wednesday from 2:00pm until 3:00pm at Emery High School for an assembly.

(12)

ADJOURN

7

COMMISSION MEETING MINUTES  
MARCH 19, 2019

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 2, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 251154 through and including # 251242 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
15-19	(40) Chairs and (28)Chaise Aquatic Center	\$2,573.04
16-19	(12) Tactical Headsets for SERT Team (12) Tactical Helmets for SERT Team (2) Dual Comms for SERT Team Leaders Sheriff's Emergency Response Team	\$23,390.30
17-19	(3) 2019 Dodge Durango Pursuit Vehicles Sheriff	\$97,728.69

There was one disposition for #1888 carpet cleaner

(2)  
APPROVAL OF MINUTES OF MARCH 19, 2019 COMMISSION MEETING.

(3)  
APPROVAL TO HIRE DYLAN KEELE AS A FULL TIME PATROL DEPUTY I IN GREEN RIVER, WAGE GRADE 16.

2

COMMISSION MEETING MINUTES  
APRIL 2, 2019

(4)

APPROVAL TO HIRE ZACHARY WEST AS A FULL TIME CORRECTION OFFICE I. WAGE GRADE 15.

(5)

APPROVAL TO HIRE SAMANTHA JOHNSON AS THE FULL TIME LEGAL SECRETARY WITH FULL BENEFITS, WAGE GRADE 13.

(6)

APPROVAL TO GIVE DALLON COLOGIE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A CORRECTION OFFICES I. EFFECTIVE 04-08-2019.

(7)

APPROVAL TO GIVE MITCHELL HORTON A 3% WAGE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A EQUIPMENT OPERATOR I. EFFECTIVE 04-08-2019

(8)

APPROVAL TO INCREASE JULIE STEUER FROM GRADE 7 TO GRADE 8 WITH INCREASED RESPONSIBILITIES IN PERFORMING JANITORIAL DUTIES FOR THE GREEN RIVER LIBRARY. EFFECTIVE 04-08-2019.

Motion to approve the CONSENT AGENDA was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

(3)

FORMAL ACKNOWLEDGEMENT OF RECEIPT FOR QUALIFICATIONS (RFQ) PACKETS ON THE COTTONWOOD CREEK (JOE'S VALLEY) PL566 WATERSHED PROJECT.

Commissioner Lynn Sitterud acknowledged the receipt of two qualifying packets 1) Jones and

3

COMMISSION MEETING MINUTES  
APRIL 2, 2019

DeMille Engineering and 2) Johansen and Tuttle Engineering, on the Cottonwood Creek (Joe's Valley) PL566 Watershed Project.

(4)

PRESENTATION BY ROXANNE JENSEN REGARDING THE PROJECTS PLANNED BY THE EMERY COUNTY LIBRARIES FOR THE LSTA GRANT.

Librarians Roxanne Jensen, Camille Thomas and presented planned projects they will be using with the LSTA funds. Many things have been planned to coordinate with National Library Week, April 7<sup>th</sup> through the 13<sup>th</sup>.

(5)

DISCUSS/APPROVE/DENY CONTRACT WITH GOLD CROSS.

Commissioner Wilson explained that the Commissioners have looked into the possibility of separating the ambulance service from Emery County. This process was started with Keith Brady who as Commissioner began the process through the creation of a Board of Directors to administer the ambulance service. Commissioner Sitterud met with a representative from Gold Cross and discussed the possibility. The Emery County Commissioners would like to see if having a private company administer the ambulance service is something we would like to do. Gold Cross has asked for a Mutual Non Disclosure and Confidentiality Agreement with the County to gather information to analyze the system that we have. Mike Olsen asked if there are other companies in Utah that provide the same service? Commissioner Wilson indicated that he did not have an answer for that question at this time. Commissioner Kent Wilson made a motion to approve a Mutual Non Disclosure and Confidentiality Agreement with Gold Cross. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/DENY LETTER OF SUPPORT OF BRAD RICHMAN'S NOMINATION TO THE WILD HORSE AND BURRO ADVISORY BOARD.

Commissioner Wilson explained that there is a national committee that has input on taking care of Wildhorse and Burro issues in the state. Brad Richman is local and is seeking nomination to this board. He has received support and endorsement from other agencies. Commissioner Gil Conover made a motion to approve signing a letter of support of Brad Richman's nomination to the Wildhorse and Burro Advisory Board. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)



4

COMMISSION MEETING MINUTES  
APRIL 2, 2019

DISCUSS/APPROVE/DENY REQUEST FOR MONETARY DONATION OF ANY AMOUNT FROM ETV 10 NEWS FOR THE NO GRAVE GOES UNADORNED PROJECT FOR 2019.

Commissioner Kent Wilson made a motion to donate \$250.00 for the No Grave Goes Unadorned Project for 2019. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY MARKET MATCH FUNDING REQUEST FOR MILLSITE LADIES GOLF ASSOCIATION, GET IN THE WILD ADVENTURES, GREEN RIVER ROCK AND MINERAL FESTIVAL, TAMARISK RESTAURANT AND MECCA BIKE CLUB.

Adriana Chimaras, Emery County Travel Bureau requested Market Match Funding for Millsite Ladies Golf Association. They requested \$1,000.00, which they will match, to promote their golf association and the golf course. Get Into The Wild Adventures, a guide service, requested \$3,500.00 which they will match for advertising. Green River Rock and Mineral Festival requested \$3,500.00 which they will match, for promotion of the festival. Tamarisk Restaurant requested \$3,500.00 which they will match, for promotion to tour groups. MECCA Bike Club requested \$3,500.00 which they will match, for promoting their Spring Festival that will be held in Green River this year. The funds will come from TRT funds. Commissioner Kent Wilson made a motion to approve Market Match Funds for Millsite Ladies Golf Association, Get Into the Wild Adventures, Green River Rock and Mineral Festival, Tamarisk Restaurant, and MECCA Bike Club. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY THE PROJECT SITE FOR DES BEE DOVE TRIPTIK KIOSK.

Ed Geary, Historic Preservation Commission displayed and discussed a proposed kiosk for Des Bee Dove and other mine sites in Emery County. He explained that physical evidence of the 89 coal mine sites in Emery County. The Historic Preservation Commission is trying to mitigate this loss. The kiosk consists of three panels with information regarding mining in Emery County and the site for the Des Bee Dove Mine. He requested permission to place the kiosk at or near the Justice Court parking lot where there is already a pull off area for parking. He indicated that the understood that the Sheriff had a desire to place a monument or plaque for fallen deputies in that location. The Commissioners suggested he meet with Sheriff Funk to determine an appropriate location for the kiosk. Commissioner Gil Conover made a motion to accept the proposal for the project site for Des Bee Dove Triptik Kiosk pending a location for the kiosk is worked out with Sheriff Funk. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

COMMISSION MEETING MINUTES  
APRIL 2, 2019

DISCUSS/APPROVE/DENY THE USU JR. MASTER GARDENERS UTILIZING A PORTION OF THE FLOWER BEDS SURROUNDING THE COUNTY BUILDING.

Rowe Zwahlen, USU Extension Agent requested permission to use a portion of the flower beds surrounding the county building. He specifically asked to use the south west side of the building's flower bed area. They plan to use this as an area to introduce the Jr. Master Gardeners program. They will plant flowers and vegetables. Any vegetables that they produce will be donated to the Emery County Food Bank. Commissioner Gil Conover made a motion to accept the program and allow the USU Jr. Master Gardeners to use the bedding areas surrounding the County building. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY AGREEMENT WITH SMITHTIX TO BE OUR ONLINE TICKET SALES VENDOR FOR THE SWELL COUNTRY FEST.

Commissioner Wilson explained that last year the online sales for concert tickets included the fee to the online service provider. With SmithTix they will pay that fee to them. Commissioner Kent Wilson made a motion to approve and agreement with SmithTix to be our online ticket sales vendor for the Swell Country Fest. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk reported that the upcoming spring runoff will be especially high this year. His department is stressing safety to parents and children to use caution when near streams, creeks, rivers, and any area where there is a potential for water runoff and water will be swift moving. He expressed concern for potential rescue situations, especially near water. The cost of rescue, especially on the desert, is very high. He indicated that he may have to discuss ways to recoup the cost of search and rescue especially for people from other areas (states) that come here for adventures and then go into places that are potentially dangerous.

Attorney Mike Olsen announced that Samantha Johnson has been hired as a secretary in his office and will begin work next week.

Commissioner Wilson expressed his hope that people take seriously the Sheriff's plea for safety this season as the weather warms and people are out enjoying the area. He thanked first responders for all that they do to keep Emery County safe.

Commissioner Conover expressed that good things are going on in the County. He thanked the Historic Preservation Commission for their work on the kiosk.

6  
COMMISSION MEETING MINUTES  
APRIL 2, 2019

(13)  
ADJOURN

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

1  
COMMISSION MEETING MINUTES  
APRIL 16, 2019

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

APRIL 16, 2019

Present at the meeting was Commissioner Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 251278 through and including #251408 was presented for approval.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
18-19	(3) Patrol Vehicle Set-Up Sheriff	\$25,384.74
21-19	4RE Standard DVR Camera System for Patrol Vehicles-Sheriff	\$ 4,950.00

Dispositions were presented for the following:

9046, copier, 8146, copier, 8396, copier, 7289, typewriter, 7894, shredder, 9259, printer, 9258, printer, 9123, printer, 9122, printer, 9257, printer, 9723, radio, 6432, cabinet, 1445, television

(2)  
APPROVAL OF MINUTES OF APRIL 02, 2019 COMMISSION MEETING.

(3)  
NOTIFICATION SELECTION OF EARL NELSON AS A PART TIME EQUIPMENT OPERATOR I WORKING 19 3/4 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS, WAGE GRADE 16. EFFECTIVE 4-1-19.

2

COMMISSION MEETING MINUTES  
APRIL 16, 2019

(4)

NOTIFICATION SELECTION OF LAURA PEACOCK AS A PART TIME MUSEUM SPECIALIST WORKING 19 3/4 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 6. EFFECTIVE 4-5-19.

(5)

APPROVAL OF GARRETT CONOVER AS A PART TIME RESERVE PATROL DEPUTY. NOT ELIGIBLE FOR BENEFITS. WAGE \$14.00 PH.

(6)

APPROVAL OF ADDISON WEIHING AS A VOLUNTEER FOR THE GREEN RIVER LIBRARY.

(7)

APPROVAL OF GAGE JENSEN TO HIRED AS A SEASONAL LIFEGUARD WORKING 29 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 3.

(8)

APPROVAL OF JORGEN ALLRED TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A CORRECTION OFFICER AND A 3% COLA. EFFECTIVE 4-22-19

(9)

APPROVAL OF CORY CLOWARD TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MOTH ORIENTATION PERIOD AS AN EQUIPMENT OPERATOR II AND 3% COLA. EFFECTIVE 4-22-19.

(10)

APPROVAL OF CODY MORRIS TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS AN EQUIPMENT OPERATOR I AND 3% COLA. EFFECTIVE 4-22-19.

Motion to approve the consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)  
PUBLIC COMMENT (3 MINUTE TIME LIMIT).

(3)  
AWARDING OF MONTHLY SAFETY VISA GIFT CARDS.

Estelle Guymon- Part-Time Employee  
Brenda Lemon- Full-Time Employee  
Robert Riley and Kevin Wall- Safety Sensitive Employees

(4)  
PRESENTATION OF THE SWELL COUNTRY FEST ARTIST FOR 2019.

Shannon Hiatt announced that The Swell Country Fest entertainment is Granger Smith and Earl Dibbles, Jr. A flash ticket sales will begin Wednesday morning. Purchase tickets at the Aquatic Center or SmithTix. After May 10<sup>th</sup> the ticket price will go up. The first radio commercial will air at 10:00 A.M. Wednesday, April 17<sup>th</sup> on Z104 with Dave & Deb. Shannon explained that the gates will open at 5:00 P.M., with a \$500.00 cash give-away by a concert sponsor. At 6:00 P.M. there will be a huge water balloon fight. They have invited 5 out of town food vendors as well as local vendors to be on site. Shannon expressed gratitude to Emery TelCom as the major sponsor/supporter for the concert and for providing support and access to their advertising department. This will grant us a broad market for advertising. EC Sheriff and Search and Rescue has volunteered to help with parking and crowd control.

(5)  
DISCUSS/APPROVE/DENY CONTRACT WITH DYER HIGHWAY/MILL STREET ENTERTAINMENT CONTRACT

Shannon Hiatt announced that Dyer Highway/Mill Street Entertainment will be the opening act for the Swell Country Fest. Dyer Highway is four siblings who are an amazing band. A contract with Dyer Street in the amount of \$2,500.00 was presented for approval. Commissioner Kent Wilson made a motion to approve a contract with Dyer Highway/Mill Street Entertainment for The Swell Country Fest. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)  
RATIFICATION OF RESPONSE LETTER REGARDING U.S. EPA AND U.S. ARMY CORPS OF ENGINEERS REVISED DEFINITION OF "WATERS OF THE UNITED

COMMISSION MEETING MINUTES  
APRIL 16, 2019

STATES”.

Ray Petersen explained that the National Association of Counties requested that counties submit letters in support of a rule change by the U.S. EPA and U.S. Army Corps of Engineers definition of “Waters of the United States”. In 2015, the former administration made this rule, “WOTUS” that has been problematic for a lot of entities. The current administration is trying to , with this proposed rule, eliminate some the problems. The letter has specific recommendations being, differentiate between tributary, streams and ditches. We have a lot of ditches that the County currently maintains. The current rule brings these into the jurisdiction of the EPA and ACE. Also we asked that they clarify the term ‘intermittent’. We asked them to develop a national map that has all the streams that comes under their jurisdiction under that rule. Commissioner Sitterud indicated that the letter needed to be sent before today. He requested ratification of the signing of the letter. Commissioner Kent Wilson made a motion to ratify the signing of a letter regarding U.S. EPA and U.S. Army Corps of Engineers definition of “Waters of the United States”. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY AMENDMENT OF THE BLM/EMERY COUNTY SHERIFF’S OFFICE LAW ENFORCEMENT SERVICES AGREEMENT.

Sheriff Funk explained that they currently have an agreement with the BLM for law enforcement on the desert. They have been operating on the \$15,000.00 to \$20,000 per year that the BLM reimburses the county. The contract that they wanted to put in place was for \$45,000 to cover a drowning or anything severe on the river that requires a lot of manpower and could be a strain on the county financially. The BLM originally agreed to that amount, however their accountants are having issues tracking the leftover money. Sheriff Funk met with BLM, they assured him that if the county does end up going over the \$15,000 they will open their budget to reimburse the County at that point. Patrolling the desert will remain the same. He indicated that the SO call volume has picked up over the last few weeks. Mike Olsen has looked over the contract and has no problems with the document. Commissioner Gil Conover made a motion to approve an Amendment of the BLM/Emery County Sheriff’s Office Law Enforcement Services Agreement. The motion was passed by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND PAUL DRAPER FOR THE 2019 EMERY COUNTY FAIR.

COMMISSION MEETING MINUTES  
APRIL 16, 2019

Commissioner Kent Wilson indicated that Paul Draper is a Mentalist. He will have one show on Saturday of the Emery County Fair 2019. The contract amount is \$1,500.00. Attorney Mike Olsen expressed a desire to strike the clause regarding 'protection on stage' Commissioner Kent Wilson made a motion to approve the contract with Paul Draper provided the clause regarding protection on stage be struck from the contract. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND JOHN MOYER FOR THE 2019 EMERY COUNTY FAIR.

Commissioner Kent Wilson explained that Johns Moyer is a Hypnotist. He will have one show on Friday of the Emery County Fair 2019. The contract amount is \$1,750.00. Attorney Mike Olsen had the same concerns regarding protection. The wording needs to be clear as to what we are protecting them from. He asked that the liability clause be struck from the contract. Commissioner Kent Wilson made a motion to approve the contract with John Moyer provided the clause regarding protection on stage be struck from the contract. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND DAN PAULUS FOR THE 2019 EMERY COUNTY FAIR.

Commissioner Kent Wilson explained that Dan Paulus is a Magician. He will have one show on Friday of the Emery County Fair 2019. The contract amount is \$ . Attorney Mike Olsen had the same concern with the language of the contract regarding protection on stage. He asked that the clause be struck from the contract. Commissioner Kent Wilson made a motion to approve a contract with Dan Paulus for the Emery County Fair 2019 provided the clause regarding protection on stage be struck from the contract. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY USE AGREEMENT FROM BOUNCIN' BIN RENTALS FOR LASER TAG AT THE 2019 EMERY COUNTY FAIR.

Commissioner Kent Wilson explained that this agreement is for rental of the laser equipment and an attendant to run the game. The laser tag will be on Friday of the Emery County Fair 2019 from Noon until 6:00 P.M. The contract amount is \$1,066.85. Attorney Mike Olsen reviewed the document and found it acceptable. Commissioner Gil Conover made a motion to approve a Use Agreement from Bouncin' Bin Rentals for laser tag at the 2019 Emery County Fair. The motion was seconded by Commissioner Kent Wilson. The motion passed.



6

COMMISSION MEETING MINUTES  
APRIL 16, 2019

(12)

DISCUSS/APPROVE/DENY RENTAL AGREEMENT BETWEEN EMERY COUNTY AND ULTIMATE INFLATABLES FOR THE 2019 EMERY COUNTY FAIR.

Commissioner Kent Wilson explained that the rental agreement with Ultimate Inflatables is for inflatable games and slides for the kids. The agreement amount is \$2,600.00 The inflatables will be available for 6 hours. Commissioner Kent Wilson made a motion to approve a rental agreement with Ultimate Inflatables for the 2019 Emery County Fair. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

DISCUSS/APPROVE/DENY 2019 PROPERTY TAX EXEMPTION LIST FOR CHARITABLE, RELIGIOUS AND NON-PROFIT.

The 2019 Property Tax Exemption List for charitable, religious and non-profit was presented for approval. Commissioner Kent Wilson made a motion to approve the 2019 Property Tax Exemption List. The motion was seconded by Commissioner Gil Conover. The motion passed. A copy of the list is included on page 8 of these minutes.

(14)

DISCUSS/APPROVE/DENY TRANSFER OF MONEY INTO THE SPECIAL DEPARTMENT SUPPLIES FUND.

Sheriff Funk explained that in his eight years as sheriff the department has not changed the color of their uniforms. They have a variety of uniforms and different colors. He wants to go the traditional tan sheriff color and have everyone with the same color. He indicated he would like to utilize funding to purchase shirts, pants, boots, badges and etc for all the deputies. He indicated that if his department goes over budget this year, then he proposed opening the budget and utilize some of the funds that Captain Ekker brought into the county through the NRCS/Millsite Project, approximately \$50,000. The current uniforms have black pants or shirts, which the deputies that patrol at night, especially on I-70, complain about. Sheriff Funk proposed moving money from another line item in his budget into the Special Department Supplies Fund to make the uniform purchase. Commissioner Sitterud indicated that he is not sure about using the money from NRCS, but he is not opposed to purchasing the uniforms now and opening the budget later in the year if we need to. Commissioner Gil Conover made a motion to approve transfer of money into the Special Department Supplies Fund. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

COMMISSION/ELECTED OFFICIALS REPORT

Sheriff Funk expressed his concern that people drive and play safely on the desert this Easter

7

COMMISSION MEETING MINUTES  
APRIL 16, 2019

Weekend. He estimates that there may be up to 30,000 people on the desert. This weekend will be a big impact on the San Rafael Area. He stressed water safety around rivers and streams with the water running swift and high this spring. Deputies will be out in various areas on the desert. He reported that this is one of the occasions where we get reimbursed from the BLM for law enforcement on the desert.

Commissioner Wilson asked other elected officials for feedback regarding any beneficial information they received from attending recent UAC meetings.

(16)

ADJOURN

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

2019 PROPERTY TAX EXEMPTION

American Legion  
Post 42  
#1-130-18

Castle Dale  
Independent  
Baptist Church  
#01-002C-0013

Daughters of Utah  
Pioneers-Hunt  
#1-196-22

Daughters of Utah  
Pioneers-Orange  
#1-253-18

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Daughters of Utah Pioneers-Elmo #1-72-16	Orangeville City/ Housekeepers #1-239-52	River-PACT #1-162-7
Daughters of Utah Pioneers-CD #1-15-20	Rural Utah Child Development #1-180-20	Epicenter #1-154A-22
Alpine Community Church #01-179-1	Roman Catholic Church #3-50-16 #1-151H-25	
Ferron Cattleman's Association #5-87-27	Stuart B. Wilson Orient Lodge #1-151G-54	
	Rocky Mountain West Baptist Mission #5-94-6 #5-93-7 #5-94-3 #5-94-5	
First Baptist Church of Emery County #1-126-45		
Four Corners Mental Health #1-13-46	United Mine Workers Of America #4-16-14	
Green River Bible Church #1-151G-36 #1-151F-18&19	Utah Museum of Natural History/ University Of Utah	
LDS Church various #'s	#5-56-2 #3-130-3 #3-130-1	
Sovereign Grace Fellowship #1-177A-20	#3-127-1	
	Friends of Green	

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

MAY 21, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 251587 through and including # 251689 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
24-19	(5) WESTERN Star 4900 SF Trucks Road Department	\$617,740.00
26-19	(2) 3525i Copiers IT/Commission/Assessor	5,824.00

Dispositions were presented for the following: 2669, space heater, 9484 file cabinet.

(2)  
APPROVAL OF MINUTES OF MAY 07, 2019 COMMISSION MEETING.

(3)  
APPROVAL TO REHIRE ERIK NIELSEN AS A PART TIME SEASONAL WEED & MOSQUITO TECHNICIAN WORKING 29 HOURS PER WEEK. WAGE \$13.50 PER HOUR. EFFECTIVE 5-28-19.

(4)  
APPROVAL OF DEREK BEAGLEY AS A VOLUNTEER FOR THE WEED & MOSQUITO DEPARTMENT

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(5)

APPROVAL TO PROMOTE DALLAN COLOGIE TO PATROL DEPUTY I. MOVE FROM GRADE 15 TO GRADE 16. EFFECTIVE 6-3-19.

(6)

APPROVAL TO HIRE KAEJHA JOHNSON AS A SEASONAL LIFEGUARD WORKING UP TO 29 HOURS PER WEEK. WAGE \$7.91 PER HOUR.

(7)

APPROVAL TO PAY DANIELLE TUTTLE MILEAGE REIMBURSEMENT AND HOTEL ROOM EXPENSES BASED ON THE GSA RATE DURING THE MISS UTAH PAGEANT JUNE 12-15, 2019.

(8)

APPROVAL OF COUNTY BUSINESS LICENSE FOR IRENE ALLRED, TRUNK TREASURES.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT (3 MINUTE LIMIT)

(3)

SAFETY MINUTE PRESENTATION BY MARY HUNTINGTON

Mary Huntington presented a short video on safety in the workplace. Mary explained that is a part of a new safety program the county has initiated. The second Commission Meeting each month different department's will present a brief safety message.

(4)

AWARDING OF SAFETY INCENTIVE VISA CARDS

Safety incentive VISA cards awarded to:

Full-time: Dennis Fuller

Part-time: Dinah Hayward

Safety Sensitive: 1) Seth Baantjer, 2) Thomas Behling

Commissioner Gil Conover made a motion to leave the regular meeting and enter into a Public Hearing to receive public comment on submitting an emergency request to the CIB and at the conclusion of the Public Hearing to return to the regular meeting schedule. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

PUBLIC HEARING: A PUBLIC HEARING TO TAKE PUBLIC COMMENT ON SUBMITTING AN EMERGENCY REQUEST TO THE COMMUNITY IMPACT BOARD (CIB) FOR FUNDING TO UPGRADE THE UP&L CENTRAL WAREHOUSE BUILDING, WHICH THE COUNTY PURCHASED IN 2019, TO CONDITIONS THAT WILL ALLOW A NEW BUSINESS TO BE ESTABLISHED.

Commissioner Sitterud explained that the emergency request is for funding to upgrade the UP&L Central Warehouse Building. The county recently purchased this building and want to upgrade the electrical to allow for large machines and also add natural gas to the building's infrastructure. Upgrading these things will improve the building to allow the research facility to begin operations and improve conditions that will allow other new businesses to be established. Julie Johansen asked what makes this an emergency request? Commissioner Sitterud explained that the normal application process would take until next year for the funds to be available. If we mak an emergency request application we could have the funds in 2 to 3 months. Two members of the CIB board have visited the building and the projected project. So this application will not be a surprise, they are waiting for our application. Commissioner Wilson explained that the original cost projection was 1.5 to 2 million dollars. However, the amount is higher than first projected. Early discussions with CIB have been favorable. We prefer to get a 100% grant. He expressed a desire to allow Commissioner Sitterud to go before the CIB board and negotiate the best funding deal possible. He added that there has been a lot of interest in the facility. They hope to get enough power and gas in the facility to handle multiple opportunities.

The Public Hearing was closed and the Commissioners returned to the regular meeting schedule.

(6)

DISCUSS/APPROVE/DENY PERMANENT COMMUNITY IMPACT FUND BOARD APPLICATION.

Upon returning to the regular meeting schedule, Commissioner Kent Wilson made a motion to authorize Commissioner Sitterud to create an application for emergency funding to submit to the Community Impact Fund Board and authorize him to negotiate the best funding terms possible. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY GOED CONTRACT FOR GRANT FUNDING FOR THE BEAR CREEK CAMPGROUND REHABILITATION PROJECT.

Commissioner Wilson explained that earlier in the year the Recreation District budgeted \$50,000.00 for improvements to the ball field and Bear Creek Campground. To make that money go further Maegan Crosland and Jeff Guymon made application to the Governor's Office of Economic Development and was successful. So this adds up to \$30,000.00 to the funds available to make necessary improvements at Bear Creek Campground to improve the quality of camping and address some safety issues. Commissioner Kent Wilson made a motion to approve GOED contract for grant funding for the Bear Creek Campground Rehabilitation Project. The motion was seconded by Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY MARKET MATCH FUNDING FOR GREEN RIVER MELON DAYS, GREEN RIVER CAR SHOW, SOUTHEASTERN UTAH JUNIOR LIVESTOCK SHOW, MILLSITE GOLF COURSE AND KASEY'S PRO SHOP.

Adriana Chimaras, Emery County Travel Bureau, requested Market match Funding for the following:

Green River Melon Days- EC Travel Board approved \$3,500.00

Green River Car Show- EC Travel Board approved \$1,000.00

Southeastern Utah Junior Livestock Show- EC Travel Board approved \$3,500.00

Millsite Golf Course- EC Travel Board approved \$3,500.00

Kasey's Pro Shop- EC Travel Board approved \$3,500.00

She explained that the applicants will use the funds for marketing and advertising. They all must match the funds that they receive and account for the funds. The funds come from TRT Funds. Commissioner Kent Wilson made a motion to approve Market Match Funding as approved by EC Travel Board for Green River Melon Days, Green River Car Show, Southeastern Utah Junior Livestock Show, Millsite Golf Course and Kasey's Pro Shop. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY ORDINANCE GRANTING QUESTAR GAS COMPANY/DOMINION ENERGY UTAH A FRANCHISE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A GAS DISTRIBUTION SYSTEM IN EMERY COUNTY.

Commissioner Sitterud explained that this is the same ordinance agreement that the county has had in the past. This is a renewal of that same ordinance. Commissioner Gil Conover made a motion to approve ordinance 5-21-19 granting Questar Gas Company/Dominion Energy Utah a franchise for the construction, operation and maintenance of a gas distribution system in Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

APPROVAL OF THE COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN & FINANCIAL PLAN BETWEEN EMERY COUNTY SHERIFF'S OFFICE AND THE USDA FOREST SERVICE, MANTI-LASAL NATIONAL FOREST.

Commissioner Sitterud indicated that Sheriff Funk is attending meetings in Ogden. The Law Enforcement Annual Operating Plan & Financial Plan between Emery County Sheriff's office and the USDA Forest Service, Manti-LaSal National Forest is for patrolling on the forest. Commissioner Gil Conover made a motion to approve the Cooperative law Enforcement Annual Operating Plan & Financial Plan between Emery County Sheriff's Office and the USDA Forest Service, Manti-LaSal National Forest. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY FIRST AMENDMENT TO SITE ACCESS AGREEMENT BETWEEN EMERY COUNTY AND PACIFICORP.

Commissioner Sitterud explained that the site Access Agreement between Emery County and PacificCorp has been in place since the Seely Fire. The Amendment will allow the county to work under the same conditions until 2026 and update the Commissioners listed on the agreement.

Commissioner Kent Wilson made a motion to approve a First Amendment to Site Access Agreement between Emery County and PacificCorp. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY EMERY COUNTY'S STATE FISCAL YEAR 2020 BEER TAX FUNDS PLAN.

Commissioner Sitterud explained that beer tax fund is collected from the sale of beer in the county and is regulated to the use of the funds. Sheriff Funk has indicated that the plan for the funds is to use for DUI overtime shifts and drug/alcohol charges and housing. Commissioner Kent Wilson made a motion to approve Emery County's State Fiscal Year 2020 Beer Tax Funds Plan. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

DISCUSS/APPROVE/DENY 2019 TAX SALE PROCEEDINGS.

Clerk/Auditor Brenda Tuttle, reported the outcome of the recent May Tax Sale Proceedings.



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Parcel #01-0239-0031- William Lyman Curtis had delinquent taxes owing of \$3,209.17. The winning bidder was Ricky Van Buren for the amount of \$14,000.00

Parcel #01-0252-0025- Dale H. Fielder had delinquent taxes owing of \$366.29. There were no bidders on this property so it was struck to Emery County.

Parcel #01-0157-0008- Sheila Hibl had delinquent taxes owing of \$378.13. The winning bidder was Gary Andersen for the amount of \$1,000.00.

Parcel #05-0021-0008- Dwight L. Jeppson had delinquent taxes owing of \$383.59. The winning bidder was Gary Andersen for the amount of \$900.00.

Any excess amount higher than the taxes and penalties will be turned over to the unclaimed property division at the State of Utah.

Commissioner Gil Conover made a motion to accept the 2019 Tax Sale Proceedings as reported. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY LETTER OF SUPPORT FOR CASTLE COUNTRY BEAR PROGRAM.

The Castle Country BEAR organization meets once a month in Price. The State of Utah makes funding available for business retention and economic growth. CC BEAR would like to make application for some of these funds. They have requested a letter of support from EC to submit with their application. Commissioner Kent Wilson made a motion to approve a letter of support for Castle Country BEAR program. The motion was seconded by Commissioner Gil Conover. The motion passed.

(15)

DISCUSS/APPROVE/DENY MODIFICATION OF GRANT AGREEMENT BETWEEN EMERY COUNTY AND MANTI-LASAL NATIONAL FOREST.

Commissioner Sitterud explained there was money left after rehabilitation from the forest fire. We have been able to pull the \$310, 318.00 to use on road work being done in the National Forest property in Huntington Canyon and give us an extension on that contract until December 31, 2023. This will give us more time to finish up this work. Commissioner Kent Wilson made a motion to approve a Modification of Grant Agreement between Emery County and Manti-LaSal National Forest. The motion was seconded by Commissioner Gil Conover. The motion passed.

(16)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR THE PAYMENT OF PRIVILEGE TAXES THAT ARE FIVE (5) YEARS PAST DUE ON PARCEL 8-196-49 FOR JASON WARD.

Emery County Treasurer, Josie Stilson explained that Jason Ward leases a building from Huntington City. This makes Jason subject to privilege tax. The taxes are five (5) years past due. Jason asked to make payments. Josie requested to make an agreement similar to what is done for deferral of real property taxes. She wanted to try this before taking this matter to court. If Jason does not pay the taxes current by the end of the year then it will be taken to court. Commissioner Kent Wilson made a motion to approve deferral agreement for the payment of Privilege Taxes that are five (5) years past due on Parcel #8-196-49 for Jason Ward. The motion was seconded by Commissioner Gil Conover. The motion passed.

(17)

DISCUSS/APPROVE/DENY RATIFICATION OF DEFERRAL AGREEMENT FOR JEREMY TANNAHILL FOR AND IN BEHALF OF SHERRY FORD FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE (5) YEARS PAST DUE ON PARCEL 1-126-10.

Josie explained that this deferral agreement came in after last Commission Meeting and prior to the sale. Sherry Ford is Jeremy's mother and lives in the home and has set up monthly auto payments. At Mr. Tannahill's request this was pulled from the May Tax Sale and a deferral agreement was signed. These payments should bring the account current by November. Ratification of the signing of a deferral agreement is needed. Commissioner Gil Conover made a motion to ratify approval of a deferral agreement for Jeremy Tannahill for and in behalf of Sherry Ford for payment of real property taxes that are five (5) years past due on parcel #1-126-10. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(18)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Conover commented on the good things going on in Emery County at this time.

(19)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed

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ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 7, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 251458 through and including #251583 was presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
22-19	2014 Polaris Ranger, 6x6 Weed/Mosquito	\$8,000.00
23-19	Pressure Washer Highway	\$5,400.00

Dispositions were presented as follow:

#8968, Backup, #8668, Backup, 7128, Backup, 8940 welding helmet, #2519 Drill, #6604 Jet Direct Bx, 8177 Laptop, #7389, Laptop

(2)  
APPROVAL OF MINUTES OF APRIL 16, 2019 COMMISSION MEETING.

(3)  
APPROVAL TO APPOINT DESIREE MALLEY AS THE FULL TIME, WITH BENEFITS, EXECUTIVE LIBRARY DIRECTOR. WAGE GRADE 17, FLSA EXEMPT.

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(4)

APPROVAL TO GIVE CLIF MCELPRANG A 3% WAGE INCREASE TO BRING HIM TO THE MINIMUM OF GRADE 19 AS THE LEAD CRUSHER OPERATOR. EFFECTIVE 5-20-19

(5)

APPROVAL FOR CLIVE GORDON A 3% WAGE INCREASE UPON COMPLETION OF HIS SIX MONTH ORIENTATION PERIOD. EFFECTIVE 5-20-19.

(6)

NOTIFICATION-SELECTED DREW WILBERG AS A PART TIME EQUIPMENT OPERATOR I. GRADE 16.

(7)

APPROVAL TO HIRE NANCY JOHNSON AS A PART TIME SEASONAL MUSEUM SPECIALISTS WORKING 10-12 HOURS PER WEEK. WAGE \$9.50 PER HOUR.

(8)

RATIFY OUT-OF-STATE TRAVEL FOR COMMISSIONER KENT WILSON TO ATTEND NACO IN DENVER, COLORADO.

(9)

APPROVAL OF OUT-OF-STATE TRAVEL FOR ONE OF THE EMERY COUNTY COMMISSIONERS TO ATTEND FREE ROAMING EQUIDS SUMMIT IN RENO, NEVADA ON MAY 29-31, 2019.

(10)

APPROVAL OF DANIELLE TUTTLE TO BE THE VOLUNTEER DIRECTOR FOR THE MISS EMERY COUNTY PAGEANT.

(11)

APPROVAL TO HIRE BROOKLYN OLSEN AS A PART TIME SEASONAL HEAD LIFEGUARD WORKING UP TO 29 HOURS PER WEEK. WAGE \$8.89 PER HOUR.

(12)

APPROVAL TO HIRE SIDNEY STILSON AS A PART TIME SEASONAL LIFEGUARD WORKING UP TO 29 HOURS PER WEEK. WAGE \$7.91 PER HOUR.

(13)  
APPROVAL OF BUSINESS LICENSE FOR GIA NAILS/MARIA DIANE LOGAN.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

(2)  
PRESENTATION BY DOUG FOLSOM TO AWARD EMERY COUNTY WITH THE 2018 TRUST ACCOUNTABILITY PROGRAM AWARD.

Doug Folsom, Utah Association of Counties, presented Emery County with the 2018 Trust Accountability Program Award. He commended Emery County for implementing a Safety Committee to offer safety incentives to employees and participate in incident reviews that have contributed to excellent safety record. Commissioner Kent Wilson applauded Mary Huntington and the elected officials/department heads for their diligence in keeping Emery County employees 'safe'.

(3)  
PUBLIC COMMENT (3 MINUTE TIME LIMIT)

(4)  
NOTIFICATION THAT BASED UPON REVIEW OF QUALIFICATION PACKET, JOHANSEN AND TUTTLE ENGINEERING HAS BEEN SELECTED TO OVERSEE ALL PHASES OF THE PL566 COTTONWOOD CREEK (JOE'S VALLEY) WATERSHED PROJECT.

Captain Kyle Ekker reported that after review of the 9 applications they received, Johansen & Tuttle Engineering has been selected to oversee all phases of the PL566 Cottonwood Creek (Joe's Valley) Watershed Project. He explained that the phases of the project are the EA, Design, and Construction. If all phases of the project are funded J&T Engineering will oversee the project.

(5)

DISCUSS/APPROVE/DENY PERMISSION TO BEGIN CONTRACT  
NEGOTIATIONS FOR THE E.A. PORTION WITH JOHANSEN AND TUTTLE  
REGARDING THE JOE'S VALLEY WATERSHED PROJECT.

Commissioner Kent Wilson made a motion to allow Captain Klye Ekker to begin negotiations with J&T Engineering for the EA portion of the Joe's Valley Watershed Project. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/DENY AMENDMENT NUMBER 0001 BETWEEN EMERY  
COUNTY AND THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS),  
GRANTING A 60-DAY EXTENSION ON THE TRAIL MOUNTAIN FIRE EWP.

Captain Ekker explained that the project was funded in November, 2018 with work to be completed by June 2019. However, due to snow, work was put on hold. The amendment number 0001 is to request an 60 extension to get the work done. Commissioner Gil Conover made a motion to approve Amendment 0001 between Emery County and the Natural Resources Conservation Service (NRCS) granting a 60-day extension on the Trail Mountain Fire EWP. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

RATIFICATION OF ACCEPTANCE OF FUNDS FROM THE 2019 CHILDREN AND  
TEEN BOOK ENHANCEMENT MINI-GRANT.

Commissioner Gil Conover explained that this is a \$3,000.00 grant that all the Emery County Libraries applied for. It is a non-matching grant. The funds have been received so ratification of acceptance of the funds is needed at this time. Commissioner Gil Conover made a motion to ratify acceptance of funds from the 2019 Children and Teen Book Enhancement Mini-Grant. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY JEFF KELSEY INSURANCE RENEWAL FOR PLAN  
YEAR JULY 1, 2019-JUNE 30, 2020.

Jeff Kelsey, reviewed 2018-2019 insurance performance and presented the plan for 2019-2020. He was pleased to announce that there is only a 2% rate increase this year. He added this is largely due to the employees changes in health management and in keeping

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the cost to the plan to a minimum. Commissioner Kent Wilson made a motion to approve the insurance renewal for plan year July 1, 2019-2020. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)  
DISCUSS/APPROVE/DENY ADVERTISING AN RFQ FOR CLEANING SERVICE DURING THE 2019 EMERY COUNTY FAIR.

Commissioner Kent Wilson made a motion to approve advertising for RFQ for cleaning service during the 2019 Emery County Fair. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)  
DISCUSS/APPROVE/DENY GREENLIGHT BOOKING CONTRACT FOR JEFF CIVILICO TO PERFORM AT THE 2019 EMERY COUNTY FAIR.

Commissioner Kent Wilson explained that Jeff Civilico is a juggling team act. The contract amount is \$5,200.00 with several requirements set out in the contract. Commissioner Kent Wilson made a motion to approve a Greenlight Booking Contract for Jeff Civilico to perform at the 2019 Emery County Fair provided we are able to fulfill the contract requirements. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)  
DISCUSS/APPROVE/DENY RENTAL AGREEMENT FROM PLAN-IT RENTALS FOR THE 2019 EMERY COUNTY FAIR.

Commissioner Kent Wilson made a motion to approve a rental agreement from Plan-It Rentals for the 2019 Emery County Fair. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)  
DISCUSS/APPROVE/DENY THE CONDITIONAL SIGN-ON BONUS AGREEMENT.

Sheriff Funk explained that the Sheriff's Department has had a difficult time finding deputies for Green River. To aid in this difficult task Green River City and Emery County have each offered \$5,000.00 a sign-on bonus. Green River City will pay \$5,000.00 and Emery County will pay \$5,000.00. The deputy will have stay in the employment of Emery County for a minimum of three years. A last minute change to the



agreement is that they have to live in Emery County also. According to the Sign-On Agreement if they leave employment of the county before the three years they will have to pay back the \$5,000.00. According to Sheriff Funk they have found two individuals who are already POST certified and willing to sign-on. Commissioner Gil Conover made a motion to approve the Conditional Sign-On Agreement with the added condition of living in the county and working for Emery County for three years. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY UTAH DEPARTMENT OF AGRICULTURE RUSSIAN OLIVE INVASIVE SPECIES MITIGATION (ISM) GRANT 2019-2020.

Weed/Mosquito Department Head, Cory Worwood, discussed Utah Department of Agriculture Russian Olive Invasive Species Mitigation (ISM) Grant 2019-2020. He explained that the grant is for the same amount as last year, \$91,800.00. The work is mitigation along the tributaries of the San Rafael. Commissioner Gil Conover made a motion to approve Utah Department of Agriculture Russian Olive Invasive Species Mitigation (ISM) Grant 2019-2020. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY LETTER REGARDING WILD HORSE AND BURRO OVERPOPULATION WITHIN THE NEWLY DESIGNATED WILDERNESS AREAS WITHIN EMERY COUNTY.

Wildhorse and Burro overpopulation within the newly designated wilderness area in Emery County is severely degrading the area for our visitors, livestock, wildlife and horse and burros. The Commissioners asked Ray Petersen to draft a letter to legislators to encourage them to advocate for responsible management of the wildhorses and burros. When the horse and burros numbers are up then the cattlemen have lower their numbers. Commissioner Kent Wilson made a motion to approve a letter to be sent to legislators regarding wildhorse and burro overpopulation within the newly designated wilderness areas within Emery County. The motion was seconded by Commissioner Gil Conover. The motion passed.

(15)

DISCUSS/APPROVE/DENY PROJECT APPLICATION AND GRANT AGREEMENT FOR STATE AID FOR DEVELOPMENT OF PUBLIC AIRPORTS.

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Commissioner Gil Conover made a motion to approve a project application and grant agreement for State Aid for Development of Public Airports. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(16)

DISCUSS/APPROVE/DENY MARKET MATCH FUNDING REQUESTS FOR THE SWELL COUNTRY FEST, EMERY COUNTY AQUATIC CENTER, SEARCH AND RESCUE TRIATHLON, COWBOY MEMORIAL RODEO, CASTLE DALE CITY SPECIAL LITTLE LUAU, JOE'S VALLEY FEST AND RASCAL MARTINEZ CONCERT HOSTED BY GREEN RIVER CITY.

Adriana Chimaras requested market match funding for the following:

The Swell Country Fest requested \$3,500.00 for advertising and marketing a concert in conjunction with the 2019 Emery County Fair.

Emery County Aquatic Center requested \$3,500.00 for advertising and marketing the Aquatic Center.

Search and Rescue Triathlon requested \$3,500.00 for advertising the fundraising event.

Cowboy Memorial Rodeo requested \$3,500.00 for advertising the rodeo.

Castle Dale Special Little Luau requested \$1,000.00 to assist in a special needs event.

Joe's Valley Fest requested \$3,500.00 for marketing and enhancing community through bringing rock climbers to the county, sharing skills and adventure.

Rascal Martinez Concert Hosted by Green River City requested \$1,000.00 for marketing a concert series.

All funds must be matched. They receive a penalty if they do not provide proof of matching funds. The funds come from TRT funds. Commissioner Kent Wilson made a motion to approve Market Match Funding requests as discussed. The motion was seconded by Commissioner Gil Conover. The motion passed.

(17)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Kent Wilson reported on attending a three day conference in Denver, CO. regarding Strengthening the Economy in the West. Those that attended had coal and power plants in common. There was a lot of discussion on how to transition away from coal. Commissioner Wilson commented that Emery County is fortunate to have what we have. Our future is a lot brighter.

Commissioner Gil Conover reported that Children's Justice Center has come under some scrutiny recently. The State wants to pull out due to low use. The AG's office has agreed

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to keep it funded for now. Commissioner Conover indicated that they are looking for volunteers to help. He will continue to move forward on this issue.

(18)

ADJOURN

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 4, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #251705 through and including #251788 was presented for payment.

The following requisitions were presented for approval :

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
25-19	CMC MPD Pulley EnForcer Load Cell Kit Sheriff	\$2,368.00
27-19	DataCard CD880 Duplex printer Sheriff	\$1,792.00
28-19	Safariland, LLC Bulletproof vests(4) Sheriff	\$3,290.00

There was one disposition for #9330, microwave.

(2)

APPROVAL OF MINUTES OF MAY 21, 2019 COMMISSION MEETING.

(3)

APPROVAL TO APPOINT KELLY HALL TO THE SOUTH EASTERN UTAH HEALTH  
DEPARTMENT BOARD

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(4)

APPROVAL OF OUT-OF-STATE TRAVEL FOR ADRIANA CHIMARAS TO ATTEND AN OUTDOOR RETAILER EVENT IN COLORADO JUNE 17-20, 2019.

(5)

APPROVAL OF OUT-OF-STATE TRAVEL FOR COMMISSIONER LYNN SITTERUD TO TRAVEL TO BIRMINGHAM, ALABAMA FOR ENERGY RESEARCH IN JUNE OR JULY 2019.

(6)

NOTIFICATION: SELECTED RAEGAN RASMUSSEN AND ABIGAIL OLSEN AS PART TIME OFFICE SPECIALIST (ASSIST WITH SCANNING) WORKING 19 3/4 HOURS PER WEEK. WAGE \$8.50 PER HOUR.

(7)

APPROVAL TO HIRE COLTON WILLSON AS A SEASONAL LIFEGUARD WORKING UP TO 29 HOURS PER WEEK. WAGE \$7.91 PER HOUR.

(8)

APPROVAL TO PROMOTE PARKER STILSON TO HEAD LIFEGUARD. MOVE FROM GRADE 3 TO GRADE 5. EFFECTIVE 6-17-19.

(9)

APPROVAL TO GIVE KASSIDEE JENSEN A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION WITH A 3% COLA AS A CONFIDENTIAL SECRETARY. EFFECTIVE 6-17-19.

(10)

APPROVAL TO GIVE KIMBERLY HOWES A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION WITH A 3% COLA AS A DISPATCHER 11. EFFECTIVE 6-17-19.

(11)

APPROVAL TO GIVE KAREN RICHARDS A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION WITH A 3% COLA AS A DEPUTY ASSESSOR I. EFFECTIVE 6-17-19.

(12)

APPROVAL TO GIVE MELISSA KEMPLE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION WITH A 3% COLA AS AN ASSISTANT LIBRARIAN. EFFECTIVE 6-17-19.

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Commissioner Gail Conover made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Kent Wilson. The motion passed.

DISCUSSION AGENDA.

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

(2)  
PUBLIC COMMENT (3 MINUTE TIME LIMIT)

(3)  
PRESENTATION BY MATTHEW B. MCCUNE REGARDING POTENTIAL OPIOID LITIGATION TO ADDRESS ALL ASPECTS OF THE MULTIFACETED OPIOID CRISIS.

Matthew McCune made a presentation regarding aspects of the multifaceted opioid crisis. He prefaced his presentation with a news article from the Salt Lake Tribune that named Emery and Carbon Counties as two hardest hit counties in the State of Utah in the opioid crisis. We have three times the rate of opioid overdoses as do other counties in the state. Utah is seventh highest in the nation. The purpose of the litigation that they are involved in is to help the county be able to help its citizens to overcome this. He read some the things that the Salt Lake Tribune recommended to help the county help its citizens. It was his hope that if the county chooses them to represent the County that they would use the funds to do some of these things. The money to do these things has to come from somewhere. His firms represents seventeen counties in Utah. It is his firms position is that the opioid manufacturers and distributors are mostly to blame for this opioid epidemic. After a number of years of prescribing opioids for acute, post traumatic pain such as a car accident or surgery for two, four or six weeks and then move the patient to Ibuprofen or Tylenol, etc. The manufacturers and distributors of the opioid realized that if they tell the doctors that opioid was safe for long-term, chronic pain that would increase their profit. The FDA approved the opioid to be prescribed for short-term not long-term. The opioid manufacturers duped the doctors. The doctors rely on the manufacturers to state the truth. Those people who have become addicts are victims as well. We have to go to the manufacturers to seek relief from them for the tole that they have taken on these peoples lives and the devastation to the communities. The litigation will not cost the county one dime out of its budget. This is being done on a contingency fee. This means that the lawyers only get paid if there is a recovery for the county. The firm will advance all the cost. If there is a recovery, the firm will be reimbursed and 20% portion will go for the lawyer time. The rest goes directly to the counties to combat the crisis. The litigation at this point is in State Court at this time. Attorney Mike Olsen indicated that he has been approached by many law firms and he has also reached out to law firms for this issue. He has compared offers from other law firms. He indicated that he and his staff have gone through many offers and looked at many fee structures. We are probably one of the last counties that have not jumped onto this. He explained that he

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wanted to make sure that we did not just jump into something. There are a lot of options out there and a lot to look at. He indicated that he is comfortable with have Collin King as he helped with Wilberg and Crandall Canyon. He is comfortable with his representation and him as a lawyer. He has been very responsive to our county's needs. He feels comfortable with recommending this law firm and that we charge forward with this litigation. He added that he is comfortable with the fee structure after looking at other offers. It is important from the aspect that we should not have to incur these costs. This is a pharmaceutical company that knew that they were selling snake oil. We all are victims. Everyone has family, friends or someone who has been impacted by this. He recommended that the Commissioners take two weeks to ask questions and get comfortable with the agreement. He recommended the Commissioners make approval of this an agenda item for the next meeting.

(4)

RATIFICATION OF LETTER OF SUPPORT FOR INTERMOUNTAIN ELECTRONICS.

Commissioner Lynn Sitterud explained a support letter that was recently drafted and sent to the Utah Governor's Office of Economic Development regarding Intermountain Electronics and their EDTIF application. IE is located in Carbon County, but they employ many Emery County residents. IE is a catalyst company to both residents and many supporting local businesses in both Carbon and Emery Counties. The Governor's Office of Economic Development has compared the significance of creating one job in a rural community to a significantly higher amount in urban communities. When you compare the number of jobs IE has created for both Carbon and Emery Counties in this equation you understand why they are critical to both of our economies. Recently, we were updated on IE successfully winning their first significant project in the data center sector, a fast growing industry with significant potential. And as a result of this win, IE is considering expanding their Price, UT or Denver, CO facilities to accommodate these projects. If you factor in the impact of creating one job in our communities compared to Denver (which is significantly bigger than Utah's urban communities) you can see the value of providing IE with plenty of incentive to expand in Carbon County. The letter asked the GOED to keep in mind the impact the creation of these jobs will have on our counties and consider awarding the maximum amount allowed. Commissioner Kent Wilson made a motion to ratify a letter of support for Intermountain Electronics. The motion was seconded by Commissioner Gil Conover. The motion passed.

(5)

RATIFICATION OF LETTER OF SUPPORT FOR CARBON COUNTY BEAR PROGRAM'S  
GOED GRANT APPLICATION.

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(6)

DISCUSS/APPROVE/DENY/ LETTER TO STATE BLM REGARDING SUPPORT OF THE PRICE BLM FIELD OFFICE.

Public Lands Director, Ray Petersen explained a letter to the State BLM regarding support of the Price BLM Field Office. The massive public land legislative package that was passed in the U.S Congress in February 2019 included several bills affecting land management in the State of Utah. The Emery County Public Land Management Act is the largest and most complex of these bills. The entirety of federal lands involved in the legislation is within Emery County, which is within the jurisdiction of the BLM Price Field Office (PFO). The PFO and Emery County have partnered in land use management for decades, and enjoy a fruitful working relationship. Approximately 72% of Emery County is managed by BLM. The Emery County Land Use Management Act and associated BLM/SITLA land exchange will require fiscal and personnel resources above and beyond the resources normally employed by the PFO. Numerous surveys, evaluations and management plans are required by the Act. We understand that the State of Utah, through the Public Land Policy and Coordination Office is offering some manpower to assist the office. The Emery County Public Lands Department is available for consultation as well. We also anticipate that knowledgeable and productive Emery County citizens will be selected to serve on the Recreation Area Advisory Council. The letter requested that BLM State Office consider how to best bolster and support the efforts required by the Price office with personnel and budget resources in implementation of this land use legislation. Commissioner Kent Wilson made a motion to approve sending a letter to the State BLM regarding support of the price BLM Field Office. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY THE STANDARD FORM OF AGREEMENT AND FEE SCHEDULE BETWEEN EMERY COUNTY AND JOHANSEN AND TUTTLE ENGINEERING REGARDING THE COTTONWOOD CREEK WATERSHED PLAN.

Commissioner Gil Conover made a motion to approve a standard Form of Agreement and Fee Schedule between Emery County and Johansen & Tuttle Engineering regarding the Cottonwood Creek Watershed Plan. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY APPLICATION FOR THE NATIONAL REGISTRY OF HISTORIC PLACES REGARDING THE OLD CASTLE DALE BRIDGE.

Suzanne Anderson, Emery Count Archives, requested approval for an application for the



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National Registry of Historic Places regarding the Old Castle Dale Bridge. Commissioner Gil Conover made a motion to approve application for Old Castle Dale Bridge to the National Registry of Historic Places. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY THE UTAH OFFICE OF TOURISM GRANT APPLICATION.

Travel Bureau, Director Adriana Chimaras requested approval of a grant application to the Utah Office of Tourism. She explained that the Travel Bureau has budgeted funds for grants match. They plan to use the funds to increase awareness of this area through social media. Another component of the grant is for professional photos. They will also have a digital campaign dedicated to email. They will also advertise in American Trails Magazine which is published in the UK, Switzerland, US, France. Another component will be for postage to mail out leads. The grant is for \$80,000.00 and \$40,000.00 is the counties match that is budgeted to use TRT funds. Commissioner Kent Wilson made a motion to approve a Utah Office of Tourism Grant Application. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY AMENDMENT TO THE FY 2019 CIB LIST.

Commissioner Kent Wilson made a motion to approve an amendment to the FY 2019 CIB List. The motion was seconded by Commissioner Gil Conover. The motion passed. Commissioner Sitterud explained that Emery County plans to develop the old central warehouse building. This amendment will bump up on the list, a request for funding.

(11)

DISCUSS/APPROVE/DENY AGREEMENT BETWEEN EMERY COUNTY AND PRO SOUND FOR THE 2019 EMERY COUNTY FAIR.

Commissioner Wilson explained that the Fair Committee has contracted with Pro Sound for the fair in the past. Attorney Mike Olsen reviewed the agreement and expressed concern that there was no an indemnity clause in the agreement. He asked that an indemnity clause be posted to the Emery County Clerk/Auditor's office. Commissioner Kent Wilson made a motion to approve an agreement with Pro Sound contingent upon an indemnity clause being filed with the county. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY SETTING OF A PUBLIC HEARING TO AMEND THE E911 SPECIAL REVENUE FUND BUDGET.

Commissioner Kent Wilson made a motion to set a Public Hearing for June 18, 2019 to amend

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the E911 Special Revenue Fund Budget. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk was excused from attending the meeting today.

Commissioner Kent Wilson talked about issues regarding Mental Health

Commissioner Conover talked about issues regarding lawn care.

(14)

ADJOURN

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 18, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 251825 through and including #251947 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
19-19	POWERPHONE Total Response Silver Pkg/License/Cert. SO/E911	\$49,354.00
20-19	POWERPHONE Interface SO/E911	\$10,304.32
29-19	Ballot Printer/Software Elections	\$6,445.00
30-19	CMC Rescue Titanium Split-Apart Rescue Litter- SO/SAR	\$2,875.00

No dispositions

(2)  
APPROVAL OF MINUTES OF JUNE 4, 2019 COMMISSION MEETING

(3)  
APPROVAL TO GIVE ASHLEY MORGAN A 3% WAGE INCREASE FOR SUCCESSFUL  
COMPLETION OF HER 6 MONTH ORIENTATION AS A LIFEGUARD.  
EFFECTIVE 7-1-19

2

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(4)

APPROVAL TO GIVE SYDNEY TERWILLIGER A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A HEAD LIFEGUARD. EFFECTIVE 7-1-19

(5)

APPROVAL TO REAPPOINT ETHAN MIGLIORI TO THE CAREER SERVICE COUNCIL FOR 3 YEARS, WITH TERM EXPIRING 6-30-22.

(6)

APPROVAL TO PROMOTE JOEL HOWES TO DISPATCH II FROM CORRECTION OFFICER 1 WITH NO PAY INCREASE BECAUSE POSITION IS ASSIGNED THE SAME PAY GRADE. EFFECTIVE 7-1-19

(7)

APPROVAL OF OUT-OF-STATE TRAVEL FOR CAPTAIN EKKER TO ATTEND THE 2<sup>ND</sup> ANNUAL FBSN SECURITY OPERATIONS SUMMIT IN COLORADO SPRINGS, CO ON JULY 26-27.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT ( 3 MINUTE TIME LIMIT)

(3)

SAFETY MINUTE PRESENTATION BY JEFF GUYMON ON DIGITAL SAFETY.

IT Director, Jeff Guymon gave a presentation of email safety and how to manage pfishing.

(4)

AWARDING OF SAFETY VISA GIFT CARDS.

Monthly Safety Awards were given to:

Full time employee: Melany Weaver

Part time employee: Shelly Cologie

Safety Sensitive employees: Kimberly Howes and Keaton Cowley

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(5)

RATIFICATION OF LETTER OF SUPPORT FOR COMMISSIONER KENT WILSON'S  
NOMINATION TO THE BLM RAC BOARD.

Commissioner Gil Conover made a motion to ratify the signing and sending of a letter of support for Commissioner Kent Wilson's nomination to the BLM RAC Board. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

RATIFICATION OF LETTER OF SUPPORT FOR UNITED MINERALS FAST TRACT  
GRANT APPLICATION.

Commissioner Kent Wilson made a motion to ratify the signing and sending of a letter of support for United Minerals Fast Track Grant Application. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

RATIFICATION OF BUSINESS LICENSE FOR KENNETH ANDERSON, GENERAL  
APPLIANCE REPAIR.

Commissioner Gil Conover made a motion to ratify approval of a business license for Kenneth Anderson, General Appliance Repair. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

OPEN, REVIEW AND AWARD QUALIFICATIONS PACKETS FOR CLEANING  
SERVICES AT THE 2019 EMERY COUNTY FAIR.

Three qualification packets were received in the Clerk/Auditor's office for the cleaning services at the 2019 Emery County Fair.

1) Huggard Family    2) Cassie Thatcher    3) Olsen Girls

Commissioner Kent Wilson made a motion to analyze the qualifications packets and award upon the best qualified. The motion was seconded by Commissioner Gil Conover. The motion passed.

Commissioner Gil Conover made a motion to leave the regular meeting and enter into a public hearing to receive comments regarding amending the 2019 E911 Special Revenue Fund Budget, and to return to the regular meeting at the conclusion of the public hearing. The motion was seconded by Commissioner Kent Wilson. The motion passed.

4

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(9)

**PUBLIC HEARING:** Public Hearing for receiving comment on amending the 2019 E911 Special Revenue Fund Budget to be held on June 18, 2019 during the regularly scheduled Emery County Commission meeting beginning at 3:00 p.m. in the Commission Chambers, Emery County Courthouse, 75 East Main Street, Castle Dale, UT. The proposed amendments are available for inspection in the Clerk/Auditor's office between the hours and 8:30 a.m. and 5:00 p.m.

Sheriff Funk explained that he needs to purchase new E911 equipment. The funds that he needs to purchase the equipment is in a account that receives revenue from taxes on cell phones and phones. He did not budget for this expense so the funds have to be transferred into the 911 account to make the purchase. The county will be reimbursed \$100,000.00 by UCAN.

there were no questions or comments.

The public hearing was closed and the Commissioners returned to the regular meeting schedule.

(10)

**DISCUSS/APPROVE/DENY AMENDING 2019 E911 SPECIAL REVENUE FUND BUDGET.**

Upon returning to the regular meeting agenda Commissioner Gil Conover made a motion to approve Resolution 6-18-19A amending 2019 E911 Special Revenue Fund Budget by transferring \$240,000.00 to E911 account. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

**DISCUSS/APPROVE/DENY CERTIFIED TAX RATES FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT FOR 2019.**

Clerk/Auditor Brenda Tuttle presented the proposed 2019 Certified Tax Rate for Emery County. Brenda explained that this is a yearly event. The certified tax rate sets the amount of property tax the county receives.

General Operations: 0.003494 to generate \$7,386,133  
Interest and Sinking Fund/Bond: 0.000118 to generate \$250,000  
Library: 0.000401 to generate \$847,693  
Recreation: 0.000062 to generate \$131,065  
County Assessing & Collecting: 0.000452 to generate \$955,504

The overall proposed tax rate is 0.004527 to generate \$9,570,395

Commissioner Kent Wilson made a motion to accept the 2019 Certified Tax Rate for Emery

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County as proposed. The motion was seconded by Commissioner Gil Conover. The motion passed.

CVSSD Director Jacob Sharp presented the proposed 2019 Certified Tax Rates for Castle Valley Special Service District.

General Operations: 0.000990 to generate \$1,760,461  
Interest and Sinking Fund/Bond: 0.000815 to generate \$1,448,850  
The overall proposed tax rate is 0.001805 to generate \$3, 209,311

Commissioner Kent Wilson made a motion to accept the 2019 Certified Tax Rate for CVSSD as proposed. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY CONTRACT WITH THE STATE OF UTAH  
ADMINISTRATIVE OFFICE OF THE COURTS FOR COURT SECURITY TO BE  
PROVIDED BY THE EMERY COUNTY SHERIFF'S OFFICE, INCLUDING BAILIFF  
SECURITY AND PERIMETER SECURITY

Sheriff Greg Funk indicated that he approves of the contract. Attorney Mike Olsen has reviewed the contract and approves, also. Commissioner Gil Conover made a motion to approve a contract with the State of Utah Administrative Office of the Courts for Court Security to be provided by the Emery County Sheriff's Office, including Bailiff Security and Perimeter Security. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY EMERY COUNTY SHERIFF'S OFFICE APPLICATION FOR  
THE STATE TASK FORCE GRANT (STFG) FY2020.

Sheriff Greg Funk indicated that this is the annual grant application for funds to operate their Drug Task Force Program in conjunction with Adult Probation and Parole. They have been extremely busy so far this year. There is a slight increase to \$68,000.00 for the year. Commissioner Gil Conover made a motion to approve of Emery County Sheriff's office application for the State Drug Task Force Grant (STFG) FY2020. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY A LEVEL III CONDITIONAL USE PERMIT FOR HUNTER  
SOLAR PROJECT.

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Planning/Zoning Director Jeff Guymon presented information regarding a Level III Conditional use Permit for Hunter Solar Project. He indicated that a Level II Conditional Use Permit was previously approved by the Planning Commission and the Emery County Board of Commissioners. The Level III permit is for transmission lines that go through PacifiCorp land. The Planning Commission has approved this Level III Conditional Use Permit and recommends approval, with standard permission conditions, by the Emery County Board of Commissioners. Commissioner Gil Conover made a motion to approve a Level III Conditional Use Permit, with standard permission and conditions, for Hunter Solar Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY TRAILS COMMITTEE AND BLM PRICE FIELD OFFICE REGARDING USE OF THE BLM TRAIL CAT.

The MOU provides procedures and guidance for coordination and cooperation between BLM and Emery County Trails Committee on use of the BLM trail cat, Emery County's mini-ex and other equipment to maintain trails with Emery County which is of mutual interest to both parties. Attorney Mike Olsen has reviewed MOU and recommends approval. Commissioner Kent Wilson made a motion to approve an MOU between Emery County Trails Committee and BLM Price Field Office regarding use of the BLM cat. The motion was seconded by Commissioner Gil Conover. The motion passed.

(16)

DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR LEOMA BROOKE OUZTS FOR BLESSED FREEDOM RANCH.

Jeff Guymon explained that this a camping guide service to the campgrounds above Joe's Valley. Commissioner Kent Wilson made a motion to approve a business license for Leoma Brooke Ouzts dba: Blessed Freedom Ranch. The motion was seconded by Commissioner Gil Conover. The motion passed.

(17)

DISCUSS/APPROVE/DENY MARKET MATCH FUNDING FOR FERRON CITY PEACH DAYS AND HUNTINGTON CITY HERITAGE DAYS.

Natalie Olsen requested approval for Market Match funding for Ferron City Peach Days and Huntington City Heritage Days. Ferron City has requested \$3,500.00, which they will match, to advertise for their Peach Days celebration. With the decline of the demolition derby over the years, Ferron City will be hosting an ATV/UTV obstacle course rather than a derby. Huntington City has requested \$3,500.00, which they will match, to advertise for their Heritage Days celebration. For their rodeo they have adopted the name of 'Buck in the Swell'. They have contracted with radio stations to advertise the celebration. They will be selling t-shirts with



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the 'Swell' brand on them. The funds for the Market Match Funds will come from TRT. Commissioner Kent Wilson made a motion to approve Market Match Funds for Ferron City Peach Days and Huntington City Heritage Days as requested. The motion was seconded by Commissioner Gil Conover. The motion passed.

(18)

DISCUSS/APPROVE/DENY ADOPTING THE EMERY COUNTY PROPERTY  
ACCEPTABLE USE POLICY AND RESOLUTION.

Attorney Mike Olsen explained that on about March 25, 2019 Governor Herbert signed HB 163. HB 163 makes it so if a county elected official, an appointed official, a judge, consultant, independent contractor, or employee (collectively, public servant) uses public property in more than an incidental manner for personal use or use of another, they may meet the elements of having committed a felony under Utah Code 76-8-402. The code allows for a public servant to use public property in accordance with a written policy of the county. The County Commission believes that HB 163 as drafted makes it so public servants who are performing their duties in good faith may unwittingly be committing felonies. The County Commission desires to create guidelines that will ensure public servants are not at risk of unwittingly committing felonies in their use of public property while ensuring public servants are using county property in a responsible manner. The County Commission believes that the best way to accomplish this is to establish guidelines for use of Public Property, to create a mechanism for warning Public Servants if they are using the Public Property in a manner contrary to those guidelines, and only after continued use contrary to the guidelines after receiving a warning, are they considered to be misusing Public Property. The County Commission proposed amending the Emery County Personnel Policy to include the following: The County Property Acceptable Use Policy constitutes a written policy of the public servant's entity for purposes of Utah Code 76-8-402 (1) (b) (iii). Public Servants are authorized to use Public Property of Emery County for personal use. Public Servants are encouraged to use Public Property of Emery County in a manner in accordance with these encourage guidelines:

- that does not damage the property;
- that does not cost the county more than incremental amounts, which may vary according historic use, custom, and what is considered normal personal use of employer property in the community;
- that does not interfere with use of the property as intended for the public use; and
- that allows employee who have been authorized to use county equipment for extensive personal use to do so without fear of being prosecuted.

In addition to the foregoing, this County Property Acceptable Use Policy recognizes and acknowledges that the Emery County Commission may authorize certain public officers and public servants to use Public Property of Emery County solely for personal use as part of their compensation..e.g., a vehicle, electronics (PC's, laptops, tablets, iPad, telephones) etc. If the Department Head/Supervisor, Elected Official, or the County Commission believes that a Public Servant is using Public Property in a manner contrary to the Encouraged Guidelines, the

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procedure for discipline are outline in the document. Attorney Mike Olsen agreed with the policy as written and recommend the County Commission adopt Resolution 6-18-19B amending the Emery County Personnel Policy by adopting the Emery County Property Acceptable Use Policy. Commissioner Kent Wilson made a motion to adopt Resolution 6-18-19B the Emery County Property Acceptable Use Policy and Resolution. The motion was seconded by Commissioner Gil Conover. The motion passed.

(19)

DISCUSS/APPROVE/DENY ACCEPTANCE OF SETTLEMENT OFFER FROM AT&T INC. 2018 & 2019 TAX YEARS.

Attorney Mike Olsen explained that Emery County has a lawyer, Tom Peters that assists the county with centrally assessed taxes. These issues are very complicated. It gets mired down in administrative law and procedure and is very complicated and difficult. In affect, our attorney, Mr. Peters believes that the assessed value in 2018 was exaggerated. He doesn't feel like we can pursue this through the administrative process and litigation that we would be successful. He does feels good about us compromising the amount and lowering it. The amount that would be agreed upon if the Commission agrees, would be \$395 million for 2018. He feels this is a fair evaluation. He feels that for 2019 the number would be \$390 million. This number is agreed to and will not be litigated. AT&T intends to remove part of their holdings from centrally assessed to locally assessed. This may cause a fight in 2020. So for 2018 and 2019 Attorney Mike Olsen recommends accepting the settlement offer from AT&T INC. Commissioner Gil Conover made a motion to approve acceptance of settlement offer form AT&T INC 2018 and 2019 tax years. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(20)

DISCUSS/APPROVE/DENY ACCEPTANCE OF SETTLEMENT OFFER FROM AVAD OPERATING LLC FOR 2018 TAX YEAR.

Attorney Mike Olsen explained that Emery County is represented by the same law firm for this as well. AVAD Operating LLC is a utility, that is centrally assessed. There was a mistake in their evaluation that was clerical in nature. According to Mr. Peters, they have done the procedural requirements that would allow them to make the correction. There does not appear to be any legal justification for us to challenge it. Carbon County is also involved and are in agreement to allow them to correct the error, but only if is Emery County is agreeable also. Attorney Mike Olsen recommends accepting the settlement offer from AVAD Operating, LLC. Commissioner Kent Wilson made a motion to approve acceptance of settlement offer from AVAD Operating, LLC for 2018 tax year. The motion was seconded by Commissioner Gil Conover. The motion passed.

(21)

DISCUSS/APPROVE/DENY HIRING A PUBLIC LANDS CONSULTANT TO REPRESENT

EMERY COUNTY IN WASHINGTON D.C.

Commissioner Wilson explained that from his prospective, this idea came about from the fact that our bill, right now is in the Department of Interior hands, interpreting the work of our bill. It is in Emery County's best interest to have somebody looking out for our interest during this process, watching the federal government, to make sure our intent is carried out. It is hard to do from Emery County and is not our area of expertise. Ray Petersen had requested that the consultant also be used for other purposes, other than Public Lands issues, that may need someone dealing with our delegation in Washington to move forward any funding requests, or applications that may need to be expedited by someone who is there. Commissioner Wilson felt that this should not be an ongoing expense for a long period of time. He has a person that he has sought out and feels that he feels is qualified and that he trusts. He stated he felt the dollar amount is fair. He asked what the process is? Do we have to advertise to hire a consultant? Attorney Mike Olsen indicated that there is a process that we would follow for hiring for professional services. There is requirements for professional services. The process takes that into consideration It focuses on making sure the price is fair and making sure we are getting a good price. Mr. Olsen will look at the statute and we will follow the procedures as stated in the statute. Commissioner Kent Wilson mad a motion to begin the process of advertising for a Public Lands and Misc Consulting services for a certain amount of time. The motion was seconded by Commissioner Gil Conover. The motion passed.

(22)

DISCUSS/APPROVE/DENY THE PROCESS OF SEEKING OUT AN INDIVIDUAL OR CONSULTANT TO SECURE DEPARTMENT OF ENERGY GRANTS FOR THE SAN RAFAEL ENERGY RESEARCH FACILITY.

Commissioner Sitterud explained that the Central Warehouse facility that the county recently purchase is being utilized for an energy research facility. We are looking for funds to begin putting this venture together. There are federal funds that are available for this type of a facility. We need someone with access to the Department of Energy to seek out these funds. The Commissioners are seeking approval to put out a RFQ and seek out the best consultant for Emery County to do this for us. The goal is to transition this over to Seven County Infrastructure Coalition. Commissioner Kent Wilson made a motion to start the process of seeking out a consultant to secure Department of Energy Grants for the San Rafael Energy Research Facility. The motion was seconded by Commissioner Gil Conover. The motion passed.

(23)

DISCUSS/APPROVE/DENY APPROVAL OF LEGAL SERVICES CONTRACT RETAINING OUTSIDE COUNSEL TO REPRESENT EMERY COUNTY IN OPIOID LITIGATION.

Attorney Mike Olsen indicated that this was on the Commission Agenda for last meeting, where

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one of the attorneys from one of the law offices came and presented on this subject. We then tabled it so that the Commission could think it over and look over the proposal. Mr. Olsen indicated that his recommendation is still that he feels comfortable with Dewsnup King Olsen & Worel. He thinks that they are an excellent law firm. He feels comfortable with the other law firms that they have retained to work with them and he is comfortable with this legal service contract. He indicated that it is the same contract, with the same terms that other counties have signed. He recommended that they sign the contract and move legislation forward. Commissioner Gil Conover made a motion to approve of legal services contract retaining outside counsel of Dewsnup King Olsen & Worel to represent Emery County in opioid litigation. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(24)

DISCUSS/APPROVE/DENY ADOPTING THE MUNICIPAL OPIOID COST RECOVERY AND PUBLIC NUISANCE RESOLUTION.

This is a Resolution that was prepared by the law firm in the event that Emery County signed the legal representation with them. The resolution outlines the purpose and intent of the litigation. It has definitions in the document. It talks about governmental function in terms of the cost recovery and declares it a public nuisance. Mr. Olsen recommended that the Commissioners sign the Resolution. Commissioner Gil Conover made a motion to adopt Resolution 6-18-19C the Municipal Opioid Cost Recovery and Public Nuisance Resolution. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(25)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk reported that his office has been very busy out on the desert with high water and five rescues. They will be busy with the parade season coming up. Their Triathlon is coming up on July 12/13 that is a fund raiser for Search and Rescue. Special shout out to the sponsors.

Commissioner Wilson reported on Economic Development going on in the county. He thanked Commissioner Sitterud for his hard work on getting 2.65\$ million from CIB for infrastructure for the Research Facility. In the last six or eight months the county has received close to 4\$million dollars.

We have solar projects that are coming to the county. We have one or two businesses that are interested in growing medical marijuana in the county. There are other companies that are interested in doing research with coal, gasification, and hydrogen. This is the first time in many years we have had new growth and an uptick in tax revenues. Things are changing in our county.

Commissioner Conover talked about the vetting and licensing process for the possible medical marijuana farm.

11  
COMMISSION MEETING MINUTES  
JUNE 18, 2019

(26)  
ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 2, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #251964 through and including # 252073 was presented for approval.

Dispositions were presented for 9796, chair, 9796, chair.

(2)  
APPROVAL OF MINUTES OF JUNE 18, 2019 COMMISSION MEETING.

(3)  
APPROVAL TO APPOINT MIKE JUSTICE AND DANNY WHITELEATHER TO THE RECREATION BOARD.

(4)  
APPROVAL TO GIVE SHELEE COLOGIE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION AS A DEPUTY TREASURER. EFFECTIVE 7-15-19.

(5)  
NOTIFICATION: SELECTED GAGE JENSEN AS A PART TIME LIFEGUARD WORKING 193/4 HOURS PER WEEK. WAGE GRADE 3.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

2

COMMISSION MEETING MINUTES  
JULY 2, 2019

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

(2)  
PUBLIC COMMENT (3 MINUTES TIME LIMIT).

(3)  
RATIFICATION OF MOU BETWEEN EMERY COUNTY AND UDFFSL REGARDING THE CREATION OF A CWPP FOR EMERY COUNTY.

Commissioner Gil Conover explained the purpose of the MOU is partner on the development of a Community Wildfire Preparedness Plan (CWPP). The plan will identify risks from wildfire to private lands and property within the county and will identify multiple strategies and projects to mitigate that risk. We will be responsible to hire a contractor to lead the CWPP process and deliver a completed CWPP. UDFFSL will provide technical assistance and review during plan development. UDFFSL will provide \$5,000.00 in funding upon completion of the CWPP. Commissioner Gil conover made a motion to ratify approval of a MOU between Emery County and UDFFSL regarding the creation of a CWPP for Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(4)  
RATIFICATION OF LETTERS OF SUPPORT REGARDING MEDICAL CANNABIS CULTIVATION LICENSES.

Commissioner Sitterud read a letter in support of an application for a medical cannabis cultivation license. Emery County has been working closely with the applicant to make sure that they have all the resources they need to grown their product once the license is in place. The property that the applicant is planning to utilize is presently zoned to accommodate this type of land use so no extra permitting is required. This type of activity has the potential for new property tax revenue and job creation in our community, and we hope that the potential positive economic development impact that this will have on our local economy is taken into consideration during the application review process. Commissioner Gil Conover made a motion to ratify the signing of a letter of support regarding medical cannabis cultivation licenses. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)  
RATIFICATION OF RIGHT-OF-WAY EASEMENT FOR PROJECT HUC13/TERRI MCELPRANG/IRR PIVOT/HUNTING.

3

COMMISSION MEETING MINUTES  
JULY 2, 2019

Commissioner Gil Conover made a motion to ratify approval of Right-Of-Way Easement for project HUC13/Terri McElprang/Irr Pivot/Hunting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

PRESENTATION BY MISS EMERY ROYALTY

Brooklynn Potter, Miss Emery County, Maryn Allred, Miss Outstanding Teen, Carli Robinson, Halli Frandsen and Baylor Smith, Jr. Miss Emery County came before the Emery County Board of Commissioners to express their appreciation for the opportunity to represent and serve Emery County. They talked about their experiences at the Miss Utah Pageant. Maryn Allred received third attendant at the state level. Miss Emery Director Danielle Tuttle expressed her gratitude for the opportunity to work with all the girls in the competition. Commissioner Wilson thanked Danielle for her many hours she has shared to give the girls leadership opportunities.

(7)

PRESENTATION BY KAREN DOLAN REGARDING FOUR CORNERS BEHAVIORAL HEALTH FY 2020 AREA PLAN AND BUDGET.

Karen Dolan, Four Corners Behavioral Health came before the Board of Commissioners to review their Fiscal Year 2020 Area Plan and Budget. She explained that by State Statute Four Corners has to present to the County Commissioners a plan for mental health services for the coming year. They serve Emery, Carbon and Grand Counties with mental health services. They also have a satellite center in Green River. They offer many mental health services. In speaking of crisis services she indicated that they save a lot of lives and help them live life with dignity. Commissioner Wilson commented that he sits on this board and has every confidence in her and her staff.

(8)

NOTIFICATION: THE JAMES HUGGARD FAMILY WAS AWARDED THE CLEANING SERVICES CONTRACT FOR THE 2019 EMERY COUNTY FAIR.

In the last Commission Meeting three proposals were opened for the cleaning services contract for the 2019 Emery County Fair. The proposals were given to Sandra Huntington, Fair Director to review and make a decision. Sandra has chosen the James Huggard Family.

(9)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND JAMES HUGGARD FAMILY FOR CLEANING SERVICES AT THE 2019 EMERY COUNTY FAIR.



COMMISSION MEETING MINUTES  
JULY 2, 2019

Commissioner Kent Wilson made a motion to approve a contract between Emery County and James Huggard Family for cleaning services at the 2019 Emery County Fair. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY EMERY COUNTY SHERIFF'S OFFICE/EMERGENCY MANAGEMENT'S APPLICATION FOR THE FY 2019 EMERGENCY MANAGEMENT PERFORMANCE GRANT.

Sheriff Funk explained that the Emergency Management Application is for FY 2019 Emergency Management Performance Grant in the amount of \$39,100.00 for Emergency Management training exercises. Commissioner Kent Wilson made a motion to approve Emery County Sheriff's Office /Emergency Management's application for the FY 2019 Emergency Management Performance Grant. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY CHANGE ORDER #14 ON THE MILLSITE DAM REHABILITATION PROJECT.

Captain Kyle Ekker explained that Change Order # 14 is for the temporary spillway and a temporary path for holes at the golf course. The change order amount is \$119,000.00. Commissioner Gil Conover made a motion to approve Change Order #14 on the Millsite Dam Rehabilitation Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY CONTRACT WITH CASTLE VALLEY SMALL ENGINE MECHANIC AND EMERY COUNTY FOR THE ATV RODEO DURING THE 2019 EMERY COUNTY FAIR.

Commissioner Wilson indicated that the ATV Rodeo was started during last year's fair and was well attended. The contract is the same as last year. Commissioner Kent Wilson made a motion to approve a contract with Castle Valley Small Engine Mechanic and Emery County for the ATV Rodeo during the 2019 Emery County Fair. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

DISCUSS/APPROVE/DENY 2019-2020 UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS WEED CONTROL AGREEMENT.

COMMISSION MEETING MINUTES  
JULY 2, 2019

Weed/Mosquito Director Cory Worwood explained that this is the same weed control agreement as in the past. It is for weed control along the Green River in the amount of \$17,000.00. Commissioner Gil Conover made a motion to approve 2019-2020 Utah Division of Forestry , Fire and State Lands Weed Control Agreement. The motion was seconded by Commissioner Gil Conover. The motion passed.

(14)

DISCUSS/APPROVE/DENY A MONETARY DONATION TO THE THIRD ANNUAL HABITAT FOR HUMANITY GOLF COURSE TOURNAMENT FUNDRAISER.

Commissioner Gil Conover made a motion to approve a \$250.00 monetary donation to the Third annual Habitat for Humanity Golf Course Tournament Fundraiser. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

DISCUSS/APPROVE/DENY THE FY2019-2020 INTERAGENCY COORDINATION AND SUB RECIPIENT CONTRACT AGREEMENT FOR THE AGING ADMINISTRATION PROGRAM.

Commissioner Gil Conover made a motion to approve the FY 2019 Interagency Coordination and Sub Recipient contract Agreement for the Aging Administration Program. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(16)

DISCUSS/APPROVE/DENY RESOLUTION ADOPTING THE UTAH RETIREMENT SYSTEMS DEFINED CONTRIBUTION PLAN POLICY.

Personnel Director Mary Huntington reviewed a Resolution adopting the Utah Retirement Systems Defined Contribution Plan Policy. She explained that employees hired after July 2, 2019 will have 5% of their gross salary automatically deferred into the employee's URS 401(k) Plan. An employee may elect to stop, decrease, or increase these deferrals at anytime. These deferrals and employer matching contributions are vested immediately and may only be withdrawn according to plan provisions. Commissioner Kent Wilson made a motion to approve Resolution 7-2-19A Adopting the Utah Retirement Systems Defined Contribution Plan Policy. The motion was seconded by Commissioner Gil Conover. The motion passed.

(17)

DISCUSS/APPROVE/DENY RESOLUTION AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL TITLE 1 INTRODUCTION AND POLICY STATEMENTS, CHAPTER C DEFINITIONS, 3b EXISTING EMERY COUNTY CLASSIFICATIONS (TITLE 1, CHAPTER C, 3b).

COMMISSION MEETING MINUTES  
JULY 2, 2019

Mary Huntington reviewed a resolution amending the Personnel Policies and Procedures Manuel.

She explained that the County Commissioners desired to amend the policy to assure at they are in full compliance with federal, state, legal and administrative requirements. The policy reflects organizational changes such as with the Library and Travel Council. Commissioner Gil Conover made a motion to approve Resolution 7-2-19B adopting the Personnel Policies and Procedures Manual Title 1 Introduction and Policy Statements, Chapter C Definitions, 3b Existing Emery County Classifications (Title I. Chapter C. 3b.). The motion was seconded by Commissioner Kent Wilson. The motion passed.

(18)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Conover reported that the state has moved up the deadline for medical cannabis cultivation application process. We have a person who is in the process of applying for a cultivation license, and his fees are in place. Emery County would make a financial gain as well as potential jobs. The state will be doing a good job of vetting the applicants.

Commissioner Wilson reported that several Trails Committee members were recognized by BLM in their meeting this morning for their dedicated work on trails on the desert and in the mountains. Emery Telcom was recognized for their partnering and volunteering of time and equipment to maintaining trails in the county. They are an important asset to our trails system creation and maintenance.

(19)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 16, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Deputy Attorney Brent Langston, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 252108 through and including #252240 was present for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
31-19	Air Conditioner/Installation Emery Library/Library	\$2,535.00
32-19	TV Amplifiers/Horn Mountain Communications/SO	\$23,890.00
33-19	Square Up Terminal Museum of San Rafael	\$668.00

There were no dispositions.

(2)

APPROVAL OF MINUTES OF JULY 02, 2019 COMMISSION MEETING.

(3)

APPROVAL OF OUT-OF-STATE TRAVEL FOR CAPTAIN KYLE EKKER, DETECTIVE TYSON HUNTINGTON AND DETECTIVE SHON ROPER TO ATTEND THE CALIFORNIA NARCOTIC OFFICER'S ASSOCIATION 55<sup>TH</sup> ANNUAL TRAINING INSTITUTE (CNOA) IN RENO, NEVADA ON NOVEMBER 23-26, 2019

(4)

APPROVAL OF OUT-OF-STATE TRAVEL FOR CAPTAIN KLYE EKKER, DETECTIVE

COMMISSION MEETING MINUTES  
JULY 16, 2019

TYSON HUNTINGTON AND DETECTIVE SHON ROPER TO ATTEND ZETX CRIMINAL INVESTIGATIONS USING CELLULAR TECHNOLOGIES 40-YR ADVANCED COURSE IN LAS VEGAS, NEVADA.

(5)  
APPROVAL OF NANCY JORGENSEN, NADENE HINKINS, WENDI FAUVER, JOHNATHON FAUVER, LANA QUIVEY, BRETT WHITE, PATSY STODDARD, TATE WEBER, SHAUNA ELLIS, ROCHELLE ROMERO-BADBACK, KASEY EDGEHOUSE, SHANDY MAGNUSON, HEATHER ORGIL, SCOTT LABRUM, ALICIA WHITZEL, JULIE WILSON, RYAN TORGERSON, LINDSEY TORGERSON, KIRK ROBINSON, BRYDI SHARP, LYNÆE CHRISTENSEN, KARI ALTON, JANA LARSEN, DEREK LABRUM, TALINA LABRUM, HEATHER ATWOOD, AND JAKE ATWOOD, KORY MCARTHUR, HEATHER BEHLING, AND WILL PAYNE AS VOLUNTEERS FOR THE 2019 EMERY COUNTY FAIR.

(6)  
APPROVAL TO GIVE MOLLY BARNES AND LAURA HURST A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THEIR ORIENTATION PERIOD AS A DISPATCHER II. EFFECTIVE 7-29-19

(7)  
APPROVAL TO GIVE DUSTIN HASKELL A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS THE LEAD MECHANIC AND THE 3% COLA. EFFECTIVE 7-29-19

(8)  
APPROVAL TO REASSIGN ROXANNE JENSEN FROM GRADE 16 TO GRADE 15 AS THE BRANCH LIBRARIAN IN CASTLE DALE. EFFECTIVE 7-29-19

(9)  
APPROVAL TO ISSUE "SHERIFF ONE" AND "SHERIFF TWO" CREDIT CARDS WITH \$5,000.00 CREDIT LIMITS.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

3  
COMMISSION MEETING MINUTES  
JULY 16, 2019

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA

(2)  
PUBLIC COMMENT( 3 MINUTES TIME LIMIT).

(3)  
SAFETY MINUTE PRESENTATION BY CONNIE JENSEN

(4)  
AWARDING OF SAFETY VISA GIFT CARDS.

Full-time employee: Clinton Olsen  
Part-time employee: Natalie Olsen  
Safety Sensitive: Dillon Keele and Robert Riley

(5)  
OPEN, REVIEW AND AWARD BIDS FOR THE DEPARTMENT OF ENERGY GRANTS  
CONSULTANT.

Motion to table this item was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(6)  
RATIFICATION OF LETTER OF SUPPORT REGARDING THE CARBON COUNTY  
YOUTH BUILD GRANT.

Many businesses in Carbon and Emery County require their employees to obtain some type of skill or training that is needed for the job. The Youth Build program will help young people reach educational and career milestones for them to become successful employees in the Emery County community. The proposed Youth Build program will benefit the people of Carbon County by helping the un-and under employed on a career track that has a great future, helping individuals realize their untapped potential and expanding what people perceive as careers in construction and manufacturing. Emery County wishes to provide continued participation and support. Commissioner Kent Wilson made a motion to ratify the signing of a letter of support regarding the Carbon County Youth Build Grant. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

COMMISSION MEETING MINUTES  
JULY 16, 2019

RATIFICATION OF COOPERATIVE AGREEMENT BETWEEN UTAH DIVISION OF WILDLIFE RESOURCES, UTAH DIVISION OF STATE PARKS AND RECREATION AND EMERY COUNTY FOR MAINTENANCE OF MARINA PARKING AREAS AT JOE’S VALLEY RESERVOIR.

Commissioner Gil Conover made a motion to ratify the signing of a Cooperative Agreement between Utah Division of Wildlife Resources, Utah Division of State Parks and Recreation and Emery County for maintenance of Marina Parking Areas at Joe’s Valley Reservoir. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)  
DISCUSS/APPROVE/DENY PAYING DANIELLE TUTTLE’S LODGING FOR THE ENTIRE WEEK OF MISS UTAH WHICH WAS JULY 10-15, 2019.

Commissioner Kent Wilson made a motion to approve paying Danielle Tuttle’s lodging for the entire week of Miss Utah which was July 10-15, 2019. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)  
DISCUSS/APPROVE/DENY REIMBURSING DANIELLE TUTTLE FOR HER TICKET PACKAGE TO MISS UTAH 2019.

Commissioner Kent Wilson made a motion to approve reimbursement of Danielle Tuttle’s ticket package to Miss Utah 2019. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)  
COMMISSION/ELECTED OFFICIALS REPORT

Sheriff Funk reported on the recent Triathlon fund raiser for Search and Rescue.

Commissioner Conover talked about the cannabis licenses and the State’s decision to delay the license process.

(11)  
ADJOURN

Motion to adjourn was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

AUGUST 6, 2019

Present at the meeting Was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, Elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #252261 through and including #252409 was presented for payment.

There were no Requisitions.

Dispositions were presented for the following:

Refrigerator #9642, Air Conditioner #8360.

(2)

APPROVAL OF MINUTES OF JULY 18, 2019 COMMISSION MEETING.

(3)

APPROVAL TO GIVE ADRIANA CHIMARAS A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE TRAVEL/TOURISM/MUSEUM DIRECTOR. EFFECTIVE 8-12-19

(4)

APPROVAL OF COUNTY CREDIT CARD FOR DESIREE MALLEY, THE LIBRARY DIRECTOR.

(5)

APPROVAL OF APPOINTMENT OF MICHAEL TUTTLE AS THE ORANGEVILLE CITY FIRE CHIEF.

This agenda item must go through the Fire Protection SSD.

Motion to approve the Consent Agenda with the exception of #5 was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.



DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

(2)  
PUBLIC COMMENT (3 MINUTE TIME LIMIT)

Doris Quinn thanked those who were responsible for the proceeds of the lamb fry being donated to her son.

(3)  
OPEN, REVIEW AND AWARD THE PROPOSALS FOR THE PUBLIC LANDS CONSULTANT.

There was one proposal for the Public Lands Consultant. The proposal was from Cody Stewart in the amount of \$3,000.00 per month. The proposal was missing the last page. The Commission office will acquire the last page and forward it to Attorney Mike Olsen and award based on an acceptable price schedule. Commissioner Kent Wilson made a motion to have Attorney Mike Olsen draft an extended contract, on a month by month basis, as long as we (Emery County) need a consultant in Washington D.C. The motion was seconded by Commissioner Gil Conover. The motion passed.

(4)  
OPEN, REVIEW AND AWARD THE PROPOSALS FOR THE CONSULTANT TO SECURE GRANTS THROUGH THE DEPARTMENT OF ENERGY.

There was one proposal for the Consultant to Secure Grants through the Department of Energy. The proposal was from the Uintah Group in the amount of \$3,500.00 a month. Commissioner Gil Conover made a motion to accept the proposal from the Uintah Group and award a contract for consulting services to secure grants through the Department of Energy. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)  
RATIFICATION OF THE FOLLOWING CONTRACT WORKERS FOR THEIR WORK PERFORMED DURING THE 2019 EMERY COUNTY FAIR: WILL PAYNE, BRETT WHITE, COREY MCARTHUR, ADRIE THOMASON, MATT THOMASON, SHANDI EWELL.

Commissioner Kent Wilson made a motion to ratify contracts signed by Will Payne, Brett White, Corey McArthur, Adrie Thomason, Matt Thomason, and Shandi Ewell for their work performed during the 2019 Emery County Fair. The motion was seconded by Commissioner Gil Conover.

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Commission Meeting Minutes  
August 6, 2019

The motion passed.

(6)

RATIFICATION OF THE NOTICE OF AWARD (NOA), AMENDMENT 0002, REGARDING THE TRAIL MOUNTAIN EWP.

Commissioner Gil Conover made a motion to ratify the signing of a Notice of Award (NOA), Amendment 0002, regarding the Trail Mountain EWP. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

RATIFICATION OF THE NO COST EXTENSION OF TIME AGREEMENT REGARDING THE MILLSITE DAM REHABILITATION PROJECT.

Commissioner Kent Wilson made a motion to ratify the signing of a No Cost Extension of Time Agreement regarding the Millsite Dam Rehabilitation Project. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

RATIFICATION OF A RESOLUTION AUTHORIZING THE FILING OF CROSS-APPEALS FOR 2019 CENTRALLY ASSESSED PROPERTIES REGARDING PACIFICORP AND CENTURYLINK, INC.

Upon recommendation of Attorney Mike Olsen, Commissioner Gil Conover made a motion to ratify the signing of **Resolution 8-06-19A** a resolution authorizing the filing of cross-appeals for 2019 Centrally Assessed Properties regarding Pacificorp and Century link, Inc. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY ADOPTING A RESOLUTION AUTHORIZING THE FILING OF CROSS-APPEALS FOR 2019 CENTRALLY ASSESSED PROPERTIES REGARDING MERIT ENERGY COMPANY, UNION PACIFIC RAILROAD COMPANY AND UTAH RAILWAY COMPANY.

Upon recommendation from Attorney Mike Olsen, Commissioner Kent Wilson made a motion to adopt Resolution 8-06-19B authorizing the filing of cross-appeals for 2019 Centrally Assessed properties regarding Merit Energy Company, Union Pacific Railroad Company and Utah Railway Company. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY MONETARY DONATION TO THE DOMESTIC VIOLENCE COALITION.

Attorney Mike Olsen indicated that the Domestic Violence Coalition is planning an annual training and conference to raise awareness and train local sheriff's deputies and to thank the Sheriff's Department for their handling of domestic violence incidents. They are asking for funds to provide lunch and snacks during the conference. Commissioner Kent Wilson made a motion to table this for now to allow time to meet with other entities to find funds to donate to the conference. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY CONTRACT FOR THE AWARDING OF GRANT FUNDING FOR THE DIGITIZATION OF THE EMERY COUNTY PROGRESS FROM OCTOBER 1940-APRIL 2004.

Suzanne Anderson informed the Commissioners that Emery County Archives has been awarded a grant in the amount of \$6,906.70 for the digitization of the Emery County Progress from October 1940-April 2004. The Historical Society has pledged \$950.00 and Emery TelCom will match the grant. Suzanne requested approval of a State of Utah Contract to accept the award. Commissioner Gil Conover made a motion to approve a contract for the awarding of grant funding for the digitization of the Emery County Progress from October 1940-April 2004. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY SIGNING OF THE UTAH DEPARTMENT OF HEALTH CONTRACT FOR THE EMERY COUNTY CARE AND REHABILITATION CENTER TO PARTICIPATE IN THE NURSING FACILITY NON-STATE GOVERNMENT UPPER PAYMENT LIMIT PROGRAM.

The Upper Payment Limit Program allows the Emery County Care Facility to be paid for the number of patients in the facility over and above other funding sources. Doing this has helped pull them out of debt. Commissioner Gil Conover made a motion to approve signing of the Utah Department of Health Contract for the Emery County Care and Rehabilitation Center to participate in the Nursing Facility Non-State Government Upper Payment Limit Program. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY LETTER REGARDING PARCELS IDENTIFIED IN THE JOHN

D. DINGEL, JR CONSERVATION, MANAGEMENT AND RECREATION ACT FOR CONVEYANCE TO EMERY COUNTY.

Public Lands Director Ray Petersen read a letter regarding parcels identified in the John D. Dingel, Jr. Conservation management and Recreation Act for conveyance to Emery County. In Accordance with the signing into law the “The John D. Dingel, Jr. Conservation, Management, and Recreation Act”, Emery County requests that the BLM convey the parcels identified in the Act, without consideration for recreation and public purposes.

Specifically, the county asks the BLM to convey the following parcels:

HUNTINGTON AIRPORT. The approximately 320-acre parcel as generally depicted on the map, to Emery County, Utah, for the management of Huntington Airport consistent with uses allowed under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”)

EMERY COUNTY SHERIFF’S OFFICE. The approximately 5-acre parcel as generally depicted on the map, to Emery County, Utah, for the Emery County Sheriff’s Substation consistent with uses allowed under the Act of June 24, 1926 (commonly known as the “Recreation and Public Purposes Act”).

BUCKHORN INFORMATION CENTER. The approximately 5-acre parcel as generally depicted on the map, to Emery County, Utah, for the Buckhorn Information Center consistent with uses allowed under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”). Commissioner Kent Wilson made a motion to approve a letter regarding parcels identified in the John D. Dingel, Jr. Conservation Management and Recreation Act for Conveyance to Emery County. The motion was seconded by Commissioner Gil Conover. The motion passed.

(15)

DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR THOMAS SCOTT FOR THE BUSINESS GETTIN’ OUR SMOKE ON.

Commissioner Kent Wilson made a motion to approve a business license for Thomas Scott dba: Gettin’ Our Smoke On. The motion was seconded by Commissioner Gil Conover. The motion passed.

(16)

DISCUSS/APPROVE/DENY AMENDMENTS TO THE CONTRACT FOR SERVICES BETWEEN EMERY COUNTY AND SSD1.

Amendments to the Interlocal Agreement for services between Emery County and SSD#1 include secretarial service from the Commission Office, and mineral lease tracking by the Assessor’s Office. The contract amount is \$55,000.00 for the year. Commissioner Gil Conover made a motion to approve amendments to the interlocal Agreement between Emery County and SSD#1. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(17)

DISCUSS/APPROVE/DENY ORANGEVILLE CITY BEING INCLUDED IN EMERY COUNTY'S BUILDING INSPECTIONS SERVICE AREA.

Orangeville City has requested to be included in the Emery County Building Inspection Service Area. Commissioner Kent Wilson made a motion to approve Orangeville City's request to be included in the Emery County Building Inspection Service Area as long as they approve of the County's fee schedule. The motion was seconded by Commissioner Gil Conover. The motion passed.

(18)

DISCUSS/APPROVE/DENY CONTRACT WITH REEL ROCK FOR ADVERTISING TOURISM IN EMERY COUNTY.

Travel Director Adriana Chimaras requested approval for a contract with Reel Rock for advertising Tourism in Emery County. Reel Rock provides film tour footage. The film tour shows in 450 countries to approximately 150,000 to 200,000 viewers. She added that the Travel Bureau has budgeted \$25,000 for a bill board that they have not spent and would like to use those funds for this service. Attorney Mike Olsen inquired if the finished product would be the property of Emery County. Adriana was sure that the content/finished product would be the property of Emery County. Commissioner Kent Wilson made a motion to support a contract with Reel Rock at \$20,000.00. The motion was seconded by Commissioner Gil Conover. The motion passed.

(19)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk and Attorney Mike Olsen expressed their gratitude for the hard working people who helped make this years Emery County Fair a success.

Commissioner Wilson expressed gratitude to Meagan Crosland for work keeping the fair expenses in check. He thanked Mary Huntington and Sandra Huntington for their hard work. He expressed thanks to the Swell Country Fest/Concert sponsors, vendors and those behind the scenes who worked hard to make it a success.

Commissioner Conover reported on the status of medical cannibus. He also thanked those who worked hard to make the 2019 Emery County Fair a success.

Commissioner Sitterud commended Commissioner Wilson for his dedication to the citizens and making sure everyone, including the patients at the Care Facility were able to enjoy the fair. He held a Lamb Fry for the Care Facility patients on Monday night.

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August 6, 2019

(20)  
ADJOURN

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

AUGUST 20, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 252452 through and including # 252586 was presented for payment.

Requisitions were presented for the following:

REQUISITION	DESCRIPTION	AMOUNT
34-19	Kenmore Fridge Aquatic Center	\$ 554.99
35-19	Poweredge 340 Server IT/Sheriff	\$4,277.84

There was one disposition for a cabinet from the Aquatic Center #9683

(2)  
APPROVAL OF MINUTES OF AUGUST 06, 2019 COMMISSION MEETING.

(3)  
APPROVAL TO GIVE MELODY HOFFMAN A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE OV BRANCH LIBRARIAN. EFFECTIVE 8-26-19.

(4)  
APPROVAL TO APPOINT JUSTIN QUEEN AND DEANNA HANSEN TO THE EMERY COUNTY LIBRARY BOARD.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

2

COMMISSION MEETING MINUTES  
AUGUST 20, 2019

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

(3)

SAFETY MINUTE PRESENTATION BY ADRIANA CHIMARAS.

Adriana talked about proper lifting and asking for help with heavy objects.

(4)

AWARDING OF SAFETY VISA GIFT CARDS.

Full time employees- Richard Bret Mills

Part time employees- Malinda Bell

Safety Sensitive employees- Jeff Weber and Michael Van Wagoner

(5)

PRESENTATION BY AMANDA MCINTOSH REGARDING SUICIDE PREVENTION AND AWARENESS.

Amanda McIntosh is the Suicide Prevention Specialist at SEUDH. She talked about legislation that has allocated funds to Carbon and Emery Counties due to the high incident of suicide in this area. Suicide prevention Month will be in September with a special focus on September 8-14th. She asked for permission to hold a candle light vigil on the courthouse lawn from 7:30 to 9:30 on September 8<sup>th</sup> in honor of those loved ones who have lost their battle to suicide. They will also have art symbolizing and naming those loved ones lost to suicide that they would like to display on the courthouse lawn during that week. There were 95 people lost to suicide in Carbon, Emery and Grand Counties since 2013. They would like to plant them in the grass on Sunday, September 8<sup>th</sup> and remove them on the following Sunday.

(6)

RATIFICATION OF COOPERATIVE FOREST ROAD AGREEMENT BETWEEN EMERY COUNTY AND THE USDA, FOREST SERVICE MANTI-LA-SAL NATIONAL FOREST.

This is a five year agreement with the Forest Service for Emery County to maintain forest roads. Signing of the agreement was time sensitive. Commissioner Kent Wilson made a motion to ratify the signing of Cooperative Forest Road Agreement between Emery County and the USDA, Forest Service Manti- La-Sal National Forest. The motion was seconded by Commissioner Gil



3  
COMMISSION MEETING MINUTES  
AUGUST 20, 2019

Conover. The motion passed.

(7)  
RATIFICATION OF MODIFICATION OF GRANT AGREEMENT BETWEEN EMERY COUNTY AND USDA FOREST SERVICE REGARDING TRAIL MOUNTAIN EWP PROJECTS.

This is a modification of a Grant Agreement between Emery County and USDA Forest Service regarding Trail Mountain EWP projects. The modification is to extend the performance period to 5/31/23, and the change in funding increased by \$310,318.00. The document was signed previously to meet time constraints. Commissioner Kent Wilson made a motion to ratify the signing of a grant agreement between Emery County and USDA Forest Service regarding Trail Mountain EWP projects. The motion was signed by Commissioner Gil Conover. The motion passed.

(8)  
RATIFICATION OF LETTER OF SUPPORT REGARDING ORANGEVILLE LIBRARIES TO BE AVAILABLE AS CO-WORKING SPACE.

A letter of support to the Utah Governor's Office of Economic Development was previously sent supporting a co-working space to be made available for rent to the general public in the Orangeville Public Library located at 115 South Main Street in Orangeville, Utah and Green River Public Library located at 95 South Long Street in Green River, Utah. Each library has traveling professional and entrepreneurs that utilize the space therefore these locations are ideal for dedicated co-working spaces. A co-working space in the Orangeville and Green River Libraries will provide additional aid to entrepreneurs, freelancers and small businesses by giving a professional space to work and mingle with other businesses and professionals. Commissioner Conover made a motion to ratify the signing of a letter of support regarding Orangeville Library and Green River Library to be available as co-working space. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)  
ACCEPTANCE OF UTAH HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HEMP) 2019 PLANNING GRANT AWARD FROM THE UTAH STATE FIRE MARSHAL'S OFFICE-HAZMAT SECTION.

Motion to accept Utah Hazardous Materials Emergency preparedness (HEMP) 2019 Planning Grant Award from Utah State Fire Marshal's Office-Hazmat Section was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(10)  
DISCUSS/APPROVE/DENY LETTER OF PERMISSION TO BUILD AN EWP ON

COMMISSION MEETING MINUTES  
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PROPERTY OWNED BY EMERY COUNTY IN MEETINGHOUSE CANYON.

Captain Kyle Ekker explained that in order to proceed with the emergency watershed protection NRCS funded projects in Huntington Canyon, formal permission is needed to construct an earthen embankment on property owned by Emery County in Meetinghouse Canyon.

Commissioner Gil Conover made a motion to approve a letter of permission to build an EWP on property owned by Emery County in Meetinghouse Canyon. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY NRCS-ADS-78 ASSURANCES RELATING TO REAL PROPERTY ACQUISITION FOR THE PROJECT SITES IN MEETINGHOUSE CANYON AS PART OF THE TRAIL MOUNTAIN FIRE EMERGENCY WATERSHED PROTECTION PROJECT.

Commissioner Kent Wilson made a motion to approve NRCS-ADS-78 Assurances relating to real property acquisition for the project sites in Meetinghouse Canyon and part of the Trail Mountain Fire Emergency Watershed protection Project upon receiving paperwork from the BLM. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY NRCS-ADS-78 ASSURANCES RELATING TO REAL PROPERTY ACQUISITION FOR THE PROJECT SITES IN MILL FORK CANYON AS PART OF THE TRAIL MOUNTAIN FIRE EWP PROJECT.

Commissioner Kent Wilson made a motion to approve NRCS-ADS-78 Assurances relating to Real Property Acquisition for the project sites in Mill Fork Canyon as part of the Trail Mountain Fire EWP Project. The motion was seconded by Gil Conover. The motion passed.

(13)

DISCUSS/APPROVE/DENY NRCS-ADS-78 ASSURANCES RELATING TO REAL PROPERTY ACQUISITION FOR THE PROJECT SITES IN RILDA CANYON AS PART OF THE TRAIL MOUNTAIN FIRE EWP PROJECT.

Commissioner Gil Conover made a motion to approve NRCS-ADS-78 Assurances to Real Property Acquisition for the Project sites in Rilda Canyon as part of the Trail Mountain Fire EWP Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY NONFUNDED CHALLENGE COST SHARE AGREEMENT BETWEEN EMERY COUNTY AND THE USDA, FOREST SERVICE MANTI-LASAL

NATIONAL FOREST REGARDING FAMILY FRIENDLY TRAILS PROJECT.

Commissioner Kent Wilson made a motion to table this item. The motion was seconded by Commissioner Gil Conover. The motion passed.

(15)  
DISCUSS/APPROVE/DENY MONETARY DONATION TO THE DOMESTIC VIOLENCE COALITION.

Laurel Magnuson representing the Domestic Violence Coalition made a request for a monetary donation to the coalition to hold an annual training /conference to raise awareness and train local sheriff's deputies and to thank the Sheriff's Department for their handling of domestic violence incidents. Commissioner Kent Wilson made a motion to co-sponsor with other donations throughout the communities by matching 50% of what is donated up to a maximum of \$800.00. The motion was seconded by Commissioner Gil Conover. The motion passed.

(16)  
DISCUSS/APPROVE/DENY QUIT CLAIM DEED BETWEEN EMERY COUNTY AND ELDON PRICE.

County Attorney Mike Olsen felt that a Public Hearing was needed to dispose of the property through the proper channels. Commissioner Gil Conover made a motion to table this matter until after a Public hearing is held. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(17)  
DISCUSS/APPROVE/DENY LEASE AGREEMENTS FOR THE EMERY COUNTY SENIOR CITIZEN CENTERS.

Emery County Senior Citizens Director, Robbie Jensen explained that it recently came to their attention that a Chiropractic practice out of Moab has requested to form an agreement with the Green River Senior Center to use the center twice a month on Fridays for his clients in Green River. In making a lease agreement between the Green River Senior Center and the company they found that Pro Rehab has been using the Center for the last twenty years. In trying to locate a lease agreement for Pro Rehab they realized that either one was not created or we do not have a current lease agreement. They have been utilizing the Center every Tuesday and Thursday. The board felt it would be appropriate to create a lease agreement for all of the Sr. Centers, that anyone who wants to lease or rent the Sr. Center for the purpose of business so that everyone would be on the same playing field. They felt that they would be held to the same rental agreement that the public is held to which is \$50.00 a day for that facility. They felt that in the case of Pro Rehab, where they have been using the center and the public is now more aware of their presence there weekly, they felt it would be appropriate to grandfather them in a slightly

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lower rate. He asked that they approve a lease agreement with the Sr. Centers. The buildings are the property of Emery County. They want to make sure everything is accordance to what Emery County requires. Attorney Mike Olsen addressed the lease agreement document. He felt the lease is good. He felt that each individual sub lease should be approved by the Commission as they come in. Mike wants to look at each sub lease to determine the type of altering to the building will be done if any. The Commissioners will review each sub lease as it comes in. No action was taken at this time.

(18)

DISCUSS/APPROVE/DENY CONSULTING SERVICES AGREEMENT BETWEEN EMERY COUNTY AND UINTA GROUP LLC.

Commissioner Sitterud explained that the San Rafael Research Center is being built at the old Central Warehouse on Coal Haul Road in Orangeville. There is money available out there to help put this together. We have a coal combustion testing machine that is being reassembled at this time. This Uinta Group will be responsible for finding grants and money available to get this research center up and running. Commissioner Sitterud asked for approval of the consulting services agreement between Emery County and Uinta Group, LLC. Commissioner Kent Wilson made a motion to approve a Consulting Services Agreement between Emery County and Uinta Group, LLC. The motion was seconded by Commissioner Gil Conover. The motion passed.

(19)

DISCUSS/APPROVE/DENY CONSULTING SERVICES AGREEMENT BETWEEN EMERY COUNTY AND NATIONAL ENVIRONMENTAL STRATEGIES.

Commissioner Wilson explained that this agreement is for consulting services as a Public Lands Consultant in Washington D.C. and Salt Lake City and working to be sure the Department of Interior interprets our lands bill as we desire.

Commissioner Kent Wilson made a motion to approve a Consulting Services Agreement between Emery County and National Environmental Strategies. The motion was seconded by Gil Conover. The motion passed.

(20)

DISCUSS/APPROVE/DENY ADDENDUM TO AGREEMENT DATED APRIL 29, 2019 BETWEEN EMERY COUNTY AND CLARENCE SMITH.

This is an addendum to the agreement dated April 29, 2019 between Emery County and Clarence Smith. The agreement called for Emery County and Green River City to pay \$10,000.00 to Clarence Smith subject to all required taxes and withholdings as invested wage advance. Green River City presented Clarence Smith a check to him directly for \$5,000.00 without any tax withholdings. Emery County and the employee want to clarify the contract with respect to EC's payment responsibility under the contract. Emery County shall pay \$5,000.00 plus interest at the

COMMISSION MEETING MINUTES  
AUGUST 20, 2019

State Post Judgement interest rate in the amount of \$104.92 for a total of \$5,104.92 minus required taxes and withholdings. All other terms and conditions of the Agreement shall remain in effect. Commissioner Gil Conover made a motion to approve an Addendum to Agreement dated April 29, 2019 between Emery County and Clarence Smith. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(21)

DISCUSS/APPROVE/DENY SERVICE AGREEMENT BETWEEN EMERY COUNTY AND ISSAC CALDIERO.

Emery County Events Coordinator, Amanda Leonard requested approval for a service agreement between Emery County and Issac Caldiero. Issac is the first and only champion of American Ninja Warrior. He is also the author of the first guide book for Joe's Valley Bouldering. This is the perfect combination of the whole goal of Bouldering Fest which is to mesh locals with climbers. Every local she has spoke with watches American Ninja Warrior and is excited at the prospect of Issac coming to the Fest. The Fest is going to build a ninja course this year that locals can participate in and try. In the agreement Issac agrees to make a personal appearance on Thursday of the Fest at the ninja course. He will answer questions, sign posters and be there to mingle with the locals. Since winning ANW Issac has been doing motivational speaking to the youth. His plat form is "How to be a Ninja." in real life instead of on the course. Canyon View, San Rafael and Emery High have agreed to welcome him for assemblies while he is here. He will also have a guiding clinic for the local youth in Joe's Valley Canyon that Saturday. Emery High has agreed to make Issac a part of Homecoming week, so Friday will be Ninja Warrior Day. The High School will have their assembly that day and he will host a private one hour Ninja Course event for the High School students as part of their homecoming week. He will also do media interviews to promote Joe's Valley, the county and the event. He will also participate in a fund raiser for Search and Rescue. Amanda requested approval to sign the service agreement Attorney Mike Olsen indicated that he as reviewed the agreement and has edited the document to include the usual indemnity clause. Commissioner Kent Wilson commented that with the opioid and suicide problem that we have in the county this is a great positive thing. To put our youth in front of someone who is successful and can teach our youth useful skills and how to cope is a good thing. Commissioner Kent Wilson made a motion to approve a service agreement between Emery County and Issac Caldiero. The motion was seconded by Commissioner Gil Conover. The motion passed. Attorney Mike Olsen recommended that Amanda have Issac sign the edited agreement with the indemnity clause added to the document. The funds to pay Issac will come through TRT and Events Budget.

(22)

DISCUSS/APPROVE/DENY A RESOLUTION CALLING FOR AN ELECTION FOR NOVEMBER 05, 2019, FOR GENERAL OBLIGATION BONDS NOT TO EXCEED \$14,000,000; DECLARING OFFICIAL INTENT WITH RESPECT TO CERTAIN EXPENDITURES; CALLING A PUBLIC HEARING REGARDING THE BONDS; APPROVING THE PUBLICATION OF A NOTICE OF ELECTION, THE BALLOT

PROPOSITION AND OTHER VOTER INFORMATION; AND RELATED MATTERS.

Jacob Sharp provided a history of the General Obligation Bonds issued by CVSSD over the years. There have been six GOBs in the history of CVSSD. CVSSD uses these GOB funds to leverage grants through CIB to complete projects within the cities and towns that are in their district. Green River City and Lawrence are not within their district boundaries. These projects are culinary water projects, secondary water projects, sanitary water projects, drainage projects, city streets, and curb & gutter projects. The GOB are good for ten years. Each year CVSSD will come to the Commission for approval to use a percentage of the funds to complete projects in the county for that year. This is the last year for a bond distribution for the bonds that were voter approved in 2009. CVSSD requested approval for a Resolution calling for an election for November 5, 2019 to issue, not to exceed, \$14,000,000.00 for the next ten years. Eric Johnson, Bond Attorney, explained that the Emery County Commission would be calling for this election acting as the governing body for CVSSD. Clerk/Auditor Brenda Tuttle asked for clarification that the District is going to pick the cost of this election. This is not a county election year. This is a municipal election year. Emery County has agreements with the cities that they will cover the cost of what we incur. Eric Johnson explained that State Code the District has to pick up the cost to hold an election. The mayors have all been made aware of the proposed notice of election. Commissioner Kent Wilson made a motion to approve Resolution 8-20-19 calling for an election for November 5, 2019, for General Obligation Bonds not to exceed \$14,000,000; declaring official intent with respect to certain expenditures; calling a public hearing regarding the bonds. Approving the publication of a notice of election, the ballot proposition and other voter information; and related matters. The motion was seconded by Commissioner Gil Conover. The motion passed.

(23)

COMMISSION/ELECTED OFFICIALS REPORT.

Sheriff Funk talked about the program that will be held at the High School in connection with Emery TelCom. Collin Karchner will address internet and mental health issues facing our youth today. He will speak to the youth during assemblies at the high school and the evening event will be directed at the parents. Sheriff Funk strongly encouraged everyone to attend.

Commissioner Wilson talked about the struggle within the EMS world in Emery County. Green River struggles to provide service. They have two EMT's that are certified. The Commissioners are trying to find a solution to this and provide a better service to our citizens..

(24)

ADJOURN

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

9  
COMMISSION MEETING MINUTES  
AUGUST 20, 2019

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 3, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

- (1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.
- (2)  
APPROVAL OF MINUTES OF AUGUST 20, 2019 COMMISSION MEETING.
- (3)  
APPROVAL TO APPOINT LAUREL MAGNUSON AND LARRY JOHANSEN TO THE TRAVEL BUREAU BOARD.
- (4)  
APPROVAL TO APPOINT ROBYN NELSON TO THE TRAILS COMMITTEE.
- (5)  
APPROVAL TO HIRE WADE RYAN AS A FULL TIME DISPATCHER 1. GRADE 14.
- (6)  
NOTIFICATION-ADDISON WEIHING WAS SELECTED AS A PART TIME ASSISTANT LIBRARIAN/JANITOR IN GREEN RIVER WORKING 193/4 HOURS PER WEEK. WAGE GRADE 8.
- (7)  
NOTIFICATION-CLINTON OLSEN HAS BEEN SELECTED AS THE PART TIME INTERIM EMS DIRECTOR. WAGE WILL INCREASE \$2.00 PER HOUR. EFFECTIVE 9-9-19.
- (8)  
APPROVAL OF CLINTON OLSEN BEING ABLE TO TAKE THE EMS VEHICLE HOME OVERNIGHT IN THE EVENT IT IS IN THE BEST INTEREST OF THE COUNTY.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.



2

COMMISSION MEETING MINUTES  
SEPTEMBER 3, 2019

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA

(2)  
PUBLIC COMMENT (3 MINUTE TIME LIMIT).

(3)  
RATIFICATION OF LETTER OF SUPPORT FOR TY'S CABINETS TO APPLY FOR THE RURAL FAST TRACK GRANT.

Commissioner Kent Wilson made a motion to ratify the signing of a letter of support for Ty's Cabinets to apply for the Rural Fast Track Grant. The motion was seconded by Commissioner Gil Conover. The motion passed.

(4)  
PRESENTATION BY BRUCE FUNK REGARDING BOE DISCREPANCIES.

Bruce Funk presented arguments for discrepancies regarding the value placed on his property that includes two of the four utilities currently on the property. He contends that his property should be valued at a lower rate than property that has four utilities. Kris Bell provided comments regarding her 24 years of experience/certification as an Assessor.

(5)  
ACCEPTANCE OF AWARD OF THE FY 2019 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) ALLOCATION FROM THE UTAH DEPARTMENT OF PUBLIC SAFETY DIVISION OF EMERGENCY MANAGEMENT, INCLUDING APPROVAL OF THE ARTICLES OF AGREEMENT.

Commissioner Kent Wilson made a motion to accept the award of the FY 2019 Emergency Management Performance Grant (EMPG) Allocation from the Utah Department of Public Safety Division of Emergency Management, including approval of the Articles of Agreement. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)  
DISCUSS APPROVE DENY NON FUNDED COST SHARE AGREEMENT BETWEEN EMERY COUNTY AND THE USDA FOREST SERVICE MANTI-LASAL NATIONAL FOREST REGARDING FAMILY FRIENDLY TRAILS.

Roseann Fillmore explained that about a year ago the National Scenic Byway got together to discuss possible projects. They invited the managers of convenience stores on the Sanpete

COMMISSION MEETING MINUTES  
SEPTEMBER 3, 2019

County side and Emery County side to participate. They discussed a number of good ideas. The Family Friendly Trails seemed like the most doable. They applied to the State of Utah for funding to do the project. Roseann, as a representative of the Scenic Byway, wrote the proposal and applied to the State under the direction of Jordan Leonard and Tina Carter. (who no longer work for Emery County) Emery County was to be the applicant and come up with the match. The State did not give them as much as they asked for, but the State came back with a modification for the full amount that they originally asked for. (\$9,665.00). The County was to match with \$5,999.00. The project involves four identified trails along Huntington and Eccles Canyons National Scenic Byway, aka the Energy Loop, that are well-suited for family hikes. The four identified trails are: Left Fork West which begins at the Millers Flat Road and leads east to a bridge crossing the Left Fork of Huntington Creek. It continues another quarter mile to a viewpoint of the falls on Miller Flat Creek below Miller Flat Reservoir. Left Fork East: which begins at the Forks of Huntington Campground in Huntington Canyon and proceeds west for about one mile to a huge logjam in the Left Fork of Huntington Creek.. Old Folks Flat Campground which begins at the Old Folks Flat Campground and continues west ending at a junction with the Mill Canyon Trail. Old Folks Flat Campground to Stuart Guard Station which begins at the Old Folks Flat Campground and proceeds east to the Stuart Guard Station Interpretive Site. The left Fork West Railhead is located on the Miller's Flat Road about 3 miles south of the Byway and is easily accessible. The others are accessed from the paved scenic byway. Signs at trail heads will give the name of the trail, the direction of the hike, the length, the difficulty, the approximate time required to hike, icons showing trail uses, i.e hiking, biking, and information about potential extensions of the hike. All of the proposed interpretation will be designed for children 6 to 12 years of age. The signs will include information regarding the area and direct the children to information of interest to the site as well as invite them to exploration/activities along the trail. The Forest Service has been working on the design of the interpretive signs. The grant is coming to Emery County. Matching funds for this grant have been set aside in TRT funds. The grant should be ran through the Tourism Office. The Tourism Office will have to go out to bid for someone to fabricate the signs. Commissioner Wilson asked Adriana Chimaras questions regarding available funds for appropriation the match for this project. Adriana indicated that there is funds available in Trails. Adriana was agreeable to the project running through her office. Commissioner Wilson made a motion to live up to the intentions of when this grant application was originally submitted and approve the Non Funded Cost Share Agreement between Emery County and the USDA Forest Service Manti-LaSal National Forest regarding Family Friendly Trails. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY ADOPTING A RESOLUTION AUTHORIZING THE FILING

4

COMMISSION MEETING MINUTES  
SEPTEMBER 3, 2019

OF CROSS-APPEALS FOR 2019 CENTRALLY ASSESSED PROPERTIES REGARDING  
T-MOBILE US, INC., AND DESERET GENERATION & TRANSMISSION COOPERATIVE.

Upon recommendation from Attorney Mike Olsen, Commissioner Gil Conover made a motion to adopt a resolution (9-3-19) authorizing the filing of Cross-Appeals for 2019 Centrally Assessed Properties regarding T-Mobile US, Inc., and Deseret Generation & Transmission Cooperative. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR BOWDY STEELE FOR BOWDY  
STEELE HUNTING.

Commissioner Kent Wilson made a motion to approve a business license for Bowdy Steele dba: Bowdy Steele Hunting. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

APPROVAL OF BUSINESS LICENSE FOR CHRISTINA VILLALOBOS FOR PAMPERED  
PETS SALON.

Commissioner Kent Wilson made a motion to approve a business license for Christina Villalobos dba: Pampered Pets Salon. The motion was seconded by Commissioner Gil Conover.

(10)

DISCUSS/APPROVE/DENY TO PROVIDE FLU VACCINES THIS YEAR IN  
CONJUNCTION WITH OUR WELLNESS CLINIC OCTOBER 30<sup>TH</sup> AND OCTOBER 31<sup>ST</sup> IN  
CASTLE DALE THEN NOVEMBER 1<sup>ST</sup> IN GREEN RIVER. THE COUNTY WILL PAY  
\$30.00 FOR EMPLOYEES (FULL OR PART TIME ALONG WITH EMT VOLUNTEERS)  
WHO CHOOSE TO RECEIVE THE VACCINE. HOWEVER, SPOUSE/DEPENDENTS ARE  
INVITED AND WILL BE REQUIRED TO PAY A \$10 CO PAY PRIOR TO RECEIVING  
THE INJECTION THEN EMERY MEDICAL WILL BILL MERITAIN IN THE BEHALF OR  
THOSE WHO DON'T HAVE INSURANCE CAN PAY THE \$30.00 AND RECEIVE THE  
INJECTION. FOR ALL FULL TIME EMPLOYEES, SPOUSE AND/OR DEPENDENTS  
ADACEL INJECTIONS WILL BE AVAILABLE AND WILL BE BILLED THROUGH THE  
COUNTY'S MEDICAL INSURANCE AT THE RATE OF \$65.AND THERE WILL BE A \$10.  
CO-PAY.

Commissioner Gil Conover made a motion to approve vaccines and payment plan as outlined by Mary Huntington in conjunction with our Wellness Clinic in October. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

COMMISSION MEETING MINUTES  
SEPTEMBER 3, 2019

DISCUSS/APPROVE/DENY UTILIZING EMERY MEDICAL CENTER AGAIN THIS YEAR FOR ANNUAL WELLNESS CLINIC. THE COST WILL BE \$250.00 PER FULL TIME EMPLOYEE THAT PARTICIPATES. THIS COST WILL INCLUDE THE VISION TEST, BMI, BLOOD PRESSURE CHECK, LAB TEST AND FOLLOW UP VISIT.

Commissioner Kent Wilson made a motion to approve utilizing Emery Medical Center for our Annual Wellness Clinic as scheduled by Mary Huntington. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY TO GIVE FULL TIME EMPLOYEES WHO PARTICIPATE IN THE WHOLE WELLNESS CLINIC 4 HOURS OF VACATION.

Commissioner Kent Wilson made a motion to give full time employees who participate in the Whole Wellness Clinic 4 hours of vacation as recommended by Mary Huntington. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

COMMISSIONER/ELECTED OFFICIALS REPORT.

Sheriff Funk gave Commissioners a heads up that Captain Ekker has been working on the Rilda Canyon Project. It will be going out to bid this next week.

Commissioner Wilson gave a shout out to the Sheriff’s Office for the compassionate way that they deal with the difficult job of informing family when someone passes away. He wanted to personally thank Brook Smith for his compassion in dealing with a recent death in his family.

Commission Gil Conover echoed Commissioner Wilson’s comments.

(14)

ADJOURN.

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 17, 2019

Present at the meeting was Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens. Commissioner Lynn Sitterud was not able to attend the meeting. Therefore, Commissioner Kent Wilson will step down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 252738 through and including #252858 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
37-19	(3) Radars for Patrol Vehicles Sheriff	\$6,555.00
38-19	2020 Can-Am Defender 6x6 Weed/Mosquito	\$16,883.08
39-19	HR Module, Caselle HR/Auditor	\$2,625.00

There was 1 disposition for a file cabinet #2925

(2)  
APPROVAL OF MINUTES OF SEPTEMBER 03, 2019 COMMISSION MEETING.

(3)  
APPROVAL TO GIVE TAYLOR DURRANT, BRENNAN CURRANT, ASHER BEAGLEY, HALEY GUYMON AND RAQUELLE SIMMONS A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD AS A LIFEGUARD. EFFECTIVE 9-23-19.

(4)

2

Commission Meeting Minutes  
September 17, 2019

APPROVAL OF MARK TUTTLE AS A VOLUNTEER TO WORK ON THE TRAILS IN EMERY COUNTY.

(5)

APPROVAL TO PROMOTE MAKYAN NIELSON TO HEAD LIFEGUARD. MOVE FROM GRADE 3 TO GRADE 5. EFFECTIVE 9-23-19.

(6)

APPROVAL TO GIVE TIFFANI BAKER A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE LEAD MUSEUM ASSISTANT. EFFECTIVE 9-23-19.

(7)

APPROVAL TO GIVE JULIE ROLLINS A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE OV ASSISTANT LIBRARIAN. EFFECTIVE 9-23-19.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Agenda #13 through #17 will be moved to follow #5 of the agenda to accommodate a scheduling conflict

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

Larry Ellertson, Congressman Curtis's Office provided a brief update of legislative activity from Congressman Curtis.

(3)

SAFETY MINUTE PRESENTATION BY COMMISSIONER GIL CONOVER

Commissioner Gil Conover gave a brief presentation on being an alert driver.

(4)

AWARDING OF VISA SAFETY GIFT CARDS.

3

Commission Meeting Minutes  
September 17, 2019

\$100.00 Visa Gift Cards were awarded for Safety to the following:

Full Time: Bonnie Day Part Time: Shellee Cologie

Safety Sensitive: Mitch Vetere and Gale Jensen

(5)

PRESENTATION BY MONICA PHELPS REGARDING ALCOHOL AND NARCOTICS ANONYMOUS SUPPORT MEETINGS THAT ARE GOING TO BE HELD IN EMERY COUNTY.

Monica Phelps came before the Board of Commissioners to thank the County for the use of the Courthouse to hold their meetings. Their goal is to hold meetings every Tuesday to help those who struggle with alcohol/narcotic addiction. Their first meeting is tonight. They plan to offer a reward for first 24 hours of clean/sober then again each 30 days of clean/sober thereafter.

Commissioner Gil Conover made a motion to leave the regular Commission Meeting and move into a Public Hearing as advertised and at the conclusion of the Public Hearing to return tot he regular agenda. The motion was seconded by Commissioner Kent Wilson and the motion passed.

(6)

**PUBLIC HEARING:** a PUBLIC HEARING TO TAKE PUBLIC COMMENT ON THE ABANDONMENT OF A PARTIAL RIGHT OF WAY ON PARCEL NO. S5-0040-0006.

Jeff Guymon reviewed a plat map of the proposed partial ROW with the public. The original intent of the ROW was to access a gravel pit. An alternative route was used rather than this ROW. The gravel pit is no longer there. The section to the east is only section proposed to abandon. Jeff recommended approval.

Commissioner Wilson read an email from a citizen in opposition to the abandonment of the partial ROW.

Attorney Mike Olsen recommended approval as he felt it was not necessary to encumber someone's land when there is no future use for the partial ROW.

There were comments from the public.

The public hearing was closed and they returned to the regular agenda.

(7)

DISCUSS/APPROVE/DENY ORDINANCE REGARDING ABANDONMENT OF PARTIAL RIGHT OF WAY ON PARCEL NO. S5-0040-0006.

Commissioner Gil Conover made a motion to approve Ordinance 9-17-19 regarding abandonment of right-of-way on Parcel No. S5-0040-0006. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY QUIT CLAIM DEED PERTAINING TO PROPOSED ABANDONMENT OF PARTIAL RIGHT-OF-WAY ON PARCEL NO. S5-0040-0006.

Attorney Mike Olsen recommended approval. Commissioner Gil Conover made a motion to approve a Quit Claim Deed pertaining to Proposed abandonment of partial right-of-way on Parcel No. S5-0040-0006 subject to Recorder Connie Jensen's approval. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

ACCEPTANCE OF STATE HOMELAND SECURITY PROGRAM (SHSP) 2019 GRANT, INCLUDING ARTICLES OF AGREEMENT.

Captain Kyle Ekker explained that the State Homeland Security Program is a grant program done in conjunction with Carbon County. It is based on population. It is federally funded through the state. It is a split grant for reverse 911. Commissioner Kent Wilson made a motion to accept the State Homeland Security Program (SHSP) 2019 Grant, including articles of agreement. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY EMERY COUNTY'S BEER TAX FUNDS FISCAL YEAR 2019 ANNUAL REPORT.

Captain Ekker explained that Beer Tax Funds have specific use requirements, such as DUI shifts, prosecution, incarceration, etc. Commissioner Gil Conover made a motion to approve Emery County's Beer Tax Funds Fiscal Year 2019 Annual Report. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE DENY APPROVING AN AGREEMENT FOR HUTTON LAW ASSOCIATES, P.C. TO REPRESENT EMERY COUNTY'S INTEREST REGARDING THE CONTRACT DISPUTE AND LAWSUIT FILED BY INTERMOUNTAIN HEALTH CARE, INC.

Attorney Mike Olsen indicated that Hutton Law Associates, P.C. was referred to Emery County by Johnny Miller to represent Emery County's interest regarding the contract dispute and lawsuit filed by Intermountain Health Care, INC. Intermountain Health Care improperly billed an employee of Emery County. The employee should not have been billed. Emery County should



not have been billed. Mr. Olsen felt it is important to defend this lawsuit. Hutton Law Associates P.C. is an expert in this type of lawsuit. Mr. Olsen indicated that Hutton charges \$165.00 per hour, which is a good rate for this type of service. There is no cap, but we will have the ability to make decisions as we go through the litigation process. Mr. Olsen recommended approval of the agreement with Hutton Law Associates P.C for this service. Commissioner Wilson commented that it is wise to hire an expert in this field. Commissioner Gil Conover made a motion to approve an agreement for Hutton Law Associates, P.C. to represent Emery County's interest regarding the contract dispute and Lawsuit filed by Intermountain Health Care, INC. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY FERRON CITY BEING INCLUDED IN EMERY COUNTY'S BUILDING INSPECTIONS SERVICE AREA.

Jeff Guymon recommended approval. Commissioner Gil Conover made a motion to approve Ferron City being included in Emery County's Building Inspections Service Area. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY CLOSING BOE FOR 2019

Brenda Tuttle explained that the time has ended (September 15) for who wished to appeal their property values for 2019. It is time to close Board of Equalization for 2019. Commissioner Kent Wilson made a motion to close BOE for 2019. The motion was seconded by Commissioner Gil Conover. The motion passed.

(14)

DISCUSS/APPROVE/DENY BOE CHANGES FOR 2019.

Assessor Kris Bell recommended acceptance for BOE changes for 2019. Commissioner Gil Conover made a motion to accept BOE changes as recommended by Kris Bell. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

DISCUSS/APPROVE/DENY VETERAN, BLIND AND HOMEOWNER'S TAX CREDIT ABATEMENTS.

Clerk/Auditor Brenda Tuttle requested approval for Veteran, Blind and Homeowner's Tax Credit

Abatements for 2019. She explained that Veteran abatements have a stipulation of at least 10% disability from the Department of Veteran Affairs. Blind abatement applications require a letter from a doctor stating the extent of visual disability. Homeowners' Tax Credit is based on income and age limit of 65 +. All applicants have met the requirements. Commissioner Gil Conover made a motion to approve Veteran, Blind and Homeowners' Tax Credit Abatements as recommended by Brenda Tuttle. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(16)

DISCUSS/APPROVE/DENY LOW INCOME TAX ABATEMENT FOR BLAIR LARSEN.

Brenda Tuttle explained that the Low Income Tax Abatement is for those individuals who are under age 65 and can show an extreme hardship. Applications must have a letter from their doctor stating the disability and a letter from the applicant stating the extreme hardship. Blair Larsen has met these requirements. Commission can approve or deny up to 50% of the tax owed. (\$444.02). Commissioner Gil Conover made a motion to approve a Low Income Abatement for Blair Larsen at 50% of the tax owed. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(17)

DISCUSS/APPROVE/DENY LOW INCOME TAX ABATEMENT FOR MILLIE ELLETT.

Brenda Tuttle explained that Millie Ellett has met the requirements for a Low Income Abatement. Commissioner Gil Conover made a motion to approve a Low Income Abatement for Millie Ellett at 50% of the tax owed. (\$471.40). The motion was seconded by Commissioner Kent Wilson. The motion passed.

(18)

COMMISSIONER/ELECTED OFFICIALS REPORT.

Attorney Mike Olsen excused Sheriff Funk from the meeting today. Deputy Kay Jensen is retiring from the Sheriff's Department at the end of the month. They will have a retirement open house for Kay on September 30<sup>th</sup>.

Commissioner Kent Wilson reported that he recently visited with a family who lost a son in accident. He got to see our Victim's Advocate Vanessa Justensen in action. He expressed feelings regarding the need to have staff to fight for victims and the important service this is to the citizens of Emery County. He added, it takes a certain skill set to deal with victims of crime. Emery County has the right person to provide this service.

(19)

ADJOURN

7

Commission Meeting Minutes  
September 17, 2019

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 1, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, Elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 252886 through and including # 252987 was presented for payment.

There were no Requisitions. There were 2 dispositions for vacuums from the Library.

(2)  
APPROVAL OF MINUTES OF SEPTEMBER 17, 2019 COMMISSION MEETING.

(3)  
APPROVAL OF CLARENCE SMITH TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF 6 MONTH ORIENTATION PERIOD AS PATROL DEPUTY II. EFFECTIVE 10-7-19.

(4)  
NOTIFICATION SELECTED SARAH SIMMONS, JENNIFER FUNK, JACE JORGENSEN, ELIAS MORRIS, BRYAN MCCANDLESS, AND ETHAN OLSEN AS PART TIME LIFEGUARDS WORKING UP TO 19.75 HOURS PER WEEK. WAGE GRADE 3.

Motion to approve the CONSENT AGENDA was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

(2)  
PUBLIC COMMENT PERIOD (3 MINUTE TIME LIMIT)

2

COMMISSION MEETING MINUTES  
OCTOBER 1, 2019

(3)

OPEN/REVIEW/AWARD BIDS FOR THE RILDA CANYON EWP PROJECT.

Bids were opened for the Rilda Canyon Emergency Watershed Project.

- 1) Nielson Construction- \$3,457,000
- 2) TSJ Construction - \$3,172,190
- 3) Nelco Construction - \$3,733,425
- 4) Perco Rock- \$3,149,999.99

Commissioner Kent Wilson made a motion to award the bid to the low bidder upon confirmation that they meet the qualifying specifications. The motion was seconded by Commissioner Gil Conover. The motion passed.

Commissioner Gil Conover made a motion to leave the regular meeting and enter into a Public Hearing to receive input from the public with respect to CVSSD's issuance of GOB in an amount not to exceed \$14,000,000 and at the conclusion of the Public Hearing to return to the regular meeting schedule. The motion was seconded by Commissioner Kent Wilson. The motion passed

(4)

**PUBLIC HEARING: A PUBLIC HEARING TO RECEIVE INPUT FOR THE PUBLIC WITH RESPECT TO THE DISTRICT'S ISSUANCE OF THE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$14,000,000 (THE "BONDS") AND THE POTENTIAL ECONOMIC IMPACT THAT THE FACILITIES AND ASSOCIATED ASSETS AND RELATED IMPROVEMENTS TO BE PAID FOR, IN WHOLE OR IN PART, WILL HAVE ON THE PRIVATE SECTOR AND RELATED MATTERS.**

CVSSD Director, Jacob Sharp provided a history of GOB bonds issued to the district since 1977 and the related improvements that were made to the county's infrastructure.

The Public Hearing was closed and the Commissioners returned to the regular meeting schedule.

(5)

**RATIFICATION OF SIGNATURE AUTHORITY TO ROBERT JENSEN, EMERY COUNTY AGING DIRECTOR OF SEUALG, FOR THE UDOT PUBLIC TRANSIT TEAM GRANT AWARD AND MANAGEMENT PROCESS.**

Commissioner Gil Conover made a motion to ratify Signature of Authority to Robert Jensen, Emery County Aging Director of SEUALG for the UDOT Public Transit Team Grant Award and Management process. The motion was seconded by Commissioner Kent Wilson. The motion passed.

3  
COMMISSION MEETING MINUTES  
OCTOBER 1, 2019

(6)  
DISCUSS/APPROVE/DENY 2019 BUSINESS PERSONAL PROPERTY TAX EXEMPTIONS LIST.

Assessor Kris Bell presented the Commissioners with a list of those Emery County businesses who qualify for an exemption, under state code, as having personal property of under \$10,800.00. Commissioner Gil Conover made a motion to approve 2019 Business Personal Property Exemptions List. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)  
DISCUSS/APPROVE/DENY TAX ABATEMENTS ON THREE PERSONAL PROPERTY MOBILE HOMES.

Assessor Kris Bell reviewed three personal property mobile homes to be considered for abatement on the taxes. 1) deceased owner, unable to locate next of kin, and abandoned- \$42.13. 2) abandoned mobile home, unable to locate owner-\$51.96. 3) deceased owner, unable to locate next of kin, abandoned- \$84.05. The court owners may want them. The county does not want to try to dispose of them. Commissioner Kent Wilson made a motion to approve tax abatements on the three personal property mobiles homes as recommended by Kris Bell. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)  
DISCUSS/APPROVE/DENY ANNUAL LEASE AGREEMENT FOR THE BACKHOE/LOADER AT THE EMERY COUNTY ROAD DEPARTMENT.

Commissioner Gil Conover made a motion to approve Annual Lease Agreement for Backhoe/Loader at the Emery County Road Department. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)  
DISCUSS/APPROVE/DENY ORDINANCE ADOPTING THE HUNTER SOLAR PLAN AND BUDGET.

Commissioner Wilson explained that yesterday a Public Hearing was held by the Community Reinvestment Agency to present a tax incentive plan and budget for a 100 MW solar facility. A resolution and budget plan was approved by the CRA board. Interlocal agreements will be presented for approval to the other taxing entities, Emery County School District and Emery Water Conservancy District. The reason for the incentives was explained. Hunter Solar developer Noah Eckhart explained some of the details of the project. Commissioner Kent Wilson made a motion to approve Ordinance 10-01-19 adopting the Hunter Solar Plan and Budget with the accompanying Resolution and budget from CRA. The motion was seconded by

COMMISSION MEETING MINUTES  
OCTOBER 1, 2019

Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY HUNTER SOLAR GEN-TIE LEVEL 3 CONDITIONAL USE AMENDMENT.

Planning and Zoning Director, Jeff Guymon explained that a Level III Conditional Use Permit was approved a few months back for Hunter Solar. He explained the need to amend the Hunter Solar Gen-Tie Level III Conditional Use Permit. He presented a map showing the change in the corridor for the transmission line. A Golden Eagle nest has been located by US Fish and Wildlife near the boundary of the original corridor and a protection zone needed to be created. The corridor was changed to create that protection zone. Commissioner Kent Wilson made a motion to grant Hunter Solar Gen-Tie Level III Conditional Use Permit Amendment as recommended by Planning and Zoning Board. Their motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY THE UTAH COUNTIES INDEMNITY POOL RESOLUTION IN APPOINTING A REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO ATTEND THE ANNUAL MEMBERSHIP MEETING IN DECEMBER.

It was explained that in past years Mary Huntington has been the representative and Mike Olsen the alternate representative to attend UCIP's Annual Membership Meeting. Commissioner Wilson recommended the same for 2019. Commissioner Gil Conover made a motion to approve Resolution 10-01-19 appointing Mary Huntington as Emery County's representative and Mike Olsen as alternate for UCIP's Annual Membership Meeting in December. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY ISSUING A REQUEST FOR PROPOSAL FOR THE LEASE, MANAGEMENT OR PURCHASE OF THE EMERY COUNTY CARE AND REHABILITATION CENTER.

Attorney Mike Olsen explained that the Emery County Care and Rehabilitation Board of Directors held a Public Hearing where they discussed advertising for a Request for Proposals for the lease, management or purchase of the Emery County Care and Rehabilitation Center. There are companies out there who are interested. The board, unanimously, voted to explore this option. Attorney Mike Olsen recommended approval. Commissioner Gil Conover made a motion to approve a request from the Emery County Care and Rehabilitation to issue a Request for Proposal for the lease, management or purchase of the Emery County Care and Rehabilitation Center. The motion was seconded by Commissioner Kent Wilson. The motion passed.

COMMISSION MEETING MINUTES  
OCTOBER 1, 2019

(13)

DISCUSS/APPROVE/DENY ISSUING A REQUEST FOR PROPOSAL FOR AN AGENCY SPECIALIZING IN REAL ESTATE AND SENIOR HOUSING AND CARE.

Attorney Mike Olsen explained that this also was discussed by the Emery County Care and Rehabilitation Board of Directors who desire to look for a company to market the Care Center in order to guarantee the best price for the asset. The Board of Directors and Attorney Mike Olsen recommend this action for approval. Commissioner Gil Conover made a motion to approve issuing a Request for Proposal for an agency specializing in real estate and senior housing and care. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY THE CONTRACT WITH TRADITIONS HEALTH CARE, INC TO PROVIDE MANAGEMENT AND OPERATIONAL SERVICES FOR EMERY COUNTY CARE AND REHABILITATION CENTER.

Attorney Mike Olsen indicated that Emery County/Emery County Care and Rehabilitation has a long history with Traditions Health Care, INC. Currently they are acting as consultant. Two board members were present and voiced their concerns and offered comments. The ECCRC Board of Directors has questioned whether to continue with Traditions Health Care, INC in this capacity. Attorney Mike Olsen expressed concern and the urgency of the matter but requested that the Commissioners table this matter for now. Commissioner Gil Conover made a motion to table this item for further review. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

COMMISSIONER/ELECTED OFFICIALS REPORT.

Commissioner Kent Wilson express his condolences to the Engleman family. Sunday Green River Fire Chief Phillip Engleman was killed in a car crash on Highway 6. He expressed the importance of having dedicated people to serve as first responders in Emery County.

Commissioner Gil Conover reported on Mineral Lease Funds. It appears that funds that were distributed to Emery County were erroneously reported by the state and Emery County owes Carbon County money that should have gone to them. The plan to pay this debt is to take October and November's MLF to pay Carbon County.

(16)



6  
COMMISSION MEETING MINUTES  
OCTOBER 1, 2019

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

OCTOBER 15, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens. Commissioner Kent Wilson was absent from the meeting. Commissioner Chairman Lynn Sitterud will step down throughout the meeting to execute motions as needed.

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 253026 through and including # 253166 was presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
41-19	2019 Arctic Cat Snowmobile Search/Rescue-SO	\$4,000.00
42-19	(32) Bulletproof Vests Sheriff	\$29,680.00
43-19	Williamsen-Godwin Elliptical Dump body 15' Road Department	\$35,800.00
44-19	Mini tank water heater Library- Cleveland	\$ 1,000.00

There were no dispositions

(2)

APPROVAL OF MINUTES OF OCTOBER 1, 2019 COMMISSION MEETING

(3)

APPROVAL TO GIVE CLIF MCELPRANG A 3% WAGE INCREASE FOR SUCCESSFUL  
COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS THE LEAD CRUSHER  
OPERATOR. EFFECTIVE 10-21-19

(4)

APPROVAL TO GIVE SAMANTHA JOHNSON A 3% WAGE INCREASE FOR

2

COMMISSION MEETING MINUTES  
OCTOBER 15, 2019

SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD AS A LEGAL SECRETARY. EFFECTIVE 10-21-19

(5)

APPROVAL TO GIVE DYLAN KEELE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A PATROL DEPUTY 1 IN GREEN RIVER. EFFECTIVE 1-21-19

(6)

APPROVAL OF THE \$10,000 CONDITIONAL SIGN-ON BONUS FOR DYLAN KEELE AS A GREEN RIVER PATROL OFFICER. EFFECTIVE 10-21-19

(7)

APPROVAL TO GIVE LAURA PEACOCK A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A MUSEUM SPECIALIST. EFFECTIVE 10-21-19

(8)

APPROVAL OF OUT-OF-STATE TRAVEL FOR ADRIANA CHIMARAS TO TRAVEL TO OREGON TO ATTEND THE GO WEST SUMMIT.

(9)

NOTIFICATION- SELECTED BROOKLYN OLSEN AS A PART TIME HEAD LIFEGUARD WORKING 19 3/4 HOURS PER WEEK. GRADE 5 @ 8.89 PER HOUR.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Lynn Sitterud, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

(3)

SAFETY MINUTES PRESENTATION BY JOSIE STILSON, COUNTY TREASURER.

(4)

AWARDING OF THE SAFETY INCENTIVE VISA GIFT CARDS.

Safety Awards were awarded to :  
Full time employee: Sami Johnson  
Part time employee: Kaelee Hooley  
Safety Sensitive employees: Dustin Haskell and Blake Gardner

(5)  
OPEN/REVIEW/AWARD BIDS FOR THE MILLFORK CANYON EWP PROJECT.

Bids for the Millfork Canyon EWP Project were opened and read aloud as follow:

1) Nelco	\$1,342,837.50
2) Nielson Construction	\$1,431,238.50
3) TSJ Construction	\$1,984,354.90
4) Perco Rock	\$ 848,093.00

Commissioner Gil Conover made a motion to award the bid to the low bidder based on qualified review of the bids. Them motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(6)  
RATIFICATION OF LETTER OF INTENT TO LEASE TRACTOR FOR WEED MOWING DURING THE 2020 SEASON.

Due to time constraints a letter of intent to lease a tractor through Wheeler was signed. Commissioner Gil Conover made a motion to ratify the signing of a letter of intent to lease a tractor for weed mowing during the 202 season. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(7)  
DISCUSS/APPROVE/DENY CORRECTING TAX AMOUNT ON PARCEL # 01-0247-0024.

Assessor, Kris Bell discussed a correction needed for parcel #01-0247-0024. She explained that the values needed to be flipped as a portion of the home is used for an ABB and part is secondary dwelling. She requested that the taxes be changed to show the true taxes. The taxes were \$621.36 and need to be amended to be \$490.94. Commissioner Gil Conover made a motion to correct the taxes on parcel #01-0247-0024 as requested. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(8)  
DISCUSS/APPROVE/DENY RESOLUTION APPROVING SUBMISSION OF

COMMISSION MEETING MINUTES  
OCTOBER 15, 2019

APPLICATION TO THE STATE OF UTAH DESIGNATING COMMERCIAL AND INDUSTRIAL ZONES AS ENTERPRISE ZONES.

Commissioner Lynn Sitterud explained that five years ago Emery County went through a public process to create Enterprise Zones in Emery County. It has proved to be beneficial to Emery County. Resolution 10-15-19 approves submission of an application to the State of Utah designating Commercial and Industrial Zones as Enterprise Zones for another five years. Commissioner Gil Conover made a motion to approve Resolution 10-15-19 approving submission of an application to the State of Utah designating Commercial and Industrial Zones as Enterprise Zones. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(9)

DISCUSS/APPROVE/DENY 2020 TENTATIVE BUDGET FOR EMERY COUNTY.

Clerk/Auditor Brenda Tuttle presented the 2020 Tentative Budget for Emery County. She explained that, by law, a tentative budget, identifying estimated revenue and expenditures for the coming year must be approved by the governing body by November 1. In the coming weeks the Commission will need to schedule budget meetings with department heads and elected officials to discuss their proposed 2020 budget. Commissioner Gil Conover made a motion to approve the 2020 Tentative budget for Emery County as presented. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(10)

DISCUSS/APPROVE/DENY 2020 TENTATIVE BUDGET FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Castle Valley Special Service District Manager, Jacob Sharp presented the 2020 Tentative Budget for CVSSD. He reviewed their three budgets which are General Fund, Capital Projects Fund, and Debt Service Fund. Commissioner Gil Conover made a motion to approve the 2020 Tentative Budgets of the CVSSD as presented. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(11)

DISCUSS/APPROVE/DENY ACCEPTANCE OF AWARD OF THE VICTIM'S ADVOCATE GRANT COVERING THE PERFORMANCE PERIOD FROM JULY 1, 2019 THROUGH JUNE 30, 2021.

Vanessa Justesen reviewed the Victim's Advocate Grant covering the performance period from July 1, 2019 through June 30, 2021. She indicated that the award is for \$179,219 for the two year period. The Commissioners expressed gratitude for the program and Vanessa's willingness to continue to do what she does on behalf of Emery County. Commissioner Gil Conover made a

COMMISSION MEETING MINUTES  
OCTOBER 15, 2019

motion to accept a award for the Victim's Advocate Grant. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(12)

DISCUSS/APPROVE/DENY BYLAWS OF THE EMERY COUNTY LIBRARY BOARD.

Library Director, Desiree Malley presented the By-Laws of the Emery County Library Board as updated and approved by their board. Commissioner Gil Conover made a motion to approve the By-Laws of the Emery County Library Board. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(13)

DISCUSS/APPROVE/DENY ORDINANCE GRANTING CERTAIN RESPONSIBILITIES TO THE EMERY COUNTY LIBRARY BOARD.

Desiree Malley requested approval of an Ordinance granting certain responsibilities to the Emery County Library Board. She indicated that the board has sought counsel with Attorney Mike Olsen and made some adjustment regarding the ordinance and present it now to the Board of Commissioners for approval. Commissioner Gil Conover made a motion to approve Ordinance 10-15-19 granting certain responsibilities to the Emery County Library Board. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(14)

DISCUSS/APPROVE/DENY OF GREENE RIVER SENIOR CENTER LEASE AGREEMENT.

This item was tabled.

(15)

DISCUSS/APPROVE/DENY INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY ECONOMIC DEVELOPMENT AGENCY AND EMERY COUNTY COMMISSION REGARDING THE HUNTER SOLAR COMMUNITY REINVESTMENT PROJECT AREA.

Commissioner Sitterud explained that the interlocal agreement between Emery County Economic Development Agency and Emery County Commission is another step in the process to finish up the Hunter Solar Community Reinvestment Project. Commissioner Gil Conover made a motion to approve an Interlocal Agreement between Emery County Economic Development Agency and Emery County Commission regarding the Hunter Solor Community Reinvestment Project Area. The motion was seconded by Commissioner Lynn Sitterud . The motion passed.

(16)

DISCUSS/APPROVE/DENY AMENDMENT TO THE INTER-AGENCY COORDINATION AND SUB RECIPIENT CONTRACT AGREEMENT BETWEEN SEUALG AND EMERY COUNTY REGARDING THE AGING ADMINISTRATION PROGRAM.

6

COMMISSION MEETING MINUTES  
OCTOBER 15, 2019

The purpose of this amendment is to add \$788.00 to Federal Socialization and Recreation Fund. Commissioner Gil Conover made a motion to approve an amendment to the Inter-Agency Coordination and Sub Recipient contract agreement between SEUALG and Emery County regarding the Aging Administration Program. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(17)

DISCUSS/APPROVE/DENY THE NEW THE SWELL UTAH TRAILS GRANT APPLICATION, POLICIES AND PROCEDURES.

This item was tabled.

(18)

COMMISSIONER/ELECTED OFFICIALS REPORT

Sheriff Funk reported that they will be holding reunification/evacuation drill at the high school.

(19)

ADJOURN

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

CANVASS OF ELECTION HELD NOVEMBER 5, 2019

NOVEMBER 18, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Clerk/Auditor Brenda Tuttle, Deputy Clerk/Auditor Carol Cox, Jacob Sharp, District Manager, Castle Valley Special Service District.

Clerk/Auditor Brenda Tuttle reviewed election returns from the November 5, 2019 General Election.

24 votes for proposition  
6 votes against proposition  
4 votes were invalid due to no postmark or signature.

Jacob Sharp requested approval for a resolution for the purpose of canvassing the returns of the General Obligation Bond Election held on November 5, 2019 and related matters.

Commissioner Kent Wilson made a motion to approve Resolution 11-18-19 a resolution the the Board of County Commissioners acting as the Governing Body of the Castle Valley Special Service District, Utah sit as Board of Canvassers for the purpose of canvassing the returns of the General Obligation Bond Election held in the District on November 5, 2019, and related matters.

The motion was seconded by Commissioner Gil Conover. The motion passed.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



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

NOVEMBER 19, 2019

Present at the meeting was Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #253346 through and including #253487 was presented for payment.

Requisition were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
45-19	Justrite Spill Containment sump-base model Weed/Mosquito	\$519.00
46-19	Headache Racks/Mounting Kits (5) Road Department	\$5,754.00
47-19	Transfer tank, L-shape, 110 Gal Road Department	\$1,860.50
48-19	(2) Desktop Computers for Power Phone Sheriff	\$1,710.34
49-19	Furnace-Removal of old/installation of new Library	\$2,800.00
50-19	(2) Panasonic Toughbook Computers Sheriff	\$4,530.26
51-19	(10) Outdoor Umbrellas Aquatic Center	\$1,619.00

2

COMMISSION MEETING MINUTES  
NOVEMBER 19, 2019

52-19	Microwave replacements-Star Point to Cedar Sheriff/Communications	\$10,326.28
53-19	(10) Mobile Radios/cables/mounts/connectors Road Department	\$ 6,803.00
54-19	90 Gallon Flammable Storage Cabinet Road Department	\$1,218.95
55-19	90 Gallon Flammable Storage Cabinet Landfill	\$1,218.95

Dispositions were presented for a folded padded chair and a 4 drawer file cabinet (3527).

(2)

APPROVAL OF MINUTES OF OCTOBER 15, 2019 COMMISSION MEETING.

(3)

APPROVAL OF OUT-OF-STATE TRAVEL FOR COMMISSIONER KENT WILSON TO ATTEND THE WESTERN GOVERNORS' ASSOCIATION REIMAGINING THE RURAL WEST WORKSHOP IN NEW MEXICO.

(4)

APPROVAL OF OUT-OF-STATE TRAVEL FOR COMMISSIONER GIL CONOVER TO ATTEND THE COLORADO WATER USERS CONFERENCE IN LAS VEGAS, NEVADA.

(5)

APPROVAL TO APPOINT WAYNE PAHL AND STEVEN JEFFERY TO THE TRAILS COMMITTEE.

(6)

APPROVAL TO APPOINT LARRY JOHANSEN TO THE TRAILS COMMITTEE.

(7)

APPROVAL TO APPOINT ROBYN NELSON TO THE TRAVEL/TOURISM BOARD.

(8)

3

COMMISSION MEETING MINUTES  
NOVEMBER 19, 2019

NOTIFICATION SELECTED JOE FIELDER AS THE PART TIME MAINTENANCE WORKER FOR THE LIBRARIES AND SAN RAFAEL MUSEUM. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 13.

(9)

NOTIFICATION SELECTED BROCK WINN AS A PART TIME EQUIPMENT OPERATOR I. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 16.

(10)

APPROVAL TO HIRE KYLER FARLEY AND LANE GARDNER AS FULL TIME, WITH FULL BENEFITS, DISPATCHER I. WAGE GRADE 14.

(11)

APPROVAL OF TIFFANI BAKER TO SERVE ON THE RAC COMMITTEE WITH THE FOREST SERVICE AND IMLA GRANT REVIEWER FOR THE STATE OF UTAH.

(12)

APPROVAL TO GIVE DALLON COLOGIE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A PATROL DEPUTY I. EFFECTIVE 11-25-19.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

(3)

SAFETY MINUTE PRESENTATION BY WEED & MOSQUITO SUPERVISOR, CORY WORWOOD.

(4)

4

COMMISSION MEETING MINUTES  
NOVEMBER 19, 2019

AWARDING OF THE SAFETY INCENTIVE VISA GIFT CARDS.

(5)

RATIFICATION OF EMERY COUNTY SHERIFF'S OFFICE APPLICATION FOR THE STATE FY 2020 STATE ASSET FORFEITURE GRANT (SAFG)-BLACK GRANT.

(6)

RATIFICATION OF EMERY COUNTY SHERIFF'S OFFICE GRANT APPLICATION FOR THE FEDERAL FY 2018 JUSTICE ASSISTANCE GRANT (JAG) BLOCK GRANT.

(7)

RATIFICATION OF THE ACCEPTANCE OF AWARD OF THE UTAH STATE FIRE MARSHAL'S OFFICE-HAZMAT SECTION, US DEPARTMENT OF TRANSPORTATION-PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION GRANT (HMEP 2019).

(8)

OPEN, REVIEW AND POSSIBLE AWARD OF PROPOSALS FOR AN AGENCY SPECIALIZING IN REAL ESTATE AND SENIOR HOUSING AND CARE.

(9)

OPEN, REVIEW AND POSSIBLE AWARD OF PROPOSALS FOR THE LEASE, MANAGEMENT OR POSSIBLE PURCHASE OF THE EMERY COUNTY CARE AND REHABILITATION CENTER.

(10)

DISCUSS/APPROVE/DENY INDIGENT CREMATION APPLICATION SUBMITTED BY MITCHELL FUNERAL HOME.

(11)

DISCUSS/APPROVE/DENY COMMISSION ADJUSTMENT FOR PARCEL #01-0136-0012 AND 01-113A-0034.

(12)

DISCUSS/APPROVE/DENY CORRECTING THE TAX AMOUNTS OF PARCEL #01-151A-

5  
COMMISSION MEETING MINUTES  
NOVEMBER 19, 2019

0012

(13)  
DISCUSS/APPROVE/DENY COMMISSION ADJUSTMENTS FOR BACK TAXES ON STATE ASSESSED PARCELS 9-300-420 AND 9-300-386.

(14)  
DISCUSS/APPROVE/DENY LOW INCOME TAX ABATEMENT REQUEST FOR CAROL PETERSEN.

(15)  
DISCUSS/APPROVE/DENY ISSUING AN RFP FOR A PHOTOGRAPHER AND A SOCIAL MEDIA CONSULTANT FOR THE TOURISM DEPARTMENT.

(16)  
DISCUSS/APPROVE/DENY THE NEW THE SWELL UTAH TRAILS GRANT APPLICATION, POLICIES AND PROCEDURES.

(17)  
DISCUSS/APPROVE/DENY EMERY COUNTY LEPC'S APPLICATION FOR THE UTAH HAZARDOUS MATERIAL EMERGENCY PREPAREDNESS (HMEP) 2020 PLANNING GRANT.

(18)  
DISCUSS/APPROVE/DENY AGREEMENT FOR JOINT MENTAL HEALTH SERVICES AND JOINT SUBSTANCE ABUSE SERVICES.

(19)  
DISCUSS/APPROVE/DENY PROPOSED AMENDMENTS TO THE BYLAWS FOR THE EMERY COUNTY TRAILS COMMITTEE.

(20)  
DISCUSS/APPROVE/DENY PROPOSED AMENDMENTS TO THE BYLAWS FOR THE EMERY COUNTY TRAVEL BOARD.

6  
COMMISSION MEETING MINUTES  
NOVEMBER 19, 2019

(21)  
DISCUSS/APPROVE/DENY CHANGE ORDER FROM WALL CONTRACTORS  
REGARDING THE GREEN RIVER WASH PAD.

(22)  
DISCUSS/APPROVE/DENY TO ADOPT THE 2020 WORKERS COMPENSATION  
PREMIUM IN THE AMOUNT OF \$84,963.00 WITH UTAH LOCAL GOVERNMENTS  
TRUST.

(23)  
DISCUSS/APPROVE/DENY LETTER REGARDING CEASING MINERAL LEASE  
DISTRIBUTION EFFECTIVE AUGUST 2019 AND REFRAIN FROM DISBURSEMENT OF  
FUTURE MINERAL LEASE MONIES UNTIL COMMISSIONERS ISSUE FORMAL  
REQUEST TO CONTINUE THE DISBURSEMENT PROCESS.

(24)  
DISCUSS/APPROVE/DENY HIRING SCOTT RYAN AS A NON-EMT GARAGE LEAD  
FOR GREEN RIVER AT A RATE OF \$400.00 PER MONTH.

(25)  
COMMISSIONER/ELECTED OFFICIALS REPORT.

(26)  
ADJOURN

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 17, 2019

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # through and including # was presented for payment.

There were no requisitions or dispositions.

(2)  
APPROVAL OF MINUTES OF NOVEMBER 19, 2019 COMMISSION MEETING

(3)  
APPROVAL OF ANNUAL MEETING SCHEDULE FOR EMERY COUNTY TRAILS COMMITTEE.

(4)  
APPROVAL OF ANNUAL MEETING SCHEDULE FOR EMERY COUNTY TRAVEL BUREAU.

(5)  
APPROVAL OF ANNUAL MEETING SCHEDULE FOR EMERY COUNTY PUBLIC LANDS COUNCIL.

(6)  
APPROVAL OF ANNUAL MEETING SCHEDULE FOR EMERY

(7)  
APPROVAL OF ANNUAL MEETING SCHEDULE FOR EMERY COUNTY COUNCIL OF GOVERNMENTS (COG)

(8)  
APPROVAL OF ANNUAL MEETING SCHEDULES FOR EMERY COUNTY FIRE PROTECTIONS SPECIAL SERVICE DISTRICT.

COMMISSION MEETING MINUTES  
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(9)

APPROVAL OF ANNUAL MEETING SCHEDULE FOR EMERY COUNTY LOCAL BUILDING AUTHORITY.

(10)

APPROVAL TO GIVE DESIREE MALLEY A 3% WAGE INCREASE FOR COMPLETION OF HER 6 MONTH ORIENTATION. EFFECTIVE 12-30-19.

(11)

APPROVAL TO APPOINT BRETT WHITE TO THE EMERY COUNTY RECREATION BOARD.

(12)

CLARIFICATION REGARDING LEON MCELPRANG'S TERM EXPIRATION ON THE EMERY COUNTY PUBLIC LANDS BOARD. DATE IS DECEMBER 31, 2020.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

A Public Hearing was set for 6:00 pm. The meeting began at 5:00pm . The regular agenda will be suspended and Commission Meeting will be closed at 6:00 pm for the Public Hearing and resume at the conclusion of the Public Hearing.

Commissioner Gil Conover made a motion to leave the regular Commission Meeting and enter into a Public Hearing and at the conclusion of the Public Hearing to return to the regular meeting agenda. The motion was seconded by Commissioner Kent Wilson. The motion passed.

PUBLIC HEARING:

A. To receive public comment concerning opening and amending of the FY 2019 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds, Local Building Authority and Castle Valley Special Service District.

Clerk/Auditor Brenda Tuttle reported on the FY 2019 budgets for the Emery County General Fund, Special Revenue Fund, Capital Projects Fund, and the Local Building Authority. Emery County has received additional revenue tax through sales tax and departments have been sticking to their budgets, so we have an additional \$900,000.00 that was not allocated. The funds will rollover to fund Capital Projects for 2020. Emery County has been fiscally responsible in 2019 and have been able to keep our budget balanced.



3  
COMMISSION MEETING MINUTES  
DECEMBER 17, 2019

CVSSD Director Jacob Sharp reported on the 3 FY 2019 budgets for the Castle Valley Special Service District.

There were no comments on the FY 2019 Amended budgets for Emery County and CVSSD.

B. To receive public comment regarding the proposed FY 2020 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Fund, Local Building Authority and Castle Valley Special Service District. Emery County's Proposed 2020 budget includes a 3% cost of living increase for County Employees and Elected Officials.

Clerk/Auditor Brenda Tuttle reviewed the proposed FY 2020 budget for Emery County General Fund, Special Revenue Funds, Capital Projects Fund, and Local Building Authority. She explained that the proposed 2020 budget includes a 3%COL increase and also a longevity tier increase for those employees who have worked for 5 years, 1.5% and 3% for those who have worked 15-20 years. Money was taken from Green River Medical Center and moved to EMS.

CVSSD Director Jacob Sharp reviewed the proposed FY 2020 budget for CVSSD. He indicated that CVSSD also offered a 3%COL increase. There are no changes from the tentative budget. CVSSD was successful in securing a new voter approved (73%) General Obligation Bond to extend revenue for the next ten years.

Comments were provided from the following people regarding the proposed FY 2020 Emery County Budgets.

Marian George, Mike George, Denise Allen, Mary Ann Wright, Varian Allen, Carole Larsen, Deana Hansen, Carolyn Carrasco, Bill Dellos, Paul Anderson.

The Public Hearing ended and the Commissioners returned to the regular meeting schedule.

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

(2)  
PUBLIC COMMENT (3 MINUTE TIME LIMIT)

Carole Larsen commented on proposed changes within the Library System.

(3)  
SAFETY MINUTE PRESENTATION BY THE SHERIFF'S OFFICE, MOLLY BARNES.

4

COMMISSION MEETING MINUTES  
DECEMBER 17, 2019

Mollie Barnes from the Sheriff's Office presented 911 procedures.

(4)

AWARDING OF THE SAFETY INCENTIVE VISA GIFT CARDS.

Safety Incentive VISA gift cards were awarded as follow:

Full time employee: Dennis Fuller

Part Time employee: Sidney Terwilliger

Safety Sensitive employees: Kevin Wall and Shon Roper.

(5)

PRESENTATION OF PILT PAYMENT FOR 2019.

Dave Ure, School and Institutional Trust Lands Administration (SITLA) explained that SITLA was organized 25 years ago to manage the 3.4 million acres and 4.2 million acres of underground mineral rights.

Emery County has the second largest PILT payment in the State of Utah from mineral lease money in the amount of \$290,754. This came off of the 334,208 acres of ground that there are in Trust Lands in Emery County. The schools in Emery County received \$423,577 that was given to them on a per building, per capita basis. This comes out the 2.8 billion dollar Trust Fund. 2.1 billion dollars comes from oil/gas & mining leases, timbering, grazing, land sales, etc. The rest is reinvested. Each year money is sent out to the beneficiaries. Each school receives funds that is administered by a Community Council made up of administrators, teachers and parents which determines how to spend these funds. Funds must be spent on academic projects. He provided an overview presentation of what SITLA is about and how the funds are determined and administered. He presented the Commissioners with a check in the amount of \$290,754.00 representing (payment in lieu of taxes) which is just over \$0.87 per acre.

(6)

PRESENTATION BY USU EXTENSION REGARDING UPDATES AND TEN YEAR RECOGNITION.

Christine Jensen and Rowe Zwahlen made a presentation to Cameron Swasey. Cameron is a ten year member of 4H, and has participated in stock show and many other projects including service projects. USU Extension honored Cameron with a plaque. Row Zwahlen gave an update of USU Extension activity and changes to come of the programs. Christine Jensen gave an update of work in the Extension program including grants for programs that benefit the youth of Emery County.

(7)

PRESENTATION BY MEGAN MARSHALL REGARDING INTENT TO START A YOUTH ICE HOCKEY PROGRAM IN EMERY COUNTY.

5

COMMISSION MEETING MINUTES  
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Megan Marshall made a presentation regarding intent to start a youth ice hockey program in Emery County. They have fifteen kids signed up so far. The coaches are all volunteers. She asked for the County's support in recruiting youth in this area. to participate. They are in the process of gathering resources and used equipment. The Commissioners suggested that she contact Emery County Recreation District.

(8)

RATIFICATION OF COMMISSION ADJUSTMENT FOR CAROL PETERSEN ON PARCEL #01-0040-0007.

Commissioner Gil Conover made a motion to ratify a Commission Adjustment for Carol Petersen on parcel #01-0040-0007. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

RATIFICATION OF COMMISSION ADJUSTMENT FOR JUDY BISHOP ON PARCEL #01-0059-0024.

Commissioner Gil Conover made a motion to ratify a Commission Adjustment for Judy Bishop on parcel #01-0059-0024. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

RATIFICATION OF LETTER OF SUPPORT FOR THE RURAL FAST TRACK GRANT APPLICATION FOR RABBIT RENTALS.

Rabbit Rentals (Green River) is applying for the Rural Fast Track Grant. It is a 50/50 (\$50,000.00) match grant through the Governor's Office of Economic Development. The application had a deadline, so it was signed earlier. The letter of support needs to be ratified. Commissioner Kent Wilson made a motion to ratify the signing of a letter of support for Rabbit Rental's application for the Rural Fast Track Grant. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

RATIFICATION OF APPLICATION FOR FY 2020 LSTA GRANT FOR THE ASSET PROGRAM.

Desiree Malley, Library Director explained that the grant will be used to purchase Chrome

6

COMMISSION MEETING MINUTES  
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Books. Commissioner Gil Conover made a motion to ratify the signing of an application for FY 2020 LSTA Grant for the Asset program. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

RATIFICATION OF LETTER REGARDING MINERAL LEASE MONEY  
DISBURSEMENTS.

Commissioner Wilson explained that for the last 2 or 3 years the State of Utah has been giving Emery County mineral lease monies that should have gone to Carbon County. This amount came to \$276,721.00. So to create that revenue we froze the distribution of mineral lease to the SSD#1 and accumulated money for two to three months. That direction was given through Commission meeting to the SSD#1. We have saved up enough money to pay this debt to Carbon County. Carbon County alerted Emery County of this issue earlier this year and it took Emery County several months to work this through with the state to correct the problem. Emery County negotiated with Carbon County to pay these funds off before December 31<sup>st</sup> and they would not charge us interest on those funds. This saves the County twenty to thirty thousand dollars in interest. The letter for consideration today is to direct the SSD #1 to pay Carbon County off.

Commissioner Kent Wilson made a motion to ratify a letter regarding mineral lease money disbursements. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

RATIFICATION OF LETTER REGARDING DOMINION ENERGY RIGHT-OF-WAY ON  
PARCEL #04-44-19.

Commissioner Kent Wilson made a motion to ratify the signing of a letter regarding Dominion Energy ROW on Parcel #04-44-19. The motion was seconded by Commissioner Gil Conover. The motion passed. This ROW will allow Dominion to cross private property to put in a gas line to the San Rafael Energy Research Center.

(14)

RATIFICATION RENEWAL OF THE 3 YEAR AIRPORT GENERAL LIABILITY  
INSURANCE THROUGH 11-29-19 TO 11-29-20. TOTAL PREMIUM FOR 3 YEARS WILL  
BE \$7,956.00.

Commissioner Kent Wilson made a motion to ratify the signing of the renewal of the 3 year Airport General Liability Insurance premium. The motion was seconded by Commissioner Gil Conover. The motion passed.

(15)

RATIFICATION OF RIGHT OF ACCESS AGREEMENT BETWEEN EMERY COUNTY

7

COMMISSION MEETING MINUTES  
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AND PACIFICORP.

Commissioner Kent Wilson made a motion to ratify approval of a Right of Access Agreement between Emery County and PacifiCorp. The motion was seconded by Commissioner Gil Conover. The motion passed. This will allow access to reject sand that belongs to Emery County located PacifiCorp property.

(16)

DISCUSSION REGARDING 2019 & 2020 MINERAL LEASE DISBURSEMENT.

Commissioner Wilson indicated that the Commissioners wanted to give Attorney Mike Olsen direction regarding 2019 and 2020 Mineral Lease Disbursement. Every year we create a Resolution document to direct Special Service District #1 on how to disburse the funds to the different special service districts. As a Commission they can decide where and how much is disbursed but not how it is spent. Right now there is \$106,000.00 sitting in a Mineral Lease Fund that is capped because of last year's resolution. The Commission needs to decide if there is justification to invest the money or disburse it back to the districts. They have talked about taking that \$106,000 and creating a special service district for EMS. The goal is to get more money for EMS. For next years resolution he would like to propose, first pay Carbon County what they should receive before it is disbursed by SSD#1 and second, each quarter, taking \$35,000.00 off the top, before it is disbursed, and put it towards EMS support. To recruit EMTs we need to increase their wages. Clinton Olsen has been managing the EMS program, possibly increase his wage so he can have the time to go after grants that will benefit EMS. The grant process is time intensive. Attorney Mike Olsen talked about the process of creating another special service district. Commissioner Wilson commented that every year we have an opportunity to analyze the funding needs of each district. These are tough decisions, but important decisions. Jacob Sharp indicated that in years past the disbursement was analyzed and disbursed according to the need. He indicated he would like to see that be done each year. The Commissioners indicated that this is not an action item.

(17)

DISCUSS/APPROVE/DENY AMENDED 2019 BUDGET FOR EMERY COUNTY.

Clerk/Auditor, Brenda Tuttle presented Resolution 12-17-19A Amending the 2019 Budget for Emery County.

Commissioner Gil Conover made a motion to approve Resolution 12-17-19A Amending the 2019 Budget for Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(18)

DISCUSS/APPROVE/DENY AMENDED 2019 BUDGET FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT.

COMMISSION MEETING MINUTES  
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CVSSD Director, Jacob Sharp presented the Amended 2019 Budget for Castle Valley Special Service District. He reviewed their three budgets and requested approval. Commissioner Kent Wilson made a motion to approve Resolution 12-17-19 B Amending 2019 Budget for Castle Valley Special Service District. The motion was seconded by Commissioner Gil Conover. The motion passed.

(19)

DISCUSS/APPROVE/DENY 2020 EMERY COUNTY BUDGET

Clerk/Auditor Brenda Tuttle presented the proposed 2020 Emery County Budget to be considered and adopted. She explained that the budget reflects a 3% COL and an addition to the longevity tier.

Commissioner Gil Conover made a motion to approve Resolution 12-17-19C adopting the 2020 Emery County Budget. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(20)

DISCUSS/APPROVE/DENY 2020 CASTLE VALLEY SPECIAL SERVICE DISTRICT BUDGET.

CVSSD Director, Jacob Sharp presented the proposed 2020 Castle Valley Special Service District Budget to be considered and adopted. Jacob reviewed their three budgets and requested approval. Commissioner Gil Conover made a motion to approve Resolution 12-17-19D adopting the 2020 Castle Valley Special Service District Budget. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(21)

DISCUSS/APPROVE/DENY 2020 MEETING SCHEDULE

Commissioner Kent Wilson made a motion to approve the 2020 Commission Meeting schedule. The motion was seconded by Commissioner Gil Conover. The motion passed.

January 7, 2020  
January 21, 2020

3:00 p.m.  
3:00 p.m.

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February 4, 2020	3:00 p.m.
February 18, 2020	3:00 p.m.
March 3, 2020	3:00 p.m.
March 17, 2020	3:00 p.m.
April 7, 2020	3:00 p.m.
April 21, 2020	3:00 p.m.
May 5, 2020	3:00 p.m.
May 19, 2020	3:00 p.m.
June 2, 2020	3:00 p.m.
June 16, 2020	3:00 p.m.
July 7, 2020	3:00 p.m.
July 21, 2020	3:00 p.m.
August 4, 2020	3:00 p.m.
August 18, 2020	3:00 p.m.
September 1, 2020	3:00 p.m.
September 15, 2020	3:00 p.m.
October 6, 2020	3:00 p.m.
October 20, 2020	3:00 p.m.
November 17, 2020	3:00 p.m.
December 15, 2020	5:00 p.m.

(22)

DISCUSS/APPROVE/DENY 2020 HOLIDAY SCHEDULE

Commissioner Kent Wilson made a motion to approve the 2020 Holiday Schedule. The motion was seconded by Commissioner Gil Conover. The motion passed.

New Year's Day	Wednesday	01-01-20
Human Rights Day	Monday	01-20-20

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President's Day	Monday	02-17-20
Memorial Day	Monday	05-25-20
Independence Day	Friday	07-03-20
Pioneer Day	Friday	07-24-20
Labor Day	Monday	09-07-20
Veteran's Day	Wednesday	11-11-20
Thanksgiving Day	Thursday	11-26-20
Thanksgiving Day	Friday	11-27-20
Christmas Eve	Thursday	12-24-20
Christmas Day	Friday	12-25-20
New Year's Eve	Thursday	12-31-20

(23)

DISCUSS/APPROVE/DENY COOPERATIVE AGREEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS AND EMERY COUNTY.

Commissioner Kent Wilson made a motion to approve a Cooperative Agreement between the Utah Division of Forestry, Fire and State Lands and Emery County. The motion was seconded by Commissioner Gil Conover. The motion passed.

(24)

DISCUSS/APPROVE/DENY COMMISSION ADJUSTMENT ON PARCEL 03-0101-0024 IN THE AMOUNT OF \$14.32.

Recorder Connie Jensen explained that 2018 we had a parcel that was split and then they turned around and made it into a minor subdivision. In this change the Assessor's office did not delete the parcel for 2019. Connie requested an adjustment for Parcel 03-0101-0024 in the amount of \$14.32. Commissioner Gil Conover made a motion to approve a Commission Adjustment on Parcel 03-0101-0024 in the amount of \$14.32 as requested. The motion was seconded by Commissioner Kent Wilson. The motion passed.



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COMMISSION MEETING MINUTES  
DECEMBER 17, 2019

(25)  
DISCUSS/APPROVE/DENY CONTRACT FOR SERVICES BETWEEN EMERY COUNTY AND GARY KOFFORD REGARDING THE QUARTZSITE SHOW.

Gary Kofford has agreed to contract with Emery County to be present at the RV Show in Quartzsite, AZ to pass out material. The county will pay the shipping charges of \$600.00 to ship booth materials to Quartzsite. Last year they passed out 60 boxes of material. Gary Kofford will be paid a flat \$3,000.00. He will be responsible to obtain a vendor permit from the town of Quartzsite. He must submit an invoice to the county upon completion of the contract. Commissioner Kent Wilson made a motion to approve a contract for services between Emery County and Gary Kofford regarding the Quartzsite Show. The motion was seconded by Commissioner Gil Conover. The motion passed.

(26)  
DISCUSS/APPROVE/DENY REQUEST FOR THE ROAD DEPARTMENT'S 2019 SPECIAL PROJECT MONEY TO BE CARRIED OVER TO 2020 IN ORDER TO COMPLETE THE WASHDOWN PAD AT THE GREEN RIVER ROAD SHED.

Commissioner Gil Conover made a motion to approve a request for the Road Department's 2019 Special Project money to be carried over to 2020 in order to complete the Washdown Pad at the Green River Road Shed. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(27)  
DISCUSS/APPROVE/DENY NRCS ADS-78 ASSURANCES RELATING TO REAL PROPERTY ACQUISITION ON THE TRAIL MOUNTAIN FIRE EWP-HUNTINGTON CLEVELAND IRRIGATION COMPANY PROJECT SITE.

Commissioner Gil Conover made a motion to approve NRCS ADS-78 Assurances relating to Real Property Acquisition on the Trail Mountain Fire EWP-Huntington Cleveland Irrigation Company Project site. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(28)  
DISCUSS/APPROVE/DENY THE 2020 ANNUAL OPERATING AND FINANCIAL PLAN BETWEEN EMERY COUNTY SHERIFF'S OFFICE AND THE USDA FOREST SERVICE MANTI LASAL NATIONAL FOREST.

This plan will facilitate reimbursement for fire assistance. Commissioner Gil Conover made a motion to approve the 2020 Annual Operating and Financial Plan between Emery County Sheriff's Office and the USDA Forest Service Manti LaSal National Forest. The motion was seconded by Commissioner Kent Wilson. The motion passed.

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COMMISSION MEETING MINUTES  
DECEMBER 17, 2019

(29)

DISCUSS/APPROVE/DENY RESOLUTION AMENDING THE TRAVEL POLICY.

Mary explained that all out-of-state travel for employees requires advance approval of the County Commission in a public meeting. The amendment would add “Elected officials traveling out-of-state must receive signatures from two County Commissioners prior to making arrangements and traveling” to the Travel Policy under Section I. Commissioner Gil Conover made a motion to adopt Resolution 12-17-19E a Resolution amending the Emery County Travel Policy. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(30)

DISCUSS/APPROVE/DENY ACCEPTANCE OF LSTA GRANT FUNDS FOR THE OVERDRIVE SUPPORT MINI GRANT.

Library Director Desiree Malley requested acceptance of LSTA Grant funds for the OverDrive Support Mini Grant in the amount of \$1,522.00. Commissioner Gil Conover made a motion to accept LSTA Grant Funds for the OverDrive Mini Grant as requested. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(31)

DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY LIBRARIES AND UTAH MEMBER LIBRARIES DIGITAL CONSORTIUM.

Library Director Desiree Malley requested approval for an MOU between Emery County Libraries and Utah Member Libraries Digital Consortium. The amount of participation for OverDrive is \$1,522.00. Commissioner Gil Conover made a motion to approve an MOU between Emery County Libraries and Utah Member Libraries Digital Consortium. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(32)

DISCUSS/APPROVE/DENY APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND SOUTHEASTERN UTAH BUSINESS & TECHNICAL ASSISTANCE CENTER FOR THE RURAL CO-WORKING AND INNOVATION CENTER GRANT PROGRAM.

Attorney Mike Olsen drafted an Interlocal Agreement between Emery County and Southeastern Utah Business & Technical Assistance Center for the Rural Co-Working and Innovation Center Grant Program. Commissioner Kent Wilson commented that they budgeted some money from the Economic Development Budget and the EC General Fund to help with this so it is not a burden on the Library Budget. Commissioner Gil Conover made a motion to approve an Interlocal Agreement between Emery County and Southeastern Utah Business & Technical Assistance Center for the Rural Co-Working and Innovation Center Grant program. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(33)  
DISCUSS/APPROVE/DENY APPROVAL OF LEASE AGREEMENT BETWEEN EMERY COUNTY AND GREEN RIVER CANAL COMPANY TO LEASE OFFICE SPACE AT THE GREEN RIVER SHERIFF'S OFFICE BUILDING.

Green River Canal Company would like to lease an office space at the Green River Sheriff's Office Building. A lease agreement was drafted between Emery County and Green River Canal Company. They will pay \$200.00 per month for the space. Commissioner Kent Wilson made a motion to approve of a lease agreement between Emery County and Green River Canal Company to lease office space at the Green River Sheriff's Office Building. The motion was seconded by Commissioner Gil Conover. The motion passed.

(34)  
DISCUSS/APPROVE/DENY APPROVAL OF A RESOLUTION AND NOTICE OF AGREEMENT FOR JOINT MENTAL HEALTH SERVICES AND JOINT SUBSTANCE ABUSE SERVICES.

Four Corners came before the Commissioners in an earlier Commission Meeting to request approval for Joint Mental Health Services and Joint Substance Abuse Services. Attorney Mike Olsen indicated that this document should have been approved at that time and was missed. It is to comply with the open meeting law. Commissioner Kent Wilson made a motion to approve Resolution 12-17-19F and Notice of Agreement for Joint Mental Health Services and Joint Substance Abuse Services. The motion was seconded by Commissioner Gil Conover. The motion passed.

(35)  
DISCUSS/APPROVE/DENY GREEN RIVER, CASTLE DALE AND HUNTINGTON CITIES BEING INCLUDED IN EMERY COUNTY'S BUILDING INSPECTIONS SERVICE AREA.

Commissioner Kent Wilson made a motion to approve Green River, Castle Dale and Huntington Cities being included in Emery County's Building Inspections Service Area. The motion was seconded by Commissioner Gil Conover. The motion passed.

(36)  
COMMISSIONER/ELECTED OFFICIALS REPORTS

Sheriff Funk thanked the Commissioners for the COL increase and the concern for all employees in Emery County. On the Sheriff's side he reminded everyone that this is an especially vulnerable and difficult time of the year for the mentally ill in our communities. He thanked those who volunteer especially Search and Rescue and EMS.

14

COMMISSION MEETING MINUTES  
DECEMBER 17, 2019

Commissioner Wilson reported that in the budget they budgeted 10,000.00 for those start up groups who are trying to help with suicide and opioid dependency. The Commissioners are working hard to maintain transparency in every decision that is made on behalf of Emery County.

(37)

ADJOURN

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 7, 2020

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 253913 through and including #253948 was presented for payment.

There were no Requisitions.

Dispositions were presented for the following: Furnace/Green River Library, Overhead Projector/Library, Water Heater/Cleveland Library, Furnace/ Castle Dale Library.

(2)

APPROVAL OF MINUTES OF DECEMBER 17, 2019 COMMISSION MEETING.

(3)

APPROVAL OF 2020 COMMISSIONER RESPONSIBILITIES LIST.

(4)

APPROVAL OF COMMISSIONER LYNN SITTERUD REMAINING COMMISSION CHAIRMAN FOR 2020.

(5)

APPROVAL OF COMMISSIONER GIL CONOVER SELECTED AS COMMISSION VICE CHAIRMAN FOR 2020.

(6)

APPROVAL TO RE-APPOINT KIM MCFARLANE TO THE PUBLIC LANDS BOARD.(7)  
APPROVAL TO PROMOTE BRENDA LEMON TO SR. DEPUTY RECORDER. SHE HAS  
COMPLETED HER CERTIFICATION AS A CADASTRAL MAPPER. MOVE FROM 14 TO  
GRADE 18. EFFECTIVE 1-13-20.

2

Commission Meeting Minutes  
January 7, 2020

(8)

NOTIFICATION SELECTED LORAIN CLOWARD AS A PART TIME JANITOR FOR THE CASTLE DALE LIBRARY WORKING 7.5 HOURS PER WEEK. WAGE GRADE 6 @ \$10.00 PH. EFFECTIVE 1-13-20.

(9)

NOTIFICATION SELECTED VALERIE CLARK AS A PART TIME JANITOR FOR THE GREEN RIVER LIBRARY WORKING 6 HOURS PER WEEK. WAGE GRADE 6 @ \$10.00 PH. EFFECTIVE 1-13-20.

(10)

NOTIFICATION SELECTED KARI ALTON AS A PART TIME JANITOR FOR THE ORANGEVILLE LIBRARY WORKING 7.5 HOURS PER WEEK. WAGE GRADE 6 @ \$10.00 PH. EFFECTIVE 1-13-20.

(11)

APPROVAL TO RECLASSIFY SHERRI JENSEN FROM AN ASSISTANT LIBRARIAN/JANITOR TO AN ASSISTANT LIBRARIAN IN THE CASTLE DALE LIBRARY WORKING 19 HOURS PER WEEK. MOVE FROM GRADE 8 TO GRADE 7. EFFECTIVE 1-13-20.

(12)

APPROVAL TO RECLASSIFY ADDISON WEIHING FROM AN ASSISTANT LIBRARIAN/JANITOR TO AN ASSISTANT LIBRARIAN IN THE GREEN RIVER LIBRARY WORKING 19 HOURS PER WEEK. MOVE FROM GRADE 8 TO GRADE 7. EFFECTIVE 1-13-20.

(13)

APPROVAL TO RECLASSIFY JULIE ROLLINS FROM AN ASSISTANT LIBRARIAN/JANITOR TO AN ASSISTANT LIBRARIAN IN THE ORANGEVILLE LIBRARY WORKING 19 HOURS PER WEEK. MOVE FROM GRADE 8 TO GRADE 7. EFFECTIVE 1-13-20.

(14)

APPROVAL OF A \$500 STIPEND FOR MANDY BENNETT TO BE THE EMS GARAGE LEAD IN FERRON, TAKING THE PLACE OF HOLLIE SMITH.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

3

Commission Meeting Minutes  
January 7, 2020

(1)

ITEMS PULLED FOR THE CONSENT AGENDA.

(2)

PRESENTATION OF YEARS OF SERVICE AWARDS.

Years of service awards were presented to the following employees:

40 years: Blake Gardner  
25 years: Marian George  
20 years: William Brent Langston  
15 years: Michael Van Wagoner  
10 years: Janetta Young  
Tyson Huntington  
David Ames  
Kaylee Van Wagoner  
5 years: Mindi Labrum  
Tiffany Baker  
Kip Allred  
Hugh Grange  
Cory Worwood  
Tracy Clark  
Arianna Downard  
Egan Smith

(3)

PUBLIC COMMENT ( 3 MINUTE TIME LIMIT)

(4)

OPEN, REVIEW AND AWARD BIDS FOR TRAIL MOUNTAIN FIRE EWP-HCIC SITE.

Bids were opened and read aloud for the Trail Mountain Fire EWP-HCIC Site as follow:

1) TSJ Construction \$400,664.45  
2) Staker Parson/Nielson Construction \$368,000.00

Commissioner Gil Conover made a motion to turn the bids over to Johansen & Tuttle Engineering for review and award to the low bidder. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

DISCUSS/APPROVE/DENY COOPERATIVE AGREEMENT FOR UTAH STATE

UNIVERSITY EXTENSION SERVICES WITHIN EMERY COUNTY.

Christine Jensen presented the 2020 Cooperative Agreement for Utah State University Extension Services within Emery County. She indicated that the agreement is the same as in years past. Commissioner Kent Wilson made a motion to approve Cooperative Agreement for Utah State University Extension Services within Emery County upon review of the agreement. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/DENY THE COMBINING OF THE TREASURER'S OFFICE AND THE RECORDER'S OFFICE.

Commissioner Kent Wilson explained that current Recorder Connie Jensen has announced that she will not seek re-election in 2020. The Commissioners are considering combining the Treasurer's Office with the Recorder's Office. In other smaller counties these two offices are combined. The Commissioners would like to take this opportunity to have this discussion, keeping in mind that they desire to provide service to the citizens of Emery County in the most economical way. He indicated that the Treasurer would need to be in agreement with this option. Attorney Mike Olsen indicated that it is the Commission's responsibility to notify the State of the combining of the offices by February. It would be much cleaner if it could be done by then. It is up to the elected official over that office to run the office as they see fit. Brenda reminded the Commissioners that Josie is an Interim Treasurer who was appointed to fill the unexpired term of Treasurer. Connie Jensen commented on the amount of work that the Recorder's office is responsible for. When she is not in the office the staff has to pick up the slack. Josie Stilson suggested that there are many pieces to this and would like an opportunity to meet with the Commissioners to continue discussions. Commissioner Wilson commented that with population in Emery County on the decrease they need to prepare for a possible scenario where the County can still provide the same service. Maxine Fielder commented about possible housing growth in the County due to new jobs in Carbon County. Brenda Lemon commented that Connie works full time in the office. Mike Olsen suggested the Commissioners look into it. Commissioner Kent Wilson made a motion to table for further review. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY AMENDMENT TO ORDINANCE CREATING THE EMERY COUNTY COMMUNITY REINVESTMENT AGENCY.

Commissioner Wilson explained that when the Emery County Community Reinvestment Agency was set up a year ago it was set up with three board members, the County Commissioners. As they have gone through the process with the solar farm, other taxing entities have voiced a desire to be a part of the discussions. The Emery County School District, Emery Water Conservancy District, and North Emery Water Special Service District are required, as taxing entities, to agree



to tax incentives packages that are offered. So, as such, want to be a part of that discussion. The Commissioners would like to amend the Ordinance to make the board a six member board so that representatives from the taxing entities may be included in the decisions. Stuart Clayson from UAC and Attorney Mike Olsen will work together to create the amendment to the Ordinance to get this done. Commissioner Kent Wilson made a motion to amend the ordinance creating the Emery County Community Reinvestment Agency include a 6 member board. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY LEASE AGREEMENT CONTRACT BETWEEN EMERY COUNTY AND TRADITIONS HEALTH CARE, INC. FOR THE EMERY COUNTY CARE AND REHABILITATION CENTER.

Attorney Mike Olsen explained that at some time Emery County became involved with the Care Center. Our relationship with the management of the Care Center of late, has not been good. Traditions has taken action to provide better care for the patrons of the Emery County Care and Rehabilitation Center. A new lease agreement contract with Traditions Health Care, Inc. Has been worked through with the Care Center Board of Directors. The board, through a lot of meetings have come up with an agreement contract that will best serve the citizens of Emery County. Traditions will pay 4% of gross revenue to Emery County or \$10,000.00 a month. This is better from a financial standpoint. The money can be used to provide a nice facility and good care for our citizens. Board member Dan Hunter stated he is excited about what Traditions can do and the cost savings that can be evoked. This is a good time for us to do this. Traditions has assured us we will have a top notch facility. Commissioner Gil Conover congratulated the Board of Directors who have put in a lot of time to work out the issues. John Bramall, Traditions Health Care, Inc. commented that he loves people and helping people. He desires to have the Care Center continue to be a place of pride for the people of Emery County and the State of Utah. Attorney Mike Olsen recommended moving forward with signing the lease agreement contract between Emery County and Traditions Health Care Inc. Commissioner Gil Conover made a motion to approve a lease Agreement Contract between Emery County and Traditions Heath Care, Inc. For the Emery County Care and Rehabilitation Center. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY 2020 MINERAL LEASE MONIES DISBURSEMENTS.

Commissioner Kent Wilson explained that the Commissioners have been trying to come up with a way to get money for the EMS program. They have discussed making an EMS a Special Service District so it can receive Mineral Lease money. Because the State does not always take money from Mineral Lease funds that should go to Carbon County off of what comes to Emery County, he suggested taking that money that should go to Carbon County off the top of what comes to Emery County and pay it out quarterly. He also suggested taking \$25,000.00 each

quarter off what is left and set it aside for a EMS SSD and then disburse the remainder to the Special Service Districts as follow: Special Service District #1 45%, CVSSD 16%, Recreation SSD 16%, Fire District 16% and NEWUSSD 5%. Part of the equation is the balance (approximately \$103,000.00) still sitting in the Mineral Lease Trust account from when it was capped in 2019. He suggested holding those funds along with the \$25,000.00 held out each quarter of 2020 in the Mineral Lease Trust account until an EMS Special Service District is created. Bevan Wilson, SSD#1 gave a brief history of the Mineral Lease fund and how the State disburses the funds. Attorney Mike Olsen recommended drafting a resolution to start the process and the procedural things that are to follow. Put the resolution on the next Commission Agenda for consideration. Commissioner Kent Wilson explained that in the last budget process they raised EMS to a higher priority level. They budgeted about \$50,000.00 for EMS. TRT funds have been allocated (10% of infrastructure funds) to go to Search and Rescue and EMS. It will not be just mineral lease funds, but several pots of money, that will help solve the EMS crisis. Commissioner Gil Conover made a motion to approve a Resolution authorizing that the mineral lease disbursement for 2020 include taking any mineral lease money that would be owed to Carbon County, or 'other' as deemed necessary by the County Commissioners, off the top before disbursement, in addition, at the end of each quarter take \$25,000.00 off the allocation for an EMS district for when it is in place, and the balance be allocated according to the existing 2019 Resolution, that the existing 2019 fund balance( approximately \$103,000.00) being held in the trust fund be allocated to an EMS Special Service District as soon as it is created. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

COMMISSIONER/ELECTED OFFICIALS REPORT.

(11)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 21, 2020

Present at the meeting was Commission Chairman Lynn Sitterud , Commissioner Kent Wilson, Commissioner Gil Conover, Deputy Attorney Brent Langston, Deputy Clerk/Auditor Carol Cox, Elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 253954 through and including #254091 was presented for payment.

Requisitions were presented for the following:

REQUISITION AMOUNT	DESCRIPTION	
2-20	Patrol Vehicle Set-Up Sheriff	\$3,799.76
3-20	K9 Officer Sheriff	\$5,000.00
4-20	(2) Patrol Vehicle Set-up Sheriff	\$7,676.52
5-20	Folding, Sealing, Stuffing Machine Elections/C/A	\$12,120.00
6-20	(2) WR90 Series Walk & Roller Oscillator Highway	\$57,620.00
7-20	Deinonychus Dinosaur Statue MOSR	\$1,087.18
8-20	(6) Lenova Think Pads Capital Replacements	
\$4,179.00		

(2)

APPROVAL OF MINUTES OF JANUARY 7, 2020 COMMISSION MEETING.

2

Commission Meeting Minutes  
January 7, 2020

(3)

APPROVAL TO PROMOTE ANGELLENA MIGLIORI TO HEAD LIFEGUARD. MOVE FROM GRADE 3 TO GRADE 5. EFFECTIVE 1-27-20.

(4)

APPROVAL TO PROMOTE EMELYN OLIVERSON TO HEAD LIFEGUARD. MOVE FROM GRADE 3 TO GRADE 5. EFFECTIVE 1-27-20.

(5)

APPROVAL TO AMEND AMANDA BENNETT'S FERRON GARAGE LEAD STIPEND FROM \$500.00 TO \$550.00 PER MONTH.

(6)

APPROVAL TO RE-APPOINT BILL DELLOS AND JUSTIN QUEEN TO SERVE 4 YEAR TERMS ON THE EMERY LIBRARY BOARD.

(7)

NOTIFICATION: SHERRIE JENSEN WAS TRANSFERRED FROM THE CASTLE DALE LIBRARY TO THE ORANGEVILLE LIBRARY AS THEIR ASSISTANT LIBRARIAN. NO WAGE CHANGE.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT).

(3)

SAFETY MINUTE PRESENTATION BY LIBRARY DIRECTOR, DESIREE MALLEY.

Library Director Desiree Malley talked about stairway safety.

(4)

AWARDING OF THE 4 SAFETY VISA GIFT CARDS.

Safety VISA Gift Cards were awarded to the following:

Part-time employee: Rayola Pfnister

Full-time employee: Brent Langston  
Safety Sensitive employees: Richard Ryan and Jeanette Bray

(5)

RATIFICATION OF MASTER LEASE AGREEMENT WITH HORSEPOWER FLEET LEASING.

Sheriff Funk explained that Horsepower Leasing has the state bid for leasing vehicles. He indicated that the cost is \$4,500.00 per year with 36,000 miles allowed per year. They will switch out the vehicles every year to a new vehicle. Sheriff Funk indicated that he would like to see if leasing would save his department some money as compared to purchasing new vehicles. The agreement has been reviewed by the Attorney and the Commissioners. Ratification of the signing of the lease agreement is needed as the agreement had a deadline that was pre-dated this meeting. Commissioner Gil Conover made a motion to ratify the signing of a Master Lease agreement with Horsepower Fleet leasing. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY AMENDMENT #1 TO THE CONTRACT BETWEEN THE UTAH DEPARTMENT OF HEALTH AND EMERY COUNTY FOR THE EMERY COUNTY CARE AND REHABILITATION NF NSGO UPL.

Commissioner Gil Conover explained that now that we have a lease agreement with Traditions HealthCare for the Care Center we need to amend the contract between the Utah Department of Health and Emery County for the Upper Payment Limit Program that comes from the Department of Health to now go to Traditions HealthCare. Commissioner Gil Conover made a motion to approve Amendment #1 to the Contract between the Utah Department of Health and Emery County for the Emery County Care and Rehabilitation NF NSGO UPL (Upper Payment Limit Program). The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY RESOLUTION ESTABLISHING AMENDED MINERAL LEASE MONEY ALLOCATIONS.

Commissioner Gil Conover explained that Resolution 12-15-98C establishes a liability account within Emery County Special Service District #1 for the purpose of receiving and disbursing federal mineral lease funds to various special service districts in Emery County. Resolution 7-17-07 authorizes the Emery County Commission to amend the funding percentages as needed. Therefore, the Emery County Commissioners propose that Paragraph 2 of Resolution 4-06-99A be amended to the following: SSD#1 is receiving money pursuant to the contract and will be held until Carbon County's proper calculation can be determined. Carbon County's portion will be distributed according to contract. Emery Emergency Medical Service District shall be

allocated \$25,000 to be paid the third month of every quarter. 2019 Mineral Lease money was distributed pursuant to Resolution #12-18-18B. Paragraph 2 of that Resolution states that money received after caps are pooled and to be distributed according to a percentage to be determined would best accommodate the needs of the Districts. The amount pooled according to 2019 distributions was \$103,780.86. 100% of that amount shall be distributed to the Emery Emergency Special Service District as soon as it is created.

2020 Mineral Lease money shall be distributed as follows:

Emery County Special Service District #1	47%
Castle Valley Special Service District	16%
Emery County Recreation Special Service District	16%
Emery County Fire Protection Special Service District	16%
North Emery Water Users' Special Service District	5%

Each District shall be distributed funds at the percentage outlined above until the following districts reach their respective caps as follows:

Castle Valley Special Service District	\$225,000
Emery County Recreation Special Service District	\$225,000
North Emery Water Users' Special Service District	\$75,000

The Mineral Lease money not distributed as a result of the above caps, will then be pooled and disbursed among the districts according to a percentage determined at that time to best accommodate the various needs of the districts. Commissioner Kent Wilson made a motion to adopt Resolution 1-21-20A establishing amended mineral lease money allocations. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY RESOLUTION OF INTENT DECLARING THAT THE PUBLIC HEALTH, CONVENIENCE AND NECESSITY REQUIRE THE ESTABLISHMENT OF THE EMERY EMERGENCY MEDICAL SPECIAL SERVICE DISTRICT, PROVIDING FOR A PUBLIC HEARING ON THE ESTABLISHMENT OF THE DISTRICT, AND PROVIDING FOR NOTICE OF SAID HEARING, AND RELATED MATTERS.

Emery County Deputy Attorney explained that this is the first step in the process of establishing EMS as a district so they can receive mineral lease funds. This one step in a big process the advertising of a public hearing and a 60 day comment period. Commissioner Kent Wilson made a motion to adopt Resolution 1-21-20B a resolution of intent to declaring that the public health, convenience and necessity require the establishment of the Emery Emergency Medical Special Service District, providing for a public hearing on the establishment of the district, and providing for notice of said hearing, and related matters. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY TRAVEL BUREAU ADVERTISING AN RFP FOR A SOCIAL MEDIA CONSULTANT.

Commissioner Kent Wilson explained that in the past the Travel Bureau gave away \$3,500.00 grants for functions in Emery County. So going forward they will not be supporting those individual events. They propose putting out an RFP to find a company that can teach us the pathway to eventually hiring a part time employee to do media consulting. This is not to hire the employee, it is to create the policy and procedures to manage that employee. They want to try to get this done in the price range that they want. They have applied with the State of Utah to pay 50% in a grant. Commissioner Kent Wilson made a motion to approve Travel Bureau's request to advertise for an RFP for a social media consultant. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY TRAVEL BUREAU ADVERTISING AN RFP FOR A PHOTOGRAPHER.

Commissioner Kent Wilson explained that the Travel Bureau would like to hire a professional photographer to take pictures of our desert to build up their library of photos. Commissioner Kent Wilson made a motion to approve Travel Bureau's request to advertise for an RFP for a photographer. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY RESOLUTION AMENDING SECTIONS OF THE EMERY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL AND UPDATING THE DRUG AND ALCOHOL POLICY TO COMPLY WITH THE FEDERAL DEPARTMENT OF TRANSPORTATION CLEARINGHOUSE RULE.

This updates the existing classification chart- benefits and compensation policy- pay progression- longevity increases-drug testing/alcohol as related to CDL employees. Commissioner Kent Wilson made a motion to adopt Resolution 1-21-20C amending sections of the Emery County Personnel Policies and Procedures Manual and updating the Drug and Alcohol Policy to comply with the Federal Department of Transportation Clearinghouse Rule. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE DENY ACCEPTANCE OF THE COMMUNITY LIBRARY ENHANCEMENT FUNDS FOR THE DEVELOPMENT OF LOCAL PUBLIC LIBRARY SERVICES.

Commissioner Gil Conover made a motion to accept the CLEF funds. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY APPROVAL OF AMENDED EMERY COUNTY LEGAL

DEFENDER AGREEMENT TO COMPLY WITH SENATE BILL 32 AND THE INDIGENT DEFENSE ACT.

Deputy Attorney Brent Langston explained the amendment to Emery County Legal Defender Agreement. As a result of this bill a public defender is required to defend everything. It has greatly impacted what the public defender is required to do. During the budget process their budget was adjusted to compensate for the extra work caused by this bill. Commissioner Kent Wilson made a motion to approve of amended Emery County Legal Defender Agreement to comply with Senate Bill 32 and the Indigent Defense Act. The motion was seconded by Commissioner Gil Conover. The motion passed.

(14)

DISCUSS/APPROVE/DENY THE USDA RURAL DEVELOPMENT COMMUNITY FACILITIES GRANT PROGRAM APPLICATION.

Clinton Olsen explained that every other year the EMS Board budgets for a new ambulance. There is a USDA grant available to supplement 15% toward the cost of a new ambulance. Commissioner Wilson indicated that they are trying to create more cash flow to improve the EMS system. Commissioner Kent Wilson made a motion to approve the application to USDA Rural Development Community Facilities Grant Program. The motion was seconded by Commissioner Gil Conover. The motion passed.

(15)

COMMISSIONER/ELECTED OFFICIALS REPORT

Commissioner Wilson talked about the grant application with the USDA. he indicated that when he first started chasing this grant he thought it was 50%. He talked about plans to purchase a new ambulance which is approximately \$185,000.00. They would like to go after a hydraulic gurney which would cost about \$200,000. So, all together this is about \$400,000. In the past we have paid for all of our equipment ourselves. To do that they have had to keep the payroll at a minimum. In doing that, we are losing EMS volunteers. Our goal is to chase after grants to give us more money to pay our EMS volunteers. He would like to make an application to CIB which requires the County to write a letter to the AOG requesting to be put on their list and filed with the State. We can then make a request to CIB and apply for 50% grant through them and use the USDA portion on our portion of the 50%. This would save us roughly \$200,000 this year. With the Mineral Lease SSD we are creating, that will give us the extra revenue to start increasing the pay on EMS. Commissioner Wilson would like to call the AOG tomorrow and have a letter ratified in the next Commission Meeting.

(16)

ADJOURNMENT

Motion to adjourn the meeting was made by Commissioner Kent Wilson, seconded by



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January 7, 2020

Commissioner Gil Conover, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

FEBRUARY 4, 2020

Present at the meeting was Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/ Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List #254104 through and including #254194 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
9-20	(2) 100 Watt Digital TV Amp Television/SO	\$17,990.00
10-20	Climline 410 Cracksealer Road Department	\$84,718.00
11-20	Broom 4 Broce Broom Road Department	\$54,850.00
12-20	(2) Rope Rescue Truck Cache Kit Enforcer Load Dell Kit Homeland Security/SO	\$7,340.00
13-20	UV-1 & UV-2 Retrofit ECAC	\$5,397.56

(2)

APPROVAL OF THE JANUARY 21, 2020 COMMISSION MEETING MINUTES

(3)

APPROVAL TO RE-APPOINT JUDY ANN SCOTT TO THE DISTRICT COUNCIL ON  
AGING BOARD TO SERVE ANOTHER THREE (3) YEAR TERM, AT THE REQUEST OF  
THE SEUALG.

2

Commission Meeting Minutes  
February 4, 2020

(4)

APPROVAL TO APPOINT ROWE ZWAHLEN, ROGER BARTON AND LEE MOSS TO THE WEED AND MOSQUITO BOARD TO EACH SEVE A FOUR (4) YEAR TERM.

(5)

APPROVAL TO RE-APPOINT JOY BARTON TO THE NORTH EMERY WATER USERS BOARD.

(6)

APPROVAL TO APPOINT WADE ALLINSON AND BEN GRIMES TO THE PUBLIC LANDS BOARD.

(7)

APPROVAL TO PROMOTE MCKLANE ALLRED TO CORRECTION OFFICER I. ALL HIS FTO TRAINING WAS COMPLETED 2-1-10. MOVE FROM GRADE 14 TO GRADE 15. EFFECTIVE 2-9-20.

(8)

APPROVAL TO MOVE ADRIANA CHIMARAS, TRAVEL AND MUSEUM DIRECTOR, FROM A GRADE 19 TO GRADE 20. THIS WAS THE ARRANGEMENT WHEN HIRED SHE WOULD MOVE TO GRADE 20 AFTER 1 YEAR AND GRADE 21 AFTER 2 YEARS. EFFECTIVE 2-10-20.

Motion to approve the CONSENT Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT).

Kip Allred and Ty Wilson expressed a desire to see Emery County adopt a Second Amendment Sanctuary of the Constitution of the United States of America.

(3)

PRESENTATION BY CARLY LANSCHER REGARDING THE SPANISH TRAIL PROJECT.

Old Spanish Trail Project Team, Recreation Planners, Carly Lansche, and Isobel Lingenfelter, along with Old Spanish Trail Co-Administrator, Rob Sweeten made a presentation to the

Commissioners regarding the Old Spanish Trail. Their goal is to help bring the Old Spanish National Historic Trail to life through working to develop and implement Historic signage to bring awareness to the trail. Develop and implement interpretive signage and silhouettes to educate people about the Old Spanish Trail's period of significance. Create offline "Avenza" maps to guide people on heritage 2WD, 4WD, OHV and hiking tours. Expand existing recreational opportunities to connect to the Old Spanish Trail. Help willing partners to become "Certified Sites" along the Old Spanish Trail to display the history of the trail. The Museum of the San Rafael could become a "Certified Site". Their presentation included maps of the trail and signage cost estimates. Mr. Sweeten talked about how this has worked in other counties. The Commissioners suggested that they be introduced to Adriana at the Travel Bureau as any proposal would come through the Travel Bureau.

(4)

PRESENTATION REGARDING THE DWR'S ACTIVITIES IN EMERY COUNTY, AND DELIVERY OF DWR'S ANNUAL PILT PAYMENT.

Chris Wood, DWR presented the Commissioners with a check for PILT payment in the amount of \$2,610.71. DWR manages 5,421 acres in Emery County and are managed for public use. This is funded by the hunting and fishing licenses. Chris talked about Utah's Watershed Restoration Initiative and the work that has been accomplished on Public Lands since it was launched in 2006.

Commissioner Gil Conover made a motion to close the regular meeting and enter into a Public Hearing to receive public comment regarding the mental health and substance use disorder treatment needs in Emery County, and at the conclusion of the Public Hearing to return to the regular meeting schedule. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

PUBLIC HEARING: PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING THE MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT NEEDS IN EMERY COUNTY.

Karen Dolan and Melissa Huntington, FCCBH addressed the Commissioners. She provided some background on Four Corners and the treatment they provide through Four Corners. Comments were provided by Brittany Herrera as a current patient. Captain Kyle Ekker asked if Four Corners provided rides to the Green River Club House? Green River has a therapist on site and in the school 1 day a week and there is a therapist at the Green River Clinic. Four Corners is working hard to keep up with the times and doing more advanced things. Captain Kyle Ekker expressed his gratitude for what they do for the County and its citizens.

The Commissioners closed the Public hearing and returned to the regular meeting schedule..

(6)

RATIFICATION OF STATE OF UTAH CONTRACT FOR PREDATOR CONTROL WITHIN EMERY COUNTY.

This is a yearly contract with Tim Hardee for Predator Control within Emery County. The State pays half of the contract. Emery County pays \$3,000.00. Commissioner Kent Wilson made a motion to approve a State of Utah Contract for Predator Control within Emery County. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY ADOPTION OF THE REVISED EMERY COUNTY EMERGENCY OPERATIONS PLAN (BASIC PLAN).

Captain Kyle Ekker explained that the Revised Plan is to update the contact list in order to stay current with what is required. Commissioner Gil Conover made a motion to adopt the Revised Emery County Emergency Operations Plan (Basic Plan). The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

APPROVAL AND ADOPTION OF THE EMERY COUNTY ADMINISTRATION BUILDING EMERGENCY ACTION PLAN, AND INCORPORATION OF THE PLAN INTO THE EMERY COUNTY EMERGENCY OPERATIONS PLAN.

Commissioner Kent Wilson made a motion to adopt the Emery County Administration Building Emergency Action Plan and incorporation of the plan into the Emery County Emergency Operations plan. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

APPROVAL AND ADOPTION OF THE EMERY COUNTY AQUATIC CENTER EMERGENCY ACTION PLAN, AND INCORPORATION OF THE PLAN INTO THE EMERY COUNTY EMERGENCY OPERATION PLAN.

Commissioner Gil Conover made a motion to adopt the Emery County Aquatic Center Emergency Action Plan and incorporation of the plan into the Emery County Emergency Operation Plan. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY RESOLUTION AGREEMENT BETWEEN THE SOUTHEASTERN UTAH ASSOCIATION OF GOVERNMENT AND EMERY COUNTY REGARDING THE RURAL DIVERSIFICATION PROJECT.

Resolution 2-4-20 is a resolution agreement between Southeastern Utah Association of

Government and Emery County regarding the Rural Diversification Project. Seven counties who are Carbon, Emery, Grand, San Juan, Duchesne, Uintah and Daggett have identified economic needs in rural Utah Areas. Some of those needs include reducing unemployment, supporting and expanding capabilities in existing businesses and connecting industry with outreach services. SEUALG and SEUEDD along with seven of the counties have developed a three phase program, the Rural Diversification Project, address and improve those economic needs which are outreach to businesses, training in global marketing, online sales, government contracting and other areas and certification. SEUALG and SEUEDD along with the seven counties have agreed to have IMPACT as a co-applicant. Commissioner Kent Wilson made a motion to adopt a Resolution Agreement # 2-4-20 between SEUALG and Emery County regarding the Rural Diversification Project. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY EMERY COUNTY LIBRARY SYSTEM TEMPORARY CLOSURE POLICY.

Library Director Desiree Malley, requested approval for Emery County Library System Temporary Closure Policy. The Library Board has approved the policy which addressed all instances when the library may need to be closed for public safety issues and allows the librarian to close the library at their discretion with approval from the Commissioner over their department. Commissioner Gil Conover made a motion to approve the Emery County Library System Temporary Closure Policy. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY APPROVAL OF AMENDED EMERY COUNTY LEGAL DEFENDER AGREEMENT TO COMPLY WITH SENATE BILL 32 AND THE INDIGENT DEFENSE ACT.

Attorney Mike Olsen explained that the amended Emery County Legal Defender Agreement is to amend the date to January 1, 2020 to get Oliver & Sitterud (Legal Defenders) paid for the entire year. Commissioner Kent Wilson made a motion to approve of Amended Emery County Legal Defender Agreement to comply with Senate Bill 32 and the Indigent Defense Act. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

DISCUSS/APPROVE/DENY WAIVING THE 2020 LEASE AMOUNT FOR THE CHILDREN'S JUSTICE CENTER.

Children's Justice Center is applying for a grant. They are requesting to waive their 2020 lease amount of \$3,000.00 so they can use it for the in-kind match for a grant. Commissioner Gil Conover made a motion to approve waiving the 2020 lease amount for the Children's Justice Center. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY FY 2020 EDA PUBLIC WORKS AND ECONOMIC ADJUSTMENT ASSISTANCE PROGRAMS GRANT APPLICATION.

The grant application with EDA Public Works and Economic Adjustment Assistance Program is to acquire additional funds to finish the work on the coal combustion unit at the San Rafael Energy Research Center. Commissioner Kent Wilson made a motion to approve the FY 2020 EDA Public Works and Economic Adjustment Assistance Program Grant Application. The motion was seconded by Commissioner Gil Conover. The motion passed.

(15)

DISCUSS/APPROVE/DENY AN RFP FOR A CONTRACTOR AT THE RESEARCH CENTER.

Commissioner Sitterud explained that the coal combustion test facility is nearing completion and will be ready to start carrying out experiments. The Commissioners would like to would like to advertise for a contractor to operate the machinery. The contractor will not be an employee of Emery County, they will be paid from revenues brought in by experiments and CRA revenue. Commissioner Gil Conover made a motion to approve advertising an RFP for a contractor at the Research Center. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(16)

DISCUSS/APPROVE/DENY ANNUAL AFFIRMATIVE ACTION PLAN.

Mary Huntington explained that the Affirmative Action Plan is a federally mandated document comparing demographics in Emery County to make sure the county is not discriminating any class. This documents is needed to secure federal dollars especially by the Sheriff's Department. Commissioner Kent Wilson made a motion to approve the Annual Affirmative Action Plan. The motion was seconded by Commissioner Gil Conover. The motion passed.

(17)

COMMISSIONER / ELECTED OFFICIAL REPORTS

Commissioner Wilson addressed the comments made earlier in the meeting during Public Comments regarding second amendment sanctuary. He indicated that they have a copy of Uintah's document and will evaluate the document.

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Attorney Mike Olsen indicated he has heard from a lot of people who are in favor of the second amendment sanctuary. Using what Unitah has done as a starting point we can put it on the next meeting's agenda to talk about it. He could not see any reason why we can't have a public hearing to get people's opinion or use the three minute comment period during the regular agenda to get feedback and talk about it and decide what is the best path for Emery County. We will need to look at constitutional issues and how it relates to federal government and state government.

EMS is still moving forward. His office has started the paperwork for creating a SSD.

Commissioner Conover talked about work at the research center and working with the Department of Energy.

(17)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER \_\_\_\_\_



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

FEBRUARY 18, 2020

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens. Commissioner Kent Wilson did not attend the meeting as he was attending meetings at the State Legislature this week. Commissioner Sitterud stepped down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 254200 through and including # 254329 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
14-20	Pneumatic Tire Roller Highway	\$ 123,971.00
15-20	Vehicle Set up for K9 Sheriff	4,784.83
16-20	John Deer e R10 Rotary Cutter Highway	19,500.00

Dispositions were presented for: 2489 Fan, 5369 1988 Waldon Sweepmaster

(2)

APPROVAL OF THE FEBRUARY 04, 2020 COMMISSION MEETING MINUTES.

(3)

NOTIFICATION: CAROLYN MARSHING WAS SELECTED AS THE ASSISTANT LIBRARIAN FOR CASTLE DALE WORKING 19 HOURS PER WEEK WITH NO BENEFITS. WAGE GRADE 7. EFFECTIVE 2-10-2020.

2

Commission Meeting Minutes  
February 18, 2020

(4)

APPROVAL TO PROMOTE RICHARD WADE RYAN TO PATROL DEPUTY I UPON SUCCESSFUL COMPLETION OF LEO TRAINING. MOVE FROM GRADE 14 TO GRADE 16. EFFECTIVE 2-23-2020.

(5)

APPROVAL TO GIVE ZACHARY WEST A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS ORIENTATION PERIOD, PLUS 3% COLA GIVEN THE FIRST OF THE YEAR. EFFECTIVE 2-23-2020.

(6)

APPROVAL OF CONFLICT OF RESOLUTION FORMS FOR 2020.

(7)

APPROVAL OF OUT-OF-STATE TRAVEL FOR ADRIANA CHIMARAS TO ATTEND THE BASECAMP CONFERENCE IN ARIZONA ON NOVEMBER 9-10.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Lynn Sitterud and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

Shannon Hiatt requested that the Commissioners consider making Emery County a 2<sup>nd</sup> Amendment Sanctuary County so we can protect our rights that we were given at the creation of this nation.

Robert Baker also requested that the Commissioners consider making Emery County a 2<sup>nd</sup> Amendment Sanctuary County so his grandchildren will be able to go hunting as he did as a youth.

James Anderson also requested that the Commissioners consider making Emery County a 2<sup>nd</sup> Amendment Sanctuary County.

(3)

SAFETY MINUTE PRESENTATION BY SAMANTHA JOHNSON, EMERY COUNTY ATTORNEY'S OFFICE.

Samantha Johnson, EC Attorney's Office gave a few office safety tips.

Monthly Safety Incentive names were drawn as follow:

Full Time employee: Samantha Johnson

Part-Time Employee: Melissa Arrien

Safety Sensitive Employees: Keaton Cowley and Mitch Horton

(4)

RATIFICATION OF THE LSTA GRANT FOR THE ASSISTING STUDENTS FOR A STRONGER EMERY TOMORROW (A.S.S.E.T) PROGRAM

Library Director Desiree Malley requested approval for the LSTA Grant for the Assisting Students for a Stronger Emery Tomorrow (A.S.S.E.T) program. She indicated that the grant documents were due last Friday so she obtained signatures from the Commissioners prior to this meeting in order to send the papers in to meet the State's deadline. Ratification of the signatures is now needed. Commissioner Gil Conover made a motion to ratify the signing of the LSTA Grant for the A.S.S.E.T Program. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(5)

DISCUSS/APPROVE/DENY ECONOMIC DEVELOPMENT SERVICES AGREEMENT BETWEEN EMERY COUNTY AND UAC FOR 2020.

Commissioner Sitterud explained that when Jordan Leonard left the county as Economic Development Director, the County opted to not hire a new director but rather to contract with UAC to provide this service for the county as a one year trial. The County has been working with Stuart Clason through UAC for this service and it has been working out very well. The Commission would like to continue the contract with UAC for another year. Commissioner Gil Conover made a motion to approve Economic Development Services Agreement between Emery County and UAC for 2020. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

Commissioner Lynn Sitterud gave an update on activity at the State Legislature regarding the San Rafael Energy Research Center. He talked about a letter that was a result of a meeting with the State Congressional Offices and Emery County to the Department of the Energy inviting the department to join Emery County and the State of Utah in the efforts for energy research at the Research Center. Good things are coming from this joint effort.

Commissioner Wilson is at the Legislature this week working on securing natural gas for Green River City.

4  
Commission Meeting Minutes  
February 18, 2020

(6)  
ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Lynn Sitterud, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 3, 2020

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit list #254247 through and including #254422 was presented for payment.

Requisitions were presented for the following:

REQUISITION	DESCRIPTION	AMOUNT
17-20	2020 Tandem Motor Grader Road Department (State Bid)	\$252,280.00
18-20	Rope Rescue Truck Cache Kit- MPD Sheriff	3,245.00
19-20	Def pump, hose and nozzle Road Department	714.99
20-20	(1) Laptop, (12) Lenova Think Pads, (1) Copier Capital Replacement/Sheriff/Library/Road	10,491.00

There were 2 Dispositions. #5421/1989 Dodge Ram 250 #115 and #6672/1989 Dodge W35 #140.

(2)

2

COMMISSION MEETING MINUTES  
MARCH 3, 2020

APPROVAL OF THE FEBRUARY 18, 2020 COMMISSION MEETING MINUTES.

(3)

APPROVAL TO RE-APPOINT LEE MCELPRANG AND JR NELSON TO THE EMERY WATER CONSERVANCY DISTRICT BOARD. TERMS BEGINNING APRIL 2020.

(4)

APPROVAL TO APPOINT MARK TUTTLE TO THE EMERY COUNTY WATER CONSERVANCY DISTRICT BOARD. TERM BEGINNING APRIL 2020.

(5)

NOTIFICATION SELECTED JULIE ROLLINS AS A ROAMING ASSISTANT FOR THE LIBRARIES. EFFECTIVE 3-12-2020.

(6)

NOTIFICATION SELECTED NANCY JOHNSON AS A PART TIME EMPLOYEE WORKING 12 HOURS PER WEEK REVIEWING DOCUMENTS FOR THE MUSEUM OF THE SAN RAFAEL. WAGE \$7.25 PH. EFFECTIVE 2-25-2020.

(7)

APPROVAL OF CONFLICT OF INTEREST FORMS RECEIVED SINCE LAST COMMISSION MEETING.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

At 6:00 p.m. Emery County Commission Meeting reconvened. Commissioner Gil Conover made a motion to close the regular meeting and enter into a Public Hearing to receive public comments regarding the establishment of the Emery Emergency Medical Special Service District and upon the conclusion of the Public Hearing return to the regular meeting agenda. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(3)

**PUBLIC HEARING:** AT 6:00 PM A PUBLIC HEARING WILL BE HELD IN ORDER TO

COMMISSION MEETING MINUTES  
MARCH 3, 2020

RECEIVE PUBLIC COMMENT REGARDING THE ESTABLISHMENT OF THE EMERY  
EMERGENCY MEDICAL SPECIAL SERVICE DISTRICT.

Commissioner Lynn Sitterud invited the public in attendance to comment.

Julie Johansen asked if this is the only way they can use mineral lease funds for Emergency Medical System in the county? Attorney Mike Olsen indicated that the funds have to be received through a SSD.

Commissioner Wilson explained that the county currently pays EMT's \$14.00. They have to replace ambulance's every 14 to 15 months. The number of EMT's has dwindled. The county has \$103,000.00 to put toward a new ambulance and intend to keep \$100,000.00 a year going forward for this purpose as well as adding \$25,000.00 a year from the general fund.

Karen Dellos asked what the requirements are for being an EMT? Karen Richards explained that it takes 120 hours of training and passing a national test to become a basic EMT.

Commissioner Wilson commented that EMT shortage is s crisis in rural Utah. We can not wait for the state to fix the problem.

There were no additional comments.

The Commission returned to the regular meeting.

(4)

OPEN , REVIEW AND AWARD BIDS FOR THE SAN RAFAEL ENERGY RESEARCH  
CENTER CONTRACTOR RFP/RFQ.

One RFP was received for the San Rafael Energy Research Center Contractor. The proposal was from CT Electric in the amount of \$11,000.00 per month. Commissioner Kent Wilson made a motion to accept the bid, review it and made a determination. The motion was seconded by Commissioner Gil Conover. The motion passed.

(5)

DISCUSS/APPROVE/DENY A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY  
OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH  
( THE "ISSUER") AUTHORIZING THE ISSUER'S \$1,200,000 GENERAL OBLIGATION  
BONDS, IN ONE OR MORE SERIES, FIXING THE MAXIMUM AMOUNT, MATURITY,  
INTEREST RATE, AND DISCOUNT ON THE BONDS; PROVIDING FOR THE  
PUBLICATION OF A NOTICE OF PUBLIC HEARING AND OF BONDS TO BE ISSUED;  
PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

COMMISSION MEETING MINUTES  
MARCH 3, 2020

CVSSD Director Jacob Sharp, reviewed a Resolution providing the publication of a notice of Public Hearing and of bonds to be issued providing for the running of a contest period and related matters. Commissioner Gil Conover made a motion to approve Resolution 3-3-2020 providing for publication of a notice of Public Hearing and of bonds to be issued for the running of a contest period and related matters. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY ROMEO ENTERTAINMENT AGREEMENT FOR 2020.

Commissioner Kent Wilson made a motion to approve Romeo Entertainment Agreement for 2020 to solicit entertainment for the 2020 Emery County Fair. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY COMMUNITY REINVESTMENT AGENCY AND EMERY COUNTY COMMISSION REGARDING THE CASTLE SOLAR PROJECT.

Commissioner Kent Wilson made a motion to table to the next meeting. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY MONETARY DONATION TO THE NO GRAVES UNADORNED PROJECT.

Commissioner Kent Wilson made a motion to donate \$250.00 to the No Graves Unadorned Project. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

ELECTED OFFICIAL REPORT

Sheriff Funk reported that they just finished up the murder trial. Attorney Mike Olsen was well prepared. Mike did a phenomenal job. Attorney Mike Olsen thanked the Deputies and the jurors.

Commissioner Wilson reported on his time with the legislature trying to get natural gas in Green River. It has passed the house at this time. He thanked Senator Hinkins. He commented on how respected Senator Hinkins is by all he works with. He works hard for rural Utah and is very engaged in getting what we need for our area. He added that Emery County is well known by everyone in the legislature. They hear about what we are doing here.



5  
COMMISSION MEETING MINUTES  
MARCH 3, 2020

(10)  
ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE CANVASS OF ELECTION FOR THE  
PRESIDENTIAL PRIMARY ELECTION HELD ON MARCH 3, 2020

MARCH 10, 2020

Present at the Canvass of Election for the Presidential Primary Election held on March 3, 2020:

Commissioner Lynn Sitterud

Commissioner Kent Wilson

Clerk/Auditor Brenda Tuttle

IT Director Jeff Guymon

Recorder Connie Jensen

35 additional ballots were counted. 33 counted/ 2 provisional. 7 ballots were not valid.

Total number of ballots counted was 1866.

Commissioner Lynn Sitterud made a motion to approve the results of the canvass of election.  
The motion was seconded by Connie Jensen. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MARCH 17, 2020

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #254427 through and including #254553 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
21-20	Bulletproof vest-Hardware Armor Pkg Sheriff	\$ 822.50
22-20	Body Armor for SERT Tactical Team (12) Sheriff	6,959.64
23-20	75" Samsung LED Screen (2) Capital Replacement	2,089.98

Dispositions were presented for # 4684, Steam Cleaner, #1072, Shredder

(2)

APPROVAL OF THE MARCH 3, 2020 COMMISSION MEETING MINUTES.

(3)

APPROVAL TO PROMOTE JOEL MICHAEL HOWES TO PATROL DEPUTY I AS HE GRADUATED FROM LAW ENFORCEMENT ACADEMY MAY 23, 2019. MOVE FROM GRADE 15 TO GRADE 16. EFFECTIVE 3-22-20.

(4)

APPROVAL TO GIVE ADDISON WEIHING A 3% WAGE INCREASE( AND 3% COLA GIVEN AT THE FIRST OF THE YEAR) FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE ASSISTANT LIBRARIAN IN GREEN RIVER.

2

Commission Meeting Minutes  
March 17, 2020

EFFECTIVE 3-22-20.

(5)

APPROVAL TO GIVE KIP ALLRED A 3% WAGE INCREASE (AND 3% COLA GIVEN AT THE FIRST OF THE YEAR) FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD. EFFECTIVE 3-22-20.

(6)

APPROVAL TO PROMOTE MICHAEL GRANGE TO PATROL DEPUTY II. MOVE FROM GRADE 16 TO GRADE 17. EFFECTIVE 3-22-20.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT).

(3)

SAFETY MINUTE PRESENTATION BY CLINTON OLSEN REPRESENTING EMS.

Clinton Olsen talked about electric cord safety.

(4)

AWARDING OF THE SAFETY VISA GIFT CARDS.

Full time employee: Adriana Chimaras

Part time employee: Shellee Cologie

Safety Sensitive: Travis Winn and Mitchel Horton

(5)

DISCUSS/APPROVE/DENY ADOPTION OF RESOLUTION DECLARING A STATE OF LOCAL EMERGENCY DUE TO INFECTIOUS DISEASE COVID-19 NOVEL CORONAVIRUS.

Captain Kyle Ekker requested adopting a Resolution declaring a State of Local Emergency due to infectious disease COVID-19 Novel Coronavirus. The Resolution reads: On January 21, 2020 the Utah Department of Health activated its Department Operations Center in response to the

evolving COVID-19 global outbreak. The Utah Department of Health recognizes COVID-19 as a threat to the health and safety of the residents of Utah. The Utah Division of Emergency Management and the Utah Department of Health activated a Joint Information System for public information and on March 11, 2020 raised its activation level to Level 2-Partial Activation. The CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high” and has advised that person-to-person transmission of COVID-19 will continue to occur globally, including within the United States. The Utah Department of Health recognizes that confirmed community transmission in the United States significantly increases the risk of exposure and infection to the State of Utah’s general public and creates an extreme public health risk that may spread quickly. Due to the identification of COVID-19 cases in Utah, which could likely spread to Emery County, which could create conditions that are or are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and I-70 is a main corridor through Emery County and borders the city of Green River, bringing a large national and international tourist population into Green River for food, fuel and lodging, by bus, train and private vehicles, thereby increasing the risk of a local COVID-19 outbreak; and the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, and use of mutual aid will be critical to successfully responding to COVID-19; and these conditions do create a “Local State of Emergency” within the intent of the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code Annotated 1953, as amended; and necessitate that Emery County proclaim the existence of a local emergency; and declare a “Local State of Emergency” in Emery County due to the aforesaid circumstances requiring aid, assistance, and relief available from State resources, to remain in effect for no longer than 30 days unless ratified by the Emery County Commission and continues for up to an additional 30 days for each subsequent ratification, and hereby orders:

The request of financial and other resources made available and specified in Utah Statute 53-2a-204 through 207 and as authorized by Executive Order Declaring a State of Emergency Due to Infectious Disease COVID-19 Novel Coronavirus issued by Utah Governor Gary Herbert on March 6, 2020; and

The utilization of all necessary authority granted to the Emery County Commission as specified in Utah Statute 53-2a-205;

The outreach and assistance to the populations most vulnerable to COVID-19; and coordination with local authorities and the private sector to maximize access to appropriate medical care while preserving critical services for those most in need.

The appointment of Emery County Emergency Management as coordinator during this emergency declaration.

Commissioner Gil Conover made a motion to adopt Resolution 3-17-20 a resolution declaring a state of local emergency due to infectious disease COVID-19 Novel Coronavirus. The motion was seconded by Commissioner Kent Wilson. The motion passed. Captain Ekker will have the resolution posted on the Emery County website.

(6)

RATIFICATION OF COMMUNITY PERFORMANCE PLAN 2020 BETWEEN EMERY COUNTY AND ROCKY MOUNTAIN POWER.

Commissioner Kent Wilson made a motion to ratify the approval of Community Performance Plan 2020 between Emery County and Rocky Mountain Power. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY PRIORITIZED CIB LIST FOR FY 2021.

The Emery County Commissioners recently met as the Local Council of Governments to talk about applications to CIB for funding of projects for the year 2021. They have prioritized the list of projects submitted by the county, cities and districts. EMS SSD has been prioritized as number one on the list and SSD#1 number two and subsequent city requests thereafter. Commissioner Kent Wilson made a motion to approve the prioritized CIB list for FY 2021. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY EMERY COUNTY ASSISTING MATHEW PODOLINSKY IN APPLYING FOR A CLG GRANT TO ASSIST WITH HIS RESEARCH IN THE SAN RAFAEL SWELL.

Commissioner Conover explained that if approved, on behalf of Mathew Podolinsky, Emery County will apply for a CLG Grant to help assist Mathew with his research in the San Rafael Swell. The research will consist of researching vandalism and depreciative behavior at rock are sites in the San Rafael Swell. The funding for the project, as stipulated in the CLG Grant, will come from Mathew Podolinsky and other donors. Emery County will not be responsible for any funds. The CLG Grant form shows that Mathew Podolinsky is responsible for the project and upwards to \$14,000.00. It is estimated that the project would be \$14,000.00 or the total project budget (\$7,000.00 grant request plus \$7,000.00). The project will be completed and paid for by Mathew Podolinsky and other donors. Not Emery County. At the end of the project, Mathew will show that the entire project cost \$14,000.00 (mix of cash expenditures and in kind). After approval from the state office, Matthew will be reimbursed \$7,000.00. The \$7,000.00 will be written to Emery County who will then pay the \$7,000.00 to Mathew Podalinsky. Emery County is a path for the pass through grant. Commissioner Gil Conover made a motion to approve assisting Mathew Podolinsky in applying for a CLG Grant to assist with his research in the San Rafael Swell. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY LEASE AGREEMENT BETWEEN EMERY COUNTY AND U.S.BANK EQUIPMENT FINANCE FOR ZOLL EQUIPMENT AND ACCESSORIES.

Clinton Olsen explained that the EMS board has approved equipment purchase, monitors, autopulses, etc. from Zoll. The payment for the equipment is spread out to monthly lease payments over five years. After the five years they can purchase the equipment for \$1.00. Clinton requested approval for the lease agreement with U.S. Bank Equipment Finance for Zoll Equipment and accessories. Commissioner Kent Wilson made a motion to approve a lease agreement with U.S. Bank Equipment Finance for Zoll Equipment and Accessories. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY ANNUAL RENEWAL OF THE WEED CONTROL AGREEMENT CONTRACT BETWEEN EMERY COUNTY AND BLM UTAH, PRICE FIELD OFFICE.

Cory Worwood, Emery County Weed/Mosquito Supervisor explained that the contract is the same as in previous years. The contract amount is \$13,000.00 to control weeds on BLM ground. He explained that BLM is flexible in what they allow them(ECWM) to do. Commissioner Gil Conover made a motion to approve the annual renewal of the Weed Control Agreement Contract between Emery County and BLM Utah Price Field Office. The motion was seconded by Commissioner Kent Wilso. The motion passed.

(11)

DISCUSS/APPROVE/DENY REQUEST FOR TERMINATION OF THE AGREEMENT CONTRACT BETWEEN EMERY COUNTY AND PACIFICORP FOR THE RILDA CANYON ROAD -TEMPORARY SUSPENSION.

Commissioner Gil Conover made a motion to approve the request for termination of the agreement contract between Emery County and Pacificorp for the Rilda Canyon Road-Temporary Suspension. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY PAY INCREASE FOR BASIC AND ADVANCED EMTS.

Commissioner Kent Wilson discussed EMT's in Emery County and the need for pay raices for basic and advanced EMT's. He commented that Emery County is in a crisis with respect to providing emergency medical services in certain portions of Emery County. In the past EMT's were volunteers. This model for EMT's is not working for America any longer. He proposed raising advanced EMT's by \$5.00 per hour, taking them from \$17.60 per hour to \$22.60 per hour. He proposed raising basic EMT's by \$1.00 per hour, taking the pay from \$12.77 per hour

to \$13.77 per hour. He proposed raising drivers pay by \$.50 per hour, taking the pay from \$12.27 to \$12.77 per hour. He indicated that the hope is that this raise in pay may entice basic EMT's to go back to school to become an advanced EMT for the higher pay. He indicated that it is going to take a year or more to get us where we want to be with respect to getting additional quality EMT's in the county. Captain Kyle Ekker relayed a recent experience with his father with respect to the Ambulance/EMT service in the County. The ambulance responded quickly and he was pleased with the service his father received from the EMT's. Commissioner Kent Wilson made a motion to approve raising Advanced EMT pay by \$5.00 per hour( \$17.60ph), Basic EMT pay by \$1.00 per hour(\$13.77ph) and drivers by \$.50 per hour (\$12.77ph) starting the first payday in April allowing the change to take place by the first payday in May. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

DISCUSS/APPROVE/DENY AGREEMENT BETWEEN EMERY COUNTY AND JOHANSEN AND TUTTLE ENGINEERING REGARDING THE LOWER SEDIMENT BASIN, UPPER DEBRIS BASIN, NIELSEN LOOP BRIDGE AND FERRON BRIDGE ON HWY 10.

Captain Ekker explained that the Commission put some money in a fund to finish up projects in Huntington Canyon and Ferron/Millsite. This agreement is for engineering services to perform engineering for design, design surveys, construction drawings & specifications, contract administration, inspection and testing required to excavate the Lower Sediment Basin, repair the grouted rip rap on the Upper Debris Basin, provide rock rip rap below Nielson Loop Bridge, and below Ferron Bridge on Highway 10. If approved J&T will begin designing for the project. Commissioner Gil Conover made a motion to approve an agreement between Emery County and Johansen & Tuttle Engineering regarding the Lower Sediment Basin, Upper Debris Basin, Nielsen Loop Bridge and Ferron Bridge on Highway 10. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY AWARDING OF THE CONTRACT FOR RFP/RFQ REGARDING THE SAN RAFAEL ENERGY RESEARCH CENTER CONTRACTOR.

Commissioner Sitterud explained that the EC Commission advertised for an RFQ for a San Rafael Energy Research Center Contractor. They received one bid. They way this was advertised was to be able to negotiate the bid to a number that the County could live with. He indicated that they were able to negotiate a better contract at \$10,000.00 per month for two employees to work at the Research Center to perform operation and maintenance of the Coal Combustion Unit. Commissioner Kent Wilson made a motion to accept the proposal for the Research Center as negotiated and instruct the County Attorney to draft the contract. The motion was seconded by Commissioner Gil Conover. The motion passed.



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Commission Meeting Minutes  
March 17, 2020

(15)

DISCUSS/APPROVE/DENY NOTICE OF AWARD FOR THE TRAIL MOUNTAIN EWP PROJECT/MEETINGHOUSE CANYON.

Commissioner Gil Conover made a motion to award the bid for the Trail Mountain EWP Project/Meetinghouse Canyon to Perco Rock in the amount of \$1,748,862.00. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(16)

ELECTED OFFICIAL REPORTS

Commissioner Wilson talked about the Eastern Utah Health Department directive that was posted today regarding the Coronavirus. There is a lot of mis- information out there. Some of his concerns were regarding how to manage our tourism and how to manage the outbreak without destroying our economy. Attorney Mike Olsen talked about what Emery County has planned for this courthouse for the next fourteen days to comply with the health department's order regarding the Coronavirus. He stated that we, as a County, are depending on the experts to know what to do. The public health order limits gatherings of more than 10 people for fourteen days and introduces protocol for thirty days for different sectors of the community. There are a number of people who think we are over the top and panicking. There are also a number of people who think we are not doing enough. We will figure out what to do over the next fourteen days. It is not the intent to scare people or destroy the economy. We will do the best we can for fourteen days and then re-evaluate the situation. For general business protocol, implement social distancing, 6 feet apart. If you take cash, be careful. Management should ensure that no employee shows up to work sick, send them home. Patrons/guests should be asked to leave if they are sick. Clean up after if a sick person has been there. Post signs approved by the CDC to address protocols for business. We are going to keep our county employees working. We are going to make common sense decisions and be responsible with the county's time and the public's money. Leadership in each department will decide how each office will function and wait it out for the next fourteen days. Commissioner Sitterud continued that Emery County will follow the direction of the White House and Governor Herbert. This building, starting tomorrow, will be closed to the public. There will be signs on the door with phone numbers for each department that the public can call to get help. We will try to work things through on the phone or computer and if there is a reason to bring the public in it will be through a case by case basis. This will be in effect for fourteen days. Commissioner Wilson reiterated that this is not a time to panic. It is a time stay in our homes, practice 6 feet distancing and then see where we are at in fourteen days. We will do this in an organized manner rather than in a panic mode. Commissioner Conover added his approval to this protocol.

(17)

ADJOURN

8

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Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

9

Commission Meeting Minutes  
March 17, 2020

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

APRIL 7, 2020

Due to restrictions in place during the COVID-19 Pandemic this meeting was conducted electronically. Present was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # through and including # was presented for payment.

Requisitions were presented for the following:

REQUISITION	DESCRIPTION	AMOUNT
24-20	Globe 20 quart industrial mixer Sheriff/Jail	\$ 2,643.20
25-20	Gatekeeper all-hazards emergency facility HVAC unit for emergency facility Sheriff/EMP	\$35,433.16
26-20	Ultra Kimono Bite Suit/w Police Pkg Sheriff/ K9 unit	\$1,599.99
27-20	(1) Range w/2 convection ovens and 1 Range w/6 burners for jail kitchen Sheriff/Jail	\$15,877.23
28-20	Kubota Excavator Road maintenance	\$101,822.83
29-20	AED Heartsine SAM 450P P Road Dept. Safety	\$2,549.25
30-20	AED Heartsine SAM 450P P Landfill/Safety	\$849.75

2

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April 7, 2020

One disposition for #6403 1996 Crack Sealer #3023

One Transfer for #6672 1998 Dodge Truck from Highway to Travel Bureau/Trails

(2)

APPROVAL OF THE MARCH 17, 2020 COMMISSION MEETING MINUTES

(3)

APPROVAL TO APPOINT SHALA HUNSAKER TO THE EMERY COUNTY RECREATION BOARD REPRESENTING FERRON CITY.

(4)

APPROVAL OF CELL PHONE STIPEND FOR SAMANTHA JOHNSON.

(5)

APPROVAL TO PROMOTE LANE GARDNER TO CORRECTION OFFICER I. MOVE FROM GRADE 14 TO GRADE 15. EFFECTIVE 4/19/2020

(6)

APPROVAL TO START THE RECRUITMENT PROCESS FOR SEASONAL LAWN CARE EMPLOYEE(S).

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT ( 3 MINUTE TIME LIMIT).

Motion to leave the regular meeting and enter into a Public Hearing to receive input from the public with respect to the issuance of the Castle Valley Special Service District Bonds as noticed, and at the conclusion of a Public Hearing to return to the regular meeting agenda, was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover and the motion passed.

(3)

PUBLIC HEARING: TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO THE ISSUANCE OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT BONDS, IN ON OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,200,000 FOR THE PURPOSE OF PAYING ALL OR PART OF THE COST OF ACQUIRING OR IMPROVING, THROUGH PURCHASE OR CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND TREATMENT OF SEWAGE; FACILITIES USED IN CONNECTION WITH THE ACQUISITION, TREATMENT, STORAGE, TRANSPORTATION, AND SUPPLY OF WATER FOR DOMESTIC, INDUSTRIAL SECONDARY AND OTHER PURPOSES; DRAINAGE AND STORM SEWER FACILITIES, INCLUDING CURBS AND GUTTERS; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LAND, RIGHTS-OF-WAY, EQUIPMENT AND FURNISHING THEREFOR, AND INCLUDING SUCH LEGAL, ENGINEERING, AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTION WITH THE ACQUISITION OF SUCH FACILITIES IN AND FOR THE DISTRICT, AND RELATED MATTERS.

CVSSD Manager, Jacob Sharp explained that in November, a General Obligation Bond in the amount of \$14,000,000 question went before the voters of Emery County and was passed. Last month the Commissioners held a Public Hearing and passed a parameters resolution for the first in a series of bonds that will take place over the next ten years to utilize the funds. The District was able to secure an additional \$772,000 grant from CIB to do culinary water projects, drainage projects, street improvement projects, and curb and gutter projects throughout the county. There are projects in each of the eight cities and towns in the county that they have jurisdiction over. They work closely with the mayors and councils of each of these cities and towns to determine the project list.

(4)

DISCUSS/APPROVE/DENY A FINAL BOND RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH (THE ISSUER) AUTHORIZING THE ISSUER'S \$1,000,000 GENERAL OBLIGATION BONDS, SERIES 2020 (THE "SERIES 2020 BONDS") IMPROVING, THROUGH PURCHASE OR CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND TREATMENT OF SEWAGE; FACILITIES USED IN CONNECTION WITH THE ACQUISITION, TREATMENT, STORAGE, TRANSPORTATION, AND SUPPLY OF WATER FOR DOMESTIC, INDUSTRIAL SECONDARY AND OTHER PURPOSES; DRAINAGE AND STORM SEWER FACILITIES, INCLUDING CURBS AND GUTTERS; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LAND, RIGHT-OF-WAY, EQUIPMENT AND FURNISHINGS THEREFOR, AND INCLUDING

SUCH LEGAL, ENGINEERING, AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTION WITH THE ACQUISITION OF SUCH FACILITIES IN AND FOR THE ISSUER; AND RELATED MATTERS.

Upon returning to the regular meeting, Commissioner Kent Wilson made a motion to approve Resolution 4-7-2020A, a final bond resolution of the Board of Emery County Commissioners of Emery County, Utah acting as the governing body of the Castle Valley Special Service District, Emery County, Utah, authorizing the issuer's \$1,000,000 General Obligation Bonds Series 2020. The motion was seconded by Commissioner Gil Conover. The motion passed unanimously.

(5)  
RATIFICATION OF THE RESOLUTION FOR THE TEMPORARY STAND ALONE FEDERAL POLICY ON COVID-19 RELATED LEAVE.

Commissioner Gil Conover made a motion to ratify approval of Resolution 4-7-20B for Temporary Stand Alone Federal Policy on COVID-19 related leave. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)  
DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR KEVIN MARTINEZ, SOLUTION WALL SYSTEM, LLC.

Jeff Guymon indicated that this has not gone through the Planning and Zoning Board, but did not anticipate any problem with approval. Commissioner Kent Wilson made a motion to approve a business license for Kevin Martinez, Solution Wall System, LLC contingent upon approval of the P/Z Board. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)  
DISCUSS/APPROVE/DENY AMENDED FY 2021 PRIORITIZED CIB LIST.

Commissioner Wilson explained that the Prioritized CIB list was recently approved by the Commission. Since that time, Ferron City has made a request to be placed on the list for a Transportation Plan in the amount of \$40,000.00. Commissioner Kent Wilson made a motion to allow Ferron City to be added the FY 2021 Prioritized CIB List. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)  
DISCUSS/APPROVE/DENY THE OLD SPANISH TRAIL ROAD SIGN PLAN.

Rob Sweeten, Old Spanish Trail, Co-Administrator, BLM talked about the Old Spanish Trail Road Sign Plan. He indicated that he has met with Adriana and established a sign plan as he has presented to the Commissioners in an earlier Commission Meeting. They have identified the sites in the county that the signs will be placed. He indicated that State Parks may have the ability to fund the signs. We just need a form signed to the State Parks to accept the sites and the signs. Rob indicated that the County's responsibility would be to place the signs by whatever means you may have. Commissioner Wilson indicated that he discussed this project with Adriana and she has indicated that she is in support of the project. They have not discussed it with the Tourism Board. Commissioner Kent Wilson made a motion to support the plan pending the outcome and support of the Tourism Board. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY CHANGE ORDER #1 ON THE TRAIL MOUNTAIN EWP, RILDA CANYON PROJECT.

Captain Ekker indicated that the Change Order is to extend the work days due to the weather. Commissioner Gil Conover made a motion to approve Change Order #1 on the Trail Mountain EWR, Rilda Canyon Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY EMERY COUNTY "D" ROAD SITLA EASEMENT PROJECT ON AOG CAPITAL IMPROVEMENT LIST.

Public Lands Director, Ray Petersen, explained that this is a follow-up project through SITLA. We would acquire easements for "D" roads across SITLA parcels working through AOG. Commissioner Kent Wilson made a motion to approve the Emery County "D" Road SILA Easement Project of AOG Capital Improvement List. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY SIGNING AMENDED MEMORANDUM OF AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT WITH THE UTAH PROSECUTION COUNCIL TO ALLOW EMERY COUNTY TO BE PLACED ON THE WAITING LIST FOR THE NEW UTAH STATE E-PROSECUTOR SYSTEM.

Jeff Guymon indicated that this amended MOA and professional Services Agreement places Emery County on the waiting list for the new Utah State E-Prosecutor system. Commissioner Kent Wilson made a motion to approve signing an amended Memorandum of Agreement and Professional Services Agreement with the Utah Prosecution Council to allow Emery County to be placed on the waiting list for the new Utah State E-Prosecutor System. The motion was



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seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY AMENDMENT TO CONTRACT BETWEEN EMERY COUNTY AND THE STATE OF UTAH DEPARTMENT OF AGRICULTURE PLAN INDUSTRY.

The amendment is to add an additional \$40,000.00 to the funding contract for Weed/Mosquito for Russian Olive Eradication. Commissioner Gil Conover made a motion to approve an Amendment to the Contract between Emery County and the State of Utah Department of Agriculture Plan Industry. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY CANCELLING ALL EXISTING LAWN CARE CONTRACTS AND USING EMERY COUNTY SEASONAL EMPLOYEES TO PERFORM THESE DUTIES.

As the contracts for lawn care are all expiring, rather than renewing these contracts, the Commissioners would like to use seasonal employees to perform lawn care for a year to see how mowing our own lawns would compare to having a contractor perform the work. Commissioner Gil Conover made a motion to cancel all existing lawn care contracts and use Emery County seasonal employees to perform these duties. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY THE NON FUNDED CHALLENGE COST SHARE AGREEMENT BETWEEN EMERY COUNTY AND THE USDA FOREST SERVICE, MANTI LASAL NATIONAL FOREST.

PL Director, Ray Petersen indicated that is an agreement between the Forest Service and the County for maintenance of the Aarapeen Motorized Trail System on the Manti LaSal. It mirrors the agreement we have with the BLM for trail maintenance. Ray recommended approval. It will entail use of the county trail maintenance equipment, and trail maintenance crew and volunteers. Commissioner Kent Wilson made a motion to approve the non funded Challenge Cost Share Agreement between Emery County and the USDA Forest Service, Manti LaSal National Forest. The motion was seconded by Commissioner Gil Conover. The motion passed.

(15)

Commission Reports

Commissioner Wilson thanked everyone for their efforts to take the Governor's Orders to heart.

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He thanked the County offices for continuing to execute their duties and minimize the risk to the employees. We have a lot of people coming from out of state to our desert that could possibly overwhelm our system and put our first responders at risk. They are not being responsible. He expressed his gratitude to everyone. He stated, It's humbling to see everyone's sacrifice.

Commissioner Conover echoed Commissioner Wilson's comments and added that it will all come to an end soon and we will be able to move forward soon.

Commissioner Sitterud echoed the comments made and thanked our first responders for all that they are doing. The County is still running smoothly under the circumstances. He thanked all the elected officials and department heads for all they are doing.

Captain Kyle Ekker, as the Emergency Manager reported that they are working closely with the State to keep the supplies coming in for our first responders and our citizens. He added he appreciates the support from everyone.

Commissioner Sitterud added that the desert is seeing an influx of people from out of state and out of the Carbon/ Emery Area even though they have been asked not to come here and to stay in their own cities and counties. He added that this will be a different and not so enjoyable Easter than our Carbon/Emery residents are used to seeing. He asked our residents to be patient.

(16)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 21, 2020

Due to restrictions in place during the COVID-19 Pandemic this meeting was conducted electronically. Present was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox , Elected officials and citizens.

**CONSENT AGENDA**

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS

The Warrant Check Edit List #254696 through and including #254829 was presented for payment.

Requisitions were presented for the following:

REQUISITION	DESCRIPTION	AMOUNT
31-20	Bullet-Proof Vest Sheriff- Kyler Farley	\$822.50
32-20	Vari Electric Standing Desk 60x30 Library-Desiree Malley	\$795.00
33-20	Panasonic Toughbook Sheriff- Command Post	\$2,254.04
34-20	Ford Expedition 4DR 4x4 XL (2) Dodge Durango Pursuit AWD(1) Sheriff - Patrol Vehicles	\$113,765.77
35-20	Elite Dog Kennel 10x10 complete Sheriff-K9 Deputy Mack	\$532.79
36-20	Furnace (remove and install) Library-Emery (Emergency)	\$2,800.00
37-20	Cargo Storage Container Unit (2) Travel Bureau-Trail Cat & Events storage	\$5,700.00

(2)

APPROVAL OF THE APRIL 7, 2020 COMMISSION MEETING MINUTES

(3)

APPROVAL TO HIRE LEVI OLSEN AND BROCK WINTER AS SEASONAL LAWN CARE LABORERS WORKING 29 HOURS PER WEEK. WAGE \$14.00 PER HOUR.

(4)

APPROVAL TO GIVE JOE FIELDER A WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS SIX MONTH ORIENTATION PERIOD ALONG WITH THE 3% COLA GIVEN THE FIRST OF THIS YEAR. GRADE 13. EFFECTIVE 5-4-20.

(5)

APPROVAL TO PROMOTE JOE FIELDER TO A VARIABLE PART TIME EMPLOYEE WORKING 20 TO 29 HOURS PER WEEK WITH PRORATED RETIREMENT AS A SUPERVISOR OVER THE SEASONAL LAWN CARE MAINTENANCE/LABORERS. MOVE FROM GRADE 13 TO GRADE 14. EFFECTIVE 5-4-20

Motion to approve the CONSENT Agenda was made by Commissioner , seconded by Commissioner , and the motion passed.

## **DISCUSSION AGENDA**

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

(3)

AWARDING OF SAFETY VISA GIFT CARDS.

(4)

PRESENTATION BY BRADY BRADFORD, DIRECTOR OF SEUHD, REGARDING EMERY COUNTY COVID-19 UPDATE.

(5)

RATIFICATION OF APPLICATION FOR ASSISTANCE SF-424 REGARDING THE TRAIL MOUNTAIN FIRE EWP, HUNTINGTON CREEK.

(6)

RATIFICATION OF THE 2020 CHILDREN AND TEEN BOOK ENHANCEMENT

MINI-GRANT CONTRACTS BETWEEN THE UTAH STATE LIBRARY AND THE CASTLE DALE LIBRARY, CLEVELAND LIBRARY, HUNTINGTON LIBRARY AND ORANGEVILLE LIBRARY.

(7)

RATIFICATION OF THE EXTENSION OF RESOLUTION 3-17-20 RESOLUTION DECLARING STATE OF LOCAL EMERGENCY DUE TO INFECTIONS DISEASE COVID-19 NOVEL CORONAVIRUS.

(8)

RATIFICATION OF THE FUND WIFI EXPANSION TO SUPPORT COVID-19 EFFORTS MINI-GRANT.

(9)

DISCUSS/APPROVE/DENY INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY COMMUNITY REINVESTMENT AGENCY AND EMERY COUNTY REGARDING THE CASTLE SOLAR PROJECT.

(10)

DISCUSS/APPROVE/DENY ORDINANCE ESTABLISHING THE CASTLE SOLAR PROJECT COMMUNITY REINVESTMENT PROJECT AREA PLAN AND PROJECT AREA BUDGET.

(11)

DISCUSS/APPROVE/DENY AWARDDING PUBLIC LANDS SOLUTION THE RFP FOR A RECREATION AUDIT.

(12)

DISCUSS/APPROVE/DENY HOLDING THE 2020 EMERY COUNTY FAIR.

(13)

DISCUSS/APPROVE/DENY THE CONCERT DURING THE 2020 EMERY COUNTY FAIR.

(14)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE (5) YEARS PAST DUE ON PARCELS 1-151-41 AND 1-151-42 FOR VIJAY AHIR, FOR AND IN BEHALF OF KODAL LLC.

(15)  
DISCUSS/APPROVE/DENY RIGHT-OF-WAY GRANT FORM 2800 (UT-93862).

(16)  
DISCUSS/APPROVE/DENY BYLAWS FOR THE EMERY COUNTY ECONOMIC DEVELOPMENT BOARD (CED BOARD).

(17)  
COMMISSION/ELECTED OFFICIALS REPORTS.

(18)  
ADJOURN.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

MAY 5, 2020

Due to restrictions in place during the COVID-19 Pandemic this meeting was conducted electronically. Present was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

**CONSENT AGENDA**

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 254842 through and including #254930 was presented for payment.

Requisitions were presented for the following:

REQUISITION	DESCRIPTION	AMOUNT
38-20	(2) Computers Sheriff	\$4,588.86
39-20	(2) Stealth 5 Tracking Device Sheriff	\$1,790.00
40-20	Refrigerator/Freezer for Mobile Command Post Sheriff	\$5,937.14
41-20	(1) Trijicon thermal Optics (3) Night Vision Equipment Sheriff	\$21,449.88
42-20	(2) Variable Speed Rheem Furnace (2) 3 ton Rheem Air Conditioner (2) Stage Programmable Thermostats/Materials Road Department	\$11,286.00

Dispositions: (5) umbrellas and a trash receptacle from EC Aquatic Center

2

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May 5, 2020

(2)

APPROVAL OF THE APRIL 21, 2020 COMMISSION MEETING MINUTES.

(3)

APPROVAL TO HIRE GARRETT ROWLEY AS A SEASONAL LAWN CARE LABORER WORKING 29 HOURS PER WEEK. WAGE \$14.00 PER HOUR.

(4)

APPROVAL TO REHIRE ERIK NIELSEN AS A SEASONAL WEED & MOSQUITO TECHNICIAN. WAGE \$15.00 PER HOUR. WORKING 29 HOURS PER WEEK.

(5)

APPROVAL TO HIRE SETH BAANTJER AS A SEASONAL WEED & MOSQUITO TECHNICIAN. WAGE \$13.50 PER HOUR. WORKING 29 HOURS PER WEEK.

(6)

APPROVAL TO HIRE THOMAS BEHLING AS A SEASONAL WEED & MOSQUITO TECHNICIAN. WAGE \$13.50 PER HOUR. WORKING 29 HOURS PER WEEK.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

## **DISCUSSION AGENDA**

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT).

(3)

RATIFICATION OF THE 2020 SUMMER READING GRANT.

The deadline for the 2020 Summer Reading Grant was prior to this meeting. The grant was signed. This action needs to be ratified. Commissioner Gil Conover made a motion to ratify the signing of the 2020 Summer Reading Grant. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(4)



DISCUSS/APPROVE/DENY CONTRACT AMENDMENT FOR A.S.S.E.T. PROGRAM (LSTA GRANT).

An Amendment for the A.S.S.E.T. Program will extend the program to begin in September for the 20/21 school year. Commissioner Gil Conover made a motion to approve Contract Amendment for A.S.S.E.T. Program (LSTA Grant). The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

DISCUSS/APPROVE/DENY AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT L15pX01482 BETWEEN BLM AND EMERY COUNTY FOR LAW ENFORCEMENT SERVICES.

Sheriff Funk requested this be tabled. Commissioner Gil Conover made a motion to table this for another meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY THE COUNTY'S MEDICAL, DENTAL, VISION INSURANCE RENEWAL FOR PLAN YEAR JULY 1, 2020 TO JUNE 30, 2021.

Jeff Kelsey reviewed the County's current insurance program(Meritain) and made suggestions for renewal. He talked about a possible shift for Emery County from being partially funded to fully funded. He explained that Emery County has been partially funded for a very long time. He explained that the risk is driving the change. He reviewed reinsurance options that are a result of a lot of research and an extensive bidding process. He recommended PEHP for Emery County's insurance carrier as they offer a locked in premium for multi-years. Commissioner Kent Wilson made a motion to switch from Meritain partially funded to PEHP fully funded for the new insurance period July 1, 2020 through June 30, 2021. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY ISM GRANT AMENDMENT FOR RUSSIAN OLIVE ERADICATION IN EMERY COUNTY'S RIPARIAN AREA.

The grant amendment will provide for more time to perform the contract. Commissioner Gil Conover made a motion to approve ISM Grant Amendment for Russian Olive Eradication in Emery County's Riparian Area. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY RESOLUTION TO "PICK UP" TIER II PUBLIC SAFETY NEW

CONTRIBUTIONS EFFECTIVE 7-1-2020.

Personnel Director Mary Huntington explained that agencies of the State employ employees who are eligible for and participate as members in the New Public Safety and Firefighter Tier II Contributory Retirement System administered by the Utah Retirement Systems. In accordance with Federal and State Law, employers may take formal action to pick up required employee contributions, which will be paid by the employer in lieu of employee contributions. Emery County Commissioners are duly authorized to take this formal action on behalf of the county as a participating employer with the Utah Retirement Systems. Commissioner Gil Conover made a motion to adopt Resolution 5-5-2020 a resolution to “pick up” Tier II Public Safety New Contributions effective 7-1-2020. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

COMMISSION/ELECTED OFFICIALS REPORTS

Commissioner Wilson talked about SEUHD and the State of Utah’s move from red to orange, loosening some safety standards. If the numbers stay the same, by May 15th, they may move to yellow. Emery, Duchesne and Uintah are the three counties most likely to move to yellow first. He advised everyone to continue to follow the State’s guidelines for safety.

Captain Klye Ekker reminded everyone to not forget the sacrifices we have made thus far and to remain vigilant in efforts to remain protected.

Commissioner Conover and Commissioner Sitterud echoed the remarks made by Commissioner Wilson and Captain Ekker.

(10)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

ATTEST: \_\_\_\_\_ Commissioner: \_\_\_\_\_

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

MAY 19, 2020

Due to restrictions in place during the COVID-19 Pandemic this meeting was held electronically.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 254933 through and including #255028 was presented for payment.

Requisitions were presented for the following:

REQUISITION	DESCRIPTION	AMOUNT
43-20	Locking Mailbox Courthouse	\$1,039.45
44-20	Panasonic Toughbook SO/Command Post	\$2,425.00

There were no dispositions.

2)  
APPROVAL OF THE MAY 05, 2020 COMMISSION MEETING MINUTES

3)  
APPROVAL TO HIRE DEEGAN MINCHEY, KAEJHA JOHNSON, KYLER MINCHEY, KEAGLEY TERRY, AND SIDNEY STILSON AS SEASONAL LIFEGUARDS, WORKING UP TO 29 HOURS PER WEEK. WAGE \$8.16 PER HOUR.

2

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4)

APPROVAL TO GIVE BROCK WINN A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AND 3% COLA. EFFECTIVE 6-1-20

5)

APPROVAL TO PROMOTE TY GORDON TO A FULL TIME EQUIPMENT OPERATOR I WITH FULL BENEFITS. NO CHANGE IN WAGE,

Motion to approve the CONSENT AGENDA was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

#### DISCUSSION AGENDA

1)

ITEMS PULLED FROM THE CONSENT AGENDA.

2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

3)

SAFETY MINUTE PRESENTATION BY JUSTICE COURT

Cheryl Cox talked about Heads Up, Eyes Up and being aware of our surroundings at all times.

4)

AWARDING OF SAFETY VISA CARDS.

Safety Visa Gift Cards were presented to the following:

Full Time Employee: Brenda Lemon

Part Time Employee: Emilyn Oliverson

Safety Sensitive Employees: Terry Seager and Clive Gordon

5)

RATIFICATION OF AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT L15pX01482 BETWEEN BLM AND EMERY COUNTY FOR LAW ENFORCEMENT SERVICES.

Commissioner Gil Conover made a motion to ratify the signing of an Amendment of Solicitation/Modification Contract between BLM and Emery County for Law Enforcement

Services. The motion was seconded by Commissioner Kent Wilson. The motion passed.

6)

RATIFICATION OF AMENDMENT TO THE INTER-AGENCY COORDINATION AND SUB RECIPIENT CONTRACT AGREEMENT BETWEEN EMERY COUNTY AND SEUALG REGARDING THE AGING ADMINISTRATION PROGRAM.

Because SEUALG received federal and state funds to aid the efforts of the Aging Administration during COVID-19 their budget has increased. The inter-agency contract agreement between Emery County and SEUALG needed to be amended to reflect the increase in funds. Supportive services increased by \$11,344.00 and Nutrition Services increased by \$43,363.00. Commissioner Gil Conover made a motion to approve of amendment to the Inter-Agency Coordination and Subrecipient Contract Agreement between Emery County and SEUALG regarding the Aging Administration Program. The motion was seconded by Commissioner Kent Wilson. The motion passed.

7)

RATIFICATION OF LETTER OF SUPPORT REGARDING THE COVID-19 GRANT APPLICATION.

A letter was prepared and signed by the EC Commission Chairman in support of Southeastern Utah Economic Development District's proposal to the Economic Development Administration for a grant to fund the Revolving Loan Fund Program. The letter further states that EC strongly supports the grant application and its focus on providing loans to businesses in Carbon, Emery, Grand and San Juan Counties to alleviate the negative economic impacts of the COVID-19 pandemic. Commissioner Kent Wilson made a motion to ratify the signing of a letter of support regarding the COVID-19 application. The motion was seconded by Commissioner Gil Conover. The motion passed.

8)

APPROVAL OF 2020 PROPERTY TAX EXEMPTIONS FOR RELIGIOUS, CHARITABLE PROPERTIES.

Section 59-2-1101 (3) (a) of the Utah Code requires that tax exempt properties file an affidavit certifying the use to which the property has been placed during the past year. The following religious, charitable and non-profit properties have filed an affidavit with the EC Clerk/Auditor's Office stating the continued use of the property.

American Legion Post 42  
#1-130-18

Castle Dale Independent Baptist Church  
#1-002C-13

Daughters of Utah Pioneers- Huntington

Daughters of Utah Pioneers-Orangeville

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#1-196-22

#253-18

Daughters of Utah Pioneers-Elmo  
#1-72-16

Daughters of Utah Pioneers- Castle Dale  
#1-15-20

Alpine Community Church  
#1-179-1

Ferron Cattleman’s Association  
#5-87-27

First Baptist Church of Emery County  
#1-126-45

Four Corners Mental Health  
#1-13-46

Green River Bible Church  
#1-151G-36 #1-151F-18 & 19

LDS Church  
Various #'s

Mountain View Baptist Church  
Castle Country Cowboy Church  
#1-177A-20

Orangeville City- Housekeeper-City Park  
#1-239-52

Rural Utah Child Development  
#1-180-20

Roman Catholic Church  
#3-50-16 #1-151H-25

Stuart B. Wilson Orient Lodge  
#1-151G-54

Rocky Mountain West Baptist Mission  
#5-94-6 #5-93-7 #5-94-3 #5-94-5

United Mine Workers of America  
#4-16-14

Utah Museum of Natural History/University of Utah  
#5-56-2 #3-130-3 # 3-130-1 #3-130-1 #3-127-1

Friends of Green River-PACT  
#1-162-7

Motion to approve the 2020 Property Tax Exemption list was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

9)

DISCUSS/APPROVE/DENY PLANS TO POSTPONE MISS EMERY COUNTY 2020.

Miss Emery Coordinator, Danielle Tuttle came before the EC Commissioners to discuss the Miss Emery board’s proposal for Miss Emery 2020-2021. The board proposes postponing until July 2021. The current title holders will continue their title duties and sign new contracts. All the current title holders are willing to stay another year except our Mini Miss Ivy Sherman (3 years old) the board would like to have the current title holders receive their money for the 2020 year and propose that, if they fulfill their 2020-21 contract, they will receive 65% of the scholarship

money they would have been awarded. Commissioner Wilson thanked Danielle for running an A Class organization and made a motion to accept the Miss Emery Board's proposal/plan to postpone the 2020 Miss Emery County as presented. The motion was seconded by Commissioner Gil Conover. The motion passed.

10)

DISCUSS/APPROVE/DENY APPROVAL OF YEARLY CONTRACT BETWEEN THE STATE OF UTAH, ADMINISTRATIVE OFFICE OF THE COURTS, AND EMERY COUNTY SHERIFF FOR BAILIFF SECURITY AND PERIMETER SECURITY FOR SEVENTH DISTRICT COURT & JUVENILE COURT.

Sheriff Greg Funk explained that the contract is a yearly contract to provide Bailiff and Perimeter security for Seventh District Court and Juvenile Court. The amount of reimbursement remains the same as last year. Commissioner Gil Conover made a motion to approve of the yearly contract between the State of Utah, Administrative Office of the Courts, and Emery County Sheriff for Bailiff Security and Perimeter Security for Seventh District Court & Juvenile Court. The motion was seconded by Commissioner Kent Wilson. The motion passed.

11)

DISCUSS/APPROVE/DENY APPROVAL OF UTAH DEPARTMENT OF CORRECTIONS INTERGOVERNMENTAL COUNTY JAIL AGREEMENT TO PROVIDE FOR THE INCARCERATION OF OFFENDERS SPECIFIED BY, AND UNDER THE JURISDICTION OF UDC AT THE EMERY COUNTY JAIL.

Sheriff Funk explained that this has been in the works for a few years. They had to get approval from the Legislature. They have received approval to house up to ten inmates from the Utah State Prison. This will provide much needed revenue for our Jail. It will be minimal risk on the Emery County side. He indicated he was originally concerned with the medical risk for the county. He has been assured that the State has their own doctor that visits the inmates on a weekly basis. Emery County Jail has the space to house the inmates. If any inmate becomes unruly or difficult they can be returned to the prison. Sheriff Funk recommended approval of the agreement. Attorney Mike Olsen commented that the rewards outweigh the risk and ask for support of the agreement. Commissioner Kent Wilson made a motion to approve of Utah Department of Corrections Intergovernmental County Jail Agreement to provide for the incarceration of offenders specified by, and under the jurisdiction of UDC at the Emery County Jail. The motion was seconded by Commissioner Gil Conover. The motion passed.

12)

DISCUSS/APPROVE/.DENY CHANGE ORDER #17 ON THE MILLSITE DAM GRANT.

6

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Change Order #17 on the Millsite Dam Project is for multiple small items totaling \$21,017.98. Commissioner Gil Conover made a motion to approve CO#17 on the Millsite Dam Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

13)

DISCUSS/APPROVE/DENY AGREEMENT FOR THE 2020 NOXIOUS WEED CONTROL GRANT.

Commissioner Kent Wilson made a motion to approve an Agreement for the 2020 Noxious Weed Control Grant. The motion was seconded by Commissioner Gil Conover. The motion passed.

14)

DISCUSS/APPROVE/DENY ACCEPTANCE OF THE CARES ACT FUND FROM THE IMLS GRANT FOR THE EMERY COUNTY LIBRARY SYSTEM.

Commissioner Conover explained that this contract will extend the Cares Act Fund from IMLS Grant for the Emery County Library for a year. Commissioner Gil Conover made a motion to accept the Cares Act Fund from the IMLS Grant for the Emery County Library System. The motion was seconded by Commissioner Kent Wilson. The motion passed.

15)

DISCUSS/APPROVE/DENY AWARDING OF THE SWELL UTAH TRAILS GRANT TO ORANGEVILLE CITY, BACKCOUNTRY HORSEMAN, GREEN RIVER CITY AND HUNTINGTON CITY.

Tourism Director Adriana Chimaras explained that the Trails/Tourism committee has set aside \$75,000.00 to offer grants to communities, groups or individuals to expand trails in the county. The trail has to be within Emery County to qualify. They will have two years to complete the project. They can request up to \$12,500.00. They will receive half up front and half at the completion of the project. They have received applications from four groups. Orangeville City is developing a walking trail from the Orangeville Bridge along Cottonwood Creek to the Orangeville Ball Park. Orangeville City applied for and received a State grant for \$100,000.00 for this project. They have met all the requirements to receive the Swell Utah Trails Grant and have requested \$12,500.00. Huntington City has applied for \$12,500.00 to extend their trail east of the ballfields by the rodeo grounds. They have met the requirements of the Grant. Green River City has a restoration project behind the John Wesley Powell Museum. They have met the requirements of the grant and have requested \$12,500.00. Back Country Horseman is partnering with the Forest Service on a bridge restoration project at Josephite Point. They have met the requirements of the grant and have requested \$3,750.00. Commissioner Kent Wilson made a motion to accept the projects and approve funding the projects. Commissioner Gil Conover seconded the motion. The motion passed.



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16)

COMMISSION/ELECTED OFFICIALS REPORTS.

Sheriff Funk reported on the tragic incident in Little Wildhorse Canyon. He reported that there were many volunteers involved in the search for the missing 3 year old girl. Several agencies and volunteer Search and Rescue from other counties stepped in to assist. He indicated that Emery County Search and Rescue and many of his deputies were affected and will be affected for some time by this tragedy. He reminded everyone to be vigilant in keeping children and adults away from swift waterways especially at this time of the year. Be aware of the weather when visiting slot canyons on the desert.

Commissioner Wilson commented that we ask our Search and Rescue to see things that affect them for the rest of their lives. At one time we discussed paying S/R but were told by the volunteers that they want to remain volunteers. They have a love and passion for serving. They and the citizens of this county rise to the occasion when faced with a disaster.

Commissioner Sitterud and Commissioner Conover added their admiration for S/R volunteers. The EC Commissioners expressed their condolences to the family for their loss.

17)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 2, 2020

Due to restrictions in place during the COVID-19 Pandemic this meeting was held electronically.

Attending the meeting was Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 255042 through and including # 255137 was presented for payment.

Requisitions were presented for the following:

REQUISITION	DESCRIPTION	AMOUNT
44-20	(5) Patrol Vehicle Set-Up Systems Sheriff	\$25,975.00
45-20	Patrol Vehicle Set-Up System Sheriff	6,190.16
46-20	Patrol Vehicle Set-Up System Sheriff	11,440.30
47-20	Patrol Vehicle Set-Up System Sheriff	10,131.26

Dispositions were presented for #1809, 2012 Asphalt Roller, 9434, Printer

(2)

APPROVAL OF THE MAY 19, 2020 COMMISSION MEETING MINUTES.

(3)

APPROVAL TO RE-APPOINT GARY WILSON TO THE CAREER SERVICE COUNCIL BOARD TO SERVE ANOTHER FOUR (4) YEAR TERM.

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(4)

APPROVAL TO GIVE LANE GARDNER THE 3% COLA INCREASE (WHICH WAS GIVEN THE FIRST OF THE YEAR) FOR SUCCESSFUL COMPLETION OF HIS FIRST 6 MONTH ORIENTATION PERIOD FROM BEING HIRED FULL TIME. EFFECTIVE 6-14-2020

(5)

APPROVAL TO GIVE KYLER FARLEY A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS DISPATCH I, WILL ALSO RECEIVE A 3% COLA INCREASE. EFFECTIVE 6-14-2020

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT).

(2A)

OPEN BIDS: A Request for Bids was advertised for the Ferron & Huntington Creek Stabilization 2020 project. Bids were received at the Clerk/Auditor's Office by noon today for opening in today's Commission Meeting. However, it was not placed on the agenda for today's meeting. Bids were opened and read aloud, then given to J & T Engineering for review and award. Awarding of the bid will be ratified in the next Commission Meeting. Bids were as follow: 1) Nielsen Construction: \$222,000.00. 2) TSJ Construction: \$169,493.60  
3) Allied Underground Tech: \$333,483.20 4) Perco Rock: \$124,212.00.

(3)

RATIFICATION OF LETTER OF SUPPORT FOR INSIGHT TERMINAL SOLUTION, LLC ("ITS") PORT OF OAKLAND PROJECT.

A letter of support was drafted and forwarded to John J. Siegel, Executive Chairman of Insight Terminal Solutions, regarding ("ITS") Port of Oakland Project. Emery County has been a supportive partner in the Oakland Bulk and Oversized Terminal ("OBOT") project since the County was approached in 2013. The State of Utah is a landlocked state as to export by ocean carrier. However, it is a state rich in valuable bulk commodities including ; potash, iron ore, waxy crude oil, soda ash and the cleanest thermal coal in the fifty United States. For the last seven years, along with other partners Carbon, Sanpete and Sevier

Counties, focus has been placed on the opportunity to secure throughput rights in the Oakland Terminal to allow Utah companies deep-water access to the international commodities markets at the best possible transportation cost. The letter goes on to state that Emery County understands the difficulty unsuccessfully developing such a terminal amid the hostile political headwinds existing in the Bay Area and other areas. EC has remained steadfast through these seven years, as you approach the conclusion of your efforts to navigate those headwinds with the city of Oakland and other stakeholders. Emery county has been working aggressively on this partnership to make the Oakland Bulk terminal a reality for the mineral producing counties in our State. As you know, in 2013 the Community Impact Board (the "CIB") voted to set aside \$53,000,000 of their funds to grant to the four coal-producing counties, Carbon, Sanpete, Sevier and Emery. The counties have been working together to form an inter-local entity to act as the principal partner with ITS in the OBOT project. Upon our request, the Utah State Senate has sponsored and the full legislature passed two specific sets of legislation in 2016 and 2018, to change the monies that were set-aside at the CIB level into State sales tax funds, to specifically earmark these funds into a special Infrastructure Account to be specifically used for this OBOT project and to clearly authorize the use of such funds outside the borders of the State of Utah. The funds are ready to be spent on the project. Emery County understands that there has been legislation between your landlord and the City of Oakland and we are encouraged by the progress you have reported as a result of "ITS" efforts to resolve outstanding issues that would allow the litigation to be dismissed and the project to proceed. EC is also aware of the impact that the COVID-19 virus has had on your progress and your ability to successfully submit a Plan of Reorganization and to emerge from the Chapter 11 Bankruptcy which such delays required you to seek. Emery County is, and continues to be in full support of the project and the \$53,000,000 stands ready in cash, as authorized by the Legislature, to contribute to any aspect of the project funding. EC is prepared to submit to the CIB, our application to draw down the \$53 million, but also do so in a manner that would allow us to advance a portion of those funds sufficient for ITS to emerge from bankruptcy, on the sole condition that the Court accepts ITS' Plan of Reorganization. Please let us know how we may additionally help with this critical project. Chairman, Emery County Commission, Lynn Sitterud.

Commissioner Gil Conover made a motion to ratify the signing and forwarding a Letter of Support for Insight Terminal Solution, LLC "ITS" Port of Oakland Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(4)

RATIFICATION OF NRCS AMENDMENT #0005 ON THE TRAIL MOUNTAIN FIRE EWP.

This is an extension of time for the NRCS Grant Agreement #0005 on the Trail Mountain Fire EWP. The Amendment needed to be signed before the date of the meeting. Commissioner Kent Wilson made a motion to ratify the signing of NRCS Amendment #0005 on the Trail Mountain Fire EWP. The motion was seconded by Commissioner Gil Conover. The motion passed.

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(5)

DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR HOODOO HOTDOGS.

An application for Hoodoo Hotdogs has been reviewed and approved by the Planning/Zoning Board. Hoodoo Hotdogs is a food truck that will offer concessions at Goblin Valley Park. Commissioner Kent Wilson made a motion to approve a business license for Hoodoo Hotdogs. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/ DENY EV CHARGERS BEING PLACED AT THE MUSEUM OF THE SAN RAFAEL.

Travel Director Adriana Chimaras and Castle Dale City Mayor Danny Van Wagoner requested approval to place EV Chargers at the Museum of the San Rafael. Rocky Mountain Power will absorb the cost to install the chargers. There will be no cost to Castle Dale City or Emery County. After five years, ownership will roll over to the City/County. Commissioner Gil Conover made a motion to approve EV Chargers being placed at the Museum of the San Rafael. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY MOU REGARDING PUBLIC SAFETY COMMUNICATIONS.

Sheriff Greg Funk recommended approval of an MOU regarding Public Safety Communications. Commissioner Kent Wilson made a motion to approve an MOU regarding Public Safety Communications. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY ADOPTING A RESOLUTION TO ESTABLISH THE EMERY EMERGENCY MEDICAL SPECIAL SERVICE DISTRICT.

Commissioner Wilson commented that the process of creating a Special Service District for EMS to allow the use of mineral lease money for EMS equipment has gone through the comment period. The Emery County Commission desires to move forward and incorporate each city into the SSD. Attorney Mike Olsen indicated that the process is moving along very well. Commissioner Kent Wilson made a motion to adopt Resolution 6-02-2020A a resolution to establish the Emery Emergency Medical Special Service District. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY JAIL SERVICE AGREEMENT BETWEEN EMERY COUNTY SHERIFF'S OFFICE AND T.W. VENDING dba TURNKEY CORRECTIONS.

Sheriff Greg Funk indicated that Turnkey Corrections provides all of the services that they currently contract with individually for a better price. Commissioner Gil Conover made a motion to approve a Jail Service Agreement between Emery County sheriff's Office and T. W. Vending dba Turnkey Corrections. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY JAIL SERVICE AGREEMENT FASTCASE AMENDMENT BETWEEN EMERY COUNTY SHERIFF'S OFFICE AND T.W. VENDING INC. dba TURNKEY CORRECTIONS.

Sheriff Greg Funk recommended signing the service agreement Fast Case Amendment. Commissioner Kent Wilson made a motion to approve a service agreement Fast Case Amendment between Emery County Sheriff's Office and T.W. Vending Inc. dba Turnkey Corrections. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY FACILITY TELEPHONE TELECOMMUNICATIONS AGREEMENT BETWEEN EMERY COUNTY SHERIFF'S OFFICE AND TKC TELECOM LLC.

Commissioner Gil Conover made a motion to approve a Facility Telephone Telecommunications Agreement between Emery County Sheriff's Office and TKC Telecom, LLC. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY ALLOWING INDIVIDUALS WHO DO NOT RESIDE WITHIN EMERY COUNTY TO BE AN EMT IN GREEN RIVER.

Commissioner Kent Wilson indicated that there is an individual, an EMT, who lives in Moab and works 6 days on and 6 days off. The individual wants to move a trailer to Green River and be available for EMT service in Emery County working out of Green River City. Commissioner Wilson wanted direction on how to accomplish this. It was discussed that this could be addressed when the by-laws are being formulated for the new EMSSSD. Attorney Mike Olsen indicated that could be a solution to a problem. There was no motion on this item. It was for discussion.

(13)

DISCUSS/APPROVE/DENY ADOPTING A RESOLUTION AUTHORIZING THE FILING OF CROSS-APPEALS FOR 2020 CENTRALLY ASSESSED PROPERTIES REGARDING PACIFICORP INC.

6

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Attorney Mike Olsen requested approval for a Resolution authorizing the filing of Cross-Appeals for 2020 Centrally Assessed properties regarding PacifiCorp Inc. Mr. Olsen indicated that a resolution will be needed for each Centrally Assessed property that files an appeal. Commissioner Kent Wilson made a motion to adopt a Resolution authorizing the filing of Cross-Appeals for 2020 Centrally Assessed properties regarding PacifiCorp Inc. The motion was seconded by Commissioner Gil Conover. The motion passed.

(14)

DISCUSS/APPROVE/DENY AMENDED CIB LIST FOR FY 2020.

Green River City requested to add Canal Commons Offsite Infrastructure to the Permanent Community Impact Fund (CIB) Local Capital Improvement List year 2020 for Emery County. Commissioner Kent Wilson made a motion to approve the Amended CIB List for 2020. The motion was seconded by Commissioner Gil Conover. The motion passed.

(15)

DISCUSS/APPROVE/DENY FOUR CORNERS COMMUNITY BEHAVIORAL HEALTH FY21 AREA PLAN.

Karen Dolan and Melissa Huntington presented the Four Corners Community Behavioral Health FY21 Area Plan. Ms. Dolan explained that every year FCCBH must present their plan for services and an outline for ways to service the county's needs. The board of Trustees have vetted the plan and recommend signing. Commissioner Wilson asked if there were any changes from last year's plan? Melissa explained that the changes were with the MCOT teams. They recommend that two people always respond on site. They want to keep law enforcement available for other emergencies. They are actively getting multiple people trained for this. They have received \$500,000.00 to split to 5 rural counties, Carbon, Emery, Grand, San Juan. Commissioner Kent Wilson made a motion to approve Four Corners Community Behavioral Health FY21 Area Plan. The motion was seconded by Commissioner Gil Conover. The motion passed.

(16)

DISCUSS/APPROVE/DENY RESULTS OF THE 2020 TAX SALE.

There were four pieces of property. All sold for more than the taxes owed. The surplus, after taxes and penalties that go to the county, will be forwarded to the original property owners. Commissioner Gil Conover made a motion to accept the results of the 2020 May Tax Sale. the motion was seconded by Commissioner Kent Wilson. The motion passed.

(17)

DISCUSS/APPROVE/DENY TAX ADJUSTMENT ON PARCEL #1-151F-25 AND PARCEL #1-151F-26 TO REMEDY INCORRECT TAXABLE VALUES.

This is property in Green River that county Treasurer Josie Stilson removed from the tax sale. It includes a motel that had all the value on one parcel. Value would be moved from one parcel to the other moving the value to \$2,254.47. Commissioner Kent Wilson made a motion to approve a tax adjustment on parcel #1-161F-25 and parcel #1-151F-26 to remedy incorrect taxable values and to proceed with a tax sale once the adjustment is made. The motion was seconded by Commissioner Gil Conover. The motion passed.

(18)

DISCUSS/APPROVE/DENY PUBLIC LANDS SOLUTIONS CONTRACT.

Adriana Chimaras explained that Public Lands Solutions was previously approved to conduct a recreation audit for Emery County. The Public Lands Solutions Contract outlines the payment arrangements and timeline for work performed. Commissioner Kent Wilson made a motion to approve a contract with Public Lands Solution as long as it passes the scrutiny of the County Attorney and any changes that may need to be made. The motion was seconded by Commissioner Gil Conover. The motion passed. This project is being done without any funding from Emery County.

(19)

DISCUSS/APPROVE/DENY CONTRACT FOR A SOCIAL MEDIA CONSULTANT, KATIE BOUE.

The Travel Bureau sent out an RFP for a Social Media Consultant. The Travel Council is looking for someone who could present a strategic plan and create a guideline for what an online platform such as Instagram, Pinterest, Tik Tok, etc. should look like as well as educate the public on where they should and should not go and how to behave outside. The successful bidder would have 3 to 6 months to come up with a plan. This project has funding from different sources. The project is \$28,000.00 with \$14,000.00 coming from the State of Utah, \$10,000.00 from the Coal Strike Team and \$4,000.00 from Emery County Travel Bureau using TRT funds. They went through an extensive interview process. Training is an important component of this contract. They must be available to train staff for at least 3 to 6 months to be able to take over after she is done. Commissioner Wilson asked for an explanation of why the Travel Bureau chose this particular vendor for this project. Adriana explained that most of the decision involved numbers meaning the number of followers she was able to generate. Katie Boue has a lot of experience within the national outdoor industry as well as brands like REI. They felt that Katie had a stronger understanding of how to get high numbers fast. Danny Van Wagoner commented that he did a great amount of investigation on social media. He indicated that they were looking for the greatest bang for the buck. They felt that Katie could do that. Commissioner Wilson indicated that he did some investigation on Katie and some of the articles that she has written. He indicated that he has confidence that she can do the work that we desire. Commissioner Kent Wilson made a motion to approve a contract for Social Media Consultant, Katie Boue upon approval of the County approval. Attorney Mike Olsen commented that when EC puts out a



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RFP and two or more companies answer the RFP and we do not take the lowest bid we need to go on record with the reason for not taking the lowest bid. Danny indicated that what Katie is able to offer to us does not compare to what the other company offered. The next bidder could not compete on a national or international level. The motion was seconded by Commissioner Gil Conover. The motion passed.

(20)

COMMISSION/ELECTED OFFICIALS REPORTS.

Sheriff Greg Funk reported that Emery County Deputies and Search and Rescue individuals volunteered to help out at Salt Lake County on Saturday night. These individuals volunteered off- duty. Citizens of Emery County care about our officers and have shown their support.

Commissioner Conover talked about a letter that the Commissioners received from Mayor Mendenhall thanking Emery County and the Emery County Sheriff's Department for sending deputies to help the SLC Police department. Commissioner Sitterud read the letter out loud.

(21)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING OF THE REGULAR MEETING  
OF THE EMERY COUNTY COMMISSION HELD IN THE  
EMERY COUNTY COURTHOUSE

JUNE 16, 2020

Due to restrictions in place during the COVID-19 pandemic this meeting was offered electronically.

Attending the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox.

**CONSENT AGENDA**

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
48-20	(2) 100 WATT Digital TV Amps Sheriff/Communications	\$17,990.00

There were no Dispositions.

(2)  
APPROVAL OF JUNE 2, 2020 COMMISSION MEETING MINUTES.

(3)  
NOTIFICATION: SELECTED LANCE ROBBINS AS THE PART TIME GREEN RIVER TRAVEL BUREAU ASSISTANT WORKING 19 3/4 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 11. EFFECTIVE 6-8-2020.

(4)  
APPROVAL TO PROMOTE DEEGAN MINCHEY TO A HEAD LIFEGUARD. MOVE FROM WAGE GRADE 3 TO WAGE GRADE 5. EFFECTIVE 6-29-2020.

(5)  
APPROVAL TO PROMOTE KAYLEE VANWAGONER TO LEAD AQUATIC CENTER OPERATOR. MOVE FROM WAGE GRADE 8 TO GRADE 10. EFFECTIVE 6-29-2020.

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(6)

APPROVAL TO GIVE ELIAS MORRIS, ETHAN OLSEN, SARAH SIMMONS, AND

JENNIFER FUNK A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THEIR  
6 MONTH ORIENTATION PERIOD. EFFECTIVE 6-29-2020.

(7)

NOTIFICATION SELECTED KAYLEE DURRANT, KELSEY THOMAS, AND ELI  
WHITSEL AS PART TIME LIFEGUARDS WORKING UP TO 19 ¾ HOURS PER WEEK.

(8)

APPROVAL TO APPOINT BROCK JOHANSEN, LAREN HUNTSMAN, NICOLE STEEL,  
MAYOR LEONARD NORTON AND MAYOR TRAVIS BACON TO THE EMERY  
COUNTY ECONOMIC DEVELOPMENT ADVISORY BOARD.

(9)

APPROVAL TO INCREASE NANCY JOHNSON'S (MUSEUM CASHIER) HOURS FROM  
WORKING 12 TO 19 ¾ HOURS PER WEEK. WAGE WILL REMAIN \$7.25.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

## **DISCUSSION AGENDA**

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

(2a)

SAFETY AWARDS: Part time employee: Ariana Downard Full time employee: Gayleen Cox and Brent Langston Safety Sensitive employees: Cory Worwood and Dallon Cologie

(2b)

SAFETY MINUTE: Ray Petersen presented tips on staying healthy and safe during the COVID-19 Pandemic.

(3)

PRESENTATION BY TAYLOR DURRANT REGARDING REQUEST FOR MONETARY DONATION TO ATTEND THE GOVERNOR'S HONORS ACADEMY.

Taylor Durrant has been nominated to attend the Governor's Honors Academy. Thirty-two years ago Governor Bangerter began the Governor's Honors Academy. Governor Herbert has endorsed the academy. Fifty top students in the State of Utah are chosen, based on their GPA and ACT scores, to attend leadership training to become effective leaders of the future. Taylor was encouraged to request donations from local leaders and employers to help sponsor him. Commissioner Kent Wilson made a motion to donate \$250.00 to Taylor Durrant to attend the Governor's Honors Academy and challenged him to run for public office and serve your community in the future. Commissioner Gil Conover seconded the motion and asked that he come back to the Commission with a report. The motion passed.

(4)

RATIFICATION OF LETTER TO THE BLM REGARDING FUELS REDUCTION AND RANGELAND RESTORATION.

Public Lands Director Ray Petersen explained that a letter has been drafted by UAC on behalf of Emery County to BLM in response to an environmental impact statement by BLM to develop a program to better reduce fuels. This is in response to an executive order from President Trump in 2018, promoting active management in America's forest, rangelands and other federal lands to improve conditions and reduce wildfire risks. The letter was sent on June 2, 2020 and needs to be ratified. Commissioner Gil Conover made a motion to ratify the signing and forwarding of a letter to BLM regarding fuels reduction and rangeland restoration. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

RATIFICATION OF LETTER TO BLM REGARDING COMMENTS ON THE LILA CANYON FEDERAL LEASE MODIFICATION ENVIRONMENTAL ASSESSMENT.

Ray Petersen explained that a letter to BLM was drafted and sent June 8, 2020 in response to the Lila Canyon Federal Lease Modification Environmental Assessment. Lila Canyon Mine has wanted to modify some leases and extend into areas that were once wilderness study areas. Our recent legislation redrew the boundaries farther away from the mine and made more coal available. BLM drafted the environmental assessment. This letter to BLM supports the lease modification citing the importance of coal to Emery County. Commissioner Gil Conover made a motion to ratify the signing and forwarding a letter to BLM in support of the Lila Canyon Federal Lease Modification Environmental Assessment. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

RATIFICATION OF THE ROCKY MOUNTAIN POWER FOUNDATION GRANT

APPLICATION FOR THE SAN RAFAEL ENERGY RESEARCH CENTER.

Meagan Crosland explained that this is a grant to Rocky Mountain Power Foundation Environmental Civic and Community Enhancement Grant for \$5,000.00 to do some landscaping at the Research Center. If we get the grant we want to plant trees and vegetation and a drip line to water them as well as improve the front office to make it more inviting. There is no monetary match for Emery County. The application was required to be sent by a certain date so ratification is needed. Commissioner Kent Wilson made a motion to approve sending an application to Rocky Mountain Power Foundation for the San Rafael Research Center. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

RATIFICATION OF INCREASE OF AWARD ON THE MILLSITE DAM REHABILITATION PROJECT.

Commissioner Sitterud explained that this is an increase of funding to the Millsite Dam Rehabilitation Project. There is no cost to the county. Documents were required to be sent before this meeting so ratification is needed. Commissioner Gil Conover made a motion to approve the increase of award on the Millsite Dam Rehabilitation Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY 2020 CERTIFIED PROPERTY TAX RATES FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Clerk/Auditor Brenda Tuttle presented the 2020 Certified Property Tax Rates for Emery County.

General Operations: Proposed Tax Rate: 0.003470 for budgeted revenue \$7,692,857.

Interest and Sinking Fund/Bond: 0.000113 for budgeted revenue \$250,000.

Library: 0.000398 for budgeted revenue \$882,351.

Recreation: 0.000062 for budgeted revenue \$137,452.

Multicounty Assessing & Collecting: 0.000012 for budgeted revenue \$26,604.

County Assessing & Collecting: 0.000449 for budgeted revenue \$995,416.

The Total Tax Rate for Emery County is 0.004504 for budgeted \$9,984,680.

Brenda indicated that the General fund reflects increased new growth that will need to be taken into consideration when setting next year's budget. Commissioner Kent Wilson made a motion to approve the 2020 Certified Tax Rates for Emery County. The motion was seconded by Commissioner Gil Conover. The motion passed.

CVSSD Director Jacob Sharp presented the 2020 Certified Property Tax Rates for CVSSD.

2020 Certified Property Tax Rate: 0.001759 for budgeted revenue \$3,256,602.

Commissioner Kent Wilson made a motion to approve 2020 Certified Property Tax Rates for

CVSSD. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY FINAL REPORT ON THE DIGITIZATION OF THE EMERY COUNTY PROGRESS YEARS 1940-2004 GRANT PROJECT.

Suzanne Anderson reported that the grant is now complete. We have received the funds for the in kind match from ETV 10 and the Historical Society. She is waiting for a check from the State which should be here any day now. Once she receives that check Emery County can make a check to Marriot Library and we will be finished with the digitization project. She thanked the Commissioners for their support. Commissioner Gil Conover made a motion to accept the final report on the Digitization of the Emery County Progress years 1940-2004. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY ANNUAL AGREEMENT FOR NOXIOUS WEED CONTROL WITH UTAH DEPARTMENT OF NATURAL RESOURCES/FORESTRY FIRE AND STATE LANDS.

Weed/Mosquito Supervisor Cory Worwood explained that this agreement is for removing Russian Olive trees along the Green River. It is the same as last year, \$16,000.00 and same area. They have from October to March to get the work done. This is a great benefit to the county and the Green River area. Commissioner Gil Conover made a motion to approve the Annual Agreement for Noxious Weed Control with the Utah Department of Natural Resources/Forestry Fire and State Lands. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY VISAVUE TRAVEL REPORTING SERVICE SUBSCRIPTION AGREEMENT.

Travel Bureau Director Adriana Chimaras explained that VisaVue collects data from Visa card transactions and sells that information. She indicated that they have looked into other programs that do this type of data collection and they charge upwards to \$20,000 a year. The state has stepped in by helping with funding to get some of this data collection service out. The State will pay half of the cost. The Travel Bureau would like to take advantage of this opportunity. They would like to collect data for international and domestic data collection in Green River and western communities in the county. On the west side of the County they want a baseline for what our visitor spending is vs our resident spending. The cost is \$6,810.00 and the State would pay the same amount on our behalf. Commissioner Kent Wilson commented that he is excited for this program as a Commissioner and a business owner. He often wonders how important tourism is to Emery County? This report will tell us where to target our investments.

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Commissioner Kent Wilson made a motion to approve a VisaVue Travel Reporting Service Subscription Agreement for this year. The motion was seconded by Commissioner Gil Conover. The motion passed. Commissioner Wilson asked to analyze the data after a year and decide if we want to continue or do something different.

(12)

COMMISSION/ELECTED OFFICIALS REPORTS.

Commissioner Wilson reported that Emery County made an application with the Governor's Office to go to green as far as COVID is concerned. The only thing that will change are outdoor events and larger gatherings, we may not be having events such as fair, stock show, city celebrations, etc, He commented that he read a report that suggested that spreading the disease outdoors is at a minimum risk. We feel that the circumstances in Emery County are right to go to green. It feels like COVID is part of our future. It will be our responsibility to wear the mask , do the social distancing and do the things needed to protect ourselves.

He reported that Emery Water Conservancy District has been working on getting ownership of Joe's Valley Dam from BOR for five years now. Commissioner Wilson was invited to attend a press release where it was announced that starting today there will be a 90 day comment period wherein any senator or legislator can weigh in and possibly stop it, but it is highly unlikely that anyone will give any negative comment. He commented that Emery County is excited to get ownership under local authority and take over management at a local level.

(13)

PRESENTATION AND RECOGNITION OF RAY PETERSEN'S RETIREMENT AFTER NEARLY 33 YEARS SERVING EMERY COUNTY PUBLIC LANDS.

Commissioner Kent Wilson expressed the County's appreciation for all that he has done for the county. He congratulated Ray and thanked him for all his dedication to Emery County.

Ray thanked the Commissioners that he has worked for over the years and Public Lands Council members that he has associated with for many years.

He advised the Commissioners to continue to work closely with state agencies.

(14)

ADJOURN

Commissioner Kent Wilson made a motion to adjourn the meeting. The motion was seconded

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by Commissioner Gil Conover. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



MINUTES OF THE REGULAR MEETING OF THE  
EMERY COUNTY COMMISSION HELD IN THE  
EMERY COUNTY COURTHOUSE

JULY 7, 2020

Due to restrictions in place during the COVID-19 Pandemic this meeting was offered electronically and in person.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

**CONSENT AGENDA**

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #255260 through and including # 255367 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
49-20	ATSC 3.0 Handheld Signal Level Meter Sheriff/Television	1,995.00
50-20	Blow Up projector screen for events Travel	1,099.00

There were no dispositions.

(2)

APPROVAL OF THE JUNE 16, 2020 COMMISSION MEETING MINUTES.

(3)

APPROVAL TO GIVE RICHARD RYAN A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AFTER BEING PROMOTED TO PATROL DEPUTY I. EFFECTIVE 7-12-2020.

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(4)

NOTIFICATION: REASSIGNED CAROLYN MARSING IN THE CASTLE DALE LIBRARY FROM ASSISTANT LIBRARIAN POSITION TO THE JANITOR POSITION. MOVE FROM GRADE 7 TO GRADE 6. EFFECTIVE 6-29-2020

(5)

NOTIFICATION: REASSIGNED LORAIN CLOWARD IN THE CASTLE DALE LIBRARY FROM THE JANITOR POSITION TO THE ASSISTANT LIBRARIAN POSITION. MOVE FROM GRADE 6 TO GRADE 7. EFFECTIVE 6-29-20

(6)

APPROVAL TO APPOINT STEVE GORDON TO THE EMERY COUNTY CED BOARD AS THE SCHOOL DISTRICT REPRESENTATIVE.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

## **DISCUSSION AGENDA**

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT ( 3 MINUTE TIME LIMIT).

Emery County Commissioners heard from Devan Thorpe, Democratic candidate for Representative of District Three seeking to replace Representative John Curtis.

(3)

RATIFICATION OF APPROVAL OF NOTICE OF GRANT AND AGREEMENT AWARD ON THE MILLSITE DAM REHABILITATION PROJECT.

Captain Kyle Ekker explained that this is an extension of time to finish the Millsite Dam Rehabilitation Project. The Agreement was signed previous to this meeting to meet time constraints so ratification is needed. Commissioner Gil Conover made a motion to ratify the signing of a Notice of Grant and Agreement Award on the Millsite Dam Rehabilitation Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

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July 7, 2020

(4)

RATIFICATION OF BUSINESS LICENSE FOR TUMBLEWEED SOAPS.

Planning/Zoning Director Jeff Guymon explained that this is a home based business located in Green River. Issuance of a license was previously approved and now needs to be ratified. Commissioner Kent Wilson made a motion to ratify approval of a business license for Tumbleweed Soaps. The motion was seconded by Commissioner Gil Conover. The motion passed.

(5)

ACCEPTANCE OF AWARD OF FUNDING FOR THE STATE TASK FORCE GRANT.

Captain Kyle Ekker explained that this is a yearly grant for \$62,470.00 to fund the Task Force. Motion to accept award of funding for the State Task Force Grant was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson and the motion passed.

(6)

DISCUSS/APPROVE/DENY CHANGE ORDER #18 ON THE MILLSITE DAM REHABILITATION PROJECT.

Motion to approve Change Order #18 on the Millsite Dam Rehabilitation Project was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(7)

DISCUSS/APPROVE/DENY UOT MARKETING GRANT APPLICATION.

Travel Bureau Director Adriana Chimaras explained that the Utah Office of Tourism Marketing Grant allows for in state marketing. The Travel Bureau plans to do prep work for the future, focusing on infrastructure. Their goal is to set ground work on Google, Utopia (tv commercials and series like fishing in Joe's Valley and riding in the Swell). They have additional partners that contribute to the sponsorship. The total project cost is \$103,000.00, EC's part would be \$35,150.00. (TRT funds). They plan to advertise in the Salt Lake Valley and Green River. Commissioner Wilson commented that TRT funds from Green River are down 20-25% of normal. They are hoping that advertising in SL and GR will help. Commissioner Kent Wilson made a motion to approve the UOT Marketing Grant Application. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY SPONSORSHIP FROM EMERY COUNTY FAIR FOR THE

COWBOYS MEMORIAL RODEO.

Commissioner Wilson explained that the Commissioners asked the Cowboys Memorial Rodeo to hold their rodeo in August during the Fair which has now been cancelled due to COVID-19. Cowboys Memorial Rodeo has decided to forge forward with the rodeo in August. Their Rodeo committee typically asks for funding assistance through the Travel Bureau. Commissioner Wilson indicated that since we are not having the Fair this year that their request for assistance could possibly come from the Fair budget. Commissioner Kent Wilson made a motion to contribute \$3,500.00 form the Emery County Fair Budget for the Cowboy's Memorial Rodeo. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY SPONSORSHIP FROM EMERY COUNTY FAIR FOR THE CASTLE VALLEY LIVESTOCK SHOW.

Commissioner Wilson explained that this request is similar to the previous request. The stock show is typically a revenue generator for the youth as well as an opportunity to learn leadership skills. When COVID hit their state funding went away. They have requested assistance to pay for belt buckles ( about \$1,700.00) for awards and funds to aid in meeting the Health Department's requirements for social events such as frequent cleaning of restrooms, etc (about \$500 to \$600). Commissioner Kent Wilson made a motion to approve paying the receipts of up to \$2,500.00 from the Fair Budget for the Castle Valley Livestock Show. the motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY BYLAWS OF THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

Commissioner Conover explained that the Fire District has updated their existing By-Laws from 8 members to up to 10 board members and the time served from 3 to 4 years. The Fire District has met and approved the updated By-Laws and asks for the Board of Commissioners approval. Commissioner Gil Conover made a motion to approve the updated Fire Protection Special Service District By-Laws. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

ADJOURN.

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Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

MINUTES OF THE CANVASS OF ELECTION HELD JULY 16, 2020  
FOR THE PRESIDENTIAL PRIMARY ELECTION HELD ON JUNE 30, 2020

Present at the Canvass of Election:

Lynn Sitterud  
Gil Conover  
Kent Wilson  
Brenda Tuttle  
Jeff Guymon

Additional ballots that were received and postmarked by June 30, 2020 were verified and counted.

Commissioner Lynn Sitterud made a motion to approve the results of the Presidential Primary Election held on June 30, 2020. The motion was seconded by Commissioner Gil Conover. The motion passed.

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 21-2020

Due to restrictions in place during the COVID-19 Pandemic this meeting was offered electronically.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 255372 through and including #255489 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
51-20	Projector Travel/Events	\$279.99

There were no dispositions.

(2)  
APPROVAL OF THE JULY 7, 2020 COMMISSION MEETING MINUTES.

(3)  
APPROVAL TO REASSIGN DUTIES OF THE GREEN RIVER DMV, JUSTICE COURT, AND THE PAYING OF PROPERTY TAX TO THE GREEN RIVER BRANCH LIBRARIAN, CINDY BOWERMAN, AND ASSISTANT LIBRARIAN, ADDISON WEIHING. THEY WILL BOTH RECEIVE A \$1.00 PER HOUR INCREASE TO PERFORM THESE DUTIES EFFECTIVE 7-27-2020.

(4)  
APPROVAL TO HIRE JIM JENNINGS AS THE EXECUTIVE PUBLIC LANDS AND PLANNING AND ZONING DIRECTOR WITH FULL BENEFITS. WAGE GRADE 22.

2

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(5)

APPROVAL TO GIVE BRENDA LEMON A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE SR. DEPUTY RECORDER. EFFECTIVE 7-27-20.

(6)

APPROVAL TO GIVE KARI ALTON A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE JANITOR IN THE ORANGEVILLE LIBRARY. EFFECTIVE 7-27-20.

(7)

APPROVAL TO GIVE VALERIE CLARK A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE JANITOR IN THE GREEN RIVER LIBRARY. EFFECTIVE 7-27-20.

(8)

APPROVAL TO PROMOTE DAVID LUKE TO EQUIPMENT OPERATOR/DRIVER II. MOVE FROM GRADE 16 TO GRADE 17. EFFECTIVE 7-27-20.

Motion to approve the CONSENT agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

(3)

SAFETY MINUTE PRESENTATION BY KRIS BELL, COUNTY ASSESSOR.

Kris Bell presented tips on avoiding eye strain.

(4)

AWARDING OF 4 SAFETY VISA GIFT CARDS.

Safety VISA Gift Cards were awarded to:

Full time employee: Tammy Tucker

Part time employee: Jennifer Funk

Safety Sensitive employees: Dustin Deto and Brent Ward



(5)

RATIFICATION OF ACCEPTANCE OF THE UTAH HUMANITIES CARES ACT GRANT FOR THE EMERY COUNTY LIBRARIES.

Library Director, Desiree Malley requested ratification of approval for a \$5,000.00 Cares Act Grant from the Utah Humanities. The application needed to be signed prior to this meeting. Commissioner Gil Conover made a motion to ratify the signing of an application of the Utah Humanities Cares Act Grant for Emery County Libraries. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY MOVING FORWARD WITH PLANS FOR A SMALLER SCALE LOCAL CELEBRATION IN PLACE OF THE EMERY COUNTY FAIR.

Commissioner Kent Wilson talked about moving forward with plans for a smaller scale local celebration in place of the Emery County Fair. Emery County has been granted Green Status by the state of Utah and SEUHD. Fair Director Sandra Huntington and Event Coordinator Amands Leonard have suggested holding a small scale celebration at the end of August at the Castle Dale City Park/FairGrounds. Local restaurants were forced to shut down for a period of time. This could be a time for the local restaurants to offer services to the citizens at one location for one day and the county pay for the services from the Fair Budget. Commissioner Kent Wilson made a motion to activate plans for a small scale Emery County Fair with what is left of the Emery County Fair Budget to support the event to be held the last week in August. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY RESOLUTION DECLARING THE EXISTENCE OF A DROUGHT EMERGENCY IN EMERY COUNTY, UTAH.

Captain Kyle Ekker requested approval of a Resolution declaring the existence of a drought emergency in Emery County. He will continue to monitor the drought situation and keep the Commissioners informed. Commissioner Kent Wilson made a motion to adopt Resolution 7-21-20 a resolution declaring the existence of a drought emergency in Emery County. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY REQUEST FROM BLM TO RELINQUISH THE FREE USE PERMIT FOR THE MILLSITE LAKE PIT.

Road Supervisor Wayde Nielsen requested approval to relinquish the free use permits #UTU-66322, UTU-66321 (U-67) for Millsite Lake Pit back to the BLM. Commissioner Kent Wilson made a motion to support Wayde Nielsen in his request to relinquish the free use permits for the Millsite Lake Pit. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY GRANT AGREEMENT FOR RUSSIAN OLIVE ISM GRANT FUNDS.

Weed/Mosquito Supervisor Cory Worwood requested approval for a Grant Agreement for Russian Olive IDM Grant Funds. The agreement has not changed from last year just the dollar amount awarded of \$38,000. Commissioner Gil Conover made a motion to approve a grant Agreement for Russian Olive ISM Grant Funds as requested. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY COMPENSATION TO JOE FIELDER FOR USE OF HIS PERSONAL LAWN MOWER WHILE COUNTY'S LAWN MOWER WAS OUT OF SERVICE.

Commissioner Gil Conover suggested paying Joe Fielder for the use of his personal lawn mower while the county's lawn mower is out of service waiting for parts. He suggested paying Joe \$300.00 per 5 day use or \$75.00 a day. Commissioner Gil Conover made a motion to pay Joe Fielder \$300.00 per 5 day use or \$75.00 per day until the County's mower is returned to service. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY BUDGET TO PURCHASE LAWN MOWER FOR COUNTY FACILITIES.

Commissioner Wilson indicated that it cost \$400.00 to repair the county's lawn mower. He talked about getting local bids for a replacement mower and suggested that the departments who would benefit the most from the service to allocate funds from their department towards the purchase of a new mower. ( Library, Aquatic Center, Museum, Courthouse, Road) Commissioner Kent Wilson made a motion to acquire funds from the departments who would benefit from the use of a lawnmower and if not able to come up with the funds then open the budget to allocate the funds to purchase a new lawnmower. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY EMERY COUNTY LIBRARY SYSTEM LIBRARY CARD POLICY.

Library Director Desiree Malley requested approval of the Board of Commissioners for the Emery County Library System's Library Card Policy. She explained that this is a revised policy approved by the EC Library Board. The revision allows a resident of Emery County to create a library card online. Commissioner Gil Conover made a motion to approve the Emery County Library System's Library Card Policy. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY EMERY COUNTY LIBRARY SYSTEM CIRCULATION POLICY.

Desiree Malley requested approval for the Emery County Library System's Circulation Policy. She explained that the policy includes multiple policies and combined policies and allows a process to patrons to appeal fines. The Policy has been approved by the EC Library Board. Commissioner Gil Conover made a motion to approve the EC Library System's Circulation Policy. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY EMERY COUNTY COMMISSIONERS SENDING A LETTER TO DWR AND DNR STATING OUR OBJECTION TO THE WEST OF THE GREEN RIVER BISON HUNT (RANGE CREEK).

Commissioner Sitterud explained that buffalo are crossing the river and moving into Range Creek and up on the Tavaputs Plateau eating the cattle's food. There is also a decrease in elk in the area because the bison are eating all the food. The EC Commission would like to write a letter to the DWR and DNR stating EC's objection to the West of the Green River Bison Hunt. Commissioner Gil Conover made a motion to allow Attorney Mike Olsen draft a letter for the Commissioners to sign stating Emery County's opposition to the West of the Green River Bison Hunt (Range Creek). The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

COMMISSION/ELECTED OFFICIALS REPORTS.

Commissioner Wilson asked Meagan Crosland to report on the Southeastern Utah Junior Livestock Show. Meagan indicated that the show turned out very well. The judge was great.

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Commission Meeting Minutes

July 21, 2020

They did not have an auction so as a result the kids are now trying to sell their animals on their own. Commissioner Wilson reported on the CARES Funding and plans to help home occupations and any businesses affected by the COVID Pandemic. UAC will disburse the funds and decisions will be made locally.

(16)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JULY 30, 2020

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

(1)

DISCUSS/APPROVE/DENY RESOLUTION DISBURSING 2019 STATE SITLA FUNDS TO THE EMERY EMERGENCY MEDICAL SPECIAL SERVICE DISTRICT.

Commissioner Kent Wilson explained that State mineral development revenues for 2019 are \$293,788.00. He further explained that if we leave the funds in the General Fund then Federal PILT funds coming to Emery County will be reduced by that amount. If the state mineral development revenues are disbursed to a Special Service District then the County's Federal PILT will be left whole. The Emery County Commission created an Emery Emergency Medical Special Service District to create a more sustainable EMS program in the County. At this time the other Special Service Districts in the county do not have any pending projects. The Emery County Commissioners deemed it appropriate and in the best interest of the citizens of Emery County to disburse the balance of the 2019 state mineral development revenues to the Emery Emergency Medical Special Service District to accommodate the needs of that district. The EC Commission had a Resolution drafted to authorize distribution of the 2019 state mineral development revenues to the Emery Emergency Medical Special Service District.

Commissioner Kent Wilson suggested leaving the funds in the account for six months until they have received confirmation of approval from the federal government. Commissioner Kent Wilson made a motion to approve Resolution 7-30-20 a resolution authorizing the distribution of the 2019 state mineral development revenue to the Emery Emergency Medical Special Service District pursuant to HB 134 and to forward the document to the State today. The motion was seconded by Commissioner Gil Conover. The motion passed.

(2)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

AUGUST 4, 2020

Due to restrictions in place during the COVID-19 Pandemic this meeting was offered electronically.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

**CONSENT AGENDA**

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 255502 through and including #255572 was presented for payment.

Requisitions and Dispositions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
52-20	Parrot Anafi USA Drone Pkg DJI Mavic 2 Enterprise Zoom Drone Pkg Sheriff	\$11,619.98

Disposition #2404 Microwave from the Aquatic Center.

(2)

APPROVAL OF THE JULY 21, 2020 COMMISSION MEETING MINUTES

(3)

APPROVAL OF OUT OF STATE TRAVEL FOR CAPTAIN EKKER, DETECTIVE TYSON HUNTINGTON, AND DETECTIVE SHON ROPER TO ATTEND THE CNOA ANNUAL CONFERENCE IN SAN DIEGO, CA.

(4)

APPROVAL OF COUNTY CREDIT CARD FOR JAMES JENNINGS, EMERY COUNTY PUBLIC LANDS/ZONING ADMINISTRATOR.

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Commission Meeting Minutes  
August 4, 2020

(5)

APPROVAL OF A \$45.00 DELL PHONE STIPEND FOR JIM JENNINGS, PUBLIC LANDS/ZONING ADMINISTRATOR.

(6)

APPROVAL TO GIVE EMELYN OLIVERSON AND ANGELLENA MIGLIORI A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD AS A HEAD LIFEGUARD. EFFECTIVE 8-10-2020.

(7)

APPROVAL TO PROMOTE TY GORDON TO EQUIPMENT OPERATOR/DRIVER II FOR TWO CONSECUTIVE YEARS AS AN EQUIPMENT OPERATOR/DRIVER I. MOVE FROM GRADE 16 TO GRADE 17. EFFECTIVE 8-10-2020.

(8)

APPROVAL TO ADD A PART TIME, WORKING 19 ¾ HOURS PER WEEK, POSITION IN THE TREASURER'S OFFICE.

(9)

APPROVAL TO APPOINT SETH GARDNER TO EMERY TOWN EMS GARAGE LEAD RECEIVING THE \$550.00 PER MONTH STIPEND EFFECTIVE AUGUST 2020.

(10)

APPROVAL TO INCREASE SCOTT RYAN'S MONTHLY STIPEND AS THE GREEN RIVER TOWN GARAGE LEAD TO \$550.00 FOR SUCCESSFULLY PASSING HIS EMT CERTIFICATION EFFECTIVE AUGUST 8-10-2020

(11)

APPROVAL TO PROMOTE HALEY GUYMON TO A HEAD LIFEGUARD, GRADE 5. EFFECTIVE 8-10-2020.

Commissioner Kent Wilson explained the reason for agenda item #8. He indicated that when the decision was made to combine the Treasurer's office with the Recorder's office management possibilities were discussed for the Treasurer's office to manage office staff during their busy time of the year. This will allow the Treasurer the ability to hire a part time employee to assist in staffing the office if needed. Commissioner Kent Wilson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Gil Conover.

**DISCUSSION AGENDA**

3

Commission Meeting Minutes  
August 4, 2020

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT).

(3)

PRESENTATION BY JOHANSEN AND TUTTLE REGARDING THE RILDA CANYON PROJECT SITE AND THE HCIC PROJECT SITE WHICH ARE PART OF THE TRAIL MOUNTAIN FIRE EWP PROJECT.

Howard Tuttle, Johansen & Tuttle Engineering, presented a slide presentation of the work that was done on the Rilda Canyon Project Site and the Huntington Cleveland Irrigation Company's Project site. He provided details of the project and the progression of work. NRCS representative Anthony Beals made favorable comments regarding the working relationship between Emery County, Johansen and Tuttle Engineering and HCIC. HCIC board members Jeff Guymon and Cody Allred thanked everyone for the improvement to the system and indicated that the project is a great benefit to the power company, HCIC, and the communities that they serve. Merrill Johansen commended Captain Ekker for his diligence in keeping the project moving forward.

(4)

ACCEPTANCE OF THE 90 DAY TIME EXTENSION FROM NRCS ON THE TRAIL MOUNTAIN FIRE EWP.

Captain Kyle Ekker requested approval for a 90 day extension from NRCS which will give them until November 29, 2020 to get into Millfork Canyon to complete that project. Motion to approve the 90 day extension from NRCS on the Trail Mountain Fire EWP was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson and the motion passed.

(5)

RATIFICATION OF SIGNING OF FINANCIAL ASSISTANCE AWARD DOCUMENT REGARDING THE EDA GRANT APPLICATION FOR THE ACQUISITION AND ASSEMBLY OF THE L-1500 FURNACE AT THE SAN RAFAEL ENERGY RESEARCH FACILITY.

Commissioner Gil Conover made a motion to ratify the signing of the Financial Assistance Award Document regarding the EDA Grant application for the acquisition and assembly of the L-1500 furnace at the San Rafael Energy Research Facility. The motion was seconded by Commissioner Kent Wilson. The motion passed.



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Commission Meeting Minutes  
August 4, 2020

(6)

RATIFICATION OF LETTER OF SUPPORT FOR CASTLE DALE CITY REGARDING THEIR GRANT APPLICATION FOR BEAUTIFICATION TO THE BOULDERER'S LOOP.

Commissioner Kent Wilson made a motion to ratify the signing of a letter of support for Castle Dale City regarding their grant application for beautification to the Boulder's Loop. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY CHANGE ORDER #2 AND FINAL PAY ESTIMATE ON THE RILDA CANYON PORTION OF THE TRAIL MOUNTAIN FIRE EWP PROJECT.

Captain Kyle Ekker requested approval for Change Order #2 and final pay estimate on the Rilda Canyon portion of the Trail Mountain Fire EWP Project. This will increase the project cost by \$115,705.60. Total cost of the project is now \$3,115,705.59. Commissioner Gil Conover made a motion to approve CO#2 and final pay estimate on the Rilda Canyon portion of the Trial Mtn. Fire EWP Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY CHANGE ORDER #1 AND FINAL PAY ESTIMATE ON FERRON AND HUNTINGTON CREEK STABILIZATION PROJECT 2020.

Captain Klye Ekker requested approval for Change Order #1 and final pay estimate on Ferron and Huntington Creek Stabilization Project. This will increase the project cost by \$5,880.00. The total cost of the project would now be \$130,092.00. Commissioner Kent Wilson made a motion to approve CO#1 and final pay estimate on Ferron and Huntington Creek Stabilization Project. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY CHANGE ORDER #1 AND FINAL PAY ESTIMATE ON HCIS PORTION OF TRAIL MOUNTAIN FIRE EWP PROJECT 2020.

Captain Kyle Ekker requested approval for Change order #1 and final pay estimate on HCIS portion of Trail Mountain Fire EWP Project. This would increase the project cost by \$44,377.49. The total cost of the project would now be \$344,540.49. The project is within the set budget.

Commissioner Kent Wilson made a motion to approve CO#1 and final pay estimate on HCIS portion of Trail Mtn. Fire EWP Project. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY RELEASE OF OPERATION AND MAINTENANCE PLAN FROM EMERY COUNTY TO HCIC ON HCIC PORTION OF TRAIL MOUNTAIN FIRE EWP PROJECT.

Captain Kyle Ekker requested approval for the Release of Operation and Maintenance Plan from Emery County back to the owner, Huntington-Cleveland Irrigation Company. HCIC would then be responsible for operation and maintenance of HCIC's portion of the project site.

Commissioner Gil Conover made a motion to approve the Release of Operation and Maintenance Plan from EC to HCIC on HCIC's portion of Trail Mountain Fire EWP Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY CONTRACT WITH JOHNNY V AND TROUBLE TRAIN (JOHN VAN WAGONER) FOR MUSICAL SERVICES AT THE 2020 EMERY COUNTY FAIR.

Commissioner Kent Wilson discussed a contract with Johnny V and Trouble Train (John Van Wagoner) for entertainment services at the 2020 EC Fair. The contract amount is \$1,400.00. Attorney Mike Olsen expressed concern that the contract includes a declaration that states that they will be responsible for their stuff and we will be responsible for our stuff and indemnifies EC from any damages as a result of their performance in EC. Commissioner Kent Wilson made a motion to approve a contract with Johnny V and Trouble Train (John Van Wagoner) providing for an indemnification declaration clause in the contract. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY RFQ FOR CLEANING SERVICES AT THE 2020 EMERY COUNTY FAIR.

Commissioner Kent Wilson made a motion to approve advertising for a RFQ for cleaning services during the 2020 EC Fair and consider proposals under \$850.00. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

DISCUSS/APPROVE/DENY GREEN LIGHT BOOKING CONTRACT FOR JEFF CIVILICO TO PERFORM AT THE 2020 EMERY COUNTY FAIR.

Attorney Mike Olsen recommended that this contract also include an indemnification clause in the contract. Commissioner Kent Wilson made a motion to approve a contract with Green Light Booking for Jeff Civilico to perform at the EC 2020 Fair upon review and approval of the County Attorney and to execute the contract as quickly as possible to meet Green Light Bookings deadline. The motion was seconded by Commissioner Gil Conover. The motion passed.

(14)

DISCUSS/APPROVE/DENY CONTRACT WITH STRAIGHT CANYON BAND, KEVIN PEACOCK, FOR ENTERTAINMENT SERVICES DURING THE 2020 EMERY COUNTY FAIR.

County Attorney Mike Olsen recommended the same stipulation for this contract as the previous contracts. Commissioner Kent Wilson made a motion to approve a contract with Straight Canyon Band, Kevin Peacock, for entertainment services during the 2020 EC Fair upon review and approval of the County Attorney. The motion was seconded by Commissioner Gil Conover. The motion passed.

(15)

DISCUSS/APPROVE/DENY INTERAGENCY COORDINATION AND SUB RECIPIENT CONTRACT AGREEMENT 2020-2021 BETWEEN EMERY COUNTY AND SOUTH EASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENT.

Commissioner Gil Conover made a motion to approve Interagency Coordination and Sub Recipient Contract Agreement 2020-2021 between Emery County and South Eastern Utah Association of Local Governments for the aging and nutrition program in Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(16)

DISCUSS/APPROVE/DENY RESOLUTION OF THE EMERY COUNTY COMMISSION AUTHORIZING THE FILING OF CROSS APPEALS FOR 2020 CENTRALLY ASSESSED PROPERTIES FILED BY T-MOBILE USA INC., CENTURYLINK, INC, AND AT&T, INC.

Attorney Mike Olsen explained that these centrally assessed properties have appealed their values. The resolution being considered will protect our (EC) rights as far as appeals, our right to litigate or settle their appeal. Commissioner Gil Conover made a motion to approve Resolution 8-4-20 authorizing the filing of cross-appeals for 2020 Appeals filed by taxpayers subject to Central Assessment. The motion was seconded by Commissioner Gil Conover. The motion passed.

(17)

COMMISSION/ELECTED OFFICIALS REPORTS.

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Commission Meeting Minutes

August 4, 2020

Sheriff Funk expressed gratitude to Emery County citizens for their awesome support for the Emery County Sheriff's Department.

Commissioner Wilson talked about the recent \$300,000.00 grant that Emery County has received to help fight the effects of COVID on local businesses.

Larry Ellertson, Congressman Curtis representative gave an update of legislative activity of concern to rural communities in Utah.

(18)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

AUGUST 18, 2020

Due to restrictions in place during the COVID-19 Pandemic this meeting was offered electronically.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 255575 through and including #255693 was presented for payment.

Requisitions presented:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
53-20	Husqvarna MZ54 Zero Turn Lawn Mower Aquatic/Library/Museum/County	\$4,679.99

There were no dispositions.

(2)  
APPROVAL OF AUGUST 04, 2020 COMMISSION MEETING MINUTES.

(3)  
APPROVAL OF JULY 30, 2020 SPECIAL COMMISSION MEETING MINUTES.

(4)  
NOTIFICATION SELECTED BRANT JACOBSON AS A PART TIME EQUIPMENT OPERATOR I, WORKING 19 ¾ HOURS PER WEEK WITH NO BENEFITS. WAGE GRADE 16. EFFECTIVE 8-12-20.

(5)  
APPROVAL TO HIRE VIRGINIA ROWLEY AS A DEPUTY TREASURER WORKING 29

2

COMMISSION MEETING MINUTES  
AUGUST 18, 2020

HOURS PER WEEK WITH PRORATED BENEFITS BUT NO MEDICAL. WAGE GRADE 13.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

(2)  
PUBLIC COMMENT (3 MINUTE TIME LIMIT).

(3)  
SAFETY MINUTE PRESENTATION BY DAVID AMES, SOLID WASTE CREW LEAD.

Wayde Nielsen, Road Supervisor gave a safety minute on the safe removal of asbestos.

(4)  
AWARDING OF SAFETY VISA GIFT CARDS.

Safety Award VISA Cards were awarded to:

Full time employee: Colleen Murdock

Part time employee: Carolyn Marsing

Safety Sensitive employees: Clarence Smith and Earl Nelson

(5)  
PRESENTATION BY AMANDA MCINTOSH OF THE HOPE SQUAD OF CARBON, EMERY AND GRAND COUNTY REGARDING A 5K/10K RUN IN GOBLIN VALLEY STATE PARK.

Debbie Marvidakis, HOPE Squad explained that September is Suicide Prevention month. She requested permission to hold a candlelight vigil on the front lawn of the courthouse again this year on the 10th of September at 8pm. Due to fire restrictions they will be using led candles rather than flame lit candles. They will have counselors available. They will hold a 5K/10K, Hoodoo Run at Goblin Valley on November 7th beginning at 6AM. It is open to all families to participate. Permission was granted to hold the candlelight vigil on the courthouse lawn as requested.

(6)

3

COMMISSION MEETING MINUTES  
AUGUST 18, 2020

RATIFICATION OF MEMORANDUM OF AGREEMENT WITH UTAH STATE LIBRARY FOR PARTICIPATION IN THE BEEHIVE LIBRARY CONSORTIUM.

The Memorandum of Agreement with Utah State Library for participation in the Beehive Library Consortium will allow the Libraries to purchase digital content on OverDrive. Emery County's participation is \$1,000.00 of which Emery County Library will pay \$500.00 and State Of Utah will pay the other \$500.00. The agreement needed to be signed and forwarded to the State by August 10, 2020, so ratification of signing of the agreement is needed at this time. Commissioner Gil Conover made a motion to ratify the signing of Memorandum of Agreement with Utah State Library for participation in the Beehive Library Consortium. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

RATIFICATION OF THE CONTRACT WITH CASTLE VALLEY CONSULTING FOR ENGINEERING SERVICES FOR THE IHUBS PROJECT.

Commissioner Gil Conover made a motion to ratify the signing of a contract with Castle Valley Consulting for engineering services for the iHubs Project at the Orangeville and Green River Libraries. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

RATIFICATION OF LETTER OF SUPPORT FOR DEVELOPMENT OF THE HORNSHADOW SOLAR PROJECT.

The company developing the Hornshadow Solar Project requested a letter of support for the project. Emery County offers no incentives, just support for the project. Commissioner Kent Wilson made a motion to ratify the signing of a letter of support for development of the Hornshadow Solar Project. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

RATIFICATION OF LETTER OF SUPPORT FOR THE SELF-HELP PROGRAM.

At a request for a letter of support from Southeastern Utah Association of Local Governments to participate in and administer the Self-Help program, the Emery County Commissioners signed a letter of support and forwarded it to SEUALG on August 12, 2020. Commissioner Kent Wilson made a motion to ratify the signing of a letter of support for the Self-Help Program that has been forwarded to SEUALG. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

OPEN AND AWARDING OF QUALIFICATIONS PACKETS SUBMITTED IN RESPONSE

COMMISSION MEETING MINUTES  
AUGUST 18, 2020

TO THE RFP FOR CLEANING SERVICES AT THE 2020 EMERY COUNTY FAIR.

No RFP's were submitted. At the suggestion of County Attorney Mike Olsen the Commissioners will contact Emery High School to see if any sports group would be interested in doing the cleaning as a fundraiser. No action taken.

(11)

DISCUSS/APPROVE/DENY PROCEEDINGS OF THE TAX SALE HELD ON AUGUST 13, 2020.

Both parcels that were auctioned for sale were sold. Parcel #1 had taxes due of \$3,841.96 and sold for \$50,100.00. Parcel #2 had taxes due of \$9,945.01 and sold for \$90,600.00. Motion to accept the outcome of the tax sale held on August 13, 2020 was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

(12)

DISCUSS/APPROVE/DENY SIGNING CONTRACT WITH SELECTED APPLICANT FOR CLEANING SERVICES AT THE 2020 EMERY COUNTY FAIR.

Motion to approve the contract as worded to be signed by whomever submits a successful RFP for the cleaning services at the 2020 Emery County Fair was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(13)

DISCUSS/APPROVE/DENY AGREEMENT WITH TAYLOR AUDIO, LLC FOR SOUND SYSTEM SERVICES AT THE 2020 EMERY COUNTY FAIR.

Taylor Audio, LLC went through the State bid process. The contracted amount of the bid is \$6,550.00. Commissioner Wilson suggested using COVID funds to pay for this service. Commissioner Kent Wilson made a motion to approve an agreement with Taylor Audio, LLC for sound system services at the 2020 Emery County Fair. The motion was seconded by Commissioner Gil Conover. The motion passed.

(14)

DISCUSS/APPROVE/DENY RESOLUTION APPROVING AND ADOPTING THE CREATION OF THE COUNTY ECONOMIC DEVELOPMENT (CED) BOARD.

The Commissioners discussed a Resolution authorizing the creation of an Economic Development Advisory Board that will be organized as directed by Senate Bill 95 signed into law

by Governor Gary Herbert in 2020. In order to obtain a Rural County Grant, Emery County



COMMISSION MEETING MINUTES  
AUGUST 18, 2020

shall create a CED board composed of members appointed by the county legislative body. Adopting this Resolution will fulfill our legal obligation with the State of Utah. Commissioner Kent Wilson made a motion to approve and adopt Resolution 8-18-20A authorizing the creation of the County Economic Development (CED) Board. The motion was seconded by Commissioner Gil Conover. The motion passed.

(15)

DISCUSS/APPROVE/DENY RESOLUTION OF THE EMERY COUNTY COMMISSION AUTHORIZING THE FILING OF CROSS APPEALS FOR 2020 CENTRALLY ASSESSED PROPERTIES FILED BY UNION PACIFIC RAILROAD COMPANY AND URBAN OIL & GAS GROUP, LLC.

County Attorney Mike Olsen indicated that the resolution will preserve the county's option to cross appeal when a centrally assessed property appeals their taxes. Mr. Olsen indicated that there will be more of these types of resolutions as the centrally assessed properties file their appeals. He suggested that approval for the resolution be included in the Consent Agenda as discussion is not necessary for each appeal. Commissioner Kent Wilson made a motion to approve Resolution 8-18-20B authorizing the filing of cross-appeals for 2020 centrally assessed properties filed by Union Pacific Railroad Company and Urban Oil & Gas Group, LLC. The motion was seconded by Commissioner Gil Conover. The motion passed.

(16)

DISCUSS/APPROVE/DENY ADVERTISING FOR RFP FOR A CONSULTANT TO ASSIST AND MENTOR EMERY COUNTY PUBLIC LANDS DIRECTOR.

Commissioner Wilson explained that when Ray Petersen informed the Commissioners that he would be retiring in 2020, the Commissioners put into the budget funds to hire a consultant to consult with the new director and the Commission. The Commission would like to advertise a RFP for a consultant to assist and mentor Emery County Public Lands Director and see what comes in and analyze the proposals to find what best meets their needs. Commissioner Kent Wilson made a motion to advertise for RFP for a consultant to assist and mentor Emery County Public Lands Director. The motion was seconded by Commissioner Gil Conover. The motion passed.

(17)

COMMISSION/ELECTED OFFICIALS REPORTS

Commissioner Wilson talked about the CARES Funding. They are working with the cities to pool money together to manage COVID related things. There are a lot of local businesses that are hurting, and we would like to offer some assistance to help them survive now that the winter months are ahead of us and prepare for future life crises.

6

COMMISSION MEETING MINUTES  
AUGUST 18, 2020

Larry Ellertson, Congressman Curtis Staff, talked about things that the Legislature is looking at this time. USPS discussions are still on going. Some other things they are discussing are securing, making sure there is more money for PILT, streamlining the NEPA process, timber industry and the USFS recognizing what could be of benefit to the forest, Rural business summit is on August 28th.

(18)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 1, 2020

Due to restrictions in place during the COVID-19 Pandemic this meeting was offered electronically. Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

**CONSENT AGENDA**

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #255708 through and including #255803 was presented for payment.

There were no requisitions or dispositions.

(2)  
APPROVAL OF THE AUGUST 18, 2020 COMMISSION MEETING MINUTES.

(3)  
NOTIFICATION: SELECTED MOLLIE FREEMAN AS THE PART TIME ASSISTANT LIBRARIAN IN THE FERRON LIBRARY WORKING 19 ¾ HOURS PER WEEK. WAGE GRADE 7.

(4)  
NOTIFICATION: SELECTED BROCK WINTERS AND GARRETT ROWLEY AS TEH PART TIME LABORERS TO CONTINUE MOWING THE COUNTY OWNED FACILITY LAWNS UNTIL THE END OF OCTOBER. EFFECTIVE 8-31-2020.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

**DISCUSSION AGENDA**

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

(2)  
PUBLIC COMMENT (3 MINUTE TIME LIMIT)

Motion to leave the regular Commission Meeting and enter into a Public Hearing was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

(3)  
**PUBLIC HEARING: PUBLIC HEARING TO TAKE COMMENT REGARDING TRANSFERRING THE CIB REQUEST FOR FUNDING FOR THE SAN RAFAEL ENERGY RESEARCH CENTER INTO EMERY COUNTY'S NAME AND REMOVING SEVEN COUNTY COALITION FROM THE FUNDING REQUEST; AS WELL AS TO RECEIVE COMMENT REGARDING TAKING A PORTION OF THIS FUNDING AS A LOAN NOT TO EXCEED THE INCOME OF THE COMMUNITY REINVESTMENT PROJECT AREA.**

Commissioner Sitterud explained that the San Rafael Energy Research Center is in the middle of being built using money appropriated by the legislature. However, we have lost that funding due to the COVID-19 Pandemic. The Emery County Commission desires to go back to CIB to request further funding. In the past the 7 County Coalition and Emery County partnered together with the management. It is the goal of Emery County to bring management back in-house to Emery County with 7 County helping on the side. Grants, future grants, loans would be the responsibility of Emery County. Everything has been tied to the project area through the Community Reinvestment Agency. The Agency is the one who is negotiating projects with solar companies. In the near future there will be revenues that come to the county from these solar projects that will be earmarked for Economic Development. These are the funds that Emery County would be using for loan guarantee. Emery County through the San Rafael Energy Research Center would like to be pro-active in coal research. They have partnered with Universities and we will have contracts that in the near future that will also bring in revenues that will be earmarked for Economic Development. It is the goal of Emery County to not use any general funds to encumber these projects. It is to possibly reinvest Economic Development Funding, money from solar projects, profits from grants and private funding.

Motion to leave the public hearing and return to the regular meeting schedule was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

3  
COMMISSION MEETING MINUTES  
SEPTEMBER 1, 2020

(4)  
DISCUSS/APPROVE/DENY TRANSFERRING THE CIB REQUEST FOR FUNDS FOR THE SAN RAFAEL ENERGY RESEARCH CENTER INTO EMERY COUNTY'S NAME, AS WELL AS APPROVING THE POSSIBILITY OF TAKING A PORTION OF THE FUNDING AS A LOAN NOT TO EXCEED THE INCOME OF THE COMMUNITY REINVESTMENT PROJECT AREA INCOME.

Commissioner Gil Conover made a motion to approve making the change from 7 County Infrastructure Coalition to Emery County on a CIB application. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)  
PRESENTATION BY CHAD BOOTH REGARDING COUNTY SEAT PLAN FOR 2021.

(6)  
RATIFICATION OF BUSINESS LICENSE FOR UTAH LAND RESOURCES, INC.

Motion to ratify approval of a business license for Utah Land Resources, Inc. was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(7)  
RATIFICATION OF BUSINESS LICENSE FOR EMERY COUNTY COAL RESOURCES, INC.

Motion to ratify approval of a business license for Emery County Coal Resources, INC was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(8)  
RATIFICATION OF APPROVAL TO EXTEND RESOLUTION NO. 3-17-20. RESOLUTION DECLARING A STATE OF LOCAL EMERGENCY DUE TO INFECTIOUS DISEASE COVID-19 NOVEL CORONAVIRUS UNTIL THE END OF THE YEAR 2020.

Jan Luke requested approval to extend Resolution No. 3-17-20 declaring a state of local emergency due infectious COVID-19 Novel Coronavirus until the end of the year 2020. She explained that the Cares Act Funding expires at the end of the year. This will give local authority for any request to the state should Emery County experience a surge in cases. Commissioner Gil Conover made a motion to approve extending Resolution 3-17-20 a resolution declaring a state of local emergency due to COVID-19 until the end of year 2020. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

COMMISSION MEETING MINUTES  
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RATIFICATION OF APPROVAL OF EMERY COUNTY FAIR DIRECTOR AGREEMENT  
FOR 2020 BETWEEN EMERY COUNTY AND SANDRA HUNTINGTON.

Commissioner Kent Wilson made a motion to ratify approval of Emery County Fair Director Agreement for 2020 between Emery County and Sandra Huntington. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY ADVERTISING AN RFP FOR PROFESSIONAL  
SERVICES-COMMERCIAL RENOVATIONS AT TWO EMERY COUNTY LIBRARY  
LOCATIONS.

Library Director Desiree Malley requested approval to advertise an RFP for professional services-commercial renovations at two Emery County Library locations. She explained that they have received plans from the engineer and are now ready to publish a request for proposal for the renovations. Engineer plans and specs are available at the Clerk/Auditor's office. Commissioner Gil Conover made a motion to approve advertising for an RFP for professional services-commercial renovations at two Emery County Library locations. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY PROPERTY TAX EXEMPTION FOR PARCEL #01-154A-0022

Maria Sykes Executive Director at EPICENTER in Green River requested consideration of property tax exemption status for the EPICENTER in Green River. She explained that she was recently made aware that this is a yearly requirement. An affidavit was due by March 1st. She indicated that this was about the time that COVID-19 hit and sending the paperwork in was missed. She requested to have continued exempt status for this parcel which is their headquarters building in Green River. Commissioner Kent Wilson made a motion to approve continued exempt status for property #01-154A-0022 as requested. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY SERVICES AGREEMENT BETWEEN EMERY COUNTY AND  
UAC TO OVERSEE DISBURSEMENT AND REPORTING OF CRF FUNDS.

Commissioner Wilson explained that Emery County has received \$700,000.00 in CRF funds from the federal government. The cities will be getting about \$500,000.00 (combined) in CRF funds. UAC has people that are experts in distributing and reporting these types of federal funds. With this agreement UAC will track invoices, and do all the reporting and make sure spending requirements for the federal government are met and act as our consultants. The fee for this will be 2.5%. They will also track grants for local businesses. So far they have 25 to 30 grants

COMMISSION MEETING MINUTES  
SEPTEMBER 1, 2020

totaling \$275,000.00. The fee for this service would be 5%. The agreement has been sent to Attorney Mike Olsen for his review and approval. Commissioner Kent Wilson made a motion to approve a services agreement between Emery County and UAC to oversee disbursement and reporting of CRF funds pending Mike Olsen’s approval of the agreement. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

DISCUSS/APPROVE/DENY INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND PARTICIPATING CITIES REGARDING CRF FUNDS USED FOR THE EMERY COUNTY SMALL BUSINESS ECONOMIC RECOVERY GRANT PROGRAM.

Commissioner Wilson explained that an interlocal agreement is necessary to receive the CRF funds from the cities. Commissioner Kent Wilson made a motion to approve an interlocal agreement between Emery County and participating cities regarding CRF funds used for the Emery County Small Business Economic Recovery Grant program. The motion was seconded by Commissioner Gil Conover. The motion passed.

(14)

DISCUSS/APPROVE/DENY ADVERTISING FOR BIDS ON THE LANDFILL SCRAP METAL PILE.

Commissioner Gil Conover made a motion to approve advertising for bids on the Landfill scrap metal pile. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Wilson talked about an ongoing Public Land issues with property on Long Street in Green River, Utah. This is the Holyoak property and issues with historic use and efforts to re-establish access for property owners.

(16)

ADJOURN.

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 15, 2020

Due to restrictions in place during the Covid-19 Pandemic this meeting was offered electronically. Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 255808 through #255916 was presented for payment.

One Requisition was presented for Requisition #55-20, 81/2 x 20 Enclosed Trailer, Sheriff, \$7,655.00.

There were no Dispositions.

(2)  
APPROVAL OF THE SEPTEMBER 1, 2020 COMMISSION MEETING MINUTES

(3)  
NOTIFICATION SELECTED ANGELINA TAYLOR, KAYLEIGH MCCANDLESS AND MEGAN HESS AS PART TIME LIFEGUARDS WORKING UP TO 19 3/4 HOURS PER WEEK. WAGE GRADE 3 @ \$7.19 PER HOUR.

(4)  
NOTIFICATION SELECTION SETH BAANTJER AS A PART TIME WEED AND MOSQUITO TECHNICIAN WORKING 19 3/4 HOURS PER WEEK. WAGE GRADE 14.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.



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Commission Meeting Minutes  
September 15, 2020

## **DISCUSSION AGENDA**

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT (3 MINUTES TIME LIMIT)

Fair Director Sandra Huntington provided a report on the success of the “Come Together, Six Feet Apart” celebration held in August as an alternative to the Emery County Fair 2020.

(3)

SAFETY MINUTE PRESENTATION BY TIFFANY BAKER, MUSEUM OF THE SAN RAFAEL.

Tiffany Baker provided a brief presentation of general safety tips.

(4)

AWARDING OF THE VISA SAFETY GIFT CARDS

VISA Safety Gift Cards were awarded to:

Full Time Employee: Melody Hoffman

Part Time Employee: Angelina Migliori

Safety Sensitive Employees: Ken Anderson and Merrill Duncan

(5)

OPEN, REVIEW AND AWARD RFP FOR PUBLIC LANDS CONSULTANT.

The Clerk/Auditor’s office received two RFP packets:

Ray Petersen

Sunrise Engineering.

Commissioner Kent Wilson asked for time to allow compare the proposals and award in the Commission Meeting on October 6th.

(6)

PRESENTATION BY JEREMY JORGENSEN REGARDING THE ANNUAL WILDLAND FIRE SEASON UPDATE FOR 2020.

Jeremy started out by talking about the 29 wildland fire incidents currently ongoing in the state. Jeremy talked about fuel reduction projects in the Lowry Creek corridor. They have four projects, mostly burn piles and fuel reduction projects that they will be working on after snow is on the ground. The four areas they will be working on are John Pisset, Olsen Ranch, Nadine

Adams and Danny Van Wagoner. They have awarded Utah Fire Department Assistance Grants to departments in Elmo in the amount of \$8,790.00, Green River in the amount of \$4,685.00, and Huntington in the amount of \$8,125.00. They can meet their share of the grant with in-kind resources. The funds may be used for equipment, training, IT supplies, etc. On July 23rd fire restrictions were put in place. It is not likely to be rescinded any time soon. It is a Class B Misdemeanor to violate fire restrictions, punishable by up to 6 months in jail or \$1,000.00 fine.

(7)

PRESENTATION AND DISCUSSION WITH JIM JENNINGS, EMERY COUNTY PUBLIC LANDS DIRECTOR, REGARDING ACCESS TO UPPER LONG STREET ROAD.

Jim Jennings talked about private property in Green River City on the north end of Upper Long Street Road. This private property was previously owned by Mr. Holyoak. This property is now owned by Noel Vallejo. The county road runs through the property that historically has allowed access on the road all the way to the Price River which is approximately seven miles north of the Vallejo property. The public had access on this road for many years until Mr. Holyoak purchased the land and put up a gate across the road around 2005. There was a mistake made by the BLM on the Wilderness Study Area boundary that showed the boundary going to the edge of the river. Around 2018 when BLM posted the updated and corrected Wilderness boundary it showed the boundary on the west side of the road that goes up the canyon north of the Vallejo property. With the recent clarity on the Wilderness Boundary, and the history of access by the public, there has been an increased interest in having the county road remain open to allow access to the public land. Mr. Vallejo stated that he purchased the land with the understanding that the road did not go through his property. He has been offered an option by Emery County to have a road built around the edge of his property to avoid having the traffic go past his home. He has declined up to this point and has voiced that he wants the attorneys to work together to determine the legality of access on the road through his property. Emery County has tried to work through this process without litigation. However, we need to take the next step if the attorneys can not work out some agreement between Mr. Vallejo and Emery County. Jim asked the Commissioners and Attorney Mike Olsen for some counsel, input and discussion on how to proceed from this point. County Attorney Mike Olsen stated that in 2005 Mr. Holyoak, based on the information that he has, attempted to close the road down. He would get bristley and angry when people would go there. Mr. Olsen indicated that he has not received any information that Mr. Holyoak was successful in closing the road down. Historically, even through today, the road is open to the public and people have been able to use the road. Mr. Holyoak had made attempts to close the road. If the current landowner does not like that then we need to work to resolve the issue. Like anything else we can resort to the courts to assist us in resolving the issue. Mr. Vallejo's perspective that the road was closed down after 2005 and no one had access to the road was the information that the Commissioners were given. Jim indicated that the information he received is that after Mr. Holyoak received word that the BLM had the boundary on the north end of his property in his mind that there is no access. So he put up a gate to keep people from parking on his land to access the public land. Mike indicated that this has been an issue for

many years. There was a public hearing held in the Courthouse a few years ago where people from Green River came and gave testimony to the historical use of the road for a long, long time. Emery County's stand is the road is open. They should not be chasing people out of there. Commissioner Wilson suggested having county Attorney Mike Olsen meet with Mr. Villajeo's attorney to bring a peaceful resolution to this issue within a timeframe of 60 days. Mike Olsen indicated that Emery County cares very deeply about public access. As a land owner, (Mr. Vallejo) has plenty to lose if he doesn't want to compromise. You cannot harass people who are doing something lawful.

(8)

DISCUSS/APPROVE/DENY POSSIBLE ACTIONS REGARDING ACCESS TO UPPER LONG STREET ROAD.

Commissioner Kent Wilson made a motion to ask County Attorney Mike Olsen to work with Mr. Vallejo's attorney to find a peaceful resolution to the issue on Upper Long Street within sixty days. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

PRESENTATION REGARDING THE CASTLE COUNTRY JR. LIVESTOCK SHOW.

Dani Jo Thatcher and other members of the Castle Country Jr. Livestock Show gave a report on the 2020 Jr. Livestock Show. The show was pared down this year due to COVID-19. She reported that it was fun to show their animals that they have worked with to prepare for the show. She suggested holding a Carbon/Emery Jr. Livestock Show at the Ferron City Fairgrounds near the end of June 2021 before the official Stock Show. Cassie Thatcher requested assistance to purchase belt buckles and pay judges fees. She thanked the EC Commissioners for the funding assistance this year and requested \$6,000.00 for next year's show. The EC Commissioners will consider this in the budgeting process for 2021.

(10)

APPROVAL OF EMERY COUNTY BEER TAX FUNDS FISCAL YEAR 2020 ANNUAL REPORT.

Jan Luke gave an annual report on the Beer Tax Funds for Fiscal Year 2020. The amount submitted by Emery County and cities and towns in the county,(excluding Green River) is \$19,044.52. The funds must be used for alcohol related offenses such as law enforcement, DUI overtime shifts, confinement and reimbursement for confinements. Commissioner Kent Wilson made a motion to accept the Annual report for EC Beer Tax Funds Fiscal Year 2020. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY TOURISM

DEPARTMENT AND CHARLIE KESSNER FOR VIDEOGRAPHY SERVICES.

Commissioner Wilson explained that the Travel Bureau would like to hire Charlie Kessner for videography services. The cost for this service is usually \$10,000.00. However, Mr. Kessner will do the work for the discounted price of \$6,000.00. The video will benefit the Boulder Community as well as market Emery County's bouldering advantages. Funds will be reimbursed through the Cares Act Funding. Attorney Mike Olsen asked for time to review the contract to make sure it is in order. Commissioner Kent Wilson made a motion to approve a contract between Emery County Tourism Department and Charlie Kessner for videography services upon review and approval of County Attorney Mike Olsen. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY CLOSING BOE.

Assessor Kris Bell requested closing BOE for 2020. Commissioner Gil Conover made a motion to close BOE for 2020. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY BOE CHANGES FOR 2020.

Commissioner Gil Conover made a motion to approve BOE changes for 2020. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY VETERAN, BLIND AND HOMEOWNER'S TAX CREDIT ABATEMENTS.

The Emery County Commissioners reviewed the list of Veteran, Blind and Homeowner's Tax Credit Abatement applications for 2020. Motion to approve the 2020 Veteran, Blind and Homeowner's Tax Credit Abatements was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(15)

DISCUSS/APPROVE/DENY LOW INCOME TAX ABATEMENT FOR BLAIR LARSEN.

Motion to approve a 50% Low Income Tax Abatement for Blair Larsen as in years past was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(16)

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September 15, 2020

DISCUSS/APPROVE/DENY THE UTAH COUNTIES INDEMNITY POOL GENERAL LIABILITY INSURANCE RATE OF \$200,522.00 FOR PLAN YEAR 2021.

Commissioner Gil Conover made a motion to approve the Utah Counties Indemnity Pool General Liability Insurance Rate of \$200,522.00 for plan year 2021. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(17)

DISCUSS/APPROVE/DENY BLM CONTRACT 140L5720C0010 LAW ENFORCEMENT PATROL SERVICES BETWEEN THE BUREAU OF LAND MANAGEMENT AND EMERY COUNTY FOR LAW ENFORCEMENT SERVICES ON BLM LANDS WITHIN EMERY COUNTY, UTAH.

Sheriff Funk explained that they have negotiated a contract amount of \$70 per hour. Commissioner Gil Conover made a motion to approve BLM contract 140L5720C0010 Law Enforcement Patrol Services between the Bureau of Land Management and Emery County for law enforcement services on BLM lands within Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(18)

DISCUSS/APPROVE/DENY EMERY COUNTY EMERGENCY MANAGEMENT'S APPLICATION FOR THE FY2020 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)

Jan Luke explained that the amount of the EMPG performance grant FY2020 will be based on performance from last year. The grant covers the cost of what it cost to qualify. Commissioner Kent Wilson made a motion to approve Emery County Emergency Management's Application for the FY2020 Emergency Management Performance Grant(EMPG). The motion was seconded by Commissioner Gil Conover. The motion passed.

(19)

DISCUSS/APPROVE/DENY AGREEMENT #605435 FOR RENTAL OF A WHEELER BACKHOE LOADER FOR THE EMERY COUNTY ROAD DEPARTMENT.

Wayde Nielsen requested approval for Agreement #605435 for rental of a Wheeler backhoe loader for the Emery County Road Department. Wayde explained that it is a continuation of the previous rental agreement using the same equipment. Commissioner Gil Conover made a motion to approve Agreement #605435 for rental of a Wheeler Backhoe Loader for the EC Road Department. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(20)

DISCUSS/APPROVE/DENY PURCHASE OF HOTSPOTS AND CONTRACT WITH AT&T

AND VERIZON FOR EMERY COUNTY LIBRARY SYSTEM THROUGH UTAH  
EDUCATION NETWORK HOT TO TROT (SPOT) PROJECT.

(21)

DISCUSS/APPROVE/DENY COMMISSION ADJUSTMENT FOR TAXES ON PARCEL  
09-0300-0230, MERIT ENERGY IN THE AMOUNT OF \$328.01.

Treasurer Josie Stilson requested a Commission adjustment for taxes on Parcel 09-0300-0230, Merit Energy in the amount of \$328.01. She explained that they appeal their 2019 assessed value with the state. The wells have been plugged and abandoned. They did not pay 2019 taxes, so she asked for an adjustment to clean it up and move forward. A letter will be sent to Merit Energy and the Utah State Tax Commission. Commissioner Gil Conover made a motion to approve a Commission Adjustment for taxes on Parcel 09-0300-0230, Merit Energy in the amount of \$328.01. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(22)

DISCUSS/APPROVE/DENY ECONOMIC DEVELOPMENT SPONSORSHIP IN THE  
AMOUNT OF \$3000 FOR THE HEROES AMONG US EVENT IN GREEN RIVER.

Commissioner Wilson explained that Green River City holds a “Heroes Among Us” event each year to celebrate veterans. Every Thursday and Friday in October corporate businessmen will be bringing veterans into Green River to honor them and provide an opportunity to hunt pheasants and do other sportsman type activities. Some of these business CEO’s are part of the inland port discussions. From Emery County’s perspective this will be an opportunity to rub shoulders with these CEO’s of companies and an opportunity to create relationships with these businessmen and explain the benefits of an inland port coming to Green River. Emery County does not have an Economic Development director so Commissioner Wilson suggested having each Commissioner take a weekend and be available in Green River to meet with these businessmen. Commissioner Wilson suggested sponsorship in the amount \$3,000.00 for the event. Commissioner Wilson made a motion to approve sponsorship in the amount of \$3,000.00 for the ‘Heroes Among Us’ event in Green River. The motion was seconded by Commissioner Gil Conover. The motion passed.

(23)

COMMISSION/ELECTED OFFICIALS REPORTS

Sheriff Funk reported that it was a quiet Labor Day weekend.

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They have seen a huge increase in mental health issues. Mike Olsen indicated that mental health issues are on the rise throughout the state.

(24)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 22, 2020

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

DISCUSSION AGENDA

(1)  
OPEN/REVIEW/AWARD SEALED BIDS FOR IHUBBS WITHIN THE EMERY COUNTY  
LIBRARY SYSTEM

No bids were received.

(2)  
ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson and the motion passed.



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

**SEPTEMBER 25, 2020**

Due to restrictions in place during the COVID-19 Pandemic this meeting was offered electronically. Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

**DISCUSSION ITEMS:**

Motion to leave the regular Commission Meeting and enter into Public Hearing made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

- (1) PUBLIC HEARING: PUBLIC HEARING TO TAKE COMMENT REGARDING TRANSFERRING THE CIB REQUEST FOR FUNDING FOR THE SAN RAFAEL ENERGY RESEARCH CENTER INTO EMERY COUNTY'S NAME AND REMOVING SEVEN COUNTY COALITION FROM THE FUNDING REQUEST; AS WELL AS TO RECEIVE COMMENT REGARDING TAKING A PORTION OF THIS FUNDING AS A LOAN NOT TO EXCEED THE INCOME OF THE COMMUNITY REINVESTMENT PROJECT AREA.**

Commissioner Sitterud explained that the San Rafael Energy Research Center is seeking funding through CIB to continue building the SRERC. This funding was originally applied for under Seven County Coalition, we have been partners with Seven County Coalition in the beginning of the Research Center. At this point it has become evident that it would better serve Emery County if we put the Research Center under our name and our control rather than under Seven County. We will be sending a new application to CIB with Emery County being the sole name on the application rather than being partnered with Seven County on the application. Commissioner Kent Wilson stated that CIB would like to know what revenue source is available if all of the funds are not provided as grant funds.

Commissioner Wilson states that from his perspective we have two solar project that are in Community Reinvestment Agency Project Areas. He proposes that we use the revenue from those projects to be used towards any projects that we come up with at the SRERC. We can use that money to pay on loans or use for other expenses that might arise. The intention from the beginning with the solar projects was to be able to use that money for that area

SPECIAL COMMISSION MEETING  
SEPTEMBER 25, 2020

(SRERC) and not for that money to go in the General Fund. It is unclear at the moment what exactly those revenue sources are, but in our CIB application we will not indebt the Research Center more than what the income of those solar project areas income is. Commissioner Sitterud states that the SRERC is new to most people and he would like to explain the reason for the Research Center and what will be coming from the SRERC. The benefits once built are 1. It will allow us to do testing on coal with different additives and different recipes to learn how to burn coal cleaner in order to cut the emissions from coal. This will help not only in Emery County but all over the Country and even the world in learning how to operate coal powered plants cleaner. Everyone benefits from this. 2. It will act as a common research tool. In the past we have never seen BYU, Utah State University and University of Utah work together on any one project. This SRERC is looking like it will be a tool that all three of our major Universities in the state, along with any other interested university, will be able to work together and use this for research on energy. This will be a publicly owned facility so it will be open to anyone. Learning institutions can do work there, and private companies can pay our workers there to do research for them. We are working on agreements that will allow us to work with UofU on doing research into making carbon fiber from coal. This will help us to continue to utilize the coal we produce in our area. It will give everyone in the state, country and world a cheaper supply of fiber that we can create here at the SRERC. The SRERC will help to prove and perfect the use of molten salt and thorium power. If we can prove the thorium generation it will benefit the entire world with a safer way to generate nuclear power that can be generated 24 hours per day 365 days per year. Commissioner Sitterud also states that the United States uses over 17 million medical isotopes per year in imaging, looking for cancer in the human body. Previously all the medical isotopes we were using were being produced in Canada. The plant in Canada is currently shut down, and majority of our isotopes are now coming from the Netherlands. The plant in the Netherlands is making plans to shut down as well. December 2012 Congress passed legislation regarding the harvesting of medical isotopes. This Act said that the US was to develop a domestic supply of medical isotopes so that we were not dependant on someone else. As of now the Country has not been able to do this. The SRERC can act as an important tool to learn how to harvest medical isotopes domestically, hopefully right here in Emery County. Commissioner Gil Conover mentioned that in the Coal Research side of the SRERC the coal furnace we have at the SRERC is one of only two in the world. We have had a lot of interest in using this furnace to test different types of fuels. It is a great tool that we have right here in Emery County.

Motion to leave public hearing and return to the regular meeting made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

- (2) **DISCUSS/APPROVE/DENY TRANSFERRING THE CIB REQUEST FOR FUNDS FOR THE SAN RAFAEL ENERGY RESEARCH CENTER INTO EMERY COUNTY'S NAME, AS WELL AS APPROVING THE POSSIBILITY OF TAKING A PORTION OF THE FUNDING AS A LOAN NOT TO EXCEED THE INCOME OF THE COMMUNITY REINVESTMENT PROJECT AREA INCOME.**

Commissioner Gil Conover made a motion to approve transferring the application solely into Emery County's name rather than partnering with Seven County, seconded by Commissioner Kent Wilson. The motion passed.

- (3) **PRESENTATION ON THE RETIREMENT OF K9 DEPUTY MURPHY AFTER 8 YEARS OF SERVICE TO EMERY COUNTY.**

Sheriff Funk explained that it is somber day because not only are they losing Deputy K9 Murphy, they are going to be losing Deputy Blake Gardner next week as he retires after 40 years of service to Emery County. Blake started the dog program in Emery County back in 1992 or 1993. He taught the K9 classes at POST. He is known throughout the State of Utah in the K9 department. After 8 years Murphy will be retiring and Sheriff would like to give Murphy to Blake and his family to keep. He thanks Deputy Gardner for his service and recommends that we retire K9 Deputy Murphy and transfer ownership of Murphy to Deputy Gardner.

- (4) **DISCUSS/APPROVE/DENY TRANSFERRING OWNERSHIP OF K9 DEPTUY MURPHY TO DEPUTY BLAKE GARDNER.**

Commissioner Sitterud explained that when retiring a K9 Deputy there are generally two options, have the K9 euthanized, or transfer ownership to the handler. Attorney Mike Olsen states that this is not the usual disposition that they generally do. He feels it is very important to recognize the service provided by both Deputy Gardner and K9 Deputy Murphy. Commissioner Conover stated there is a lot to be said about the work the officers do. It can be thankless and it always under scrutiny, yet we beg them to stand in front of us and protect us when there is trouble. A K9 Deputy is not only a family member to the handler, but has also been there protecting us as a law enforcement officer as well. He feels this is a great opportunity to show our appreciation for the work that Deputy Gardner has done. Commissioner Wilson mentioned that about 60 days ago at his convenience store he has had customers come in a leave money and ask the clerks to save it for when a police

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SPECIAL COMMISSION MEETING  
SEPTEMBER 25, 2020

officer come in and pay for whatever they are purchasing. He hopes that it lets deputies know that in Emery County we appreciate the sacrifices that our deputies make.

Commissioner Gil Conover made the motion to transfer ownership of K9 Deputy Murphy to Deputy Blake Gardner, seconded by Commissioner Kent Wilson, motion was passed.

(5) **ADJOURN.**

**ATTEST:** \_\_\_\_\_ **COMMISSIONER:** \_\_\_\_\_

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

OCTOBER 6, 2020

Due to restrictions in place during the COVID-19 Pandemic this meeting was offered electronically. Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Gil Conover, Deputy Clerk/Auditor Carol Cox, elected officials and citizens. Commissioner Kent Wilson was attending meetings in Cedar City and attended this meeting electronically. In the event that he has to leave the meeting Commission Chairman Lynn Sitterud will step down to execute motions as needed. Attorney Mike Olsen attended the meeting electronically.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 255934 through and including # 256063 was presented for payment.

Requisitions were presented for the following:

REQUISITION	DESCRIPTION	AMOUNT
56-20	Power Cots & Loading system Ambulance	\$186,825.24
57-20	Trailer(Trail Cat/Trails) Travel Bureau	7,750.00
58-20	Ballot Opener Election	1,314.50

There was one disposition for K9 Officer Murphy (retired)

(2)

APPROVAL OF THE SEPTEMBER 15, 2020 COMMISSION MEETING.

(3)

APPROVAL OF THE SEPTEMBER 22, SPECIAL COMMISSION MEETING

(4)

APPROVAL OF THE SEPTEMBER 25, SPECIAL COMMISSION MEETING.

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COMMISSION MEETING MINUTES  
OCTOBER 6, 2020

(5)

APPROVAL TO GIVE LANE GARDNER A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A CORRECTION OFFICER I. EFFECTIVE 10-18-20.

(6)

APPROVAL TO PROMOTE MICHAEL VAN WAGONER FROM PATROL DEPUTY I TO PATROL DEPUTY II FOR 3 CONSECUTIVE YEARS ON THE ROAD. MOVE FROM GRADE 16 TO GRADE 17. EFFECTIVE 10-18-20.

(7)

APPROVAL OF CONFLICT OF INTEREST FORM FROM LAND GARDNER. WORKING A SECONDARY JOB FOR ELEMENTS WILDERNESS.

(8)

APPROVAL TO GIVE MIKE GRANGE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A PATROL DEPUTY II. EFFECTIVE 10-18-20.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, Seconded by Commissioner Lynn Sitterud, and the motion passed.

**DISCUSSION AGENDA**

(1)

ITEMS PULLED FOR THE CONSENT AGENDA.

(2)

PUBLIC COMMENT (3 MINUTES TIME LIMIT)

(3)

RATIFICATION OF FEDERAL FY 2019 JUSTICE ASSISTANCE GRANT (JAG) BLOCK GRANT.

Captain Kyle Ekker explained that the JAG Block Grant will be used to purchase additional portable radios for emergency management. Commissioner Gil Conover made a motion to ratify approval of Federal FY 2019 Justice Assistance Grant (JAG) Block Grant. The motion was seconded by Commissioner Kent Wilson. The motion passed.

COMMISSION MEETING MINUTES  
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(4)

NOTIFICATION RFP FOR PUBLIC LANDS CONSULTANT WILL BE AWARDED TO RAY PETERSEN.

Two Request for Proposals were submitted for the Public Lands Consultant. However, only the proposal from Ray Peterson was a qualifying bid. Commissioner Kent Wilson made a motion to accept the bid proposal from Ray Petersen and ask that County Attorney Mike Olsen draft the contract to include language from the RFP and include standard language to begin service on October 15, 2020 and that the contract stipulate two payments to Mr. Petersen, one after January 1, 2021 and the other at the end of the contract after 6 months. The motion was seconded by Commissioner Gil Conover. The motion passed

(5)

OPEN AND AWARD SCRAP METAL BIDS.

Bids were opened and read aloud for Scrap Metal bids at the Landfill.

Western Metals bid \$96.00 per ton

Stevenson Metals bid \$52.00 per ton

Commissioner Gil Conover made a motion to accept the bids and after review to award the bid to the highest bidder. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY MOBILE HOME TAX WRITE OFF FOR JAMES HOFSTETTER, JIM CORDOVA AND ALBERT MATHENA.

Assessor Kris Bell explained that three mobile home owners have not paid their taxes that were due on January 31st. She requested writing off the taxes as they are unable to collect. James Hofstetter who is deceased, \$40.22, Jim Cordova who was kicked out and has left the area, \$50.86, and Albert Mathena who is deceased, \$81.96. Commissioner Gil Conover made a motion to approve the request to write off the taxes for James Hofstetter, Jim Cordova, and Albert Mathena. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY ATTACHING DELINQUENT MOBILE HOME TAXES TO THE REAL PROPERTY IN KIM EARL'S TRAILER HAVEN IN HUNTINGTON.

Kris Bell explained that there are 6 trailers that have taxes due and has been in litigation as to who owns the trailers. She suggested attaching the delinquent mobile home taxes to the real property in Kim Earl's Trailer Haven in Huntington. Attorney Mike Olsen indicated that this trailer court has been the subject of litigation for some time now. He is hopeful that in doing this in the next five years the county may get a fair share of the taxes owed. Commissioner Gil

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Conover made a motion to approve attaching delinquent mobile home taxes to the real property in Kim Earl's Trailer Haven in Huntington. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY REMOVING ACCUMULATING INTEREST ON  
DELINQUENT MOBILE HOME TAXES IN KIM EARL'S TRAILER HAVEN.

Kris Bell requested approval to remove accumulating interest on delinquent mobile home taxes in Kim Earl's trailer Haven. The accumulated interest is \$8.30. Commissioner Gil Conover made a motion to approve removing the accumulated interest on delinquent mobile home taxes in the amount of \$8.30 as requested. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY EXEMPTION FOR PERSONAL PROPERTY FOR  
BUSINESSES.

Commissioner Gil Conover made a motion to approve the personal property exemptions for businesses in Emery County that meet the qualifications for exemption. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY RESOLUTION TO APPOINT MAY HUNTINGTON AS THE  
EMERY COUNTY REPRESENTATIVE AND MIKE OLSEN AS THE ALTERNATE  
REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL  
MEMBERSHIP MEETING.

Commissioner Kent Wilson made a motion to approve Resolution 10-06-20 appointing Mary Huntington as the Emery County representative and Mike Olsen as the alternate representative for the Utah Counties Indemnity Pool Annual Membership Meeting. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY THE ANNUAL WELLNESS CLINIC WITH EMERY



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MEDICAL CENTER TO BE HELD OCTOBER 28-29 IN CASTLE DALE AND OCTOBER 30  
IN GREEN RIVER.

Personnel Director Mary Huntington requested approval for the Annual Wellness Clinic with Emery Medical Center to be held October 28-29 in Castle Dale and October 30 in Green River. Due to COVID there will be restrictions in place. Employees will need to make an appointment and are encouraged to schedule their spouse in the same time slot. Masks and social distancing will be mandatory. Flu Immunizations will be covered at 100% for the full time employee under preventive care. Spouses/dependents will be billed to PEHP with a co-pay of \$10.00. Blood draws for screening will be covered by Emery County at \$200.00 per employee. Spouse/dependents blood work will be billed to PEHP and there will be a 20% co pay after deductible is met. Follow-up visits will be billed to PEHP under annual preventative care and paid at 100%. Part time employees and EMT's immunization will be paid by Emery County. Commissioner Gil Conover made a motion to approve of the Annual Wellness Clinic with Emery Medical Center as proposed. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY GIVING FULL TIME EMPLOYEES WHO PARTICIPATE IN  
THE WHOLE WELLNESS CLINIC 4 HOURS OF VACATION ACCRUAL.

Mary Huntington requested approval to give full time employees who participate in the Whole Wellness Clinic 4 hours of vacation accrual as an incentive to participate in the program. Commissioner Gil Conover made a motion to approve 4 hours of vacation accrual to full time employees who participate in the Whole Wellness Clinic. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(13)

COMMISSION/ELECTED OFFICIALS REPORTS.

Captain Ekker talked about Local Emergency Planning plans to educate the public of the dangers of Trick or Treating and the importance of inspecting candy and treats that are given out to kids during Halloween.

Commissioner Sitterud reported that the Commissioners held a public hearing a week ago to receive input on Emery County transferring ownership of the Research Center from the Seven County Infrastructure Coalition to Emery County. Emery County recently presented to CIB a request for funding for the Research Center and was successful in receiving \$7million in grant and \$491,000.00 in low interest loan (.5%) for thirty years. The payment for the loan will be made from revenue generated from the solar farms in the county without putting stress on the County budget. This is a big win for the County and the Research Center..

6  
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(14)  
ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Lynn Sitterud, and the motion passed.

ATTEST \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS  
HELD AT THE EMERY COUNTY COURTHOUSE**

**NOVEMBER 17, 2020**

Due to restrictions in place during the COVID-19 Pandemic, this meeting was offered electronically.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

**CONSENT AGENDA**

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 256223 through and including # 256366 was presented for payment.

Requisitions were presented for the following:

REQUISITION	DESCRIPTION	AMOUNT
59-20	Twin Recovery Unit Landfill	\$699.00
60-20	38' Flatbed Trailer Weed/Mosquito	\$24,720.00
61-20	(7) Air Compressors Road Shop	\$6,898.50

There were no dispositions.

(2)

APPROVAL OF THE OCTOBER 20, 2020 COMMISSION MEETING MINUTES.

(3)

NOTIFICATION: SELECTED JANESEA MANN AS A 10-12 HOUR PER WEEK JUSTICE COURT CLERK. WAGE GRADE 13.

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(4)

NOTIFICATION: SELECTED DANI JO THATCHER AS A 10 HOUR PER WEEK TEMPORARY OFFICE ASSISTANT IN THE TREASURER'S OFFICE DURING THE MONTH OF NOVEMBER. WAGE \$9.50 PER HOUR.

(5)

APPROVAL TO HIRE JAMES WEAVER AS A RESERVE OFFICER IN THE JAIL. WAGE \$14.00 PER HOUR.

(6)

NOTIFICATION: SELECTED SYDNEY CARTER AS A PART TIME LIFEGUARD WORKING UP TO 19 3/4 HOUR PER WEEK. WAGE GRADE 3.

(7)

NOTIFICATION: SELECTED ELIZABETH CARTER AS A PART TIME JANITOR FORT THE CASTLE DALE LIBRARY. WORKING 6 HOURS PER WEEK. WAGE GRADE 6.

(8)

APPROVAL TO APPOINT STONEY JENSEN, SETH GARDNER, MANDIE BENNETT, CHRISTINE MANNING AND SCOTT RYAN TO THE EMERY EMERGENCY MEDICAL SPECIAL SERVICE DISTRICT BOARD.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

## **DISCUSSION AGENDA**

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

Commissioner Kent Wilson invited the Captains from the three local posts in Emery County, R. Mack Huntington, Ray Quinn and Clifford Snow to attend today's meeting. He explained that due to COVID the County was not able to pay tribute to our Veterans this year. He invited everyone to view a video that has been produced by Emery County's Event Planner, Amanda Leonard. The video highlights the importance of remembering and honoring our veterans and the freedoms that we enjoy due to their sacrifice on our behalf as well as honoring the flag of the United States of America and what it means to us as citizens of the USA. The Commissioners each expressed their appreciation to Veterans, and all heroes from the Sheriff Deputies to first

responders that we look to for examples. Each of the Veterans expressed their appreciation to the Commissioners and Amanda for the special video. They also thanked past Commissioners who were instrumental in getting the Veteran Monument in place. The Monument honors all local Veterans. Each of the posts will receive a digital copy of the video.

(3)

SAFETY MINUTE PRESENTATION BY DAVID AMES, LANDFILL CREW LEAD.

David Ames provided useful guidelines for reducing accidents when visiting the Landfill.

(4)

AWARDING OF THE SAFETY VISA GIFT CARDS.

Full time employee: Dennis Fuller  
Part time employee: Maegan Crosland  
Safety Sensitive employees: Eric Nielsen and Coby Hunt

Emery County employees have gone 742 consecutive days without a loss time workers compensation incident. Congratulations!

(5)

RATIFICATION OF APPROVAL OF EMERY COUNTY SHERIFF'S OFFICE  
APPLICATION FOR JUSTICE ASSISTANCE GRANT 18A50 FOR THE EMERY COUNTY  
JAIL RISK AND NEEDS SCREENING DIAGNOSIS AND ASSESSMENT PROGRAM.

Captain Kyle Ekker explained that Emery County Sheriff's Office has participated in the Jail Risk and Needs Screening Diagnosis and Assessment Program for three years and would like to keep it going. The application was due by October 1st so it was signed by the Commissioners and forwarded to the State. Commissioner Gil Conover made a motion to ratify the signing of Emery County Sheriff's Office application for Justice Assistance Grant 18A50. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

RATIFICATION OF APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND  
LOWELL MORRIS, PA-C, REGARDING THE EMERY COUNTY JAIL RISK AND NEEDS  
SCREENING DIAGNOSIS AND ASSESSMENT PROGRAM.

Commissioner Gil Conover made a motion to ratify the signing of an agreement between Emery County and Lowell Morris, PA-C, for the Emery County Jail Risk and Needs Screening Diagnosis and Assessment program. The motion was seconded by Commissioner Kent Wilson. The motion passed.

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(7)

RATIFICATION OF APPROVAL OF AGREEMENT BETWEEN EMERY COUNTY AND DALEN JOHNSON, NP, REGARDING THE EMERY COUNTY JAIL RISK AND NEEDS SCREENING DIAGNOSIS AND ASSESSMENT PROGRAM.

Commissioner Kent Wilson made a motion to ratify the signing of an agreement between Emery County and Dalen Johnson, NP for the Emery County Jail Risk and Needs Screening Diagnosis and Assessment program. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

RATIFICATION OF APPROVAL OF EMERY COUNTY'S COMMENTS TO BLM REGARDING THE FEDERAL LIVESTOCK GRAZING REGULATION.

Commissioner Kent Wilson made a motion to ratify the submitting of Emery County's comments to BLM regarding the Federal Livestock Grazing Regulation. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY ACCEPTANCE OF AWARD OF THE STATE HOMELAND SECURITY GRANT PROGRAM.

Captain Kyle Ekker explained that this is an ongoing grant that comes through FEMA. The funds are split between Carbon and Emery Counties to be used for training exercises for Emergency Management. Commissioner Kent Wilson made a motion to accept the award of the State of Homeland Security Grant program. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY COOPERATIVE LAW ENFORCEMENT AGREEMENT BETWEEN COUNTY OF EMERY AND THE USDA, FOREST SERVICE MANTI-LAS SAL NATIONAL FOREST, TOGETHER WITH THE FY 2021 ANNUAL OPERATING AND FINANCIAL PLAN.

Sheriff Funk explained that this is an ongoing agreement between Emery County and Manti-LaSal National Forest Service to provide \$5,000.00 to the SO to assist in patrolling the Forest. Commissioner Gil Conover made a motion to approve a Cooperative Agreement between County of Emery and the USDA, Forest Service Manti-LaSal National Forest, together with the FY 2021 Annual Operating and Financial Plan. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY AMENDMENTS TO THE FY2021 EMERY COUNTY CIB PROJECT LIST.

Commissioner Wilson explained that Emery County is required yearly to project on the Association of Governments project list. This year Emery County has two projects to add to the list. The first is the \$7 million that LBA received for the Energy Research Center. The other project is the new AOG building that they will pursue in the December CIB meeting. Commissioner Kent Wilson made a motion to add these two projects to the FY2021 CIB Project list. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY AGREEMENT BETWEEN EMERY COUNTY AND WAYNE PAHL TO STAFF THE EMERY COUNTY TRAVEL BUREAU BOOTH AT THE QUARTZSITE ARIZONA RV SHOW FROM JANUARY 16, 2021 THROUGH JANUARY 24, 2021.

Commissioner Wilson explained that yearly the Commission approves someone to staff the Quartzsite Arizona RV Show in January. For the last few years the Commission has approved Gary Kofford for this. This year the Travel Bureau has been working with Wayne Pahl to execute a contract to attend the show. Commissioner Wilson, in conversations with the Travel Bureau, has asked that they consider some things. They need to analyze two things. With COVID there is a chance there will be half as many attend the RV show because people are going to be afraid of large gatherings. The second thing is that for the last two years they have sent the same brochures. At some point the information needs to be updated. He asked that they analyze these things before they negotiate a contract. In the past we have supplied \$3,600.00 to execute the contract. \$3,000.00 for the event and \$600.00 to haul the brochures. Commissioner Wilson expressed concern that if we spend the money that we will get it back if the show is cancelled, addressed questions related to COVID and make sure we will have the same opportunity to advertise Emery County. Commissioner Wilson made a motion to approve an agreement with Wayne Pahl to staff the Emery County Travel Council Booth at the Quartzsite Arizona RV Show in January 2021. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

APPROVAL TO PAY HAZARD WAGES TO FIRST RESPONDERS OUT OF CARES ACT FUNDS.

Commissioner Wilson explained that through the CARES ACT, it allows the County to compensate our first responders with hazard pay. With the Sheriff, we have decided upon \$2,000.00 in hazard pay for every one that works at the Sheriff's Office. Back at the beginning of all this, we closed down the offices for a time, but that was not an option for the Sheriff's Office and EMS. For the EMT's, he proposed splitting them into three areas. EMT's with 1,000 hours and under of on- call time will receive \$100.00 in hazard pay, EMT's with between

1,000 hours to 2,000 hours will receive \$250.00, and over 2,000 hours will receive \$500.00. The reason for the lower amount for EMS is because they are not full time employees.

Commissioner Kent Wilson made a motion to approve paying hazard pay as indicated to First Responders out of CARES ACT Funds. The motion was seconded by Commissioner Gil Conover. The motion passed.

(14)

DISCUSS/APPROVE/DENY THE RECOMMENDATION FROM EMERY COUNTY CED BOARD REGARDING THE RFP FOR THE SAN RAFAEL ENERGY RESEARCH CENTER PROJECT CONSULTANT.

Commissioner Sitterud explained that as the County first started the Research Center, it began as a molten salt nuclear research facility. It then evolved into an energy wide research center where we could research all different kinds of energy. With the help of a couple of Universities, the county was able to purchase a L1500 Combustion Analyzer from U of U. This allowed us to set up part of our research center to research coal combustion and analyze pollutants and BTU's and the different characteristics of burning coal under different scenarios, trying to prove new cleaner ways to burn coal to keep our power plants working more into the future. We had no one with a strong background for running this type of a program. We advertised a RFP for a couple of weeks in different places for someone with the background to be able to come in and run this program, to run the tests and talk to companies and people around the country to bring more testing into the research center. The County received an application from a professor from BYU. He will stay at BYU, but is willing to work for the County on the side. His name is Dr. Andrew Fry and has all of the background and met all the criteria that was spelled out in the invitation to bid. They had a CED board meeting where the RFP was reviewed and after the meeting agreed to send the item to the Commission Meeting for action to negotiate a contract with Dr. Fry to be a consultant for the Energy Research Center. Commissioner Gil Conover made a motion to negotiate a contract with Dr. Fry for the L1500 portion of the Energy Research Center. Commissioner Wilson seconded the motion and commented that Emery County put together a grant application with the State of Utah and received \$95,000.00 to find someone to promote the L1500 in the academic and business world to generate business for this machine. We put out the RFP, but in the RFP there were no perimeters for what that contract should look like. So we want to enter into negotiations with Dr. Fry to see what that looks like. The CED board wants to get the word out that Emery County is a good place to work from remotely. The board wants to produce a YouTube video to get that word out. The motion passed.

Commissioner Gil Conover made a motion to leave the regular meeting and enter into an Executive Session and upon the end of Executive Session return to the Regular meeting. The motion was seconded by Commissioner Kent Wilson.

(15)



DISCUSS/APPROVE/DENY ENTERING INTO EXECUTIVE SESSION TO DISCUSS  
PENDING OR REASONABLY IMMINENT LITIGATION REGARDING THE  
PROCEEDINGS WITH LONGSTREET.

Present at the Executive Session was Commissioner Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Sheriff Greg Funk, Deputy Clerk/Auditor Carol Cox.

(16)

DISCUSS/APPROVE/DENY ACTIONS PERTAINING TO DISCUSSION REGARDING  
LONGSTREET.

Upon returning to regular meeting Mike Olsen explained that in conversations with the current owner's lawyer who indicated to him that he could recognize that the County has a ROW up to the bus turnaround, but no further. He further made mention that potentially there is a locked gate, somewhere. The County at one point had an open meeting regarding whether or not to abandon this portion of Longstreet that is in question. This room was filled with concerned citizens who objected to the idea of Emery County abandoning that road. Since then he has not heard any complaints. Until, when he received word that potentially there is a locked gate along the ROW. Mr. Olsen suggested to the Commission that they send someone from the Road Department or the Sheriff's Office to check and see if there is a locked gate. He further suggested that the Commission pursue any and all avenues to keep this road open. There is a variety of interest in keeping this road open. This is a very special place to people of Emery County, especially Green River citizens. Depending on what they find when investigated then we may have to have further meetings regarding Longstreet. Mr. Olsen suggested that the Commission should explore all legal avenues to keep the road open. Commissioner Kent Wilson made a motion to approach the State of Utah, educate them on the situation that is happening in Green River, that the public is being denied access to a public road, and have discussions with the State of Utah on the best way for Emery County to proceed. The motion was seconded by Commissioner Gil Conover. The motion passed.

(17)

COMMISSION/ELECTED OFFICIALS REPORTS.

Sheriff Funk thanked the Commissioners for making good on what they talked about earlier in the year. This is something that the Federal Government set up in their guidelines to be able to take advantage of the ability for deputies to be compensated for time off due to COVID. They do not get the same benefits as the other employees. If they get COVID and have to stay home for two weeks they cannot be compensated with COVID funds, they have to use their sick time.

Larry Ellertson, provided a brief update on what Congressman John Curtis has been doing.

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(18)  
ADJOURN

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

DECEMBER 15, 2020

**DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.**

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

**CONSENT AGENDA**

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 256478 through and including # 256592 was presented for payment.

There was one emergency requisition from the Library Department for a replacement heater and air conditioner at the Huntington Library, (\$6,000.00)

(2)  
APPROVAL OF THE NOVEMBER 17, 2020 COMMISSION MEETING MINUTES.

(3)  
APPROVAL OF MINUTES FOR THE CANVASS OF ELECTION HELD ON NOVEMBER 17, 2020 FOR THE NOVEMBER 3, 2020 GENERAL PRESIDENTIAL ELECTION

(4)  
APPROVAL TO RE-APPOINT KATHY K. REEVES TO THE SEUHD BOARD.

(5)  
APPROVAL TO RE-APPOINT ROD PLAYER AND LEON MCELPRANG TO THE EMERY COUNTY PUBLIC LANDS COUNCIL BOARD TO EACH SERVE AN ADDITIONAL FOUR (4) YEAR TERM.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

**DISCUSSION AGENDA**

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

(2)  
PUBLIC COMMENT (3 MINUTE TIME LIMIT)

(3)  
SAFETY MINUTE PRESENTATION BY KAYLEE VAN WAGONER AND ARIAUNA  
DOWNARD FROM THE AQUATIC CENTER.

Ariauna Downard provided pool safety tips.

(4)  
AWARDING OF THE SAFETY VISA GIFT CARDS.

Due to the diligence of County Employees in working safe and no loss time accidents for 770 days, Commissioner Sitterud drew 15 names to receive a \$100.00 VISA gift card.

Part-time employees: Diana Hayward, Rayola Phnister

Full-time employees: Roxanne Jensen, Marian George, Adriana Chimaras, Desiree Malley, Vanessa Justesen

Safety Sensitive Employees: Jorgen Allred, Gary Price, Mitch Vetere, David Ames, Les Reese, Brock Winn, Clive Gordon, Seth Baantjer.

Motion to leave the regular meeting and enter into a Public Hearing was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

PUBLIC HEARING #2 AT 6:00 P.M. COMMISSION MEETING WILL BE TEMPORARILY  
CLOSED TO HOLD A PUBLIC HEARING ON THE FOLLOWING ITEMS:

2A. Public Hearing to receive public comment concerning opening and amending of the FY 2020 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Funds, Local Building Authority and Castle Valley Special Service District.

Brenda Tuttle presented the amended FY 2020 budget for Emery County General Fund, Special Revenue Funds, Capital Projects Funds, and Local Building Authority of Emery County. The Amended 2020 budget reflected unexpected tax revenue from new growth in the County, CARES Act funds, and a decrease in insurance premiums.

Jacob Sharp presented the amended FY 2020 budget for Castle Valley Special Service District's

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General Fund, Capital Projects Fund, and Debt Service Fund.

2B. Public Hearing to receive public comment regarding the proposed FY 2021 budgets for the Emery County General Fund, Special Revenue Funds, Capital Projects Fund, Local Building Authority and Castle Valley Special Service District as well as the proposed judgement levy. Emery County's Proposed 2021 budget includes a 3% cost of living increase and wage adjustments for County Employees and Elected Officials.

Brenda Tuttle presented the FY 2021 Budget for Emery County General Fund, Special Revenue Funds, Capital Projects Fund, Local Building Authority of Emery County. The Commissioners have met with all the departments to determine their needs for 2021. The budget reflects a \$113,088.00 Judgement Levy payment from PacifiCorp. It reflects an increase in property tax revenue and sales tax revenue. The budget also reflects a 3% COLA increase for all employees except EMS.

(5)

DISCUSS/APPROVE/DENY AMENDED 2020 BUDGET FOR EMERY COUNTY.

Motion to approve Resolution 12-15-20A approving the Amended FY 2020 Budget for Emery County was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/DENY AMENDED 2020 BUDGET FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Motion to approve Resolution 12-25-20B approving the Amended FY 2020 Budget of Castle Valley Special Service District was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

(7)

DISCUSS/APPROVE/DENY 2021 EMERY COUNTY BUDGET.

Motion to approve Resolution 12-25-20C approving the FY2021 Adopted budget for Emery County was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

(8)

DISCUSS/APPROVE/DENY 2021 CASTLE VALLEY SPECIAL SERVICE DISTRICT

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BUDGET.

Motion to approve Resolution 12-15-20D approving the FY2021 Adopted budget of Castle Valley Special Service District was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(9)

DISCUSS/APPROVE/DENY 2021 MEETING SCHEDULE.

Motion to approve the 2021 Commission Meeting Schedule was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(10)

DISCUSS/APPROVE/DENY 2021 HOLIDAY SCHEDULE.

Motion to approve the 2021 Holiday Schedule was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

(11)

RATIFICATION OF APPROVAL OF BUSINESS LICENSE FOR GENTRY MOUNTAIN MINING, LLC.

Motion to ratify approval of a business license for Gentry Mountain Mining, LLC ( was Castle Valley Mining) was made Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

(12)

RATIFICATION OF APPROVAL FOR SUPPORT REGARDING GRANTING THE STATE OF UTAH INTERVENING STATUS ON THE GOOD WATER RIM TRAIL.

Jim Jennings, Public Lands Director explained that the Good Water Rim Trail is a popular mountain biking, hiking and running trail in Emery County near the Wedge Overlook. It has seen an increase in popularity and use. The BLM recently designated the Good Water Rim Trail and has invested a large amount of money in the trail system that included trail maintenance signage, and installation of pit toilets. In the decision the BLM designated the Good Water Rim Trail for hiking, running, equestrian use, mountain biking, including class one e-bikes, and other recreational uses. The Southern Utah Wilderness Alliance has appealed from an August 24, 2020 decision issued by the Field Manager of the Price Field office with the BLM. On November 20, 2020 the State of Utah and Emery County timely moved to intervene in this appeal. On November 27, 2020 the Internal Board Of Land Appeals granted a motion for the State of Utah and Emery County to have intervening status in the case between the SUWA and BLM. Because of the deadline to get the documentation submitted, the State intervened on behalf of Emery

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County and submitted the needed paperwork. We feel that it is in the best interest of the County to support the BLM's decision on designation of the Good Water Rim Trail. We recognize its recreational value for citizens of Emery County and the value of having people from outside the area come and recreate, which assists in economic activity to small businesses in the County. We feel it is in our best interest to have the State represent Emery County in the appeals process. We want to make the public aware of the appeal and of the County's interest in intervening in the appeals process to protect the interest of Emery County. We also want to make sure it is the desire of the County to move forward with the process. We need to ratify the decision to have the State start the process. An engagement of that decision was time sensitive and needed to be submitted before this Commission Meeting.

Motion to ratify the signing of a pledge of support regarding granting the State of Utah intervening status on the Good Water Rim Trail was made by Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(13)

DISCUSS/APPROVE/DENY AMENDMENT TO THE EMERY COUNTY CARE AND REHABILITATION ND NSGO UPL AMENDMENT 2.

Commissioner Conover explained that Emery County is the governmental agency that holds the license for the Emery County Care and Rehabilitation Center. Traditions Healthcare manages the facility. This amendment to the Emery County Care and Rehabilitation ND NSGO UPL is the pass through program with the Utah Department of Health, Upper Payment Limit program. This goes into effect in January 2021 and assists the Center in continuing to operate. Attorney Mike Olsen has reviewed the document and commented that this is a good thing for the County to assist in providing good care at the Center. Commissioner Gil Conover made a motion to approve the Amendment to the Emery County Care and Rehabilitation ND NSGO UPL Amendment 2. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY 2021 COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION SERVICES.

Christine Jensen and Rowe Zwahlen provided an overview of activity from this past year. They presented the Commissioners with the 2021 Cooperative Agreement for Utah State University Extension Services. Commissioner Gil Conover made a motion to approve the 2021 Cooperative Agreement for Utah State University Extension Services. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

DISCUSS/APPROVE/DENY RESOLUTION FOR MINERAL LEASE DISBURSEMENTS FOR 2021.

COMMISSION MEETING MINUTES  
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Commissioner Kent Wilson discussed possibly letting the current Resolution carry forward for another year. The current distribution meets the needs of the Districts. Commissioner Kent Wilson made a motion to let the current Resolution stand and carry forward the distribution outlined in the current resolution to 2021, upon review from Attorney Mike Olsen. The motion was seconded by Commissioner Gil Conover. The motion passed.

(16)

DISCUSS/APPROVE/DENY ACCEPTANCE OF WARD OF UTAH DEPARTMENT OF PUBLIC SAFETY DIVISION OF EMERGENCY MANAGEMENT FY 2020 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)

Captain Kyle Ekker explained that the EMP Grant is a yearly grant that the SO Department has applied for fifteen years. The grant pays for emergency operations/management training. The amount is different each year. This grant is for \$39,100.00. Commissioner Gil Conover made a motion to approve the Utah Department of Public Safety Division to Emergency Management FY 2020 Emergency Management Performance Grant (EMPG). The motion was seconded by Commissioner Kent Wilson. The motion passed.

(17)

DISCUSS/APPROVE/DENY JOHANSEN & TUTTLE ENGINEERING CHANGE ORDER 11-25-20 ON THE COTTONWOOD CREEK PL566 WATERSHED PROJECT-PLAN-EA PREPARATION.

Motion to approve Change Order 11-25-20 on the Cottonwood Creek PL566 Watershed project-plan-EA Preparation was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(18)

DISCUSS/APPROVE/DENY PERCO ROCK CHANGE ORDER #1 ON THE MILL FORK CANYON PORTION OF THE TRAIL MTN FIRE EWP PROJECT.

Motion to approve Perco Rock Change Order #1 on the Mill Fork Canyon portion for the Trail Mountain Fire EWP Project was made by Commissioner Kent Wilson, second by Commissioner Gil Conover, and the motion passed.

(19)

DISCUSS/APPROVE/DENY CONTRACT(S) WITH CODALE REGARDING LIGHTING WORK TO BE DONE AT THE AIRPORT, WEED AND MOSQUITO, LANDFILL, ROAD, COURTS, JAIL, COURTHOUSE UPSTAIRS, GREEN RIVER SUBSTATION AND ALL



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SENIOR CENTERS.

The contract with Codale will be 60% grant and the County will pay 40%. Jeff Guymon urged the Commissioners to approve adding that the County could recoup the County's 40% participation amount in a year's time. Attorney Mike Olsen asked for time to look the contract over and determine statements regarding insurance and hold harmless agreement.

Commissioner Kent Wilson made a motion to approve entering into a contract with Codale regarding lighting work to be done at various County facilities subject to document wording approved by Attorney Mike Olsen. The motion was seconded by Commissioner Gil Conover. The motion passed.

(20)

DISCUSS/APPROVE/DENY INDEPENDENT CONTRACTOR AGREEMENT WITH ANDREW FRY AND EMERY COUNTY TO PROMOTE AND DEVELOP THE EMERY COUNTY RESEARCH FACILITY.

Commissioner Sitterud explained that advertising went out for a RFQ for an Independent contractor to promote and develop the San Rafael Energy Research Center. The Commission received one proposal from Professor Andrew Fry. The County Attorney has drafted a proposed contract for Mr. Fry that he has approved and we will consider today. Commissioner Wilson explained that Emery County applied for a \$95,000 grant through the Governor's Office of Economic Development. A small component of the grant is to promote Emery County as a good location from which to work remotely. Another big component is the L1500 at the Research Center. The Economic Development Board felt it was important to go out and educate universities and businesses that are in the coal world to do research. One contract has already been executed from a company in England, a company called DRAX for \$70,000 for a week's worth of work. We are hoping to have more contracts through 2021. Another is a grant through BYU called Coal First that will bring the Emery County Research Center part of that is between \$800,000 and \$900,000. That will keep the research facility busy for the next year and a half. We, as Commissioners, do not have the expertise in this field, so we have to go out and find those who are respected in this industry to promote our L1500 plus help us to do the research and perform the test. This contract will get us moving in the right direction. As we go out and do grants there will be a proponent that will be built into them that will pay for their expertise with a profit for Emery County to pay expenses and overhead and pay for our investment. This contract is for \$80,000 and will be paid out in two years. First payment will be due by December 31, 2020, next payment is spring of 2021. The funds are grant money from GOED. Commissioner Wilson thanked Mike Olsen and the Attorney's office for their work on the contract.

Commissioner Conover added that Emery County is in a unique position. The L1500 is one of two in the world. The other one is in Africa. Businesses are wanting to come here to test products using the L1500. Commissioner Wilson stated that we, as Commissioners, know that the power plants are going to go away someday. We are not going to sit back and see what happens. We are going to be proactive in research for clean coal and see what comes from

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doing this. We have been able to do this without using with almost zero cost to Emery County taxpayers. We are excited about this prospect. Commissioner Kent Wilson made a motion to approve an independent contract agreement with Andrew Fry and Emery County to promote and develop the Emery County Research Facility as it has been drawn up by County Attorney Mike Olsen. The motion was seconded by Commissioner Gil Conover. The motion passed.

(21)

DISCUSS/APPROVE/DENY INCREASING THE LIMIT OF COMMISSIONER SITTERUD'S COUNTY CREDIT CARD TO \$6000 IN PREPARATION FOR PURCHASES FOR THE SAN RAFAEL ENERGY RESEARCH CENTER THAT WILL EXCEED THE STANDARD \$2000 LIMIT.

Commissioner Kent Wilson made a motion to approve increasing the limit on Commissioner Sitterud's County Credit Card to \$6,000.00 in preparation for purchases for the San Rafael Energy Research Center that will exceed the standard \$2,000.00 limit. The motion was seconded by Commissioner Gil Conover. The motion passed.

(22)

DISCUSS/APPROVE/DENY EEMS BYLAWS.

Creating by-laws is the last step in setting up the Emery Emergency Management System (EEMS). The by-laws will organize the board's numbers and members and may be amended at any time. Commissioner Wilson suggested approving the by-laws and moving forward with the budget process. Commissioner Kent Wilson made a motion to approve the EEMS by-laws. The motion was seconded by Commissioner Gil Conover. The motion passed.

(23)

DISCUSS/APPROVE/DENY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH (THE "COUNTY"), AUTHORIZING AN ANNUALLY RENEWABLE LEASE AGREEMENT; AUTHORIZING THE ISSUANCE AND SALE BY THE COUNTY'S LOCAL BUILDING AUTHORITY OF ITS \$491,000 LEASE REVENUE BONDS, SERIES 2021; AUTHORIZING THE EXECUTION OF CORRESPONDING MASTER RESOLUTION AND SECURITY DOCUMENTS; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

Commissioner Gil Conover made a motion to approve Resolution 12-25-20E authorizing an annually renewable lease agreement; authorizing the issuance and sale by the County's Local Building Authority of its \$491,000 Lease Revenue Bonds, Series 2021; authorizing the execution of corresponding master resolution and security documents; authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this resolution; and

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related matters. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(24)

COMMISSION/ELECTED OFFICIALS REPORTS.

Sheriff Funk reported that tomorrow will be their annual Shop-w-a-Cop event. This year they will be taking 24 students thanks to the donations from citizens and businesses. He thanked everyone for their support for the program.

Commissioner Wilson talked about the hard year that businesses have experienced this year. He asked that everyone go about and make a difference in our communities.

Commissioner Conover echoed Commissioner Wilson's comments and also ask that if you see someone in need, be the difference and help where needed.

(25)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JANUARY 5, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # through and including # was presented for payment.

Requisitions were presented for the following:

REQUISITION	DESCRIPTION	AMOUNT
1-21	Under Cabinet Water Heater Elmo Library	\$1,225.00
2-21	12 iPads Library 2021 LSTA Grant	\$7,988.00
3-21	Port Unifi Switches IT-Upgrade SO/Courts Network	\$3,961.00

There were no Dispositions.

(2)

APPROVAL OF THE DECEMBER 15, 2020 COMMISSION MEETING MINUTES

(3)

APPROVAL TO GIVE NATALIE HUMPHREY A 3% MERIT INCREASE. EFFECTIVE 1ST PAY PERIOD IN JANUARY.

(4)

APPROVAL TO PROMOTE MAXINE FIELDER TO DEPUTY RECORDER II. GRADE 14 EFFECTIVE 1-11-21

(5)

APPROVAL TO PROMOTE CHARLENE JENSEN TO DEPUTY TREASURER II. GRADE 14 EFFECTIVE 1-11-21

(6)

APPROVAL TO GIVE CAROL COX A 6% MERIT INCREASE. EFFECTIVE 1ST PAY PERIOD IN JANUARY.

(7)

APPROVAL TO GIVE GAYLEEN COX A 6% MERIT INCREASE. EFFECTIVE 1ST PAY PERIOD IN JANUARY.

(8)

APPROVAL TO RECLASSIFY CORRECTION OFFICER I FROM GRADE 15 TO GRADE 16 TO MAKE THIS POSITION THE SAME AS PATROL DEPUTY I. THIS WOULD AFFECT JORGEN ALLRED, MCKLANE ALLRED, LANE GARDNER AND JEREMY LAKE BEING MOVED TO GRADE 16 EFFECTIVE 1ST PAY PERIOD IN JANUARY.

(9)

APPROVAL TO GIVE MARY HUNTINGTON A 3% MERIT INCREASE. EFFECTIVE 1ST PAY PERIOD IN JANUARY.

(10)

APPROVAL TO RECLASSIFY VICTIMS ADVOCATE AND CREATE LEVEL I, II, III. PROMOTE VANESSA JUSTESEN TO VICTIMS ADVOCATE II. MOVE FROM GRADE 15 TO GRADE 16 EFFECTIVE 1-11-21.

(11)

APPROVAL TO GIVE KAYLEE DURRANT A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A LIFEGUARD. EFFECTIVE 1-11-21.

(12)

APPROVAL TO GIVE KAYLEE VAN WAGONER A 3% WAGE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS THE LEAD AQUATIC CENTER OPERATOR. EFFECTIVE 1-11-21.

(13)

APPROVAL TO GIVE LORAIN CLOWARD A 3% WAGE INCREASE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS ASSISTANT LIBRARIAN IN CASTLE DALE . EFFECTIVE 1-11-21.

(14)

APPROVAL TO RECLASSIFY CORRECTION OFFICE II FROM GRADE 16 TO GRADE 17 TO MAKE THIS POSITION THE SAME AS A PATROL DEPUTY II. THIS WOULD AFFECT BRENT WARD AND TOSHA BARNETT BEING MOVED TO GRADE 17 EFFECTIVE 1ST PAY PERIOD IN JANUARY.

(15)

APPROVAL TO APPOINT TREVOR ROWLEY AS THE CLEVELAND REPRESENTATIVE ON THE RECREATION DISTRICT BOARD.

(16)

APPROVAL TO APPOINT KENT WILSON AS THE EMERY COUNTY REPRESENTATIVE FOR UAC.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT ( 3 MINUTE TIME LIMIT).

(3)

PRESENTATION OF YEARS OF SERVICE AWARDS TO EMERY COUNTY EMPLOYEES.

Service Awards were given out as follow:

5 Years- Brenda Lemon and Connie Jensen

10 Years- Keaton Cowley and Molly Barnes

15 Years- Robbie Riley, Kurt Price, Natalie Humphrey, Dustin Deto, Clinton Olsen and Mary Huntington.

20 Years- Mick Robinson, Jeff Guymon and Coby Hunt

25 Years- Kris Bell, Jeanette Bray and Nadine Thompson

30 Years- Roxanne Jensen, Bonnie Day and Brook Smith.

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January 5, 2021

(4)

DISCUSS/APPROVE/DENY LYNN SITTERUD REMAINING COMMISSION CHAIRMAN FOR 2021.

Commissioner Gil Conover made a motion to retain Commissioner Lynn Sitterud as Commission Chairman for 2021. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

DISCUSS/APPROVE/DENY APPOINTING GIL CONOVER AS COMMISSION VICE CHAIRMAN FOR 2021.

Commissioner Kent Wilson made a motion to appoint Commissioner Gil Conover as Commission Vice Chair for 2021. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/DENY COMMISSION RESPONSIBILITIES LIST FOR 2021.

Commissioner Gil Conover made a motion to have the 2021 Commission Responsibility List stay the same as last year. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY INCORPORATING EMS WITH THE MONTHLY AWARDING OF THE SAFETY VISA GIFT CARDS AS LONG AS THEY SATISFY THE RULES.

Personnel Director Mary Huntington proposed a monthly award of safety VISA Gift Cards program for EMT's. EMT's who log 50 to 100 hours with no loss time injuries would be eligible, by drawing, for a \$50.00 VISA Gift Card. EMT's who log 100 plus hours with no loss time injuries would be eligible, by drawing, for a \$100.00 VISA Gift Card. Commissioner Kent Wilson made a motion to approve incorporating EMS with the monthly awarding of the Safety VISA Gift Cards as long as they satisfy the rules. The motion was seconded by Commissioner Gil Conover. The motion passed.

8)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN DELAND & ASSOCIATES, INC AND EMERY COUNTY SHERIFF'S OFFICE FOR DEVELOPMENT OF EMERY COUNTY JAIL POLICY AND PROCEDURE MANUAL.

Sheriff Funk explained that DeLand and Associates, Inc. is nationally renowned for developing jail policy and procedures. The company has worked with other Sheriff's Departments in the state. They have a superb record for writing policy that does not lose cases as long as the policy is followed. The cost for the service is \$13,285.00. Attorney Mike Olsen did some research and found the company to be upstanding and a good thing for Emery County as well

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Commission Meeting Minutes

January 5, 2021

as a good price for the service. Commissioner Kent Wilson made a motion to approve a contract between DeLand & Associates, LLC and Emery County Sheriff's Office for development of Emery County Jail Policy and procedures. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY NATIONAL INSTITUTE FOR JAIL OPERATION (NIJO) AND EMERY COUNTY SHERIFF'S OFFICE FOR POLICY AND PROCEDURE SERVICE SOFTWARE.

Captain Kyle Ekker explained that the National Institute for Jail Operation (NIJO) supplies software that works with policy and procedures to provide data and online training. The cost is \$4,500.00. Commissioner Gil Conover made a motion to approve the National Institute for Jail Operation (NIJO) and Emery County Sheriff's Office for Policy and Procedure Service Software. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY VEHICLE SCHEDULE NO. 2 BETWEEN HORSEPOWER FLEET LEASING, LLC AND EMERY COUNTY FOR LEASE OF OUR FOUR (4) VEHICLES.

Commissioner Kent Wilson made a motion to approve Vehicle Schedule No.2 between Horsepower Fleet Leasing, LLC and Emery County for lease of our four (4) vehicles. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY RESOLUTION EXTENDING RESOLUTION 4-7-20B COVID-19 RELATED LEAVE POLICY.

Emery County passed Resolution 4-7-20B on April 7, 2020 adopting a COVID-19 Related Leave Policy. Emery County employees are still being affected by the pandemic. In an effort to continue to accommodate Emery County employees who are affected by the pandemic and to comply with changes to federal law, Emery County Commission has determined it is in the best interest of Emery County to extend the adopted resolution and COVID-19 Related Leave Policy. Commissioner Kent Wilson made a motion to extend Resolution 4-7-20B COVID-19 Related Leave Policy and remain in effect until March 31, 2021. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

COMMISSION/ELECTED OFFICIALS REPORTS.

Sheriff Funk talked about some incidents that happened recently in the county that exemplify the dedication and professionalism of Emery County Deputies. He will be recognizing these deputies and their service to the communities in a future meeting.



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January 5, 2021

Mike Olsen talked about the tremendous amount of stress that is placed on the Sheriff's Department. They have handled situations professionally and honorably.

Commissioner Kent Wilson talked about the dire situation from the lack of certified EMTs in Green River City. He recounted a recent situation where an ambulance was needed near Green River and there were no available EMTs. An ambulance had to be dispatched from Moab, which is an hour away. He talked about possible solutions to the lack of service in this area.

Federal Delegation representative from Congressman Curtis's office Larry Ellertson expressed his gratitude to the Commissioners and Emery County.

(13)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST \_\_\_\_\_ COMMISSIONER \_\_\_\_\_

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

FEBRUARY 2, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

## CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS

The Warrant Check Edit List # 256853 through and including #256946 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
10-21	(2) 2021 Expedition 4DR Supercrew Cab 2021 Ford F-150 4x4 Supercrew Cab Sheriff	\$112,716.06
11-21	Triskelion Tri-Pod Clutch, 11mm BLC-CMC Clutch, 13mm, RED-CMC Sheriff	\$ 3,328.00
12-21	Miller Welder SRERC	\$ 25,000.00

(2)

APPROVAL OF THE JANUARY 19, 2020 COMMISSION MEETING MINUTES.

(3)

APPROVAL TO APPOINT TODD HUNTINGTON AS THE EMERY COUNTY SCHOOL DISTRICT REPRESENTATIVE ON THE EMERY COUNTY COMMUNITY REINVESTMENT AGENCY BOARD.

(4)

APPROVAL TO APPOINT GARY ARRINGTON AS CHAIRMAN OF THE PLANNING & ZONING COMMISSION BOARD.

(5)

APPROVAL TO APPOINT BART COX AS VICE CHAIRMAN ON THE PLANNING & ZONING COMMISSION BOARD.

(6)

APPROVAL TO GIVE JAMES JENNINGS A 3% WAGE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS THE PUBLIC LANDS DIRECTOR. EFFECTIVE 2-8-21

(7)

APPROVAL TO GIVE DAVID LUKE A 3% WAGE AND COLA INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS AN EQUIPMENT OPERATOR II. EFFECTIVE 2-8-21

Motion to approve the consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT ( 3 MINUTE TIME LIMIT)

(3)

PRESENTATION BY BRADON BRADFORD REGARDING COVID-19.

SEUDH Director Bradon Bradford provided a COVID-19 update. He indicated that things look better than they did a couple of months ago. Emery County's positive rate was at 30% and is now at 10%. There are still little pockets of disease, such as in Green River where they had to shut school down for a few weeks. Active cases in Emery County have gone down significantly.

Severe cases have gone down. Contact tracing is still ongoing. Vaccine delivery rests mostly with SEUDH. The number of vaccines they get have not been sufficient to cover the 5,500 January need. They received 1,500 doses. In February they will get 2,800 doses and more in March. Green River Clinic will administer in the eastern part of the county. In March they will move to a model of having a vaccine clinic one day a week per county. The first dose of the vaccine will produce a sore arm. With the second dose, 20% to 25% of people are reporting that they are sick for 12 to 24 hrs with fatigue and headache. He praised the staff at SEUDH for the way they are serving the communities. Commissioner Wilson expressed his gratitude to SEUDH for managing the counties as need to be not as a whole or the same as other counties. We all have different economies and threats. Commissioner Wilson asked for advice regarding large gatherings. Brady suggested putting together a gathering template plan, acting as if the restrictions that are in place now will be in place then. He stated he feels optimistic about where the area is headed.

(4)

RATIFICATION OF THE LSTA BORROWERS SUPPORT GRANT CONTRACT BETWEEN UTAH STATE LIBRARY AND EMERY COUNTY LIBRARY SYSTEM.

The LSTA Borrowers Support Grant program will provide support for Utah Public Libraries with a servie population of under 22,000 who wish to expand their interlibrary loan services. The grant is in the amount of \$2,200.00. The contract deadline was January 2, 2021. It was signed to forward to the State. Ratification is needed. Commissioner Gil Conover made a motion to ratify the approval of Contract # 211879, LSTA Borrowers Support Grant in the amount of \$2,200.00. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

RATIFICATION OF THE ASSISTING STUDENTS FOR A STRONGER EMERY TOMORROW (A S S E T) PROGRAM-PHASE 2 CONTRACT.

The Assisting Students for a Stronger Emery Tomorrow (A.S.S.E.T) program- Phase 2 Grant program will provide 3 Chromebooks per library. The grant is in the amount of \$8,980.00. The grant contract deadline was January 8, 2021. It was signed to forward to the State. Ratification is needed. Commissioner Gil Conover made a motion to ratify approval of Contract #211979, Assisting Students for a Stronger Emery Tomorrow (A.S.S.E.T.) Phase 2 in the amount of \$8,980.00. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

RATIFICATION OF THE BRINGING 21ST CENTURY MEETINGS, PRESENTATION, AND TRAINING OF EMERY COUNTY PROJECT CONTRACT.

The Bringing 21st Century Meetings, Presentations, and Training to Emery County program will provide 2 Airpad Pros to each Emery County Library. The grant is in the amount of \$13,712.00.

The grant contract deadline was January 8, 2021. It was signed to forward to the state. Ratification is needed. Commissioner Gil Conover made a motion to ratify approval of Contract #211971, Bringing 21st Century Meetings, Presentations, and Training to Emery County in the amount of \$13,712.00. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY RAISING THE COST FOR THE TAX SALE ADMINISTRATION FEE FROM \$300.00 TO \$400.00

Brenda Tuttle proposed raising the administrative cost fee for the Tax Sale from \$300.00 per parcel to \$400.00 per parcel. Title searches have increased as well as the cost for advertising. Commissioner Kent Wilson made a motion to approve raising the cost for the Tax Sale Administration Fee to \$400.00 as requested. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY AMENDED 2021 CIB LIST.

Commissioner Sitterud explained that the amended 2021 CIB List includes a Green River Water Distribution Project. The original list includes projects from the county, cities and special service districts that have gone through the CIB process for consideration. Commissioner Kent Wilson made a motion to accept adding Green River Water Distribution Project to the amended 2021 CIB List. the motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

COMMISSION/ELECTED OFFICIALS REPORTS.

Commissioner Wilson expressed his encouragement to the response the county has received with regard to advertising for resumes for EMT's in the Green River area. They hope to have a full time system for EMS in Green River going very soon.

(10)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

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Commission Meeting Minutes

February 2, 2021

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

COMMISSION MEETING MINUTES  
FEBRUARY 16, 2021

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS  
HELD AT THE EMERY COUNTY COURTHOUSE  
FEBRUARY 16, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS , AND DISPOSITIONS.

The Warrant Check Edit List # 256950 through and including #257056 was presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
13-21	Nikon D7500 kit with 18-140 lens Attorney	\$1,199.95

There was one disposition for #9720 Laminator.

(2)  
APPROVAL OF THE FEBRUARY 02, 2021 COMMISSION MEETING MINUTES.

(3)  
APPROVAL TO REAPPOINT RICHARD JENSEN & DEAN KING TO THE EMERY COUNTY SPECIAL SERVICE DISTRICT #1 BOARD.

(4)  
NOTIFICATION SELECTED JOSIE GILBERT AS A HEAD LIFEGUARD WORKING 19 <sup>3</sup>/<sub>4</sub> HOURS PER WEEK. WAGE GRADE 5.

2

COMMISSION MEETING MINUTES  
FEBRUARY 16, 2021

(5)

APPROVAL TO MOVE ADRIANA CHIMARAS FROM GRADE 20 TO GRADE 21 FOR 2 YEARS AS THE TRAVEL & TOURISM/MUSEUM DIRECTOR, AS PER HIRE AGREEMENT.

(6)

APPROVAL TO GIVE TY GORDON A 3% WAGE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HIS SIX MONTH ORIENTATION PERIOD AS AN EQUIPMENT OPERATOR II. EFFECTIVE 2-22-21.

(7)

APPROVAL TO GIVE BRANT JACOBSON A 3% WAGE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS AN EQUIPMENT OPERATOR I. EFFECTIVE 2-22-21.

(8)

APPROVAL TO GIVE HALEY GUYMON A 3% WAGE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS HEAD LIFEGUARD. EFFECTIVE 2-22-21.

(9)

APPROVAL TO APPOINT TANIE WORTHEN TO THE EMERY COUNTY LIBRARY BOARD.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT ( 3 MINUTE TIME LIMIT)

(3)

SAFETY MINUTE PRESENTATION BY JIM JENNINGS, PUBLIC LANDS AND ZONING DIRECTOR.

Jim Jennings presented vehicle safety tips.



## COMMISSION MEETING MINUTES

FEBRUARY 16, 2021

(4)

AWARDING OF VISA SAFETY CARDS.

EMS: +100 hrs, Mandy Bennett

EMS: - 100 hrs. Kyle Larsen

Full time employee: Selina Hardman

Part time employee: Kassidee Greenan

Safety Sensitive employee: Lane Gardner and Jeff Newland

(5)

RATIFICATION OF THE COMMUNITY LIBRARY ENHANCEMENT FUNDS (CLEF).

Commissioner Conover explained that the CLEF program provides funds to the Library for local public library services. The amount of the CLEF funds provided is \$7,100.00. Paperwork needed to be submitted prior to this meeting. Ratification is needed. Commissioner Gil conover made a motion to ratify the approval of State Contract #212079 for Community Library Enhancement Funds (CLEF). The motion was seconded by Commissioner Kent Wilson. The motion passed.

Motion to leave the regular meeting and enter into a Public Hearing and to return to the regular meeting at the conclusion of said Public Hearing was made by Commissioner Kent Wilson, and seconded by Commissioner Gil Conover. The motion passed.

(6)

**PUBLIC HEARING: FOURS CORNERS BEHAVIORAL HEALTH INC. AND EMERY COUNTY COMMISSIONERS, AS THE LOCAL AUTHORITY OF SUBSTANCE USE DISORDERS AND MENTAL HEALTH, INVITE MEDICAID ENROLLEES AND OTHER COMMUNITY MEMBERS TO GIVE INPUT REGARDING THE MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT NEEDS IN EMERY COUNTY.**

Karen Dolan and Clinical Director Melissa Huntington from Four Corners Behavioral Health, Inc. presented information with regards to substance use disorders and mental health issues. Ms. Dolan indicated that Medicaid requires the Four Corners hold a public hearing to receive feedback from the public that will be used in their planning process. They talked about the struggles to find available facilities for treatment of mental health patients. Mandy Torgeson, Guardian Ad Litem for Carbon and Emery Counties indicated that G.A.L. is the attorney who is court appointed to represent children who are abused or neglected due to substance use or mental health issues. She expressed her gratitude for the support and communication that she receives from Four Corners in the work that she does for the county. She stated her support for Four Corners and the service that they provide to our communities. Ignaccio Arrien commented on his struggles and ultimate success to overcome substance use with the help of Four Corners. Ms. Dolan expressed her gratitude for the County Commissioners support of Four Corners. Melissa Huntington talked about conversations with Sheriff Funk and Commissioner Wilson on ways to constantly improve communications and work together for the best outcome

## COMMISSION MEETING MINUTES

FEBRUARY 16, 2021

for the citizens of Four Corners. She expressed her gratitude for the county's support. Commissioner Wilson sits on the BOD for Four Corners. He stated that from his perspective, Four Corners is going to become more and more important in Emery County in the future. They are finding that the State of Utah doesn't want to put people in jail for a lot of the crimes that have been committed in the past. As a result this is making the Sheriff's Office a key component to dealing with mental illness. He stated that he has made it his mission this year to facilitate more coordination between Four Corners and all of the government offices to make us better partners. Attorney Mike Olsen expressed his concern that oftentimes there is no place for an individual to go to get the help they need. Jail is not the right place because they get sent to solitary confinement which makes the situation worse. It is our duty to help individuals in our communities to solve these problems. We need legislation and money to provide facilities for these individuals to receive the much needed help. Karen Dolan talked about some of the barriers that they have come up against to help stabilize these individuals and make our communities safer. We have to speak out, lobby for support and advocate for hospital beds. Sheriff Funk stated that once they have a civil commitment on these individuals we should be able to force medication and not allow them to get so far out of it that they can't function and victimize someone in the society or harm themselves. Mike Olsen stated that there should be a process to go through but at the same time we have to be careful to not step on their civil rights. We need legislation and money.

The Commissioners closed the Public Hearing and returned to the regular meeting schedule.

(7)

DISCUSS/APPROVE DENY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH (THE "ISSUER") AUTHORIZING THE ISSUER'S \$1,300,000 GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, FIXING THE MAXIMUM AMOUNT, MATURITY, INTEREST RATE, AND DISCOUNT ON THE BONDS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

Jacob Sharp requested approval for a Resolution of the Board County Commissioners of Emery County, acting as the Governing body of the Castle Valley Special Service District, authorizing the issuance of \$1,300,000 General Obligation Bonds, in one or more series, fixing the maximum amount, maturity, interest rate, and discount on the bonds, providing for the publication of a notice of public hearing and of bonds to be issued, providing for the running of a contest period; and related matters. Jacob explained that CVSSD was successful in procuring a \$1.1 million dollar loan and \$900,000 grant through CIB at 1%. The Resolution allows for the running of the contest period. The final resolution comes at the end of the contest period. Alex Buxton added that when Jacob went before the CIB board he was able to secure the 1% financing. Closing is scheduled for March 30th. Commissioner Gil Conover made a motion to

## COMMISSION MEETING MINUTES

FEBRUARY 16, 2021

approve Resolution 2016-21A a parameters resolution setting the process to move forward. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY INDEPENDENT CONTRACT FOR EVENT COORDINATOR & FACILITATOR SERVICES BETWEEN AMANDA LEONARD AND EMERY COUNTY.

Adriana Chimaras presented a contract for services for Amanda Leonard as Event Coordinator & Facilitator. We had a very general contract for the past three years. The scope of work in the new contract will include more specific details on what her job will be including an increase in responsibility. The board wants her to coordinate four major events within the county. Recruit two to three private businesses to hold events for at least 200 hundred people within the county. So that we would end up with at least one event a month in the county, whether on this side or the Green River side of the county. The contract also includes financial penalties if she doesn't reach the requirements on the events. Creating and updating the websites for events. Working on marketing campaigns, Instagram, Facebook, etc., come up with sponsorship packets for the events or news coverage. She will be expected to help administratively with the budget process. Commissioner Wilson talked about the way events were supported in the past. These events will now be redirected to go through Amanda rather than giving the funds to the events. He talked about tourism in Emery County and what the county would like tourism to look like in Emery County. Commissioner Kent Wilson made a motion to approve Independent Contract for Event Coordinator & Facilitator Services between Amanda Leonard and Emery County upon Mike Olsen's acceptance of the contract. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY AGREEMENT BETWEEN EMERY COUNTY AND THE SINBAD DESERT AMATEUR RADIO CLUB (SDARC).

Bret Mills presented an agreement between Emery County and the Sinbad Desert Amateur Radio Club (SDARC). Bret explained that the agreement covers all of Eastern Utah up to Midvale with UHS-FM. Captain Ekker explained that this service is a part of their Emergency Management TIC plan and is invaluable in time of disasters. There is no cost component to the agreement. He supports it 100%. Attorney Mike Olsen stated that this line of communication can be very critical to emergency operations. Commissioner Kent Wilson had some questions and made a motion that action on this item be tabled for two weeks. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY ANNUAL AFFIRMATIVE ACTION PLAN.

Personnel Director Mary Huntington explained that the Affirmative Action Plan is federally mandated. It outlines the steps to insure that Emery County is an equal opportunity employer. This is something we have to do annually and especially benefits the Sheriff's Department to

## COMMISSION MEETING MINUTES

FEBRUARY 16, 2021

qualify for federal funds. Emery County's population has decreased but our employment base has not changed. Commissioner Gil Conover made a motion to approve the Annual Affirmative Action Plan. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY RESOLUTION ESTABLISHING THE SAN RAFAEL SPECIAL SERVICE DISTRICT (PREVIOUSLY DENOMINATED THE EMERY MITIGATION SPECIAL SERVICE DISTRICT), AND RELATED MATTERS.

Commissioner Sitterud explained that the county has reached the end of the comment period regarding creation of the San Rafael Special Service District (Previously called the Emery Mitigation Special Service District). The purpose of the district is to allow for state PILT or Mineral Lease funds to be used to go after grant funding in the future with regards to the San Rafael Energy Research Center. As District Attorney Eric Johnson draws up the District's By-Laws they will be first reviewed by EC Attorney Mike Olsen. This makes the entity eligible for funds without being a strain on County funds. Commissioner Kent Wilson made a motion to approve Resolution 2-16-21B moving forward with having Eric Johnson draw up the District's By-Laws and have Mike Olsen review them first. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY EMERY COUNTY'S COMMENTS ON THE MANTI LASAL NATIONAL FOREST DRAFT PLAN.

Public Lands Director Jim Jennings requested approval for two letters from Emery County stating Emery County's comments to be added to the Manti LaSal National Forest Draft Plan. One letter addresses OHV use. The second letter addresses important resources such as our watershed and other important resources such as wildlife, hunting, fishing, etc. Commissioner Kent Wilson made a motion to approve two letters supporting Emery County's comments on the Manti LaSal National Forest Draft Plan. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY AND SEUALG REGARDING SENIOR CITIZEN OUTREACH PROGRAM.

Senior Citizen Director Robbie Jensen presented an MOU between Emery County and SEUALG regarding Senior Citizen Outreach Program. The MOU will provide for 2 part time employees working 10 hours a week calling seniors aged 70 and older. The amount requested in the MOU is \$20,150 to fund the program for one year. Motion to approve pending Mike Olsen's review of the document was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

7

COMMISSION MEETING MINUTES

FEBRUARY 16, 2021

(14)

COMMISSION/ELECTED OFFICIALS REPORTS.

(15)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

COMMISSION MEETING MINUTES  
MARCH 2, 2021

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

MARCH 2, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Gil Conover, Commissioner Kent Wilson, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 257072 through and including # 257167 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
14-21	1040H Iron Wolf Crusher/Grinder Road Dept	\$580,088.00
15-21	Patrol Vehicle Set up for Ford F-150 Patrol Vehicle Set up for 2 Expeditions Sheriff	\$ 27,247.57

One Disposition #1753 Computer from Extension Office

(2)

APPROVAL OF THE FEBRUARY 16, 2021 COMMISSION MEETING MINUTES.

(3)

APPROVAL TO APPOINT BEN LEHNHOFF, BRITNI MORENO AND CHASE MAJORS TO THE FIRE PROTECTION SPECIAL SERVICE DISTRICT BOARD TO EACH SERVE A FOUR (4) YEAR TERM.

2

COMMISSION MEETING MINUTES

MARCH 2, 2021

(4)

APPROVAL TO APPOINT MIKE BEAN AND TYLER JEFFS TO THE PLANNING AND ZONING BOARD.

(5)

NOTIFICATION SELECTED JAN OLSEN AS A REGULAR PART TIME CONFIDENTIAL SECRETARY FOR COMMISSIONER KENT WILSON WORKING UP TO 19 ¾ HOURS PER WEEK WITH NO BENEFITS. WAGE GRADE 14. EFFECTIVE 2-18-21

(6)

APPROVAL TO GIVE VIRGINIA ROWLEY A 3% WAGE INCREASE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A DEPUTY TREASURER. EFFECTIVE 3-8-21

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

(3)

RATIFICATION OF BUSINESS LICENSE FOR HEATHER CANYON, LLC.

Commissioner Kent Wilson made a motion to ratify approval of a business license for Heather Canyon, LLC. The motion was seconded by Commissioner Gil Conover. The motion passed.

(4)

RATIFICATION OF 2021 CHILDREN AND TEEN BOOK ENHANCEMENT MINI GRANT FOR ELMO AND EMERY LIBRARIES.

Library Director Desiree Malley explained that the mini grant is in the amount of \$3,000 for Elmo and Emery Libraries. The funds will be used to purchase children and teen books.

Commissioner Gil Conover made a motion to approve the 2021 Children and Teen Book Enhancement Mini Grant for Elmo and Emery Libraries. The motion was seconded by Commissioner Kent Wilson. The motion passed.

3

COMMISSION MEETING MINUTES

MARCH 2, 2021

(5)

PRESENTATION: REPORT ON TRAIL MOUNTAIN FIRE EMERGENCY WATERSHED PROTECTION PROJECTS.

Captain Kyle Ekker reported on the progress of Trail Mountain Fire Emergency Watershed Protection Projects. There was no cost share for the county on this project. There has been a lot of participation in donating rock and other materials for this project. It is time to release liability on Perco Rock for the project. NRCS finished with their part of the project. They will be finishing up the project in the spring with Forest Service money. Captain Ekker will bring a Change Order for Commission approval in the next Commission Meeting.

(6)

PRESENTATION BY NAH UTAH, LLC REGARDING BONDS REQUESTED IN REFERENCE TO HELIUM EXPLORATION PROJECT.

Vance Blydo, VP of NAH, UTAH, LLC made a presentation regarding helium exploration in Emery County. NAH, UTAH, LLC is a Helium based exploration/production company founded in 2013. There is a big demand for Helium and Utah has the perfect kitchen for Helium. He talked about plans for Helium exploration in Emery County. He talked about the cost of bonding required by the State and Federal Government. NAH asked for relief on the county's required \$1m bond for any road damage incurred during development and operation of the wells. The Emery County Commissioners asked that they send in a written request of what they are requesting with accurate information. Action on this item will be considered in the next Commission Meeting.

(7)

OPEN, REVIEW AND AWARD BIDS FOR THE SAN RAFAEL ENERGY RESEARCH CENTER CONTRACTOR RFP

Commissioner Sitterud explained that the current contractor at the San Rafael Energy Research Center has come to an end. The Commission advertised for bids and only received one bid. The bid was from the current contractor CT Electric. The Commission will review the bid and award in the next meeting.

(8)

DISCUSS/APPROVE/DENY REQUEST FOR MONETARY DONATION TO FARMERS FEEDING UTAH.

Bret Behling came before the board of Commissioners to request a monetary donation to Farmers Feeding Utah. Farmers Feeding Utah is a 501 c3 non-profit organization formed by the Farm Bureau to distribute milk that farmers were not able to distribute due to the COVID 19 Pandemic. They took donations to purchase the milk from the farmers and turn it into cheese and other usable commodities to distribute to hungry people. They partnered with the State of Utah to find folks that were especially in need. They came up with the Navajo people. They



## COMMISSION MEETING MINUTES

MARCH 2, 2021

worked with the state to determine ways to help the Navajo Nation with issues related to the COVID-19. As they tried to get food to them they found that there was a problem with getting the food processed. They tried to get them some lambs but could not get them processed. Farm Bureau bought 600 ewes and trucked them to the Navajo Nation along with flour and vegetables. With volunteers they went to the Navajo Nation and donated food to about 4,000. In the last year they have raised about a million dollars and gave away a million pounds of food. The whole concept is to take donations and buy commodities from farmers and donate to the hungry people. Thus helping out the farmers and those receiving the food. They have a process where the cars drive through and volunteers put the food in the vehicles. They propose a two phase project March 31, 2021 in Castle Dale and Green River. They have asked the San Rafael Middle School to plan the project and distribute the food. Ky Horrocks and Angelina Behling History teachers at SR Middle School want to teach the kids the value of service and pride through service. Four students from SR Middle School presented their plan for this service project. Wes Johansen, Kallie Lake, Acelynn Migliori and Maci Alton presented their ideas. Since this project will be done with donations, Farm Bureau/Farmers Feeding Utah are asking for a \$30,000 donation for this project. Commissioner Kent Wilson explained that Emery County received CARES money that they have to spend by December of this year. Donating to this project would qualify as a use for the funds. He talked about the cities in Emery County who pooled their CARES money with the County. Commissioner Kent Wilson made a motion to support the project with a donation of up to \$25,000 from Emery County CARES money. The motion was seconded by Commissioner Gil Conover. The motion passed. The Commissioners asked that the Cities be recognized as supporting the project also, and that the students return to the Commission Meeting to report on the project.

(9)

DISCUSS/APPROVE/DENY AGREEMENT BETWEEN EMERY COUNTY AND SINBAD DESERT AMATEUR RADIO CLUB (SCARC).

Captain Kyle Ekker indicated that the state is in process of reworking the state's emergency plan. It is important to keep communications open during a disaster. Emery County has a desire to get something done with respect to emergency communications. The Agreement needed some work. With respect to liability and safety issues Attorney Mike Olsen suggested it would be best to get Bret Mills, Sheriff Funk, Captain Kyle Ekker and Jeff Guymon all in the same room to get the agreement to where everyone is comfortable. Motion to table to work out the details of the agreement was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed,

(10)

DISCUSS/APPROVE/DENY ALLOWING PLIPCO AND THE STATE OF UTAH TO REPRESENT EMERY COUNTY IN THE SAN RAFAEL DESERT TRAVEL MANAGEMENT PLAN LITIGATION.

Commissioner Wilson explained that 10 days ago SUWA filed a lawsuit over the San Rafael Desert Travel Management Plan. As a whole Emery County is grateful for this process. It

## COMMISSION MEETING MINUTES

MARCH 2, 2021

provides an opportunity to get roads legal so we do not have to keep defending them. PLIPCO has agreed to represent Emery County in the litigation process. PLIPCO needs permission from the County to do that. Commissioner Kent Wilson made a motion to authorize PLIPCO to intervene on behalf of Emery County in the litigation process for the San Rafael Desert Travel Management Plan. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY ORDINANCE OF EMERY COUNTY, UTAH ENACTING EMERY COUNTY AS A SECOND AMENDMENT SANCTUARY COUNTY.

Commissioner Gil Conover made a motion to authorize Sheriff Funk and Attorney Mike Olsen to work on an Ordinance enacting Emery County as a Second Amendment Sanctuary County to bring back to Commissioners for approval. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY SPECIAL LEASE AGREEMENT NO.1622 (SULA 1622) EXTENSION LETTER.

Emery County is the leaseholder for a SITLA lease for Blue Castle Holdings. Blue Castle will continue to pay the lease and use the land as agreed in the lease. Special Lease Agreement No. 1622 will extend the lease. Commissioner Gil Conover made a motion to approve Special Lease Agreement No. 1622 ( SULA 1622) Extension Letter. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY ENTRY FEE PRICING FOR THE MUSEUM OF THE SAN RAFAEL.

MOSR Director Adraina Chimaras explained that the MOSR has been going through a few changes to make it a visitor Hub for the future. The Museum Board is recommending implementing a nominal entry fee of \$2.00 for children 2-12, \$5.00 for 12 and up, free for under 2. School groups will still be free as well as veterans and over a certain age. Currently they request donations to enter the Museum rather than charging an entry fee. They are looking at a membership program and donation option for their website. They want to ask patrons to fill out a survey to gather data regarding donations vs paying an entry fee. They suggest a comment box to document complaints and get suggestions from the public. Commissioner Kent Wilson made a motion to approve the recommendation of the Museum of the San Rafael. The motion was seconded by Commissioner Gil Conover. The motion passed. The Commission asked that Adriana report back to the Commission regarding comments and data gathered.

## COMMISSION MEETING MINUTES

MARCH 2, 2021

(14)

DISCUSS/APPROVE/DENY AMENDMENT #1 TO THE EMERY COUNTY CARE AND REHABILITATION NF NSGO UPL AGREEMENT.

This agreement is to fund the Emery County Care and Rehabilitation Center. It was determined that the County does not have a copy of the original document to refer to for approval. Commission Secretary Meghan Crosland indicated that she has sent an email requesting the documents. Commissioner Gil Conover made a motion to table this until we get the proper documentation. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

DISCUSS/APPROVE/DENY APPLICATION FOR 2021 PROPERTY TAX EXEMPTION FOR EPICENTER ON PARCEL #01-0154-0035 AND PARCEL # 01-1510-0043.

Assessor Kris Bell reviewed the applications from EPICENTER on parcel #01-0154-0035 and parcel #01-1510-0043. Parcel # 01-0154-0035 is vacant land which currently sits vacant. Parcel #01-151D-0043 is used to house volunteers and employees when suitable housing is not available in town. However, employees staying at the house receive compensation by way of housing included as part of the employee's pay. EPICENTER is a 501(C) 3 organization, but waives the rent for the employee. Kris indicated that she has checked with other counties to find out what they do with similar situations. She has found that other counties do not allow an exemption if the organization is receiving compensation by way of reduced pay to the employee in exchange for rent and is not exclusively used by the organization. Also, if the land is sitting vacant and not being used the exemption is not allowed for that property until it is being used as part of the organization operations. Commissioners asked for Kris's recommendation. Kris recommended that parcel #01-0154-0035 and parcel #01-1510-0043 be denied for the reasons as she has outlined. Commissioner Kent Wilson made a motion to deny application for property Tax Exemption for ERICENTER on parcel #01-0154-0035 and parcel# 01-1510-0043. The motion was seconded by Commissioner Gil Conover. The motion passed.

(16)

DISCUSS/APPROVE/DENY RESOLUTION AWARDDING CONTRACT FOR LICENSING AT THE SAN RAFAEL ENERGY RESEARCH CENTER ACCORDING TO 63G-6A-802

Commissioner Lynn Sitterud explained that the Resolution spells out how the County followed Section 63G-6A-802 of State Code in procurement of a contractor for licensing at the San Rafael Energy Resource Center. Commissioner Gil Conover made a motion to approve Resolution 3-2-21 a resolution awarding a contract for licensing at the San Rafael Energy Resource Center according to 63G-6A-802. The motion was seconded by Commissioner Kent Wilson. The motion passed.

COMMISSION MEETING MINUTES

MARCH 2, 2021

(17)

DISCUSS/APPROVE/DENY LEASE AGREEMENT BETWEEN EMERY COUNTY AND JESS HOUSEKEEPER FOR SERVICES AT THE SAN RAFAEL ENERGY RESEARCH CENTER.

Commissioner Lynn Sitterud explained that the County has money allocated from the legislature to help Emery County get licensing through the State for research that will take place at the Research Center. This is a single source contractor. Commissioner Kent Wilson made a motion to approve a Lease Agreement between Emery County and Jess Housekeeper for services at the San Rafael Energy Research Center. The motion was seconded by Commissioner Gil Conover. The motion passed.

(18)

DISCUSS/APPROVE/DENY LEASE AGREEMENT BETWEEN EMERY COUNTY AND ELEMENT ONE TECHNOLOGIES, INC.

Element One Technologies, Inc. would like to do hydrogen research. They would like to use one bay in the Coal Combustion Building. This area is in rough shape and will require remodeling. A lease agreement between Emery County and Element One Technologies, Inc. for \$2,500 per month. The Commission would like to waive the lease fee for three months( or more) to allow Element One to purchase the materials and labor to remodel the bay to workable conditions. Commissioner Gil Conover made a motion to approve a Lease Agreement between Emery County and Element One Technologies, Inc. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(19)

COMMISSION/ELECTED OFFICIALS REPORTS.

Commissioner Wilson reported on the recent success of EMS Service in Green River.

(20)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

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

MARCH 16, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1) APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 257176 through and including # 257286 was presented for payment.

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
18-21	Elkay Enhanced Bottle Filling Station And Single ADA Cooler Ferron Library	\$ 1,070.13 _____

(2) APPROVAL OF THE MARCH 6, 2021 COMMISSION MEETING MINUTES.

(3) NOTIFICATION SELECTED LISA GREGG AS A PART TIME ASSISTANT BRANCH LIBRARIAN IN FERRON WORKING 193/4 HOURS PER WEEK WITH NO BENEFITS. WAGE GRADE 7.

(4) NOTIFICATION SELECTED NANCY JOHNSON AS A PART TIME CASHIER FOR THE MUSEUM WORKING UP TO 193/4 HOURS PER WEEK WITH NO BENEFITS AT \$7.25 PER HOUR.

(5)

NOTIFICATION SELECTED JAX GARDNER, TYLER MORRIS, AND LOWDEN TURNER AS PART TIME LABORERS FOR THE ROAD DEPARTMENT WORKING UP TO 19 3/4 HOURS

(6)

APPROVAL OF THE ANNUAL CONFLICT OF INTEREST FORMS.

(7)

APPROVAL OF OUT-OF-STATE TRAVEL FOR ON OF THE EMERY COUNTY COMMISSIONERS TO LOOK AT A POSSIBLE PORT FOR EXPORTING UTAH MATERIALS.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

(3)

SAFETY MINUTE PRESENTATION BY COMMISSIONER LYNN SITTERUD.

Commissioner Lynn Sitterud presented safety information on backing up with your vehicle.

(4)

AWARDING OF SAFETY VISA GIFT CARDS.

Safety VISA Gift Cards were awarded to the following:

100+ hour EMT Dennis Mangum, 100- hour EMT Frank Michael

Part-Time Employee: Tiffany Baker

Full-time employee: Bonnie Day

Safety Sensitive: Tyson Huntington and Egan Smith

Commissioner Gil Conover made a motion to leave the regular Commission Meeting and enter into a Public Hearing to receive input from the public with respect to the issuance of the Castle Valley Special Service District Bonds and at the conclusion of the Public Hearing to return to the regular meeting agenda. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

A PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO THE ISSUANCE OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT BONDS, IN ONE OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT NO THE EXCEED \$1,300,000 FOR THE PURPOSE OF PAYING ALL OR PART OF THE COST OF ACQUIRING OR IMPROVING, THROUGH PURCHASE OR CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND TREATMENT OF SEWAGE; FACILITIES USED IN CONNECTION WITH THE ACQUISITION, TREATMENT, STORAGE, TRANSPORTATION AND SUPPLY OF WATER FOR DOMESTIC, INDUSTRIAL SECONDARY AND OTHER PURPOSES; DRAINAGE, AND STORM SEWER FACILITIES, INCLUDING CURBS AND GUTTERS; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LAND, RIGHTS-OF-WAY, EQUIPMENT AND FURNISHINGS THEREFOR, AND INCLUDING SUCH LEGAL, ENGINEERING, AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTION WITH THE ACQUISITION OF SUCH FACILITIES IN AND FOR THE DISTRICT AND RELATED MATTERS.

Jacob Sharp Manager of Castle Valley Special Service District explained that last month the Emery County Commission passed a Parameters Resolution for the Castle Valley Special Service District Bonds, in one or more series, in the aggregate principal amount not to exceed \$1,300,000. CVSSD was able to obtain a \$1.1 million dollar bond at one percent interest rate and \$900,000 in a grant. He further explained that the funds are a portion of the \$14 million voter approved General Obligation Bonds that they are requesting to do service projects within the County. This is the final step in the process. If approved they will proceed to close on the bond.

The Public Hearing was opened to the public to receive any public input.

There were no comments or questions. The Commissioners returned to the regular meeting agenda.

(6)

RATIFICATION OF AMENDMENT #3 TO THE NSGO UPL AGREEMENT.

The Upper Payment Limit Gap (UPL Gap) makes possible payments for the purpose of enhancing Medicaid patient care through allowable services and capital expenditures for the Emery County Care and Rehabilitation Center. Amendment #3 lengthens the contract through December 31, 2021 and adds \$1 million to funding. The new funding amount would be \$1,700,000. Signing the contract and forwarding to the Utah Department of Health was time sensitive. Ratification of that action is now needed. Commissioner Gil Conover made a motion

## Commission Meeting Minutes

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to ratify the signing and forward of Contract Agreement Amendment #3 to the NSGO UPL Agreement. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

RATIFICATION OF THE CONTINUED COVID-19 RESPONSE FOR PUBLIC LIBRARIES CONTRACT.

Library Director Desiree Malley explained COVID-19 Response for Public Libraries Contract from the State supplies \$5,000 to the Emery County Library System to purchase COVID PPE and technologies that help Library staff and patrons to the libraries stay protected. The signing of the Contract with the State of Utah was time sensitive and now the signing of the contract needs to be ratified. Commissioner Gil Conover made a motion to ratify the signing of Continued COVID-19 Response for Public Libraries Contract. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

RATIFICATION OF AMENDMENT #1 TO THE UORG GRANT FOR THE BEAR CREEK CAMPGROUND REHABILITATION PROJECT.

Maegan Crosland explained that the Bear Creek Campground Rehabilitation Project is an ongoing project to improve the campground at Little Bear. Amendment #1 of the UORG Grant is an extension of the deadline from May 2021 to September 2021 to complete the work. There was no change to the dollar amount awarded for the project. Signing of the Grant Agreement was time sensitive and now needs to be ratified. Commissioner Kent Wilson made a motion to ratify the signing of Amendment #1 to the UORG Grant for the Bear Creek Campground Rehabilitation Project. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY AMENDING THE 2021 CIB LIST FOR EMERY COUNTY.

Commissioner Kent Wilson explained that Emery County wants to add the installation of a 18" pipeline to carry natural gas to the Huntington Power Plant. Emery County wants to be proactive with respect to the power plants in identifying points that may help the power plants survive. He added that CIB Board has entertained these types of projects in the past. Commissioner Kent Wilson made a motion to amend the 2021 CIB List for Emery County and forward to the AOG to be added to their list. The motion was seconded by Commissioner Gil Conover. The motion passed.



(10)

A FINAL BOND RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH (THE "ISSUER") AUTHORIZING THE ISSUER'S \$1,100,000 GENERAL OBLIGATION BONDS, SERIES 2021 (THE "SERIES 2021 BONDS") IMPROVING, THROUGH PURCHASE OR CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND TREATMENT OF SEWAGE; FACILITIES USED IN CONNECTION WITH THE ACQUISITION, TREATMENT, STORAGE, TRANSPORTATION AND SUPPLY OF WATER FOR DOMESTIC, INDUSTRIAL SECONDARY AND OTHER PURPOSES; DRAINAGE, AND STORM SEWER FACILITIES, INCLUDING CURBS AND GUTTERS; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LAND, RIGHTS-OF-WAY, EQUIPMENT AND FURNISHINGS THEREFOR, AND INCLUDING SUCH LEGAL, ENGINEERING, AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTION WITH THE ACQUISITION OF SUCH FACILITIES IN AND FOR THE ISSUER; AND RELATED MATTERS.

Motion to approve Resolution 3-16-21C a final bond resolution of the Board of County Commissioner of Emery County as the governing body of the Castle Valley Special Service District authorizing the \$1,100,000 GOB, Series 2021 was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(10)

DISCUSS/APPROVE/DENY EMERY COUNTY SUPPORTING SUBMISSION OF JAY MARK HUMPHREY TO THE COLORADO RIVER COMMITTEE REPRESENTING EMERY AND CARBON COUNTIES.

A new legislation enacted this year formed a Colorado River Committee. Carbon and Emery Counties were given a position on the board. Following a meeting of the two counties, it was determined that since Emery's drainage is about 150,000 acre feet and Carbon's is about 70,000 acre feet, the representative should be from Emery County. Commissioner Kent Wilson made a motion to submit the name of Jay Mark Humphrey to represent Carbon and Emery County on the Colorado River Committee. The motion was seconded by Commissioner Gil Conover. The motion passed. (the appointment will be a 6 year term)

(11)

DISCUSS/APPROVE/DENY LETTER OF SUPPORT FOR ORANGEVILLE CITY FOR AN OUTDOOR CLASSROOM GRANT.

Orangeville City Recorder Megan Wilberg requested a letter of support for Orangeville City for an Outdoor Classroom Grant. She explained that the city is planning to build a teaching station along the new trail where the old Gris Mill was once located on property owned by the Draper family. Commissioner Kent Wilson made a motion to authorize a letter of support for

Orangeville City for an Outdoor Classroom Grant. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY MOU BETWEEN GREEN RIVER CITY AND EMERY COUNTY REGARDING EMS STIPEND.

The purpose of the agreement is to partner together to provide professional emergency medical care to the Emery County citizens of Green River City. Green River City will pay a \$75.00 stipend to each EMT that is a resident of Green River City who completes a 12- hour on call shift. Green River City will pay a \$100.00 stipend to each EMT that resides further than 25 miles from Green River City who completes a 12-hour on call shift. Emery County will be responsible for administrative responsibilities. Reimburse Green River City for stipend costs. Reimburse Green River City for employees wages if they are used as drivers. It is mutually agreed that the on-call EMT is required to respond to the Green River City ambulance garage as soon as possible and within the current emergency response time standards of receiving the call page out in order to receive the stipend payment. EMT's will be paid based on the current payment schedule. EMT's are Green River City independent contractors. EMT's are not employees of Emery County, Green River City or EEMSSD. Green River Public Service Representative will be involved in hiring of EMT's with Emery County. Emery County will assist Green River City in contracting with independent contractors to act as EMS. Green River Ambulance Garage advises and assists Emery County in performing administrative functions. Commissioner Kent Wilson made a motion to approve and MOU between Emery County and Green River City regarding EMS stipend. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

DISCUSS/APPROVE/DENY MOU BETWEEN EMERY COUNTY AND GREEN RIVER CITY REGARDING USE OF THE OLD EMS GARAGE IN GREEN RIVER.

Emery County owns the Ambulance Garage and the Sheriff's building in Green River City. Green River City would like to lease the Ambulance Garage. In lieu of monetary lease payment Green River City will maintain landscaping at the Sheriff's Building. Attorney Mike Olsen needs to review the document. Commissioner Kent Wilson made a motion to approve an MOU between Green River City and Emery County regarding lease agreement for the old EMS Garage in Green River City pending approval of Attorney Mike Olsen. The motion was seconded by Commissioner Gil Conover. The motion passed.

(14)

DISCUSS/APPROVE/DENY RESOLUTION OPPOSING AND CONDEMNING PRESIDENT JOE BIDEN'S ON NEW OIL AND GAS LEASES ON PUBLIC LANDS.

A Resolution opposing and condemning President Joe Biden's executive order to put a hold on new oil and gas leases on public lands was presented for consideration and approval.

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Commissioner Wilson expressed concern that leaders can pass an executive order that affects so many people's livelihoods. The Emery County Commissioners, along with many other counties in the State of Utah, want to go on record as opposing and condemning this order. Attorney Mike Olsen indicated that he has no problem with the strongly worded resolution. Commissioner Gil Conover made a motion to adopt Resolution 3-16-21A a Resolution opposing and condemning President Joe Biden's executive order to put a hold on new oil and gas leases on public lands. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(15)

DISCUSS/APPROVE/DENY RESOLUTION OPPOSING AND CONDEMNING PRESIDENT JOE BIDEN'S EXECUTIVE ORDER TO RESTRICT MORE AND MORE PUBLIC LANDS FROM PUBLIC ACCESS AND MULTIPLE USE AND SUSTAINED YIELD MANAGEMENT.

A Resolution opposing and condemning President Joe Biden's executive order to restrict more and more Public Lands from public access and multiple use and sustained yield management was presented for consideration and approval. The Emery County Commissioners, along with many other counties in the State of Utah want to go on record as opposing the language used in the executive order. This is an order that has the potential to have a huge impact on Public Lands. Attorney Mike Olsen has no problem with the strongly worded Resolution. Commissioner Kent Wilson made a motion to approve Resolution 3-16-21B a resolution opposing and condemning President Joe Biden's Executive Order to restrict more and more Public Lands from public access , multiple use, and sustained yield management. The motion was seconded by Commissioner Gil Conover. The motion passed.

(16)

COMMISSION/ELECTED OFFICIALS REPORTS.

Commissioner Wilson talked about the Commission's desire to not have a County Fair this year. In lieu of the fair they are proposing to donate to the Rodeo Club and Youth Stock Show. They also propose purchasing equipment such as a bouldering/climbing wall and harnessed trampoline that can be loaned out to the cities for their city celebrations to help the entertainment value of the cities' celebrations. Fair numbers have dropped since the termination of the Castle Valley Pageant. They would like to try not having the fair for a couple of years and get input from the public for whether to continue with the fair. Commissioner Wilson indicated that the Commissioners have met with 2 solar companies proposing the put solar farms in 2 locations in Emery County. They will go through the same process as the other solar farms to see if Emery County will offer tax incentives to locate here. The commissioners are looking to plan for solar and not just react to solar proposals.

Commissioner Conover reported that the Commissioners have talked alot about tourism and solar. They are looking to gleam info from communities to see what the residents want.

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Congressman Curtis's representative Larry Ellertson reported on activity within the legislature which will be of interest to rural Utah and Emery County.

(17)

ADJOURN.

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

APRIL 6, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

**CONSENT AGENDA**

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 257301 through # 257408 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
19-21	CPR Manikin Training kit Ambulance	\$1,647.42
20-21	Drain Cleaning Machine Courthouse	\$2,240.63
21-21	(6) Lenova Thinkpads Capital Pjts-Attorney	\$5,939.16
22-21	2021 Polaris Ranger Crew 1000 Travel/Events	\$15,903.08
23-21	7 x 14 Trailer Travel/Events	\$2,065.00

One disposition for #1467 Clock.

(2)  
APPROVAL OF THE MARCH 16, 2021 COMMISSION MEETING MINUTES.

(3)

APPROVAL TO APPOINT JERAD HOWES AS THE FERRON AMBULANCE GARAGE LEAD REPRESENTING FERRON ON THE EMS BOARD AND THE EEMSSD BOARD.

(4)

APPROVAL OF DALTON HINKINS TO BE A VOLUNTEER IN THE ATTORNEY'S OFFICE.

(5)

APPROVAL TO PROMOTE KEATON COWLEY AND AJ ONEIL TO PATROL SERGEANT. GRADE 21. EFFECTIVE 4-11-21

(6)

APPROVAL TO HIRE TIFFANY BANTER AS A ¾ TIME JUSTICE COURT CLERK WITH PRORATED BENEFITS, NO MEDICAL. WORKING 29 HOURS PER WEEK. WAGE GRADE 11 @ \$13.70 PER HOUR.

(7)

APPROVAL TO HIRE TYLER BUTLER AS A FULL TIME LUBE MECHANIC WITH FULL BENEFITS. WAGE GRADE 16 @ \$18.45 PER HOUR.

(8)

APPROVAL TO REHIRE KYLER MINCHEY, TERRY KEAGLEY, KAEJHA JOHNSON, AND SYDNEY STILSON AS SEASONAL LIFEGUARDS WORKING UP TO 29 HOURS PER WEEK FOR 120 CALENDAR DAYS. WAG \$7.91 PER HOUR.

(9)

APPROVAL TO HIRE CAMBRIE JENSEN AND ABBY WILLSON AS SEASONAL LIFEGUARDS WORKING UP TO 29 HOURS PER WEEK FOR 120 CALENDAR DAYS. WAGE \$7.91 PER HOUR.

(10)

APPROVAL TO REHIRE JENNY FUNK AND KAELEE HOOLEY AS SEASONAL LIFEGUARDS BUT PROMOTE THEM TO HEAD LIFEGUARD WORKING TO TP 29 HOURS PER WEEK FOR A 120 CALENDAR DAYS. WAGE \$9.16 PER HOUR.

(11)

APPROVAL TO GIVE ANDELINA TAYLOR, KAYLEIGH MCCANDLESS, AND MEGAN HESS A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD AS A LIFEGUARD. MOVE FORM GRADE 3 @ \$7.91 PER HOUR TO \$8.16 PER HOUR. EFFECTIVE 4-11-21.

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(12)

NOTIFICATION SELECTED CHET PAYNE AS A PART TIME LABORER AT THE ROAD SHOP TO HELP WITH CRACK SEAL. WORKING 19 ¾ HOURS PER WEEK. \$15.00 PER HOUR.

(13)

APPROVAL TO PROMOTE KYLER FARLEY TO CORRECTION OFFICER I. MOVE FROM GRADE 14 @ \$18.52 PER HOUR TO GRADE 16 @ \$ 20.07 PER HOUR. EFFECTIVE 4-11-21

(14)

APPROVAL TO MOVE JEREMY LAKE FROM CORRECTION OFFICER I TO PATROL DEPUTY I. NO PAY CHANGE, BOTH POSITIONS ARE A GRADE 16. EFFECTIVE 4-11-21

(15)

APPROVAL OF BUSINESS LICENSE FOR MATT BELL FOR DESERT SPEED SHOCK TUNING.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

## **DISCUSSION AGENDA**

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

Commissioner Wilson suggested that the Commission do away with the Public Comment on the agenda.

(3)

PRESENTATION REGARDING THE SRMS SERVICE PROJECT REPORT.

(4)

RATIFICATION OF CHANGE ORDER #1 ON THE TRAIL MOUNTAIN FIRE EWP MILLFORK PROJECT.

Captain Kyle Ekker explained that Change Order #1 on the Trail Mountain Fire EWP Millfork Project is for the NRCS portion of the project and will close out that portion of the project. Since the Change Order needed signatures prior to this meeting Commissioner Gil Conover made a

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motion to ratify the signing of Change Order #1 on the Trail Mountain Fire EWP Millfork Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

RATIFICATION OF CHANGE ORDER #1 ON THE TRAIL MOUNTAIN FIRE EWP MEETINGHOUSE PROJECT.

Captain Kyle Ekker explained that Change Order #1 on the Trail Mountain Fire EWP Meetinghouse Project is for the NRCS portion of the project and will close out that portion of the project. Since the Change Order needed signatures prior to this meeting Commissioner Gil Conover made a motion to ratify the signing of Change Order # 1 on Trail Mountain Fire EWP Meetinghouse Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

RATIFICATION OF THE FUND LSTA TECHNOLOGY ENHANCEMENT CONTRACT.

Commissioner Conover explained that the LSTA Technology Enhancement Contract is state library funds in the amount of \$5,000 to upgrade networking essentials such as new routers for eight libraries. Since the contract was date sensitive the contract was signed prior to this meeting. Commissioner Gil Conover made a motion to ratify the signing of LSTA Technology Enhancement Contract for the Emery County Library. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY PROPERTY TAX INCENTIVE FOR THE BUCKHORN RV PARK.

Jade Powell, SEUALG working with Huntington City on their Community Reinvestment Agency requested a 75% tax incentive for the Buckhorn RV Park in Huntington, UT for twenty years. Cole Revelli, Buckhorn RV explained that this is a \$5 million dollar investment. A 75% tax incentive will help them recoup some of the investment. They have met with Emery County School District who has ruled to grant a 75% tax incentive for the first five years with a re-evaluation every five years based on the average occupancy rate. They have had discussions with EWCD. They are scheduled to meet again with Huntington City on the 21st of April and are scheduling to meet with CVSSD. After much discussion, the Commissioners decided to take this discussion under advisement and look at it again in thirty days after Huntington City makes their decision.



(8)

DISCUSS/APPROVE/DENY THE 2021 PREDATION MANAGEMENT PLAN AGREEMENT BETWEEN EMERY COUNTY AND THE STATE OF UTAH.

This is an annual agreement between Emery County and the State of Utah. EC makes payment of \$6,000 to the State and we get back \$3,000.

Commissioner Kent Wilson made a motion to approve the 2021 Predation Management Plan Agreement between Emery County and the State of Utah matching \$3,000 from Dues and contribution. The motion was seconded by Commissioner Gill Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY REQUEST FOR LETTER OF SUPPORT FOR THE BUSINESS & TECHNICAL ASSISTANCE GRANT.

Jade Powell explained that they are applying for a grant for the Build-to-Scale EDA Challenge. It is a federal grant through the Economic Development Administration. Southeastern Utah Economic Development District is an arm of the AOG and they are putting together a proposal for \$750,000 for three years (\$250,000 per year). It will be centered on building out the Entrepreneurial Ecosystem in Southeastern Utah. The idea is taking all the assets in the region, such as the co-working space in Price, Green River/ Orangeville Libraries as well as Grand County and San Juan County, USU is a prominent partner, Coal Country Strike team, and others taking all these assets and coupling them with partners and programming such as through the small business development center. They will help with start-ups and succession planning to help businesses have the resources that they need. They like the idea of the Dixie State Innovation Center and what it offers to start-up businesses. They have patent attorneys available to help. The grant \$ will be to pay operating costs to get this all established and bring the pieces together. They have been granted funding to construct a new AOG building and plan to use the old building for some of the one-to-one matching grant. Once they have moved to the new building the old building will become the Business and Technical Assistance Center. They will also use his salary and other staff members salaries as a match. There is no monetary match cost for the county. Commissioner Kent Wilson made a motion to approve writing a letter of support for the Business & Technical Assistance Grant. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY POSSIBLE ACTION REGARDING WORKING WITH JCI ON A NON INSURED PATIENT DISCOUNT RATE.

JoNeil Alvey JCI Billing requested discussion on possible action regarding working with JCI on a non insured patient discount rate. JCI would like to simplify the process for offering a discounted rate to patients who do not have insurance. In the past, Emery County Commission

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had a history of granting a 50% charitable write-off. There was a procedure through a written request to the EC Commissioners requesting a charitable write-off. In discussions it was noted that a few years ago the EC Commission took the position to not grant any further charitable write-offs for ambulance service. JoNeil pointed out that people are willing to pay on their bill if the county would be willing to apply a discount if the discounted rate is paid in full at the time of service. This is similar to what the hospital does following a procedure. They will call within 24 hours and offer a discounted rate if the bill is paid in full at that time. Otherwise, the patient continues to pay the full amount in payments or not pay at all. JCI wants to be able to offer the patient a discounted rate at the time of service. Most of the time the patient will pay their insurance deductible to avoid a higher bill. JCI requested discussion regarding a possible discounted rate to offer to patients. The EC Commissioners will take the discussion into consideration and bring back to Commission Meeting for further discussion and/or action.

(11)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN THE STATE OF UTAH AND EMERY COUNTY SHERIFF'S OFFICE FOR BAILIFF AND PERIMETER SECURITY.

Commissioner Gil Conover made a motion to approve the contract between the State of Utah and Emery County Sheriff's Office for Bailiff and Perimeter Security. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY DEOBLIGATION OF UNUSED FUNDING AND CLOSE OUT OF OPTION YEAR 4-LAW ENFORCEMENT SERVICES FOR EMERY COUNTY SHERIFF'S OFFICE LAW ENFORCEMENT SERVICE ON BLM LAND FOR THE PERIOD 9/15/2019 THROUGH 9/14/2020

Captain Kyle Ekker explained that the SO did not use all the funds from the last Law Enforcement Agreement. They need to deobligate the unused funds totaling \$12,161.29 and return it to the state. Commissioner Gil Conover made a motion to approve deobligation of unused funds and close out of option year 4-Law Enforcement Services for Emery County Sheriff's Office Law Enforcement Service on BLM for the period 9/15/2019 through 9/14/2020. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY ADOPTION OF RESOLUTION DECLARING THE EXISTENCE OF A DROUGHT EMERGENCY IN EMERY COUNTY, UT.

Captain Kyle Ekker explained that adopting a resolution declaring the existence of a drought emergency in Emery County will help agriculture in the county apply for grants. Commissioner Kent Wilson made a motion to adopt Resolution 4-6-21 a Resolution declaring the existence of a drought emergency in Emery County, UT. The motion was seconded by Commissioner Gil Conover. The motion passed.

(14)

DISCUSS/APPROVE/DENY TAX INCENTIVE RATES FOR GREEN RIVER 1, GREEN RIVER 2 AND PIVOT 13 SOLAR PROJECTS.

Commissioner Wilson talked about solar projects currently seeking tax incentives from Emery County. Rocky Mountain Power advertised for solar projects in the Western United States. Emery County has two projects, Iron County has four projects, some in Beaver County, some in Sevier County and Tooele County. In response to RMP's request for solar projects a company has put together a solar project in Moore, vying for an opportunity to supply power to RMP. The Green River 1 & 2 project will be 400 mw of power with 200 mw battery storage. In the past we did a 50% tax incentive for the 100 mw solar project in Clawson. We did a 40% tax incentive for the project in Huntington Canyon that is a 40mw. The project in Moore would supply much more power plus the battery storage component. It is a \$600 million dollar investment project. The project has been shortlisted and have to put in their final bid to RMP for what a power purchase agreement would look like for the next twenty years.. They have requested a 50% Tax incentive from Emery County. As a Commission we have to look at what should solar look like in Emery County? The project will not create many jobs, maybe seven or eight jobs. It will create over the twenty year period roughly \$24 million dollars for the taxing entities of Emery County prior to an incentive. The EC School District voted to give a 40% Tax incentive. As a Commission they have struggled and have a difference of opinion or agreed on a resolution to the issue. Commissioner Gil Conover made a motion to approve a 40% Tax Incentive for Green River 1 Green River 2 and Pivot 13 Solar Projects. Commissioner Lynn Sitterud stepped down to second the motion. Commissioner Kent Wilson voted nay. The motion passed.

(15)

DISCUSS/APPROVE/DENY TAX INCENTIVE RATES FOR HORNSHADOW SOLAR PROJECT.

Commissioner Wilson indicated that the Hornshadow Solar Project entails 12 to 13 different fields spanning from Hunter Power Plant to Wilberg Wash hooked together in one project. The project will be a 200 mw solar project with a 100 mw battery storage component. The project will be visible along Highway 10 in several places. Julie Johansen commented that this project has not been granted a permit from Planning and Zoning at this time. They are also requesting a tax incentive rate from Emery County. After discussion on this request Commissioner Gil Conover made a motion to approve a 40% tax incentive rate for Hornshadow Solar Project. Commissioner Lynn Sitterud stepped down to second the motion. Commissioner Kent Wilson voted nay. The motion passed.

(16)

DISCUSS/APPROVE/DENY AMENDMENT OF SOLICITATION/MODIFICATION OF THE CONTRACT WITH THE BUREAU OF LAND MANAGEMENT, PRICE FIELD OFFICE.

Cory Worwood explained that this is their annual noxious weed control contract with the BLM. The amount of the contract is \$13,000. Commissioner Gil Conover made a motion to approve an amendment of Solicitation/Modification of the contract with the Bureau of Land Management, Price Field Office. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(17)

DISCUSS/APPROVE/DENY EMERY COUNTY EMS HANDBOOK.

Commissioner Kent Wilson explained that with the hiring of new employees in Green River Emery County would like to put together an EMS Handbook to instruct new EMT's on personnel policies and code of conduct for employees. Commissioner Kent Wilson made a motion to approve an Emery County EMS Handbook. The motion was seconded by Commissioner Gil Conover. The motion passed.

(18)

COMMISSION/ELECTED OFFICIALS REPORTS.

Commissioner Sitterud gave a brief detail of activity at the San Rafael Energy Research Center as well as a history of how the beginning of SRERC and its purpose with regard for the future of Emery County.

(19)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

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

APRIL 20, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 257413 through and including #257529 was presented for payment.

One disposition #7413 ambulance cot

(2)

APPROVAL OF THE APRIL 6, 2021 COMMISSION MEETING MINUTES

(3)

APPROVAL TO REHIRE KELSEY THOMAS AS A SEASONAL LIFEGUARD WORKING UP TO 29 HOURS PER WEEK FOR 120 CALENDAR DAYS. WAGE GRADE 3.

(4)

APPROVAL TO GIVE MICHAEL VAN WAGONER A 3% WAGE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A PATROL DEPUTY II. EFFECTIVE 5-3-21

(5)

APPROVAL OF THE FOLLOWING VOLUNTEERS TO SERVE ON THE SEARCH AND RESCUE TEAM. BRAD REED, GREG JEWKES, WADE ALLINSON, JEFF TUTTLE, HOWARD TUTTLE, PETE ALGER, ZACH CRAWFORD, LEONARD NORTON, JERRY PRICE, SHAUN JEFFS, KIRK MCQUIVEY, RANDY LAKE, CHUCK EBELING, JAMES BYARS, BEN ORGILL, LEE MAGNUSON, JASON JENSEN, TYLER TUTTLE, BRETT GUYMON, RUSS ARCHIBALD, CASEY TOOMER, GREG OLIVER, HAL JOHNSON, ROSS CHRISTIANSEN, TROY WINTERS, MICHAEL TAYLOR, ROD MAGNUSON, JIM JENNINGS, BRAWN

KILLPACK, LARRY JOHANSEN, CHRIS WINN, DOUG JOHNSON, MATT CROSLAND, DAL GRAY, RYAN TORGESON, DALEN JOHNSON, LOWELL MORRIS, RONNIE BLOOMER, SETH GARDNER, TATE WEBSTER, AND KYLE LARSEN. APPRENTICE SEARCH AND RESCUE TEAM MEMBERS ARE BROCK MORELL, JACK FUNK, DALTON JEFFS, JESSICA FUNK, TRINITI PRICE, AND PATRICIA BYARS.

(6)

APPROVAL OF OUT-OF-STATE TRAVEL FOR SHERIFF GREG FUNK TO THE WESTERN STATES SHERIFF'S ASSOCIATION ANNUAL CONFERENCE IN RENO, NV.

(7)

APPROVAL TO APPOINT RAY PETERSEN TO THE PUBLIC LANDS BOARD.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson , and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

PUBLIC COMMENT (3 MINUTE TIME LIMIT)

Student leaders and teachers from San Rafael Middle School reported on the success of the recent Farm Bureau/Farmers Feeding Utah food drive-through service project. It was reported that they gave away 55,000 lbs. of food. Students and leaders reporting were; West Johansen, Kallie Lake, Acelynn Migliori, Maci Alton, Ky Horrocks and Jacob Frankum. The project was reported to bring joy to those who served and those who were served. The projects took place in Castle Dale City and Green River City.

(3)

SAFETY MINUTE PRESENTATION BY JEFF GUYMON, NETWORK ENGINEERING DIRECTOR.

Clinton Olsen from the IT Department reported on Phishing/data breaches and email safety.

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(4)

AWARDING OF SAFETY VISA GIFT CARDS.

Safety VISA gift Cards were awarded to:

Part-time employee: Megan Hess

Full-time employee: Adrianna Chimaras

Safety Sensitive employees: Shaun Roper and Richard Ryan

EMT's Under 100 hrs- Courtney Rich and Over 100 hrs- Larry Johansen

(5)

DISCUSS/APPROVE/DENY LAND LEASE AGREEMENT BETWEEN EMERY COUNTY AND LARRY BROWN

Commissioner Sitterud explained that Larry Brown owns property to the south of the SRERC. Leasing this property will allow businesses at the Research Center to build outside of the Research Center. The lease agreement between Emery County and Larry Brown will be for 10 years with a stipulation that if he sells the property Emery County will have the first option to purchase. Commissioner Kent Wilson made a motion to approve a lease agreement between Emery County and Larry Brown as discussed. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/DENY AN MOU BETWEEN EMERY EMERGENCY MEDICAL SPECIAL SERVICE DISTRICT AND EMERY COUNTY FOR ASSISTANCE IN APPLYING FOR CIB GRANT FUNDING.

Moved to LBA

(7)

DISCUSS/APPROVE/DENY THE SWELL UTAH TRAILS GRANT APPLICATION FOR CASTLE DALE CITY REGARDING GHOST ROAD WALKING/BIKING TRAIL.

Travel Bureau Director Adrianna Chimaras requested approval for the Swell Utah Trails Grant Application for Castle Dale City. The Emery County Travel Bureau has budgeted \$50,000 TRT funds for trails that cities, groups or individuals can apply for through a grant application process to construct trails. Castle Dale City plans to construct a walking/biking trail along Ghost Road. The grant amount is \$12,500. Castle Dale City has also applied for a \$100,000 grant through the Utah Office of Recreation. The Swell Utah Trails Grant application has been approved by the EC Trails Committee and EC Travel Bureau. Commissioner Kent Wilson made a motion to approve the Swell Utah Trails Grant Application for Castle Dale City for a walking/biking trail along Ghost Road. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY THE SWELL UTAH TRAILS GRANT APPLICATION FOR HUNTINGTON CITY FOR ASPHALT WALKING PATH PROJECT.

Adrianna Chimaras explained that Huntington City has also applied for the Swell Utah Trails Grant in the amount of \$12,500. They plan to asphalt the existing walking trail and parking lot. The application has been approved by the EC Trails Committee and EC Travel Bureau. TRT funds will be used. Commissioner Gil Conover made a motion to approve the Swell Utah Trails Grant Application for Huntington City. the motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND MILES PARTNERSHIP FOR THE GOOGLE OPTIMIZATION PROJECT.

Adriana Chimaras requested approval of a contract between Emery County and Miles Partnership for the Google Optimization Project. The Project is \$50,000. They have received \$25,000 from grant funding, \$5,000 from State Parks, \$10,000 from Coal Strike Team leaving \$10,000 from TRT. Miles Partnership will assist tourism/businesses by auditing businesses information, providing education tools, and six days of shooting for the county website for Google. They will receive one-on-one training for staff. Commissioner Kent Wilson made a motion to approve a contract between Emery County and Miles Partnership for the Google Optimization Project upon approval of County Attorney Mike Olsen. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND UAC FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES.

Commissioner Kent Wilson discussed a contract between Emery County and UAC for Economic Development Consulting Services. Emery County currently has four ongoing economic development projects. UAC is able to provide assistance for these projects by managing the creation of new economic development project areas including drafting the plan and budget for new projects, assisting in the negotiations with taxing entities, assisting with document creation, meeting facilitation, and finalizing the project area. They will also assist with development planning and implementation including alignment with local and state incentives, alignment with infrastructure/transportation planning, and investor connections. Additionally, they will edit existing economic development plans and draft any new required plans, assist with participation in any economic development meetings with companies, community partners, and federal/state officials. They will also leverage the existing professional networks of UAC staff to advance the economic development efforts of the County. In return for the services, the County shall pay UAC an annual fee of \$60,000, payable in four equal instalments of \$15,000. The term will be for one year with two extension options. Commissioner Kent Wilson made a motion to approve



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April 20, 2021

a service contract between Emery County and UAC for Economic Development Consulting Services. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY DONATION OF \$2875.00 FROM EMERY COUNTY FAIR BUDGET TO THE EMERY COUNTY 4-H ORGANIZATION FOR YOUTH SUMMER PROGRAMS.

Commissioner Kent Wilson explained that the county has opted to not have a County Fair this year. The Emery County Commission has decided to support other programs going on in the county such as the 4-H Stock Show and Cowboy Memorial Rodeo. They are also purchasing a climbing wall that may be used at city celebrations. Since 4-H is a big part of the County Fair the Emery County Commission would like to donate \$2875 to the 4-H Organization to do events throughout the summer. Commissioner Kent Wilson made a motion to approve a donation of \$2875 from Emery County Fair Budget to the Emery County 4-H Organization for youth summer programs. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

COMMISSION/ELECTED OFFICIALS REPORTS

(13)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

## COMMISSION MEETING MINUTES

MAY 4, 2021

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

MAY 4, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

## CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 257545 through and including #257670 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
26-21	Bevmax Drink Vending Machine Aquatic Center	\$8,697.00
27-21	Mattress Vacuum Deluxe Extremity Deluxe Ambulance	\$2,646.86
28-21	Clutch, 11 mm, CMC Sheriff	\$2,516.00
29-21	2021 Fastwater 22' Boat w/Trailer Sheriff	\$102,190.00
30-21	Evolis PrimacyID ID Card printer Aquatic Center	\$1,677.00

COMMISSION MEETING MINUTES  
MAY 4, 2021

Dispositions were presented for the following: Chairs #3411,3601, 3485, 3481,3480,3482,3478,3447.

(2)

APPROVAL OF THE APRIL 20, 2021 COMMISSION MEETING MINUTES.

(3)

APPROVAL TO ALLOW THE EMERY COUNTY ROAD DEPARTMENT TO UTILIZE PARCEL #6-87-1 AND #4-30-4 TO USE FOR GRAVEL PITS.

(4)

NOTIFICATION: EMERY TOWN SELECTED SCOTT MCCLAUGHRY AS FIRE CHIEF.

(5)

APPROVAL TO GIVE SHON ROPER A 3% WAGE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HIS SIX MONTH ORIENTATION PERIOD AS A DETECTIVE II. EFFECTIVE 5-17-21.

(6)

NOTIFICATION: SELECTED DEEGAN MINCHEY AS A PART TIME HEAD LIFEGUARD WORKING 19 ¾ HOURS PER WEEK. WAGE GRADE 5.

(7)

APPROVAL TO GIVE SYDNEY CARTER A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 5-17-21

(8)

APPROVAL TO GIVE JANESSA MANN A 3% WAGE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A JUSTICE COURT CLERK I. EFFECTIVE 5-17-21.

(9)

APPROVAL TO REHIRE SETH BAANTJER AND THOMAS BEHLING AS A SEASONAL WEED & MOSQUITO TECHNICIANS WORKING 29 HOURS PER WEEK. WAGE \$13.50 PER HOUR.

(10)

APPROVAL TO REHIRE ERIK NIELSEN AS A SEASONAL WEE & MOSQUITO TECHNICIAN WORKING 29 HOURS PER WEEK. WAGE \$15.00 PER HOUR.

COMMISSION MEETING MINUTES  
MAY 4, 2021

(11)

APPROVAL TO GIVE CAMILLE PHILLIPS A 3% WAGE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS DISPATCH I, EFFECTIVE 5-17-21

(12)

APPROVAL TO GIVE TYSON HUNTINGTON A 3% WAGE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A DETECTIVE II. EFFECTIVE 5-17-221

(13)

APPROVAL TO HIRE LANE TAYLOR AS A SEASONAL IT TECHNICIAN WORKING 29 HOURS PER WEEK. WAGE 15.00 PER HOUR.

(14)

APPROVAL TO HIRE KAGAN HIATT AND KADAN GUNDERSON AS A SEASONAL LAWN CARE LABORERS WORKING 29 HOURS PER WEEK. WAGE \$14.00 PER HOUR.

(15)

NOTIFICATION: SELECTED MIKE THURSTON AS A PART TIME TRAVEL BUREAU ASSISTANT ON GREEN RIVER, WORKING 19 ¾ HOURS PER WEEK. WAGE GRADE 11

(16)

APPROVAL TO APPOINT MORRIS SORENSON TO THE EMERY WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS TO SERVE A FOUR YEAR TERM.

(17)

APPROVAL OF OUT-OF-STATE TRAVEL FOR SHERIFF GREG FUNK AND CAPTAIN KYLE EKKER TO TRAVEL TO OREGON TO PICK UP ECSO'S CUSTOM RESCUE BOAT, INCLUDING FOUR DAYS OF FIELD TRAINING.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

DISCUSS/APPROVE/DENY INTERLOCAL COOPERATION AGREEMENT BETWEEN EMERY COUNTY AND EMERY TOWN, FERRON CITY, CLAWSON TOWN, ORANGEVILLE CITY.

## COMMISSION MEETING MINUTES

MAY 4, 2021

CASTLE DALE CITY, HUNTINGTON CITY, CLEVELAND TOWN, ELMO TOWN AND GREEN RIVER CITY FOR ADMINISTRATION OF THE 2021 MUNICIPAL ELECTIONS.

Brenda Tuttle discussed an Interlocal Cooperation Agreement between Emery County and Emery Town, Ferron City, Clawson Town, Orangeville City, Castle Dale City, Huntington City, Cleveland Town, Elmo Town, and Green River City. The agreement allows for Emery County to administer the 2021 Municipal Elections. Commissioner Gil Conover made a motion to approve an Interlocal Agreement between Emery County and the Municipalities of Emery County for administration of the 2021 Municipal Election. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(3)

DISCUSS/APPROVE/DENY 2021 PROPERTY TAX EXEMPTION LIST FOR RELIGIOUS/CHARITABLE PROPERTIES.

The 2021 Property Tax Exemption List was presented for approval.

Commissioner Gil Conover made a motion to approve the 2021 list of Property Tax Exemptions for religious/charitable properties as presented. The motion was seconded by Commissioner Kent Wilson. The motion passed. (a copy of the approved list may be found at the end of this document.)

(4)

DISCUSS/APPROVE/DENY APPLICATION FOR DIGITIZATION GRANT FOR EMERY COUNTY ARCHIVES.

Suzanne Anderson requested approval for an application with the State of Utah for Digitization Grant to digitize various boards and articles of incorporation of various entities and special service districts within the county. The grant will include two staff people from State Archives/Family Search for 18 months. In-kind match will come from her time as well as the IT Department. Commissioner Gil Conover made a motion to approve an application for Digitization Grant for Emery County Archives upon approval of the County Attorney. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

DISCUSS/APPROVE/DENY RESOLUTION DECLARING THAT EMERY COUNTY IS NOT SEEKING TO IMPOSE A TAX UNDER §59-12-701 AND AUTHORIZING THE CITY OF FERRON TO PROCEED WITH AN OPINION QUESTION.

Resolution 5-4-21 is a resolution declaring that Emery County is not seeking to impose a tax under §59-12-701 and authorizing the City of Ferron to proceed with an opinion question on Ferron City's municipal election. Under Section 59-12-1402 cities can impose a 1% local sales and use tax to fund cultural, recreational and zoological facilities and botanical, cultural and zoological organizations in the city, commonly known as a "RAP" tax. The City may place on the ballot, at regular general or municipal election, a referendum submitting an opinion question

## COMMISSION MEETING MINUTES

MAY 4, 2021

to all registered voters in the city regarding authorization of the RAP tax. Prior to the city submitting an opinion question to its residents, a written notice of intent to do so has been provided to the Emery County Commission. The Emery County Commission must then provide within 60 days of receipt of the notice of intent, a resolution passed by the Commission stating that Emery County is not seeking to impose a tax and authorizing the city to proceed with the opinion question. Commissioner Kent Wilson made a motion to approve Resolution 5-4-21 declaring that Emery County is not seeking to impose a tax under §59-12-701 and authorizing the City of Ferron to proceed with an opinion question. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/DENY DEFERRAL AGREEMENT FOR ALBERTO GONZALES FOR THE PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE (5) YEARS PAST DUE ON PARCEL-1-164-34.

Josie Stilson explained that Mr. Gonzales is a first time property owner in the US and was not aware of the tax process. The taxes due are \$2,800.00. Mr. Gonzales paid \$2,000 and if a deferral is approved, agrees to pay the balance by November. Commissioner Kent Wilson made a motion

(7)

DISCUSS/APPROVE/DENY PRIORITIZED 2022 EMERY COUNTY CIB LIST.

Commissioner Kent Wilson explained that the Prioritized 2022 Emery County CIB list will include the purchase of 2 new ambulances. Commissioner Kent Wilson made a motion to approve the Prioritized 2022 Emery County CIB List. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY RESOLUTION ESTABLISHING AN AUDIT COMMITTEE AND ESTABLISHING AN AUDIT COMMITTEE CHAPTER TO ASSIST IN THE OVERSIGHT OF THE INTERNAL AND EXTERNAL AUDIT FUNCTIONS OF EMERY COUNTY.

The Emery County Commissioners had a discussion regarding establishing an Audit Committee and an Audit Committee Chapter to assist in the oversight of internal and external audit functions of Emery County. They discussed that the committee be made up of outside accountants and administrators. It was discussed to look at what other cities and counties have done to fulfill this state requirement, take a look at what the audit committee chapter should look like and bring it back to Commission Meeting for approval. Commissioner Kent Wilson made a motion to start the process to start an Audit Committee and Audit Committee Chapter. The motion was seconded by Commissioner Gil Conover. The motion passed.

COMMISSION MEETING MINUTES  
MAY 4, 2021

(9)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND STILSON & SONS CONSTRUCTION, INC. FOR RENOVATING AND REMODELING PORTIONS OF THE BUILDING AND GROUNDS OF THE GREEN RIVER AND ORANGEVILLE LIBRARIES.

Commissioner Gil Conover made a motion to approve a contract between Emery County and Stilson & Sons Construction, Inc. for renovating and remodeling portions of the building and grounds of the Green River and Orangeville Libraries. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

COMMISSION/ELECTED OFFICIALS REPORTS.

Sheriff Funk reported on Search and Rescue activity including a fatal fall in Cottonwood Canyon. The SO is in the process of interviews for new deputies.

Commissioner Wilson talked about the drought situation in the County. He made a plea to the public to be aware and use caution. Even a small fire can go a long way.

(11)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

7

COMMISSION MEETING MINUTES

MAY 4, 2021



COMMISSION MEETING MINUTES  
MAY 18, 2021

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

MAY 18, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #257545 through and including #257674 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
31-21	Snap-Change Cylinder Scott X3 Air-Pack SCBA for HazMat SO- HazMat	\$27,800
32-21	HP Color LaserJet Pro M479fdw SO- EMPG	551.08
33-21	Tan Suppressors Black Suppressors SO-EMPG	2,427.01
34-21	Motorola Radios (14) SO- SERT-SFSP	12,179.58

One disposition for #9656 ID Printer

(2)

APPROVAL OF MAY 04, 2021 COMMISSION MEETING MINUTES.

2

COMMISSION MEETING MINUTES  
MAY 18, 2021

(3)

APPROVAL TO APPOINT TYLER JEFFS TO THE PLANNING AND ZONING COMMISSION.

(4)

APPROVAL TO GIVE ELIZABETH CARTER A 3% WAGE AND 3% COLA INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 5-31-21

(5)

NOTIFICATION SELECTED RAQUELLE SIMMONS AS A PART TIME LIFEGUARD WORKING 19 3/4 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 3.

(6)

APPROVAL TO INCREASE NANCY JOHNSON'S PART TIME HOURS TO 18 PER WEEK AND WAGE FROM \$7.25 PER HOUR WHO IS A WORKER AT THE SAN RAFAEL MUSEUM. EFFECTIVE 5-31-21

(7)

NOTIFICATION SELECTED LEVI OLSEN AS A PART TIME HEAD LIFEGUARD WORKING 19 3/4 HOURS PER WEEK. NOT ELIGIBLE FOR BENEFITS. WAGE GRADE 5.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

SAFETY MINUTE PRESENTATION BY ROXANNE JENSEN, CASTLE DALE BRANCH LIBRARIAN.

Roxanne Jensen talked about mindlessness vs mindfulness and tools for multi tasking and relaxation.

(3)

AWARDING OF THE SAFETY VISA GIFT CARDS.

VISA Gift Cards were presented to the following.

EMT - Chris Hennes and Carter Robinson  
Safety Sensitive- Brian Clark and Camille Phillips

## COMMISSION MEETING MINUTES

MAY 18, 2021

Full-time-Melany Weaver

Part-time-Laura Peacock

(4)

RATIFICATION OF LETTER REGARDING THE 2021 LEASE FEE FOR THE CHILDREN'S JUSTICE CENTER IN EMERY COUNTY.

The 2021 lease fee for the use of the building housing the Children's Justice Center in Emery County is \$3,000.00. Emery County Commissioners approved to waive the lease for 2021 in the full amount of \$3,000.00 in order for this amount to be used as an in kind contribution on the VOCA Grant Application. This action needs to be ratified. Commissioner Kent Wilson made a motion to ratify the signing of a letter regarding the 2021 lease fee for the Children's Justice Center in Emery County. The motion was seconded by Commissioner Gil Conover. The motion passed.

(5)

DISCUSS/APPROVE/DENY AMBULANCE BILL WRITE OFF FOR CALEEN WILCOX.

Commissioner Wilson discussed a request from Caleen Wilcox for an ambulance bill write-off. In the past, the EC Commissioners considered write-off requests from EC residents. It was discussed that in years past there was a request form that asked for financial information from the person making the request. Recently, JCI asked the Commissioners for their direction on how to handle requested write-offs. After some discussion on this subject, Commissioner Kent Wilson made a motion to approve a 40% discount on this request and to analyze what we want to do in the future. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/DENY STARTING THE PROCESS TO SELL PARCEL 1-112B-52, APPROXIMATELY 6.8 ACRES LOCATED ON 450 N IN FERRON.

Jeff Guymon informed the Commissioners that the County acquired this property in a tax sale in 1927. At that time there was a subdivision there. Later, Attorney Dave Blackwell during his time as County Attorney, vacated the subdivision. The property is not being used to the benefit of the public at this time, so as in discussions, we might as well get back on the tax roll. Attorney Mike Olsen reviewed the county's process for disposal of property. 1. Commissioners make a motion to start the process to sell the property. 2. Send a letter to adjoining property owners of the County's intent to sell the property. 3. Advertise in the local newspaper for two weeks the County's intent to sell the property. 4. Post notice on the property of the County's intent to sell. The Assessor sets the minimum price. Commissioner Gil Conover made a motion to start the process to sell parcel #1-112B-52 approximately 6.8 acres located on 450 N in Ferron and through the process determine the method of the sale either through sealed bids or auction. The motion was seconded by Commissioner Kent Wilson. The motion passed.

COMMISSION MEETING MINUTES  
MAY 18, 2021

(7)

DISCUSS/APPROVE/DENY STARTING THE PROCESS TO SELL PARCEL 4-44A-6,  
APPROXIMATELY 1.08 ACRES LOCATED WEST OF ORANGEVILLE.

Commissioner Kent Wilson made a motion to start the process to sell parcel # 4-44A-6 approximately 1.08 acres located west of Orangeville under the same circumstances as the previous parcel. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY STARTING THE PROCESS TO SELL PARCEL 1-154C-5  
APPROXIMATELY .3 ACRES LOCATED AT 175 S GREEN RIVER.

This parcel was acquired as a tax sale as well. Mr. and Mrs. Quist, adjoining property owners, were present at the meeting. The property overlaps the Quist property including a portion of their house that sits on a sliver of the land. The property is landlocked. Jeff suggested meeting with Green River Zoning and asking ' what could this property be used for?'. Mr. Quist stated that they have been using the property since they acquired their property not knowing it was not part of their property. They have now sold their business and moved everything out. They have had several inquiries to purchase their property and wish to get the situation resolved so they can sell the property. Commissioner Wilson asked Attorney Mike Olsen if they have to follow the property disposal procedure in this case? Mr. Olsen indicated that the commission is allowed to take the circumstance into consideration as long as the County receives a fair and equitable price for the property. There are notice requirements that still need to be followed. The Assessor will set the minimum price. The public is made aware of the minimum price acceptable. Commissioner Wilson made a motion to start the process to sell parcel 1-154C-5 using the same procedure as in the other two parcels with the stipulation that there is one adjacent property owner and analyze to see if there is a pathway to sell to the adjacent property owner. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY FIRST AMENDMENT TO MEDICAL OFFICE BUILDING LEASE  
REGARDING THE CASTLE DALE AMBULANCE GARAGE.

This is a request from Emery Medical Center to approve a first amendment to the lease to house two ambulances. Commissioner Kent Wilson made a motion to approve First Amendment to Medical Office Building Lease continuing the lease for the Castle Dale Ambulance Garage. The motion was seconded by Commissioner Gil Conover. The motion passed.

5

COMMISSION MEETING MINUTES

MAY 18, 2021

(10)

COMMISSION/ELECTED OFFICIALS REPORTS.

Commissioner Wilson talked about the growing success in the Green River EMS program. He stated he is excited about how things are turning around in Green River with regards to the EMS program.

Commissioner Wilson talked about the expected \$1.9 million in stimulus funds coming to Emery County. In future meetings they will be prioritizing the needs of the county.

(11)

ADJOURN.

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

JUNE 1, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 257793 through and including #257893 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
35-21	48" Used Excavator Bucket Road Department	\$6,880.00
36-21	HP Color LaserJet Pro M479fdw Sheriff/EMPG	\$551.08
37-21	ICT 120 AMP Power Supply Communications	\$1,785.00
38-21	Nugget Ice Maker Courthouse	\$2,957.72
39-21	8N Tower Section 7N Tower Section Communications	\$6,276.00

2

Commission Meeting Minutes

June 1, 2021

(2)

APPROVAL OF THE MAY 18, 2021 COMMISSION MEETING MINUTES

(3)

NOTIFICATION: REHIRED JAX GARDNER AS A PART TIME LABORER AT THE ROAD DEPARTMENT WORKING 19 ¾ HOURS PER WEEK. WAGE \$15.00 PH.

(4)

APPROVAL TO HIRE RAQUELLE SIMMONS AS A SEASONAL HEAD LIFEGUARD INSTEAD OF A PART TIME LIFEGUARD. WORKING 29 HOURS PER WEEK, NO BENEFITS. WAGE GRADE 5 @ \$9.16 PH.

(5)

APPROVAL TO HIRE KELTON PRICE AS A FULL TIME CORRECTION OFFICER I WITH FULL BENEFITS. WAGE GRADE 16.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

RATIFICATION OF AMENDMENT ADDING FUNDS TO THE MILLSITE DAM REHABILITATION PROJECT AGREEMENT.

Motion to approve an amendment adding funds to the Millsite Dam Rehabilitation Project Agreement was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

(3)

DISCUSS/APPROVE/DENY COUNTY'S MEDICAL, DENTAL AND VISION RENEWAL PLAN FOR YEAR JULY 1, 2021-JUNE 30, 2022.

Jeff Kelsey, Intermountain Insurance Services, presented information regarding Emery County's medical, dental and vision renewal plan for the year July 1, 2021 through June 30, 2022. If this plan is approved PEHP will remain the county's insurance carrier. Commissioner Gil Conover made a motion to approve Emery County's medical, dental and vision renewal plan for the year July 1, 2021 through June 30, 2022. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(4)

DISCUSS/APPROVE/DENY FOUR CORNERS MENTAL HEALTH 2022 ANNUAL AREA PLAN.

Melissa Huntington, Four Corners Director presented the Four Corners Mental Health 2022 Annual Area Plan. Information regarding the scope of work to be provided was presented. Commissioner Kent Wilson made a motion to approve Four Corners Mental Health 2022 Annual Area Plan. The motion was seconded by Commissioner Gil Conover. The motion passed.

(5)

DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY AND REAGAN OUTDOOR ADVERTISING FOR ADVERTISING SERVICES.

Adrianna Chimaras, Emery County Tourism Director discussed a contract between Emery County and Reagan Outdoor Advertising for advertising services. The billboard sign will be changed from 'Where in the SWELL will you play today?' to 'We appreciate you keeping it SWELL'. The contract is a one to one match in the amount of \$9,000. TRT funds will be used to pay \$4,500. Motion to approve a contract between Emery County and Reagan Outdoor Advertising for advertising services was approved by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(6)

DISCUSS/APPROVE/DENY 2021 TAX SALE PROCEEDINGS.

Clerk/Auditor Brend Tuttle gave a brief breakdown of the 2021 Tax Sale proceedings. Property #1 for Lynn T. Anderson was sold to John W. Clark for \$2,000. Penalties and taxes were \$465.52. Property #2 for Charles Evans was sold to Carlos and Ashley Reyes for \$5,700. Penalties and taxes were \$871.12. Property #3 for Vicki Jennings was sold to Two Dollars LLC for \$25,000. Penalties and taxes were \$3,208.11. Motion to approve the results of the 2021 Tax Sale Proceedings was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(7)

DISCUSS/APPROVE/DENY RESOLUTION OF THE EMERY COUNTY COMMISSION AUTHORIZING THE FILING OF CROSS APPEALS FOR THE 2021 CENTRALLY ASSESSED PROPERTIES FILED BY PACIFICORP INC.

Attorney Mike Olsen requested approval for a Resolution authorizing the filing of Cross Appeals for the 2021 Centrally Assessed Properties filed by Pacificorp, INC. Commissioner Gil Conover made a motion to approve Resolution 6-1-21 a Resolution of the Emery County Commission authorizing the filing of Cross Appeals for the 2021 Centrally Assessed Properties filed by Pacificorp, INC. The motion was seconded by Commissioner Kent Wilson. The motion passed.



(8)

DISCUSS/APPROVE/DENY REQUEST FROM JASON MERRELL TO PUT A TRAILER ON HIS PROPERTY IN HUNTINGTON CANYON.

Jason Merrell talked about plans for his mountain property in Huntington Canyon. He stated he has received conflicting information regarding what he can and can't do on a small mountain lot. Jeff Guymon reported that in accordance with the mountain zoning section of the Emery County General Plan you must own 40 acres. Julie Johansen explained that this is to prevent small acre lots and prevent having a trailer park on the mountain. The only exception to that is owning property within a subdivision where there are regulations in place. Attorney Mike Olsen reminded Mr. Merrell that there is a process to go through before this was even brought before the Commissioners, and Mr. Merrell did not follow the process. This is a non-conforming lot. Mr. Guymon has given Mr. Merrell the information he needs. He needs to go through the proper channels meaning the Land Use Committee/Planning/Zoning Committee Processes. The Commissioners took no action on this issue.

(9)

COMMISSION/ELECTED OFFICIALS REPORTS

Sheriff Funk reported on Memorial Day in the County and honoring those who have and are serving this Country. His department is going through some growing pains at this time. Many have retired. The Department is young. They are planning to hire at least 3 more deputies.

Commissioner Wilson reported on attending Memorial Day Veteran's programs on Monday. He talked about taping the programs and making them available for veterans to watch at home. He suggested a good opportunity for high students would be to host a flag burning program.

(10)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Donover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

1  
COMMISSION MEETING  
JULY 6, 2021

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

JULY 6, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING  
WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson,  
Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected  
officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # through and including # was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
41-21	Kitchenaid Commercial Mixer Sheriff-Corrections	\$ 749.99
42-21	Cambro Meal Delivery Cart Sheriff-Corrections	8,580.00
43-21	RoTap RX-29 Sieve Shaker-Ebay SRERC	950.00
44-21	2200g Digital Bench Scale SRERC	560.00
45-21	5000lb Floor Scale- Grainger SRERC	2,032.34

Dispositions for 5 Ambulance gurneys and straps.

(2)  
APPROVAL OF THE JUNE 15, 2021 COMMISSION MEETING MINUTES.

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JULY 6, 2021

(3)

APPROVAL OF CAMILLE PHILLIPS' CONFLICT OF INTEREST FORM.

(4)

RATIFICATION: APPROVAL OF JORGEN ALLRED COMPLETING HIS FTO AND BECOMING A PATROL DEPUTY I. EFFECTIVE 2-6-21. NO PAY ADJUSTMENT.

(5)

APPROVAL TO HIRE KYLE SCOW AS THE FULL TIME LEAD BUILDING AND MAINTENANCE TECHNICIAN WITH FULL BENEFITS. WAGE GRADE 17.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

PRESENTATION BY MISS EMERY COUNTY ROYALTY

Jordynn Wolford Miss Emery for the last 2 years thanked Emery County for the opportunity to serve Emery County. She introduced the new Miss Emery Brooklynn Johansen. Brooklyn talked about her platform, Childhood Cancer. BrinLee Hurdsman, Miss Emery Outstanding Teen and Junior Miss Emery Peyton Oman also thanked Emery County for the opportunity to serve the County.

Commissioner Wilson thanked the Miss Emery Contestants and those who worked diligently to put on the pageant.

(3)

PRESENTATION BY IGNACIO ARRIEN FROM EMERY COUNTY FIRE DISTRICT REGARDING NEW FIRE TRUCKS.

Ignacio Arrien, Fire Chief for Emery County Fire Protection Special Service District talked about plans to rotate out aging fire trucks and equipment every two years. This year they will be getting 2 new trucks ( Green River and Cleveland) funded through CIB. Next year they hope to rotate out 2 more trucks (Castle Dale and Huntington). He requested assistance from PILT payments to the county to help pay for the trucks. In the future they want to upgrade Wildland

## COMMISSION MEETING

JULY 6, 2021

Fire equipment. Commissioner Wilson indicated that the county has 60 days to decide what to do with the PILT money they received, which was \$209,000 last year.

(4)

APPROVAL OF EMERY COUNTY'S 2021 EMERGENCY MANAGEMENT PLANNING GRANT (EMPG) APPLICATION.

Captain Kyle Ekker requested approval for Emery County's 2021 Emergency Management Planning Grant (EMPG) Application. This is a yearly grant application that the SO uses for training and equipment. This year the grant amount is \$13,000.00. Commissioner Gil Conover made a motion to approve of Emery County's 2021 Emergency Management Planning Grant (EMPG) Application. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

APPROVAL EMERY COUNTY SHERIFF'S OFFICE APPLICATION FOR THE STATE ASSET FORFEITURE GRANT (SAFG).

Captain Kyle Ekker requested approval for Emery County Sheriff's Office Application for the State Asset Forfeiture Grant (SAFG). He explained that the SO has an opportunity to participate in the grant application process. Last year they purchased body armor gear for the canine officer. Commissioner Kent Wilson made a motion to approve the Emery County Sheriff's Office application for the State Asset Forfeiture Grant (SAFG). The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/DENY BUSINESS LICENSE FOR BRITT ANDERSON FOR THE MILLSITE HOUSE AIRBnB.

Commissioner Gil Conover made a motion to approve a business license for Britt Anderson for the Millsite House AirBnB. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY AGREEMENT BETWEEN EMERY COUNTY AND GRANICUS FOR HOST COMPLIANCE SERVICES.

Adriana Chimaras explained that Granicus audits short term rentals such as airbnb and vrbo's. They identify addresses and rental activity as well as consulting with cities for the rental compliance and co-ordinates Transient Room Tax licenses with business license fees and taxing. The cost for the service is \$10,335. TRT would cover 60% of the cost and the cities would pay the other 40% depending on city population and amount of short term rentals in that city. Commissioner Wilson talked about trying it for one year and then analyzing the results of the service. Commissioner Kent Wilson made a motion to enter into a contract with Granicus for

## COMMISSION MEETING

JULY 6, 2021

Host Compliance Services upon approval of the County Attorney's review of the contract. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY FOREVER MIGHTY GRANT APPLICATION

Adriana Chimaras explained that the Forever Mighty Grant is a UOT 2-1 match promotion grant. It provides funds to promote responsible recreation with official billboards and "Keep It Swell" messaging on websites, in magazines, on billboards, pamphlets, social media, etc. The amount is \$75,000 with \$25,000 from TRT. Commissioner Gil Conover made a motion to approve the Forever Mighty Grant Application. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY COOP MARKETING GRANT APPLICATION

Adrian Chimaras explained that the funds will be used for the "Go West Summit". The purpose is to enable promoting tourism services such as motels and guide services. It would also pay for training businesses, such as Big Mountain Lodge, to increase their marketing opportunities. This would really help businesses in the Green River area. The total amount of the project is \$38,000. The grant is for \$19,000 with TRT picking up the additional \$19,000. Commissioner Kent Wilson made a motion to approve the Coop Marketing Grant Application. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

DISCUSS/APPROVE/DENY LETTER OF FINANCIAL COMMITMENT FOR CARBON COUNTY'S FOREVER MIGHTY GRANT.

Adriana Chimaras requested a letter of financial commitment for Emery County to Carbon County's Forever Mighty Grant. This would be the first effort to combine tourism efforts for Carbon and Emery Counties. The goal is to have visitors go from Price to western Emery County and down to Moore cutt-off road to Green River and then back to Carbon County. In doing this they will be working on putting more money from businesses back into the local economy.

(11)

DISCUSS/APPROVE/DENY DISPOSAL OF REAL PROPERTY OWNED BY EMERY COUNTY, PARCEL #01-112B-0052 LOCATED IN FERRON.

Commissioner Wilson stated that Emery County is starting the selling process by sending letters to the adjacent landowners, posting a notice of advertisement and accepting sealed bids. They plan to open the bids in the Commission Meeting held on August 17, 2021. If for some reason the top bidder is unable to secure financing, the bid will go to the second highest bidder.

## COMMISSION MEETING

JULY 6, 2021

Commissioner Kent Wilson made a motion to move forward with the selling process to dispose of real property owned by Emery County Parcel #01-112B-0052 located in Ferron. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)

DISCUSS/APPROVE/DENY DISPOSAL OF REAL PROPERTY OWNED BY EMERY COUNTY, PARCEL #04-044A-0006 LOCATED IN ORANGEVILLE.

This selling process falls under the same standards as the previous item. Commissioner Gil Conover made a motion to move forward with the selling process to dispose of real property owned by Emery County Parcel #04-044A-0006 located in Orangeville. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)

DISCUSS/APPROVE/DENY DISPOSAL OF PROPERTY OWNED BY EMERY COUNTY, PARCEL #01-154C-0005 LOCATED IN GREEN RIVER.

Commissioner Kent Wilson made a motion to move forward with the selling process to dispose of real property owned by Emery County Parcel #01-154C-0005 located in Green River. The motion was seconded by Commissioner Gil Conover. The motion passed.

(14)

DISCUSS/APPROVE/DENY RELEASE OF LIABILITY AND ASSUMPTION OF RISK FORM FOR USE OF THE EMERY COUNTY EVENTS ROCKWALL.

This is a release of liability and assumption of risk form for the use of the Emery County events rock wall. The cities who use the rock wall will be required to sign this form. Commissioner Kent Wilson made a motion to approve a release of liability and assumption of risk form for use of the Emery County Events Rock Wall. The motion was seconded by Commissioner Gil Conover. The motion passed.

(15)

DISCUSS/APPROVE/DENY RESOLUTION OF THE EMERY COUNTY COMMISSION AUTHORIZING THE FILING OF CROSS APPEALS FOR 2021 CENTRALLY ASSESSED PROPERTIES FILED BY CENTURYLINK, INC.

Motion to approve Resolution 7-6-21 authorizing the filing of cross-appeals for 2021 Centrally Assessed Properties filed by CenturyLink, Inc. was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

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COMMISSION MEETING

JULY 6, 2021

(16)

COMMISSION/ELECTED OFFICIALS REPORTS

Sheriff Funk reminded everyone of the Emery County Search and Rescue fundraising triathlon and spaghetti dinner on July 16 and 17 at Huntington North State Park.

Commissioner Wilson reported that the Emery County Commissioners have invited the State Tax Commission to provide a presentation on why private property assessed valuations have risen and centrally assessed valuations are dropping.

There will be only one Commission Meeting on August 17, 2021. No Commission meeting on August 3, 2021.

(17)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

COMMISSION MEETING MINUTES  
JULY 20, 2021

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

JULY 20, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 258155 through and including # 258270 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
46-21	Kitchenaid Commercial Mixer SO-Corrections	\$799.99
47-21	Jet Stream Cooler Road Dept.	\$3,699.00

There were no dispositions.

(2)

APPROVAL OF THE JULY 6, 2021 COMMISSION MEETING MINUTES.

(3)

APPROVAL OF OUT-OF-STATE TRAVEL FOR CAPTAIN KYLE EKKER, DETECTIVE TYSON HUNTINGTON, AND DETECTIVE SHON ROPER TO ATTEND THE UTAH NARCOTIC OFFICERS ASSOCIATION ANNUAL CONFERENCE IN MESQUITE, NEVADA AND CALIFORNIA NARCOTIC OFFICERS ASSOCIATION ANNUAL CONFERENCE IN RENO, NEVADA.



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COMMISSION MEETING MINUTES

JULY 20, 2021

(4)

APPROVAL TO HIRE PRESTON WILSON AS A DISPATCHER I WITH FULL BENEFITS. WAGE GRADE 14.

(5)

APPROVAL TO GIVE VANESSA JUSTESEN A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A VICTIM ADVOCATE II. EFFECTIVE 7-26-21

(6)

APPROVAL TO HIRE JOSHUA OPP AS A FULL TIME CORRECTION OFFICER I WITH FULL BENEFITS. WAGE GRADE 16.

(7)

APPROVAL TO GIVE MAXINE FIELDER A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER SIX MONTH ORIENTATION PERIOD AS A DEPUTY RECORDER II. EFFECTIVE 7-26-21.

(8)

APPROVAL TO GIVE CHARLENE JENSEN A 3 % WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER SIX MONTH ORIENTATION PERIOD AS A DEPUTY TREASURER II. EFFECTIVE 7-26-21.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

SAFETY MINUTE PRESENTATION BY WEED & MOSQUITO SUPERVISOR, CORY WORWOOD.

Weed & Mosquito Supervisor, Cory Worwood provided water/flash flooding safety tips.

(3)

AWARDING OF THE SAFETY VISA GIFT CARDS.

Safety VISA Gift Cards were awarded to:

EMTs: Doug Moreno and Seth Gardner

Safety Sensitive: Keaton Cowley and Kim Howes

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COMMISSION MEETING MINUTES

JULY 20, 2021

Full-time Employee: Vanessa Justesen

Part-Time Employee: Eli Whitsel

987 Days without a loss time incident.

(4)

PRESENTATION BY CASTLE COUNTRY CLASSIC JR. LIVESTOCK SHOW KIDS.

Country Classic Jr. Livestock Show participants gave an overview of the recent Jr. Livestock Show. 75 kids from Emery and Carbon showed 16 sheep, 33 goats, 30 pigs 17 steers 24 beef. 49 buckles were awarded to participants. The Judges were independent judges from Colorado. They each thanked Emery County Commissioners for their support of the Jr. Livestock Show.

(5)

DISCUSS/APPROVE/DENY PRESENTATION REGARDING THE HIRING OF 4 ADDITIONAL CORRECTION OFFICERS TO COMPLY WITH STATE CORRECTIONAL FACILITY RULES TO HOUSE STATE INMATES.

Sheriff Greg Funk, Deputy Shaun Bell and Corrections Sergeant Robby Riley presented information regarding housing state inmates at the Emery County Sheriff's Correctional Facility. Sheriff Funk explained that last year the ECSO began to house State inmates. They started off with 10 inmates. The State Prison guarantees the SO at least 40 inmates. However, at this time they are shorthanded. The ECSO will need to bring on additional staff to house additional inmates in order to meet facility rules to house state inmates. Shaun and Robby provided a breakdown of costs related to housing state inmates. The ECSO can handle 25 inmates with the staff that they have. It takes up to 5 months to train a new correctional officer. Sheriff Funk estimates that the SO may run in the red until they can get caught up with staffing the jail. Inmate revenue from the State for July 2020 through June 2021 was \$158,962. Estimated inmate revenue per year, per inmate is \$22,275.95. It cost \$98,000 per year for 4 employee positions. That amounts to \$392,000 in wages and benefits for 4 employees. It currently costs \$6,640.80 for certification/\$26,563 one time certification for 4 employees. It costs \$6.00 per day to feed 1 inmate/25 inmates \$150.00 a day or \$54,750.year. It was estimated that revenue from the state to house 25 inmates would be \$556,898.75 a year. After further discussion, Commissioner Kent Wilson made a motion to move forward with hiring additional staff to allow the SO to take on more state inmates, to meet quarterly to look at the numbers to possibly get up to the 25 inmates as quickly as possible. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/DENY MODIFICATION 001 TO THE COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING AND FINANCIAL PLAN BETWEEN THE COUNTY OF EMERY AND THE USDA, FOREST SERVICE, MANTI-LASAL NATIONAL FOREST.

Captain Kyle Ekker explained that their current Cooperative Law Enforcement Annual Operating and Financial Plan with the USDA, Forest Service, Manti-LaSal National Forest is \$5,000. The

COMMISSION MEETING MINUTES

JULY 20, 2021

SO has been informed that they can receive an additional \$13,600 one time payment. Modification 001 to the current plan is to accept the 1 time payment. Captain Ekker indicated that they will use the funds for mountain patrols on the Forest. Attorney Mike Olsen has reviewed the modification and recommends acceptance. Commissioner Gil Conover made a motion to approve Modification 001 to the Cooperative Law Enforcement Annual Operating and Financial Plan between Emery County and the USDA, Forest Service, Manti-LaSal national Forest. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

COMMISSION/ELECTED OFFICIALS REPORTS.

Sheriff Funk reported on the success of the Search and Rescue Triathlon held on the 16th and 17th of July. They had 130 contestants. They raised a substantial amount to assist EC Search and Rescue.

Commissioner Wilson talked about the proposed property tax increases. Homeowners are in for a shock due to taxes going up 25%. This is due to the factoring ordered by the state due to the price of home sales and the school bond approved in the last election. He indicated that the commissioners have invited the State Tax Commission to come to Commission Meeting to explain why Centrally Assessed property is down while residential has gone up.

He talked about a start-up business that is interested in renting the old Weed/Mosquito building. The Commissioners have talked about \$1000/month rent and \$500.00 allowance for them to upgrade the building. They are looking at what other counties are doing in this same scenario. The Commissioners have talked about making the old building into a manufacturing incubator for start up companies.

He also talked about the success of the EMT's in Green River.

Commissioner Sitterud reported that they finally have another contract from DRAX for the Research Center. They also have a local company, Conductive Composites looking into research at the center.

(8)

ADJOURN.

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

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COMMISSION MEETING MINUTES  
JULY 20, 2021

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

JULY 22, 2021

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Sheriff Greg Funk, Personnel Director Mary Huntington, Deputy Clerk/Auditor Carol Cox.

DISCUSSION AGENDA

(1)

DISCUSS/APPROVE/DENY HIRING DALTON JEFFS AS A FULL TIME DISPATCHER I, WITH FULL BENEFITS. WAGE GRADE 14.

Sheriff Funk requested approval to hire Dalton Jeffs as a full time Dispatcher I. If approved Dalton will start out in Dispatch and go to POST on August 8, 2021. Commissioner Gil Conover made a motion to approve hiring Dalton Jeffs as a full time Dispatcher I, with full benefits. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(2)

DISCUSS/APPROVE/DENY HIRING PRESLEY LAVATO AS A FULL TIME DISPATCHER I, WITH FULL BENEFITS. WAGE GRADE 14.

Sheriff Funk requested approval to hire Presley Lavato as a full time Dispatcher I. If approved Presley will also attend POST on August 8, 2021. Commissioner Kent Wilson made a motion to approve hiring Presley Lavato as a full time Dispatcher I with full benefits. The motion was seconded by Commissioner Gil Conover. The motion passed.

(3)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

COMMISSION MEETING MINUTES  
AUGUST 17, 2021

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

AUGUST 17, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS

The Warrant Check Edit List # 238379 through and including #238484 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
49-21	Fence Security System Sheriff	\$20,831.00
50-21	Space Grey 12.9 iPad Pro Library	\$ 1,299.00

There were no dispositions.

(2)

APPROVAL OF THE JULY 20, 2021 COMMISSION MEETING MINUTES.

(3)

APPROVAL TO PROMOTE EGAN SMITH TO PATROL DEPUTY II FOR 3 CONSECUTIVE YEARS ON THE ROAD. MOVE FROM GRADE 16 TO GRADE 17. EFFECTIVE 8-9-21.

(4)

NOTIFICATION: SELECTED CARTER ROBINSON AS A PART TIME, WORKING 19 3/4 HOURS PER WEEK, CUSTODIAN. WAGE GRADE 6. EFFECTIVE 8-5-21

COMMISSION MEETING MINUTES  
AUGUST 17, 2021

(5)

APPROVAL OF 3% WAGE INCREASE FOR JAN OLSEN FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS COMMISSION CONFIDENTIAL SECRETARY. EFFECTIVE 8-23-21

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

SAFETY MINUTE PRESENTATION BY KAREN RICHARDS, DEPUTY ASSESSOR.

Karen Richards, Emery County Assessor's Office presented a safety message regarding seat belt safety.

(3)

AWARDING OF SAFETY VISA GIFT CARDS.

EMT's: Britney Jensen and Tracy Davis  
Full Time Employee: Brent Langston  
Part Time Employee: Virginia Rowley  
Safety Sensitive Employee: Kurt Price and Colby Hunt

(4)

CONGRATULATIONS AND THANK YOU TO THE EMERY 10U ALLSTAR BASEBALL TEAM.

Maegan Crosland introduced the Emery 10U Allstar Baseball Team. They took second place in the Championship Pacific Regional Tournament. They were the only team to score against the seeded, first place Hawaii team. The team represented Emery County very well. Congratulations to the Emery 10U Allstar Baseball Team.!

(5)

OPEN AND AWARD SEALED BIDS FOR PARCEL #01-112B-0052 IN FERRON.

Barry Ryan Mills	\$37,200.
Ken & Michelle Grant	\$41,185.80
Kevin H. Love	\$68,999.
Joel M. Howes	\$51,000.
Ashley Mills	\$42,700.

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COMMISSION MEETING MINUTES  
AUGUST 17, 2021

Beau Killpack	\$49,000.
Gena Rieger	\$105,001.00

(6)

OPEN AND AWARD SEALED BIDS FOR PARCEL #04-044A-0006 IN ORANGEVILLE.

Ken & Michelle Grant	\$2,109.00
Michael Jewkes	\$2,710.00
Gardner Cattle Co.	\$2,232.32
Brian Jewkes	\$1,525.00

(7)

OPEN AND AWARD SEALED BIDS FOR PARCEL #01-0154C-0005 IN GREEN RIVER.

Wade Ryan	\$2,500.00
Charles Robert Huffman	\$4,000.00
Gabriela Flores	\$4,000.00
Ken & Michelle Grant	\$ 626.40
Jayne L. Mecham	\$13,800.00

The bids will be turned over to the County Attorney's Office for inspection and review. Successful bidders will be announced in the September 7, 2021 Commission Meeting.

(8)

DISCUSS/APPROVE/DENY MEMORANDUM OF UNDERSTANDING BETWEEN THE EMERY COUNTY SHERIFF'S OFFICE AND THE UTAH DEPARTMENT OF CORRECTIONS FOR USE OF THE OFFENDER WATCH-CHILD ABUSE OFFENDER REGISTRY.

Commissioner Kent Wilson made a motion to approve an MOU between the Emery County Sheriff's Office and the Utah Department of Corrections for use of the Offender Watch-Child Abuse Offender Registry. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY AMENDMENT TO THE INTER-AGENCY COORDINATION AND SUB RECIPIENT CONTRACT AGREEMENT FOR THE AGING PROGRAM.

The Commissioners needed more information on this item. Motion to table was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.



COMMISSION MEETING MINUTES  
AUGUST 17, 2021

(10)

DISCUSS/APPROVE/DENY MONETARY DONATION TO THE EMERY HIGHT RODEO TEAM.

Commissioner Kent Wilson made a motion to donate \$250.00 to the Emery High Rodeo Team. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)

DISCUSS/APPROVE/DENY RFP FOR A CONTRACTED POSITION ENCLOSING THE CONEX CONTAINERS USED TO STORE THE ROCK WALL AND OTHER EQUIPMENT.

The Emery County Commissioners discussed ways to store the rock wall recently purchased to be used at city celebrations/county events as well as other equipment used for events in the county. They discussed using conex containers and enclosing them complete with a roof. They discussed advertising for an RFP for a contracted position to construct the enclosed conex containers. Commissioner Kent Wilson made a motion to advertise for an RFP for a contracted position enclosing the conex containers used to store the rock wall and other equipment. The motion was seconded by Commissioner Gil Conover. The motion passed. Event Planner Amanda Leonard will oversee the containment. TRT funds will be used.

(12)

DISCUSS/APPROVE/DENY RESOLUTION OF THE EMERY COUNTY COMMISSION AUTHORIZING THE FILING OF CROSS APPEALS FOR THE 2021 CENTRALLY ASSESSED PROPERTIES FILED BY AT&T, INC., UNION PACIFIC RAILROAD COMPANY, WOLVERINE FUEL COMPANY LLC-SKYLINE, AND URBAN OIL & GAS GROUP LLC.

Attorney Mike Olsen indicated that authorizing the filing of cross appeals has become a matter of course for protecting the interests of Emery County. Commissioner Gil Conover made a motion to approve Resolution 8-17-21 authorizing the filing of cross appeals for the 2021 Centrally Assessed Properties filed by AT&T, Inc. Union Pacific Railroad Company, Wolverine Fuel Company LLC-Skyline, and Urban Oil & Gas Group, LLC.

(13)

DISCUSS/APPROVE/DENY CONTRACT FOR SERVICES BETWEEN EMERY COUNTY AND LESLIE THOMPSON.

It was determined that more information was needed to act on this item and the next items.

Motion to table Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

COMMISSION MEETING MINUTES

AUGUST 17, 2021

(14)

DISCUSS/APPROVE/DENY CONTRACT FOR SERVICES BETWEEN EMERY COUNTY AND LESLIE WILBERG.

Motion to table Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(15)

DISCUSS/APPROVE/DENY SUBCONTRACTOR AGREEMENT BETWEEN EMERY COUNTY AND SEUALG REGARDING THE PURCHASE OF A NEW MEALS ON WHEELS VEHICLE.

The Emery County Commissioners discussed a Subcontractor's Agreement between Emery County and SEUALG to purchase a meals on wheels vehicle for Emery County Senior Citizens. Robbie Jensen and Kassidee Greenan will search out a suitable vehicle. SEUALG will provide up to \$66,600 toward the purchase of the vehicle. The vehicle will be Emery County property. Commissioner Gil Conover made a motion to approve a Subcontractor Agreement between Emery County and SEUALG regarding the purchase of a new meals on wheels vehicle. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(16)

COMMISSION/ELECTED OFFICIALS REPORTS.

(17)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_

COMMISSIONER: \_\_\_\_\_

MINUTES OF A PUBLIC HEARING  
HELD BY THE EMERY COUNTY COMMISSION  
6:00 pm  
AUGUST 17, 2021

Present at the Public Hearing was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Clerk/auditor Brenda Tuttle, Deputy Clerk/Auditor Carol Cox, and citizens.

NOTICE OF PROPOSED TAX INCREASE

EMERY COUNTY IS PROPOSING A ONE TIME TAX LEVY TO PAY FOR A FINAL AND UNAPPEALABLE JUDGEMENT OR ORDER TO REFUND PROPERTY TAX TO A TAXPAYER(S).

THE TOTAL AMOUNT REQUIRED TO BE COLLECTED TO REFUND THE TAX IS \$112,500.

THE IMPACT ON A \$125,000 RESIDENCE WILL BE \$3.67 FOR ONE YEAR.

THE IMPACT ON A \$125,000 BUSINESS WILL BE \$6.67 FOR ONE YEAR.

Commissioner Lynn Sitterud opened the meeting to accept comments from the public. He explained that Pacificorp was granted a \$22,634,000 reduction in value. This resulted in Emery County having to pay a \$112,500.00 refund to Pacificorp.

Dixon Huntington voiced his concern for another added tax to the citizens of Emery County. He asked if there was any way to offset this payment with cut backs to departments?

Commissioner Sitterud explained that the Emery County Commissioners invited the State Tax Commission to come to the county to explain why they have allowed resident taxes to go up while Pacificorp taxes to go down. Six representatives from the USTC came and addressed the County's concerns.

Commissioner Wilson explained that one option would be to cut departments and pay the refund but, by doing a tax levy Pacificorp will be paying 80% of this refund back to themselves.

Brenda Tuttle explained that Emery County does not get extra money by doing this tax levy. We will still collect the same amount. This doesn't change the county budget.

Comments and questions were provided by Russ and Julie Oakeson and other citizens in attendance.

Commissioner Gil Conover made a motion to close the Public Hearing and adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF A SPECIAL MEETING OF THE  
EMERY COUNTY COMMISSIONERS

AUGUST 24, 2021

Present at the meeting was Commissioner Lynn Sitterud, Commissioner Gil Conover, Clerk/Auditor Brenda Tuttle, Deputy Clerk/Auditor Carol Cox. Commissioner Kent Wilson was out of town. Commissioner Sitterud stepped down throughout the meeting to execute any motions as needed.

DISCUSSION AGENDA

(1)

DISCUSS/APPROVE/DENY A JUDGEMENT LEVY IN THE AMOUNT IF \$112,500 FOR THE REPAYMENT OF AN ORDER FROM THE UTAH STATE COMMISSION.

Commissioner Sitterud explained that a Public Hearing was held on August 17,2021 regarding a repayment order from the Utah State Tax Commission in the amount of \$112,500.00.

We received comments from the public. The public that was here understood why we have to do a judgement levy to pay this order from the USTC.

Commissioner Gil Conover made a motion to approve a judgement levy in the amount of \$112,500.00 for the repayment of an order from the Utah State Tax Commission. The motion was seconded by Commissioner Lynn Sitterud. The motion passed.

(2)

ADJOURNMENT

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Lynn Sitterud, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

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

SEPTEMBER 7, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #258499 through and including #258604 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
51-21	Manual Monitor/Defibrillator EMS/Ambulance	\$31,738.11
52-21	MAK 10-2 Sample Gas Conditioner SRERC	6,145.00

There were no dispositions

(2)  
APPROVAL OF THE AUGUST 17, 2021 COMMISSION MEETING MINUTE

(3)  
APPROVAL OF BUSINESS LICENSE FOR FLAT TOP FABRICATION LLC.

(4)

NOTIFICATION: SELECTED GRIFFIN BERNARD AND ASPEN JENSEN AS PART TIME LIFEGUARDS WORKING UP TO 19 ¾ HOURS PER WEEK WITH NO BENEFITS. WAGE GRADE 3.

(5)

NOTIFICATION: SELECTED JONATHON SEELY AS A PART TIME HEAD LIFEGUARD WORKING UP TO 19 ¾ HOURS PER WEEK WITH NO BENEFITS. WAGE GRADE 3.

(6)

NOTIFICATION: DINAH HAYWARD'S PART TIME JANITORIAL HOURS WERE INCREASED FROM 9.75 TO 19.75 IN THE RECENT RESIGNATION OF A FORMER EMPLOYEE WHO JOB SHARED THE RESPONSIBILITY.

(7)

APPROVAL TO GIVE LISA GREGG A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS AN ASSISTANT LIBRARIAN IN FERRON. EFFECTIVE 9-20-21

(8)

APPROVAL OF ANDY WALL TO BE A RESERVE OFFICER @\$14.00 PER HOUR.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

DISCUSS/APPROVE./DENY PROPERTY TAX EXEMPTION APPLICATION FOR CASTLE RIDGE BEHAVIORAL HEALTH CORP.

Todd and Donn Jeffs requested approval for a Property Tax Exemption Application for Castle Ridge Behavioral Health Corp. Donn explained that they recently purchased the old Castle Dale City Hall building with the intent to be a behavioral health center. They have been set up as a 501C3 non-profit company; She indicated that they do plan on having employees in the future as they grow. Any funds that come in will go directly into paying daily expenses. They will

offer charitable, education and spiritual guidance to people in crisis. In the future they plan to employ a therapist and a nutritionist to assist individuals to take care of themselves spiritually, mentally, and physically. They plan to offer assistance for all manner of addictions and depression as well as rehabilitation/recovery services. They have 16 rooms to offer in-patient and out-patient services. Future plans include a gym in the old swimming pool area. They hope that this will be a place of refuge and safety while working through crisis situations and learning life skills for the future. They had an open date of September 1st, 2021, however, they are still working to get the facility ready. They have a website [castleridge.org](http://castleridge.org). This first year services will be on a cash basis only as they are not allowed to take insurance for the first year.

Commissioner Kent Wilson talked about the three major criteria set by state statute to qualify for tax exempt status. The criteria are religious, charitable, and educational. They must be a non-profit with no income resources.

Sheriff Funk asked if they will be working in coordination with Four Corners? Donn indicated that they would like to work with Four Corners but have not had a discussion with them as of yet.

Commissioner Wilson asked that Attorney Mike Olsen review the application to determine if Castle Ridge qualifies for tax exempt status as per state statute.

Commissioner Gil Conover made a motion to table any decision on the tax exempt application for Castle Ridge Behavioral Health Corp until the next Commission Meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(3)

DISCUSS/APPROVE/DENY QUIT CLAIM DEED FOR PARCEL #01-154C-0005 FOR DARREL & JAYME MECHAM

Commissioner Gil Conover made a motion to approve a Quit Claim Deed for Parcel#01-154C-0005 for Darrel and Jayme Mecham. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(4)

DISCUSS/APPROVE/DENY QUIT CLAIM DEED FOR PARCEL #04-044A-0006 FOR ,MICHAEL JEWKES AND TASHA JEWKES.

Commissioner Kent Wilson made a motion to approve of a Quit Claim Deed for Parcel #04-044A-0006 for Michael Jewkes and Tasha Jewkes. The motion was seconded by Commissioner Gil Conover. The motion passed.



(5)

DISCUSS/APPROVE/DENY QUIT CLAIM DEED FOR PARCEL #01-112B-0052 FOR GARY AND GENA RIEGER.

Commissioner Gil Conover made a motion to approve a Quit Claim Deed for Parcel #001-112b-0052 for Gary and Gena Rieger. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

DISCUSS/APPROVE/DENY AGREEMENT BETWEEN BANDWAGON AND EMERY COUNTY FOR THE DESTINATION PHOTOGRAPHY PROJECT.

Commissioner Kent Wilson made a motion to table this item until a future meeting. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY ONE YEAR TIME EXTENSION FROM THE NRCS ON THE EMERY COUNTY, REHABILITATION OF MILLSITE DAM PROJECT 68-8C43-15-13.

Commissioner Gil Conover made a motion to approve a one year time extension from NRCS on the Emery County Rehabilitation of Millsite Dam Project 68-8C43-15-13. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY AMENDMENT TO THE INTER-AGENCY COORDINATION AND SUB RECIPIENT CONTRACT AGREEMENT FOR THE AGING PROGRAM.

The amendment to the Inter-Agency Coordination and Sub Recipient Contract Agreement for the Aging Program allows for additional funds in the following programs:

Socialization \$9,086 and Nutrition \$26,443.

Commissioner Gil Conover made a motion to approve the Amendment to the Inter-Agency Coordination and Sub Recipient Contract Agreement for the Aging Program. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY THE EMERY COUNTY ONLINE SALES TERMS AND CONDITIONS.

Clinton Olsen requested approval for the Emery County Online Sale Terms and Conditions. He explained that equipment and items will be sold "as is" with no warranty on the item. The buyer must arrange for packaging and shipping the item. He added that by selling excess

equipment in this manner Emery County will be able to advertise an item and have the ability to get the most value for the item rather than holding the item for the next excess property sale. He indicated that 8 other agencies are using this process to sell excess property. The website is publicsurplus.com. Commissioner Kent Wilson made a motion to approve the Emery County Online Sales Terms and Conditions. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)

COMMISSION/ELECTED OFFICIALS REPORTS

Sheriff Funk advertised for bids for the construction of fencing at the Emery County Jail. bids were due in the C/A Office by 12:00pm today. Johansen and Tuttle Engineering held a site showing/pre-bid meeting on August 13, 2021. There were two bids submitted. Allred Construction bid \$116,095.92. Johansen Construction bid \$122,491.55. Awarding of the bid was not an agenda item for consideration in today's Commission Meeting. The bids will be turned over to Attorney Mike Olsen to consider the best value for the county. J&T will put together an abstract for comparison.

Sheriff Funk talked about the recent flooding incident in Hanksville and the many volunteers who stepped up to help Wayne County in their need. Search and Rescue, ECSO, CVSSD, and Emery County Road Department helped as well as many others. He stated he is proud of the response he received from Emery County to aid in Wayne County's cleanup efforts.

Attorney Mike Olsen added that he is proud of the volunteers who stepped up to help.

Commissioner Wilson added that Wayne County Commissioner Dennis Blackburn called and thanked everyone for their assistance.

Commissioners Sitterud and Conover added that they echoed the sentiments and are proud of our first responders.

(11)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

COMMISSION MEETING MINUTES  
SEPTEMBER 21

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

SEPTEMBER 21, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 258611 through and including #258696 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
53-21	Presentation Zoom Screen IT/Capital	\$1,129.99

There were no dispositions.

(2)

APPROVAL OF THE SEPTEMBER 7, 2021 COMMISSION MEETING MINUTES

(3)

NOTIFICATION: SELECTED BELINDA PEACOCK AS A PART-TIME MUSEUM SPECIALISTS WORKING UP TO 19 ¾ HOURS PER WEEK. WAGE GRADE 6.

(4)

NOTIFICATION: SELECTED HOLLY FONVILLE AS A VARIABLE PART0TIME CONFIDENTIAL SECRETARY TO COMMISSIONER GIL CONOVER. WORKING 20-29 HOURS PER WEEK WITH PRORATED RETIREMENT. WAGE GRADE 14.

2

COMMISSION MEETING MINUTES  
SEPTEMBER 21

(5)

APPROVAL TO PROMOTE CLARENCE SMITH TO GREEN RIVER PATROL SERGEANT.  
MOVE FROM GRADE 17 TO GRADE 21. EFFECTIVE 10-4-21.

(6)

APPROVAL TO HIRE DENISE REID AS THE ¾ TIME ELMO BRANCH LIBRARIAN WORKING  
29 HOURS PER WEEK, WITH PRORATED BENEFITS BUT NO MEDICAL. WAGE GRADE  
15.

(7)

APPROVAL TO HIRE TIFFANY BANTER AS THE ¾ TIME EMERY BRANCH LIBRARIAN  
WORKING 29 HOURS PER WEEK, WITH PRORATED BENEFITS BUT NO MEDICAL. WAGE  
GRADE 15.

(8)

APPROVAL TO GIVE KATIE MCCANDLESS A 3% WAGE INCREASE FOR SUCCESSFUL  
COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A LIFEGUARD. EFFECTIVE  
10-4-21

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

SAFETY MINUTE PRESENTATION BY KAYLEE VANWAGONER, LEAD AQUATIC CENTER  
OPERATOR.

Kaylee Vanwagoner provided pool safety tips for parents with youths (two and three year olds).

(3)

AWARDING OF SAFETY VISA GIFT CARDS

Safety VISA Cards were awarded to the following:

Full time employee: Shannon Hiatt

Part time employee: Abbie Christiansen

Safety Sensitive employees: Gary Price and Shaun Bell

EMT's: Cody Westenskow and Kyle Larsen

COMMISSION MEETING MINUTES  
SEPTEMBER 21

(4)

RATIFICATION OF APPROVAL OF EMERY COUNTY'S APPLICATION TO THE STATE MATCHING GRANT PROGRAM FOR THE SRERC SANITARY SEWER LINE PROJECT.

Emery County received \$900,000 from the federal government. The state has received money also. The State came up with a Matching Grant Program that counties may apply for to use for matching on projects for their county. Emery County came up with two projects. This first project is for a sewer line from the SRERC to Orangeville City. Commercial and Residential outlets along the way that property owners will be able to connect to. They have ten or so people who are interested in connecting to the line. Emery County felt that this project met the qualifications for the program and has made an application to the state program. The paperwork had to be filed prior to this meeting and ratification of that process is now needed. Motion to ratify approval of Emery County's application to the State Matching Grant program for the SRERC Sanitary Sewer Line Project was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover. The motion passed.

(5)

RATIFICATION OF APPROVAL OF EMERY COUNTY'S APPLICATION TO THE STATE MATCHING GRANT PROGRAM FOR THE NEWU CULINARY WATER IMPROVEMENT PROJECT.

The second project for the Matching Grant Program is for NEWU Culinary Water Improvement Project. Commissioner kent Wilson made a motion to ratify approval of Emery County's application to the State Matching Grant Program for the NEWU Culinary Water Improvement Project.

(6)

RATIFICATION OF SIGNING OF THE NOTICE OF AWARD FOR THE EMERY COUNTY JAIL FENCE UPGRADE PROJECT 2021 TO ALLRED CONSTRUCTION.

In the September 7, 2021 Commission Meeting bids were opened and read aloud for the Emery County Jail Fence Upgrade Project 2021. The bids were reviewed and the bid awarded to the low bidder Allred Construction. Awarding of the bid needs to be ratified. Commissioner Gil Conover made a motion to approve awarding the bid to Allred Construction for the Emery County Jail Fence upgrade project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(7)

DISCUSS/APPROVE/DENY SELECTION OF PHOTOGRAPHY RFP FOR TRAVEL BUREAU.

Adriana Chimaras Emery County Travel Bureau along with Doug Stilson and Maria Sykes Board members discussed the selection of Photography RFP for Travel Bureau. Adriana indicated that this RFP for photography is part of the first grant she wrote back in 2019. The

COMMISSION MEETING MINUTES  
SEPTEMBER 21

Travel Bureau has \$20,000 for this project. The photography will be used to launch social media for Emery County Travel Bureau. RFP's have been received from Bandwagon for \$16,000, Bagrimes for \$12,115, and Nielson for \$21,500. Commissioner Wilson explained the system used to evaluate the RFP's. Discussions about the photos began and the urgency on behalf of the Commissioners to utilize local contractors when possible. The Travel Bureau Board members felt that experience is important. Attorney Mike Olsen discussed the contract proposed by Bandwagon and his concern that the contract stipulates that Emery County will not own the photos and there may be additional costs. Commissioner Wilson talked about looking at the county's procurement policy and addressing local business. Commissioner Wilson desired to redo the RFP process again in the Spring. After much discussion on this issue Commissioner Gil Conover made a motion to deny the selection of photography RFP from the Travel Bureau. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

ACCEPTANCE OF AWARD OF THE UTAH DIVISION OF EMERGENCY MANAGEMENT RY 2021 EMERGENCY MANAGEMENT PERFORMANCE GRANT.

Commissioner Gil Conover made a motion to accept the award of the Utah Divisions of Emergency Management RY 2021 Emergency Management Performance Grant. The motion was seconded by Commissioner Kent Wilson. The motion passed. The award amount is \$5,240.

(9)

ACCEPTANCE OF AWARD OF STATE HOMELAND SECURITY GRANT PROGRAM (SHSP) FY 2021 GRANT ALLOCATION FROM THE UTAH DEPARTMENT OF PUBLIC SAFETY (DPS) DIVISION OF EMERGENCY MANAGEMENT (DEM).

The State Homeland Security Grant program (SHSP) FY 2021 Grant Allocation from the Utah Department of Public Safety Division of Emergency Management awarded the amount which is split between Emery and Carbon Counties. \$111,607.62 for Emery County, and \$122,861.62 for Carbon County. Carbon gets more of the funding because they have more certified HaZMat team members than Emery. Motion to accept the award of SHSP FY 2021 was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(10)

DISCUSS/APPROVE/DENY CLOSING OF BOE.

Commissioner Kent Wilson made a motion to close BOE for 2021. The motion was seconded by Commissioner Gil Conover. The motion passed.

5

COMMISSION MEETING MINUTES

SEPTEMBER 21

(11)

DISCUSS/APPROVE/DENY BOE CHANGES FOR 2021.

Commissioner Gil Conover made a motion to approve BOE changes for 2021. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY VETERAN, BLIND AND HOMEOWNER'S TAX CREDIT ABATEMENTS.

Commissioner Kent Wilson made a motion to approve the Veteran, Blind and Homeowner's Tax Credit Abatements as presented. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

DISCUSS/APPROVE/DENY LOW INCOME TAX ABATEMENT FOR BLAIR LARSEN.

The low income abatement requirements were met for Blair Larsen's application. This is a Commission Adjustment up to 50% of the taxes. Commissioner Kent Wilson made a motion to approve a 50% low income tax abatement for Blair Larsen. The motion was seconded by Commissioner Gil Conover. The motion passed.

(14)

DISCUSS/APPROVE/DENY EMERY COUNTY BEER TAX FUNDS FISCAL YEAR 2021 ANNUAL REPORT.

Beer Tax Funds in the amount of \$20,011.63 for the year 2021 were discussed. The funds have specific use requirements. Commissioner Kent Wilson made a motion to approve Emery County Beer Tax Funds Fiscal year 2021 Annual Report. The motion was seconded by Commissioner Gil Conover. The motion passed.

(15)

DISCUSS/APPROVE/DENY JOINING THE STATE OF UTAH OPIOID SETTLEMENT.

At the request of Attorney Mike Olsen Motion to table was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

(16)

DISCUSS/APPROVE/DENY LEASE AGREEMENT WITH BTAC, JAM WALLS AND EMERY COUNTY.

Commissioner Wilson explained that the County has been working with local AOG in Price and the Business Technical Assistance Center to create manufacturing jobs in Emery County. A company has a desire to lease the old Weed/Mosquito building to manufacture climbing walls.

COMMISSION MEETING MINUTES  
SEPTEMBER 21

They have worked out an agreement with the AOG to manage that lease for us. The AOG will deal with the tenant. They will take the \$500 for their time to manage. There may be more documents down the road with the AOG to declare what our roles will be. Commissioner Kent Wilson made a motion to approve a lease agreement with BTAC, Jam Walls and Emery County. The motion was seconded by Commissioner Gil Conover. The motion passed.

(17)

DISCUSS/APPROVE/DENY THE RESOLUTION OF APPOINTMENT FOR COMMISSIONER KENT WILSON TO BE THE VOTING REPRESENTATIVE AND MIKE OLSEN TO BE THE ALTERNATE VOTING REPRESENTATIVE AT THE UCIP ANNUAL MEMBERSHIP MEETING ON NOVEMBER 11, 2021.

Motion to approve Resolution 9-21-21 a resolution of appointment for Commissioner Kent Wilson to be the voting representative and Mike Olsen to be the alternate voting representative at the UCIP Annual Membership Meeting on November 11, 2021 was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

(18)

COMMISSION/ELECTED OFFICIALS REPORTS

Commissioner Sitterud reported on LEPC meeting at the Sheriff's Office last week where there was a presentation on the recent flooding in Huntington Canyon at Gentry Mountain Mine. Management from the mine asked that their thanks be forward to all for the work that was done during the flood and effort to find the deceased miner. They appreciated all that has been done for them.

(19)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



MINUTES OF THE REGULAR MEETING OF THE BOARD OF THE  
LOCAL BUILDING OF AUTHORITY OF EMERY COUNTY

SEPTEMBER 21, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

(1)

DISCUSS/APPROVE/DENY MINUTES FROM THE SEPTEMBER 7, 2021 LBA MEETING.

Motion to approve the minutes of the September 7, 2021 LBA Meeting was made by Board member Lynn Sitterud, seconded by Board member Kent Wilson, and the motion passed.

(2)

DISCUSS/APPROVE/DENY CHANGE ORDER #4 ON THE SAN RAFAEL ENERGY RESEARCH CENTER PROJECT.

Board member Lynn Sitterud explained that the 2nd garage door and a door to the IT room at the SRERC have to be replaced to meet ADA standards. The cost is \$6,412.17. Board member Lynn Sitterud made a motion to approve CO#4 on the SRERC Project. The motion was seconded by Board member Kent Wilson. The motion passed.

(3)

DISCUSS/APPROVE/DENY ANY BILLS TO BE PAID THROUGH LBA.

Board member Lynn Sitterud made a motion to pay the bills. The motion was seconded by Board member Kent Wilson. The motion passed.

(4)

ANY OTHER BUSINESS WHICH MAY REGULARLY COME BEFORE THE BOARD.

(5)

ADJOURN

Motion to adjourn the meeting was made by Board member Lynn Sitterud, seconded by Board member Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

OCTOBER 5, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

## CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 258711 through and including #258790 was presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
54-21	Controller for Combustion Furnace Voltage or Current Analog Output Module: Thermocoupler SRERC	\$2,765.00
55-21	Module Analog Input SRERC	\$ 660.00
56-21	Stryker Stair Chair-Pro Model 6252 Ambulance	\$3,491.87
57-21	Door Controls for County facilities COVID- Courthouse	\$81,893.75

(2)

APPROVAL OF THE SEPTEMBER 21, 2021 COMMISSION MEETING MINUTES

2

Commission Meeting Minutes

October 5, 2021

(3)

NOTIFICATION: SELECTED CALE ALLRED AS A PART TIME RUSSIAN OLIVE TECHNICIAN WORKING 193/4 HOURS PER WEEK. WAGE GRADE 14.

(4)

APPROVAL TO GIVE TYLER BUTLER A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A LUBE MECHANIC. EFFECTIVE 10-18-21

(5)

APPROVAL TO PROMOTE CORY CLOWARD TO SR. EQUIPMENT OPERATOR. MOVE FROM GRADE 17 TO GRADE 19. EFFECTIVE 10-18-21.

(6)

APPROVAL TO GIVE KYLE FARLEY A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A CORRECTION OFFICER I. EFFECTIVE 10-18-21

(7)

APPROVAL TO GIVE KEATON COWLEY A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A PATROL SERGEANT. EFFECTIVE 10-18-21.

(8)

APPROVAL TO GIVE AJ O'NEIL A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A PATROL SERGEANT. EFFECTIVE 10-18-21.

(9)

NOTIFICATION: SELECTED COLLEEN MURDOCK AS A PART TIME FLOATING ASSISTANT BRANCH LIBRARIAN. WAGE GRADE 7.

(10)

APPROVAL OF LETTERS OF SUPPORT FROM EMERY COUNTY REGARDING GREEN RIVER CITY'S ECONOMIC ADJUSTMENT GRANT APPLICATION.

Motion to approve the CONSENT AGENDA was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

THANK YOU FROM THE SOUTHEASTERN UTAH JUNIOR LIVESTOCK SHOW.

Southeastern Utah Jr. Livestock Show representatives Isabelle Jensen, Cassidy Gilbert, Deri Thatcher, Dazi Thatcher, Jersey Killpack, Devin Thatcher reported on the success of the recent Jr. Livestock Show. Exhibits included 175 goats, 170 sheep, 64 cows, 120 hogs. 21 of the 29 Utah counties were represented at the show. There were 350 exhibitors and they fed 600 at the opening BBQ dinner. They thanked the Emery County Commissioners for their support.

(3)

DISCUSS/APPROVE/DENY EMERY COUNTY SHERIFF OFFICE APPLICATION TO THE UTAH COMMISSION OF CRIMINAL & JUVENILE JUSTICE FOR THE 2020 JAG GRANT.

Sheriff Funk requested approval for an application to the Utah Commission of Criminal & Juvenile Justice for the 2020 JAG Grant for \$3,500. They plan to purchase 4 new evidence kits at \$969.57 each. Commissioner Gil Conover made a motion to approve the application for the JAG Grant. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(4)

DISCUSS/APPROVE/DENY SUBCONTRACT AGREEMENT BETWEEN EMERY COUNTY AND THE UNIVERSITY OF UTAH FOR L1500 TESTING AT THE SRERC

Commissioner Sitterud explained that the combustion testing will be conducted by the University of Utah for Rocky Mountain Power. The contracted amount is \$84,000. Commissioner Gil Conover made a motion to approve a Subcontract Agreement between Emery County and the University of Utah for L1500 testing at the SRERC. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(5)

DISCUSS/APPROVE/DENY RESOLUTION APPROVING THE GREEN RIVER I SOLAR PROJECT INTERLOCAL AGREEMENT.

Commissioner Wilson explained that the Resolution is approving the Green River I Solar project Interlocal Agreement. The same resolution will go before the other taxing entities, Emery County School District and Emery Water Conservancy District for their approval. The next step will be to approve the Participation Agreement with the Community Reinvestment Agency. Commissioner Kent Wilson made a motion to approve Resolution 10-5-21A approving the Green River I Solar Project Interlocal Agreement. The motion was seconded by Commissioner Gil Conover. The motion passed.

(6)

DISCUSS/APPROVE/DENY RESOLUTION APPROVING THE GREEN RIVER II SOLAR PROJECT INTERLOCAL AGREEMENT.

Commissioner Kent Wilson made a motion to approve Resolution 10-5-21B approving the Green River II Solar Project Interlocal Agreement. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY RESOLUTION APPROVING THE PIVOT 13 SOLAR PROJECT INTERLOCAL AGREEMENT.

Commissioner Kent Wilson made a motion to approve Resolution 1-5-21C approving the Pivot 13 Solar Project Interlocal Agreement. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY LETTER OF SUPPORT FOR THE PLACING OF INFORMATION OHV SIGNAGE OF THE CCC CAMPS IN THREE LOCATIONS.

Suzanne Anderson, EC Archives/Historic Preservation requested a letter of support for the placing of information OHV signage of the CCC Camps in Willow Springs, Ferron Canyon and Museum of the San Rafael. A letter of support will need to be submitted with a FIG grant application due in January. Commissioner Gil Conover made a motion to approve a letter of support for the placing of information OHV signage of the CCC Camps in three locations. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(9)

DISCUSS/APPROVE/DENY 2021 PERSONAL PROPERTY BUSINESS ACCOUNTS THAT QUALIFY FOR EXEMPTION.

Assessor Kris Bell presented a list of business accounts with personal property under \$15,300. She requested that these businesses are considered exempt from paying personal property tax. Commissioner Gil Conover made a motion to approve the list of personal property accounts that qualify for exemption. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY THE ANNUAL WELLNESS CLINIC TO BE HELD OCTOBER 27TH AND 28TH FROM 7:00-10:00A.M, EACH DAY AND THE 29TH IN GREEN RIVER FROM 9:00-9:30 A.M.. COUNTY WILL PAY \$200.00 FOR EACH FULL TIME EMPLOYEE WHO PARTICIPATES IN THE COMPREHENSIVE BLOOD DRAW.

Personnel Director Mary Huntington requested approval for the annual Wellness Clinic to be held October 27th and 28th from 7:00-10:00 a.m., each day, and the 29th in Green River from 9:00-9:30 a.m. As in years past the county will pay \$200.00 for each full time employee who participates in the comprehensive blood draw. Commissioner Gil Conover made a motion to approve the annual Wellness Clinic as presented. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY GIVING EACH FULL TIME EMPLOYEE WHO PARTICIPATES IN THE COMPREHENSIVE BLOOD DRAW, IN CONJUNCTION WITH THE ANNUAL WELLNESS CLINIC, 4 HOURS OF VACATION.

Mary Huntington requested, as in years past, giving full time employees who participate in the Comprehensive Blood Draw, in conjunction with the Wellness Clinic, 4 hours of vacation. Commissioner Gil Conover made a motion to approve 4 hours of vacation for full time employees who participate in the comprehensive blood draw in conjunction with the Wellness Clinic. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(12)

DISCUSS/APPROVE/DENY MONETARILY INCENTIVIZING EMPLOYEES (EXCEPT LIFEGUARDS) AND ELECTED OFFICIALS WHO HAVE OR WILL BECOME FULLY VACCINATED WITH THE COVID-19 VACCINE BY 11-1-21, USING ARPA FUNDS.

Mary Huntington requested approval to give monetary incentives to employees and elected officials (except lifeguards) who have or will become fully vaccinated with the COVID-19 vaccine by 11-1-21 using ARPA funds. She asked the Commission what they felt was a reasonable monetary incentive amount. Commissioner Wilson suggested \$500.00 to full time, part time and elected officials. It was suggested to push the deadline to the 15th of November. After some discussion on this matter, Commissioner Kent Wilson made a motion to give a \$500.00 monetary incentive per employee and elected officials (except lifeguards) who have or will become fully vaccinated with the COVID-19 vaccine by 11-15-21, using ARPA funds. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

DISCUSS/APPROVE/DENY RESOLUTION ADOPTING COVID PAY VARIANT POLICY,  
USING ARPA FUNDS.

Mary Huntington requested approval for a resolution adopting COVID pay variant policy. She explained that this resolution is an effort to accommodate employees who are affected by the pandemic. She suggested that fully vaccinated, full-time employees who get COVID and are required to quarantine by the guidelines of SEUHD will be eligible to receive 40 hours of COVID pay. Fully vaccinated part-time employees who get COVID and are required to quarantine by the guidelines of the SEUDH, will be eligible to receive 20 hours of COVID pay. This would expire by December 31, 2022 or sooner for part-time employees if Utah Retirement Systems starts recognizing this as a benefit. Commissioner Kent Wilson made a motion to adopt Resolution 10-5-21D a resolution adopting a COVID-19 Pay Policy. The motion was seconded by Commissioner Gil Conover. The motion passed. Attorney Mike Olsen suggested having SEUHD attend a Commission Meeting and advise the County on the COVID-19 guidelines.

(14)

DISCUSS/APPROVE/DENY AWARDING OF CONTRACT WITH SOUTHEAST FENCING FOR  
CHAIN LINK FENCING AT THE COUNTY ROAD SHOP.

Wayde Nielsen requested approval to award a contract to Southeastern Fencing for chain link fencing at the county road shop. They plan to use material that they already have to secure the yard at the Road Department. He requested that they accept the low bid from Southeastern Fencing at \$5,300. Commissioner Gil Conover made a motion to award a contract to Southeastern Fencing for fencing at the Road Department upon review of the contract by County Attorney Mike Olsen. The motion was seconded by Commissioner Kent Wilson. The motion passed. The Contract will be ratified in the next Commission Meeting.

(15)

DISCUSS/APPROVE/DENY APPROVING CONTRACT FOR WORK ON MODIFICATION TO  
THE SALT SHED AT THE EMERY COUNTY ROAD SHOP.

Wayde Nielson requested approval of a contract for work on modification to the Salt Shed at the Emery County Road Shop. There was one quote from the previous bidder. Commissioner Gil Conover made a motion to approve a contract for work on modification to the salt shed at the Emery County Road Shop upon review and approval of the contract from County Attorney Mike Olsen. The motion was seconded by Commissioner Kent Wilson. The motion passed. The Contract will be ratified in the next Commission Meeting.

(16)

DISCUSS/APPROVE/DENY EMERY COUNTY BEING A PART OF THE STATE BBB GRANT APPLICATION.

Commissioner Wilson explained that the Build Back Better Grant is to apply for money granted from the Federal Government to the State Of Utah that counties impacted by coal for which the county may apply to create Industrial & Manufacturing Park areas for businesses. Emery County is applying for \$25 million, \$20 million for the SRERC and \$5 million for the Industrial & Manufacturing Park. There is a 20% match required which the county can match with CIB funds from the state. This grant application will move Emery County further into the process. Commissioner Gil Conover made a motion to approve Emery County participation in the State BBB Grant Application. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(17)

DISCUSS/APPROVE/DENY MOU BETWEEN BTAC AND EMERY COUNTY FOR MANAGEMENT OF THE MANUFACTURING INCUBATOR LOCATED AT THE OLD WEED AND MOSQUITO BUILDING.

This management agreement establishes the terms and scope for services the Southeastern Utah Business & Technical Assistance Center (BTAC) will perform on behalf of Emery County in managing lease agreements with newly established businesses and entrepreneurs to be located in available leasing space at a building owned by Emery County. Emery County intends to rent available space to one occupant of the Industrial Incubator of a newly established business and entrepreneur and desires to engage BTAC to manage and operate the Industrial Incubator. BTAC is willing to provide management services on behalf of Emery County. Funds for the operation of the Industrial Incubator will be provided from the Industrial Incubator revenues from leases. All funds will be paid to BTAC by the tenant at the Industrial Incubator. Current management of operations at the Industrial Incubator will include; lease payment per lease agreement, which consists of 50% cash payment (retained by the BTAC) and 50% in-kind improvements made by lessee to the assigned Industrial Incubator space. Commissioner Kent Wilson made a motion to approve an MOU agreement between BTAC and Emery County as landowners of the Incubator at the old Weed and Mosquito Building. The motion was seconded by Commissioner Gil Conover. The motion passed.



8

Commission Meeting Minutes

October 5, 2021

(18)

COMMISSION/ELECTED OFFICIALS REPORTS.

Sheriff Funk reported on recent car thefts in the county. He reminded everyone to be vigilant about locking doors.

(19)

ADJOURN.

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

COMMISSION MEETING  
OCTOBER 19, 2021

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

OCTOBER 19, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #258717 through and including #258794 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
58-21	Jail Camera Upgrade and Storage Sheriff	\$ 27,740.85
59-21	Master Evidence Collection Kit Sheriff	\$ 3,878.28
60-21	NXR-5700 VHF Repeater VHF Pass Reject Duplexer 150-174 MHz Sheriff	\$ 18,593.28
61-21	(6) Handheld Radios NX-5200K2-VHS Road Department	\$ 4,699.86
62-21	Black Box KVM Switch 4-Port USB Freedom II Sheriff	\$ 1,111.94

Dispositions were presented for the following:

9470 Drink Machine, 3456 Electric Stapler, Rokon Trail Breaker.

2

COMMISSION MEETING  
OCTOBER 19, 2021

(2)

APPROVAL OF THE OCTOBER 5, 2021 COMMISSION MEETING MINUTES.

(3)

APPROVAL OF OUT-OF-STATE TRAVEL FOR ADRIANA CHIMARAS TO ATTEND THE GO WEST SUMMIT.

(4)

APPROVAL OF OUT-OF-STATE TRAVEL FOR ADRIANA CHIMARAS AND JIM JENNINGS TO ATTEND THE BASECAMP CONFERENCE.

(5)

APPROVAL TO HIRE SUSAN HESS AS THE FULL-TIME CASTLE DALE BRANCH LIBRARIAN WITH FULL BENEFITS. WAGE GRADE 15.

(6)

APPROVAL TO HIRE CAMRYN COX AS A VARIABLE PART TIME DEPUTY RECORDER I, WORKING 20-29 HOURS PER WEEK, WITH PRORATED RETIREMENT. WAGE GRADE 13. EFFECTIVE 10-25-21.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

#### DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

SAFETY MINUTE PRESENTATION BY THE ATTORNEY'S OFFICE.

Sami Johnson presented information regarding violence in the workplace and how to avoid confrontation with a possible attacker.

(3)

AWARDING OF SAFETY VISA GIFT CARDS.

Safety VISA Gift Cards were awarded to the following:

EMTS: Steve Jensen and Jon Staley

Part-time Employee: Dinah Hayward

Full-Time Employee: Maxine Fielder

Safety Sensitive: Tosha Barnett and Cody Morris

3

COMMISSION MEETING  
OCTOBER 19, 2021

(4)

RATIFICATION OF BOE CHANGES TO PARCEL # 01-0255-0007 (CHANGE TO SECONDARY) AND PARCEL # 05-0125-0006 ( REMOVE FROM GREENBELT).

Assessor Kris Bell explained the BOE Changes that were missed from the BOE changes list approved in the last Commission Meeting. Motion to ratify that approval was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

(5)

RATIFICATION OF CONTRACT BETWEEN EMERY COUNTY AND SOUTHEAST FENCING FOR FENCING AT THE COUNTY ROAD SHOP

Commissioner Gil Conover made a motion to ratify approval of a contract between Emery County and Southeast Fencing for fencing at the county road shop. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(6)

RATIFICATION OF CONTRACT BETWEEN EMERY COUNTY AND WALL CONTRACTORS FOR MODIFICATIONS TO THE SALT SHED AT THE EMERY COUNTY ROAD SHOP.

Commissioner Kent Wilson made a motion to ratify approval of a Contract between Emery County and Wall Contractors for modifications to the salt shed at the Emery County Road Shop. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY 2022 TENTATIVE BUDGET FOR EMERY COUNTY.

Clerk/Auditor Brenda Tuttle requested approval for the 2022 Tentative Budget for Emery County. She explained that the County is required by law to approve a tentative budget for the coming year. The Commissioners will be meeting with the different departments in the next few weeks to hear their budget requests. The tentative budget is a starting point towards the final budget which will be considered on December 14, 2021. Commissioner Kent Wilson made a motion to approve the 2022 Tentative Budget for Emery County. The motion was seconded by Commissioner Gil Conover. The motion passed.

(8)

DISCUSS/APPROVE/DENY 2022 TENTATIVE BUDGET FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT.

CVSSD Director Jacob Sharp requested approval for their 2022 Tentative Budget. CVSSD has three budgets: General Fund Budget, Capital Projects Budget and Debt Service Budget. The 2022 Tentative Budget has been approved by Their Board of Directors. Commissioner Kent

4

COMMISSION MEETING

OCTOBER 19, 2021

Wilson made a motion to approve the 2022 Tentative Budget for CVSSD. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)

DISCUSS/APPROVE/DENY MOBILE HOME ABATEMENT FOR JAMES HOFSTETTER, JIM CORDOVA, ALBERT MATHENA FOR (2021) AND JAMES MONOSO (FOR 2020 & 2021).

Assessor Kris Bell requested approval to abate personal property tax for the following:

Jim Cordova, mobile home in Green River, \$50.70

James Hofstetter, mobile home in Huntington, \$39.89, deceased.

Albert Mathena, mobile home Olsen Trailer Park, \$81.63, deceased.

James Monoso, mobile home in Huntington, \$50.78 for 2020 and \$49.55 for 2021, unable to locate. Commissioner Gil Conover made a motion to approve mobile home abatements as presented. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(10)

DISCUSS/APPROVE/DENY TRANSFER OF 2020 BACK TAXES ON PARCEL # 01-0239-0032 TO PARCEL #01-0239-0031.

Treasurer/Recorder Josie Stilson requested approval to transfer 2020 back taxes on parcel #01-0239-0032 to parcel #01-0239-0031. The deeds were combined on these parcels. To make it easier to track back taxes she would like to move the back taxes to the new parcel #.

Commissioner Gil Conover made a motion to approve the transfer of 2020 taxes on parcel # 01-0239-0032 to parcel # 01-0239-0031 as requested. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(11)

DISCUSS/APPROVE/DENY TRANSFER OF 2020 BACK TAXES ON PARCEL #03-0090-0006 TO PARCEL # 03-0090-0005.

Josie Stilson request approval to transfer 2020 back taxes on parcel #03-0090-0006 to parcel #03-0090-0005. Like the previous item, the deeds were combined on these parcels. She would like to move the back taxes to the new parcel. Commissioner Kent Wilson made a motion to approve the transfer of 2020 taxes on parcel #03-0090-0006 to parcel #03-0090-0005 as requested. The motion was seconded by Commissioner Gil Conover. The motion passed.

5

COMMISSION MEETING

OCTOBER 19, 2021

(12)

DISCUSS/APPROVE/DENY TRANSFER OF 2018 BACK TAXES AS FOLLOWS: 01-1511-0001 IN THE AMOUNT OF \$5.60 PRINCIPAL PLUS APPLICABLE INTEREST AND PENALTY, 01-1511-0002 IN THE AMOUNT OF \$5.60 PRINCIPAL PLUS APPLICABLE INTEREST AND PENALTY AND 01-1511-0003 IN THE AMOUNT OF \$578.80 PRINCIPAL PLUS APPLICABLE INTEREST AND PENALTY.

Josie Stilson requested approval to transfer 2018 back taxes on the following parcels:  
01-1511-0001, \$5.60 principal plus applicable interest and penalty.  
01-1511-0002, \$5.60 principal plus applicable interest and penalty.  
01-1511-0003, \$578.80 principal plus applicable interest and penalty. These parcels were subdivided and needed to be combined into one parcel. Commissioner Kent Wilson made a motion to approve the transfer of 2018 back taxes on the proposed parcels as requested. The motion was seconded by Commissioner Gil Conover. The motion passed.

(13)

DISCUSS/APPROVE/DENY APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN EMERY COUNTY AND UTAH PROSECUTION COUNCIL FOR THE E-PROSECUTOR CASE MANAGEMENT PROJECT.

Attorney Mike Olsen explained that the E-Prosecutor Case Management Project is an unfunded mandate from the state to maintain statistics on prosecution cases. Mr. Olsen indicated that he has money in the Attorney IT budget to purchase the software. Commissioner Gil Conover made a motion to approve a Memorandum of Agreement between Emery County and Utah Prosecution Council for the E-Prosecutor Case Management Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)

DISCUSS/APPROVE/DENY ALLOCATING STATE PILT MONIES TO THE SAN RAFAEL SPECIAL SERVICE DISTRICT.

Commissioner Kent Wilson explained that according to state statute the County Commission is responsible to allocate PILT money coming into the county to SSD's. PILT for Emery County is \$300,138.00. Commissioner Wilson requested the PILT be distributed to Fire Protection SSD in the amount of \$100,000 and the balance to the San Rafael SSD as they need funds for start-up and cash flow. Commissioner Kent Wilson made a motion to allocate \$100,000 to FPSSD and the balance of \$200,138.00 to the SRSSD. The motion was seconded by Commissioner Gil Conover. The motion passed.

6

COMMISSION MEETING

OCTOBER 19, 2021

(15)

DISCUSS/APPROVE/DENY SALE OF THE ROKON TRAILBREAKER THROUGH THE ONLINE SURPLUS AUCTION WEBSITE.

Commissioner Kent Wilson explained that the Rokon TrailBreaker has been sitting at the Weed/Mosquito year for a few years not being used. He suggested that it would be more beneficial to the county to sell it and use the money elsewhere. Selling the piece of equipment through the online surplus auction website may produce a higher price for the equipment. Commissioner Gil Conover made a motion to approve the sale of the Rokon Trail Breaker through the online surplus auction website. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(16)

DISCUSS/APPROVE/DENY RENTAL AGREEMENT FOR BACKHOE AT THE EMERY COUNTY ROAD SHOP FOR 8/30/2021-08/29/22.

The rental agreement for the backhoe at the Emery County Road Shop is to continue another year at \$8,400.00 per year for up to 300 hours of use. Commissioner Kent Wilson made a motion to approve a rental agreement for backhoe at the Emery County Road Shop for 8/30/21-8/29/22. The motion was seconded by Commissioner Gil Conover. The motion passed.

(17)

DISCUSS/APPROVE/DENY LES WILBERG AND LES THOMPSON AS LIMITED DUTY EMPLOYEES FOR THE FIG TRAILS GRANT PROJECT.

Commissioner Kent Wilson explained that in June of this year the Travel Bureau received a FIG Grant for \$20,000 to pay volunteers to do motorized trail maintenance on the desert. Les Wilberg and Les Thompson have been doing that for free for the last two years. Because of the grant Les and Les can be paid \$20.00 per hour to do the work for the next three years or until the funds are exhausted. Limited Duty employees can be appointed by the Commission based on experience and level of involvement. Commissioner Kent Wilson made a motion to approve Les Wilber and Les Thompson as Limited Duty Employees for the FIG Trails Grant Project. The motion was seconded by Commissioner Gil Conover. The motion passed.

(18)

DISCUSS/APPROVE/DENY ADVERTISING AN RFQ FOR AN EMS TRAINING OFFICER AND AN EMS LIAISON/CONSULTANT.

Commissioner Wilson explained that the EMS is made up of paid volunteers. Commissioner Wilson suggested advertising for an RFQ for an EMS Training officer and an EMS Liaison/Consultant. He suggested paying \$500.00 per month as a contract laborer to train EMS individuals to be advanced EMS workers to help raise the value of care in Emery County. Commissioner Kent Wilson made a motion to begin the process by advertising an RFQ for an

7

COMMISSION MEETING

OCTOBER 19, 2021

EMS Training officer and EMS Liaison/Consultant. The motion was seconded by Commissioner Gil Conover. The motion passed.

(19)

COMMISSION/ELECTED OFFICIALS REPORTS.

(20)

ADJOURN

Commissioner Gil Conover made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_



COMMISSION MEETING MINUTES  
NOVEMBER 16, 2021

MINUTES OF THE REGULAR MEETING OF THE BOARD  
OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE  
NOVEMBER 16, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, Deputy Clerk/Auditor Carol Cox. elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, ACQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List #259034 through #259144 was presented for payment.

Requisitions were presented as follow:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
65-21	Caterpillar Brush Mulch Road Dept.	\$32,765.00
66-21	6X10 Trailer with Ramp Gate Maintenance/Road Dept	\$1,890.00
67-21	Alpine Rock Wheel Model D30 320 Road Maintenance	\$64,610.00
68-21	(5) 4RE Standard CVR Camera Systems (5) Radars for Patrol Vehicles Sheriff	\$35,765.00
69-21	Linux to Windows Server Migration Sheriff/9-1-1	\$15,653.47
70-21	(2) HermanMiller Aeron Chair Sheriff/Dispatch	\$3,350.00
71-21	AoSmith BTRGas Water Heater Sheriff	\$6,395.00

COMMISSION MEETING MINUTES  
NOVEMBER 16, 2021

72-21	Axel Jack Road Department	\$2,647.44
73-21	Canopy For Tourism Booth Travel	\$1,159.00
74-21	ATV Trailer for Trails Travel	\$1,921.00

Dispositions were presented for 2266, projector, 4064, record player, 3419, calculator

(2)

APPROVAL OF THE OCTOBER 19, 2021 COMMISSION MEETING MINUTES

(3)

NOTIFICATION: SELECTED TAMMY FUNK AS A PART TIME ASSISTANT LIBRARIAN IN EMERY WORKING 19 HOURS PER WEEK. WAGE GRADE 7.

(4)

NOTIFICATION: SELECTED NICHOLE LARSEN AS A PART TIME JUSTICE COURT CLERK WORKING 19.75 HOURS PER WEEK. WAGE GRADE 11.

(5)

APPROVAL TO PROMOTE PRESTON WILSON, PRESLEY LOVATO, DALTON JEFFS, AND TYLER KAY TO CORRECTION OFFICER I. WAGE GRADE 16. EFFECTIVE 11-29-21

(6)

APPROVAL OF DIXIE THOMPSON TO BE A VOLUNTEER IN ARCHIVES.

(7)

NOTIFICATION: SELECTED MACKENZIE NIELSON AS A PART TIME ASSISTANT LIBRARIAN IN HUNTINGTON WORKING 19 HOURS PER WEEK. WAGE GRADE 7.

(8)

APPROVAL TO HIRE ANNDEE MEAD AS A VARIABLE PART TIME TRAVEL BUREAU ASSISTANT WORKING 20-29 HOURS PER WEEK, PRORATED RETIREMENT. WAGE GRADE 11.

COMMISSION MEETING MINUTES  
NOVEMBER 16, 2021

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

(2)

SAFETY MINUTE PRESENTATION BY VAL ANDERSON, SOLID WASTE TECHNICIAN AT THE LANDFILL.

Val talked about respect for yourself, fellow workers, and those individuals you may come in contact with on a daily basis.

(3)

AWARDING OF SAFETY VISA GIFT CARD.

EMT: Kimberly Howes and Lisa Mangum  
Safety Sensitive: Jeanette Bray and Jax Gardner  
Full-Time: Becky Jewkes  
Part-Time: Natalie Olsen

(4)

PRESENTATION BY KIMBALL AND ROBERTS REGARDING DISCUSSION AND APPROVAL OF THE 2020 FINANCIAL AUDIT.

Rick Roberts from Kimball and Roberts reviewed the 2020 Financial Audit for Emery County. He reviewed the Opinion Letter to the County and provided comments regarding the financial status of Emery County. Rick added that Emery County is fortunate in that they have two CPA's on staff, Clerk/Auditor, Brenda Tuttle and Treasurer, Josie Stilson. Most rural counties do not have that. Commissioner Kent Wilson made a motion to accept the 2020 Financial Audit. The motion was seconded by Commissioner Gil Conover. The motion passed.

(5)

REQUEST TO BE ON THE AGENDA FROM LINDA WHITE REGARDING HER CONCERNS WITH VOTING OPTIONS AND REQUIREMENTS.

Linda White voiced her concerns with voting options and requirements. She indicated she does not like the by mail option for voting and desires to vote in person. Voting in person required you to bring in your ballot that you were mailed and you would be given another of the same ballot to vote in the office, sign and seal it and drop it in a drop box. She wanted to know how this could be changed. Commissioner Wilson indicated that the whole state is by mail with

## COMMISSION MEETING MINUTES

NOVEMBER 16, 2021

paper ballots. This manner of voting was mandated by the State a few years ago. Carbon and Emery County were the last to hold out using the machines. The County could use their own

method of voting, however the cost to run an election without the assistance of the state would be much more money than the county has. Ms. White indicated that she started at the local level to see what needs to be done to get a change to voting options. She will now move up the chain of command to see what can be done.

(6)

DISCUSS/APPROVE/DENY CREDIT CARD PURCHASE LIMIT INCREASE FOR ADRIANA CHIMARAS, TOURISM DIRECTOR.

Commissioner Wilson explained that many times Adriana has to max out her credit card plus several others to make conference registrations and motel room reservations for Tourism Board members to attend conferences. Adriana currently has a \$1,000.00 credit card limit. She requested to have the limit increased to \$5,000.00. Funds used to pay the credit card come from TRT funds not county funds. Adriana indicated that will be able to stay within the County's Purchasing Policy even with the increased credit card limit. Commissioner Kent Wilson made a motion to approve a credit card purchase limit increase to \$5,000.00 for Adriana Chimaras, Tourism Director. The motion was seconded by Commissioner Gil Conover. The motion passed.

(7)

DISCUSS/APPROVE/DENY COMMISSION ADJUSTMENTS ON PARCELS 01-0018-0007, 01-0072-0012, AND 02-0117-0018.

Commissioner Sitterud indicated that these parcels are Veterans with a Disability applicants who missed the deadline for sending in their paperwork. Commissioner Gil Conover made a motion to approve Commission Adjustments for the parcels discussed. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(8)

DISCUSS/APPROVE/DENY CHANGE ORDER #1 ON THE EMERY COUNTY JAIL FENCE UPGRADE PROJECT.

Commissioner Wilson explained that the change order is to add \$26,365.51 to the contract to allow for changing the gates and construct an electrical building. The funds will come from County CARES Act funds. Commissioner Kent Wilson made a motion to approve Change Order #1 for the Emery County Jail Fence Upgrade Project. The motion was seconded by Commissioner Gil Conover. The motion passed.

5

COMMISSION MEETING MINUTES  
NOVEMBER 16, 2021

(9)

OPEN BIDS FOR ROAD DEPARTMENT FENCE PROJECT.

Open and award bids for the Road Department Fence project were not added to the agenda for today. Therefore, the bids will be opened and turned over to J&T Engineering for review and award. The award will be ratified in the December Commission Meeting.

Bid #1 Guymon Fencing \$43,587.50  
Bid#2 Southeast Fencing \$36,000.00

(10)

COMMISSION/ELECTED OFFICIALS REPORTS

Sheriff Funk reported that there have been a rash of burglaries in the Ferron area. They are breaking into sheds and stealing sheds and tools.

(11)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF THE LOCAL BUILDING AUTHORITY OF EMERY COUNTY

NOVEMBER 16, 2021

DUE TO RESTRICTIONS IN PLACE DURING THE COVID-19 PANDEMIC THIS MEETING WAS OFFERED ELECTRONICALLY.

Present at the meeting was Chairman Gil Conover, Board member Lynn Sitterud, Board member Kent Wilson, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

(1)

DISCUSS/APPROVE/DENY MINUTES FROM THE SEPTEMBER 21, 2021 LBA MEETING.

Motion to approve the minutes of the September 21, 2021 LBA Meeting was made by Board member Kent Wilson, seconded by Board member Lynn Sitterud, and the motion passed.

(2)

DISCUSS/APPROVE/DENY CHANGE ORDER #5 ON THE SAN RAFAEL ENERGY RESEARCH CENTER PROJECT.

Board member Lynn Sitterud explained that Change Order #5 is for roof patch at a cost of \$3,000.00. Board member Lynn Sitterud made a motion to approve Change Order #5 on the SRERC Project. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(3)

DISCUSS/APPROVE/DENY ANY BILLS TO BE PAID THROUGH LBA.

Board member Kent Wilson made a motion to pay the bills. The motion was seconded by Board member Lynn Sitterud. The motion passed.

(4)

ANY OTHER BUSINESS WHICH MAY REGULARLY COME BEFORE THE BOARD.

(5)

ADJOURN

Board member Lynn Sitterud made a motion to adjourn the meeting. The motion was seconded by Board member Kent Wilson. The motion passed.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_